



# TOWN OF WAYLAND Annual Reports

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*Two Hundred and Thirty-first Year  
July 1, 2010 Through June 30, 2011*

**COVER PHOTO**

**NEW WAYLAND HIGH SCHOOL**

*264 Old Connecticut Path*

Construction of the new Wayland High School began during the summer of 2010 and progressed throughout the year at a very rapid pace. The project was on budget and on schedule, and students and staff will move into the new facility over the holiday break of 2011, with final completion by the summer of 2012.

We are very grateful for the leadership and expertise the High School Building Committee has provided throughout this project.

The School Committee Annual Report appears on page 31.



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**ANNUAL REPORTS FOR THE  
TOWN OF WAYLAND**  
FOR ITS TWO HUNDRED AND  
THIRTY-FIRST MUNICIPAL YEAR  
JULY 1, 2010 TO JUNE 30, 2011

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## BOARD OF SELECTMEN

The fiscal year ended June 30, 2011 was a period of progress, despite the challenges of a continuing economic recession unlike any other since the Great Depression. Under the leadership of Chairman Steve Correia, the Board working with professional staff and other citizen committees, enhanced municipal services despite the difficult fiscal conditions. The Selectmen, Finance Committee, and School Committee worked diligently to maintain the overall financial health of the Town. The Board of Selectmen, School Committee and Finance Committee continued a coordinated effort to implement the key elements of the Town's long-range financial plan. That strategy included collaborating on certain services with Sudbury and other neighboring towns; consolidating certain town and school operations; and following proven debt management and capital planning processes.

The Town and its employees concluded negotiations for equitable collective bargaining agreements to control the growth of salary and fringe benefit costs. In an effort to address structural budget sustainability, the Board actively participated in lobbying efforts in support of the reform of the state and municipal retirement system and to provide greater flexibility to municipal government to modify health insurance plan design.

Conversations between the boards of selectmen in Wayland and Sudbury led to a pilot program to share transfer station operations on weekdays and to jointly bid contracts for solid waste and recyclable material disposal services. Permit holders from both communities expressed an unwillingness to forego the convenience of familiar operations, so a plan to consolidate transfer stations using Wayland's site on weekdays and both on Saturdays to reduce costs was tabled.

In July 2010, an updated Town website that contains a meeting calendar, minutes and agendas, important documents, a search feature, and posting of timely news items was launched.

Selectmen established regular office hours each month, whereby residents could drop in and meet with two members of the Board rather than rely on correspondence or public comment at meetings. The Cable Advisory Committee negotiated amendments to existing cable franchise agreements to increase payments to the town in compensation for the town assuming responsibility for the video-return of public access programming. The cable license with Comcast was renewed through September 2020. A 2010 Special Town Meeting article authorized the lease of space in the Field House to WayCAM to provide studio space that would be lost in the renovations of the high school.

In October 2010, the Board sponsored a community values forum as the format of the State of the Town meeting. It presented an opportunity for residents to discuss how values can compete and what tools exist to implement those values in public services and projects.

In January 2011, the Town was designated a "Green Community" by the state, reflecting adoption of policies to conserve energy and a commitment to sustainable buildings and practices. The town received more than \$131,000 in state grants to further energy efficiency initiatives in town buildings. Substantial credit to this designation goes to the Energy Initiative Advisory Committee. The committee also spearheaded discussion with NSTAR on a pilot grant program called Efficiency Forward, committing the reinvestment of energy savings from efficiency efforts to future capital projects.

At Special Town Meeting in November 2010, citizens rejected a proposal to acquire Sudbury's interest in the joint septage facility, approved several CPA projects, and adopted the stretch energy building code.

The Board, together with the Town Administrator, spent considerable time monitoring and coordinating the permitting process to enable the development of the

Wayland Town Center retail/office/housing project. The development team worked through permit processes for the state Department of Environmental Protection, Wastewater Management District Commission, Conservation Commission and Historic District Commission during the fiscal year.

While successfully negotiating a settlement with the architect of the Public Safety Building for design and structural defects to both the exterior and the basement drainage system, the Town was not successful in obtaining restitution for damages through a trial that ended with a jury declining to find consulting engineering firm accountable for the cost of repairs and litigation. The Board appointed a three-member Public Safety Building Advisory Committee to work with the facilities director on a strategy to repair the damage caused by flooding and to remedy the defects in siding.

At the 2010 Annual Town Meeting, citizens authorized a study to recommend best practices in budget and expenditure reporting and a review of non-educational services. To oversee this work, an Operational Review Committee was created with appointees by the Finance Committee, School Committee and Board of Selectmen. The ORC monitored the work of consultants studying improved financial reporting through the MUNIS financial software and recommending best management practices.

Throughout the year, Selectmen established a number of temporary advisory committees and some permanent bodies to gather the advice of

citizens offering professional experience on issues impacting the town. In anticipation of the commemoration of the 375th anniversary of the settlement of East Sudbury (Wayland), the Board established a committee of residents to plan and execute a year-long series of events celebrating the milestone. As an outgrowth of town meeting, citizens on different sides of the issue came together and are working to develop an article acceptable to all parties creating a municipal affordable housing trust, and to study and make recommendations on the best use for town-owned land east of Dudley Pond. Selectmen created a Permanent Municipal Building Committee to provide a core group of construction and design professionals to oversee public building projects, with temporary members to be appointed representing the end use of the facility. The Moderator appointed a committee to develop specifications and make technological and logistical recommendation to implement electronic voting.

After considerable public input and hours of thoughtful discussion, the boards forwarded a proposed budget for FY2012 that was overwhelmingly approved at the 2011 Annual Town Meeting. The proposed budget maintained existing service levels and did not require an operational Proposition 2 1/2 override vote. However, it required a 7% increase in the tax rate to fund the previously approved debt for the high school project.

Also at the 2011 Annual Town Meeting, voters rejected an article transferring the duties of the separate Wastewater Management District



Commission to the Board of Public Works, approved a reorganization and update to the Town's zoning bylaw, updated the floodplain overlay district, and again rejected the acquisition of Sudbury's interest in the joint septage facility.

It was the last town meeting moderated by C. Peter R. Gossels, who served the town faithfully in a variety of capacities since 1962 and completed his thirtieth year as moderator.

Dennis Berry was elected to a three-year term as moderator at the town election, and will have big shoes to fill.

Citizens re-elected Steve Correia and Joe Nolan to three-year terms as selectman in the April

2011 Town election. The Board of Selectmen held their organizational meeting shortly after Annual Town Meeting, electing Tom Fay as chair and Susan Pope as vice-chair/clerk, as well as determining liaisons to various departments and committees. In May 2011, the Board appointed Melanson & Heath as the Town's auditors for the three fiscal years 2011, 2012 and 2013. Selectmen also approved a new three-year employment agreement with the Town Administrator.

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.



## IN MEMORIAM

George K. Lewis, a lifelong Wayland resident who played a major role in all things historical in Wayland, died on May 14, 2011.

Mr. Lewis was a three-term selectman and a co-founding environmentalist of the Sudbury Valley Trustees. He was president of the Historical Society for several years and oversaw the huge job of moving of the Grout-Heard House from Old Sudbury Road to its present site.

He was the author of three local history books. In "Growing Up in Wayland," he told the story of his own childhood in this town in the 1920s and 1930s. In "Images of America: Wayland," he researched and captioned several hundred of the Historical Society's most important photographs. In "Fifty Years of Conservation," he chronicled the history of the Sudbury Valley Trustees, of which he was a founding member.

Known unofficially as the town historian, George was always willing to talk with schoolchildren or answer questions over the phone about fine points of town history. He served on Wayland's Historical Commission for 10 years. The Bay State Historical League gave him the "Local Hero" award in 2001. George was very interested in seeing that historical records were adequately preserved. He served on the Records Management Committee, worked on the Cage records of the Wayland Library, and helped with the First Parish Church archives committee.

When he moved from Wayland in 2004, the selectmen proclaimed Sept. 19, 2004, as George Lewis Day.



## General Information



<b>Form of Government</b>	Open Town Meeting
<b>Town Website</b>	<a href="http://www.wayland.ma.us">www.wayland.ma.us</a>
<b>Population (January 2011)</b>	13,886
<b>Number of Households (including vacant)</b>	5,713
<b>Polling Hours</b>	7:00 A.M. – 8:00 P.M.
<b>Polling Locations</b>	Wayland Town Building (Precincts 1 and 4)  Wayland Middle School (Precincts 2 and 3)
<b>Current Tax Rate</b>	\$19.35

### School Enrollment

Claypit Hill Elementary	573
Happy Hollow Elementary	445
Loker Kindergarten	169
Wayland Middle School	638
Wayland High School	871
<b>TOTAL ENROLLMENT</b>	<b>2,696 (June 2011)</b>

### Land Area - Town of Wayland

15.28 Square Miles

### Transfer Station Hours: (Except Holidays)

Tuesday	8:00 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 – Thursday	8:00 am – 4:00 pm
Friday	8:00 am – 12:30 pm

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



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**FEDERAL AND STATE OFFICIALS REPRESENTING WAYLAND**


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United States Senators in Congress:	Scott P. Brown - R 317 Russell Senate Office Building Washington DC 20510 (202) 224-4543	John F. Kerry – D 218 Russell Senate Office Building Washington DC 20510 (202) 224-2742
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:	Nicola S. Tsongas – D 11 Kearney Square, Third Floor Lowell, MA 01852 (978) 459-0101 FAX (978) 459-1907	
State Senator, 5th Middlesex District:	Richard J. Ross - R State House Room 520 Boston, MA 02133 (617) 722-1555 E-mail: <a href="mailto:richard.ross@state.ma.us">richard.ross@state.ma.us</a>	
Representative in General Court, 13th Middlesex District:	Thomas P. Conroy - D State House Room 443 Boston, MA 02133 (617) 722-2460 E-mail: <a href="mailto:Rep.ThomasConroy@hou.state.ma.us">Rep.ThomasConroy@hou.state.ma.us</a>	

<b>ELECTED TOWN OFFICIALS</b>	<b>NAME</b>	<b>TERM EXPIRES</b>
<b>MODERATOR</b>	Dennis J. Berry	2014
<b>TOWN CLERK</b>	Lois M. Toombs	2013
<b>SELECTMEN</b>	Steven J. Correia	2014
	Thomas J. Fay	2012
	Joseph F. Nolan	2014
	Susan W. Pope	2012
	John Bladon	2013
<b>SCHOOL COMMITTEE</b>	Barbara J. Fletcher	2014
	Malcolm L. Astley	2012
	Elizabeth Butler	2014
	Ellen M. Grieco	2012
	Shawn D. Kinney	2013
<b>ASSESSORS</b>	Jayson S. Brodie	2014
	Susan M. Rufo	2013
	Mary R. Upton	2012
	Zachariah L. Ventress	2012
	Bruce Cummings	2014

<b>PLANNING BOARD</b>	Albert I. Montague, Jr.	2013
	Andrew J. Reck	2016
	Kevin Francis Murphy	2012
	Kent Donald Greenawalt	2014
	Colleen M. Sheehan	2015
<b>PLANNING BOARD Associate Member</b>	William D. Whitney	2014
<b>BOARD OF HEALTH</b>	Thomas J. Klem	2014
	Michael B. Wegerbauer	2014
	Michael James Bean	2012
	Mark I. Neuman	2012
	Arnold R. Soslow	2013
<b>TRUST FUND COMMISSIONERS</b>	Jared D. Hobson	2013
	Russell T. Kopp	2014
	David D'Orlando	2012
<b>LIBRARY TRUSTEES</b>	Thaddeus Thompson	2013
	Sally Cartwright	2012
	Nancy J. Jahnke	2012
	Anne B. Heller	2013
	Aida A. Gennis	2014
	Lynne J. Lipcon	2014
<b>BOARD OF PUBLIC WORKS</b>	Thomas J. Abdella	2014
	Christopher I. Brown	2012
	Jonathan I. Mishara	2012
	Michael Lowery	2012
	Michael B. Wegerbauer	2013
<b>RECREATION COMMISSION</b>	Stas Gayshan	2012
	Thruston Wright III	2012
	Anna Meliones	2014
	Asa B. Foster	2013
	Robert Virzi	2013
<b>HOUSING AUTHORITY</b>	Bret J. Francis	2013
	Mary M. Antes	2012
	Susan Weinstein	2015
	Vacancy	2014
	Russell Aaron Ashton	2013

<b>APPOINTED TOWN OFFICIALS</b>	<b>NAME</b>	<b>TERM EXPIRES</b>
375 <sup>th</sup> Anniversary Commemoration Comm	Mary Antes	2013
	Lois Hanssen Davis	2013
	John Dyer	2013
	Lynne Dunbrack	2013
	Frank Kennedy	2013
Advanced Life Support Committee	Beth A. Zeeman	2012
	Vincent J. Smith	2012
	Douglas J. Leard	2012
	Joseph Boykin	2012
	Michael B. Patterson	2012
	Mark I. Neuman	2012
Trustees of the Allen Fund	Michael B. Patterson	2012
	Benjamin W. Johnson III	2012
	Sema M. Faigen	2012
Animal Inspector (Livestock)	Bruce S. Sweeney	2012
Animal Officer (Dead Animals)	David R. Poirier	2012
Assessing, Director of	Ellen Brideau	Permanent
Assessor, Assistant	Bruce A. Morgan	Permanent
Assessor, Administrative	Dana Velluti	Permanent
Assistant Town Administrator	John Senchyshyn	Permanent
Assistant Town Clerk	Kathleen Siracusa	Permanent
Building Commissioner	Daniel F. Bennett	Permanent
Local Inspector	Jay T. Abelli	Permanent
Gas Inspector	Allan Sherman	Permanent
Plumbing Inspector	Allan Sherman	Permanent
Plumbing/Gas Inspector, Deputy	Ernest Ferraro	Permanent
Wiring Inspector	Leo P. Landry	Permanent
Wiring Inspector, Deputy	John W. Alesse	Permanent
Cable Advisory Committee	Richard P. Turner	2012
	Joseph Schwendt	2011
	Thomas J. Klem	2012
	Steven Allen	2012
	Phillip L. Radoff	2012
Central MA Advisory Rail Trail	Larry Kiernan	2012
Civil Defense Director	Robert Irving	Permanent
Cochituate State Park Advisory	Vacant	
Community Preservation Committee	Siobhan Murphy Zane	2013
	Albert I. Montague	2013
	Anna Meliones	2012
	Charles Raskin	2011
	John Sullivan	2012

Community Preservation Committee (continued)	Jonathan Mishara	2012
	Jerome Heller	2013
	Maureen Cavanaugh	2014
	Betsy Connolly	2012
Conservation Administrator	Brian Monahan	Permanent
Conservation Commission	Roger A. Backman	2014
	Theodore S. Harding	2013
	Barbara Howell	2012
	J. Andrew Irwin	2014
	John R. Sullivan	2014
	Lawrence R. Kiernan	2013
	Markey Burke	2012
Constables	William E. Pickett	2013
	Louis Gaglini	2013
	Nelson H. Goldin	2014
Council on Aging	Mary M. Antes	2012
	Betsy Soule (non-voting)	2012
	William Sterling	2013
	Elizabeth Willard	2013
	Denise N. Yurofsky	2013
	Evelyn M. Ekmejian	2014
	Harriet H. Onello	2013
	Geoffrey E. Smith	2012
William D. Zellen	2014	
Council on Aging-Co-Directors	Julie C. Secord	Permanent
	JoAnn Kunz	Permanent
Cultural Council	Marji Ford	2013
	Lois Novotny	2013
	Judy Bennett	2013
	Kathe Bernstein	2013
	Beverly Feinberg	2014
	Dianne Zeskind	2011
	Amruta Mhatre	2013
	Seema Mysore	2014
	Ruth Golub	2011
Dog Control Appeals Board	Susan L. Wagner	2013
	Jeffrey S. Baron	2014
	Susan Koffman	2012
	Daniel Brown	2013
Dog Control Officer /Animal Inspector (appointed by Selectmen)	Leslie E. Boardman	Permanent
Dog Control Officer /Animal Inspector (nominated by State)	Jennifer Condon	2012
(DPW) Director of Public Works	Don Ouellette	Permanent

Dudley Area Advisory Committee	Brud Wright	2011	
	Bob Goldsmith	2011	
	Steve Garone	2011	
	Alan Palevsky	2011	
	Russ Ashton	2011	
	Mike Lowery	2011	
	Rachel Bratt	2011	
	Kent D. Greenwalt	2011	
Patricia Reinhardt	2011		
Economic Development Committee	Amy F. Nau	2014	
	David Watkins	2012	
	Sam Potter	2012	
	George Uveges	2014	
	Colleen Sheehan	2012	
	Rebecca M. Stanizzi	2013	
	Maxine Weintraub	2011	
	Nick Willard	2013	
Emergency Planning Committee	Eric Knapp		
	Mary M. Antes		
	Steven J. Correia		
	Robert Loomer		
	Robert Irving		
Energy Initiatives Temporary Advisory Advisory Committee	Harvey Michaels	2011	
	William Huss	2011	
	Tom Sciacca	2011	
	Anne Harris	2011	
	Ellen R. Tohn	2011	
Fence Viewers	Board of Selectmen	2012	
Field Drivers	Constables	2012	
Finance Committee	Thomas Greenaway	2012	
	David J. Gutschenritter	2014	
	William Steinberg	2013	
	Cherry C. Karlson	2014	
	Sam H. Peper	2013	
	Richard M. Stack	2012	
	Paul Grasso	2014	
Finance Director/Town Accountant	Michael DiPietro	Permanent	
Fire Chief	Robert Loomer	Permanent	
Health Director	Steven Calichman	Permanent	
	Sanitarian, Inspector	Julia M. Junghanns	Permanent
	Inspector of Milk	Steven Calichman	2011
	Burial Agent	Cynthia F. Bryant	2012
High School Building Committee	Lea Anderson	2012	
	Josh Bekenstein	2012	
	Dianne Bladon	2012	
	Brian Chase	2012	
	James Howard, Jr.	2012	

High School Building Committee (continued)	Fred Knight	2012
	David Lash	2012
	Mary Lentz	2012
	Joseph Lewin	2012
	Cindy Lombardo	2012
	Eric Sheffels	2012
	Jennifer Steel	2012
Highway Operations Director	Stephen F. Kadlik, III	Permanent
Historical Commission	Tonya Largy	2012
	Elisa Scola	2012
	R. Richard Conard	2012
	Stephen J. Curtin	2011
	Siobhan Murphy Zane	2013
Historic District Commission	George V. Ives	2014
	Christopher L. Hagger	2013
	Kevin J. Crowley	2013
	Margery F. Baston	2013
	Desmond J. McAuley	2012
	Gretchen G. Schuler	2014
	Meaghan Winokur	2012
Historic District Commission Alternate	Kathleen Steinberg	2013
Housing Authority Director	Brian E. Boggia	Permanent
Housing Partnership	Betty J. Salzberg	2013
	Martin S. Nichols	2011
	Kathleen Boundy	2011
	Rachel G. Bratt	2011
	Mary M. Antes	2011
	Daniel Brown	2011
	Madeleine M. Sifantus	2012
	John Thomas	2012
Human Resources Director	John Senchyshyn	Permanent
Information Technology Manager	Gwen Sams-Lynch	Permanent
Library Director	Ann F. Knight	Permanent
Metropolitan Area Planning Commission	Mary M. Antes	2012
MBTA Advisory Board	Vacant	2012
Measurers of Wood & Bark	Paul Doerr	2012
	Lewis S. Russell, Jr.	2012
	Harry F. Sweitzer	2012
Metrowest Regional Collaborative Comm	Mary M. Antes	2012
Metrowest Regional Transit Authority Advisory Board	Sarkis Sarkisian	2011
	Mary Ellen Castagno	2012

Nike Site Reuse Advisory Committee	Constance N. Pitt	2011
	Michael Gitten	2011
	Paul Abramson	2011
	Brian Boggia	2011
	Gretchen Schuler	2011
	Michael Staiti	2011
	Rebecca Regan	2011
Operational Review Committee	Paul Grasso	2011
	Barbara Fletcher	2011
	Shawn Kinney	2011
	Rebecca Chasen	2011
	John Bladon	2011
Personnel Board	Maryanne Peabody	2012
	Nicholas Willard	2014
	Nancy McCarthy	2013
	Jane A. Evans	2013
	Philip C. Schneider	2015
Planner, Town	Sarkis Sarkisian	Permanent
Police Chief	Robert Irving	Permanent
Public Ceremonies Committee	Richard Brisk	2013
	John C. Dyer	2012
	Lily Ho Schlafer	2012
	Dan Kim	2011
	Richard P. Turner	2011
	John Turchinetz, ex officio	Permanent
Public Safety Building Advisory Committee	Bradford R. Carver	2012
	Kevin J. Crowley	2012
	Douglas J. Goddard	2012
Recreation Director	Nancy McShea	Permanent
Regional Transportation Advisory Comm	Joseph F. Nolan	2011
Board of Registrars	Catherine A. Radmer	2012
	Judith H. Ide	2013
	Elizabeth A. Salerno	2014
	Lois M. Toombs	2013
	Kathleen H. Siracusa	2012
Assistant Registrar		
River Stewardship Council	Thomas Sciacca	2012
	Mary M. Antes (Alternate)	Permanent
School Superintendent	Gary Burton	Permanent
Sealer of Weights & Measures	Courtney Atkinson	2011
Senior Tax Relief Committee	Geoffrey P. Smith	2011
	Robert B. Hatton	2012
	Stephen J. Colella	2012
	Patricia Nelson	2012
	Pauline DiCesare	2012
	Kara Harvey	2012
	Lillian I. Mills	2012



Septage Committee Four Appointed by Wayland and Four Appointed by Sudbury	Thomas J. Abdella	2010
	Werner Gossels	2009
	John C. Dyer	2010
	Vacant	
Surface Water Quality Committee	Linwood E. Bradford Sr.	2012
	Thomas J. Largy	2012
	Charles W. Moores	2014
	Robert L. Goldsmith	2014
	Michael P. Lowery	2014
Surveyors of Lumber	Jean B. Pratt	2012
	Susan W. Pope	2012
	Harry F. Sweitzer	2012
Town Administrator	Frederic E. Turkington Jr.	2013
Town Counsel	Mark J. Lanza	Permanent
Town Meeting Facilities Subcommittee	C. Peter R. Gossels, ex officio	2011
	Matthew Shear	2011
	Louise Brown	2011
	Alessandra Kingsford	2011
	Don Bustin	2011
	Phil Langsdorf	2011
	Lana Carlsson Irwin	2011
	Margaret Patton	2011
Town Meeting Procedures Review Committee	C. Peter R. Gossels, ex officio	2011
	Dennis J. Berry	2011
	Mary Antes	2011
	Miranda Jones	2011
	David Bernstein	2011
	Anette Lewis	2011
	Donna Bouchard	2011
	Betty Salzberg	2011
	Steven Correia	2011
Town Meeting Electronic Voting Implementation Subcommittee	David H. Bernstein	2011
	R. Blair Davies, Jr.	2011
	Alan J. Reiss	2011
	Jonathan D. Sieber	2011
	Lois M. Toombs, Town Clerk	2011
Town Surveyor	Alfred (Alf) Berry	Permanent
Treasurer/Collector	Paul Keating, Jr.	Permanent
Deputy Tax Collector	Kelley & Ryan Associates, Inc.	2011
Trinity Mental Health Representative	Karen Braunwald	Permanent
Veteran's Agent	John Turchinetz	Permanent
Wastewater Management Commission	David A. Schofield	2012
	Frederick K. Knight	2013
	Shawn Fennelly	2011

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Wellhead Protection Committee	Sherre Greenbaum	2011
	Kurt Tramposch	2011
	Tom Sciacca	2011
	Linda Segal	2011
	Jennifer Riley	2011
Youth and Family Services Director	Lynn Dowd	Permanent
	Dossie Kahn	Permanent
Youth Advisory Committee	Joseph Karbowski	2013
	Deborah Seidman	2011
	James K. Forti	2014
	Marlene Dodyk	2012
	Rabbi Greg Litcofsky	2013
	Detective Ruth Backman, Youth Officer	2013
Zoning Board of Appeals	Jerry L. Boos	2014
	Aida A. Gennis	2014
	Eric B. Goldberg	2012
	Thomas W. White	2013
	E. Michael Thomas	2012
ZBA Associate Members	Michael R. Connors	2013
	Shaunt Sarian	2014
	Linda L. Segal	2012

# GENERAL GOVERNMENT

## TOWN CLERK

Lois M. Toombs, CMC                      Town Clerk  
 Kathleen H. Siracusa                  Assistant Town Clerk

The Federal Census conducted every ten years was done on April 1, 2010. Federal Census data is used to redraw precinct boundaries (local redistricting) for use beginning with the 2012 elections. The final precinct map, with legal descriptions of each precinct, was approved by the Board of Selectmen and certified by the Local Election Districts Review Committee (LEDRC). No changes were made to the precinct boundaries.

The Town Clerk’s Office continues to utilize the State’s Voter Registration Information System (VRIS) for voter registration. This system connects Wayland with all 351 cities and towns across the state, to the Registry of Motor Vehicles and to the Office of the Secretary of the Commonwealth. Four hundred seventy-two (472) persons registered to vote in Wayland in FY11. The annual census forms were mailed to all households the first week of January and concluded with a high return rate.

Wayland Dog Control Bylaws require all dogs six months old or older to be licensed by January 15<sup>th</sup> of each calendar year. Renewal letters were mailed to each dog owner the first week of December 2010.

**Please consult the Table of Contents for Election results and Town Meeting minutes**

During FY11, the following elections and town meetings were held:

- State Primary ..... September 14, 2010
- State Election ..... November 2, 2010
- Special Town Meeting ..... November 16, 2010
- Annual Town Election ..... April 5, 2011
- Annual Town Meeting ..... April 7, 2011

Approved at the 2010 Annual town Meeting by the Wayland voters, and for the first time, Electronic Voting was implemented and successfully used at the 2011 Annual Town Meeting. The final Electronic Voting Implementation Subcommittee (ELVIS) report is included in this Town Report.

Board of Registrars	Term
Judith H. Ide .....	4/2013
Elizabeth A. Salerno .....	4/2014
Catherine A. Radmer .....	4/2012
Lois M. Toombs, Town Clerk .....	4/2013

Registered Voters (As of June 30, 2011)	
Precinct 1 .....	2110
Precinct 2 .....	2178
Precinct 3 .....	2019
Precinct 4 .....	<u>2383</u>
Total .....	8690

Population (Census January 1, 2011) .....	13,886
Households... (Includes vacant) .....	5,713

Vital Records FY11	
Births Recorded .....	105
Deaths Recorded .....	179
Marriages Recorded .....	28

Financial Report FY11	
Miscellaneous (including dog fees) .....	\$56,000.70

Dog Licenses Issued	
Dog Licenses .....	1706
Dog Kennels .....	4

## TOWN COUNSEL

During FY’11 Town Counsel performed general legal services for all Town departments, boards, committees, and commissions. 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'11 providing representation in court relative to two Zoning Board of Appeals decision appeals cases, one dog control matter, two Planning Board decision appeal cases, one Conservation Commission decision appeal case, two tax collection cases, one open meeting law violation case, and one recreational land first refusal option 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 the 2011 Annual Town Meeting and the Fall 2010 Special Town Meeting.

Town Counsel represented the Town in various legal proceedings in the Massachusetts Appeals Court, Middlesex County Superior Court, the Land Court, Framingham District Court, and the Appellate Tax Board. No monetary judgments were awarded against the Town in any case or proceeding during FY '11.

Respectfully submitted, Mark J. Lanza

## **INFORMATION TECHNOLOGY**

The Town of Wayland's Information Technology Department (IT) is responsible for the establishment of policy and future direction and for providing the computing infrastructure for all information systems technologies for Town Hall staff members and the community.

This report reflects the continuing evolution of IT mission and the activities conducted by this department for the Fiscal Year 2012 (July 2011 - June 2012).

### **IT Vision**

IT is the catalyst for effective deployment and operation of state-of-the-art information technologies for the Town of Wayland. IT forms active partnerships with the School and the Public Safety building to optimize the use of available resources to enhanced delivery of Town hall services.

### **IT Mission Statement**

The Information Technology department (IT) provides services that facilitate cost-effective information processing solutions for Town hall staff and the community.

### **Strategic Master Plan Activities**

The Master Plan outlines technology initiatives and the five-year direction for the Town. The following

fiscal year 2011 accomplishments with the Master Plan empower IT to better serve Town Hall staff members and the community.

- Upgraded core switches and a firewall to support 1 Gigabit connectivity and upgraded Network infrastructure to take full advantage of the new features
- Provided technical support for all Town hall departments, Water Treatment Plant and Highway (Garage)
- Provided primary Local Area Network (LAN) and desktop support for staff members and COA Lab community users on request
- Upgraded MUNIS software application on the Linux financial system
- Planned and tested migration to Window 7
- Expanded Mobile Device Support for email systems
- Deployed a new Active Directory (AD) environment for Town hall use to improve access to applications and resources
- Deployed virtualized servers using the VMware platform taking advantage of advanced server technology for improved cost effectiveness

## **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.

Nancy McCarthy served as Chair of the Board. Maryanne Peabody served as Vice Chair. Also serving on the Board are Jane Evans, Philip Schneider and Nicholas Willard.

The Personnel Board is charged with negotiating union contracts. Town employees' terms and conditions of employment are defined by six different collective bargaining agreements. These union employees represent the vast majority of the Town's regular workforce. In concluding the most recent round of collective bargaining negotiations, significant changes to health insurance plans were negotiated. In exchange for health care concessions, the Town instituted a Health Reimbursement Arrangement (HRA) plan for employees enrolled in the new insurance plans. The HRA accounts are a 3-year commitment by the Town and will be funded from the health insurance savings.

Throughout the year a variety of employment issues affecting employees were addressed. Topics included but were not limited to reviews of job descriptions, reviews of job classifications, wage rates for new employees and employee leave of absence requests. We are pleased to report again that no employee grievance was brought before the Board this year. We continue to maintain a posture of strict interpretation of the collective bargaining language.

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

The Massachusetts Interlocal Insurance Association (MIIA) has provided a variety of training opportunities through its insurance Rewards Program. Participation in the MIIA programs earned the Town significant credits towards its annual liability insurance premiums. Wayland also participates in training opportunities through a collective of nearby communities which pool training funds.

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 like to remind all employees and officials that the Personnel Board is available to assist on a wide variety of workplace matters.

## **HISTORICAL COMMISSION**

Members: Steve Curtin, Chair; Rick Conard, Paul Gardescu, Siobhan Zane, Elisa Scola, Tonya Largy

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 FY2011, its scope of work included the management of ongoing programs, as well as continuing involvement in several large projects. These included the preservation of Wayland's Historic Railroad site and assets with an appropriation from the town's CPA funds to repair and preserve the historic freight house, the Wayland Archeology Group program, and the Historic Seminars program that included an interactive archeology presentation open to members of the Town. The WHC continued to develop the Historic Home registry and to encourage historic homeowners to identify their homes with plaques provided by the MHC. The WHC successfully led the effort to allocate \$150,000 of CPC funds to the preservation, restoration, and digitization of historic town documents held in the town vault. The warrant was passed at the spring Town Meeting. The WHC continued to develop its portion of the new town website.

More information on the Wayland Historical Commission's projects and activities can be found on their website:  
<http://www.wayland.ma.us/historical>

## **HISTORIC DISTRICT COMMISSION**

The Wayland Historic District Commission (WHDC) is a seven-member commission and one alternate member, all appointed by the Board of Selectmen. There are two districts – Wayland Center and Bow Road – that are under the jurisdiction of the WHDC for exterior alterations made to buildings and structures visible from a public way or park. During FY'11 the WHDC met twelve times to respond to applications for changes to properties in the districts.

A number of the meetings and public hearings were related to the appeal of the HDC issuance of a Certificate of Hardship for traffic mitigation related to the new town center project. Although the case was settled and the road work will happen, the HDC is on record stating that the traffic mitigation planned

in the historic district will derogate the historic character of the district.

Two cases that were reviewed by the Historic District Commission, and that will be noticeable as changes are made to windows, doors, trim and paint color, are the *Mark Sibley House*, 30 Cochituate Road and the *Central Massachusetts Railroad Freight House*, 1 Concord Road. Both historic properties will be enhanced by restoration carpentry followed by new paint schemes. In addition the WHDC has spent some time discussing a window policy and will adopt such a policy in the coming fiscal year.

The town's website has an HDC page with general information about the WHDC, maps of the two districts, photographs of the Historic District signs, and application forms. The Historic District Commission welcomes support from members of the community who share an interest in the preservation and enhancement of the rich cultural heritage of Wayland Center and Bow Road Historic Districts.

Committee Membership: Gretchen Schuler, Chairman; Margery Baston, Kevin Crowley, Chris Hagger, George Ives, Desmond McAuly, Meaghan Winokur; Kathie Steinberg, Alternate Member.



Wayland Railroad Depot

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## PUBLIC CEREMONIES COMMITTEE

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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 2011 committee were John Dyer, Richard Brisk, Richard Turner and Lili Ho Schlafer. This year's student member was Daniel Kim.

**Veterans Day, November 11, 2010** The Public Ceremonies Committee held a brief ceremony at the Veterans Memorial, which included opening remarks and the reading of the names of the Wayland

Veterans killed in action. Also present were members of the American Legion and the Veterans of Foreign Wars. The wreath was laid by Veterans Agent John Turchinetz, assisted by John Dyer.

**Lydia Maria Child Award** The committee received several nominations for this award. After reviewing each and deliberating on the comparative merits, the committee selected Barbara M. Sheffels, a geologist and Wayland school teacher, as the 2011 winner. The award will be presented at a suitable opportunity.

**Freedom Prize** The Committee voted to accept responsibility to administer the Wayland Veterans Memorial Freedom Prize scholarship program. An article to amend the Public Ceremonies Committee charter was approved at the November 2010 Special Town Meeting.

**Memorial Day, Monday, May 30 2011** Early ceremonies were held at Saint Zepherin's Cemetery, the World War II memorial (Lokerville Green), South and North Cemeteries, and at the Wayland Veterans Memorial. The 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 at the cemeteries.

At 11:00 a.m., the Memorial Day Parade stepped off from Wayland Middle School for the service at Wayland Middle School Gym due to inclement weather. There, beginning at 11:30 a.m., all were welcomed by Public Ceremonies Committee Chair Richard P Turner, Selectmen Chair Thomas Fay, and

Major Rick Stevenson, US Army, who gave the invocation. Dr George Gols, keynote speaker, related his experience in the Berlin Airlift. John Turchinetz, Veterans Agent and member, awarded the fourth Freedom Prize to Wayland High School student Margret Holio.

The Wayland High School band, conducted by Joseph Oneschuk, and the Middle School Band, conducted by Dianne Muffitt, provided music. The High School Band featured a medley of military songs. The band's Drum and Bugle Corps played Echo Taps with distinction at the early services as well as the main ceremony. Included throughout the day were town guests and participants from the Wayland VFW and American Legion, with Commander Reverend Arthur Srtafuss 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 Public Ceremonies Committee is deeply grateful to all who made the 2011 parade and ceremony such a success.



The Boy Scout Color Guard follows Marching Town Officials, Memorial Day Parade 2011



# FINANCE

## BOARD OF ASSESSORS

The first phase, 1000 parcels, of the “full list and measure” is nearly complete with several “call-backs” still to be reviewed. Residents are to be thanked for their cooperation as the office has reached a very high level of successful entries. Phase two will begin in the spring of 2012. At the April 2011 elections, Jayson Brodie and Bruce Cummings were reelected to the board. Jayson Brodie and Susan Rufo were elected chair and vice-chair respectively.

The Board of Assessors is responsible for administering Massachusetts property tax laws effectively and equitably and to produce accurate and fair assessments for all taxable property.

As required by the code of Wayland, Section 19-8, the Board of Assessors makes the following Report:

### A. Annual Report

(1) The 2009 sales used in the determination of the FY'11 assessed values were posted to the Assessors web page and provided at Town Meeting.

(2. a, b, c) Report for the previous six years of abatement history:

FISCAL YEAR	# RECD (a)	# GRANTED (b)	AVG ABMT (c)
2006*	429	207	\$1,056.05
Supplemental	1	1	\$295.37
2007	275	193	\$1,362.39
Supplemental	0	0	\$0.00
2008	247	171	\$2,452.47
Supplemental	2	2	\$3,527.00
2009*	398	228	\$1,190.63
Supplemental	0	0	\$0.00
2010	104	58**	\$1,109.00
Supplemental	4	1	\$1,297.94
2011	66	30	\$1,089.27

\* DOR Triennial Revaluation year

\*\* 5 additional abatements were not included in this number due to unusual circumstances. The addition of these five abatements would bring the total average abatements to \$1,946.22. All years are based on Board action.

(2. d) ATB filing last six years:

Fiscal Year	ATB Filings
2006	79
2007	15
2008	26

Fiscal Year	ATB Filings
2009	52
2010	13
2011	12

(2. e) Dollar change granted by ATB:

FISCAL YEAR	#	STREET	CHANGE AMOUNT GRANTED	FISCAL YEAR	#	STREET	CHANGE AMOUNT GRANTED
FY'06	1404	WISTERIA WAY	\$17,900	FY'06	97	DRAPER RD	\$55,700
FY'06	312	WILLOWBROOK DR	\$51,800	FY'07	25	HEARTHSTONE CIR	\$5,100
FY'06	240	WEST PLAIN ST	\$120,900	FY'07	26	PEQUOT RD	\$26,400
FY'06	25	TRAINING FIELD RD	\$18,800	FY'08	102	LAKESHORE DR	\$289,100
FY'06	62	THREE PONDS RD	\$49,300	FY'08	58	THREE PONDS RD	\$93,500
FY'06	21	STEEPLETREE	\$32,000	FY'08	6	CROSS ST	\$304,300
FY'06	60	SHAW DR	\$105,700	FY'08	10	PEMBERTON RD	\$13,200
FY'06	15	SEDGEMEADOW RD	\$31,500	FY'08	2	JOEL'S WAY	\$98,800
FY'06	68	PLAIN RD	\$113,400	FY'09	12	ELLIE LN	\$195,800
FY'06	269	PELHAM ISLAND RD	\$63,700	FY'09	14	CREST RD	\$129,200
FY'06	22	PARKLAND DR	\$16,800	FY'09	16	CREST RD	\$125,900
FY'06	29	MARSHALL TER	\$67,400	FY'09	55	HILLSIDE DR	\$49,700
FY'06	8	LODGE RD	\$41,000	FY'09	12	JEFFREY RD	\$15,900
FY'06	116	LINCOLN RD	\$198,200	FY'09	58	WOODRIDGE RD	\$58,600
FY'06	59	LAKESHORE DR	\$55,800	FY'09	8	BIGELOW RD	\$21,000
FY'06	14	INDIAN DAWN	\$46,600	FY'09	16	KEITH RD	\$15,500
FY'06	55	HILLSIDE DR	\$72,600	FY'09	25	DRAPER RD	\$34,100
FY'06	50	GLEZEN LN	\$820,300	FY'10	8	BIGELOW RD	\$20,600

(3). Inspections

**Total Property Visits:** 2911

**Building Permits:**

Interior and Exterior	73
Exterior Only	102
Interior Only	62
Refusals	10
<b>Total</b>	<b>247</b>

**Cyclical:**

Interior and Exterior	396
Exterior Only	1121
Interior Only	267
Callbacks	75
Refusals	561
<b>Total</b>	<b>2420</b>

**Abatements:**

Interior and Exterior	28
Interior Only	21
<b>Total</b>	<b>49</b>

**Quality Control:**

Interior and Exterior	10
Exterior Only	8
Interior Only	4
Refusals	1
<b>Total</b>	<b>23</b>

**Sales:**

Interior and Exterior	129
Exterior Only	25
Interior Only	16
Refusals	2
<b>Total</b>	<b>172</b>

Respectfully submitted,

Jayson Brodie, Chair  
 Bruce Cummings  
 Zachariah Ventress

Susan M. Rufo, Vice Chair  
 Molly Upton



## WATER

DATE	O/S 7/1/10	NEW DEBT	RETIRED '11 CUMULATIVE	O/S 6/30/11	Int Pd FY11 CUMULATIVE	INTEREST TO PAYOFF	PAYOFF DATE
2/15/2001 A-8 4.25%	\$ 35,000.00		\$ 35,000.00 \$ 360,000.00	\$ -	\$ 1,435.00 \$ 77,950.00	\$ -	6/30/2011
4/1/2002 A-9 4.59%	\$ 310,000.00		\$ 30,000.00 \$ 269,000.00	\$ 280,000.00	\$ 14,970.00 \$ 178,920.00	\$ 82,600.00	4/1/2022
11/1/2003 A-6 3.70%	\$ 120,000.00		\$ 30,000.00 \$ 210,900.00	\$ 90,000.00	\$ 3,622.50 \$ 47,083.25	\$ 5,856.25	11/1/2013
9/15/2005 A-6 3.78%	\$ 835,000.00		\$ 55,000.00 \$ 275,500.00	\$ 780,000.00	\$ 31,635.00 \$ 200,962.50	\$ 223,692.50	9/15/2025
7/1/2006 A-6 4.08%	\$ 75,000.00		\$ 75,000.00 \$ 300,000.00	\$ -	\$ 1,500.00 \$ 30,856.25	\$ -	7/15/2010
1/15/2007 A-7 4.01%	\$ 1,289,000.00		\$ 82,000.00 \$ 328,000.00	\$ 1,207,000.00	\$ 53,443.75 \$ 233,455.00	\$ 412,737.50	1/15/2027
2/15/2008 A-7 3.42%	\$ 5,459,000.00		\$ 308,000.00 \$ 924,000.00	\$ 5,151,000.00	\$ 190,095.00 \$ 598,005.00	\$ 1,707,420.00	2/1/2028
2/1/2009 A-6 2.79%	\$ 1,397,250.00		\$ 102,750.00 \$ 205,500.00	\$ 1,294,500.00	\$ 44,891.25 \$ 110,590.61	\$ 396,845.62	12/15/2028
1/28/2010 A-5 3.48%	\$ 780,000.00		\$ 85,000.00 \$ 85,000.00	\$ 695,000.00	\$ 18,000.00 \$ 18,000.00	\$ 83,800.00	2/1/2020
2/1/2011 A-6 4.12%	\$ -	\$ 1,370,000.00	\$ -	\$ 1,370,000.00	\$ -	\$ 376,500.00	2/1/2026
	\$ 10,300,250.00	\$ 1,370,000.00	\$ 802,750.00 \$ 3,760,650.00	\$ 10,867,500.00	\$ 359,592.50 \$ 1,855,415.11		

## WASTEWATER TREATMENT PLANT

2/1/2011 4.12%	-	\$ 5,000,000.00	\$ -	\$ 5,000,000.00	\$ -	\$ 2,499,862.50	2/1/2031
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### 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:

<b>2011</b>	<b>\$2,673,273</b>
2010	\$ 2,259,077
2009	\$ 1,981,010
2008	\$ 2,165,202
2007	\$ 2,362,381
1995	\$ 681,655

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

### 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, two gifts were given to deserving Wayland citizens.

## TOWN OF WAYLAND TRUST FUNDS

### June 30, 2011 Balances

Vanguard Prime Money Market Fund	\$ 14,047
<u>Fixed Income</u>	
Vanguard Intermediate – Term Bond Index Fund	707,969
Vanguard Total Bond Market Index Fund	155,803
<u>Equities</u>	
Vanguard Extended Market Index Fund	407,685
Vanguard Growth Index Fund	444,828
Vanguard 500 Index Fund	323,136
Vanguard Value Index Fund	462,348
Vanguard Total International Stock Index Fund	157,457
Total	\$2,673,273

Trust	Additions	Disbursements	6/30/2011 Balance
Cemetery Funds	\$13,550	\$55,772	\$1,109,242
Library Funds (General Purpose)	0	1,162	165,415
Library Endowment	410	4,410	619,560
Estate of Marian Draper (Library General Purpose)	0	0	79,784
Gossels Fund (Library)	0	0	28,071
S. Leavitt Fund (Wayland Community Fund)	0	20,000	196,136
Allan Fund (Charitable Gifts)	0	400	6,129
J. Leavitt Fund (Norwich University Scholarship)	2,444	7,988	116,239
Gossels Fund (Academic Excellence)	0	2,027	257,344
Greaves/Croft Fund	0	4,087	60,731
Robsham Cemetery Trust	0	0	34,620
Total	\$ 17,516	\$ 95,811	\$2,673,273

## FINANCE DIRECTOR/ACCOUNTANT

### Town of Wayland Combined Balance Sheet June 30, 2011

	General Fund	Special Revenue	Community Preservation	Capital Projects	Water Fund	Septage Fund	Wastewater Fund	Trust & Agency	Long-Term Debt Group	Total
<b>Assets</b>										
<b>Cash and Investments:</b>										
Cash	80,296,991									80,296,991
Investments										0
<b>Total</b>	<b>80,296,991</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>80,296,991</b>
<b>Receivables:</b>										
Property Taxes	1,153,059		8,415							1,161,474
Tax Title	790,039									790,039
Motor Vehicle Excise	145,344									145,344
User Charges					741,458		90,146			831,605
Due from Other Governments										0
Due to/Due from other funds	(57,145,333)	7,024,670	7,420,492	25,346,789	4,094,443	243,739	818,989	12,196,212		0
<b>Total</b>	<b>(55,056,891)</b>	<b>7,024,670</b>	<b>7,428,907</b>	<b>25,346,789</b>	<b>4,835,902</b>	<b>243,739</b>	<b>909,135</b>	<b>12,196,212</b>	<b>0</b>	<b>2,928,462</b>
<b>Amount to be Provided For:</b>										
Retirement of Bonds									78,289,910	78,289,910
Repayment of Anticipation Notes										0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>78,289,910</b>	<b>78,289,910</b>
<b>Total Assets</b>	<b>25,240,100</b>	<b>7,024,670</b>	<b>7,428,907</b>	<b>25,346,789</b>	<b>4,835,902</b>	<b>243,739</b>	<b>909,135</b>	<b>12,196,212</b>	<b>78,289,910</b>	<b>161,515,363</b>
<b>Liabilities &amp; Fund Balances</b>										
<b>Liabilities:</b>										
Warrants Payable	1,125,887	213,112		4,745,909	55,019		1,176			6,141,104
Accrued Payroll & Withholdings	1,480,504									1,480,504
Reserve for Abatements	2,888,816									2,888,816
Other Liabilities	1,617,680									1,617,680
Deferred Revenues	(800,374)		8,415		741,458		90,146			39,646
Bond and Grant Anticipation Notes										0
Bonds Payable									78,289,910	78,289,910
<b>Total Liabilities</b>	<b>6,312,514</b>	<b>213,112</b>	<b>8,415</b>	<b>4,745,909</b>	<b>796,477</b>	<b>0</b>	<b>91,323</b>	<b>0</b>	<b>78,289,910</b>	<b>90,457,660</b>
<b>Fund Balance:</b>										
Retained Earnings						203,506	611,812			815,319
Retained Earnings										0
Appropriated Unreserved	13,866,309	6,792,776	7,420,492	20,600,880	3,429,424			12,196,212		64,306,092
Reserved for Expenditures	5,061,278	18,782			610,000	40,233	206,000			5,936,293
<b>Total Fund Balances</b>	<b>18,927,586</b>	<b>6,811,558</b>	<b>7,420,492</b>	<b>20,600,880</b>	<b>4,039,424</b>	<b>243,739</b>	<b>817,812</b>	<b>12,196,212</b>	<b>0</b>	<b>71,057,703</b>
<b>Total Liabilities &amp; Fund Balances</b>	<b>25,240,100</b>	<b>7,024,670</b>	<b>7,428,907</b>	<b>25,346,789</b>	<b>4,835,902</b>	<b>243,739</b>	<b>909,135</b>	<b>12,196,212</b>	<b>78,289,910</b>	<b>161,515,363</b>

FISCAL YEAR 2011 EXPENDED		EXPENDED FY 2011
	<b>SELECTMEN</b>	
	PURCHASE OF SERVICES	\$24,943
	SUPPLIES	\$8,192
1	TOTAL EXPENSES	\$33,135
	TOTAL SELECTMEN	\$33,135
	<b>TOWN OFFICE</b>	
	SALARIES	\$372,553
2	TOTAL PERSONNEL SERVICES	\$372,553
	PURCHASE OF SERVICES	\$8,652
	SUPPLIES	\$61,258
3	TOTAL EXPENSES	\$69,910
	TOTAL TOWN OFFICE	\$442,463
	<b>PERSONNEL BOARD</b>	
	SALARIES	\$0
4	TOTAL PERSONNEL SERVICES	\$0
	PURCHASE OF SERVICES	\$9,990
5	TOTAL EXPENSES	\$9,990
	TOTAL PERSONNEL BOARD	\$9,990
	<b>FINANCE</b>	
	SALARIES	\$281,287
6	TOTAL PERSONNEL SERVICES	\$281,287
	PURCHASE OF SERVICES	\$70,854
	SUPPLIES	\$1,655
7	TOTAL EXPENSES	\$72,509
	TOTAL FINANCE	\$353,796
	<b>ASSESSOR</b>	
	SALARIES	\$218,816
8	TOTAL PERSONNEL SERVICES	\$218,816
	PURCHASE OF SERVICES	\$53,130
	SUPPLIES	\$1,508
9	TOTAL EXPENSES	\$54,638
	TOTAL ASSESSOR	\$273,453
	<b>TREASURER</b>	
	SALARIES	\$190,933
10	TOTAL PERSONNEL SERVICES	\$190,933
	PURCHASE OF SERVICES	\$25,637
	SUPPLIES	\$622
11	TOTAL EXPENSES	\$26,259
	TOTAL TREASURER	\$217,192
	<b>TOWN COUNSEL</b>	
	PURCHASE OF SERVICES	\$410,418
	SUPPLIES	\$5,329
12	TOTAL EXPENSES	\$415,747
	TOTAL TOWN COUNSEL	\$415,747



FISCAL YEAR 2011 EXPENDED		EXPENDED FY 2011
<b>INFORMATION TECHNOLOGY</b>		
	SALARIES	\$82,443
13	TOTAL PERSONNEL SERVICES	\$82,443
	PURCHASE OF SERVICES	\$109,312
	SUPPLIES	\$18,126
14	TOTAL EXPENSES	\$127,438
	TOTAL INFORMATION TECHNOLOGY	\$209,881
<b>TOWN CLERK</b>		
	SALARIES	\$119,360
15	TOTAL PERSONNEL SERVICES	\$119,360
	PURCHASE OF SERVICES	\$5,170
	SUPPLIES	\$1,046
16	TOTAL EXPENSES	\$6,215
	TOTAL TOWN CLERK	\$125,575
<b>ELECTIONS</b>		
	SALARIES	\$18,840
	TOTAL PERSONNEL SERVICES	\$18,840
	PURCHASE OF SERVICES	\$800
	SUPPLIES	\$13,120
	TOTAL EXPENSES	\$13,920
17	TOTAL ELECTIONS	\$32,761
<b>REGISTRAR</b>		
	SALARIES	\$275
18	TOTAL PERSONNEL SERVICES	\$275
	PURCHASE OF SERVICES	\$3,612
19	TOTAL EXPENSES	\$3,612
	TOTAL REGISTRAR	\$3,887
<b>CONSERVATION</b>		
	SALARIES	\$114,470
20	TOTAL PERSONNEL SERVICES	\$114,470
	PURCHASE OF SERVICES	\$12,148
	SUPPLIES	\$6,320
21	TOTAL EXPENSES	\$18,468
	TOTAL CONSERVATION	\$132,938
<b>PLANNING</b>		
	SALARIES	\$114,901
22	TOTAL PERSONNEL SERVICES	\$114,901
	PURCHASE OF SERVICES	\$4,112
	SUPPLIES	\$1,568
23	TOTAL EXPENSES	\$5,680
	TOTAL PLANNING	\$120,582
<b>SURVEYOR</b>		
	SALARIES	\$153,954
24	TOTAL PERSONNEL SERVICES	\$153,954
	PURCHASE OF SERVICES	\$8,961
	SUPPLIES	\$5,828

FISCAL YEAR 2011 EXPENDED		EXPENDED FY 2011
25	TOTAL EXPENSES	\$14,789
	TOTAL SURVEYOR	\$168,743
	<b>FACILITIES</b>	
	SALARIES	\$274,124
26	TOTAL PERSONNEL SERVICES	\$274,124
	PURCHASE OF SERVICES	\$205,486
	UTILITIES	\$496,381
	SUPPLIES	\$25,424
27	TOTAL EXPENSES	\$727,290
	TOTAL FACILITIES	\$1,001,414
	<b>HISTORICAL COMMISSION</b>	
	PURCHASE OF SERVICES	\$108
28	TOTAL EXPENSES	\$108
	TOTAL HISTORICAL COMMISSION	\$108
	<b>SURFACE WATER QUALITY COMMISSION</b>	
	PURCHASE OF SERVICES	\$8,889
29	TOTAL EXPENSES	\$8,889
	TOTAL SURFACE WATER QUALITY COMM	\$8,889
	<b>HISTORIC DISTRICT COMMISSION</b>	
	PURCHASE OF SERVICES	\$0
30	TOTAL EXPENSES	\$0
	TOTAL HISTORIC DISTRICT COMMISSION	\$0
	<b>PUBLIC CEREMONIES</b>	
	PURCHASE OF SERVICES	\$1,087
31	TOTAL EXPENSES	\$1,087
	TOTAL PUBLIC CEREMONIES	\$1,087
	<b>POLICE</b>	
	SALARIES	\$2,048,508
32	TOTAL PERSONNEL SERVICES	\$2,048,508
	PURCHASE OF SERVICES	\$130,016
	SUPPLIES	\$167,183
33	TOTAL EXPENSES	\$297,199
	TOTAL POLICE	\$2,345,707
	<b>JOINT COMMUNICATIONS</b>	
	SALARIES	\$432,939
34	TOTAL PERSONNEL SERVICES	\$432,939
	PURCHASE OF SERVICES	\$12,469
	UTILITIES	\$16,088
	SUPPLIES	\$5,313
35	TOTAL EXPENSES	\$33,871
	TOTAL JOINT COMMUNICATIONS	\$466,809
	<b>EMERGENCY MANAGEMENT</b>	
	PURCHASE OF SERVICES	\$7,880
	SUPPLIES	\$36,078
36	TOTAL EXPENSES	\$43,958
	TOTAL EMERGENCY MANAGEMENT	\$43,958

	FISCAL YEAR 2011 EXPENDED	EXPENDED FY 2011
	<b>DOG OFFICER</b>	
	PURCHASE OF SERVICES	\$21,778
	SUPPLIES	\$0
37	TOTAL EXPENSES	\$21,778
	TOTAL DOG OFFICER	\$21,778
	<b>FIRE</b>	
	SALARIES	\$2,131,549
38	TOTAL PERSONNEL SERVICES	\$2,131,549
	PURCHASE OF SERVICES	\$62,524
	SUPPLIES	\$100,440
39	TOTAL EXPENSES	\$162,964
	TOTAL FIRE	\$2,294,513
	<b>BUILDING &amp; ZONING</b>	
	SALARIES	\$265,408
40	TOTAL PERSONNEL SERVICES	\$265,408
	PURCHASE OF SERVICES	\$12,521
	SUPPLIES	\$8,181
41	TOTAL EXPENSES	\$20,703
	TOTAL BUILDING & ZONING	\$286,111
	TOTAL PUBLIC SAFETY	\$5,458,877
42	<b>SCHOOLS</b>	\$30,427,419
43	<b>REGIONAL VOCATIONAL SCHOOLS</b>	\$382,801
	<b>DPW</b>	
	SALARIES	\$1,560,315
	TOTAL PERSONNEL SERVICES	\$1,560,315
	PURCHASE OF SERVICES	\$936,301
	SUPPLIES	\$461,640
	TOTAL EXPENSES	\$1,397,941
44	TOTAL DPW	\$2,958,256
	<b>BOARD OF HEALTH</b>	
	SALARIES	\$513,825
45	TOTAL PERSONNEL SERVICES	\$513,825
	PURCHASE OF SERVICES	\$116,732
	SUPPLIES	\$11,003
46	TOTAL EXPENSES	\$127,735
	TOTAL BOARD OF HEALTH	\$641,560
	<b>VETERANS SERVICES</b>	
	SALARIES	\$3,899
47	TOTAL PERSONNEL SERVICES	\$3,899
	PURCHASE OF SERVICES	\$7,226
	SUPPLIES	\$3,337
48	TOTAL EXPENSES	\$10,563
	TOTAL VETERANS SERVICES	\$14,463

	FISCAL YEAR 2011 EXPENDED	EXPENDED FY 2011
	<b>COUNCIL ON AGING</b>	
	SALARIES	\$163,517
49	TOTAL PERSONNEL SERVICES	\$163,517
	PURCHASE OF SERVICES	\$38,012
	SUPPLIES	\$6,428
50	TOTAL EXPENSES	\$44,440
	TOTAL COUNCIL ON AGING	\$207,957
	<b>YOUTH SERVICES</b>	
	SALARIES	\$143,837
51	TOTAL PERSONNEL SERVICES	\$143,837
	PURCHASE OF SERVICES	\$2,181
	SUPPLIES	\$883
52	TOTAL EXPENSES	\$3,064
	TOTAL YOUTH SERVICES	\$146,901
	<b>LIBRARY</b>	
	SALARIES	\$738,153
53	TOTAL PERSONNEL SERVICES	\$738,153
	PURCHASE OF SERVICES	\$40,420
	SUPPLIES	\$167,509
54	TOTAL EXPENSES	\$207,929
	TOTAL LIBRARY	\$946,082
	<b>RECREATION</b>	
	SALARIES	\$0
	TOTAL PERSONNEL SERVICES	\$0
	PURCHASE OF SERVICES	\$0
	SUPPLIES	\$0
	TOTAL EXPENSES	\$0
55	TOTAL RECREATION	\$0
	<b>DEBT AND INTEREST</b>	
	DEBT SERVICE	\$5,011,331
56	TOTAL EXPENSES	\$5,011,331
	TOTAL DEBT AND INTEREST	\$5,011,331
	<b>RETIREMENT</b>	
	PURCHASE OF SERVICES	\$3,140,204
57	TOTAL EXPENSES	\$3,140,204
	TOTAL RETIREMENT	\$3,140,204
	<b>UNCLASSIFIED</b>	
	INSURANCE GENERAL	\$670,299
	INSURANCE 32B	\$7,348,140
	MEDICARE	\$488,739
	UNEMPLOYMENT	\$159,239
	NON CONTRIBUTORY RETIREMENT	\$17,091
	POLICE/FIRE DISABILITY	\$9,119
	RESERVE FOR SAL ADJ	\$0
	OCCUPATIONAL HEALTH	\$2,953
	EMPLOYEE ASSISTANCE PROGRAM	\$0

FISCAL YEAR 2011 EXPENDED		EXPENDED FY 2011
	TOWN MEETING	\$46,959
	STREET LIGHTING	\$127,968
	RESERVE FUND	\$0
58	TOTAL UNCLASSIFIED	\$8,870,505
	TOTAL GENERAL FUND BUDGET	\$61,757,994
<b>WATER FUND</b>		
	SALARIES	\$916,255
	TOTAL PERSONNEL SERVICES	\$916,255
	PURCHASE OF SERVICES	\$449,571
	UTILITIES	\$268,052
	SUPPLIES	\$470,817
	DEBT SERVICE	\$1,162,343
	TOTAL EXPENSES	\$2,350,782
59	TOTAL WATER DEPARTMENT	\$3,267,036
<b>SEPTAGE FUND</b>		
	SALARIES	\$30,233
	TOTAL PERSONNEL SERVICES	\$30,233
	PURCHASE OF SERVICES	\$26,805
	TOTAL EXPENSES	\$26,805
60	TOTAL SEPTAGE DEPARTMENT	\$57,038
<b>WASTEWATER MANAGEMENT DISTRICT COMMISSION</b>		
	PURCHASE OF SERVICES	\$127,798
	DEBT SERVICE	\$96,855
	TOTAL EXPENSES	\$224,652
61	TOTAL WASTEWATER MGMT COMM	\$224,652
	<b>GRAND TOTAL OMNIBUS BUDGET</b>	<b>\$65,306,721</b>

Reserve Fund Activity - FY11

Date	Dept	Account	Amount
There were no reserve fund transfers in FY11.			
		Total	0

## EDUCATION AND LIBRARY

### SCHOOL COMMITTEE

#### THE WAYLAND PUBLIC SCHOOLS MISSION STATEMENT

*"Personal and civic responsibility, love of learning, and empathy for others: these are the qualities that the Wayland Public Schools seek to instill in its students. At its core, our mission is to provide a rigorous and stimulating academic environment that promotes the acquisition of knowledge and skills. Yet we deem it equally important to nurture self-confident, collaborative, and conscientious individuals. We strive to create a climate where risk-taking is safeguarded, open expression is encouraged, and free association is protected. Our goal is to advance our students' growth into principled, informed, and capable citizens who will help guide a democracy that follows humanitarian principles in the global forum, and shape a just society where individuals may reach their full potential."*

#### OVERVIEW

This year marked Dr. Burton's 17th and final year as Superintendent of the Wayland Public Schools as he plans to retire at the end of this school year. We are extremely grateful to Dr. Burton for the leadership and loyalty he has shown our school system and our community during his time in Wayland. As the school system's leader, Dr. Burton made remarkable, enduring contributions to Wayland's legacy of excellent schooling. We wish him all the best in the next chapter of his life.

Throughout the year, the School Committee primarily focused its efforts on conducting a Superintendent search, continuing to move forward with the high school project, collaborating with Dr. Burton to formulate the goals for the district and developing and seeking approval for the FY13 operating and capital budgets.

#### SUPERINTENDENT SEARCH

With the upcoming retirement of Dr. Burton, the School Committee spent a great deal of time conducting a national search with the guidance of an outside consulting firm, Future Management Systems. This search process involved participation from a broad group of constituents through the formation of a search committee, focus groups, telephone interviews and surveys. At the end of this process, Dr. Paul Stein, the Deputy Superintendent in the Newton School system, was selected as the next Superintendent of the Wayland Public Schools. For more information about this process, please go to: [www.waylandschoolcommittee.org/details/supersearch.htm](http://www.waylandschoolcommittee.org/details/supersearch.htm)

#### HIGH SCHOOL FACILITY

The High School Building Committee, working closely with the State, continued its work to modernize the High School facility. They broke ground during the summer of 2010 and progressed throughout the year at a very rapid pace. Currently, the project is on budget and on schedule to allow students and staff to move into the new facility over the holiday break of 2011 with final completion by the summer of 2012. We are very grateful for the leadership and expertise the High School Building Committee has provided throughout this project. For more information about this project, please go: [www.waylandschoolcommittee.org/whs/hsbc/Web\\_Page/Index.html](http://www.waylandschoolcommittee.org/whs/hsbc/Web_Page/Index.html)

#### GOALS

In addition to these two major efforts, Dr. Burton established the following goals for the District, with the guidance of the School Committee. They included:

- Mentoring new administrators
- Monitoring of ongoing initiatives and prior year's goals
  - Greening our schools
  - Enhanced use of technology K-12
  - Chinese language instruction
  - Closing the Achievement Gap
  - Health and Wellness
  - Full Day Kindergarten
  - Opportunities for accelerated learners
  - Quality of instruction and parental feedback
- Preparing for leadership transition

Throughout the year, Dr. Burton served as mentor to four administrators who were new to the District and two who were new to administrative positions. He also worked with the Administrative team on the initiatives previously identified to determine the future direction of each of these goals. For complete reports on these initiatives, please go to: [www.wayland.k12.ma.us/district/district\\_info/departments/superintendent/reports.htm](http://www.wayland.k12.ma.us/district/district_info/departments/superintendent/reports.htm) Finally, Dr. Burton prepared for the leadership transition with his upcoming retirement and Dr. Stein's arrival.

### **OPERATING AND CAPITAL BUDGETS**

The School Committee recognized the ongoing financial challenges facing the Town and State. Since FY07, in response to declining enrollment and reduced state aid, structural changes and efficiencies have been made to the educational program that are reflected in the school budget, such as section reductions and school reconfiguration at the elementary level, cluster reductions at the Middle School, and staff reductions at the High School. The FY11-13 salary settlement for teachers, negotiated and approved in the fall of 2010, provides an element of stability to the FY12 and upcoming budget, with a 1.175% annual increase to the base salary over the three-year period (or a 2.095% annual increase taking into account total compensation) and modifications to the health care offerings.

The School District ended the 2010-2011 (FY11) year below budget, returning approximately \$650,000 to the Town. These savings resulted primarily from funds that were carried forward from FY10 but not expended, certain unfilled positions, staff exchanges, increase in SPED Circuit Breaker funds, and renegotiated contracts for utility and fuel services, offset against yearend computer purchases. In most cases, these savings were one-time savings and not recurring. Revolving accounts reflect a closing balance of approximately \$3 million. At the Superintendent's direction, additional analysis will be conducted to determine whether these balances are the result of variables such as funds that accumulated steadily over time, unexpected savings or revenue, the timing of fee collection relative to expenditures and the need for a reserve for either cash flow or unanticipated expenses. Once this analysis is conducted, decisions about offsets, fee structures, and/or program enhancements will be made. In addition, funds received from grants during the year were all expended.

The 2011-2012 (FY12) requested appropriation of \$31,096,713, to educate an estimated 2,652 students, represents a 1.63% increase from the FY11 appropriation. This FY12 budget reflects negotiated salary adjustments for steps and lanes, increases in expenses for special education and a new bus contract, but also includes reductions for utility and fuel expenses due to recently negotiated fixed rate contracts. Since negotiations were ongoing for certain Town and School unions at the time of this budget development, cost of living adjustments for all school employees were included in the Town side of the budget.

In addition, the FY12 operating budget provides for 6.85 full time equivalent (FTE) positions to address specific identified needs of our students, such as:

- 0.3 FTE Guidance position and 0.25 FTE Reading Specialist at the kindergarten level,
- 2.0 FTE math/teacher coach positions at the elementary level,
- 2.0 FTE 6th grade teachers due to expected larger class sizes,
- 1.0 FTE Health and Wellness Coordinator position and 0.5 FTE Response to Intervention position at the High School,
- 0.3 FTE Early Childhood Speech Therapist and
- 0.5 FTE English Language Learner instructor system-wide.

Offsets (revenue) will increase through additional transfers from the fee-based programs, SPED Circuit Breaker funds, Student Transportation and High School parking fees. However, there will be no increase in any of the fees charged to students and their families.

For FY12, the School Committee also requested \$350,000 for the capital investment in and support of educational technology. An additional \$100,000 was funded through the operating budget in FY12 for related educational technology. This technology capital request was formulated by the Technology Task Force, a group of citizens who work with our Technology Director to develop a comprehensive plan to upgrade and modernize the District's utilization of technology in the classroom and throughout the schools.

Specifically, these funds will be used in the following ways:

- To update the infrastructure and network;



- To provide for additional computers in the classrooms at the elementary and middle school levels;
- To replace outdated computers as part of a 5 year replacement cycle, and
- To purchase peripheral devices and other educational technology.

For more detailed information regarding the FY12 operating and capital budgets, please go to: [www.wayland.k12.ma.us/district/district\\_info/departments/superintendent/reports.htm](http://www.wayland.k12.ma.us/district/district_info/departments/superintendent/reports.htm)

### IMPORTANT UPDATES

The Abrahams Group, in collaboration with the Operations Review Committee, continued to conduct a review of the Schools' budget and expenditure reporting format, to evaluate the non-educational service delivery structure, and to review the school administrative structure. The Abrahams Group submitted a report in two parts to the Town of Wayland, the Operational Review Committee ("ORC") and the School Committee detailing its findings as well as substantial recommendations for changes and enhancements to the School Department's current practices in budgeting, financial controls and reporting (the "Abrahams Report"). The Abrahams Report was submitted in draft form in March and Part I has since been finalized with no substantive changes. The ORC has reviewed Part I of the Abrahams Report and submitted its findings and recommendations on the matters discussed therein to the School Committee this summer. The ORC is in the process of reviewing Part II of the Abrahams Report and is expected to submit its findings and recommendations on the matters discussed therein to the School Committee in the near future. The School Committee is in the process of reviewing the Abrahams Report and the ORC findings and recommendations thereon, and will prepare and publicize its own report in response. Related to this effort, at the 2011 Town Meeting, funds were appropriated to hire an independent consultant to restate the FY11 budget and expenditures at a detailed level.

In response to new State legislation, the School Committee developed an Anti-Bullying policy. To meet these new mandates, the Administration also worked to develop and implement an Anti-Bullying Prevention Plan.

At the recommendation of the High School Principal, the School Committee approved a Fine Arts

graduation requirement beginning with the current 8th grade class. This decision demonstrates the Schools District's commitment to the Fine Arts.

As the year came to a close, the Town worked together in response to the murder of high school senior, Lauren Astley, and used the tragic event as an opportunity to celebrate her life and review and improve town and school approaches to promoting healthy relationships and preventing abusive ones.

### CONCLUSION

FY11 marked a year of transition, with the ground breaking of the new high school facility and the search for a new Superintendent. Because of the tremendous partnership with the administrators, teachers, staff, students and community members, the District was able to make this transition while continuing to deliver a high quality educational program to its students. We are grateful for the support that Wayland offers its students and are excited to begin another school year.

### BOARD OF LIBRARY TRUSTEES

**BUILDING AND GROUNDS:** It has been a year of stabilization, rebuilding, and positive change for the library after the damaging spring flood of 2010. Before the flood, the upper floors were scheduled for repairs of the walls, water-damaged ceiling, and replacement of worn, loose carpeting that had become a tripping hazard. This work was deferred last summer while the upper levels served as storage for library materials and furniture from the damaged lower level. The upper floors were finally renovated during the summer of 2011. The trustees chose historically accurate Greek revival colors in the library rotunda and plan to return the room to its original function as a reading room by installing more comfortable seating and tables.

Our historic building, while beautiful, remains inadequate in terms of space for current collection, staffing, and programming needs. Therefore, the trustees continue to monitor potential sites for a future new library.

**OPERATIONS:** Library circulation remains robust. We are now offering both downloadable ebooks and audiobooks from our catalog. This year we sponsored another successful "Wayland Reads" program, based on the book *Zeitoun* by Dave Eggers. Even though our space was constrained during

construction in August, we were able to offer some summer storytimes using off-site space at Russell's Farmer's Market. Normal library operations continued, such as purchasing and processing new materials, reviewing the collection, scheduling programs, and maintaining technology.

**LIBRARY BUDGET:** FY11 brought a small reduction in the library budget, requiring some minor reductions in service hours. Luckily, support from private gifts and the Friends of the Library allows us to meet our state-mandated materials expenditure requirement and also ensures that our furnishings do not get too worn.

**TECHNOLOGY:** During FY11, the library purchased and installed a new server. We also upgraded the speed of our Internet connection. Library staff continues to improve our web site. We offer Wayland residents in-library and home access to many online high-quality subscription databases, learning tools, and downloadable materials. Our users enjoy using both the library's wired and wireless Internet access. Our computers for both library staff and the public are on a regular, staggered replacement cycle.

**PERSONNEL:** The Town is fortunate to have a talented, experienced, and dedicated library staff. Several staff members attended professional conferences and training programs this year. Youth Services Librarian April Mazza was named a judge for ALA's prestigious Sibert Award for Non-Fiction. The library participates in the town tax work-off program for seniors. We have a loyal group of volunteers of all ages who devote many hours to the library each week. Their work helps ensure that the library operates as efficiently as possible.

**COLLECTION AND SERVICES:** Library circulation for a community of our size remains very strong, although we are still bouncing back from last year's 4½ month flood reconstruction. Circulation of audio visual materials has decreased somewhat due to streaming and downloading options. A chart of collection and other statistics for FY11, reflecting a six-week closure in 2010, follows this narrative. One of our service initiatives this year was the creation of a directory of community services for adults in cooperation with the Council on Aging and input from many other town departments, private agencies, and groups. That directory was made available online during FY11.

**PROGRAMS:** The second year of our Great Presenter Series continued to be popular, and we plan a continuation of that series in FY12. Our regular programs included an art history series, a Shakespeare series, a classical studies series, regular poetry workshops, two book discussion groups, a Great Decisions group, arts and crafts workshops, and an ESOL tutoring program. In addition to regularly scheduled storytimes, Youth Services Department programming included storytellers, science programs, puppet shows, a music and movement program for pre-schoolers, movie screenings, arts and crafts workshops, and our summer reading club.

**FRIENDS OF THE WAYLAND PUBLIC LIBRARY:** The Friends organization continues to be our most consistent provider of support, both moral and financial. Funding from the Friends allows us to offer almost all of our popular programs and services: museum passes, books-on-CD, cultural programming, the summer reading program, web site maintenance, and many other expenses that exceed the library budget. We appreciate the sustaining work and support of the Friends in these difficult economic times.

**TRUST FUNDS:** The library's Millennium Endowment Fund is managed by the Town's Commissioners of Trust Funds. The Millennium Fund was established to sustain excellence in library service and to provide a supplementary source of support for the library when needed. This year the library also received a substantial bequest from the estate of the late Marian Draper.

**EXHIBITS:** The library's Raytheon Room and foyer continue to house an impressive array of diverse work from local artists each month.

**THANKS:** We would like to express our gratitude to the committed and talented library staff, our many dedicated volunteers, the cooperative members of other town departments, and most of all to the citizens of Wayland whose financial and moral support have allowed the library to provide its users with another year of excellent library service.

Aida A. Gennis, Chair  
Sally Y. Cartwright, Vice-Chair  
Lynne J. Lipcon, Secretary  
Anne B. Heller  
Nancy J. Jahnke  
Thaddeus Thompson  
Ann F. Knight, Library Director

<b>SUMMARY OF FISCAL YEAR 2011 LIBRARY STATISTICS</b>
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	FISCAL YEAR 2010	FISCAL YEAR 2011 **
	<b>CIRCULATION</b>	
Adult		
Print	63,393	63,704
Non-print *	69,009	62,243
Juvenile		
Print	48,401	59,434
Non-print *	14,099	12,289
Transfers to Minuteman Libraries	34,850	34,996
<b>Total Circulation</b>	<b>229,752</b>	<b>232,666</b>
	<b>ACQUISITIONS</b>	
Print	7,051	7,181
Non-print	1,680	2,089
<b>Total Items Added</b>	<b>8,731</b>	<b>9,270</b>
	<b>OTHER</b>	
Registered Borrowers	7,410	7,120
MLN Interlibrary Loans Filled for other Libraries	34,850	34,996
MLN Interlibrary Loans Filled Wayland Patrons	21,354	21,202
Reference Questions	17,706	17,531
Programs Held	223	234
Total Attendance	5,379	4,969
Fines Collected	\$13,770	\$12,261
Trust Fund Balances:		
Endowment Fund	\$511,685	\$619,560
Other Trust Funds	<u>\$159,691</u>	<u>\$193,487</u>
<b>TOTAL</b>	<b>\$671,376</b>	<b>\$813,047</b>

\* NON-PRINT includes DVD, VHS, CD, and audiobook formats. Decreased circulation mostly reflects user migration to streaming media.

\*\* During FY11, the library was closed over five weeks (July 1-August 9)

## PLANNING AND NATURAL RESOURCES

### CONSERVATION COMMISSION

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, Chap.131, Section 40. Wayland’s Wetlands and Water Resources Bylaw (Chap.194) complements the Commission’s responsibilities under the WPA. The Conservation Commission has the statutory responsibility to administer, implement and enforce the Stormwater and Land Disturbance Bylaw (Chap. 193).

The administration and enforcement of the WPA and both the Chapter 194 and 193 Bylaws accounts for a major portion of the efforts of the Commission. Twenty Requests for Determination of Applicability were filed under the WPA and Twenty-two under Chapter 194. There was one filing to Amend Permit under Ch.194. There were twenty decisions under the WPA with 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. Twenty-one Permits and one Amendment were issued under Chapter 194. There were two positive decisions under Ch.194. which required the filing of a Notice of Intent before the project can proceed. Three requests for Certificate of Permit requirements were heard. Three partial Certificates were issued.

Thirteen Public Hearings on Notices of Intent were opened under the WPA and Ch.194. The Commission held Twenty-eight continued hearings and issued Order of Conditions under the WPA for twelve projects. Twelve Permits were issued under Ch. 194. One project was denied and one was withdrawn.

There were twenty-one requests for Certificate of Compliance. Fourteen partial certificates were issued. Three requests were denied and four were deferred. Three Requests for Extensions were received and issued by the Commission.

Violations of the Wetlands Protection Act and Wetlands Bylaw continue to be a problem. Work

within 200 feet of many streams and/or within 100 feet of wetlands is subject to review by the Conservation Commission before commencing. There are very few exceptions to this requirement and people are encouraged to call the office for more information. There was one Emergency Certificate signed.

Discussions and Informal Reviews were held on projects/issues. Discussions were held on Aquatic Weed Control (Dudley Pond/ Heard Pond/Lake Cochituate), former Raytheon site sentry wells, the Town’s Master Plan, Chap.193 Bylaw, Water Sprinkler Town Bylaw, Land protection, Land Management, Hay fields, Community gardens, Farming issues, Illegal ORV use, Beavers, the reservoir dam on Rice Road, Nyanza clean-up, and others.

Conservation restrictions continue to be a tool to help protect sensitive portions of property and important natural resources.

Andy Irwin was voted Chairman, and we welcomed new members Markey Burke, Ted Harding and Larry Kiernan to the Commission.

The Conservation Commission continues to rely upon volunteers to help monitor and maintain land under the care and management of the Conservation Commission. In addition, the Commission has funding to manage more than 800 acres of land. Funding is used to hire seasonal labor as well as to procure services to mow larger fields. A group of high school freshmen helped out early in the season. Ben Gilmore, back for a fourth year, and Connor Quinn were seasonal laborers during the summer of 2011. Ben Porter did ten hours of community service with the Conservation Commission. Liam Fay completed an Eagle Scout project, replacing a portion of the fencing at the Moore Road parking lot for the Sedgemoor Conservation Area. Eagle Scout projects continue to be a critical component of land management. Greg Tersoff volunteered for much of the summer walking conservation areas and beginning an assessment of the type and width of trails at each area. Zach Ellison provided assistance

late in the summer season, working thirty hours at the beginning of September.

The Commission created the Ken Moon Award to acknowledge individuals who have contributed extensive amounts of time to land management. In 2010, the Commission presented the award to Paul Gardescu for years of assistance with numerous projects having archaeological issues.

The Commission continues to provide community garden plots to individuals. Again this year, perhaps a reflection of changing economic times or other factors, we saw an increased interest in new people seeking a garden plot. Plots that had been dormant were in demand this year. Approximately 200 plots were rented this summer. Every year weather

dominates when the plowed plots can be used, how well the planting season goes, and what is produced in the gardens.

Volunteers help maintain the Greenways Conservation Area, Heard Farm Conservation Area, Upper Mill Brook, Rowan Hill, and many other conservation areas. Many mow trails, prune shrubs, repair trails, and remove trees. The contributions of these many volunteers are invaluable to the Commission and greatly appreciated.

The Commission also greatly appreciates the volunteer assistance of Mary Antes, who helps staff on many levels.

## COMMUNITY PRESERVATION COMMITTEE

The provisions of the Community Preservation Act (CPA) were adopted at the Annual Town Meeting in 2001. The Community Preservation Committee was formed at that time and its responsibilities are to identify and evaluate potential community preservation projects and, if appropriate, submit project recommendations in the form of articles at town meeting. The CPA requires that the projects focus on open space, historic preservation, and community housing. Funds can also be used for the acquisition, creation or preservation of land for recreational purposes. The Committee currently consists of nine members, one each from the Planning Board, Historical Commission, Recreation Commission, Conservation Commission, Housing Commission, Department of Public Works, and three members appointed by the Board of Selectmen.

**CPA Revenue** – Since the adoption of the CPA in 2001 through fiscal 2011, Wayland has received \$5,918,559 from the residential property tax surcharge, including interest, and \$3,593,584 in matching State Trust Fund distributions, for a total revenue of \$9,512,143. The funds collected are known as the Community Preservation Fund and are held and administered by the Town's Treasurer. Below is the list of expenditures.

Project	Amount	Year Approved
Repair of Town's historic gravestones	\$65,000	2003
Study to create railroad interpretive site	\$15,000	2003
Environmental testing at former Nike site	\$35,000	2003
Repair/Restore historic markers	\$5,000	2004
Acquire 2.75 acres at Nike site for affordable housing and to provide funds for demolition and site preparation	\$500,000	2004
Site preparation and demolition on remaining 11 acres of open space at Nike site	\$100,000	2004
Administrative costs of CPC – expended \$3800 for appraisal of Moon property on Reservoir Road	\$10,000	2004

<b>Project</b>	<b>Amount</b>	<b>Year Approved</b>
Set aside funds for acquiring open space in the future	\$600,000	2004
Acquire Gilbert land on Brackett Rd for conservation purposes	\$100,000	2005
Architectural, engineering and site planning at Nike site	\$40,000	2006
Community gardens at landfill and the intersection of Rte 30 and Plain Rd	\$8,750	2006
Artificial turf at the high school athletic field	\$300,000	2006
Weed management techniques, aerial scanning and nutrient analysis at great ponds	\$75,000	2006
Acquisition of seven acres of land on Reservoir Road subject to a perpetual conservation restriction to be held by Sudbury Valley Trustees, Inc.	\$211,000	2007
Set aside funds for acquiring open space in the future	\$900,000	2008
Fund an additional portion of costs related to construction of community housing units on the Nike site	\$560,000	2008
Provide funds for the remaining work necessary to make the passive and active recreation land at former Nike site available for public use	\$250,000	2008
The rehabilitation and preservation of the Town-owned former railroad freight house located at 1 Concord Road next to the Town Library	\$50,000	2008
Administrative costs of the CPC to be expended for appraisals, association dues, and similar expenditures	\$25,000	2009
Provide funds for an assessment of the preservation and conservation needs of the Town's historical collections	\$10,000	2009
Provide funds for the purpose of engaging an engineering firm to evaluate the environmental and engineering related to a proposed Wayland Rail Trail	\$25,000	2010
Provide funds for renovations to the Vokes Theatre	\$6,000	2010
Provide funds for the purpose of engaging a land planner and appraiser for the purpose of determining the value of Mainstone Farm and a proposed conservation restriction on a portion of such land	\$40,000	2010
Provide funds for professional services to study the feasibility of the disposition and use of the town-owned parcels in the Dudley area	\$35,000	2010
Provide funds for the purpose of authorizing the Historical Commission to engage a firm to preserve and digitize selected Wayland historic documents held in the Town's vault	\$160,000	2011
<b>TOTAL</b>	<b><u>\$4,125,750</u></b>	

## 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 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 24 times between July 1, 2010 and June 30, 2011 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 such as the Master Plan Advisory Committee.

### **Zoning Bylaw Revision Project**

As authorized by the Town Meeting vote under Article 24 on May 6, 2004, the Planning Board in 2010 completed and got approved at Town Meeting a major rewrite of the Town’s Zoning Bylaws, which are found in Chapter 198 of the Town Code. The Planning Board phased the project in two stages; first to address organizational, consistency, and similar non-substantive matters and second to address substantive provisions. The first installment of the amendments consists of amendments to Chapter 198, Articles 1-5 and 7-14, which were presented for consideration by the Spring Town Meeting. All of the currently proposed revisions are non-substantive. Policy and similar substantive provisions are reserved for a Town Meeting in the Spring of 2012.

The proposed amendments are intended to make the Bylaw more consistent and “user-friendly” by eliminating redundancy and improving organization. The amendments are designed to clarify terms and

apply those terms consistently throughout the Bylaw. For example, the Definitions section (§198-104) is expanded to include definitions of terms used elsewhere in the Bylaw and terms not used are deleted. Narrative describing the various uses is removed from the Table of Dimensional Regulations (§198-801), the Classification of Principal Uses (§198-803), the Table of Permitted Accessory Uses by Districts (§198-804), and the Classification of Accessory Uses (§198-805) and inserted in the Definitions section. The amendments also incorporate Attachments 1, 3, and 5 (respectively, the Table of Dimensional Regulations, the Table of Permitted Principal Uses by Districts, and the Table of Permitted Accessory Uses by Districts) into the Bylaw. Other amendments update various sections and correct errors.

The next phase of the Bylaw review project will address substantive and policy amendments.

### **The Master Plan Advisory Committee**

The MPAC consists of eleven citizens charged with a special advisory function for the Planning Board related to the implementation status of the Master Plan. Each of the MPAC members is appointed as a representative of one of the town’s standing boards, Board of Selectmen, Planning Board, Historic Commission, Conservation Commission, Parks & Recreation, Housing Authority, Surface Water Quality, Finance Committee and one appointment made by the Town Moderator.

The MPAC charge, as set forth by the Planning Board, is to review the Town’s Master Plan and determine what progress has been made towards the achievement of targeted goals and objectives. Just over five years ago, after significant work, including participation by many of the Town’s standing boards, a variety of town residents and the help of an outside consultant firm, the Master Plan was accepted by the Planning Board as a guide to Wayland’s future. The plan calls for an assessment/evaluation of the implementation status after five years and the MPAC has been charged with that task.

The MPAC will provide a final report to the Planning Board, which includes any suggested changes in the Master Plan schedule of implementation of the recommendations and any suggested re-prioritization of those recommendations. In addition, if any new recommendations emerge from the MPAC

assessment, the committee has been urged to include these in the final report to the Planning Board.

In FY 2010, Andrew Reck was elected to the Board. Andrew had previously been the associate member.. Kevin Murphy and Ira Montague were elected Chairperson and Vice Chairperson respectively.

#### **PLANNING BOARD MEMBERS--June 30, 2011**

Ira Montague, Chair  
9 Erwin Road  
Wayland, MA 01778  
**Term: 2008-2013**

Kent D. Greenwalt, Vice Chair  
10 Reservoir Road  
Wayland, MA 01778  
**Term: 2009-2014**

Kevin Murphy, Clerk  
14 Sears Road  
Wayland, MA 01778  
**Term: 2007-2012**

Andrew Reck, Member  
18 Reservoir Road  
Wayland, MA 01778  
**Term: 2010-2015**

Colleen M. Sheehan, Member  
16 Springhill Road  
Wayland, MA 01778  
**Term: 2009-2014**

William Whitney, Associate Member  
112 Woodridge Road  
Wayland, MA 01778  
**Term: 2010-2011**

#### **PLANNING BOARD TOWN STAFF June 30, 2011**

Town Planner  
Sarkis Sarkisian

Department Assistant  
Sheila Cuttell

#### ***What's ahead for 2011?***

The Planning Board and the newly formed Economic Development Committee will be working on creating Village Overlay Districts for our existing Commercial properties that shall promote the continuation of higher density development for residential, commercial, and business uses while providing a pedestrian oriented development with better architectural design. The Planning Board will also be working in coordination with the Board of Selectmen to study the 7.5 acres of land on Dudley Pond. The Board of Selectmen establish a temporary advisory committee to be known as the Dudley Area Advisory Committee to assist the Board with studying the disposition and use of Town-owned land located on Doran Road, Pond Drive, Cross Street, and Curtis Road consisting of 7.5 acres.

The committee is comprised of nine (9) voting members, eight (8) members to be designated by the following committees and organizations and appointed by the Board of Selectmen:

- A member to be designated by the Dudley Pond Association;
- A member to be designated by the Conservation Commission;
- A member to be designated by the Surface Water Quality Committee;
- A member to be designated by the Recreation Commission;
- A member to be designated by the Wayland Residents for Responsible Land Use (WN4RLU) ;
- A member to be designated by the Planning Board;
- A member to be designated by the Housing Partnership;
- A member to be designated by the Housing Authority;

Patricia Reinhardt has been appointed Chair of the Committee by the Board of Selectmen. The following tasks have been delegated to the committee:

- Review the scope of services to be funded by the grant awarded by the Massachusetts Housing Partnership (MHP) and make recommendations to the Board of Selectmen and Town Administrator on project scope, choice of consultants and viability of terms for fund award;



- Oversee expenditure of any funds appropriated by Town Meeting for the purpose of studying the feasibility of disposition and use of the Town-owned parcels including open space preservation, passive recreation use, septic treatment for any new structures on the land or for adjacent properties, pond management, and construction of affordable housing.
- Review findings from feasibility studies to determine extent of the five potential disposition and uses of the Town-owned parcels.
- Make a recommendation to the Board of Selectmen on the best use or combination of uses of the municipal land, and in what proportion, said recommendation to take into account impacts on Dudley Pond and the surrounding watershed, public access to the pond, public health considerations, and community preferences for disposition or use of the property.
- Evaluate wastewater management alternatives that may include:
  - a. New Centralized Wastewater Treatment and Disposal near Dudley Pond or the project area.
  - b. New Centralized Wastewater Treatment and Disposal Off Site which could include Wayland DPW garage, the Wayland Middle School site or other town-owned areas.
  - c. Individual On-Site Treatment and Disposal with continued reliance on individual on-site wastewater treatment and disposal systems.
  - d. MWRA Connection and transmission main to convey wastewater to the nearest practical MWRA connection, likely in Natick.
- Identify other conditions that may influence the preferred plan, including capital improvements and infrastructure development, phasing opportunities and maintenance.

**Goals and Projects**

The Planning Board has developed the following list of goals and objectives for next year. Each goal will be evaluated by the Planning Board and ranked in order of priority and urgency for the Town Planner.

PROJECT	COMMENTS
Subdivision Rules and Regs regarding access, intersections and change of grade.	Review rules to address access (pork-chop lots), intersections (5-way), change of grade (earth removal).
Regs for inclusionary zoning/Block Grants	Develop detailed requirements for satisfying affordable component - complete
40R/40B	Develop plan to pro-actively encourage desirable affordable housing options. Printed out CMR 59, Not for Wayland
Lee's Farm	Development in permitting process 2012 complete
Scenic & Historic Road Overlay District	Re-visit and evaluate need for separate overlay
Demolition By-Law	Coordinate with the Historic organizations in Town. This is a recommendation from the Master Plan.

Zoning Bylaw review	Patricia Cantor, Kopleman & Paige, Building Commissioner, Zoning Board, questionnaire to other departments and Boards. Hold a series of meetings. Phase I will be completed
Tree Replanting Program for replacing trees that were removed from scenic roads	Develop and maintain list of priority spots for tree replacement.
Shape of lots to avoid rat tails, pork chops front slices	Review the language about a circle of a specific diameter passing through the front of the house. Include with Subdivision Reg review
Master Plan Review	Coordinate review of Master Plan with MPAC- Complete
Status report on Development projects/activities	Catalog all development projects -Create tracking system for status -Town Center monitoring - Complete
Housing Plan	Update/Develop Housing Plan -Housing Plan Committee Set up monitoring for existing and approved affordable units -Complete
Greenway's drainage problem	
As of Right zoning for renewable or alternative energy generation, R&D facility	TA's Green Communities Planning Program Complete
Erosion control By-Law	Work with the Conservation Commission
Design review and landscape corridor by-law Streetscape details and design	For Route 20 and Route 27 Whole Foods Plaza
Signage	Update sign regulations
Cart Path Subdivision	Complete
Hannah Williams Park Redesign Cochituate Village Park Plan and expansion	
Web Site update	
Filing and electronic data base	
Cochituate Village Overlay District	
Wireless Communications	
Loker Conservation and Recreation	
Corridor Plan for Route 20/Route 30	
Rail Trail Recreation Plan and Interconnection	
Commercial Tax Base, Encourage Redevelopment	
Dudley Area Advisory Committee study	
Baby Boomer Retention Program (Housing)	

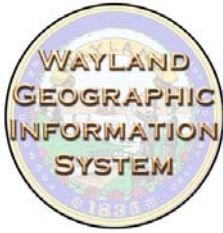
I would like to thank the Planning Board and all Commissions and Committees for their continued dedication of service to the Town of Wayland.

Respectfully submitted,

Sarkis Sarkisian  
Planning Director

## 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 associated with the Hannah Williams playground, roadway work, drainage studies, and other projects.



The Town Geographic Information System, (GIS) continues to mature. The town has contracted the services of VirtualTownHall to provide its web based services. In conjunction with this effort our

department has contracted the services of PeopleGIS to provide a more user friendly and consistent interface. It is now live! It can be accessed through the town's homepage under the "GIS/Town Surveyor" link. Please take the time to visit this site and let us know what you think.

Even though current economic conditions have been poor, updating the Town Atlas continues to be a challenge. The most current version of the Atlas is available in our office or online through the "Departments" link off of the town home page. In addition to the Atlas we have made several commonly requested static maps available under the "Town Maps" link.

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, Thomas White, Aida Gennis and Eric Goldberg), and three associate members (Shaunt Sarian, Linda Segal and Michael Connors), 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 8:15 p.m. The meetings for each public hearing are held in the Town Building. Participation in the public hearings by interested citizens is always welcomed.

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 constructed. 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 or from the Town Website. 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 33 applications filed with the Zoning Board of Appeals during FY 2011. A total of 25 hearings were held. Fees totaling \$5,250 were collected.

In FY 2011, the ZBA presided over a handful of commercial matters, a number of matters seeking permits to conduct in-house professional practices and appeals from decisions of the Building Commissioner.



WAYLAND PUBLIC SAFETY BUILDING

# 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 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.

Board Chairman Arnold Soslow M.D. was re-elected at the April Town Elections. He was the only member up for election this year. We wish to thank Ms. Anna Ludwig, who retired from the Board after six years of service and welcome Thomas J. Klem, who joined our Board this year.

This report is a collaboration between our Board of Health Director, Steven Calichman who has retired after 17 years of service to the Town of Wayland and Julia Junghanns, former Town Sanitarian newly promoted to Public Health Director.

### Inspectional Services

Board of Health personnel perform all aspects of subsurface sewage disposal, from witnessing soil testing and site evaluations, plan reviews and field inspections during installations to ensure full compliance with Title 5 Regulations of the State Environmental Code and our Local Rules and Regulations. This work continues to require a large portion of our staff’s time even with the continued poor economy.

	<u>FY10</u>	<u>FY11</u>
<b>Total Septic Permits</b>	<b>127</b>	<b>111</b>
New Construction	40	19
Upgrades	43	40
Alterations	44	44
Misc.		8
<b>Soil Testing</b>	<b>89</b>	<b>61</b>
<b>Building Permits</b>	<b>156</b>	<b>152</b>
<b>Total Title 5 reviewed</b>	<b>157</b>	<b>157</b>
Passed	132	122
Conditionally Passed	10	22
Failed	15	13
<b>Certificates of Compliance*</b>	<b>93</b>	<b>101</b>

\* The total # of Certificates of Compliance denotes the complete installation of new septic systems or repairs to failed septic systems.

The Board of Health staff has been involved with ongoing inspections related to the new High School

treatment plant for the construction of sewer line components, the new leaching areas and the new tanks. Other large projects we have been involved with: TD Bank at 54 Boston Post Road, CVS at 325 Boston Post Road, and 6 new units at Hayfields Lane. The Board of Health and staff have also been involved with following an ongoing court case regarding a failing septic system that has required a lot of time and follow-up.

The Board of Health provided its routine inspectional services as required by State Law relative to public and semi-public swimming pools, the town Beach and recreational camps. State regulations require bacterial testing on a weekly basis at the Town Beach, where samples again never exceeded State standards during the past years swimming season. Additionally, investigation and follow-up of complaints filed with the Board of Health relative to improper trash storage, unsanitary lots and housing, public health nuisances and other environmental matters were also conducted. Our BOH Sanitarian/Inspector Julia Junghanns, along with the assistance of the Health Director when necessary, conducted the bulk of these inspections and plan reviews.

Food Inspector, Beth Grossman completed semi-annual inspections this year of all permitted food establishments as required by MA Food Code. This includes school cafeterias, church kitchens, full service restaurants, assisted living kitchens, pizza, bagel and sandwich shops, private club kitchens and any establishment serving packaged foods. The exceptions are those that open seasonally, which are inspected once per season. Re-inspections to follow up on any violations were conducted. All food service establishments were brought into compliance with the 2010 Allergen Awareness Act which required menu advisory statements, employee posters and video certificate posting for Certified Food Managers. Beth Grossman, and new Director Julia

Junghanns were participants in a five day pilot program for comprehensive training of MA food inspectors. This was a very in-depth training including prerequisite 15 hours of online FDA course training on microbiology with exams that were required. The in-class time was 4 days of group presentations by experts from the state and consultants on proper inspection techniques, legal aspects and case studies. The first day was a real life simulated inspection in a full kitchen with actors who played cooks and bartenders. This course allowed us to bring much value added inspectional information back to Wayland.

The summer and winter farmers markets this year continue to be extensive at Russells, with 33 vendor booths. The plan review phase of checking the vendors ahead of time for code compliance as well as for onsite inspections are time consuming activities.

<b>Food Inspections</b>	<b><u>FY11</u></b>
Routine Inspections	105
Re-inspections	48
Food borne Illness Complaint Investigation	1
General Complaints	2
Plan Reviews	29
Farmer’s Market vendors	33

**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 contracted services in the areas of mosquito control, animal control, mental health services, and Hazardous Waste Collection days twice yearly. Staff has been involved with responding to complaints and trying to manage problems related to beaver dams through the regulatory process at several locations in Town.

**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.

**NURSING**

Ruth Mori, R.N., B.S.N., continues to function in the dual role of Public Health Nurse and School Nurse Leader. She manages a number of necessary

functions as per MDPH requirements that involve vaccine management, communicable disease follow up, emergency preparedness, as well as direct oversight of our Community Health Nursing Program.

Ms. Mori initiated an aggressive Tetanus, Diptheria and Pertussis (TDAP) inoculation program for Home Day Cares and Early Childhood Centers where on site vaccinations were made available and provided educational information via the news media to citizens for both initial inoculation and booster applications for adults previously inoculated. We’ve continued to make this vaccine available.

Additionally Ruth Mori works as our coordinator to the MDPH Region 4A Coalition for collaborative emergency preparedness. We receive substantial support from the Medical Reserve Corps (MRC) volunteers a group of over 20 very active members providing clinical and clerical support to the Public Health Department under Ruth’s management. The dedication of our MRC members continues to ensure quality services are provided at our clinics.

**Community Health Nursing**

The Board of Health, under a memorandum of understanding with the School Committee, completed its seventh year of responsibility for the School Nursing Program which includes 5 full time school nursing positions. Each of our schools has a full time R.N. during regularly scheduled school hours. These nurses provide an array of health services for the population within each of their schools. The School Nurse Leader portion of the Public Health Nurse/School Nurse Leader dual role provides direct supervision to the entire Community Health Nursing Program. The Massachusetts Department of Public Health Essential School Health Services division has provided funding for school health supplies, services, and educational programs that are beneficial to our program. The Community Health Nursing Program promotes the education of students by supporting the overall health, wellness, and safety of all individuals within the school environment.

Specifically, nurses provide emergency, routine, and preventative health services to the schools, consult with school staff and parents concerning health concerns, provide health education services as needed and maintain student health records. The nurses oversee and perform all required screening services to students and comply with all relevant State regulations and reporting requirements. In addition, there are several substitute nurses within our

Community Health Nursing Program who work on an as-needed basis.

As part of the Massachusetts Department of Public Health Essential School Health program, there are statistical requirements that must be fulfilled. Our data collection for the following information occurred between October 2010 and June 2011. There were a total of 16,853 student visits to our health rooms as a result of accidents, illness, and meds. Overall there was a 92% return to class rate, meaning that a student was able to have their concern managed and return to class without having to be dismissed or be away from class for prolonged periods. Additionally nurses perform health screenings and/or re-screenings as mandated by the Massachusetts Department of Public Health. This now includes the Body Mass Index (BMI) screening for which parents were provided the results. From the screenings that were performed our nursing staff referred 35 students for potential hearing concerns and 76 students for potential vision issues. We had at least a few students in each school who were provided with adaptive equipment such as glasses to ensure the ability to fully access their learning environment. Our nurses continue to be a part of the collaboration between the Health and School Departments and are an integral part of the educational setting.

**Public Health Nursing Services**

Our Public Health Nursing focus is preventing disease and decreasing the development and transmission of health conditions that impact our residents and to assist in the management of the overall health of our community. The Public Health Program covers a broad range of services to Wayland residents and includes the following:

- Monthly Blood Pressure Clinics
- TB Screenings
- Vaccine Administration:
  - 1,446 doses of seasonal flu (injectable) vaccine
  - 390 doses of seasonal flu (mist) vaccine
  - 28 doses of Tdap vaccine
  - 19 doses of Pneumococcal vaccine
- MA DPH Vaccine Administrator/Provider
- Oversee Medicare and Health Insurance Flu Vaccine Reimbursement Program
- Follow up of MA DPH Reportable Communicable Diseases (84)
- Community Health education
- Conduct health inspections and health related education to Summer Camp Programs provided within Wayland

- Collaborate with Region 4A Emergency Preparedness activities
- Prepare MA DPH Emergency Preparedness deliverables
- Medical Reserve Corps Coordination

**BOH Health Statistics as of June 30, 2011  
Communicable Diseases reported  
to the Board of Health:**

Campylobacter	5
Cyclosporiasis	1
Class AB Tuberculosis	1
Erlchiosis	1
Giardia	3
Hepatitis	7
Human Granulocytic Anaplasmosis	7
Latent Tuberculosis	1
Lyme Disease	41
Norovirus	1
Salmonella	1
Shiga Toxin	4
Streptococcal Pneumoniae	1
Tuberculosis (ruled out)	1
Varicella	8
Vibrio sp/cholera	1

**Animal Inspector**

Animal Inspector Bruce Sweeney provided annual inspections for animal keeping permits in the Town. The following is a summary of the animal inspections for FY11 along with a view to FY10 for comparison purposes:

	<u>FY10</u>	<u>FY11</u>
Horses/Ponies	16	32
Sheep	5	7
Goats	3	3
Swine	2	5
Cattle	80	92
Donkeys	2	2
Llama	2	2

**Animal Control Officer**

Animal Control Officer David Poirier responds to requests from the Police Department, the Board of Health and from citizens regarding problem animal reports on public and private property. On average he responds to 20 calls per month for the collection and disposal of dead animals on public property with larger call volumes in the April through August time frame.

**BOH Permitting Statistics as of June 30, 2011**

	<u>FY10</u>	<u>FY11</u>
Animal Keeping	24	30
Burial	98	86
Disposal Works Installers	43	36
Review of Previously Approved Plans	2	0
Variance Requests	5	7
Food Service Establishments	29	29
Limited Food Service	16	14
Milk & Cream	35	34
Retail Food	7	7
Limited Retail Food	16	42
Funeral Director	1	1
Guest House	1	1
Operating Semi-Public Pool	10	11
Pool Construction	2	3
Pool Installer	2	3
Recreational Camps for Children	6	4
Refuse Collection	26	13
Septage Hauler	23 *	24
Tobacco Sales	13	13
Wastewater Treatment Plant	3	3
Private Well	8	8

\*corrected # for FY10

In addition, 191 residents participated in the two Household Hazardous Waste Collection Days sponsored by the Board of Health.

**HUMAN RELATIONS SERVICES, 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 FY 97. As the table below shows, during FY 11 HRS provided 1,712 total service hours to Wayland residents. 1,622 of these were for clinical service to clients (diagnostic, testing, individual, group, or family therapy). Of these, 1,053 hours were provided to residents of the town who sought help directly and 569 hours were provided to students in the Wayland Public Schools who were seen in connection with their special education plans. The former group included families with children who didn't have special education plans, and residents of the town who were referred by other clients, pediatricians or other health care professionals who know of our work. (All Wayland residents are eligible to be seen at HRS regardless of their ability to pay.) These clients received outpatient psychotherapy for a range of mental health issues. FY 11 service hours represent an increase of 24%, which comes on top of

a 65% increase from FY09 to FY10. Our service hours have thus nearly doubled in two years.

Additionally, we provided 90 hours of consultation to school staff about their work with students, both those on special education plans and others, as well. This combination of treatment and consultation is an ideal way to both meet students' needs and avoid the dislocation and expense of residential and other special programs.

<b>Service Hours</b>	<u>FY10</u>	<u>FY11</u>
Clinical:		
Town Residents (non-school)	868 *	1,053
Students under ed plans	420	569
Consultation:		
Staff regarding ed plans	94	90
Total	1,382	1,712

\* The FY10 numbers have been adjusted due to an audit conducted at HRS.

As we noted last year, the sharp increase in hours may reflect both increasing public awareness of our services and a rise in family stress. In addition to the increase in the numbers of residents needing service, the severity of the presenting problems for which families and the schools have sought help has continued to rise.

HRS's Board of Trustees includes an active group of Wayland residents who support our agency with their time, energy, donations and insights. (Our current Board President is Wayland resident Stephen Winthrop.) These trustees also help us keep in mind the 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. As always, HRS will continue to provide extensive outreach to school staff and parents through both collective meetings and smaller consultations in times of tragedy. We look forward to our work in Wayland in FY12.

**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.

Dry conditions during the 2010 summer resulted in low mosquito populations in the East Middlesex region. Moderate rains during the spring and early



part of the summer in 2011 produced normal spring and early summer mosquito activity. The adult mosquito surveillance program used traps to collect mosquitoes from 4 Wayland locations. Data was compiled from 11 mosquito trap collections from 8 different nights. During the summer and early fall, selected trap collections from Wayland and other Project communities were tested for West Nile Virus and EEE by the Mass. Dept. of Public Health. The abnormally warm and dry conditions in 2010 contributed to an increased risk of West Nile Virus and 7 Massachusetts residents contracted West Nile Virus while 1 resident in southeastern Massachusetts contracted EEE.

The larval mosquito control program relied on the larvicides *Bacillus thuringiensis var. israelensis* (Bti) and methoprene, which are classified by the EPA as relatively non-toxic. An April 2011 helicopter application of Bti controlled mosquito larvae at 134 wetland acres. Field crews using portable sprayers applied Bti in the spring and the summer to 18 wetland acres when high densities of mosquito larvae were found in stagnant water. Project personnel applied time release briquettes containing methoprene to control *Culex* mosquito larvae at 2,019 roadside catch basins. *Culex* mosquitoes are considered the primary vectors of WNV. Hand tools were used to maintain 265 linear feet of a waterway adjacent to the Boston Post Rd. near Pelham Island Rd. Another 240 linear feet of a waterway was maintained by Rolling Lane. 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 offices and the local media on mosquitoes and mosquito borne diseases. A web page [www.town.sudbury.ma.us/services/health/emmcpc](http://www.town.sudbury.ma.us/services/health/emmcpc) provides residents with information on mosquitoes, control programs and related topics.

Respectfully submitted,  
David M. Henley, Superintendent

### **FY 12 Focus Area**

It is our intention to conduct a business process review of our application and permitting procedures with a focus on the Title 5 area where office staff spends a good majority of time. We recognize that in today's world we need to create efficiencies that save both time and money. In that vein, we will be looking for technology solutions where possible to

streamline our processes and create more automated opportunities to fulfill our customer's needs.

Board of Health Members:

Chair, Arnold Soslow, M.D,  
Michael B. Wegerbauer  
Mark I. Neuman, M.D., M.P.H.  
Michael J. Bean, M.D.  
Thomas J. Klem

Respectfully submitted,

Steve Calichman, R.S., C.H.O.  
Director of Public Health (Retired)

Julia Junghanns, R.S.  
Director of Public Health

## **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 Laws 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-laws 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 applications, zoning requests for hearings, issuing permits, performing periodic state inspections, conducting site visits, investigating complaints and granting certificates of use and occupancy.

Department staff communicates with applicable land use departments to better serve its users and expedite the permit approval process and zoning board hearings and decisions.

We continue to perform the required site inspections pursuant to state and local regulations, investigate complaints 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:

**54 Boston Post Rd - TD Bank** - Commenced construction of 3,000 square foot bank.

**325 Boston Post Road - CVS** - Completed construction of 12,000 sf pharmacy with drive through.

**264 Old Connecticut Path - Continued construction of the High School Facility**-Buildings A & B (classroom, academic and administration buildings), Field House Renovation and Wastewater Treatment Plant.

**The Field at Mainstone** - construction of the last 6 units of attached single family dwellings on Hayfield Lane continues.

**Wayland Commons** - Continued construction of 28 affordable and market rate attached single family dwellings on southern parcel.

**Wayland Wastewater Treatment Plant** - Began construction of a multimillion dollar waste water treatment facility.

**Dwellings** - 16 Single Family Dwellings

**Dwellings (Attached)** - 27 Attached 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'11:

**Building Permits:**

No. of Residential Permits	632
No. of Commercial Permits	34
No. of Demolition Permits	18
Certificates of Occupancy	77
Fees	\$ 492,301.00

**Plumbing Permits:**

Number of Permits	284
Fees	\$ 24,286.00

**Gas Permits:**

Number of Permits	245
Fees	\$ 13,709.00

**Electrical Permits:**

Number of Permits	457
Fees	\$ 50,165.00

**Zoning Cases:**

Number of Decisions	33
Fees	\$ 5,250.00

**BOARD OF PUBLIC WORKS**

The mission of the Department of Public Works and the Board of Public Works is to provide safe roadways and sidewalks, effective storm water controls, clean drinking water, efficient transfer station operations and well-maintained park, recreation, and cemetery facilities.

**The Department of Public Works** was formed on July 1, 2009 and is organized into four divisions: Highway, Parks, Transfer Station and Water. Each division 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.

The Highway Division is responsible for 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 FY-2011 the Highway Division reconstructed 2.9 miles of roadway and associated drainage facilities on: Glezen Lane West, Training Field Road and Moore Road. In addition, the Highway Division completed its annual program of sealing cracks on road surfaces to forestall roadway deterioration and cleaned catch basins throughout Town.

The Highway Division received 99 permit applications for street/sidewalk openings and trench permits and also received 5 physical alteration permit applications for installation of or changes to curbs, sidewalks, driveway and road openings, and drainage.

The Parks Division manages and maintains over 200 acres in Wayland including all school grounds, more than 26 athletic fields, town buildings' lawns, the Town Beach, playgrounds including school playgrounds, and miscellaneous parklands. Parks is responsible for the removal of snow for 1/3 of the Town. Park's responsibilities include the care and maintenance of over 200 miles of roadside Town owned trees. Parks oversees and maintains the three Town Cemeteries.

The Wayland Transfer Station operates as a self-sustaining enterprise fund. In FY 2011 the transfer station sold 2661 Full and Recycle stickers and handled 1059 tons of municipal solid waste and 1115 tons of recycled materials. The Transfer Station successfully launched the Pay-as-You-Throw program in July 2009.

The Water Division was originally created by a vote of Town Meeting in April 1878 "to supply itself and its inhabitants with pure water". This mandate includes complying with all federal and state regulations and maintaining a water system that includes 8 wells, 101 miles of water mains, 755 fire hydrants and two water storage tanks that together hold 2,500,000 gallons of water. In February 2010 the new Water Treatment Facility at Baldwin Pond with a capacity of 1.2mgd (million gallons per day) began operation. The addition of this new Water Treatment Facility has not only improved the quality of water at this source, but also ensures its safety for years to come. Recent upgrades to water mains leading to the Baldwin facility have allowed it to operate at full capacity.

The Highway Division and Parks Division completed the construction of a 3,500 foot walking trail at Oxbow Meadows (the old Nike site). This included

the removal of over 7,100 feet of heavy gauge chain link fence and hauling of over 2,500 cubic yards of compost from our compost area. Also constructed the entrance and parking area along with tree plantings and a security gate.

The Department of Public Works responded to 13 winter storms and intermittent icing conditions and kept our roads clear and passable. During the time period of January 12-15 the Department dealt with a winter blizzard to which the town received \$50,000.00 in reimbursement from FEMA.

The Department of Public Works continues to assist in the reconstruction of the Hannah Williams Playground for safety, and a key role in its redesign and reconstruction. The new playground is scheduled to open in the fall of 2011.

From monies appropriated at the annual town meeting the DPW purchased a Sidewalk Wacker Loader with attachments 10 Ton International with a snow and ice package and a swap loader with attachments.

Town Meeting approved the purchase of a 'Vac Truck' which should arrive later this year. The 'Vac Truck' will clean a new family of catch basins already in use, enable Wayland to comply with new storm water regulations, and to clean accumulated clogs from road drainage structures.

**The Board of Public Works**, which was created along with the Department of Public Works, is an elected body consisting of five members who are responsible for overseeing and setting policy for DPW operations. The current members of the Board of Public Works are Tom Abdella, Chris Brown, Mike Lowery, Jon Mishara and Michael Wegerbauer.

The Board of Public Works implemented several key initiatives this year including:

- Instituted a formal traffic calming policy was adopted that provides a clear process for residents to petition the Board for traffic calming measures in their neighborhoods, such as speed humps, crosswalks, and street lights, to improve pedestrian and bicycle safety.
- Worked with the DPW Director on flood mitigation efforts in high risk areas including, but not limited to, acquiring new pumps, piping and other equipment.

- Following several public hearings, restructured the town's water rates and capital fees for all residents and businesses to create more equity among different categories of users.
- Streamlined the water abatement process, for residents who question their water bills, with new easy-to-follow guidelines posted on the Board's website.
- To protect the town's drinking water supply, a comprehensive Wellhead Protection Plan was prepared by the Wellhead Protection Commission which prioritizes risks to our water supply and provides strategies to mitigate those risks. The Board formally adopted and implemented this plan following a public hearing.

The Board of Public Works also collaborates with the Recreation Commission to maintain existing fields, prioritize upgrades to existing fields, and install new fields based on the town's growing demands that spans all ages.

An ongoing priority for the Board is working with the Board of Selectmen and Facilities Department in considering alternatives for the current DPW facility, which is in dire need of replacement based on its age and condition. At the annual spring town meeting the Department was awarded funds for the ongoing study.

The Board regularly meets with other boards, including the Planning Board, Board of Selectmen, and the Recreation Commission, to discuss items of common interest and to promote greater collaboration.

The Board of Public Works regularly meets on the second and fourth Mondays of the month at town building. Meeting agendas are posted on the town website and meetings are open to the public.

## **WELLHEAD PROTECTION**

The Wellhead Protection Committee (WPC) was formed in 2007 to "develop, maintain, and oversee the Wellhead Protection Plan and ensure that every effort is made to carry out its details; encourage community discussion through public outreach and education; develop strategies needed to protect our water supply in accordance with the Massachusetts Department of Environmental Protection's Source

Water Assessment and Protection (SWAP) report and other pertinent information; advise the Board of Water Commissioners [successor Department of Public Works] and make recommendations regarding wellhead protection issues; and support ongoing source protection efforts."

The Phase II final report of the hydrogeological study of the groundwater capture zone of the Happy Hollow Wells was completed in August 2010. The Happy Hollow Wells, which produce approximately half of Wayland's potable water, had been identified for further study as having the greatest number of threats to water quality.

The WPC co-sponsored a fall town meeting warrant article with the Planning Board amending the Aquifer Protection District bylaw regarding impervious surface lot coverage as recommended by MassDEP. The WPC worked with Wayland's GIS Coordinator to add wellhead and aquifer protection mapping information to the town's database. The WPC also advised the Board of Health to adopt requisite floor drain control regulations.

As part of its water conservation efforts, the WPC again co-sponsored the Organic Demonstration Lawn at Mellen Green. The WPC members submitted articles for publication in the Wayland Town Crier and participated in the Farmers' Market and Earth Day celebration in furtherance of its public outreach and educational mission. The WPC also compiled documents and other information about our drinking water supply and available resources for its protection for posting on the town's website.

The Wellhead Protection Plan was completed with the assistance of the Mass Rural Water Association's source water protection specialist and guidance from MassDEP and presented at the Board of Public Works meeting on June 6, 2011. The document, organized around the five different wellhead areas, details possible sources of contamination and provides strategies to reduce immediate threats as well as proactive strategies for future protection to ensure long-term source water sustainability.

WPC members Sherre Greenbaum, Jennifer Riley, Tom Sciacca, Linda Segal and Kurt Tramposch thank the various town officials and staff who contributed to the completion of the Plan.

The EPA's WaterSense program awarded the WPC a Certificate of Appreciation in 2011 for participation in its program and for "practicing and promoting

water efficiency” and “helping protect this precious resource for future generations.”

The WPC was dissolved by the Board of Public Works effective June 30, 2011.

## SURFACE WATER QUALITY COMMITTEE

### SWQC's Mission Statement

To manage the quality of Wayland's  
surface water assets.

<http://www.issuu.com/wswqc>

### Organization

- Committee Members - Linwood Bradford, Bob Goldsmith, Tom Largy, Mike Lowery and Toni Moores.
- Annual Budget - The approved budget of \$43,500 was used to manage milfoil in Dudley Pond and water chestnuts in Heard Pond, and for a cost-share portion in a DCR grant program for milfoil management in Lake Cochituate. A sizable surplus remains as of October, 2011, and will cover costs for spring of 2012 (current FY). Costs for spring 2012 are unclear as the degree of weed regrowth is unpredictable, and expensive chemical treatment could be required for Dudley and North Ponds. Any unspent funds would be applied against FY13 costs.

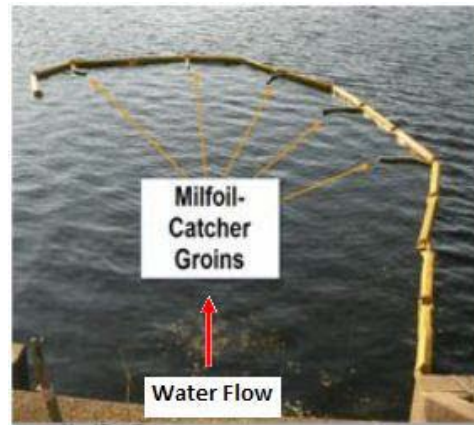
### Dudley Pond (Mike Lowery, project coordinator)

- **Milfoil** – Eurasian Milfoil, an invasive aquatic weed, was well-controlled in 2011 as a result of hand pulling 10,254 plants. SWQC's strategy of hand-pulling as a primary strategy with use of herbicide only when and where necessary appears to be working.
- **E. Coli** – Samples/analyses were gathered at 3 locations weekly over the summer and analyzed for E. Coli, an indicator of fecal contamination, resulting in 2 closures of Mansion Beach due to E. Coli contained in storm water runoff.
- **Water Quality** – To track trends in Pond water quality, In 2011, SWQC began sampling and analyses during spring, summer and fall at three locations where data has been gathered in the past.
- **Septic Survey & DAAC** – SWQC gathered septic system data for 50 properties abutting the eastern shore in order to understand the impact of septic nutrients on Dudley Pond, to assist BOH septic system record keeping and to encourage septic system pumping and

maintenance. It is expected that the findings of this study will impact the outcome of the decisions regarding the future use of TOW owned land on Doran Road.



Dudley Pond Ninja Turtle



Snagging milfoil coming into North Pond



Volunteers pull water chestnuts in Heard

**Heard Pond (Tom Largy, project coordinator)**

- **Water Chestnut Reductions** - Significant reductions in water chestnuts meant that for the second year in SWQC's nine year program we did not have to bring in a mechanical harvester. All water chestnut removal was done by hand in 2011.
- **Winning the War** - The 2011 harvest total was approximately 5,483 plants weighing 548 pounds in contrast with 3662 plants, weighing about 427 lbs. in 2010, the 54,750 and 6500 lbs. in 2009, and 1.2 million lbs. of mechanically harvested plants in 2003.

**North Pond of Lake Cochituate (Mike Lowery/Lin Bradford, project coordinators)**

- **North Pond Milfoil Free 2011!** – As a result of hand-pulling a channel from the DCR boat ramp through Snake Brook Cove, installing and maintaining a barrier to prevent weed fragments from entering North Pond, treating select areas with herbicide and hand pulling; North Pond was

milfoil free in August for the first time in a number of years.

- **Multi-party Collaborative Effort** - WSWQC members worked in collaboration with Natick and Framingham and the DCR on public and private programs to combat invasive weeds in the whole lake.
- **Storm Water Controls** - WSWQC members are working with BoPW on the installation of improved storm water controls at the Wayland Town Beach to minimize nutrients and sediments entering North Pond.

**Watershed Nutrients (Toni Moores, project coordinator)**

- **Long Range Nutrient Minimization Programs** - To protect Wayland's surface water assets and reduce management costs, the SWQC long range program continues to identify, quantify and minimize nutrient sources within each watershed, with the Dudley Pond watershed as top priority.

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## RECREATION COMMISSION

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The mission of the Wayland 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



Pottery Making

participation. All recreation program expenses are covered through user fees and sponsorship donations.

Over 6,456 customers participated in 325 programs in fiscal year 2011. Recreation is also responsible for running the Wayland Beach where over 15,634 attended last summer. Design has been completed for a new Beach House, and construction will begin in spring of 2012 to be ready for the summer of 2012.

The Wayland Recreation 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 with the community. Over 90% of our customers use our on line registration system which allows them to register at any time of the day or night and for us to send them follow up emails to alert them to new program offerings. In an innovative cost savings step, Wayland was the first Massachusetts community to regionalize the Director position with the Town of Sudbury two years ago, and it has proven successful while saving both communities substantial dollars.

The Recreation Department works hard to add expanded enrichment programming for our



community. We reach far beyond sports including science, technology, arts, theater, and family events including the popular annual Touch a Truck which attracted over 2,000 people on September 23, 2010. Fundraising is a vital part of this free event, and local businesses once again responded generously as sponsors. Our other successful family event is the Family Science Night held every March. Staff submitted a grant proposal to the Local Arts Cultural Council, and we were awarded a grant to cover the cost of Michael Bergen's Top Secret Science program for the many families who attended.

Our programming is more varied than the typical recreation department. Science and technology have been a focus with offerings such as Lego Pre Engineering, Robotics, Chemistry, Engineering and Electricity, Rocket Science, Web Page Design, Video Game Design, and Film Making. Arts classes include Clay, Musical Theater, Multi Media Arts, Ballet, Hip Hop Dance, Sewing, Wheelthrown Pottery, and Drawing and Painting. In addition to the traditional sports, we offer the non-traditional sports

of Archery, Fencing, Cross Country Running, Track and Field, Kayaking, Cross Country Skiing, and our Beach Sailing program. The Nashoba Valley Ski program remains popular after 20 years of being part of our programming. Adults continue to enjoy Yoga, Boot Camp, Zumba, Pilates, Biking, Golf, Tennis, Volleyball, Badminton, Walking, Skiing, Drawing and Painting, and Wheelthrown Pottery.

The community appreciates our special programs such as the Father Daughter Valentine's Dance, Spring Fashion Show and Tea, Halloween Parade, Spring Egg Hunt, Fishing Derby, Father's Day Orienteering, Musical Instrument Petting Zoo, Princess Coronation Tea, Star Wars Lego class, Home Alone and Babysitting classes, and the ABC's of Etiquette.

The Recreation Commission for the fiscal year of 2011 are Bob Virzi, Anna Meliones, Asa Foster, Stas Gayshan, and Thruston Wright.

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## WASTEWATER MANAGEMENT DISTRICT COMMISSION

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The Wayland Wastewater Management District Commission operates a sewer system with a sewer line running along Route 20 from the intersection with Route 27 to a wastewater treatment plant located on the former Raytheon property near the Sudbury line. Treated wastewater is discharged to the wetlands of the Sudbury River. Business and residential properties in the vicinity of the Route 20/Route 27 intersection and along Route 20 use the system to dispose of their wastewater. The system operates under a permit issued jointly by Environmental Protection Agency and the Massachusetts Department of Environmental Protection. The discharge limit under the permit is a monthly average limit of 52,000 gallons per day with no daily limit. During the year the average discharge was approximately 11,000 gallons per day.

The highlight of the year was the start of construction of the new wastewater treatment plant with

completion scheduled for April 2012. The current plant which is 40 years old is unable to meet the requirements of the EPA/DEP permit. Compliance is required by September 30, 2012. The budget approved by Town Meeting for the new plant is \$5.6 million. The Commission borrowed \$5.0 million for design and construction of the new plant.

In FY2011, income was \$170,692.39 and expenses were \$224,652.49 for a deficit of \$53,960.10. The deficit was entirely due to the failure of some users to pay user fees. Steps are being taken to collect the unpaid user fees. The Commission's bank balance at the end of FY2011 was \$807,264.46.

The members of the Commission during FY2011 were Chairman Fred Knight, Commissioners David Schofield and Shawn Fennelly, and Executive Director William R. Prendergast.

## PUBLIC SAFETY

### FIRE DEPARTMENT

Over the past year our department responded to 3,518 calls incidents, an average of 9-10 calls each day. Some days are quiet with only a few calls, other can be hectic with upwards of twenty incidents in the same day; sometimes three or more calls overlap each other placing a stress on our ability to provide vital services. While these multiple calls for assistance quickly overwhelm our town resources, the cooperative automatic and mutual aid agreements with our surrounding mutual aid communities insure that each of these calls were answered promptly. In all, we received assistance from other communities on over 100 occasions last year and those same communities returned and we returned the favor by assisting our neighboring communities with a similar number of responses. Incidents range in severity from a house fire or cardiac arrest to assisting a disabled person or helping homeowners pump water from a flooded basement. In each case, our department strives to answer the call promptly and professionally with the appropriate response.

While our call volume for the past year was essentially level with the previous reporting period, these past two years have shown a 14% increase over our previous five year average. Calls for medical emergencies continue to grow since the implementation of our regional advanced life support service. Last year, we responded to 1,222 ambulance calls compared to 1,143 in 2010, a 6.9% increase in emergency medical call volume.

Our fire experience has remained nearly constant over the last several years. During fiscal year 2011 our department responded to a total of 40 fires reported throughout our community; 12 of these incidents were listed as serious structure fires requiring the assistance of both off duty personnel and mutual aid. During the past twelve months, our community experienced an estimated loss of \$520,000 in real and personal property as a result of destruction by fire, smoke or water. Again this year, I am pleased to report that there was no loss of life or





serious injury by fire during that same period. In the coming year we will continue our efforts in the areas of fire prevention, code enforcement and public fire safety education, as we strive to further reduce our fire losses.

Firefighters perform a multitude of fire and life safety inspections each year which helps to reduce fire loss and insure code compliance. Last year a total of 989 code compliance and building safety inspections were performed by our on duty personnel.

Educating the public in fire and life safety matters is also a key element of our mission. Again last year over 40 separate visits were made to both our school children and seniors citizens as we continued our efforts in fire safety education. Once more this past year, our firefighters provided and installed smoke detectors and carbon monoxide sensors in the homes of our senior citizens as part of our commitment to fire prevention.

This past spring, we moved closer to our goal of providing locally based paramedic level care to our community staffed by our existing compliment of career staff. As a result of a successful collective bargaining agreement, the department will sponsor paramedic level training for seven of our existing employees that are currently Emergency Medical Technicians. This fall three of those candidates began their eighteen months of training. In addition, the department will now fill vacant positions with individuals who have previously obtained a Paramedic license. Under this plan we hope to have sufficient members of our career staff trained as paramedics by 2013.

During this transition period to full time paramedic level care, we will continue to operate our part time Advanced Life Support intercept service. Under this system, our community staffs a non -transport intercept vehicle with a team of paramedics. The team responds to calls in Wayland and other surrounding communities as needed. Currently this service operates seven days a week from 7:00AM until 5:00PM. The costs of this new service are, in large part, recovered though the patient's medical insurance and by fees for service to our neighboring communities.

Operating a paramedic program would not have been achievable had it not been for the efforts of many including Deputy Chief Vincent Smith, who serves as our Emergency Medical Services Coordinator , Dr. Colin Devonshire, our Medical Director as well as, the Town of Wayland Advanced Life Support Study Committee and the generosity of Metro-West Medical Center.

This past December we were forced to remove a piece of fire apparatus from service after the truck's frame rails were found to be so badly corroded that it was no longer safe to operate. Known as Engine 4, this truck had been part of our fleet since 1982, and while no longer a primary response unit, the trucks smaller size and handling ability served us well for many years in both off road operations and during many of our flood related calls. We have recently applied for federal grant that would provide for 95% of the funds needed to purchase a similar replacement vehicle in an effort to minimize the cost of a replacement vehicle with similar abilities.

The past year once again brought another round of severe weather conditions to our town which was reflected in the number of storm related incidents that our department responded to. By late January, a large amount of snow had accumulated from numerous winter storms. As a result, travel over many of our secondary roadways had become difficult and recently shoveled fire hydrants would once again become buried by a new snowfall. Fortunately, our fear of another round of spring floods, similar to the previous spring were abated as the late winter saw a long period of dry weather and moderate temperatures, reducing the risk of a repeat of the 2010 spring floods.

This past November our department suffered the sudden loss of Firefighter/Mechanic Peter Regan, who died from injuries sustained while off duty. Peter was a 17 year veteran of the fire service whose unique sense of humor and constant smile will be sorely missed by all of us that worked with Pete. In February Firefighter Gregory Tauer retired after 32 years of service to the community as a Firefighter/Emergency Technician. We wish Greg a long and healthy retirement. Probationary Firefighters William Tyree and Odimar Batista joined the department this past spring to fill the vacant positions.

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**INVENTORY OF ALL FIRE DEPARTMENT MOTOR VEHICLE APPARATUS**


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1,250 gallon per minute pumping engine	Engine 1	E-One	1997
1,250 gallon per minute pumping engine	Engine 2	E-One	2004
1,250 gallon per minute pumping engine	Engine 3	Pierce	2007
1,250 GPM pump with a 75- foot aerial	Ladder 1	E-One	1993
250 GPM pump mounted on pick-up	Forestry1	Ford	1997
Ambulance, primary	A-1	Ford	2010
Ambulance, reserve	A-2	Ford	2005
Chief's car	Car 1	Ford	2004
Shift commanders vehicle	Car 2	Ford	2008
Pick-up truck w/ utility body	Car 3	Ford	1997
Paramedics Response Vehicle	Medic 1	Ford	2003
Fire alarm repair truck	M-1	Ford	2005

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**PROPERTY DAMAGE -  
FIVE YEAR COMPARISON**

2006/2007	\$ 383,000
2007/2008	\$ 875,000
2008/2009	\$ 683,000
2009/2010	\$ 774,000
2010/2011	\$ 520,000

**TOTAL INCIDENTS  
(emergencies and calls for service)  
FIVE YEAR COMPARISON**

2006/2007	3,196
2007/2008	3,099
2008/2009	3,105
2009/2010	3,549
2010/2011	3,518

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**CLASSIFICATION OF INCIDENTS 2010/2011**


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Fire Emergencies	238
Medical Emergencies	1,222
Other Emergency services	415
Motor Vehicle Accidents	82
Hazardous Conditions	193
Fire Alarm System Work	217
Inspections	989
Public Education	42
Training Sessions	120
<b>TOTAL INCIDENTS</b>	<b>3,518</b>

## POLICE 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 "Over the Limit, Under Arrest" campaigns. For the first time the department participated in the national "Prescription Drug Take Back Day". In excess of two hundred pounds of prescription drugs were turned in during the two days that residents were asked to bring their old and expired prescription drugs to the Public Safety Building. All drugs were turned over to the Drug Enforcement Agency for proper disposal. The Prescription Drug Take Back Days occurred in September of 2010 and April of 2011. The department continued to provide training for Rape Aggression Defense for senior girls at Wayland High School during the year. Other programs, such as the bicycle patrol, had to be curtailed due to the elimination of the state's Community Policing grant. There were a number of personnel changes within the police department during the fiscal year. Officers Christopher Musick and Christopher Demers, resigned to take patrol officers positions in other police departments. Wayland's Youth Officer, Jim

Forti, retired from the police department after a twenty-five year career. Officer Forti had served as the department's Youth Officer since 1996. Two new officers were added to the department. Officer Mark Hebert was selected in October and Officer Lynnet Sloan was selected in February. Officer Hebert successfully completed the Plymouth Police Academy and has been assigned as a patrol officer. Officer Lynnet Sloan is currently attending the M.B.T.A. Police Academy in Quincy. At the end of the fiscal year the department was one short of its authorized strength of twenty-two sworn officers.

In fiscal year 2011, the police department continued its efforts to curb the accident rate in our town by enforcing motor vehicle laws, and working with the Wayland Highway Department to insure that roads are well maintained and have appropriate regulatory and warning signs. Despite these efforts, the accident rate increased from 270 crash reports in fiscal year 2010 to 313, an increase of 16%. There were no fatal motor vehicle crashes during the year. There were a total of nineteen arrests for Operating Under the Influence of Alcohol during the year.



The Wayland Police Department maintained a vigorous training program during fiscal year 2011. All officers received firearms training and qualifications and attended the police in-service training. Individual officers attended specialized training in subjects such as; Marijuana Eradication Program, Community Anti-Drugs Coalition of America Conference, 3SI Money Tracking Device Training, Video Evidence and New Technologies Training, Wellesley Centers for Women – Bullying and Sexual Violence Training, Evidence and Property Conference, Middlesex District Attorneys Bullying Prevention in Schools Training, Women in Law Enforcement Conference, Student Rights to Privacy/Search and Seizure versus School Safety Training, Glock Armorer Recertification, Liquor Enforcement Operations, Essential Interpersonal Communication Skills and Leadership, Sergeants Leadership Program/Polishing the Badge, Deadly Force Training, Special Weapons and Tactics Training, Middlesex District Attorney's Office Police Prosecutor Training, Digital Photography, Leadership Role in Date-Driven Operations - Executive Development, Breath Test Recertification, Firearms Range Master Training Course, Drug Law Enforcement Training, Necessary Programs and Leadership Executive Development, Motorcycle Safety Conference, 2011 Boston Tech-Security Conference, Career Counseling – Coaching and Mentoring for First Line Supervisors, Massachusetts Chiefs of Police Annual Training Conference, Massachusetts Juvenile Police Officers Training, Sexual Assault Training, Mastering Operating Under the Influence of Alcohol Cases, Sergeants Leadership Program, Police Pistol Craft, Firearms Investigation, Narcotics Enforcement Officers Conference, Criminal Law and Procedure, and Civil Rights Enforcement Conference.

During the past fiscal year there were 14,190 total incidents recorded by the department. During the year, a total of 68 arrests were made and officers issued 179 criminal summonses. Officers issued 2,958 motor vehicle citations during the year.

## AUXILIARY POLICE



### ⊕ Ride Along Program

This program is a continual training program with the Wayland Police Department. An Auxiliary Officer voluntarily signs up to ride as a second officer in a regular patrol unit. During the patrol, the Auxiliary Officer learns how to utilize the training

they have received in monthly training meetings, in-service training and with patrol officers. This provides the town with a two man patrol unit. On numerous occasions, the presence of a second officer along with the regular patrol officer has been extremely beneficial. Also, as part of the volunteer ride along Auxiliary Officers receive the opportunity to participate in the GHSB, “ You Drink, You Drive, You Lose” grant program and the “Click-It or Ticket” grant program.

### ⊕ X-ray Unit

The X-ray Unit is an element of the Auxiliary Police used by the regular police officers on special occasions i.e., patrolling town buildings, and if requested, back-up for the regular patrol units. This allows the town to have three marked cruisers and one marked Auxiliary cruiser manned by two Auxiliary Officers. This enables the Wayland Police Department to provide more police visibility to the town.

### ⊕ Training

The Wayland Auxiliary Police Department receives training throughout the year to certify or recertify the Auxiliary Officers in First Responder CPR/AED, use of the collapsible baton, handcuffing procedures, OC spray use, firearms and Use of Force Continuum. Each year, during January and February, the Auxiliaries receive thirty hours of in-service training in concurrence with the Framingham Auxiliary Police Department. This training is in conjunction with the MPTC, state, town and department compliance policies. The Auxiliaries also have guest instructors from different departments and has certified instructors within their own ranks.

**⊕ Turnover Rate**

The Auxiliary Department has not had any of its officers move to another department. The unit would like to welcome Officer Greg Pearce, Officer Walker Farrar and Officer David Garceau.

**⊕ Special Events**

In August 2010, the Auxiliaries held the First Annual Senior Cookout for Wayland senior citizens. The event was well attended and a good time was had by all. Sadly, in November 2010, a Wayland Firefighter passed away. The Auxiliary Unit assisted with event control for his wake and funeral. The Wayland Auxiliary Department would like to extend our condolences to the family of Firefighter Peter Regan. For the first year the unit conducted the Massachusetts State Police Vehicle Etching event.

**⊕ Special Thanks**

The unit would like to extend our gratitude to Chief Robert Irving for his support and guidance with our program. Thanks to Officer Christopher Hanlon, Auxiliary Commander, for his time to motivate, train and lead us. Thanks to all the regular officers of the Wayland Police Department who have participated in the ride along program and have taken the time to enhance the Auxiliary Officer's knowledge. Thanks to Captain Mark Speigle and the Framingham Auxiliary Police Department for inviting our officers to participate in the annual in-service training. Lastly, thank you to all of the families and loved ones who have sacrificed time and special days when we are called upon for duty.

**Ride-a-long Duty**

5 Tours of Duty  
Total Hours 21

**X-ray Patrol**

42 Tours of Duty  
Total Hours 220

**Special Assignments**

First Annual Senior Cookout 54  
WPD Meeting 16  
Firefighter Peter Regan's Wake 40  
Firefighter Peter Regan's Funeral 35  
MSP Vehicle Etching 28  
Memorial Day 66  
Special 300

**Candidate Interviews** 10

**Training Assignments**

Monthly Meetings 208  
Firearms Training 88  
In-service Training 57

**Total Donated Hours** 1,143

Dollar value based on entry-level police salary of \$24.01 per hour **\$27,443.43**

**DOG CONTROL OFFICER**

**TOTAL NUMBER CALLS HANDLED** 1,128  
# Complaint Calls 110  
# Lost Dog Calls 88  
# Animal/Wildlife Calls 114  
# Miscellaneous Calls 743  
**TOTAL # DOGS PICKED UP** 20  
Total # Dogs Not Licensed 3  
Total # Dogs Not Claimed (Still in Animal Control Custody) 2  
Total # Dogs Not Claimed (Surrendered to Humane Shelter) 2  
**TOTAL # BITE CALLS** 6  
**TOTAL # QUARANTINE ORDERS ISSUED** 22  
Human Bite Quarantines 5  
Domestic Animal Quarantines 17  
**TOTAL # CITATIONS/SUMMONS ISSUED** 22  
No License Citations 17  
Leash Law/Dog Not Under Owner Control 3

# COMMUNITY SERVICES

## COUNCIL ON AGING

The Wayland Council on Aging provides programs and services that reflect the unique social, educational, medical, financial and wellness needs of maturing adults. The COA also serves as a senior advocate and vital resource for non-seniors who are confronting the challenges of an aging family member. Census statistics show that nearly 25% of Wayland’s population is 60 years of age or older.

COA structured programs include cultural, educational, recreational, social and health related offerings. Support services include assistance to residents to promote independent living plus private counseling on many topics: health, legal, housing, financial concerns and other elder issues. Special programs for FY 2011 included a free electronics recycling event for seniors with over 200 attending, Time To Talk Medical Series, Art History lectures and a pre-retirement series addressing financial, housing and legal concerns.

In FY2011, the MWRTA (Metrowest Regional Transit Authority) continued to offer “Dial A Ride,” a shared van service for residents 65 years of age and older. MWRTA also serves qualified disabled individuals of any age. (With a minimum 48 hour notice, a resident may arrange to be picked up at their home and taken to any location within the MWRTA service area). MWRTA also offered a shared ride service (\$5 each way) for Boston medical appointments. The fixed bus route looping through South Wayland, Route 30 West, the malls and returning northbound on Route 27 added two new stops at WHA’s congregate housing complexes. The COA continued to serve as a facilitator between the MWRTA and Wayland residents to promote understanding of the transportation program and awareness of challenges, if any, in utilizing the system. The COA received continued funding for the Medical Taxi Voucher program. This is a subsidized taxi fare program for residents arranging transport to medical appointments only. The COA provided administrative support to FISH, “Friends In Service Helping,” a completely volunteer group offering free medical rides to residents who are unable to utilize the other transportation options available. The Council on Aging also continued management of the COA van, a handicapped accessible vehicle. This van was used regularly for grocery shopping trips to

Market Basket in Ashland and various locations. The van is also used to provide transportation to the polls for all elections and to each session of every town meeting, flu clinics and area outings (museums, restaurants, etc.) Predicated on driver availability, the COA van was also used to provide transport during MWRTA’s off hours. COA continued the “Around Town” service with the van in FY2011. This service takes residents to in-town locations only (i.e. bank, grocery store, post office, cleaners). The van is maintained and drivers recruited by the COA. Recruitment of trained drivers continued to be a challenge for evenings and weekends event schedules. Utilizing other transportation sources, the

<b>COA receives approximately 75 calls a day. Frequently Asked Questions and Concerns:</b>
My health insurance plan is changing. How do I begin to compare the plans to know which one is the best for me?
My mother is in Michigan and we need to relocate her to a setting with more supportive care. Where do I begin?
My property taxes are high. Can you tell me about tax relief programs for seniors?
I have been scheduled for weekly treatments at Newton Wellesley Hospital but I have no transportation.
I have a leaky faucet and the light by my outside door went out. I can't reach it to change the bulb. Could someone from the Handyman Fix-It program help me?
I would like to be placed on the list to have smoke detectors installed.
Is the art class still on waitlist?
How do I sign up for transportation to the Boston Symphony Orchestra rehearsals?
Will the COA offer the free electronics recycling again?
Are there still openings in Digital Camera Photography and the Digital Camera Editing classes?
I'm not a senior but I was told the Council On Aging is the department that processes fuel assistance applications for the town.
I'd like to register for the evening lecture series.
Are you still offering private computer classes?



### HEALTH AND WELLNESS PROGRAMS

Better Balance, one of several health and wellness classes offered through the Council on Aging

COA also offered several day and overnight trips in FY2011. Transportation to the Boston Symphony Orchestra open rehearsals was a highly utilized service. All pleasure trips and transportation to BSO are funded by user fees. A grant from MARTAP funded the purchase of a GPS unit for the COA van. Volunteerism continued to be the lifeline for COA programs and services. Approximately 200 volunteers generously shared their time in varying capacities including personal shoppers, home visitors, FISH, home fix it technicians, Children's Holiday Shoppe, office support, event facilitators and program instructors. The COA could not possibly offer the broad spectrum of programs without this volunteer force that is recruited, CORI checked, trained, placed and supervised by the COA's grant

funded part time Volunteer Coordinator. This state grant, awarded through the Executive Office of Elder Affairs, is critical for the continuation of the Volunteer Coordinator's position. Given the volatility of the state budget each year, it is a grant award that is in continual jeopardy.

**Collaborative Efforts:** In FY 2011, the Council On Aging continued to work with Department of Public Safety, Public Works and the Local Emergency Planning Committee to provide educational programs, flu clinics, transfer station information sessions, a massive free electronic recycling event for seniors as well as other services. The COA worked

with both the Recreation Department and the Library to co-sponsor lecture series and intergenerational programming. Wayland High School coordinated with us to cost effectively cater many of our luncheon events. Wayland High students continued to offer the snow shoveling access program and the a capella choir delighted guests at the annual Thanksgiving dinner. WayCAM was highly supportive in taping many of our educational programs for broadcast. A partnership with the Wayland Historical Society resulted in the structure of a FY2012 program.

Elder Law Attorney Denise Yurkofsky provided a regular, free legal clinic for Wayland seniors. The COA worked cooperatively with AARP to provide free assistance for the completion of federal and state tax returns. These highly trained volunteers provided many hours of service to seniors in Wayland and surrounding towns assisting with federal and state tax returns as well as helping with the Circuit Breaker paperwork. The LCC (Local Cultural Council) in



### BROWN BAG SERIES, FALL 2011

Fox News Chief Meteorologist Kevin Lemanowicz is the kick-off speaker for the luncheon-roundtable discussion.



## WAYLAND'S IRON CHEF II September 2011



Michael Abend of the Wayland Business Association works against the clock to prepare an entrée for the timed grilling competition.



Nancy Carapezza prepares frosting for Parmenter Health's entry in the Cake Decorating Competition.

partnership with the MA Cultural Council) funded a two person play "Educating Rita" and a multi media digital slide show presentation of Boston. St. Anne's Church continued to provide home-delivered holiday meals to home-bound seniors.

The COA worked with the Public Buildings Director, and Graham Meus architectural firm to determine current and future COA trends relating to programs, services and space needs. The "60 plus" population in 2010 increased to 3500 residents, 25% of Wayland's population. (Statistics provided by Town Clerk's Office.) This statistic exceeds even the projections for the year 2020, presented in Wayland's Master Plan that was developed in 2005. The Town approved investigating space options; including renovation of existing space, a stand-alone facility and a community center concept, possibly partnering the COA with the Library at one site. Both the Library and the Council On Aging are highly supportive of this joint, intergenerational initiative. Representatives from the Library, COA and Town administrators toured a joint COA/Library Community Center in Canton, Connecticut during FY2011.

Friends of the Wayland Council On Aging, Inc. continued their fundraising initiatives in FY2011 to help subsidize programs and services not otherwise funded by the Town budget. The COA is grateful to the Friends for their ongoing support. In addition to their annual town-wide appeal to residents, the Friends sponsored the first, immensely successful "Wayland's Iron Chef" competition, held at Sandy Burr Country Club. This event invited Wayland organizations and town departments to organize teams willing to compete in a timed grilling competition. Many restaurants and local caterers provided a strolling hors d'oeuvres and dessert buffet. In addition to being a significant fundraiser for the Friends of the COA, it was an event that fostered a strong sense of community and was attended by residents of all ages.

**Challenges and Short Term Goals:** Limited space, a growing senior population, increased demand for service and only 2.8 FTE staff members for the COA department continued to be a monumental challenge in FY 2011. With many seniors choosing not to retire, there is a defined need to offer programs and services both day and evening. The lack of space forces the COA to limit program offerings and cap enrollment. Waitlists are commonplace. A short term goal is to be able to structure program development and process registration more efficiently with upgraded software using newer computers. With enhanced computer capabilities the COA and a



higher percentage of computer savvy seniors entering the target group, the internet will become the most cost effective and efficient means of communication with this large sector of Wayland's population.

### **SENIOR PROPERTY TAX RELIEF COMMITTEE**

The Senior Property Tax Relief Committee is concerned with seeking measures to alleviate the excessive property tax burden imposed on many senior households due to the escalation of property taxes relative to senior household incomes. The Committee reviews any proposed property tax relief legislation and seeks to implement any measures to help the seniors of Wayland.

In 2011, the committee continued to explore property tax relief measures implemented by other towns. A representative from the committee also attended many meetings in Westwood including many other members from surrounding communities.

Present members are Stephen Colella, Robert Hatton, Lillian Mills, Patricia Nelson, Pauline DiCesare, Kara Harvey, Anne Gilbert, Carol Martin and chairperson Geoff Smith. Several meetings were held during the year which were also attended by Council on Aging Co-Director JoAnn Kunz.

The Committee coordinates with the activities of the Massachusetts Council on Aging Property Tax Working Group which is concerned in promoting and supporting relevant legislation at the State level.

### **WAYLAND COMMUNITY FUND**

Established in 1997 as the Wayland Charitable Committee, the Wayland Community Fund provides short term, emergency help to people who have lived in Wayland for at least one year. Assistance is provided for utilities, rent, food, medical costs, and many other items. Payment is made directly to vendors.

The WCF reports to the Commissioners of Trust Funds. It is funded by the Suzanne Leavitt trust and by contributions from Wayland residents, community organizations, and businesses. Staffed by five volunteers, there are no overhead costs and 100% of every contribution goes directly to helping Wayland residents in financial need. The WCF receives no funding from the town of Wayland.

Since 1997 the Wayland Community Fund has provided more than \$330,000 in financial help to Wayland residents.

### **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'11 only modest sums were expended. However, it is anticipated that expenditures for FY'12 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.

#### **Armed Forces Day**

A flag retirement service was held at our Veterans' Memorial on Armed Forces Day, May 21, 2011. It was hosted by the Wayside Inn Daughters of the American Revolution (DAR) Sudbury, Wayland Chapter, which was coordinated by this office. Participants included members of the DAR, Girl Scouts, Boy Scouts, Cub Scouts, Brownies, Scout Masters, and Veterans. The weather was excellent and the event was well attended. Many favorable comments were made after the service.

#### **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.

On Memorial Day morning, May 30, 2011, a ceremony was held at our Wayland Veterans' Memorial to honor our veterans as well as those who are currently serving our country. A color guard was

provided by the Boy Scouts and our veterans. A reading of the names of Wayland veterans who made the supreme sacrifice was recited. The ceremony was well attended.

### **Wayland Public Library**

A veterans display during the month of November could not be held this year due to the flooding in our town which included the Library.

### **Patriotic Tribute**

Wayland High School honored Wayland Veterans and Wayland Fire and Police in observance of September 11th at a home football game on November 12, 2010. The Veterans' office coordinated this effort by contacting and inviting its veterans and their family members to this game. At half-time, the Veterans, police and fire departments marched onto the field and participated with the posting of the colors. The singing of patriotic songs was conducted by Joseph Oneschuk, band director of Wayland High School.

### **Nursing Home Visitations**

Veterans confined in our local nursing homes in Wayland were visited on Valentine's Day and during the Christmas season. Encouragement and a small token were given to each veteran, expressing our appreciation for their sacrifices and service to our country.

## **HOUSING AUTHORITY**

As you likely know, the WHA provides, maintains, administers, and advocates for housing for low- and moderate-income people in Wayland. Our housing programs include Bent Park Elderly Housing; Cochituate Village Apartments Elderly Housing; Family Scattered Site Public Housing; and the Section 8 Voucher Rental Assistance Program, a federal program that pays rent to private landlords for qualified low-income tenants.

This year lacked the celebration of the 2010 WHA 40<sup>th</sup> anniversary last year, but we certainly kept busy. The most notable change, as we anticipated in last year's report, was that the 56 units at our Bent Park complex were accepted into the federal portfolio by the U.S. Department of Housing and Urban Development (HUD). Now, all of the Wayland Housing Authority's 111 apartments, 25 scattered site

homes, and Section 8 rental vouchers are governed by HUD; the WHA no longer has housing units subject to state jurisdiction. By consolidating all of the programs under one authority, the WHA has been able to standardize and simplify its policies, accounting, budgeting, and overall administration.

The WHA accomplished several repairs and improvements at Bent Park to be eligible for federal consideration, so the property is in good condition. The Cochituate Village Apartments got a facelift and, more important, structural preservation as we re-pointed its circa 1910 façade. We are hopeful that our previous capital improvements and ongoing maintenance program enable us to keep our properties safe, clean, and in good condition as we adjust to shrinking funding from the federal government.

In a related matter, one of our biggest disappointments came when we received notice that, because of cost cutting measures, HUD was discontinuing its funding of our successful Family Self-Sufficiency (FSS) program, through which participating Section 8 rental assistance recipients received guidance and support in taking charge of their lives and working toward independence from public subsidy. Our FSS Coordinator, Katherine Provost, helped several tenants find their way, whether through returning to school or finding employment. We believe that our successful program should not only have been continued but opened up to public housing tenants, the Wayland program should have been a model for other housing authorities, and initiatives like the FSS program are essential to address the systemic issues that keep people dependent on government subsidies. Despite the lack of HUD funding, the WHA continues to maintain FSS services for existing participants. The WHA has re-applied for 2011 FSS grants to make the program available to more tenants.

Many tenants would say that the Board's most significant action was to ban smoking in WHA properties, including individual apartments, a decision that would take effect immediately with new tenants and upon lease renewal with existing tenants. The WHA was one of the first housing authorities in the nation to adopt a comprehensive smoking ban. How we will enforce the ban, and whether the courts will support this policy if we must act against a non-compliant tenant, remain to be seen. The WHA is designating a smoking area and erecting a small structure at each of its apartment complexes to provide smokers with protection from the elements.

The WHA is also providing smoking cessation programs and information and resources for smokers who seek to quit smoking. The WHA has already noticed an improvement in air quality in the buildings since the announcement of the smoking ban almost a year ago.

During the past year, we had some personnel changes. We welcomed new bookkeeper Betsy Roszko after the departure of longtime WHA employee Cindy Mills. The WHA is grateful to personnel from nearby housing authorities who helped us through a staff shortage stemming from an employee's ill health.

Our other significant change is that Charlie Raskin, a WHA Commissioner for nearly two decades, member of the Community Preservation Committee, and tireless advocate for affordable housing, has moved from Wayland and is no longer a member of the Board. Charlie received a "Local Housing Heroes Award" from the Massachusetts Housing Partnership, presented to him by Greg Bialecki, the Massachusetts Secretary for Housing and Economic Development. We are fortunate to have had Charlie's dedicated service for so long; the cause of increasing the number of affordable housing units in Wayland loses one of its most ardent and passionate advocates. We thank him and wish him all the best in his new community.

The WHA is pleased to see Habitat for Humanity MetroWest/Greater Worcester moving forward with its project on land donated by the Town on Stonebridge Road. The plan anticipates groundbreaking in April 2012 and construction volunteers will be welcomed then. In the meantime, because Habitat projects are built by the community, there are a number of opportunities for townspeople to be involved, including outreach to the town and communities of faith, fundraising, and planning. The WHA Board invites interested people to contact local project committee chair Beth Rust at 978-639-3388 or [rustb@sudbury.ma.us](mailto:rustb@sudbury.ma.us). We also ask for your support at Town Meeting when there are requests to appropriate Community Preservation Funds for this housing. It is exciting to have a viable local non-profit's affordable housing initiative gaining momentum.

Elsewhere in the community, the WHA is supporting a study of the Dudley Pond area with the hope of confirming its suitability for construction of affordable housing units on Town-owned land there. In the late 1970s, the Town Meeting authorized

construction of up to 75 affordable units; though we would not seek to create so many, we are optimistic that the Town will honor its longstanding commitment to create new affordable housing units in the area. We believe that this area can support well-planned housing, the Town can take advantage of the process to address septic-related problems with existing private homes, and land can be designated for preservation and passive recreation. WHA Commissioner Russell Ashton represents the WHA and housing interests on the committee.

Finally, the WHA is engaged in finding ways to encourage and perpetuate the creation of affordable housing in our community. One possible solution lies in the adoption of an affordable housing trust, with its members appointed by the Board of Selectmen. Another approach may be through an independent non-profit organization dedicated to development and preservation of affordable housing in Wayland. We look forward to the townspeople's examination and discussion of our options, and we appreciate your continuing support of the WHA and affordable housing.

Mary Antes  
Russ Ashton  
Bret Francis  
Susan Weinstein  
Brian Boggia, Executive Director

## **YOUTH ADVISORY COMMITTEE**

The Youth Advisory Committee oversees the Youth and Family Services Department, otherwise known as Wayland Youth and Family Services (WYFS). This board is comprised of representatives from the community as well as the police and school departments. Five categories of services are provided by the department: counseling; consultation; community education and prevention; information and referral; and crisis intervention. After hours emergency coverage is provided by Psychiatric Emergency Services in Framingham.

Confidential counseling services for children and their families are provided free of charge to Wayland children and their families. They are seen at home, at school, or in our office in the Town Building. Issues may include typical problems encountered in daily living as families grow and change, such as communication problems, family conflict, stress management, depression and anxiety, suicidality, and

coping with divorce, illness and death. In addition, we offer evaluation and treatment for substance abuse. In collaboration with the Wayland Police and the High School, our Diversion Program offers a constructive alternative to court involvement for youth who are apprehended for non-violent illegal activities. We maintain an on-site presence at the high school to increase access for students and faculty.



Our staff is available on an informal basis to provide consultation on issues related to the development and psychological wellbeing of children, teenagers, and families. Parents, school personnel, and others in our community who have ongoing contact with youth are invited to call.

Prevention and Community Education initiatives typically focus on topics related to developmental processes and mental and physical well-being of children and families. In collaboration with Friends of WYFS, WaylandCares (formerly known as Wayland Substance Abuse Prevention Coalition), Parent/Teacher Organizations, and other Town departments, we provide lectures, workshops, and other events each year. This year we focused on the issues raised in the documentary “Race to Nowhere.”

Friends of WYFS offered 2 screenings of the film to the general public, as well as an additional showing for the Middle School and High School faculty and staff. To follow up, Friends hosted a “World Café” to provide an additional venue in which to discuss concerns about excessive academic pressure and its impact on health, identity, and family life. We also co-lead discussion groups for parents of eighth graders, parents of freshmen, and parents of seniors to offer support and information addressing challenges in parenting at each of these stages of development. In addition, every October, in conjunction with the National Depression Screening Day, we provide a Depression Awareness event for high school students, to familiarize them with the symptoms and interventions for this debilitating but highly treatable illness.

In recent years, providing opportunities for community service has become an important part of our mission to support healthy development in Wayland youth. Each spring, we work with the High School to put on the annual Community Service Awards Ceremony, which last year recognized 26 high school students for significant service over the past year. Also honored was Antonia Hieronymus, who implemented the “Spare Change” project, a highly successful effort that raised funds to support the construction of schools in remote communities in Peru. As in past years, our department offered an 8 week Summer Community Service Program in which 24 high school students volunteered, sometimes several times per week, at their choice of 8 potential service sites.

This year we provided a fieldwork placement for Ryan Our, a graduate student in counseling psychology at Assumption College, who assisted us in providing counseling and prevention services.

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**CULTURAL COUNCIL**


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Name of Applicant	Activity	Date(s) of Activity	Amount Requested	Amount Given
Arts Wayland	Children's Reception During Winter Show	December 10, 2010	\$375	\$375
Wayland Reads	Display in Town Building Gallery	January 2011	\$200	\$200
Peter Curran	Matting Matters; b/w photos	February 5, 2011	\$350	\$350
Musicians of the Old Post Road	Hidden Treasures of the German Baroque	February 5, 2011	\$500	\$200
Wayland Recreation Department	Spectacular Science Family Night	March 4, 2011	\$425	\$425
Little Theater Concerts	Baroque Chamber Ensemble	March 4, 2011	\$500	\$500
Council on Aging	Cradle of Liberty, Multimedia	May 25, 2011	\$150	\$150
Council on Aging	Educating Rita, Short Play	June 1, 2011	\$350	\$350
Wild Apples, Journal	Spring Issue 7	May 1, 2011	\$300	\$300
New England Wildflower Society	People, Plants and Pollinators Exhibit	June 15, 2011	\$500	\$375
Wayland Library	Haiku/Tanka Workshop	July 20, 2011	\$375	\$375
Discovery Museums	Free Fun Fridays	Summer 2011	\$250	\$300
Weston Drama Workshop	Theater for Young Audiences	July 2011	\$500	\$300
<b>TOTAL</b>				<b>\$4,200</b>



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## CABLE ADVISORY COMMITTEE

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The Cable Advisory Committee (CAC) consists of a group of Town residents who advise the Board of Selectmen (BoS) on matters relating to the Town's cable television and related cable services. Under applicable law, the BoS is the official "Issuing Authority" for the Town's cable licenses.

The CAC has an authorized complement of eight members. At present there are five active members-- Steve Allen (chair); Phil Radoff (vice-chair); Tom Klem; Joe Schwendt; and Richard Turner, and three vacancies. Selectman Steve Correia has continued as that Board's liaison with the CAC.

Wayland has two cable television (CATV) providers, Comcast and, since early 2008, Verizon. As of 12/31/2010, Comcast has 2836 and Verizon 1,649 subscribers.

This year a 10-year Comcast Renewal License was granted and a formal amendment to Verizon's License was consummated, both through the help of our special cable counsel (William H. Solomon, Esq., who in 2008 helped negotiate the license to Verizon). The Renewal License increases operating funds paid to the Town to 4.6% of Comcast's gross revenue, provides \$150,000 in capital and \$50,000 for ending Comcast's Institutional Network obligation (I-Net – also see below), and increases the number of local access channels carried by Comcast from one to three. It should be noted that Verizon already provides three channels and that its license obligates it to match Comcast's percentage of gross revenue.

Video return is required to provide live cablecasts, carried to their subscribers by Comcast and Verizon, from locations other than the studio, which is operated by Wayland's community access cable provider, WayCAM. The Town has built a fiber network to link all the Town's schools and most Town Buildings. This Municipal Area Network (MAN) has now replaced the prior, failure-prone, 24+ year-old, coaxial I-Net for video return. The Verizon Amendment provides the Town an additional \$30,000 to help defray costs of the equipment needed to carry the video return over the MAN rather than the I-Net. Because the MAN was not ready, the Town had to request two extensions for the Comcast's Renewal License I-Net termination date, which Comcast granted. We now carry video

return over the MAN. The CAC has advised and successfully advocated the network structure to be used in carrying video return over the MAN. The CAC has also advised WayCAM on new equipment needed (digital vs. the prior analog) to implement that video return.

The studio in which WayCAM operates will be demolished in building the new High School and will be relocated within the High School grounds. Both the Comcast Renewal License and the Verizon Amendment provide for service from the new location. The CAC also expects to continue supporting the WayCAM relocation in other respects.

The CAC continues to monitor both cable providers compliance with obligations under their licenses. Verizon has now installed nine of the required ten basic service drops to the Town's municipal buildings, but some problems remain to be resolved. Comcast is being pressed to provide the additional two channels. Verizon is scheduled to complete availability of CATV throughout the Town, with a few exceptions, by early 2012 – we are trying to monitor this. The CAC also guides fulfillment of the Town's obligations under the licenses.

The CAC has completed and obtained BoS approval for a formal Mission Statement which, along with copies of the current licenses, is posted on the CAC's pages on the Town website. The CAC has similarly posted an explanation of the effect of the Renewal License on Comcast subscriber charges.

The CAC serves as liaison with Verizon and Comcast and has responded to several questions and complaints from subscribers and prospective subscribers about installation, service and billing issues. Comcast has converted the Extended Basic Service (now called Standard Basic) that it provides to municipal buildings from analog to digital format. This requires the installation of set-top boxes and the CAC has guided needed repair and the installation of these for all Town Buildings and Schools, except High School – which will be to the new building only. We have also written instructions for both the Town Library and Senior Center, detailing use of their respective Audio-Visual equipment, including both CATV feeds.

<b>STATE PRIMARY ELECTION – SEPTEMBER 14, 2010</b>
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Eligible Voters:	8805
Total Votes Cast:	1293
Percent of Voters:	15%

	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<b><u>DEMOCRATIC GOVERNOR</u></b>					
Blanks	37	26	21	25	109
<b>Deval L. Patrick</b>	<b>164</b>	<b>162</b>	<b>169</b>	<b>171</b>	<b>666</b>
Write-Ins	3	4	4	1	12
<b>TOTALS</b>	<b>204</b>	<b>192</b>	<b>194</b>	<b>197</b>	<b>787</b>
<b><u>LIEUTENANT GOVERNOR</u></b>					
Blanks	47	35	28	32	142
<b>Timothy P. Murray</b>	<b>154</b>	<b>157</b>	<b>166</b>	<b>165</b>	<b>642</b>
Write-Ins	3	0	0	0	3
<b>TOTALS</b>	<b>204</b>	<b>192</b>	<b>194</b>	<b>197</b>	<b>787</b>
<b><u>ATTORNEY GENERAL</u></b>					
Blanks	43	30	23	30	126
<b>Martha Coakley</b>	<b>159</b>	<b>162</b>	<b>170</b>	<b>167</b>	<b>658</b>
Write-Ins	2	0	1	0	3
<b>TOTALS</b>	<b>204</b>	<b>192</b>	<b>194</b>	<b>197</b>	<b>787</b>
<b><u>SECRETARY OF STATE</u></b>					
Blanks	48	41	22	39	150
<b>William Francis Galvin</b>	<b>156</b>	<b>151</b>	<b>172</b>	<b>158</b>	<b>637</b>
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>204</b>	<b>192</b>	<b>194</b>	<b>197</b>	<b>787</b>
<b><u>TREASURER</u></b>					
Blanks	13	19	10	8	50
<b>Steven Grossman</b>	<b>169</b>	<b>141</b>	<b>148</b>	<b>161</b>	<b>619</b>
Stephen J. Murphy	22	32	36	28	118
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>204</b>	<b>192</b>	<b>194</b>	<b>197</b>	<b>787</b>
<b><u>AUDITOR</u></b>					
Blanks	30	23	17	29	99
<b>Suzanne M. Bump</b>	<b>99</b>	<b>78</b>	<b>107</b>	<b>100</b>	<b>384</b>
Guy William Glodis	19	40	23	20	102
Mike Lake	56	51	47	48	202
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>204</b>	<b>192</b>	<b>194</b>	<b>197</b>	<b>787</b>

	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<b><u>REPRESENTATIVE IN CONGRESS (5<sup>th</sup>)</u></b>					
Blanks	41		19	26	86
<b>Nicola S. Tsongas</b>	<b>163</b>		<b>175</b>	<b>169</b>	<b>507</b>
Write-Ins	0		0	2	2
<b>TOTALS</b>	<b>204</b>		<b>194</b>	<b>197</b>	<b>595</b>
<b><u>REPRESENTATIVE IN CONGRESS (7<sup>th</sup>)</u></b>					
Blanks		24			24
<b>Edward J. Markey</b>		<b>167</b>			<b>167</b>
Write-Ins		1			1
<b>TOTALS</b>		<b>192</b>			<b>192</b>
<b><u>COUNCILLOR</u></b>					
Blanks	66	47	45	63	221
<b>Kelly A. Timilty</b>	<b>76</b>	<b>82</b>	<b>95</b>	<b>66</b>	<b>319</b>
Robert L. Jubinville	62	63	54	68	247
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>204</b>	<b>192</b>	<b>194</b>	<b>197</b>	<b>787</b>
<b><u>SENATOR IN GENERAL COURT</u></b>					
Blanks	196	189	192	193	770
Write-Ins	8	3	2	4	17
<b>TOTALS</b>	<b>204</b>	<b>192</b>	<b>194</b>	<b>197</b>	<b>787</b>
<b><u>REPRESENTATIVE GENERAL COURT</u></b>					
Blanks	54	36	34	52	176
<b>Thomas P. Conroy</b>	<b>150</b>	<b>156</b>	<b>160</b>	<b>145</b>	<b>611</b>
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>204</b>	<b>192</b>	<b>194</b>	<b>197</b>	<b>787</b>
<b><u>DISTRICT ATTORNEY</u></b>					
Blanks	73	51	49	71	244
<b>Gerard T. Leone, Jr.</b>	<b>131</b>	<b>141</b>	<b>145</b>	<b>126</b>	<b>543</b>
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>204</b>	<b>192</b>	<b>194</b>	<b>197</b>	<b>787</b>
<b><u>SHERIFF</u></b>					
Blanks	90	64	63	86	303
<b>James V. DiPaola</b>	<b>114</b>	<b>128</b>	<b>131</b>	<b>110</b>	<b>483</b>
Write-Ins	0	0	0	1	1
<b>TOTALS</b>	<b>204</b>	<b>192</b>	<b>194</b>	<b>197</b>	<b>787</b>



	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<b><u>REPUBLICAN GOVERNOR</u></b>					
Blanks	8	9	4	11	32
<b>Charles D. Baker</b>	<b>105</b>	<b>123</b>	<b>108</b>	<b>124</b>	<b>460</b>
Write-Ins	5	2	4	2	13
<b>TOTALS</b>	<b>118</b>	<b>134</b>	<b>116</b>	<b>137</b>	<b>505</b>
<b><u>LIEUTENANT GOVERNOR</u></b>					
Blanks	25	20	27	33	105
<b>Richard R. Tisei</b>	<b>88</b>	<b>111</b>	<b>87</b>	<b>102</b>	<b>388</b>
Write-Ins	5	3	2	2	12
<b>TOTALS</b>	<b>118</b>	<b>134</b>	<b>116</b>	<b>137</b>	<b>505</b>
<b><u>ATTORNEY GENERAL</u></b>					
Blanks	92	90	91	107	380
Write-Ins	26	44	25	30	125
<b>TOTALS</b>	<b>118</b>	<b>134</b>	<b>116</b>	<b>137</b>	<b>505</b>
<b><u>SECRETARY OF STATE</u></b>					
Blanks	33	31	31	29	124
<b>William C. Campbell</b>	<b>85</b>	<b>103</b>	<b>85</b>	<b>108</b>	<b>381</b>
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>118</b>	<b>134</b>	<b>116</b>	<b>137</b>	<b>505</b>
<b><u>TREASURER</u></b>					
Blanks	38	25	26	31	120
<b>Karyn E. Polito</b>	<b>80</b>	<b>108</b>	<b>90</b>	<b>106</b>	<b>384</b>
Write-Ins	0	1	0	0	1
<b>TOTALS</b>	<b>118</b>	<b>134</b>	<b>116</b>	<b>137</b>	<b>505</b>
<b><u>AUDITOR</u></b>					
Blanks	18	8	12	9	47
<b>Mary Z. Connaughton</b>	<b>94</b>	<b>117</b>	<b>99</b>	<b>124</b>	<b>434</b>
Kamal Jain	4	9	5	4	22
Write-Ins	2	0	0	0	2
<b>TOTALS</b>	<b>118</b>	<b>134</b>	<b>116</b>	<b>137</b>	<b>505</b>
<b><u>REPRESENTATIVE IN CONGRESS (5<sup>th</sup>)</u></b>					
Blanks	14		12	8	34
<b>Jonathan A. Golnik</b>	<b>61</b>		<b>46</b>	<b>63</b>	<b>170</b>
Sam S. Meas	16		13	17	46
Robert L. Shapiro	11		22	26	59
Thomas J. M. Weaver	16		23	23	62
Write-Ins	0		0	0	0
<b>TOTALS</b>	<b>118</b>		<b>116</b>	<b>137</b>	<b>371</b>

	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<b><u>REPRESENTATIVE IN CONGRESS (7<sup>th</sup>)</u></b>					
Blanks		12			12
Gerry Dembrowski		49			49
<b>Thomas P. Tierney</b>		<b>73</b>			<b>73</b>
Write-Ins		0			0
<b>TOTALS</b>		<b>134</b>			<b>134</b>
<b><u>COUNCILLOR</u></b>					
Blanks	39	32	32	31	134
<b>Steven M. Glovsky</b>	<b>79</b>	<b>102</b>	<b>84</b>	<b>106</b>	<b>371</b>
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>118</b>	<b>134</b>	<b>116</b>	<b>137</b>	<b>505</b>
<b><u>SENATOR IN GENERAL COURT</u></b>					
Blanks	36	27	28	29	120
<b>Richard J. Ross</b>	<b>82</b>	<b>107</b>	<b>88</b>	<b>108</b>	<b>385</b>
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>118</b>	<b>134</b>	<b>116</b>	<b>137</b>	<b>505</b>
<b><u>REPRESENTATIVE GENERAL COURT</u></b>					
Blanks	114	131	114	133	492
Write-Ins	4	3	2	4	13
<b>TOTALS</b>	<b>118</b>	<b>134</b>	<b>116</b>	<b>137</b>	<b>505</b>
<b><u>DISTRICT ATTORNEY</u></b>					
Blanks	116	130	116	134	496
Write-Ins	2	4	0	3	9
<b>TOTALS</b>	<b>118</b>	<b>134</b>	<b>116</b>	<b>137</b>	<b>505</b>
<b><u>SHERIFF</u></b>					
Blanks	118	132	116	135	501
Write-Ins	0	2	0	2	4
<b>TOTALS</b>	<b>118</b>	<b>134</b>	<b>116</b>	<b>137</b>	<b>505</b>
<b><u>LIBERTARIAN GOVERNOR</u></b>					
Blanks	0	0	0	0	0
Write-Ins	0	0	0	1	1
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b><u>LIEUTENANT GOVERNOR</u></b>					
Blanks	0	0	0	1	1
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>

	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<b><u>ATTORNEY GENERAL</u></b>					
Blanks	0	0	0	1	1
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b><u>SECRETARY OF STATE</u></b>					
Blanks	0	0	0	1	1
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b><u>TREASURER</u></b>					
Blanks	0	0	0	1	1
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b><u>AUDITOR</u></b>					
Blanks	0	0	0	1	1
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b><u>REPRESENTATIVE IN CONGRESS (5<sup>th</sup>)</u></b>					
Blanks	0		0	1	1
Write-Ins	0		0	0	0
<b>TOTALS</b>	<b>0</b>		<b>0</b>	<b>1</b>	<b>1</b>
<b><u>REPRESENTATIVE IN CONGRESS (7<sup>th</sup>)</u></b>					
Blanks		0			0
Write-Ins		0			0
<b>TOTALS</b>		<b>0</b>			<b>0</b>
<b><u>COUNCILLOR</u></b>					
Blanks	0	0	0	1	1
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b><u>SENATOR IN GENERAL COURT</u></b>					
Blanks	0	0	0	1	1
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b><u>REPRESENTATIVE GENERAL COURT</u></b>					
Blanks	0	0	0	1	1
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>

	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<b><u>DISTRICT ATTORNEY</u></b>					
Blanks	0	0	0	1	1
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b><u>SHERIFF</u></b>					
Blanks	0	0	0	1	1
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>

<b>STATE ELECTION – NOVEMBER 2, 2010</b>
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Eligible Voters: 8908  
 Total Votes Cast: 6384  
 Percent of Voters: 72%

	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<b><u>GOVERNOR/LIEUTENANT GOVERNOR</u></b>					
Blanks	10	15	9	5	39
<b>Patrick and Murray</b>	<b>857</b>	<b>870</b>	<b>822</b>	<b>930</b>	<b>3479</b>
Baker and Tisei	602	605	564	823	2594
Cahill and Loscocco	56	64	48	34	202
Stein and Purcell	27	18	9	13	67
Write-Ins	2	1	0	0	3
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>

<b><u>ATTORNEY GENERAL</u></b>					
Blanks	43	29	34	40	146
<b>Martha Coakley</b>	<b>1044</b>	<b>1044</b>	<b>960</b>	<b>1105</b>	<b>4153</b>
James P. McKenna	467	499	457	660	2083
Write-Ins	0	1	1	0	2
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>

<b><u>SECRETARY OF STATE</u></b>					
Blanks	78	79	62	84	303
<b>William Francis Galvin</b>	<b>995</b>	<b>1003</b>	<b>935</b>	<b>1076</b>	<b>4009</b>
William C. Campbell	440	442	425	604	1911
James D. Henderson	40	49	30	41	160
Write-Ins	1	0	0	0	1
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>

<b><u>TREASURER</u></b>					
Blanks	70	81	49	73	273
<b>Steven Grossman</b>	<b>929</b>	<b>882</b>	<b>858</b>	<b>980</b>	<b>3649</b>
Karyn E. Polito	554	609	545	751	2459
Write-Ins	1	1	0	1	3
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>

	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<b><u>AUDITOR</u></b>					
Blanks	128	124	106	148	506
Suzanne M. Bump	639	660	645	688	2632
<b>Mary Z. Connaughton</b>	<b>728</b>	<b>713</b>	<b>667</b>	<b>917</b>	<b>3025</b>
Nathanael Alexander Fortune	58	72	34	51	215
Write-Ins	1	4	0	1	6
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>

<b><u>REPRESENTATIVE IN CONGRESS (5<sup>th</sup>)</u></b>					
Blanks	41		29	49	119
<b>Nicola S. Tsongas</b>	<b>965</b>		<b>934</b>	<b>1009</b>	<b>2908</b>
<b>Jonathan A. Golnik</b>	<b>525</b>		<b>470</b>	<b>732</b>	<b>1727</b>
Dale E. Brown	19		14	10	43
Robert M. Clark	3		5	5	13
Write-Ins	1		0	0	1
<b>TOTALS</b>	<b>1554</b>		<b>1452</b>	<b>1805</b>	<b>4811</b>

<b><u>REPRESENTATIVE IN CONGRESS (7<sup>th</sup>)</u></b>					
Blanks		66			66
<b>Edward J. Markey</b>		<b>971</b>			<b>971</b>
Gerry Dembrowski		536			536
Write-Ins		0			0
<b>TOTALS</b>		<b>1573</b>			<b>1573</b>

<b><u>COUNCILLOR</u></b>					
Blanks	177	167	116	191	651
<b>Kelly A. Timilty</b>	<b>706</b>	<b>737</b>	<b>672</b>	<b>725</b>	<b>2840</b>
Steven M. Glovsky	631	602	610	845	2688
Richard Mitchell	38	67	53	44	202
Write-Ins	2	0	1	0	3
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>

<b><u>SENATOR IN GENERAL COURT</u></b>					
Blanks	689	663	595	681	2628
<b>Richard J. Ross</b>	<b>842</b>	<b>887</b>	<b>840</b>	<b>1100</b>	<b>3669</b>
Write-Ins	23	23	17	24	87
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>

<b><u>REPRESENTATIVE IN GENERAL COURT</u></b>					
Blanks	479	459	444	602	1984
<b>Thomas P. Conroy</b>	<b>1058</b>	<b>1099</b>	<b>992</b>	<b>1178</b>	<b>4327</b>
Write-Ins	17	15	16	25	73
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>

	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<b><u>DISTRICT ATTORNEY</u></b>					
Blanks	548	543	497	694	2282
Gerard T. Leone, Jr.	994	1024	941	1103	4062
Write-Ins	12	6	14	8	40
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>
<b><u>SHERIFF</u></b>					
Blanks	430	370	334	538	1672
James V. DiPaola	837	874	861	922	3494
Michael S. Tranchita, Sr.	284	328	252	340	1204
Write-Ins	3	1	5	5	14
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>
<b><u>QUESTION #1</u></b>					
Blanks	40	42	34	47	163
Yes	603	675	574	694	2546
No	911	856	844	1064	3675
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>
<b><u>QUESTION #2</u></b>					
Blanks	124	103	95	126	448
Yes	579	600	553	640	2372
No	851	870	804	1039	3564
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>
<b><u>QUESTION #3</u></b>					
Blanks	24	26	26	25	101
Yes	529	619	490	650	2288
No	1001	928	936	1130	3995
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>
<b><u>QUESTION #4</u></b>					
Blanks	158	192	190	207	747
Yes	824	847	763	874	3308
No	572	534	499	724	2329
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>
<b><u>QUESTION #5</u></b>					
Blanks	148	183	173	184	688
Yes	914	918	805	974	3611
No	492	472	474	647	2085
<b>TOTALS</b>	<b>1554</b>	<b>1573</b>	<b>1452</b>	<b>1805</b>	<b>6384</b>

<b>WAYLAND ANNUAL TOWN ELECTION – APRIL 5, 2011</b>
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Eligible Voters:	8931
Total Votes Cast:	2434
Percent of Voters:	27%

	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<b><u>MODERATOR (1) 3 YR</u></b>					
Blanks	149	150	172	224	695
Dennis J. Berry	422	424	369	513	1728
Write-Ins	3	1	5	2	11
<b>TOTALS</b>	<b>574</b>	<b>575</b>	<b>546</b>	<b>739</b>	<b>2434</b>

<b><u>BOARD OF SELECTMEN (2) 3 YR</u></b>					
Blanks	294	274	326	363	1257
Steven J. Correia	334	291	239	449	1313
Joseph F. Nolan	294	357	286	427	1364
Donald E. Bustin	225	226	239	235	925
Write-Ins	1	2	2	4	9
<b>TOTALS</b>	<b>1148</b>	<b>1150</b>	<b>1092</b>	<b>1478</b>	<b>4868</b>

<b><u>SCHOOL COMMITTEE (2) 3 YR</u></b>					
Blanks	222	231	309	258	1020
Barbara J. Fletcher	339	304	195	436	1274
Elizabeth Butler	354	344	232	481	1411
Alexia S. Obar	232	270	352	302	1156
Write-Ins	1	1	4	1	7
<b>TOTALS</b>	<b>1148</b>	<b>1150</b>	<b>1092</b>	<b>1478</b>	<b>4868</b>

<b><u>SCHOOL COMMITTEE (1) 1 YR</u></b>					
Blanks	30	25	30	23	108
Louis M. Jurist	307	258	164	394	1123
Ellen M. Grieco	237	292	352	322	1203
Write-Ins	0	0	0	0	0
<b>TOTALS</b>	<b>574</b>	<b>575</b>	<b>546</b>	<b>739</b>	<b>2434</b>

<b><u>BOARD OF ASSESSORS (2) 3 YR</u></b>					
Blanks	515	533	506	697	2251
Jayson S. Brodie	325	303	278	394	1300
Bruce Cummings	306	313	306	384	1309
Write-Ins	2	1	2	3	8
<b>TOTALS</b>	<b>1148</b>	<b>1150</b>	<b>1092</b>	<b>1478</b>	<b>4868</b>

<b><u>LIBRARY TRUSTEES (2) 3 YR</u></b>					
Blanks	402	446	485	541	1874
Aida A. Gennis	377	368	336	481	1562
Lynne J. Lipcon	368	335	270	454	1427
Write-Ins	1	1	1	2	5
<b>TOTALS</b>	<b>1148</b>	<b>1150</b>	<b>1092</b>	<b>1478</b>	<b>4868</b>

	PREC 1	PREC 2	PREC 3	PREC 4	TOTALS
<b><u>BOARD OF HEALTH (2) 3 YR</u></b>					
Blanks	500	529	558	710	2297
Michael B. Wegerbauer	332	295	275	393	1295
Thomas J. Klem	316	326	258	374	1274
Write-Ins	0	0	1	1	2
<b>TOTALS</b>	<b>1148</b>	<b>1150</b>	<b>1092</b>	<b>1478</b>	<b>4868</b>
<b><u>PLANNING BOARD (1) 5 YR</u></b>					
Blanks	251	235	230	305	1021
Andrew J. Reck	322	339	314	433	1408
Write-Ins	1	1	2	1	5
<b>TOTALS</b>	<b>574</b>	<b>575</b>	<b>546</b>	<b>739</b>	<b>2434</b>
<b><u>PLANNING BOARD (ASSOCIATE MEMBER) (1) 3 YR</u></b>					
Blanks	228	210	216	301	955
William D. Whitney	346	362	328	438	1474
Write-Ins	0	3	2	0	5
<b>TOTALS</b>	<b>574</b>	<b>575</b>	<b>546</b>	<b>739</b>	<b>2434</b>
<b><u>BOARD OF PUBLIC WORKS (1) 3 YR</u></b>					
Blanks	249	239	237	340	1065
Thomas J. Abdella	323	336	308	397	1364
Write-Ins	2	0	1	2	5
<b>TOTALS</b>	<b>574</b>	<b>575</b>	<b>546</b>	<b>739</b>	<b>2434</b>
<b><u>RECREATION COMMISSIONER (1) 3 YR</u></b>					
Blanks	205	199	210	261	875
Anna Meliones	367	376	334	476	1553
Write-Ins	2	0	2	2	6
<b>TOTALS</b>	<b>574</b>	<b>575</b>	<b>546</b>	<b>739</b>	<b>2434</b>
<b><u>COMMISSIONER OF TRUST FUNDS (1) 3 YR</u></b>					
Blanks	171	187	183	196	737
Steven M. Glovsky	138	179	192	211	720
Russell T. Kopp	263	209	171	329	972
Write-Ins	2	0	0	3	5
<b>TOTALS</b>	<b>574</b>	<b>575</b>	<b>546</b>	<b>739</b>	<b>2434</b>
<b><u>QUESTION</u></b>					
Blanks	46	65	70	98	279
Yes	287	250	238	384	1159
No	241	260	238	257	996
<b>TOTALS</b>	<b>574</b>	<b>575</b>	<b>546</b>	<b>739</b>	<b>2434</b>



**TOWN OF WAYLAND  
SPECIAL TOWN MEETING  
NOVEMBER 16, 2010**

**DATE:**

Tuesday, November 16, 2010

**ARTICLES DISPOSED OF:**

1 - 16

**RETURN OF SERVICE****MIDDLESEX, s.s.****NOVEMBER 16, 2010**

To any of the Constables of the Town of Wayland, Greetings:

I, Louis V. Gaglini, 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 16, 2010, by my posting copies thereof at the Wayland Town Building, Cochrutuate Post Office, Wayland Public 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 29, 2010.

**VOTES ENACTED:****TUESDAY, NOVEMBER 16, 2010 AT THE WAYLAND MIDDLE SCHOOL****C. PETER R. GOSSELS, MODERATOR:**

Pursuant to the Warrant dated October 28, 2010, signed by, Steven J. Correia, Joseph F. Nolan, John Bladon, Susan W. Pope and Thomas J. Fay, Selectmen, served and return of service given by Louis V. Gaglini, Constable of the Town, the inhabitants of the Town of Wayland qualified to vote at Special Town Meeting met this day at Wayland Middle School, and at 7:32 P.M. the Moderator called the Meeting to order, declared that a quorum was present, and the Meeting proceeded to transact the following business:

**ERRATA SHEET:****SPECIAL TOWN MEETING****FINANCE COMMITTEE COMMENTS****ARTICLE 4: WAYLAND HIGH SCHOOL FIELD HOUSE WEIGHT ROOM CODE UPGRADE**

**FINANCE COMMITTEE COMMENTS:** The School Committee and the Board of Selectmen placed two articles in the Special Town Meeting Warrant including a request to fund the renovation of the core shell of the existing weight room building at Wayland High School (Article 4) and to allow the Board of Selectmen to enter into a lease agreement for its use (Article 5).

The core shell rehab of the weight room building includes seismic upgrade, new roof, doors and windows, the in-filling of the existing garage door, the connection to the waste water system, the painting of the exterior, roughed-in plumbing, a rooftop HVAC unit and the electrical connections. The weight room building is approximately 1,900 square feet of usable space.

The rehab of the core shell of the weight room building was removed from the schematic scope of the new High School building project during initial value engineering. The High School Building Committee (HSBC) waited until the Guaranteed Maximum Price (GMP) was developed before making a decision to restore the original weight room rehab scope of work to the High School project. On Thursday, October 28, 2010 the HSBC voted 9 in favor, 0 opposed to restore the original weight room rehab scope of work to the High School project.

The cost to renovate the exterior shell of the building is estimated at \$185,000. The expense for renovating the interior space of the weight room building will be paid for by the future *Tenant / Lessee*.

On November 8, 2010, both the Board of Selectman and the School Committee voted 5-0 to recommend that Town Meeting pass over this article.

**RECOMMENDATION:** The Finance Committee did not take a position on this article.

**Article 7, top of page 12, make the following correction:**

Road, Curtis Road, Pond Drive and Cross Street located in Wayland, Massachusetts, and shown on the plan entitled “Plan of Land in Wayland, Massachusetts Prepared for the ~~Wayland Board of Selectman, Doran Road Town Parcels~~ Doran Road~Dudley Pond Comprehensive Feasibility Study” dated ~~August 14, 2006, September 30, 2010~~, prepared by the Town of Wayland, Town Surveyors Office, which property is more fully described in Appendix B,

**Article 14, Page 77, section b.), make the following correction:**

Deeds as Plan No. ~~203205~~ (3 of 6) of 2004; and (ii.) Hidden Springs Lane as shown on the plan

**Article 11 (see page number references listed below), make the following corrections:**

On page 22 of the Warrant: Section 104.2, delete the Definition of “Kennel.”

On page 23 of the Warrant: Section 104.2, delete the Definition of “Roadside Stand.”

On page 24 of the Warrant: Section 104.2, move the Definition of “Town” so that it is in the correct alphabetical order by inserting it between the definitions of Studio” and “Town Uses (Municipal Uses).”

On page 31 of the Warrant: Section 401.1.3, in the first line, delete the word “structure” and replace it with the word “building”; and Section 401.1.3.2, delete the word “structure” and replace it with the word “building” in two places in the first sentence (in the second line and the last word).

On page 38 of the Warrant: Section 702.1, in the eighth line, delete the word “was”.

On page 47 of the Warrant: Section 805.1.1, “Kennel”, where it appears in two places, do not amend the existing Bylaw.

On pages 43 and 47 of the Warrant, Sections 803.1 and 805.1.1, “Roadside stand,” do not amend the existing Bylaw.

On page 61 of the Warrant: Section 1401.1.1, delete the word “offices” where it is duplicated;

Section 1401.1.2, change the word “establishment” to the word “establishments”;

Section 1402.1.1, change the word “facility” to the word “facilities.”

On page 67 of the Warrant: Table of Permitted Principal Uses by Districts, line 10, delete duplicate text so the words that remain read “10. Personal and other service establishments.”

On page 69 of the Warrant, Table of Permitted Principal Uses by Districts, revise to state “Floodplain District” and revise the Title of Article 17 in the Bylaw to state: “Floodplain District.”

**Article 11, Page 65, Table of Dimensional Requirements**

The last four rows of the table were inadvertently omitted during printing.

Also, revise the fifth line from the bottom to last line: to state “Floodplain District.”

Town of Wayland  
 Table of Dimensional Requirements  
 [Amended 5-27-1981 ATM by Art. 16; 5-4-1982 ATM by Art. 23;  
 5-2-1983 ATM by Art. 12; 5-2-1983 ATM by Art. 13; 5-14-1998 ATM by Art. 56;  
 5-5-1999 STM by Art. 10; 5-12-1999 ATM by Art. 37; 5-1-2002 ATM by Art. 31]

Districts	Use	Minimum Lot Area <sup>1</sup> (sq. ft.)	Maximum Lot Coverage	Minimum Frontage (ft.)	Minimum Yard Setbacks <sup>14</sup>				Maximum Height <sup>4</sup>	
					Front	Rear	Side	The lesser of		
					From Lot Line (ft.)	From Lot Line (ft.)	From Lot Line (ft.)	From Lot Line (ft.)	Feet	Stories
Single Residence		20,000 <sup>15</sup>	20%	120	55	30	15 <sup>3</sup>	35	35	2 1/2
		30,000 <sup>15</sup>	20%	150	55	30	20 <sup>3</sup>	35	35	2 1/2
		40,000 <sup>15</sup>	20%	180	55	30	25 <sup>3</sup>	35	35	2 1/2
		60,000 <sup>15</sup>	20%	210	55	30	30 <sup>3</sup>	35	35	2 1/2
Roadside Business	Uses permitted in Single Residence Districts	<sup>7</sup>	20%	7	60	30	15 <sup>3</sup>	35	35	2 1/2
Business A	Permitted nonresidential uses	<sup>8</sup> 40,000	20%	200	60	30	30	35	35	2 1/2
	Retail, offices, services, trades	<sup>8</sup>	75% (70% corner lot)	<sup>8</sup>	30 <sup>2</sup>	15	15 <sup>4</sup>	35	35	
Business B	Automobile service garage	30,000	25%	125	40 <sup>10</sup>	25 <sup>9,10</sup>	25 <sup>9,10</sup>	35	35	
	Automobile sales	2 acres	25%	200	40	25 <sup>9,10</sup>	25 <sup>9,10</sup>	35	35	
	Automobile service station	40,000	25%	200	40 <sup>10</sup>	25 <sup>9,10</sup>	25 <sup>9,10</sup>	35	35	
	Listed permitted uses	None	25%	None	60 <sup>11</sup>	15 <sup>13</sup>	15 <sup>3,13</sup>	35	35	
Refuse Disposal Light Manufacturing	Listed permitted uses	None	None	None	30 <sup>2</sup>	30	15 <sup>3</sup>	None	None	None
	Automobile service garage	30,000	25%	125	40 <sup>10</sup>	25 <sup>9,10</sup>	25 <sup>9,10</sup>	35	35	3
Limited Commercial	Automobile sales	2 acres	25%	200	40	25 <sup>9,10</sup>	25 <sup>9,10</sup>	35	35	
	Uses permitted in Single Residence Districts	<sup>16</sup>	20%	<sup>16</sup>	55	30	15 <sup>3</sup>	35	35	2 1/2
Aquifer Protection Cochituate Interim Planning Overlay Conservation Cluster Development Floodplain, Flood and Watershed Protection Planned Development Senior and Family Housing Overlay Southeast Wayland-Cochituate Planning Wireless Communications Svcs	Permitted nonresidential uses	None	20%	None	100	100	100	35	35	2 1/2
				Requirements of Article 16 apply						
				Requirements of Article 22 apply						
				Requirements of Article 18 apply						
				Requirements of Article 17 apply						
				Requirements of Article 19 apply						
				Requirements of Article 21 apply						
				Requirements of Article 20 apply						
				Requirements of Article 15 apply						
				Requirements of Article 15 apply						



**ARTICLE 1: AMEND PUBLIC CEREMONIES COMMITTEE COMPOSITION AND CHARGE**

*Sponsored by: Board of Selectmen, Veterans Memorial Committee, Public Ceremonies Committee*

To determine whether the Town will vote to amend its vote under Article 38 of the Warrant for the 1994 Annual Town Meeting by making the following revisions:

[Key to revisions: underlining = additions]

That the Town establish a committee to be known as the Public Ceremonies Committee for the purpose of (i) overseeing public ceremonies including the Memorial Day Parade and other ceremonies and occasions as they deem appropriate; (ii) overseeing and administering the Freedom Prize competition and funds; and (iii) overseeing the future engraving of additional names on the Town's Veterans Memorial monument. The Public Ceremonies Committee shall consist of five persons serving terms of three years each to be appointed by the Moderator who shall also have the power to fill vacancies for the remainder of any unexpired term. Additionally, the Town's Veterans Agent shall serve as an ex officio member of the Committee. In the initial appointment of members, the Moderator shall appoint persons for terms of one, two and three years, so that at the end of their initial terms, all terms thereafter shall be staggered so that no more than two persons' terms expire each year. Said Committee shall report annually to the Town Meeting.

**MOTION:**

Susan W. Pope moved and was duly seconded that the Town vote to amend its vote under Article 38 of the Warrant for the 1994 Annual Town Meeting relative to the composition and charge of the Public Ceremonies Committee by making the revisions to said vote printed on Page 3 of the Warrant for this special town meeting.

**VOTED:** UNANIMOUSLY CARRIED

**ARTICLE 2: RESCIND AUTHORIZED BUT UNISSUED DEBT**

*Sponsored by: Board of Selectmen*

To determine whether the Town will vote to rescind the \$227,000 remaining from the borrowing authorized at the town meetings listed below:

Item Description	Warrant Article #	Town Meeting Year	Amount Authorized
Sewer	40	Annual Town Meeting 1999	\$27,000.00
Septage	7	Annual Town Meeting 2006	\$200,000.00

**MOTION:**

John Bladon moved and was duly seconded that the Town vote to rescind the \$227,000 remaining from the borrowing authorized at the town meetings listed on Page 4 of the Warrant for this special town meeting.

**MOTION TO AMEND:**

Anette Lewis moved and was duly seconded that the Town vote to amend the dollar amount from \$227,000 to \$200,000.

**VOTED ON MOTION TO AMEND:** MOTION NOT CARRIED

**VOTED:** MOTION CARRIED



Steven J. Correia moved and was duly seconded that the Town vote to:

- a.) authorize the School Committee, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of the structure presently known as the Weight Room, which is located on the north side of the High School Field House, to the Board of Selectmen for the purpose of leasing said structure; and
- b.) authorize the Board of Selectmen, with the approval of the School Committee, and the approval of the Town Counsel as to form, to lease said structure.

**VOTED:** UNANIMOUSLY

**ARTICLE 6: ACQUIRE TOWN OF SUDBURY’S INTEREST IN SEPTAGE FACILITY**

*Proposed by: Board of Selectmen*

*Estimated Cost: \$130,000*

To determine whether the Town will vote to:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase or otherwise, all of the Town of Sudbury’s right, title and interest in and to the Septage Treatment Facility and the parcel of land upon which it is situated known and numbered 490 Boston Post Road, Wayland, Massachusetts, containing 7.63 acres, more or less, as described in an order of taking dated January 11, 1971 and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420;
- b.) appropriate a sum of money to be expended by the Board of Selectmen for the acquisition of the Town of Sudbury’s right, title and interest in said facility and parcel of land;
- c.) determine whether said appropriation shall be provided by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, or otherwise; and
- d.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to enter into and execute all necessary and appropriate instruments and agreements, including, without limitation, intermunicipal agreements, in connection with said acquisition.

**MOTION:**

Joseph F. Nolan moved and was duly seconded that the Town vote to:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase or otherwise, all of the Town of Sudbury’s right, title and interest in and to the Septage Treatment Facility and the parcel of land upon which it is situated known and numbered 490 Boston Post Road, Wayland, Massachusetts, containing 7.63 acres, more or less, as described in an order of taking dated January 11, 1971 and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420;
- b.) appropriate a \$129,618. to be expended by the Board of Selectmen for the acquisition of the Town of Sudbury’s right, title and interest in said facility and parcel of land;
- c.) provide for said appropriation by transferring \$129,618. from the Septage Enterprise Fund; and
- d.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to enter into and execute all necessary and appropriate instruments and agreements, including, without limitation, intermunicipal agreements, in connection with said acquisition.

**MOTION TO PASS OVER:**

Werner F. Gossels moved and was duly seconded that the Town vote to pass over this article.

**VOTED ON AMENDMENT TO PASS OVER:**

1 <sup>st</sup> VOICE VOTE:	UNDECIDED
STANDING COUNT BY MODERATOR:	MOTION CARRIED

<b>ARTICLE 7: DUDLEY AREA LAND STUDY FUNDING</b>
--

*Sponsored by: Board of Selectmen*

*Estimated Cost: \$75,000*

To determine whether the Town will vote to:

- a.) appropriate a sum of money to be expended by the Board of Selectmen for professional services to study the feasibility of disposition and use of the Town-owned parcels 47C-006, 47A-037A, 47A-037B, 47A-037C, 47A-037D, 47B-055H, 47B-055G, 47B-055F, 47B055E, 47B-055D, 47B-055C, 47B-055B, 47B-055A, 47B-055, 47A-027A, 47A-027, 47A-026, 47B-056G, 47B-056A, 47A-027E, 47B-057A, 47C-002, 47C-001, 47D-027, 47B-056F, 47B-056E, 47B-056D, 47B-056C, 47B-056B, 47B-057E, 47B-057D, and 47B-057C of land on Doran Road, Curtis Road, Pond Drive and Cross Street located in Wayland, Massachusetts, and shown on the plan entitled "Plan of Land in Wayland, Massachusetts Prepared for the Wayland Board of Selectman, Doran Road - Town Parcels" dated August 14, 2006, prepared by the Town of Wayland, Town Surveyors Office, which property is more fully described in Appendix B, for the purposes of open space preservation, passive recreation use, septic treatment for any new structures on said land or for properties in the vicinity of said parcels of land, pond management, and construction of affordable housing; and
- b.) 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.

**MOTION:**

Thomas J. Fay moved and was duly seconded that the Town vote to:

- a.) appropriate \$75,000. to be expended by the Board of Selectmen for professional services to study the feasibility of disposition and use of the Town-owned parcels 47C-006, 47A-037, 47A-037A, 47A-037B, 47A-037C, 47A-037D, 47B-055H, 47B-055G, 47B-055F, 47B055E, 47B-055D, 47B-055C, 47B-055B, 47B-055A, 47B-055, 47A-027A, 47A-027, 47A-026, 47B-056G, 47B-056A, 47A-027E, 47B-057A, 47C-002, 47C-001, 47D-027, 47B-056F, 47B-056E, 47B-056D, 47B-056C, 47B-056B, 47B-057E, 47B-057D, and 47B-057C of land on Doran Road, Curtis Road, Pond Drive and Cross Street located in Wayland, Massachusetts, and shown on the plan entitled "Plan of Land in Wayland, Massachusetts Prepared for the Doran Road~Dudley Pond Comprehensive Feasibility Study" dated September 30, 2010, prepared by the Town of Wayland, Town Surveyors Office, which parcels of land are highlighted in gray as "STUDY AREA" in Appendix B on Page 89 of the Warrant for this special town meeting, for the purposes of open space preservation, passive recreation use, septic treatment for any new structures on said land or for adjacent properties, pond management, and construction of affordable housing; and
- b.) provide for said appropriation by transferring (i) \$40,000. from the General Fund – Unreserved Fund Balance; and (ii) \$35,000. from the Community Preservation Fund, provided that said funds transferred from the Community Preservation Fund shall only be expended to study the feasibility of the disposition and use of said Town-owned parcels of land for open space preservation, passive recreation and affordable housing purposes.

**VOTED:**

MOTION CARRIED

<b>ARTICLE 8: APPROPRIATE CPA FUNDS FOR RENOVATION TO VOKES THEATRE</b>
---

*Proposed by: Community Preservation Committee*

*Estimated Cost: \$6,000*

To determine whether the Town will vote to appropriate a sum of money for the purpose of renovating the Vokes Theatre; 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 funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise.

**MOTION:**

Jerome Heller moved that the Town vote to:

- a.) appropriate \$6,000. for the purpose of renovating the Vokes Theatre located at 97 Boston Post Road in Wayland, Massachusetts; and
- b.) provide for said appropriation by transferring \$6,000. from the Community Preservation Fund.

**VOTED:**

UNANIMOUSLY



<b>ARTICLE 9:            APPROPRIATE CPA FUNDS FOR APPRAISAL OF MAINSTONE FARM</b>
--

*Proposed by: Community Preservation Committee, Conservation Commission*

*Estimated Cost: \$40,000*

To determine whether the Town will vote to appropriate a sum of money for the purpose of funding of an appraisal and feasibility analysis to determine the value of Mainstone Farm for the purpose of determining the value of a conservation restriction on a portion of such land that has been offered by the owners to the Town; 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 funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise.

**MOTION:**

Jerome Heller moved and was duly seconded that the Town vote to:

- a.) appropriate \$40,000. for the purpose of funding of an appraisal and feasibility analysis to determine the value of the so-called Mainstone Farm property in Wayland, Massachusetts for the purpose of determining the value of a conservation restriction on a portion of such land that has been offered by the owners to the Town; and
- b.) provide for said appropriation by transferring \$40,000. from the Community Preservation Fund.

**MOTION TO PASS OVER:**

John C. Dyer moved and was duly seconded that the Town vote to pass over this article.

**VOTED ON MOTION TO PASS OVER:**

MOTION NOT CARRIED

**VOTED:**

UNANIMOUSLY

<b>ARTICLE 10:            ACQUIRE 41 RIVER ROAD OPEN SPACE LAND</b>
---

*Sponsored by: Board of Selectmen, Conservation Commission*

*Estimated Cost: \$80,000*

To determine whether the Town will vote to:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise, the fee or any lesser interest in not more than twelve acres of the parcel of land located on River Road known and numbered as 41 River Road, Wayland, Massachusetts, containing thirteen acres, more or less, as described in deed dated October 24, 2007 and recorded with the Middlesex South Registry of Deeds in Book 50265, Page 16, for open space purposes, provided that no acquisition of said parcel of land by eminent domain shall be consummated without the consent of the owner;
- b.) appropriate a sum of money to be expended by the Board of Selectmen for the acquisition of such portion of said parcel of land; and
- c.) determine whether said appropriation shall be provided by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, by borrowing, or otherwise.

**MOTION:**

John Bladon moved and was duly seconded that the Town pass over this article.

**VOTED:**

UNANIMOUSLY

<b>ARTICLE 11: AMEND ZONING BYLAW – ZONING BYLAW REVISION</b>
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*Proposed by: Planning Board*

To see if the Town will vote to amend the Town's Zoning Bylaw, Chapter 198 of the Town Code as follows:

By deleting the text shown below as strike-out and by adding the text shown below as being added, and by adding the following three Attachments to the end of the Bylaw: Table of Dimensional Requirements, Table of Permitted Principal Uses by Districts, and Table of Permitted Accessory Uses by District ; text that is not being changed is shown for informational purposes only; page numbers are shown for reference purposes only and are not part of the proposed amendments.

### **Chapter 198: ZONING**

[HISTORY: Adopted by the Special Town Meeting of the Town of Wayland 10-11-1972 by Art. 10. Amendments noted where applicable. (Note: The numbering and format of the Zoning Bylaw as it appears in this chapter was adopted by the Annual Town Meeting 5-14-1998 by Art. 46.) *Note that all revision dates will need to be updated to include the most recent amendments.*

#### **GENERAL REFERENCES**

Billboards and advertising signs — See Ch. 97.  
 Aquifer Protection District — See Ch. 300.  
 Conservation cluster development — See Ch. 301.  
 Site plan review and approval — See Ch. 302.  
 Subdivision of land — See Ch. 303.

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#### **ARTICLE 1 General Provisions**

##### § 198-101. Purpose.

- 101.1. For the purpose of promoting the health, safety, convenience, ~~morals~~ and welfare of the inhabitants of the Town of Wayland, the height, number of stories and size of buildings and structures; the size and width of lots; the ~~portion~~~~percentage~~ of a lot that may be ~~built upon~~~~occupied~~; the size of yards, ~~courts~~ and other open spaces; the ~~intensity and usage~~ ~~density~~ of ~~lots~~~~population~~; and the location and use of buildings, structures and land for trade, industry, residence or other purposes are hereby regulated and restricted as herein provided.
- 101.2. The ~~Town of Wayland~~~~municipality~~ is divided into the districts hereinafter specified, and their regulations and restrictions are established as herein provided, all with the ~~purpose~~ ~~view~~ of ~~conserving the value of buildings and~~ encouraging the most appropriate use of land throughout the Town.

##### § 198-102. Applicability.

- 102.1. The regulations and restrictions set forth in this Zoning Bylaw for each of the districts defined and described herein shall apply to the erection, construction, reconstruction, alteration and/or use of all ~~buildings, structures,~~ and/or land in the Town of Wayland, ~~except to the extent that such regulation is prohibited by the laws of Massachusetts.~~ [Amended 4-30-1975 ATM by Art. 28; 4-28-1986 ATM by Art. 25]

##### § 198-103. Severability.

- 103.1. The invalidity of one or more articles, sections, paragraphs, sentences, clauses or provisions of this Zoning Bylaw shall not invalidate or impair any other part of this Zoning Bylaw nor invalidate this Zoning Bylaw as a whole. [Amended 5-3-1993 ATM by Art. 19]

##### § 198-104. Definitions.

- 104.1. Unless otherwise expressly stated, words used in this Zoning Bylaw shall have the definitions in, first, the Zoning Act (MGL c. 40A, § 1A) or, if not defined in said section of said Act, then in this ~~A~~article, or, if not defined in either said Act or in this ~~A~~article, then in ~~the most recent edition~~~~Article 2 of 780~~ of the Code of Massachusetts Regulations (CMR), the Massachusetts State Building Code (the Building Code) or, ~~successor code~~~~if not occurring in any of the preceding places, in Webster's Unabridged Dictionary, most recent edition.~~ [Amended 4-30-1975 ATM by Art. 31; 5-3-1993 ATM by Art. 17] Additional definitions

applicable to particular provisions, including overlay districts, in this Zoning Bylaw may be found under the particular Article regulating those districts.

- 104.2. As used in this Zoning Bylaw, the following terms shall have the meanings indicated: [Amended 5-2-1996 STM by Art. 3; 5-7-1997 ATM by Art. 38]

ACCESSORY DWELLING UNIT — A dwelling unit additional set of living facilities, with permanent provisions for living, cooking and sanitation, located in a single family residence dwelling, or a building accessory thereto, and occupying no more than 35% of the combined gross floor area total living areas of the accessory dwelling unit and the principal single family dwelling residence.

ACCESSORY STRUCTURE — A building or structure, the use of which is customarily incidental to, and located on the same lot premises with, the building or structure to which it is accessory.

ACCESSORY USE — A use of land, or building(s), or structure(s) customarily customary with, and incidental to, any permitted use and located on the same lot premises with, the use to which it is accessory, or on an adjacent lot under the same ownership, including a garage for three cars or fewer, carport, noncommercial greenhouse, tool shed, barn, swimming pool, and tennis court.

AFFORDABLE DWELLING UNIT (ADU) — A residential unit that is restricted in its sale, lease or rental to a qualified income-eligible household at specific price limits that qualify such residential unit for inclusion in the Chapter 40B Inventory of Subsidized Housing maintained by the Commonwealth of Massachusetts Department of Community Affairs, Department of Housing and Community Development. [Added 5-4-2005 STM by Art. 1]

AGRICULTURE — Farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.  
ASSISTED/INDEPENDENT LIVING — See Article 21.

AUTOMOBILE SALES — The use of any building, structure, or lot for the display and sale of new or used automobiles, including light trucks, vans, trailers or recreational vehicles, and any accessory vehicle preparation and repair work associated with such sale.

AUTOMOBILE SERVICE GARAGE — The use of any building, structure or lot for the repair of automobiles, including light trucks, vans, trailers or recreational vehicles.

AUTOMOBILE SERVICE STATION — The use of any building, structure, or lot for the sale of vehicular fuels, service and repair of automobiles, including light trucks, vans, trailers or recreational vehicles, and any accessory use and sale of products related to such sales and service.

BATHROOM — A room equipped for taking a bath or shower.

BOARDINGHOUSE — An establishment in which permanent lodging is provided for consideration to more than three persons unrelated to the owner or proprietor. Boardinghouse includes dormitories.

BOAT OR CANOE RENTAL — The rental, storage, maintenance and repair of small boats and canoes, non-motorized or no more than 10 horsepower, and equipment and accessories customarily incidental to their normal operation, including outboard motors and boat trailers; seasonal sale of boats and occasional sale of accessory items.

BUILDING — A structure with a roof supported by columns or walls and intended to shelter people, animals or goods.

~~BUILDING ENVELOPE — The three dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk; by other regulations; and/or any combination thereof. [Added 5-3-2000 ATM by Art. 32]~~

BUILDING HEIGHT — The distance, measured vertically from the average mean grade, to the highest roof element.

CONSERVATION — Land that is left in its natural state or which is improved with trails and resource

management programs that do not significantly alter the land's natural state.

CONSTRUCTION YARD – An establishment for storage of lumber and other construction supplies, materials, and equipment.

DEP — Massachusetts Department of Environmental Protection, or any successor agency.

DHCD — Massachusetts Department of Housing and Community Development, or any successor agency.

DRIVE-IN, DRIVE-THROUGH OR DRIVE-UP USES — A retail or consumer service use of a building, structure or lot, ~~land or structure~~, other than a restaurant, in which the business transacted is conducted by a customer or client from within a vehicle. [Added 5-5-1999 STM by Art. 11]

DRIVE-IN, DRIVE-THROUGH OR DRIVE-UP RESTAURANT – An establishment, the principal business of which is the sale of food or beverages in a ready-to-consume state and for which the method of operation includes sale of food or beverages in paper, plastic, or other disposable container or service of food or beverages directly to a consumer in a vehicle.

DWELLING UNIT (DWELLING) — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation; but no trailer, trailer coach or mobile home, whether or not selfpropelled, and whether or not the wheels thereof may have been removed, shall be construed to be a dwelling. [Amended 5-5-1999 STM by Art. 11]

DWELLING UNIT, ATTACHED (ATTACHED DWELLING) — A building designed or occupied as a residence and separated from another attached dwelling on one or both sides, either by a vertical party wall or walls or by a contiguous wall or walls, without side yards. [Added 5-5-1999 STM by Art. 11]

DWELLING UNIT, DETACHED (DETACHED DWELLING) — A building that is designed or occupied as a residence and that is ~~substantially~~ separated by side yards from any other building or structure or structures except accessory buildings or structures. [Added 5-5-1999 STM by Art. 11]

DWELLING UNIT, MULTI-FAMILY (MULTI-FAMILY DWELLING) — A building containing more than ~~two~~ one dwelling units. [Added 5-5-1999 STM by Art. 11]

DWELLING, SINGLE-FAMILY (SINGLE-FAMILY DWELLING) – A dwelling unit for one housekeeping unit.

EDUCATIONAL – Educational uses exempt from regulation by the Zoning Act (MGL c. 40A, §3).

EARTH — ~~Shall include~~ soil, loam, sand, gravel, clay, rock or other natural minerals and peat. [Added 5-6-2004 ATM by Art. 23]

FLOOR AREA, GROSS (GROSS FLOOR AREA) — The sum of all floor areas within the perimeter of the outside walls of the building under consideration, without deduction for bathrooms, toilet compartments, lavatories, hallways, stairs, closets, thickness of walls, columns or other features; but excluding unfinished basements, cellars and attics, ~~space used for mechanical systems, and~~ garages, and areas open to below such as foyer spaces, balconies, and two-story atriums. [Amended 5-5-1999 STM by Art. 11]

~~FLOOR AREA, NET — Net floor area is for the purpose of determining the actual occupied area and does not include accessory unoccupied areas or thickness of walls.~~

FLOOR AREA RATIO — The gross floor area of all buildings and structures on a lot divided by the total lot area.

FRONTAGE — The linear extent of the front of a lot measured along the street lot line of the right-of-way from the intersection of one side lot line to the intersection of the other lot line of the same lot along the same right-of-way. Noncontiguous frontage shall not be considered with regard to meeting frontage requirements. A building lot that is located on more than one street may not combine frontage on the streets and shall have the minimum ~~shall meet the~~ frontage requirement on one such street. [Added 5-5-1999 STM by Art. 11; amended 5-3-2000 ATM by Art. 32]

GRADE — A reference plane representing the average of finished ground adjoining the building at all exterior walls, established by the lowest points within the area between the building and a point six feet from the building.

~~HABITABLE SPACE — Space in a structure used or intended to be used for living, sleeping, eating or~~

~~cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.~~

HAZARDOUS MATERIAL STORAGE – Storage or disposal of hazardous materials.

HEAVY VEHICLE REPAIR GARAGE – Establishment for the repair of trucks, construction equipment or other similar heavy motor vehicles and equipment, and vehicle body work shop, provided that the making of all but minor repairs must be conducted wholly within a building sufficiently sound insulated to confine noise to the lot.

HOME OCCUPATION, CUSTOMARY (CUSTOMARY HOME OCCUPATION) — Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident’s dwelling unit or an accessory structure. Said occupation to include but are not necessarily limited to the following: sale of antiques; dressmaking, sewing and tailoring; letting of rooms; telephone solicitation work; tutoring; home crafts; studio for artist or craftsman; office for doctor, dentist, attorney, real estate agent, insurance agent, accountant, stock broker, engineer, architect, landscape architect, musician, writer, data programming, sales representative; and tradesperson, such as electrician, plumber, and carpenter. Where customary home occupations are permitted by the Table of Accessory Uses § 198-804, no dwelling or accessory structure so used shall be reconstructed or enlarged for such purposes unless specifically permitted under the provisions of § 198-203. [Added 4-30-2001 ATM by Art. 25]

HOSPITAL – A licensed sanitarium or hospital.

HOUSEKEEPING UNIT — One or more persons living together and sharing the same kitchen facilities, water services and energy services.

JUNKYARD – A commercial salvage yard, commercial junk yard, or all open-air storage of junk, waste products, and salvage materials, including non-operative motor vehicles.

KENNEL – The maintenance of dogs and suitable shelters therefore; any kennel or other structure used exclusively by dogs may be no closer than 20 feet from any lot line and no closer than 50 feet from any existing dwelling, whether or not located on the lot.

LAVATORY – A room fitted for plumbing fixtures for washing the hands and face and water closets.

LIGHT MANUFACTURING – Manufacturing that employs electricity, and/or other quiet motive power, utilizes hand labor, and/or quiet machinery, and/or processes and that is free from neighborhood-disturbing odors or other neighborhood disturbing characteristics such as noise or dust.

LOT — An area of land in one ownership with definite external boundaries and without any other legal boundaries or lines that are internal to said external boundaries, excepting easements, and which area of land is used or set aside and available for use as the site of one or more buildings.

MassDOT – Massachusetts Department of Transportation, formerly MassHighway Department, or any successor agency.

MEDICAL/DENTAL CARE CENTER – A center for medical, dental, clinical and public health service and supporting services for the foregoing, such as offices and laboratories.

MEMBERSHIP CLUB, NONPROFIT – Membership clubs and nongovernmental recreational facilities devoted to outdoor sports, recreational or social activities, including buildings and lots, except when the chief activity is customarily carried out as a gainful business.

MEMBERSHIP CLUB, FOR PROFIT – Membership clubs and nongovernmental recreational facilities devoted to outdoor sports, recreational or social activities, including buildings and lots, when the chief activity is customarily carried out as a gainful business.

~~- MHD — Massachusetts Highway Department, or any successor agency.~~

MOVE OR MOVEMENT — To dig, excavate, remove, deposit, fill, grade, replace, level, or otherwise alter or change the location or contour of land. [Added 5-6-2004 ATM by Art. 23]

MUSEUM/LIBRARY – A museum or library open to the public or connected with a permitted educational use and not conducted as a for profit business.

NONCONFORMING USE OF LAND OR BUILDING, STRUCTURE, OR LOT — An existing use of a building, structure, or lot land or building(s) that does not conform to the Zoning Bylaw regulations for the district in which such use of land or building(s) exists.

NURSERY SCHOOL/DAY-CARE – Nursery school and day-care centers and other facilities that receive children of school or preschool age for temporary custody, with or without stated educational purposes, during all or part of the day.

NURSING HOME – A licensed nursing, rest or convalescent home for the care of the sick or aged. No Nursing Home may be located within 30 feet of any lot line.

OFFICE – A business, government or professional office; a medical office, including laboratories incidental thereto.

PARKING FACILITY – A commercial parking lot or garage for four or more vehicles.

PERSONAL AND OTHER SERVICE ESTABLISHMENTS – Any establishment providing services involving the care of a person or his or her apparel or establishments providing services to the general public or to other business establishments, including a repair shop for household or office items.

~~PREMISES — A distinct portion of real estate, land or lands, with appurtenances (buildings and structures).~~

PUBLIC OR CHARITABLE INSTITUTION – A public or charitable institution not of a correctional nature, provided that no building shall be within 30 feet of any lot line.

RAILROAD STATION/RAILROAD RIGHT-OF-WAY – Railroad passenger stations or rights-of-way, including customary services therein, but not including switching, storage or freight yards or sidings.

RECREATION/PARK – Parks; water supply reservations; public military and veterans memorials and monuments; and recreational facilities owned or operated by the Town.

RELIGIOUS – Places of worship and other religious uses exempted from regulation by the Zoning Act ( MGL c. 40A, § 3).

RESEARCH AND DEVELOPMENT LABORATORIES/OFFICES – An establishment for carrying on investigations in the natural, physical, or social sciences, including engineering and product development.

RESTAURANT – An establishment for the serving and consumption of food and beverages inside a building at tables or counters

RETAIL STORE – A store, showroom or salesroom for the sale, preparation and display of merchandise within a building. Garden centers, florists or commercial greenhouses may have open-air displays of horticultural products. Retail stores may have seasonal open-air displays of merchandise.

RIGHT-OF-WAY — The full strip of land, whether public or private, designated for vehicular and sometimes pedestrian traffic, consisting of the pavement or traveled way and any planting strips and sidewalks. A right-of-way so designated shall be available only for such uses as are customary for rights-of-way in the Town of Wayland and shall not be available for any private construction, such as buildings, fuel tanks, septic systems, fences, walls or paved parking areas.

ROADSIDE STAND – A roadside stand selling agricultural and other products produced or grown on the lot where the stand is located or on an adjacent lot under the same ownership.

SETBACK — The shortest distance from the lot boundary line or right-of-way street lot line to the wall of a building or structure facing thereon. [Added 5-5-1999 STM by Art. 11]

SPGA — Special permit granting authority.

STOR(E)Y — That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

STREET — Any public way used for vehicular traffic, or any private way used as a public way for such traffic. [Amended 5-5-1999 STM by Art. 11]

STRUCTURE — A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like. The word “structure” shall be construed, where the context requires, as though followed by the words “or part or parts thereof.”

STUDIO – A place for art, music, dance and similar activities or classes.

TOWN USES (MUNICIPAL USES) – A use of or pertaining to the Town of Wayland, except that in single residence districts, such a use is restricted to fire stations, police stations, public libraries, parks, water supply reservations and parks and memorial buildings.



TRADE SHOP – A shop used by practitioners of the building trades, provided that all work and storage shall be conducted within a building.

UTILITY FACILITY – A building housing facilities for communications or other utility uses.

WAREHOUSE/DISTRIBUTION – A building for the enclosed storage of goods and materials where the wholesale sale of goods or materials is permitted, provided that such sale is incidental to the warehouse use.

TOWN — The Town of Wayland (unless used generically with no capitalization).

WIRELESS COMMUNICATIONS FACILITY — A structure which may include a tower, one or more antennas and one or more accessory structures designed to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service. [Amended 5-7-1997 ATM by Art. 32]

YARD, FRONT — The space extending across the full width of the lot and lying between the front lot line or lines and the nearest point of the building or structure. [Amended 5-5-1999 STM by Art. 11]

YARD, REAR — The space extending across the full width of a lot and lying between the nearest point of the building or structure and the rear lot line, or the corner of a triangular lot farthest from the front lot line in the case of a triangular lot with only one lot line along a right-of-way. [Amended 5-5-1999 STM by Art. 11]

YARD, SIDE — The space between a side lot line of a lot and the nearest point of the building or structure, and extending from the front yard to the rear yard. [Amended 5-5-1999 STM by Art. 11]

ZBA — The Wayland Zoning Board of Appeals.

## ARTICLE 2 Administration and Enforcement

§ 198-201. Zoning Board of Appeals.

[Amended 4-30-1975 ATM by Art. 33; 5-5-1993 ATM by Art. 28]

- 201.1. ~~A Zoning Board of Appeals (ZBA) of five members and three associate members to be appointed by the Selectmen is hereby created under the provisions of MGL c. 40A, as amended, to assume the duties and powers given to such Board stated hereinbefore and further powers as follows:~~ A Zoning Board of Appeals (ZBA) consisting of five members shall be appointed by the Board of Selectmen and shall have the powers as provided for in the Zoning Act, MGL, c.40A, and in this Zoning Bylaw. As provided for in c. 379 the Acts of 1996, the ZBA members shall be appointed for terms of three years. The Board of Selectmen shall also appoint three associate members of the ZBA as provided for in MGL c.40A, §12. Each associate member shall be appointed for a term of three years and shall participate in ZBA proceedings as provided for in MGL c.40A, §12. The ZBA shall have the following powers:

201.1.1. Editor's Note: Former Section 201.1.1, which provided the ZBA with the power to adapt requirements of the Zoning Bylaw to irregular, unusual, narrow or shallow lots, and which immediately preceded this section, was repealed 5-14-1998 ATM by Art. 53. Said Art. 53 also redesignated former Sections 201.1.2 through 201.1.6 as Sections 201.1.1 through 201.1.5, respectively. To permit a substitution for, or an extension or alteration to, an existing building, whether conforming or nonconforming, in accordance with provisions on use.

201.1.2. To grant temporary and conditional permits ~~of limited duration~~ for nonconforming uses, ~~and buildings, and structures~~ incidental to the development of the use, building, or structure ~~operations~~.

201.1.3. To grant special permits pursuant to § 198-~~1604~~203 for the conversion of a house for a single ~~dwellinghousekeeping~~ unit existing on September 5, 1934, into a house for two ~~dwellinghousekeeping~~ units, provided that: [Amended 3-20-1974 ATM by Art. 43; 4-30-1975 ATM by Art. 31; 4-16-1980 ATM by Art. 20]

201.1.3.1. The lot on which the house is located conforms to the area and frontage regulations set forth in this Zoning Bylaw in effect at the time that the application for a permit shall have been filed;

- 201.1.3.2. Each ~~dwelling~~~~housekeeping~~ unit shall have its own kitchen and at least one bathroom;
- 201.1.3.3. Each ~~dwelling~~~~housekeeping~~ unit shall have sufficient space to park two automobiles off street; and
- 201.1.3.4. A disposal works construction permit for such use shall have been granted by the Board of Health.

201.1.4. To grant special permits provided for in this Zoning Bylaw. [Amended 4-30-1975 ATM by Art. 31; 6-21-1978 ATM by Art. 6; 4-22-1980 by Art. 24; 4-28-1986 ATM by Art. 28]

201.1.5. To hear and decide petitions for variances for use or activity pursuant to the provisions of MGL c. 40A, § 10.

§ 198-202. Permit application.

- 202.1. Every application for a special permit under § 198-203 shall be accompanied by an ~~adequate sketch plot plan prepared and certified by a professional land surveyor~~ and a written description of the lot, the existing buildings and structures thereon and the location of any proposed building or structure on the lot, together with plans for any proposed building or structure, and shall in every case comply with the provisions of this Zoning Bylaw and the regulations of the ZBA or Planning Board, as may be the special permit granting authority.

§ 198-203. Special permits; requirements and conditions.

[Amended 5-2-1983 ATM by Art. 12]

- 203.1. ~~Where special permits by the ZBA or the Planning Board (special permit granting authority) are required under this Zoning Bylaw, the Building Commissioner or other persons designated by the Selectmen to issue permits as hereinafter provided shall issue no permit until so directed in writing. The Building Commissioner may not issue a building permit for a use, building, or structure for which a special permit is required unless the special permit granting authority, the ZBA or the Planning Board, as applicable, shall have issued a special permit.~~ Upon application for such a special permit, the special permit granting authority shall give public notice by publication in a newspaper and by mail to the applicant and to the owners of all property ~~deemed by the special permit granting authority as affected by such a permit~~ who are entitled to be notified, as provided for in MGL c. 40A. The special permit granting authority ~~and~~ shall hold a hearing ~~and~~ render a decision and take final action on the application as provided for in MGL c. 40A. The applicant shall show to the satisfaction of the special permit granting authority that the use, building, or structure ~~of the premises~~ for which application is made shall not be against the public interest, shall not derogate from the character of the neighborhood in which such use, building, or structure is to occur and shall not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and that such use, building, or structure shall not otherwise be injurious to the inhabitants of the Town or their property or dangerous to the public health or safety. When not so satisfied, the special permit granting authority shall deny the application ~~refuse a permit~~. When, ~~in the opinion of~~ the special permit granting authority determines that, ~~such~~ a special permit may be granted if accompanied by conditions specially designated to safeguard the neighborhood ~~district~~ and the Town, it shall impose such conditions and make them a part of the decision, and they shall be made a part of the building permit issued by the Building Commissioner ~~or other person designated by the Selectmen as hereinafter provided.~~

§ 198-204. Planning Board associate member.

[Amended 5-3-1993 ATM by Art. 21]

- 204.1. There shall be one associate member of the Planning Board who shall be elected to serve a term of five years.
- 204.2. ~~Within 30 days after the Town is notified that this § 198-204 is approved by the Attorney General, or within 30 days after this § 198-204 becomes effective without action by the Attorney General, the Planning Board and the Board of Selectmen shall jointly appoint, by majority vote of all members from both Boards present, the first associate member to serve until the next annual Town election. At least a quorum of each of the Boards shall be present for this appointment and vote. Said position shall subsequently be filled by election in the same manner as election of regular members. Notwithstanding the expiration of the term of any duly~~



~~appointed or elected associate member, said associate member shall continue to serve on any matter on which he or she was designated to serve until such matter is decided.~~

Reserved for possible future use.

- 204.3. In the event of a vacancy in the position of associate member, the Planning Board and the Board of Selectmen shall jointly appoint, by majority vote of all members of both boards present, an associate member position shall be filled by appointment in the same manner as specified in § 198-204.2 above, for a period ending at the next annual Town election, for the remaining portion of the term at which time the position shall be filled by election in the manner as regular members, specified in said § 198-204.2 above. No vote to fill a vacancy may occur unless a quorum of both the Board of Selectmen and the Planning Board is present for the vote.

204.4.

The Chairman of the Planning Board may require such associate member to be in attendance at special permit proceedings and hearings and may designate such associate member to sit on the Planning Board for the purpose of acting on a special permit application in the case of absence, inability to act or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Planning Board during special permit application proceedings and hearings. In no case, however, shall more than five members in total, including the associate member, acting as the Planning Board, take any action on any special permit. Notwithstanding the expiration of the term of any duly appointed or elected associate member, said associate member shall continue to serve on any matter on which he or she was designated to serve until final action is taken on the matter.

#### § 198-205. Enforcement.

- 205.1. The Building Commissioner/Zoning Enforcement Officer shall be charged with the enforcement of this Zoning Bylaw. No building permit may shall be issued for the construction, alteration or moving of any building or structure if the building or structure, as constructed, altered or moved, would be in violation of this Zoning Bylaw. [Amended 5-2-1990 ATM by Art. 13]
- 205.2. The penalty for each violation of this Zoning Bylaw shall be as stated in the article specifying the penalty for such violations in the Town of Wayland Code, as may be amended from time to time (currently Chapter 1, General Provisions, Article II, Violations and Penalties). [Amended 5-3-1993 ATM by Art. 20]
- 205.3. No building permit may shall be issued under any application of any kind unless the plans and specifications that shall accompany such application, and the intended use of any building, structure or lot ~~or premises~~ under such permit, shall be in all respects in conformity with the provisions of this Zoning Bylaw. [Amended 5-20-1990 ATM by Art. 13]

#### ARTICLE 3 Establishment of Districts

##### § 198-301. Designation.

- 301.1. For the purpose of this Zoning Bylaw, the Town of Wayland is divided into the following types of districts, designated as:
- 301.1.1. Single Residence Districts. For the purposes of § 198-705.1 and § 198-705.2 of Article 7 of this Zoning Bylaw, the Single Residence District shown on the map referred to in § 198-301 herein is hereby divided into four types of zones designated as follows, all as shown, defined and bounded on a second map accompanying this Zoning Bylaw entitled "Town of Wayland, Amendment to Zoning Map 1934, March 1939," dated and approved February 27, 1939, by the Wayland Planning Board, as revised March 13, 1939, by said Board and on file with the Town Clerk, and said second map and the explanatory matter thereon, as so revised, are hereby made a part of this Zoning Bylaw: [Amended 3-12-1973 ATM by Art. 15; 5-4-2000 ATM by Art. 35]

- 301.1.1.1. Residence Zone 20,000 square feet - 120 feet Front.  
Residence Zone 30,000 square feet - 150 feet Front.  
Residence Zone 40,000 square feet - 180 feet Front.  
Residence Zone 60,000 square feet - 210 feet Front.
  - 301.1.2. Roadside Business Districts. [Amended 3-12-1973 ATM by Art. 15]
  - 301.1.3. Business Districts A. [Amended 3-12-1973 ATM by Art. 15]
  - 301.1.4. Business Districts B. [Amended 3-12-1973 ATM by Art. 15]
  - 301.1.5. Light Manufacturing Districts. [Amended 3-12-1973 ATM by Art. 15]
  - 301.1.6. Limited Commercial Districts. [Amended 3-12-1973 ATM by Art. 15]
  - 301.1.7. Planned Development Districts. [Amended 10-30-1974 STM by Art. 7]
  - 301.1.8. Refuse Disposal District. [Amended 11-12-1975 STM by Art. 8]
- 301.2. Said districts are defined and described in numerous votes of the Town, beginning with the adoption of this Zoning Bylaw under Article 5 of the September 5, 1934, Special Town Meeting, and subsequent Town Meetings, and are shown on a plan accompanying this Zoning Bylaw that has been filed with the Town Clerk entitled "Town of Wayland Zoning Map," Survey Department, 41 Cochituate Road, Wayland, Massachusetts, 01778, December 5, 2003, as the same may be amended from time to time hereafter. [Amended 5-7-1997 ATM by Art. 39; 4-30-2001 ATM by Art. 23; 5-5-2004 ATM by Art. 19]
- § 198-302. Overlay districts.  
[Amended 3-20-1974 ATM by Art. 44; 4-30-1975 ATM by Art. 28]
- 302.1. To carry out the purposes of this Zoning Bylaw, the Town of Wayland is also divided into the following districts that overlay the districts established by § 198-301 above:
- 302.1.1. A Floodplain District that includes all land and water in the Town of Wayland subject to seasonal or periodic flooding by the Sudbury River, except for temporary excavations, whose surface lies below elevation 124 feet above mean sea level, as such elevation is shown by the notation "--124--Floodplain" in the Atlas of the Town of Wayland, Massachusetts, prepared and corrected to January 1, 1972, by Everett M. Brooks & Co., corrected to January 1, 1975, by the Wayland Engineering Department.
  - 302.1.2. ~~A Federal Flood Protection District, defined as the one hundred year floodplain, Zones A and A1 A30, that is shown, defined and bounded on maps published by the Federal Emergency Management Agency on file with the Town Clerk and entitled "FIRM—Flood Insurance Rate Map, Town of Wayland, Massachusetts, Middlesex County," and "Floodway Flood Boundary and Floodway Map, Town of Wayland, Massachusetts, Middlesex County," dated June 1, 1982. [Amended 5-4-1982 ATM by Art. 17; 5-4-2004 ATM by Art. 19; 5-5-2005 ATM by Art. 31 Editor's Note: This article also repealed former § 198-302.1.2, which provided for a Watershed Protection District, and redesignated former § 198-302.1.3 through 198-302.1.6 as § 198-302.1.2 through 198-302.1.5, respectively.] Reserved for possible future use.~~
  - 302.1.3. A Southeast Wayland-Cochituate Planning District that includes all land to be placed in said district by a two-thirds vote of Town Meeting, but including only such land with an area not less than 25 acres, a substantial portion of which (herein defined as more than 30%) is wet areas, as defined in § 198-1402 herein, and that is located in the area shown as Residence Zone 30,000 square feet-150 feet Front bordering on the Wayland-Natick town lines on the map entitled "Town of Wayland Zoning Overlay Districts," Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated December 5, 2003. [Amended 6-16-1987 STM by Art. 3; 4-30-2001 ATM by Art. 22; 4-30-2001 ATM by Art. 23; 4-29-2002 STM by Art. 5; 5-4-2004 ATM by Art. 19; 5-5-2005 ATM by Art. 31]
  - 302.1.4. An Aquifer Protection District that is shown on a map on file with the Town Clerk entitled

- “Town of Wayland Zoning Overlay Districts,” Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated December 5, 2003. The district comprises areas in the Town of Wayland where liquids or water-soluble materials placed on or below the surface of the land will migrate to the Town’s municipal wells if pumping is sufficiently heavy and prolonged. For data, standards and procedures by which the boundary of the district was established and for other details, see a report on file with the Town Clerk entitled “Aquifer Mapping Project, Town of Wayland,” January 1988, by IEP, Inc., Consulting Environmental Scientists of Northborough, Massachusetts, and also a report on file with the Town Clerk entitled “Report on Conceptual Zone II Study of the Baldwin Pond Wellfield,” March 1994, by Anderson-Nichols & Company, Inc., Consulting Engineers, Boston, Massachusetts. [Added 5-1-1989 STM by Art. 7; amended 4-30-2001 ATM by Art. 23; 4-29-2002 ATM by Art. 5; 5-4-2004 ATM by Art. 19; 5-5-2005 ATM by Art. 31]
- 302.1.5. A Senior and Family Housing Overlay District which includes all of the following land: Parcels F and G as shown on a plan entitled “Town of Wayland Zoning Overlay Districts,” Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated December 5, 2003, and is available at the office of the Town Clerk for public inspection. [Added 4-28-1997 STM by Art. 5; amended 4-30-2001 ATM by Art.23; 4-29-2002 ATM by Art. 5; 5-4-2004 ATM by Art. 19; 5-5-2005 ATM by Art. 31]
- 302.1.6. A Wireless Communications Services District that includes the land owned by the Town of Wayland known as the “old landfill site” as shown in the Atlas of the Town of Wayland, Massachusetts, 1999, on Plates 22 and 23, Parcels 22-001 and 22-002, and known as the “new landfill site” as shown in the Atlas of the Town of Wayland, Massachusetts, 1996, on Plates 17, 21, and 22 inclusive, that portion of Parcel 17-018 that is south of the line that is the continuation of the northwestern property line of Parcel 22-004, Parcels 21-010A, 22-003, 22-004, 22-006 and 22-007; and the land comprising the portion of the so-called Massachusetts Bay Transportation Authority (MBTA), “right-of-way” from its boundary with the southerly sideline of Boston Post Road (Route 20) westerly to its westernmost boundary with the Town of Sudbury as shown in the Atlas of the Town of Wayland, Massachusetts, 1999, on Plates 22, 26 and 27, inclusive, and as shown on the plan entitled “Town of Wayland Zoning Overlay Districts,” Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated December 5, 2003, a copy of which is on file in the office of the Town Clerk. [Added 11-17-1999 STM by Art. 3; amended 4-30-2001 ATM by Art. 23; 4-29-2002 STM by Art. 5; 5-4-2004 ATM by Art. 19; 5-5-2005 ATM by Art. 31 Editor’s Note: This article also redesignated former § 198-302.8 as § 198-302.6.
- 302.1.7. (Reserved) Editor’s Note: Former Subsection 302.1.7, Cochituate Interim Planning Overlay District, added 4-30-1997 STM by Art. 7; amended 5-8-2000 ATM by Art. 47 and 4-30-2001 ATM by Art. 23, was repealed 5-5-2004 ATM by Art. 18.
- 302.1.8. (Reserved)
- 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. [Added 11-1-2005 STM by Art. 2]
- 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. [Added 5-3-2006 STM by Art. 2]
- 302.2. Any land lying within the Aquifer Protection District, the Federal Flood Protection District, the Floodplain

District or the Watershed Protection District shall also be subject to the regulations of the underlying districts to the extent not inconsistent with the regulations for the applicable overlying district or districts and shall, in addition, conform to the additional requirements of the one or more overlying districts in which the land lies. In the event of any conflict between the regulations applying to two or more overlying districts that apply to the same parcel of land, the conflict shall be resolved by applying the most restrictive provisions. [Added 5-4-1982 ATM by Art. 17; amended 5-1-1989 STM by Art. 7]

§ 198-303. Plans and maps.

303.1. The plans and maps referred to in §§ 198-301 and 198-302 shall be part of this Zoning Bylaw. [Amended 6-21-1978 STM by Art. 6; 4-17-1980 ATM by Art. 23]

ARTICLE 4 Nonconforming Structures and Uses Editor's Note: The title of this article was amended 5-14-1998 ATM by Art. 47. [Amended 4-17-1980 ATM by Art. 23]

§ 198-401. Continuance; conditions.

401.1. Any building, structure, or use lawfully in existence or lawfully begun or as to which a building or special permit has issued before the first publication of notice of public hearing on any provision of this Zoning Bylaw, or any amendment thereto, required by MGL c. 40A, § 5, may be continued or completed although such building, structure, or use does not conform to the terms of said provision or amendment, subject, however, to the following:

401.1.1. Construction or operations under a building or special permit shall conform to any subsequent provision of this Zoning Bylaw, or any amendment thereto, unless the use or construction is commenced within a period of not more than six months after the issuance of the building or special permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

401.1.2. Preexisting nonconforming buildings, structures, or uses may be changed, extended or altered by a special permit issued by the ZBA pursuant to the provisions of § 198-201 and § 198-203 of this Zoning Bylaw, provided that no such change, extension or alteration shall be permitted unless there is also a finding by the ~~Zoning Board of Appeals (ZBA)~~ that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming building, structure, or use to the neighborhood; provided, however, that the Planning Board shall serve as the special permit granting authority for changes, extensions and/or alterations to nonconforming buildings, structures, and uses in the Senior and Family Housing Overlay District pursuant to Article 21 of this Zoning Bylaw; and further provided, however, that a single or two-family dwelling may be changed, extended, or altered so long as the change, extension or alteration does not increase the nonconforming nature of the dwelling. The Building Commissioner shall determine if a change, extension or alteration to a single or two-family dwelling increases the nonconforming nature of the structure. [Amended 4-28-1997 STM by Art. 5; 5-14-1998 ATM by Art. 45]

401.1.3. A structure for one or two ~~dwellinghousekeeping~~ units may be the subject of alteration, reconstruction, extension or structural change without the necessity of a special permit, provided that the following conditions are met: [Amended 5-4-1994 ATM by Art. 24]

401.1.3.1. Such alteration, reconstruction, extension or structural change shall comply with this Zoning Bylaw; and

401.1.3.2. Such alteration, reconstruction, extension or structural change shall not exceed 20% of the gross floor area of the structure in existence on the date this paragraph first become effective, which is May 4, 1994, and such alteration, reconstruction, extension or structural change does not increase the nonconforming nature of the structure. Open decks, accessory buildings less than 175 square feet in gross floor area, and accessory structures, such as fences, retaining walls, swimming pools, and tennis courts~~less than 175 square feet~~ shall be permitted as a matter of right and shall not be included in any gross floor area calculation. [Amended 5-5-1999 STM by Art. 11; 5-3-2000 ATM Art. 30]

- 401.1.4. Wherever a lawful nonconforming building, structure, or use has been abandoned, or has not been used for ~~two~~<sup>24</sup> consecutive ~~years~~<sup>months</sup> or more, it shall not be resumed or reestablished, and all future buildings, structures, and uses shall conform to this Zoning Bylaw. [Amended 5-14-1998 ATM by Art. 45]
- 401.1.5. If a nonconforming building or structure is damaged or destroyed by natural causes or otherwise, then any rebuilding or restoration may take place as of right as long as the rebuilding or restoration conforms precisely in size, location, configuration and extent of use to that which existed prior to the damage or destruction. All rebuilding or restoration shall be commenced within two years of the date of the damage or destruction and shall be continued through to completion as continuously and expeditiously as reasonable. Prior to the expiration of the two years, if the owner applies to the ZBA for an extension of this time period, and if the ZBA finds that there is good cause for the failure to commence rebuilding or restoration, the ZBA may extend the time period for no longer than an additional six months [Amended 5-14-1998 ATM by Art. 45]
- 401.1.6. The ZBA may, ~~but shall not be obligated to,~~ issue a special permit for any changes in size, location, configuration and extent of use in a nonconforming building or structure damaged or destroyed by natural or other involuntary causes, provided that the ZBA shall find that such changes shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. [Amended 5-14-1998 ATM by Art. 45; 5-5-2004 ATM by Art. 20]
- 401.1.7. Any permitted restoration or rebuilding under § 198-401.1.6 shall commence within six months after the issuance of the special permit therefor and shall continue through to completion as continuously and expeditiously as is reasonable or such permission shall lapse. Prior to the expiration of the six months, if the owner applies to the ZBA for an extension of this time period and if the ZBA finds that there is good cause for the failure to commence rebuilding or restoration, the ZBA may extend the time period for no longer than an additional six months. Unless otherwise authorized by the ZBA, the new or restored building or structure shall have the same height and location on the lot as the replaced structure.
- 401.1.8. Whenever land is taken by, or conveyed to, a governmental authority having the power of eminent domain or a street is created, widened or relocated, any then existing lot shown on a plan or described in a deed recorded in the Registry of Deeds that conformed, ~~or was considered to conform,~~ to the area and frontage requirements before, but not thereafter, shall be considered to conform, and any existing structure that was in compliance with regulations respecting location before, but not thereafter, shall be considered to be in compliance. This paragraph shall not be applicable if the street was a private way and the land on which it was created, widened or relocated was owned by the owner of the lot or structure affected. [Amended 4-28-1986 ATM by Art. 24; 5-4-1992 STM by Art. 4]
- 401.1.9. A building, structure, or use existing on January 1, 1947, shall be conclusively presumed to have been in existence before the first publication of notice of the public hearing on the original enactment of this Zoning Bylaw. [Amended 5-3-1990 ATM by Art. 22]

#### ARTICLE 5 General Regulations

##### § 198-501. Signs and exterior lighting.

- 501.1. Only those signs and exterior lighting as pertain to buildings, structures, or uses permitted in this Zoning Bylaw and on the same ~~lot~~<sup>premises</sup> are permitted. Yard requirements as otherwise specified in this Zoning Bylaw shall apply to signs and exterior lighting fixtures and structures, except freestanding lampposts at a residence in a residential district, which lampposts shall have a minimum front yard setback requirement of 15 feet, to be measured from the front property line. Signage in residential districts shall be limited to that which is permitted by other sections of this ~~B~~bylaw. Signage in districts other than residential districts may not exceed 40 square feet of area ~~in the aggregate~~ and 15 feet in height, including supporting structures and light sources. Signs attached to buildings may not rise above the front roofline of the building to which it is attached. Signs must be fixed in position so as not to rotate or oscillate. Signage in excess of that which is permitted may be allowed with a special permit issued by the special permit granting authority with

appropriate jurisdictional responsibility for site plan approval, as provided for in § 198-603; provided, however, that signs with moving parts and internally illuminated signs are prohibited. The sign dimensions set forth in this Zoning Bylaw apply in the aggregate to all signs on the lot. [Amended 4-29-1996 STM by Art. 1; 5-1-2002 ATM by Art. 30]

- 501.2. Exterior lighting and lighting of signs shall be continuous illumination, not flashing, blinking or varying in color. Exterior lighting fixtures shall be designed and placed so that the light source shall be completely shielded or diffused so as not to produce glare at any point along the exterior lines of ways adjacent to the lot where the sign is located ~~such premises~~ or at another lot ~~premises~~ in a residential district. Illumination of athletic fields, golf courses, and tennis courts is permitted when a special permit is issued by the Zoning Board of Appeals under the provisions of § 198-203. The provisions of this article do not apply to the seasonal display of lights for the purpose of the celebration of holidays nor to signs and advertising devices that have been installed or erected pursuant to a special permit, which permit shall expire in seven days after issuance, ~~granted~~ by the Board of Selectmen to a person or persons for any of the purposes set forth in MGL c. 180, §§ 2 and 4.

§ 198-502. Temporary signs.

[Amended 5-14-1998 ATM by Art. 47; 5-1-2002 ATM by Art. 30]

- 502.1. Real estate signs are permitted in all districts as of right, but shall refer only to the building, structure, or lot ~~premises or tract~~ on which they are located and have an area not exceeding six square feet.
- 502.2. One contractors sign, not exceeding nine square feet in area, maintained on the lot ~~premises~~ while a building is actually under construction or being renovated is permitted. No more than one contractors sign may be on the lot ~~premises~~ at any one time.
- 502.3. Nonresidential site development and subdivision signs are allowed in the form of one wall-mounted or freestanding sign, erected at the development/subdivision entrance from a street. The sign shall not exceed 15 square feet, and may bear decorative or logo devices, but no commercial advertisement. For nonresidential site development, the sign shall not be erected prior to the issuance of a building permit and shall be removed upon completion of construction or the issuance of a certificate of occupancy, whichever comes first. For subdivisions, the sign shall not be erected prior to the commencement of construction activities and shall be removed upon the issuance of the first certificate of occupancy or the issuance of certificates of occupancy for 25% of the development, whichever comes later. Signs shall be removed if construction activities have halted for a period of 6 months and may be reinstalled with approval of the Building Commissioner or designee. Signs required from federal, state, and/or local permitting authorities are excluded from the provisions of this section.

§ 198-503. Unregistered and ungaraged motor vehicle in Single Residence District.

[Amended 5-14-1998 ATM by Art. 47; 5-5-1999 STM by Art. 11; 4-3-2003 ATM by Art. 38]

- 503.1. Unless authorized by a special permit issued by the ZBA pursuant to § 198-203.1 of this Zoning Bylaw, not more than one unregistered and ungaraged motor vehicle may be located ~~shall be placed or permitted to remain~~ on any lot in a Single Residence District, and no unregistered motor vehicle or boat may shall be placed or permitted to remain in the front yard of any such lot. Any person so locating ~~placing~~ a motor vehicle or boat ~~and, if placed or allowed to remain with his or her knowledge or consent, the owner or owners of the motor vehicle and of the lot~~ shall each be punishable as specified in § 198-205.2 of this Zoning Bylaw.

§ 198-504. Earth movement.

[Amended 5-14-1998 ATM by Art. 47; 5-6-2004 ATM by Art. 23]

- 504.1. No earth in excess of 500 cubic yards may ~~shall~~ be moved on any lot ~~parcel of land~~ in any district which requires a minimum lot area of less than 40,000 square feet ~~in area~~ and no earth in excess of 1,500 cubic yards may be moved on any lot ~~parcel of land~~ in any district which requires a minimum lot area of 40,000 square feet or more unless a special permit from the ZBA is obtained in accordance with the procedure provided in § 198-203, and only under such conditions as the ZBA may impose, with the following exceptions:

- 504.1.1. Where necessary as a part of farm or nursery activities or other use protected under MGL c. 40A, § 3.



- 504.1.2. Where the amount of earth to be moved is limited to the volume of the foundation and basement of the ~~principal ~~main~~ building or~~ structure, or ~~installation of excavation for,~~ septic systems, driveways, and walkways. The quantity of material to be moved shall be certified by a registered professional engineer or land surveyor.
- 504.1.3. Where the movement is on Town-owned land or to be transferred between or among Town-owned parcels. [Amended 11-12-2008 STM by Art. 6]
- 504.2. Nothing contained in § 198-504.1 shall prevent the continued use of any land for the purpose for which it is used at the time § 198-504.1 takes effect, ~~which is May 14, 1998,~~ or prevent the use of any land for farms, gardens, nurseries, cemeteries, parks, playgrounds and such purposes as are incidental to, or usual in connection with, any of said purposes.
- 504.3. Before a special permit is issued, the applicant shall show to the satisfaction of the ZBA that the movement will not impair the usability of the ~~lot area and adjacent lots~~ for the purposes permitted in this Zoning Bylaw, that the grades to be established within the ~~lot area~~ will permit vehicular access to the ~~lot area~~ and the continuation of streets from the abutting ~~lots premises~~, and that the ~~lot area~~ may ultimately be developed compatibly with the neighboring land.
- 504.4. The movement of earth from within a subdivision, the plan of which has been approved by the Planning Board and duly recorded in the Middlesex South District Registry of Deeds, shall be permitted as of right when and to the extent that such is necessary for the lawful construction or alteration of a way shown on said plan or for the lawful installation of utilities, drainpipes or drain structures in said subdivision, provided that the quantity of earth so moved shall not exceed that in place in the particular space to be occupied by such way, utilities, drainpipes or drain structures, and subject to any requirements made by the Planning Board endorsed or referred to on the plan of such subdivision.

§ 198-505. Performance standards.

[Added 5-6-1999 STM by Art. 19; amended 5-6-2004 ATM by Art. 21]

- 505.1. In all zoning districts all uses shall be conducted in a manner so as not to create offensive or unreasonable noise, vibration, light, smoke, gas, fumes, odor, dust, or so as to be dangerous to the public health or safety.

§ 198-506. Off-street parking.

[Amended 5-5-1999 STM by Art. 11; 5-5-2004 ATM by Art. 15 Editor's Note: This Article 15 also redesignated former § 198-1105.1 through § 198-1105.6.4 as § 198-506. ]

- 506.1. Off-street parking space shall be provided in connection with the original erection, or increase by units or dimensions, of any building or structure in the following amounts except as otherwise specified in the Zoning Bylaw:
- 506.1.1. For general retail businesses, commercial and personal service establishments, parking facilities on the basis of one parking space per 140 square feet of gross floor area. In addition to this amount, one parking space for every two employees shall be provided. [Amended 5-5-2004 ATM by Art. 16]
- 506.1.2. For office, professional or public buildings, one off-street parking space for each 200 square feet of ground floor area not used for bulk storage and one parking space for each 400 square feet of floor area other than ground floor.
- 506.1.3. For restaurants, tearooms, lunch counters or other facilities for eating or drinking, one parking space for ~~everyeach~~ three employees, plus one additional space for ~~everyeach~~ four seats.
- 506.1.4. For roadside stands, filling stations, auto sales, automobile repair shops or other roadside service establishments, one parking space for ~~everyeach~~ two employees, plus such additional spaces for customer-motorists as the ZBA shall deem necessary to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

- 506.1.5. Religious facilities, theaters, auditoriums or any public assembly area; one parking space for ~~every~~each three occupants based on the allowed occupancy.
- 506.1.6. Educational or training center, one parking space for each employee plus one parking space for each instructor plus one parking space for ~~every~~each 1.5 students based on the allowed occupancy.
- 506.1.7. Elementary or junior/middle schools, one parking space for each employee, teacher, or staff member; a number of parking spaces equal to 5% of the allowed occupancy for visitor parking; plus sufficient off-street space for the safe and convenient loading and unloading of students.
- 506.1.8. High school, one parking space for each employee, teacher, or staff member; a number of parking spaces equal to 5% of the allowed occupancy for visitor parking; plus one parking space per four students of driving age.
- 506.1.9. ~~Day care center or a~~Nursery school or day care center, one parking space ~~for every~~per four persons of the facility's licensed capacity plus three parking spaces designed for the safe and convenient loading and unloading of persons.
- 506.1.10. For any and all uses, buildings, or structures not specifically provided for in the foregoing enumeration, such parking spaces as the Site Plan Approval Granting Authority, in accordance with § 198-603, shall determine to be necessary, considering the activities involved, to provide a maximum of safety and a minimum of congestion on the adjacent roadways.
- 506.2. Whenever, ~~after the date of this Zoning Bylaw,~~ there is a change in the lawful use of the premises or in the number of employees or business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this ~~A~~article, and whenever such change creates a need for an increase of more than 20% of the number of off-street automobile parking spaces, as determined by the requirements of ~~this~~§ 198-506~~article~~, more off-street parking facilities shall ~~be have been~~ provided on the basis of the adjusted needs, as determined by ~~this~~§ 198-506~~article~~.
- 506.3. Mixed uses.
- 506.3.1. In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with § 198-1105. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.
- 506.4. Special permit. The number of parking spaces may be reduced by the granting of a special permit from the Site Plan Approval Granting Authority, in accordance with § 198-603, ~~if where~~ the applicant demonstrates ~~ed~~ that such parking spaces will not be needed for the proposed use, subject to the condition that the area necessary for those spaces is available on the lot and is designated on the approved plan of record. Additional spaces may be required if, at anytime after the special permit is granted, the Site Plan Approval Granting Authority determines that a need exists or parking is deficient. The special permit requirement shall not apply to uses protected under MGL c. 40A, § 3.
- 506.5. Location of facilities.
- 506.5.1. Off-street ~~automobile~~ parking facilities, to the extent required in ~~§ 198-506~~this article, may be required either on the same lot ~~or premises~~ with the parking-generating activity or on any lot or premises a substantial portion of which, ~~at least,~~ is, at least, within 300 feet of such activity.
- 506.6. Parking ~~facilities~~areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind. The required parking ~~facilities~~ areas shall be permanently available for use by persons using or working at ~~patrons and employees of~~ establishments providing such space.
- 506.7. The following design standards apply to off-street parking facilities:
- 506.7.1. All off-street parking facilities shall be designed with appropriate means of vehicular access to a



street ~~or alley~~, as well as maneuvering areas. Access to and from parking facilities ~~lots~~ shall be through designated driveways, with openings or curb cuts not in excess of 40 feet in width at the exterior line of a public or private way.

- 506.7.2. All off-street ~~Said~~ parking facilities ~~areas~~ shall be provided and maintained with a permanent, dust-free surface, shall be provided with adequate drainage and shall have bumper guards where needed for safety.
- 506.7.3. If lighting is provided, 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 lots ~~property~~.
- 506.7.4. For off-street parking facilities ~~areas~~ of 10 or more spaces, bicycle racks facilitating locking, shall be provided to accommodate one bicycle per 10 parking spaces.
- 506.7.5. Standard parking dimensional regulations. Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

Angle of Parking (in degrees)	Width of Parking Stall (feet)	Parking Stall Length of Line (feet)	Width of Maneuvering Aisle (feet)
90 (two-way)	9	18.5	24
60 (one-way)	10.4	22	18
45 (one-way)	12.7	25	14
Parallel (one-way)	8	22	14
Parallel (two-way)	8	22	18

506.8. Landscaping in parking facilities ~~areas~~.

- 506.8.1. Parking facilities ~~lots~~ immediately adjacent to a residence district shall be adequately screened year-round from view from said residence district by trees, hedges or a tight fence.
- 506.8.2. For all off-street parking facilities that are not enclosed within a building or structure ~~Within a parking lot~~, 10% of the parking facility ~~area~~ shall be landscaped. For the purpose of ~~this article~~ § 198-506, “parking facilities ~~area~~” shall mean the total area of all parking spaces, including handicapped spaces. [Added 5-5-2004 ATM by Art. 16; amended 5-5-2005 ATM by Art. 28]

§ 198-507. Off-street loading.

[Amended 5-5-2004 ATM by Art. 15 Editor’s Note: This Article 15 also redesignated former § 198-1105.7 through § 198-507 as § 198-506. ]

- 507.1. On the same lot ~~premises~~ with every building or structure where goods are received or shipped, newly erected or increased by units or dimensions ~~after the date of adoption of this Zoning Bylaw~~, adequate loading areas shall be provided. Off-street loading that is spaced logically, conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and business uses. Required off-street loading space ~~may is not to~~ be included as off-street parking space. Loading areas shall be screened from any view from a street. The Site Plan Approval Granting Authority may modify this requirement.

Note: There are no proposed amendments to Article 6, Site Plan Approval

ARTICLE 7 Area, Yard and Bulk Regulations

§ 198-701. Height regulations.

701.1. Single Residence Districts.

- 701.1.1. The limit of height of all buildings and structures in Single Residence Districts shall comply with § 198-801, Table of Dimensional Requirements, except that schools and, on lots of five acres or and greater ~~over~~ in area, dwellings may be three stories high, but may ~~shall~~ not exceed the maximum allowed heights for buildings and structures set forth in § 198-801, Table of

## Dimensional Requirements. [Amended 5-5-1999 STM by Art. 9]

- 701.1.2. The limitations of height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other ~~accessory similar 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 ~~may~~ shall be erected except in compliance with Article 15 or Article 15A. [Amended 5-2-1996 STM by Art. 3; 5-7-1997 ATM by Art. 32; 11-1-2005 STM by Art. 2]
- 701.2. Light Manufacturing Districts.
- 701.2.1. The limit of height in Light Manufacturing Districts shall comply with § 198-801, Table of Dimensional Requirements, with the exception that § 198-701.1.2. shall apply; provided, however, that no wireless communications facility ~~may~~ shall be erected except in compliance with Article 15. [Amended 5-2-1996 STM by Art. 3; 5-7-1997 ATM by Art. 32; 5-14-1998 ATM by Art. 48; 5-5-1999 STM by Art. 9]
- § 198-702. Setbacks.
- 702.1. All buildings or structures in any ~~residence~~ district shall comply with the setbacks in § 198-801 Table of Dimensional Requirements. The setbacks shall apply to any public or private street right-of-way whether accepted or not. The setbacks shall apply to whichever distance is greater, except as provided in § 198-702.2 and 702.3 below; except that any existing lot shown on a plan or described in a deed, recorded in the Registry of Deeds, that conformed ~~or was considered to conform~~ to the area and frontage requirements on, but not after, January 28, 1998, shall be considered to be ~~conforming in compliance~~ with this Zoning Bylaw; and any existing structure that was ~~conformed in compliance~~ with regulations respecting location on, but not after, January 28, 1998, shall be considered to be ~~conforming in compliance with this Zoning Bylaw~~. Exempt from the setback requirements of this paragraph are roof eaves, stoops, stairs, bulkheads, chimneys and bay windows; and fences and walls up to six feet in height from the existing natural ~~ground level~~ topography. [Amended 5-14-1998 ATM by Art. 51; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11; 5-6-2004 ATM by Art. 21; 5-5-2005 ATM by Art. 26]
- 702.2. A building ~~or structure~~ in existence on March 1, 1960, may extend within 50 feet of any center line of the street; a porch attached thereon may extend within 20 feet of any street lot line; and a two-story porch that is not enclosed at least 1/2 of the year may project six feet into the front yard. [Amended 5-5-1999 STM by Art. 11]
- 702.3. In Single Residence Districts ~~if where there are, at the time when this Zoning Bylaw shall take effect,~~ two or more ~~single-family dwellings existing buildings~~ on the same side of a street between two streets consecutively intersecting such street and within 200 feet of the lot in question, any ~~new single-family dwelling building or structure on the lot~~ may extend as near the line of such street as the average alignment of such then existing ~~single-family dwellings building~~ with respect to said street lot line. A new ~~single-family dwelling building~~ shall extend only as near such street lot line as the average alignment of the ~~single-family dwellings existing buildings~~. [Amended 5-5-1999 STM by Art. 11]
- 702.4. On a corner lot, no planting, structure or part of a building ~~may~~ shall extend within 20 feet of any corner street lot line intersection ~~if the planting, structure or building so as to~~ interfere with the traffic visibility around the corner. [Amended 5-5-1999 STM by Art. 11]
- § 198-703. Yards.
- 703.1. Behind every ~~building or structure dwelling house~~ there shall be provided a backyard between the rear line of the ~~building or structure house~~ and the rear lot line meeting the setbacks in § 198-801, Table of Dimensional Requirements, except as authorized by special permit issued by the ~~Zoning Board of Appeals (ZBA)~~. A backyard may contain accessory buildings ~~or structures~~, each of which ~~may~~ shall not be more than 11/2 stories high and that together ~~may not~~ shall cover ~~not~~ more than 30% of ~~the backyard its area~~, and none of which ~~may~~ shall extend within 10 feet of any lot line, except as authorized by special permit issued by the ZBA. [Amended 5-1-1995 STM by Art. 5; 5-5-1999 STM by Art. 9]
- 703.2. At each side of ~~a building or structure every dwelling house~~ there shall be a side yard meeting the setbacks in

- § 198-801, Table of Dimensional Requirements; except that any existing lot shown on a plan, or described in a deed, recorded in the Registry of Deeds that conformed, ~~or was considered to conform,~~ to the area and frontage requirements on, but not after, December 15, 1998, shall be considered to conform to this Zoning Bylaw; and any existing building or structure that was in compliance with regulations respecting location on, but not after, December 15, 1998, shall be considered to be ~~conforming in compliance~~ with this Zoning Bylaw. ~~The above provision shall not apply; and except in any if specific case when~~ an existing lot has less than the minimum frontage ~~required prescribed~~ by this Zoning Bylaw. In any such case, a special permit for a side yard of such width as may be approved by the ZBA may be issued in accordance with the provisions of § 198-203 ~~herein~~. A garage, either attached to the single-family, two-family, attached dwelling or multi-family dwelling or detached, may be located beside ~~the~~ a dwelling, provided that there is a ~~side~~ yard between the garage and the side lot line not less than that required by this Zoning specified in this paragraph. [Amended 4-28-1986 ATM by Art. 26; 5-5-1999 STM by Art. 9; 5-12-1999 ATM by Art. 37]
- 703.3. Except as otherwise provided by this Zoning Bylaw, ~~for any non in any use not~~ residential use, or ~~for~~ any use accessory thereto, all provisions of this Zoning Bylaw in regard to depth and width of yards applying to dwellings shall be observed.
- § 198-704. Lot coverage.  
[Amended 5-5-1999 STM by Art. 9]
- 704.1. In all zoning districts, ~~t~~he percentage of a lot that may be covered by any building or structure shall meet the requirements in § 198-801, Table of Dimensional Requirements.
- 704.1.1. In the business districts, the open space required in this paragraph shall be located in such a way as determined by, ~~in the opinion of~~ the Building Commissioner ~~or other permit issuing officer, as herein provided for,~~ to properly light and ventilate the building or structure and to provide access in case of fire.
- § 198-705. Lot area and frontage.
- 705.1. ~~Single Residence Districts.~~ [Amended 5-2-1983 ATM by Art. 13; 5-4-1992 STM by Art. 3]
- 705.1.1. (Reserved) Editor's Note: Former § 198-705.1.1, pertaining to types of zones in the Single Residence Districts, was repealed 5-4-2000 ATM by Art. 35. See now § 198-301.1.1.
- 705.1.2. ~~Lot.~~ The lots on which dwellings are erected in the Single Residence District as set forth in § 198-301.1 shall meet the minimum lot area and frontage requirements of § 198-801, Table of Dimensional Requirements. [Amended 5-7-1997 ATM by Art. 39; 5-5-1999 STM by Art. 9]
- 705.1.3. (Reserved) Editor's Note: Former § 198-705.1.3, Lot, amended 5-7-1997 ATM by Art. 39, 5-5-1999 STM by Art. 9 and 5-5-1999 STM by Art. 11, was repealed 5-4-2000 ATM by Art. 35.
- 705.1.4. (Reserved) Editor's Note: Former § 198-705.1.4, Lot, amended 5-7-1997 ATM by Art. 39, 5-5-1999 STM by Art. 9 and 5-5-1999 STM by Art. 11, was repealed 5-4-2000 ATM by Art. 35.
- 705.1.5. (Reserved) Editor's Note: Former § 198-705.1., Lot, amended 5-5-1999 STM by Art. 9 and 5-5-1999 STM by Art. 11, was repealed 5-4-2000 ATM by Art. 35.
- 705.1.6. If a ~~parcel or~~ lot ~~of land~~ is shown on a plan recorded at the Registry of Deeds on or before the effective date of an amendment to this Zoning Bylaw increasing the area or frontage requirements enacted at the Special Town Meeting called for June 20, 1951, and if such ~~parcel or~~ lot conformed to the requirements of this Zoning Bylaw before such amendment but not afterwards, then such parcel or lot shall be considered to meet the requirements of such amendment, but no division of such ~~parcel or~~ lot ~~may~~ shall be made that will increase the extent of nonconformity between the ~~parcel or~~ lot and the amended requirements of this Zoning Bylaw.
- 705.1.7. If a lot ~~of land~~ conformed, ~~or was considered to conform,~~ to the requirements of this Zoning Bylaw before the adoption of an amendment or amendments to said Zoning Bylaw changing the area or frontage requirements enacted under the warrant for the Special Town Meeting called for November 30, 1953, but did not conform to the requirements as amended, and if such lot meets either of the following two conditions, no division of ~~the lot may~~ land shall be made whereby the remaining land, if any, excluding the lot or lots to be sold, ~~may~~ shall be smaller than the minimum

size provided for the zone in which such remaining land is located or have less frontage than the minimum provided:

- 705.1.7.1. It is shown on a plan or described in a deed recorded at the Registry of Deeds on or before October 9, 1953; or
- 705.1.7.2. It is shown on a plan of a subdivision that was submitted to the Planning Board for approval on or before November 2, 1953, and that was approved by the Planning Board and recorded in the Registry of Deeds not later than 20 days after November 30, 1953; then such lot shall be considered to meet the area and frontage requirements, as amended, but no division of such ~~parcel or lot~~ may shall be made that will increase the extent of nonconformity between the lot and the amended requirements of this Zoning Bylaw.
- 705.1.8. In a Residence Zone 20,000 square feet - 120 feet Front or Residence Zone 30,000 square feet - 150 feet Front, no building lot may shall be laid out and no dwelling may shall be erected on a lot unless the center of a circle 75 feet in diameter can be passed along a continuous line from the side line of the street along which the frontage of the lot is measured to any point of the dwelling, or proposed dwelling, on the lot without the circumference intersecting any side lot lines. In a ~~Residence Zone of 40,000 square feet - 180 feet Front~~ or a Residence Zone 60,000 square feet - 210 feet Front in a Single Residence District, no building lot may shall be laid out and no dwelling may shall be erected on a lot unless the center of a circle 100 feet in diameter can be passed along a continuous line from the side line of the street along which the frontage of the lot is measured to any point of the dwelling, or proposed dwelling, on the lot without the circumference intersecting any side lot lines. This § 198-705.1.8 shall not apply to an existing dwelling or to a dwelling for which a building permit has been issued as of the effective date of the adoption of this paragraph, which is May 2, 1983, or to any alteration, extension or structural change thereto. [Amended 5-5-1999 STM by Art. 11]
- 705.2. No building, structure, or dwelling may shall hereafter be erected in a Business District or in a Light Manufacturing District or in a ~~zone designated~~ "Residence Zone 20,000 square feet-120 feet Front" on a ~~parcel or~~ lot of land ~~not fronting on a street, which parcel or~~ unless the lot has at least of land shall contain less than 20,000 square feet of area and at least 120 feet of frontage on a street. No dwellings ~~shall hereafter~~ may be erected in a ~~zone designated~~ "Residence Zone 30,000 square feet-150 feet Front" on a ~~parcel or~~ lot of land ~~not fronting on a street, which parcel or~~ unless the lot has at least of land shall contain less than 30,000 square feet of area and at least 150 feet of frontage on a street. No dwelling ~~may shall hereafter~~ be erected in a ~~zone designated~~ "Residence Zone 40,000 square feet-180 feet Front" on a ~~parcel or~~ lot of land ~~unless the not fronting on a street, which parcel or~~ lot has at least of land shall contain less than 40,000 square feet of area and 210 feet of frontage on a street.
- 705.3. No building, structure, or dwelling ~~shall may hereafter~~ be erected on a ~~parcel or~~ lot of land not fronting on a street, which ~~parcel or~~ lot ~~of land shall~~ contains less than 20,000 square feet in area or ~~has that shall have~~ less than the minimum area and frontage on a right-of-way required for the zone in which it is located, unless such building, structure, or dwelling is accessory only to some existing building, structure, or dwelling, and no dwelling may shall hereafter be erected on a ~~parcel or~~ lot ~~of land~~ fronting on a street, which ~~parcel or~~ lot ~~of land shall~~ contains less area and less frontage on a street than the minimum area and frontage required for the zone in which said parcel or lot of land is located, as set forth in § 198-705.1.1 through 705.1.7 herein, except that where a ~~parcel or~~ lot was recorded at the Registry of Deeds at the time this Zoning Bylaw was adopted, in which case, the provisions of § 198-201, applying to narrow and irregular lots, shall apply.
- 705.4. No lot for which application for a permit to build has been made, or upon which a building or structure has been erected, may shall be reduced or changed in area or shape so that the lot, as so reduced or changed, or any land of the owners remaining after such reduction or change ~~shall fails~~ to have the minimum area and frontage required for the ~~zoning~~ district in which such land is located, unless such land as so changed shall be added to, and become a part of, another lot conforming to the requirements of the ~~zoning~~ district in which such lot is located.
- 705.5. The area of any lot, for the purpose of ascertaining the minimum required, may shall not include any part of

the street or way upon which it abuts, but this provision shall not ~~be held to~~ apply to any area beyond the street lot line set aside by the Planning Board as a temporary turnaround area on a dead-end street intended for extension. [Amended 5-5-1999 STM by Art. 11]

§ 198-706. Lots on more than one street.

- 706.1. A building lot that is located on more than one street must comply with the front setback requirement with respect to each street on which it is located, except as may be authorized by special permit granted by the ZBA pursuant to § 198-203, and must meet the frontage requirement on one such street. [Amended 5-3-1993 ATM by Art. 16]

ARTICLE 8 Dimension and Use Tables [Amended 5-27-1981 ATM by Art. 16; 5-27-1981 by Art. 17; 5-14-1998 ATM by Art. 55; 5-5-1999 STM by Art. 10]

§ 198-801. Table of Dimensional Requirements.

Editor's Note: The Table of Dimensional Requirements is included at the end of this Zoning Bylaw.

- 801.1. The Table of Dimensional Requirements sets forth the requirements of this Zoning Bylaw as to area, lot coverage, frontage, setbacks and height requirements for a building or structure enlarged or erected pursuant to a permit issued on or after June 1, 1982. Unless a footnote to the Table of Dimensional Requirements shall expressly state to the contrary, said table shall govern over conflicting requirements in the text of this Zoning Bylaw. Overlay and other special districts may be subject to other dimensional requirements. For such requirements see the applicable Article.
- 801.2. Additional dimensional requirements located in other articles of this Zoning Bylaw may apply to the placement of signs, sidewalks, driveway openings, curbs, fences, planting strips and parking and loading facilities and to the separation of buildings and/or structures on the premises.
- 801.3. Footnotes to the table set forth additional requirements and exceptions as stated therein with respect to the category to which the footnote is noted.

§ 198-802. Table of Permitted Principal Uses by Districts.

Editor's Note: The Table of Permitted Principal Uses by Districts is included at the end of this Zoning Bylaw.

- 802.1. The Table of Permitted Principal Uses by Districts sets forth the permitted principal uses of land, buildings and structures in each zoning district as set forth in the various provisions of this Zoning Bylaw for uses commencing on or after June 1, 1982. No building, structure or land shall be used or occupied, except for the purposes permitted in the district in the Table of Permitted Principal Uses by Districts of this article applicable thereto, except accessory uses permitted pursuant to § 198-804, and nonconforming uses as provided in Article 4 of this Zoning Bylaw. It is the intent of this Zoning Bylaw to prohibit in any district any use which is not specifically permitted, as well as any use which is denoted by the word "no" in the Table of Permitted Principal Uses by Districts or the Table of Permitted Accessory Uses by Districts. [Amended 5-5-1999 STM by Art. 11]
- 802.1.1. A use listed in the Table of Permitted Principal Uses by Districts is permitted as of right in any district under which it is denoted by the word "yes." Uses denoted by the word "no" shall be prohibited. [Amended 5-5-1999 STM by Art. 11]
- 802.1.2. Uses designated by the letters "SP" may be allowed only if the Zoning Board of Appeals (ZBA) issues a special permit pursuant to § 198-203. [Amended 5-5-1999 STM by Art. 11]
- 802.1.3. Uses designated by the letters "P-ZBA" may be allowed only if the ZBA issues a special permit pursuant to § 198-203. [Amended 5-5-1999 STM by Art. 11]
- 802.1.4. Site plan approval is required in accordance with Article 6 for a use where the letter "R" appears, and is not required where the letters "NR" appear.
- 802.1.5. Uses designated by the letters "TAU" are not permitted as principal uses, but are permitted as accessory uses pursuant to § 198-804.
- 802.1.6. All uses set forth in this Table of Permitted Principal Uses by Districts shall, in addition, conform to all other requirements contained in this Zoning Bylaw; and, in the event of a conflict between this Table of Permitted Principal Uses by Districts and any other provisions of this Zoning



Bylaw, this Table of Permitted Principal Uses by Districts, § 198-802, shall prevail; and the Classification of Principal Uses, § 198-803, below, shall be considered as part of said table and shall likewise prevail in the event of such conflicts. The special permit requirement shall not apply to uses protected under MGL c. 40A, § 3.

§ 198-803. Classification of Principal Uses.

803.1. Business uses.

Auto~~mobile~~ sales,~~service, repair.~~ See § 198-1102.1.2 ~~of this Zoning Bylaw.~~

Automobile service garage. See § 198-1102.1.4

Auto~~mobile~~ service station,~~maximum of 12 vehicle fueling locations, with no fewer than two full service, and repair.~~ See § 198-1102.1.4 ~~of this Zoning Bylaw.~~

~~Auto service station, all other. See § 198-1102.1.4 of this Zoning Bylaw.~~

Bank:~~bank or loan agency.~~

Boat or canoe rental:~~rental, storage, maintenance and repair of small boats and canoes, nonmotorized or no more than 10 horsepower, and equipment and accessories customarily incidental to their normal operation, including outboard motors and boat trailers; seasonal sale of boats and occasional sale of accessory items, by owner only.~~

~~Customary home occupation. See the Table of Permitted Accessory Uses by Districts.~~

Funeral home:~~undertaking or funeral establishment.~~

Medical/dental care center:~~center for medical, dental, clinical and public health service and supporting service for the foregoing, such as office and laboratory.~~

Office:~~a business, governmental or professional office; a medical office, including laboratories incidental thereto.~~

Parking facility:~~commercial parking lot or garage for four or more vehicles.~~

Personal and other service:~~establishments providing services involving the care of a person or his or her apparel or establishments providing services to the general public or to other business establishments; repair shop for household or office items.~~

Restaurant:~~See § 198-1102.1.1. of this Zoning Bylaw.~~

Retail store:~~store, showroom or salesroom for the sale, preparation and display of merchandise within a building. Garden centers, florists or commercial greenhouses may have open air display of horticultural products. Retail stores may have seasonal open air displays of merchandise.~~

Roadside stand:~~farm stands for the sale of produce.~~

Stables with horses for hire.

Trade shop:~~shops used by practitioners of the building trades, provided that all work and storage shall be conducted within a building.~~

803.2. General uses.

Agriculture:~~cultivating, harvesting and storing crops, including the storage of necessary farm equipment, provided that greenhouse heating plants and any building in which farm or pleasure animals are kept shall be distant not less than 20 feet from any lot line.~~

Cemetery:~~cemeteries, including any crematory therein.~~

Conservation:~~the use of land in its natural state or improved with trails and resource management programs that do not significantly alter its natural state.~~

Earth removal: See § 198-504 of this Zoning Bylaw.

Kennel:~~See the Table of Permitted Accessory Uses by Districts. Editor's Note: The Table of Permitted~~

~~Accessory Uses by Districts is included at the end of this chapter.~~

~~Membership club, nonprofit: membership clubs and nongovernment recreational facilities devoted to outdoor sports, recreational or social activities, including buildings and premises; except when the chief activity is customarily carried on as a gainful business.~~

~~Membership club, for profit: membership clubs and nongovernment recreational facilities devoted to outdoor sports, recreational or social activities, including buildings and premises, when the chief activity is customarily carried on as a gainful business.~~

~~Recreation/park: parks, water supply reservations and soldier and sailor memorial buildings; recreational facility owned or operated by the Town.~~

### 803.3. Government, institutional and public service uses.

#### Assisted/Independent Living

Bus terminal

~~Educational: educational uses exempted from use regulations by the Zoning Act (MGL c. 40A, § 3).~~

~~Hospital: licensed sanitariums or hospitals.~~

~~Low-income elderly housing: See § 198-901.1.5.2 of this Zoning Bylaw.~~

~~Multi-family unit/low-income: See § 198-901.1.5.3 of this Zoning Bylaw.~~

~~Museum/library: museum/library open to the public or connected with a permitted educational use and not conducted as a private gainful business.~~

~~Nursery school/day-care: nursery school, day care centers and other facilities that receive children of school or preschool age for temporary custody, with or without stated educational purposes, during all or part of the day.~~

~~Nursing home: licensed nursing, rest or convalescent home for the care of the sick or aged, provided that no building shall be within 30 feet of any lot line.~~

~~Public or charitable institution: public or charitable institution not of a correctional nature, provided that no building shall be within 30 feet of any lot line; veterans monuments.~~

~~Railroad station/railroad right-of-way: railroad passenger stations or rights of way, including customary services therein, but not including switching, storage or freight yards or sidings.~~

~~Religious building or structure, or use: places of worship and other religious uses exempted from use regulations by the Zoning Act (MGL c. 40A, § 3).~~

~~Studio: place for art, music, dance and similar activities or classes.~~

~~Town uses (Municipal uses): Town of Wayland facility, except in single residence districts, where such a facility is restricted to fire stations, police stations, public libraries, parks, water supply reservations and soldiers' \_\_\_\_\_ and \_\_\_\_\_ sailors' \_\_\_\_\_ memorial \_\_\_\_\_ buildings.  
[Amended 5-3-2000 ATM by Art. 31]~~

~~Utility facility: building housing facilities for communications or other utility uses.~~

### 803.4. Industrial uses.

~~Construction yard: lumber, fuel, feed, ice establishment or contractor's yard.~~

~~Heavy vehicle repair garage: establishment for the repair of trucks, construction equipment or other similar heavy motor vehicles and equipment, provided that the making of all but minor repairs shall be conducted wholly within a building sufficiently sound insulated to confine disturbing noise to the premises.~~

~~Light manufacturing: light manufacturing employing electricity and/or other unobjectionable motive power, utilizing hand labor, and/or unobjectionable machinery and/or processes and free from neighborhood disturbing odors or other such neighborhood disturbing characteristics.~~

Research and development laboratories/offices less than or equal to 15,000 square feet: ~~research and development laboratories less than or equal to 15,000 square feet; S~~ see § 198-~~1401.1.1~~ of this Zoning Bylaw.

Research and development laboratories/offices greater than 15,000 square feet: ~~research and development laboratories greater than 15,000 square feet; S~~ see § 198-1402.1.1 of this Zoning Bylaw.

Warehouse/distribution less than or equal to 15,000 square feet: ~~warehouse/distribution facilities less than or equal to 15,000 square feet; a building for the enclosed storage of goods and materials where the wholesale of goods or materials is permitted, provided that it is incidental to the warehouse use.~~ See § 198-~~1401.1.1~~ of this Zoning Bylaw.

Warehouse/distribution greater than 15,000 square feet: ~~warehouse/distribution facilities greater than 15,000 square feet; a building for the enclosed storage of goods and materials where the wholesale of goods or materials is permitted, provided that it is incidental to the warehouse use.~~ See § 198-~~1402.1.1~~ of this Zoning Bylaw.

#### 803.5. Prohibited uses.

Aircraft landing and taking off

~~Boarding house~~

Drive-in, drive-through or drive-up restaurants: ~~A “drive through or drive in restaurant” is defined as any establishment whose principal business is the sale of food or beverages in a ready to consume state and whose method of operation includes: sale of foods or beverages in paper, plastic or other disposable container or service of food and beverage directly to a customer in a motor vehicle.~~

Hazardous material storage: ~~storage or disposal of hazardous material; the commercial storage or disposal of hazardous material except as otherwise permitted.~~

Junkyards: ~~Commercial salvage yards, commercial junkyard and all open air storage of junk, waste products and salvage materials (including nonoperating automobiles) are expressly prohibited in all zoning districts of the Town as are trailer and mobile home, trailer camp, mobile home park, trailer and mobile home sales and service, billboard, outdoor movie theater, commercial dump, slaughterhouse, rendering plant, fertilizer plant, race track, commercial extraction of sand, gravel or minerals and all other uses which would be injurious to the neighborhood or to the property in the vicinity are expressly prohibited in all zoning districts in the Town.~~

Ungaraged and unregistered motor vehicles: more than one except as otherwise permitted..

All uses not specifically permitted by this Zoning Bylaw.

#### 803.6. Residential uses.

~~Boardinghouse: a dwelling in which permanent lodging is provided for consideration to more than three persons unrelated to the owner or proprietor. The term “boardinghouse” shall include dormitories.~~  
Editor’s Note: The entry for accessory dwelling unit, which immediately preceded this entry, was repealed 4-30-2001 ATM by Art. 26.

Conservation cluster: See Article 18 of this Zoning Bylaw.

Dwelling, single-family: ~~a dwelling for not more than one housekeeping unit.~~

~~Letting of rooms: See “customary home occupation” in the Table of Permitted Accessory Uses by Districts.~~

~~Multifamily dwelling, multi-family: A building containing more than one dwelling unit. Accessory dwelling units and residences in accessory dwelling shall not be considered multi-family.~~  
[Amended 4-30-2001 ATM by Art. 26]

§ 198-804. Table of Permitted Accessory Uses by Districts.

Editor’s Note: The Table of Permitted Accessory Uses by Districts is included at the end of this chapter.  
[Amended 5-5-1999 STM by Art. 11]

#### 804.1. The Table of Permitted Accessory Uses by Districts sets forth the permitted accessory uses of land, buildings



and structures in each zoning district as set forth in the various provisions of this Zoning Bylaw for uses commencing on or after June 1, 1982. All uses set forth in this table shall conform to all other requirements contained in this Zoning Bylaw, and in the event of a conflict between this Table of Permitted Accessory Uses by Districts and any other provisions of this Zoning Bylaw, this Table of Permitted Accessory Uses by Districts, § 198-804, shall prevail; and the Classification of accessory uses, § 198-805, below, shall be considered as part of said table and shall likewise prevail in the event of such conflicts.

804.1.1. A use listed in said table is permitted as of right in any district under which it is denoted by the word “yes.” Uses denoted by the word “no” shall be prohibited.

804.1.2. Uses designated by the letters “SP” may be allowed only if a special permit is issued pursuant to § 198-203.

804.1.3. Uses designated by the letters “P-ZBA” may be allowed only if a permit is issued pursuant to § 198-203.

804.1.4. Site plan approval is required in accordance with Article 6 for a use where the letter “R” appears, and is not required where the letters “NR” appear.

#### § 198-805. Classification of accessory uses.

##### 805.1. Residential accessory uses.

805.1.1. In residential districts the term “accessory use” shall not include any activity conducted for gain; nor any walkway or driveway giving access thereto; nor any billboard advertising sign or poster, except for small bulletin boards.

Accessory dwelling unit: ~~See § 198-901.1.3 of this Zoning Bylaw.~~

Accessory dwelling unit, WHA: ~~See § 198-901.1.4 of this Zoning Bylaw.~~

Accessory use: ~~Accessory use customary with, and incident to, any permitted use and located on the same lot or on an adjacent lot under the same ownership, including garage for three cars or less, carport, noncommercial greenhouse, tool shed, barn, swimming pool, tennis court.~~

Editor’s Note: The entry for customary home occupation, which immediately followed, was repealed 4-30-2001 ATM by Art. 25. For current provisions, see entry for home occupation.

Family day-care: ~~day care as defined in the Table of Permitted Principal Uses by Districts, provided that it is conducted as an accessory use.~~

Home occupation, customary: See § 198-104 ~~of this Zoning Bylaw.~~ [Amended 4-30-2001 ATM by Art. 25 Editor’s Note: This article also repealed the entry for in-home office which immediately followed. ]

Kennel, ~~fewer than three dogs or fewer; the maintenance of dogs and suitable shelters therefor, provided that the number of dogs six months and older shall be three or fewer;~~ any kennel or other structure used exclusively by dogs shall be no closer than 20 feet to any lot line, and no closer than 50 feet to any existing dwelling located beyond any lot line.

Kennel, four or more dogs: ~~the maintenance of dogs and suitable shelters therefor for four or more dogs six months and older,~~ provided that a special permit is granted to the current owner of the premises in accordance with § 198-203; any kennel or other structure used exclusively by dogs shall be no closer than 20 feet to any lot line and no closer than 50 feet to any existing dwelling located beyond any lot line.

Letting/renting of rooms: ~~See “customary h~~Home occupation, customary” above.

Office: ~~office as defined in the Table of Permitted Principal Use by Districts, § 198 803,~~ provided that it is conducted as an accessory use and that there is no display of advertising, except for a small professional nameplate.

Residence in accessory building dwelling: No accessory building ~~may~~shall be occupied for residence purposes, except as otherwise provided herein; and except that an employee of the owner or tenant of the principal dwelling premises may occupy the upper floor of a garage or

stable.

Roadside stand: ~~for yearly terms only, a roadside stand for the sale of produce of the land of the owner and of other land within the Town, provided that the front yard regulations are complied with.~~ Editor's Note: The entry for trade shop, which immediately followed, was repealed 4-30-2001 ATM by Art. 25.

805.2. Accessory uses permitted in the Limited Commercial District.

Cafeterias, banks, day-care or recreational facilities for employees

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ARTICLE 9 Single Residence District

§ 198-901. Permitted uses.

901.1. See [Article 7, Area, Yard and Bulk Regulations](#); Article 8, Dimension and Use Tables. [Amended 5-5-1999 STM by Art. 9]

[Amended 4-16-1980 ATM by Art. 20; 5-4-1994 ATM by Art. 23; 5-5-1999 STM by Art. 9: paragraphs deleted]

[Amended 5-4-1994 ATM by Art. 23; 5-5-1999 STM by Art. 9; 4-30-2001 ATM by Art. 25: paragraph deleted]

901.1.1. A [customary](#) home occupation of a resident owner, or a resident tenant with the owner's permission, shall be permitted as a matter of right in those zoning districts specifically referenced in the Table of Accessory Uses, § 198-804, provided that all of the following conditions are met: [Amended 5-4-1994 ATM by Art. 23; 4-30-2001 ATM by Art. 25]

901.1.1.1. The [customary](#) home occupation occupies no more than 25% of the gross floor area or 500 square feet, whichever is less, ~~of within~~ the dwelling unit [or accessory building](#) on the [lot premises](#).

901.1.1.2. There are no employees;

901.1.1.3. No business is conducted on the [lot premises](#) with any client or customer physically present;

901.1.1.4. There are no signs or other external evidence of [non-residential use](#) ~~the office~~; and

901.1.1.5. No hazard or nuisance, including offensive noise, vibrations, smoke, dust or other particulate matter, odors, heat, glare, humidity, and noxious fumes, shall be created to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.

901.1.2. A [customary](#) home occupation of a resident owner, or a resident tenant with the owner's permission, may be permitted by issuance of a special permit from the Zoning Board of Appeals in those zoning districts specifically referenced in the Table of Accessory Uses, § 198-804, provided that all of the following conditions are met: [Added 4-30-2001 ATM Art. 25]

901.1.2.1. The use of the dwelling unit, or an accessory structure, by the resident for business is incidental and subordinate to its use for residential purposes and occupies no more than 25% of the gross floor area of the dwelling unit or 500 square feet, whichever is less, within the dwelling unit or accessory structure on the premises; [Amended 5-6-2004 ATM by Art. 21]

901.1.2.2. No more than one nonresident employee shall be permitted on [the lot site](#);

901.1.2.3. There is no change in the outside appearance of the building, ~~or structure, or lot premises~~ or any visible or audible evidence detectable from the property line of the conduct of such business except that one sign not larger than two square feet in

- area bearing only the name of the practitioner and occupation shall be permitted (words only). The sign shall be flush-mounted to the dwelling unit and shall not be illuminated.
- 901.1.2.4. Traffic, including traffic by commercial delivery vehicles, shall not be generated in greater volumes than would normally be anticipated in a residential neighborhood;
- 901.1.2.5. No hazard or nuisance, including offensive noise, smoke, dust, odors, heat, glare, noxious fumes or vibrations, shall be created to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists;
- 901.1.2.6. There shall be no display of goods or outside storage;
- 901.1.2.7. Parking for the customary home occupation shall be provided ~~met~~ on the lot ~~site~~.
- 901.1.3. An accessory dwelling unit is as permitted by the Table of Accessory Uses, § 198-804, and provided that: [Amended 4-17-1980 ATM by Art. 22; 4-30-1986 ATM by Art. 29; 5-5-1999 STM by Art. 9]
- 901.1.3.1. The lot on which the accessory unit is to be situated contains at least 20,000 square feet and at least 50% of the requirement for the district in which it is located.
- 901.1.3.2. No more than one accessory unit shall exist on the lot on which it is to be situated.
- 901.1.3.3. The building or buildings in which the accessory unit and the principal residence are to be situated shall have existed for two years. [Amended 4-30-1986 ATM by Art. 29]
- 901.1.3.4. Any additions made after January 1, 1980, to a building for the purpose of accommodating an accessory unit shall not increase the habitable area of the original building by more than 20%. Any such additions must meet all zoning requirements. [Amended 4-30-1986 ATM by Art. 29]
- 901.1.3.5. Either the accessory unit or the principal residence shall be occupied by the owner of the lot on which the accessory unit is situated. The owner may be absent for periods not exceeding one year, provided that no one occupies the owner's unit, except a house sitter paying no rent. The owner's unit may be rented for periods not exceeding two years, provided that prior written notice is given to the Building Commissioner, the owners have occupied their unit for the prior two years, and occupy for two years between rental periods, and the owners remain legal residents of the Town. [Amended 4-30-1986 ATM by Art. 29]
- 901.1.3.6. The accessory unit and the principal residence shall each have two means of egress to grade that are in compliance with the Building Code.
- 901.1.3.7. Sufficient parking spaces, not less than 10 feet by 20 feet, shall be provided off street for the occupants of each dwelling unit.
- 901.1.3.8. The Board of Health shall have given written approval that the septic system serving the dwelling with the accessory unit is in compliance with the rules and regulations of the Board of Health in effect at the time of application for special permit, unless a variance is granted by the Board of Health.
- 901.1.3.9. Where a special permit has been issued pursuant to the provisions of this section, the permitted use must commence within one year, otherwise said permit shall lapse.
- 901.1.3.10. Floor plans of the accessory unit and the principal residence and a plot plan showing the location of the building on the lot shall have been filed with the application after review by the Building Commissioner.

901.1.3.11. Application for a building permit or certificate of occupancy shall be made to the Building Commissioner, and no use or occupancy shall commence prior to the issuance of a certificate of occupancy by the Building Commissioner. [Amended 4-30-1986 ATM by Art. 29; 5-5-1999 STM by Art. 11]

[Amended 4-30-1986 ATM by Art. 29: paragraph deleted]

901.1.4. An accessory dwelling unit reserved, for a period not less than 10 years, for occupancy by a person or family receiving rental assistance from the Wayland Housing Authority is permitted in accordance with the Table of Accessory Uses, § 198-804, and provided that: [Amended 5-8-1989 ATM by Art. 18; 5-5-1999 STM by Art. 9]

901.1.4.1. The lot on which the accessory unit is to be situated contains at least 15,000 square feet.

901.1.4.2. Any additions made after December 15, 1988, to a building for the purpose of accommodating an accessory ~~dwelling unit~~~~apartment~~ reserved for Wayland Housing Authority rental programs shall not increase the habitable area of the original building by more than 35%, provided that the unit shall not exceed 1,000 square feet of floor space. Any such addition must meet all zoning and Building Code requirements.

901.1.4.3. The accessory unit shall have two means of egress to grade in compliance with the Building Code. [Amended 5-5-1999 STM by Art. 11]

901.1.4.4. The accessory unit shall be served by one parking space, unless the special permit granting authority determines that on-street parking is not detrimental to the neighborhood.

901.1.4.5. The accessory unit shall comply with the requirements of § 198-901.1.3.2, 901.1.3.3, 901.1.3.5, 901.1.3.8, 901.1.3.9, 901.1.3.10 and 901.1.3.11.

901.1.4.6. The homeowner shall submit proposed documents leasing the accessory unit, for a period of not less than 10 years, to the Wayland Housing Authority. Such documents shall include certification that the Wayland Housing Authority intends to accept such unit for its rental assistance programs.

901.1.4.7. Any special permit issued under this § 198-901.1.4 shall lapse if the homeowner breaches his/her lease with the Wayland Housing Authority (upon proper notice by said Authority) or if the accessory unit ceases to be occupied by an eligible family (as certified by said Authority).

901.1.5. Public buildings.

901.1.5.1. ~~Police stations~~~~Town Uses (Municipal Uses)~~. [Amended 4-8-1985 STM by Art. 2; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

[Amended 5-5-1999 STM by Art. 9: paragraph deleted]

901.1.5.2. Housing for elderly persons of low income, including adequate parking areas therefor, as such housing is defined by MGL c. 121B, §§ 1, 38, 39 and 40, constructed by the Wayland Housing Authority as permitted in the Table of Principal Uses by District, § 198-802. [Amended 5-5-1999 STM by Art. 9]

901.1.5.3. Subsidized multi-~~family unit dwellings~~~~housing~~ for persons of low income, including adequate parking areas therefor, such housing being more fully described in MGL c. 121B, constructed by the Wayland Housing Authority as permitted in the Table of Principal Uses by District, § 198-802. [Amended 6-2-1981 STM by Art. 6; 5-5-1999 STM by Art. 9]

[Amended 4-8-1985 STM by Art. 2; 5-5-1999 STM by Art. 9: paragraphs deleted]

901.1.5.4. Where sanitariums, hospitals or nursing homes for the care of the sick or aged, are permitted by the Table of Principal Uses by District, § 198-802, no building shall be within 30 feet of any lot line. [Amended 5-3-1993 ATM by Art. 18; 5-5-1999 STM by Art. 9]

901.1.5.5. Where public or charitable institutional buildings not of a correctional nature, are permitted by the Table of Principal Uses by District, § 198-802, no building shall be within 30 feet of any lot line. [Amended 4-28-1986 ATM by Art. 25; 5-5-1999 STM by Art. 9]

[Amended 6-16-1987 STM by Art. 5; 5-4-1988 ATM by Art. 20; 5-5-1999 STM by Art. 9: paragraph deleted] Editor's Note: Former § 198-901.1.9 on real estate signs, which immediately followed, was moved to § 198-502 by Art. 47 of the 5-14-1998 ATM.

901.1.6. ~~G~~reenhouses or stable for horses are permitted by the Table of Principal Uses by District, § 198-802, any greenhouse heating plant and any building in which farm or pleasure animals are kept ~~may shall be distant~~ not ~~be within less than~~ 20 feet from any lot line. [Amended 4-30-1975 ATM by Art. 31; 5-5-1999 STM by Art. 9] Editor's Note: Former § 198-902, Accessory uses and buildings, amended 4-30-1986 ATM by Art. 29, and former § 198-903, Permits required by the Zoning Board of Appeals, amended 5-2-1983 ATM by Art. 12, which immediately followed, were repealed 5-5-1999 STM by Art. 9. Prior to this repeal, a former § 198-903, Storage of unregistered vehicles; violations and penalties, was moved to § 198-503 by Art. 47 of the 5-14-1998 ATM and a former § 198-903.1.4, Earth removal, was moved to § 198-504 by Art. 47 of the 5-14-1998 ATM.

[Amended 5-5-1999 STM by Art. 9: paragraph deleted]

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ARTICLE 10 Roadside Business District  
§ 198-1001. Permitted uses.

1001.1. See Article 7. Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables. [Amended 4-30-1975 ATM by Art. 3; 11-13-1991 STM by Art. 6; 5-4-1992 STM by Art. 1; 5-5-1999 STM by Art. 9]

§ 198-1002. Area, yard and bulk regulations; parking facilities; signs.

1002.1. In a Roadside Business District, buildings, structures, and ~~lots premises~~ used for purposes other than those permitted in a residence district shall ~~be subject to observe~~ the following special provisions:

1002.1.1. ~~Lot~~. [Amended 11-13-1991 STM by Art. 6; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

[Amended 5-5-1999 STM by Art. 9: paragraph deleted]  
Reserved for possible future use.

1002.1.2. All buildings and structures shall conform to the height and lot coverage regulations for residence districts as contained in § 198-701.1 and § 198-704, respectively. [Amended 4-28-1975 ATM by Art. 16]

[Amended 5-5-1999 STM by Art. 9: paragraph deleted]

1002.1.3. Except where adjacent buildings, structures, or lots premises are served by the same driveway

openings, each ~~of such building, structure, or lot premises~~ shall be provided with two driveway openings onto the street, one of which shall be used for entrance to, and the other for exit from, the ~~building, structure, or lot premises~~. Not more than two such openings shall be permitted for each 200 feet of street frontage. Such openings shall be not more than 20 feet in width at the street lot line and located no less than 40 feet apart, measured along said line, and not less than 20 feet from side lot lines. Where approval by the Mass ~~DOT~~ ~~achusetts Highway Department~~ ~~(MHD)~~ is required in connection with driveway openings onto state highways, the prior provisions of this § 198-1002.1.3 shall be waived, and the regulations of ~~MassDOT~~ ~~said Department~~ shall be applicable.

- 1002.1.4. Each ~~of such building, structure, or lot premises~~ shall provide and maintain adequate areas off the street for parking of cars of employees and customers to avoid undue interference with traffic. ~~The issuance of a building permit shall not be construed as an approval of the adequacy of such parking areas.~~
- 1002.1.5. Not more than one sign, other than those that are attached to and are part of the architectural design of a building or structure, ~~may shall~~ be permitted on each ~~building or structure premises~~.
- 1002.1.6. Accessory signs ~~may shall~~ not be located nearer than 30 feet to any ~~lot property~~ or street lot line. [Amended 5-5-1999 STM by Art. 11]
- 1002.1.7. In the event of the construction, reconstruction or substantial alteration of any ~~building or structure premises~~ that ~~is are~~ used or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purposes, a paved pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration, such sidewalk to be no less than five feet in width and set back no less than four feet from the street lot line and to be constructed the full width of the lot, except where driveways exist. ~~The sidewalk shall be, and~~ separated from the remainder of the lot with a four-foot strip to be maintained as a landscaped area. The sidewalk location shall be such as to join in a reasonable manner existing ~~or potential~~ sidewalks on abutting land. [Amended 5-5-1999 STM by Art. 11]

#### ARTICLE 11 Business Districts

##### § 198-1101. Establishment.

- 1101.1. Business Districts A and Business Districts B are hereby established. In these districts, no building or structure, and no alteration, enlargement or extension of an existing building or structure, ~~may shall~~ be constructed and no ~~land, building, structure, or lot~~ or part thereof ~~may shall~~ be used for any purpose or in any manner other than as provided in the Table of Principal Uses by District, § 198-802. The provisions of Article 6, Site Plan Approval, shall apply as described in the Table of Principal Uses by District, § 198-802. [Amended 5-5-1999 STM by Art. 9]

##### § 198-1102. Permitted uses in Business District A.

- 1102.1. See [Article 7, Area, Yard and Bulk Regulations](#); Article 8, Dimension and Use Tables. [Amended 5-5-1999 STM by Art. 9]

[Amended 5-5-1999 STM by Art. 9: paragraphs deleted]

- 1102.1.1. Restaurants ~~and other places for the serving and consumption of food or beverages inside the building at tables or counters~~ shall be permitted as described in the Table of Permitted Uses by District. Where the Table of Principal Uses by District, § 198-802, requires either a permit from the Zoning Board of Appeals (ZBA) or a special permit, the ZBA shall satisfy itself that a clearly established need of the Town will be served thereby and where the ZBA shall satisfy itself that the use of the premises shall not be against the public interest, shall not derogate from the character of the neighborhood in which such use is to occur and shall not be detrimental or offensive because of noise, vibrations, smoke, gas, fumes, odor, dust or other objectionable features and that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety, subject, however, to the following:



[Amended 3-20-1974 ATM by Art. 61; 5-5-1999 STM by Art. 9]

- 1102.1.1.1. The ZBA may permit food or beverages to be served or consumed on the premises outside the building, subject to such safeguards and limitations as it may impose in its approval of a site plan pertaining thereto, as long as such use shall be incidental to such consumption inside the building.
- 1102.1.1.2. The area of the ~~lot~~premises to be traversed by motor vehicles shall be paved or otherwise covered with a suitable material.
- 1102.1.1.3. Properties in abutting residential districts shall be protected from headlight glare by such methods as the ZBA may require. Any protection required shall be maintained in good condition at all times. No signs or advertisements ~~may~~ shall be attached to any protective screening or fence except on the side facing the use of the ~~building, structure, or lot~~premises. Such protective screening or fence may be interrupted by normal entrances or exits.

[Amended 4-28-1986 ATM by Art. 27: paragraph deleted]

- 1102.1.1.4. Illumination of outdoor areas shall be shielded so as not to shine upon any property in a residential district.
- 1102.1.1.5. The use of banners, pennants, pinwheels or other advertising novelties is prohibited.
- 1102.1.1.6. The ZBA may impose such additional conditions with respect to the size, construction, use, maintenance and operation of the premises, and the vehicular and pedestrian access thereto, as may be appropriate.

[Amended 5-5-1999 STM by Art. 9: paragraphs deleted]

#### 1102.1.2. Automobile sales.

- 1102.1.2.1. Automobile sales, ~~service and repair garages and automobile service and repair garages,~~ shall be permitted as described in the Table of Principal Uses by District, § 198-802, and subject to the following: [Amended 5-5-1999 STM by Art. 9]
  - 1102.1.2.1.1. Washing, lubricating and major repairing of vehicles are to be performed inside enclosed buildings.
  - 1102.1.2.1.2. Dispensing of fuels, lubricants and fluids is to be done entirely on the ~~lot~~premises.
  - 1102.1.2.1.3. Auto dismantling and junk operations are prohibited.
  - 1102.1.2.1.4. The entire area of the ~~lot~~premises to be traversed by motor vehicles shall be paved.
  - 1102.1.2.1.5. Driveways shall be paved and join streets and cross sidewalks at right angles, shall not be more than 24 feet nor less than 10 feet wide at any point, shall be at least 10 feet from any lot line and 25 feet from the intersection of street lot lines and shall be at least 20 feet apart. No more than two driveways ~~may~~ shall be permitted for each 100 feet of street frontage. Where approval by the Massachusetts Highway Department (MHD), or successor agency, is required in connection with driveway openings onto state highways, the prior provisions of this § 198-1102.1.4.1.7 shall be waived, and the regulations of said MassDOT shall be applicable. [Amended 5-5-1999 STM by

## Art. 11]

- 1102.1.2.1.6. No parts or partially dismantled vehicles ~~may~~ shall be stored out-of-doors.
- 1102.1.2.1.7. Minimum lot area for ~~automobile service and repair garages shall be 30,000 square feet, and minimum frontage shall be 125 feet; minimum lot area for automobile sales and for automobile sales, service and repair garages~~ shall be two acres, and minimum frontage shall be 200 feet, and a structure(s) shall not be less than 100 feet from any residential building. [Amended 4-28-1986 ATM by Art. 27: paragraph deleted]
- 1102.1.2.1.8. Buildings ~~may~~ shall occupy no more than 25% of the lot.
- 1102.1.2.1.9. The minimum setback for all structures ~~shall is to~~ be 40 feet from the street lot ~~property~~ line, ~~and with~~ minimum setbacks from other lot lines ~~shall to~~ be 25 feet. [Amended 5-5-1999 STM by Art. 11]
- 1102.1.2.1.10. Properties in abutting residential districts shall be protected from headlight glare by either:
- 1102.1.2.1.10.1. A strip at least four feet wide densely planted with shrubs at least four feet high at time of planting and that are a type that may be expected to form a year-round dense screen at least six feet high in three years; or
- 1102.1.2.1.10.2. An opaque fence of uniform appearance at least five feet high but not more than seven feet high above finished grade.
- [Amended 4-28-1986 ATM by Art. 27: paragraph deleted]
- 1102.1.2.1.11. Protection afforded by § 198-1102.1.2.1.10.1 or 1102.1.2.1.10.2 above shall be maintained in good condition at all times. No signs or advertisements ~~may~~ shall be attached thereto, except on the side facing the use of the ~~building, structure, or lot~~ premises. Such protective screening or fences may be interrupted by normal entrances or exits.
- 1102.1.2.1.12. Illumination on outdoor areas shall be shielded so as not to shine on any property in a residential district.
- 1102.1.2.1.13. The use of banners, pennants, pinwheels or other advertising novelties is prohibited.
- [Amended 5-5-1999 STM by Art. 9: paragraphs deleted]
- 1102.1.3. The ZBA, in accordance with § 198-203, may permit additional retail business and service uses when such uses are clearly similar to those permitted herein.
- 1102.1.4. Automobile service stations ~~and automobile service garages~~. [Amended 5-5-1999 STM by Art. 9]
- 1102.1.4.1. Automobile service stations ~~and automobile service garages for the sale of gasoline, lubricants and similar supplies and parts of motor vehicles, the making~~



~~of minor repairs and adjustments to motor vehicles, other than structural changes or repairs, and providing water and compressed air,~~ shall be permitted as described by the Table of Permitted Uses by District. Where a permit from the ZBA or special permit is required as described in the Table of Principal Uses by District, § 198-802, the ZBA shall satisfy for itself that a clearly established need will be served thereby, and subject to the following:

- 1102.1.4.1.1. Washing, lubricating and making of repairs shall be performed inside the building.
  - 1102.1.4.1.2. No major repairs, such as body work, are to be performed.
  - 1102.1.4.1.3. Sale or rental or display for sale or rental of motor vehicles or trailers is prohibited.
  - 1102.1.4.1.4. No services or merchandise other than accessory, portable automotive merchandise may be displayed or sold on the premises.
  - 1102.1.4.1.5. The area of the ~~lot premises~~ to be traversed by motor vehicles shall be paved.
  - 1102.1.4.1.6. Minimum lot area for an automobile service station shall be 40,000 square feet, and minimum frontage shall be 200 feet on any street, and structures shall not be less than 100 feet from any residential building. The minimum lot area for an automobile service garage shall be 30,000 square feet, and minimum frontage shall be 125 feet.
  - 1102.1.4.1.7. Driveways shall be paved and join the street and cross sidewalks at right angles; shall not be more than 24 feet nor less than 10 feet wide at any point; shall be at least 10 feet from any lot line and 20 feet from the intersection of street lot lines; and shall be at least 20 feet apart. No more than two driveways ~~may shall~~ be permitted for each 100 feet of street frontage. Where approval by the MassDOT is required in connection with driveway openings onto state highways, the prior provisions of this § 198-1102.1.4.1.7 shall be waived, and the regulations of MassDOT shall be applicable.
  - 1102.1.4.1.8. No vehicles shall be stored out-of-doors, except for those used by employees and those used in the direct operation of the business.
  - 1102.1.4.1.9. No parts or partially dismantled motor vehicles may be stored out-of-doors.
- [Amended 4-28-1986 ATM by Art. 27: paragraph deleted]
- 1102.1.4.1.10. Buildings and structures may shall occupy no more than 25% of the lot.
  - 1102.1.4.1.11. The minimum setback of all structures, except gasoline pumps, shall be 40 feet from the street and 25 feet from other lot lines. Gasoline pumps shall be set back at least 20 feet from the street lot line and 25 feet from other lot lines.
  - 1102.1.4.1.12. Properties in abutting residential districts shall be protected from headlight glare by either:

- 1102.1.4.1.12.1. A strip at least four feet wide densely planted with shrubs at least four feet high at time of planting and that are a type that may be expected to form a year-round dense screen at least six feet high in three years; or
- 1102.1.4.1.12.2. An opaque fence of uniform appearance at least five feet high but not more than seven feet above finished grade.
- 1102.1.4.1.12.3. Protection afforded by § 198-1102.1.4.1.12.1 or 1102.1.4.1.12.2 above shall be maintained in good condition at all times. No signs or advertisements ~~may shall~~ be attached thereto, except on the side facing the use of the ~~lot premises~~ building, structure, or lot premises. Such protective screening or fence may be interrupted by normal entrances or exits.

[Amended 4-28-1986 ATM by Art. 27:  
paragraph deleted]

- 1102.1.4.1.13. Illumination on outdoor areas shall be shielded so as not to shine upon any property in a residential district.
- 1102.1.4.1.14. The use of banners, pennants, pinwheels or other advertising novelties is prohibited.

§ 198-1103. Permitted uses in Business District B.

- 1103.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Table. The ZBA, in accordance with § 198-203, may permit additional retail business and service uses when such uses are clearly similar to those permitted herein. [Amended 5-5-1999 STM by Art. 9]

§ 198-1104. Height, area, yard and bulk regulations.

- 1104.1. Height, area and yard requirements.

[Amended 5-14-1998 ATM by Art. 48; 5-5-1999 STM by Art. 9: paragraph deleted]

- 1104.1.1. In both Business Districts A and B, all signs as permitted herein and all outdoor displays as permitted herein shall be located not closer than 15 feet to the exterior line of any public or private way.
- 1104.1.2. In Business District A, the area and yard requirements of Article 7 shall apply. This requirement does not constitute relief from conformity with off-street parking and loading requirements ~~under herein (§ 198-5604.2 and § 198-507)~~.
- 1104.1.3. In Business District B, the following provisions apply:

[Amended 5-5-1999 STM by Art. 9; paragraph deleted]

- 1104.1.3.1. Exception to the setback requirements from street lot lines for buildings and structures may be made by the ZBA, in accordance with § 198-203, upon presentation of a site plan for approval (See Article 6.), provided that the exception does not reduce the distance to less than 15 feet and that the plan is made in such manner as to minimize the generation of traffic hazards. [Amended

5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

1104.1.3.2. For buildings in a Business District B, the ZBA, as outlined above, may grant exception to the fifteen-foot requirement of § 198-1104.1.3.1, provided that such is necessary to permit development of an integrated group of buildings on separate parcels of land. [Amended 5-5-1999 STM by Art. 9]

§ 198-1105. (Reserved)

Editor's Note: Former § 198-1105, Off-street parking and loading requirements was moved to § 198-506, Off-street parking, and § 198-507, Off-street loading, 5-5-2004 ATM by Art. 15.

§ 198-1106. Curbs and sidewalks

~~f.~~ [Amended 4-28-1975 ATM by Art. 26; 4-28-1986 ATM by Art. 27]

1106.1. In both Business Districts A and B, in the event of the construction, reconstruction or substantial alteration of any ~~building or structure~~ ~~premises~~ that ~~is~~ ~~are~~ used, or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purpose, there shall be constructed as part of such construction, reconstruction or substantial alteration a raised granite curb at least six inches in height along the edge of the street, except at approved driveway openings, ~~and~~ ~~There also shall be~~ a paved pedestrian sidewalk no less than five feet in width set back no less than four feet from the street lot line ~~for and covering~~ the entire length of the lot frontage; provided however, ~~except~~ where driveways exist, the sidewalk ~~shall to be~~ separated from the remainder of the lot with a strip four feet wide in which suitable evergreen shrubs or other landscaping approved by the ZBA shall be maintained in good condition ~~suitable evergreen shrubs or other landscaping approved by the ZBA~~. The strip between the sidewalk and the street shall be maintained in good condition as a grass area. The sidewalk location shall be such as to join in a reasonable manner existing or planned ~~potential~~ sidewalks on abutting land.

§ 198-1107. Outdoor displays.

1107.1. In both Business Districts A and B, no outdoor display of merchandise for sale, other than motor vehicles, automobile accessories customarily sold at filling stations and farm and nursery produce, shall be permitted.

ARTICLE 12 Refuse Disposal District [Amended 11-12-1975 STM by Art. 8]

§ 198-1201. Permitted uses.

1201.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Table. No building or structure ~~may shall~~ be erected or constructed, altered, enlarged or used, and no land, water, building, or structure may shall be used for any purpose, or in any manner, other than as provided below:

1201.1.1. The disposal and treatment of septic tank pumpings at the septic treatment facility.

1201.1.2. The disposal of refuse and the recycling of materials and sale of recycled materials at such sanitary landfill areas as may have been designated by the Board of Health, all in accordance with its rules and regulations. [Amended 5-14-1998 ATM by Art. 49]

1201.1.3. The removal of such vegetation, sod, loam, gravel, stone and/or other earth materials as may have been authorized, from time to time, by the Board of Health. [Amended 5-14-1998 ATM by Art. 49]

1201.1.4. The storage of de-icing and earth materials. [Added 5-4-2005 STM by Art. 4]

ARTICLE 13 Light Manufacturing District

§ 198-1301. Permitted uses.

[Amended 5-5-1999 STM by Art. 9]

1301.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables.

§ 198-1302. Sidewalks.

1302.1. In the event of the construction, reconstruction or substantial alteration of any building or structure ~~premises~~

that ~~is~~<sup>are</sup> used or intended to be used, in whole or part, for any industry, trade, manufacturing or commercial purposes, a paved pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration. ~~S~~<sup>such</sup> sidewalk ~~shall to~~ be no less than five feet in width and ~~shall be~~ set back no less than four feet from the street ~~lot~~<sup>property</sup> line and ~~shall to~~ be constructed ~~for~~ the ~~full~~<sup>entire</sup> width of the lot ~~frontage; provided, however, except~~ where driveways exist, and separated from the remainder of the lot with a four-foot strip to be maintained as a landscaped area. The sidewalk location shall be such as to join in a reasonable manner existing or ~~potential~~<sup>planned</sup> sidewalks on abutting land. [Amended 5-5-1999 STM by Art. 11]

ARTICLE 14 Limited Commercial District

§ 198-1401. Permitted uses.

1401.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables. [Amended 5-5-1999 STM by Art. 9]

[Amended 11-13-1991 STM by Art. 5; 5-5-1999 STM by Art. 9: paragraph deleted]

1401.1.1. Research and development laboratories/~~offices,~~ offices, warehouse/distribution facilities ~~for distributing merchandise,~~ and light manufacturing, where the total footprint of all buildings housing such use(s) on the property does not exceed 15,000 gross square feet or 5% of the total lot area, whichever is smaller shall be permitted. [Amended 11-13-1991 STM by Art. 5; 5-6-1992 ATM by Art. 17; 5-5-1999 STM by Art. 9]

1401.1.2. Personal and other service establishment facilities, ~~such as cafeterias,~~ banks, nursery school/ ~~and day-care,~~ or recreation/park facilities, and similar facilities, for the employees or other licensees of a permitted or special permit use, but such facilities shall not be available to the general public. [Amended 11-13-1991 STM by Art. 5]

§ 198-1402. Special permit uses.

[Amended 11-13-1991 STM by Art. 5]

1402.1. Buildings, ~~and~~ structures, and lots in a Limited Commercial District may be constructed, reconstructed, altered, enlarged or used, and premises may be used, for the following purposes and no others, subject to the provisions of Article 6, Site Plan Approval, of this Zoning Bylaw, and provided that a permit is obtained from the Zoning Board of Appeals in accordance with § 198-203 of this Zoning Bylaw:

1402.1.1. Research and development laboratories/~~offices,~~ warehouses/distribution facility, ~~facilities for distributing merchandise~~ and light manufacturing, where the total footprint of all buildings housing such use(s) on the property exceeds 15,000 gross square feet or 5% of the total lot area, whichever is smaller. [Amended 11-13-1991 STM by Art. 5; 5-6-1992 ATM by Art. 17]

§ 198-1403. Area, yard and bulk regulations.

[Amended 11-13-1991 STM by Art. 5; 5-5-1999 STM by Art. 9]

1403.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables.

§ 198-1404. Limitations and development.

[Amended 11-13-1991 STM by Art. 5; 5-6-1992 ATM by Art. 16]

1404.1. Notwithstanding any provision of this Zoning Bylaw to the contrary, no special permit or site plan approval ~~may~~<sup>shall</sup> be granted by the special permit granting authority or by the site plan approval authority (“the approving authority”) that allows for development in excess of the following limitations and that has not been supported by the traffic impact information set forth in § 198-1405 ~~following submittals~~.

§ 198-1405. Traffic impact.

1405.1. The applicant shall submit a traffic impact assessment report containing such data and information as required by the approving authority. No new building or structure, group of buildings or structures, improvement, alteration or change in use shall result in a level of service (LOS), as defined by criteria set forth by the Transportation Research Board of the National Research Council, determined to be inadequate

- within the impact area of the proposed activity. The “impact area” shall mean any road, intersection or way within 1,000 feet of the closest boundary of the project site and projected to receive at least 5% of the anticipated average daily or peak-hour traffic generated by the proposed development. “Inadequate,” for the purpose of this finding, shall mean: [Amended 5-14-1998 ATM by Art. 50]
- 1405.1.1. An LOS of less than “B” (as defined in the reference cited above) for existing designated scenic roads, for all categories of existing residential streets (as defined in the Subdivision Regulations of the Planning Board Editor’s Note: See Ch. 303, Subdivision of Land→.) and for all new streets and intersections created in conjunction with the project.
- 1405.1.2. An LOS of less than “D” (as defined in the above reference) for numbered highways and all other streets.
- 1405.2. The approving authority, at its discretion, may hire a qualified expert in developing and interpreting traffic generation data to confirm data submitted by the applicant, evaluate data and recommend to the approving authority the appropriate LOS to be utilized by the approving authority in determining whether the proposed activity meets the requirement of this § 198-1405. The approving authority may charge the applicant reasonable costs for such work as part of the application fee for review of the application.
- 1405.3. The approving authority, at its discretion, may allow for improvements to affected areas that, when complete, will provide the required LOS and may make such improvements a condition of approval.
- 1405.4. The approving authority may accept a request for waiver of traffic impact if the applicant asserts to the satisfaction of the approving authority that:
- 1405.4.1. The application of the limitations contained under § 198-1405.1 and 1405.2 above would constitute a hardship or prohibit use of the property for a purpose allowed in this article and that the impact on the affected ways is insignificant; or
- 1405.4.2. The way(s) affected was (were) below the required LOS at the time of application and the impact on the affected way(s) is insignificant.
- 1405.5. Such request for waiver of traffic impact shall be made, in writing, by the applicant, who shall submit sufficient data satisfactory to the approving authority to support said request. The approving authority shall list, in writing, its reasons for granting or denying said request, after holding a public hearing in accordance with the hearing requirements of MGL c. 40A, the Zoning Act, pertaining to special permits.
- § 198-1406. Physical attributes of the lotsite.
- 1406.1. The footprint of any building(s) may shall not exceed 20% of the total area of the lotsite. The footprint of a building shall be measured at the outermost edge of the foundation of the building or at the outermost edge of any portion of the first floor overhanging the foundation, whichever is greater.
- 1406.2. The floor area ratio (FAR) may shall not exceed 40% when calculated by dividing the total gross floor area of the buildings by the total area of the lotsite. ~~“Total gross floor area” shall mean the floor area within the perimeter of the outside walls of the buildings, without deductions for hallways, stairs, closets, thickness of walls, columns or any other features.~~
- 1406.3. No portion of any building or structure may shall exceed 35 feet in height, except that this limitation shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other accessory rooftop features necessary to the functioning of the building, if such features are in no way occupied by people.
- 1406.4. No building or structure may shall extend to within 100 feet of any street lot line or to within 100 feet of any property line. [Amended 5-5-1999 STM by Art. 11]
- 1406.5. The lotsite shall have adequate parking spaces, as determined by the approving authority after review of the traffic impact assessment report. Such parking spaces shall be off-street and shall not be located within 50 feet of the perimeter ~~property lot line of the site~~. The approving authority may allow on-street parking and location of parking spaces closer to thesaidlotproperty line, but only after listing its reasons therefor and finding that allowing such parking is consistent with the purposes of this Zoning Bylaw. However, in no event may shall parking be allowed within 100 feet of residential zoning districts or residential properties. All parking shall be screened from adjacent properties by suitable landscaping materials.

- 1406.6. All facilities and all articles stored on the ~~lot~~premises shall be located within enclosed buildings or structures, unless the approving authority allows for an adequately screened storage area and lists in its written findings that such an area is consistent with the purposes of this Zoning Bylaw.
- 1406.7. No loading platform ~~may~~shall be located on the street side of any building or structure or on the side of a building or structure facing a residential district, unless properly screened and unless the approving authority lists in its written findings that said screened platform is consistent with the purposes of this Zoning Bylaw.
- 1406.8. In the event of the construction, reconstruction or substantial alteration on any ~~lot~~site that is used or intended to be used, in whole or in part, for the purpose allowed under ~~this a~~Article 14, paved pedestrian sidewalks shall be constructed as a part of such construction, reconstruction or substantial alteration. Such sidewalks shall be no less than five feet in width, shall be set back no less than four feet from ~~the~~ street lot lines~~for the entire width of the lot frontage~~ and shall be separated from the remainder of the ~~lot~~site by a four-foot landscaped strip. Sidewalks shall reasonably join existing sidewalks or shall be capable of reasonably joining ~~planned~~potential sidewalks, internally and on abutting land. [Amended 5-5-1999 STM by Art. 11]
- 1406.9. Not more than one sign, consistent with regulations promulgated pursuant to Article 6, Site Plan Approval, of this Zoning Bylaw, shall be allowed at each entrance of the ~~lot~~site from each principal way and from which way access to the site is provided in the site plan approval for the site.

§ 198-1702. ~~Federal Flood Protection District.~~ Reserved for possible future use.  
[Amended 5-4-1982 ATM by Art. 17]

- ~~1702.1. The purpose of this § 198-1702 is to carry out the purposes of the National Flood Insurance Program so as to enable interested persons to purchase insurance against loss resulting from physical damage to, or loss of, real property, or personal property related thereto, arising from a flood.~~
- ~~1702.2. The following requirements apply in the Federal Flood Protection District:~~
- ~~1702.2.1. Within Zone A, as shown on the Flood Insurance Rate Map (FIRM), where the base flood elevation is not provided on the FIRM, each applicant for a building permit for any building and/or structure lying within Zone A shall obtain any existing base flood elevation data, and it shall be reviewed by the Building Commissioner for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the Building Code (current Section 744).~~
- ~~1702.2.2. In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:~~
- ~~1702.2.2.1. All encroachments, including fill, new construction, substantial improvements to existing structures and other development, are prohibited, unless certification by a registered professional engineer or architect is provided by the applicant for a building and/or special permit for any such encroachment within the floodway demonstrating that such encroachment shall not result in an increase in flood levels during the occurrence of the one hundred-year flood.~~
- ~~1702.2.2.2. Any encroachment meeting the above standard shall comply with the floodplain requirements of the Building Code. Editor's Note: Former § 198-1703, Watershed Protection District, as amended 3-15-1967 ATM by Art. 16, 4-30-1975 ATM by Art. 28, and 4-28-1986 ATM by Art. 25, which immediately followed, was repealed 5-5-2005 ATM by Art. 31.~~



Version for Special Town Meeting Warrant for November 16, 2010

Town of Wayland  
 Table of Dimensional Requirements  
 [Amended 5-27-1981 ATM by Art. 16; 5-4-1982 ATM by Art. 23;  
 5-2-1983 ATM by Art. 12; 5-2-1983 ATM by Art. 13; 5-14-1998 ATM by Art. 56;  
 5-5-1999 ATM by Art. 10; 5-12-1999 ATM by Art. 37; 5-1-2002 ATM by Art. 31]

Districts	Use	Minimum Lot Area <sup>1</sup> (sq. ft.)	Maximum Lot Coverage	Minimum Frontage (ft.)	Minimum Yard Setbacks <sup>14</sup>			Maximum Height <sup>4</sup> The lesser of	
					From Lot Line (ft.)	From ROW Center Line (ft.)	Rear From Lot Line (ft.)		Side From Lot Line (ft.)
Single Residence		20,000 <sup>15</sup>	20%	120	55	30	15 <sup>3</sup>	35	2 1/2
		30,000 <sup>15</sup>	20%	150	55	30	20 <sup>3</sup>	35	2 1/2
		40,000 <sup>15</sup>	20%	180	55	30	25 <sup>3</sup>	35	2 1/2
Roadside Business	Uses permitted in Single Residence Districts	60,000 <sup>15</sup>	20%	210	55	30	30 <sup>3</sup>	35	2 1/2
Business A	Permitted nonresidential uses	40,000	20%	200 <sup>6</sup>		60	15 <sup>3</sup>	35	2 1/2
	Retail, offices, services, trades, etc.	<sup>8</sup>	75% (70% corner lot)	<sup>8</sup>	55	30 <sup>2</sup>	15	35	
	Automobile service garage and repair garage	30,000	25%	125		40 <sup>10</sup>	25 <sup>9,10</sup>	35	
Business B	Automobile sales, sales, service and repairs	2 acres	25%	200		40	25 <sup>9,10</sup>	35	
	Gasoline service stations	40,000	25%	200		40 <sup>10</sup>	25 <sup>9,10</sup>	35	
	service station	None	25%	None		60 <sup>11</sup>	15 <sup>3,4,7,13</sup>	35	
Refuse Disposal		None	None	None		30 <sup>2</sup>	30	15 <sup>3</sup>	None
Light Manufacturing	Listed permitted uses	None	75% (70% corner lot)	None	55	30 <sup>2</sup>	15	40	3
	Automobile service and repair garage	30,000	25%	125		40 <sup>10</sup>	25 <sup>9,10</sup>	35	
	Automobile sales, service and repairs	2 acres	25%	200		40	25 <sup>9,10</sup>	35	
Limited Commercial	Gasoline service stations	40,000	25%	200		40 <sup>10</sup>	25 <sup>9,10</sup>	35	
	Uses permitted in Single Residence Districts	<sup>10</sup>	20%	<sup>10</sup>	55	30 <sup>2</sup>	30	15 <sup>3</sup>	2 1/2
	Permitted nonresidential uses	None	20%	None		100	100	35	2 1/2
Aquifer Protection		Requirements of Article 16 apply							
Cochituate Interim Planning Overlay		Requirements of Article 22 apply							
Conservation Cluster Development		Requirements of Article 18 apply							
Floodplain, Flood and Watershed Protection		Requirements of Article 17 apply							

NOTES:

- 1 Minimum lot area shall be calculated in accordance with the requirements of § 198-705.5 of this Zoning Bylaw.
- 2 If § 198-702 shall require a greater setback or permit a lesser setback, the provisions of said § 198-702 shall prevail over this table.
- 3 Side yards shall meet the requirements of §§ 198-702.4 and 703.2, and the required minimum side yard may be reduced in accordance with the provisions of § 198-703.2.
- 4 Maximum height limitations shall be subject to the exceptions set forth in § 198-701.1.1 and 701.1.2.
- 5 ~~Accessory buildings shall be permitted in the minimum backyard in accordance with the provisions of § 198-703.1.~~ **Reserved for possible future use.**
- 6 ~~Existing premises with less frontage may be used in accordance with the requirements of § 198-1002.1.4. (Editor's Note: Former § 198-1002.1.4, which provided for existing premises with less frontage, was repealed 5-5-1999 STM by Art. 9.)~~ **Reserved for possible future use.**
- 7 The dimensional requirements of the nearest residential district shall apply.
- 8 Minimum lot area and frontage shall be determined in accordance with the provisions of § 198-1104.1.2.
- 9 Each structure shall be not less than 100 feet from any residential building.
- 10 Gasoline pumps shall be at least 20 feet from the street lot line and 25 feet from side and rear property lines. **[Amended 5-5-1999 STM by Art. 11]**
- 11 Also 60 feet from any residence district; exception may be made pursuant to § 198-1104.1.3.1.
- 12 ~~Sixty feet required from residence district boundary.~~ **Reserved for possible future use.**
- 13 Exception may be made pursuant to § 198-1104.1.3.2.
- 14 Any greater setback required by § 198-702.4 or §§ 198-901.1.5.4, 901.1.5.5 or 901.1.6 shall prevail.
- 15 Minimum front yard width shall be calculated in accordance with the requirements of § 198-705.1.8 of this Zoning Bylaw.
- 16 Minimum lot area and frontage shall be determined in accordance with the provisions of § 198-1403.1.

**Town of Wayland  
Table of Permitted Principal Uses by Districts  
[Amended 5-27-1981 ATM by Art. 17; 4-30-1986 ATM by Art. 30; 11-13-1991 STM by Art. 5;  
11-13-1991 STM by Art. 6; 5-4-1992 STM by Art.1; 5-14-1998 ATM by Art. 55;  
5-5-1999 STM by Art. 10; 4-30-2001 ATM by Art.26; 5-5-2005 ATM by Art. 29]**

- Key to symbols: Yes = Allowed as of right  
 P-ZBA = Allowed by permit from Zoning Board of Appeals  
 R = Required  
 No = Not allowed  
 TM = Allowed by two-thirds majority Town Meeting vote  
 NR = Not required  
 SP = Allowed by special permit  
 TAU = See Table of Accessory Uses by Districts  
 NA = Not applicable

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
<b>Business Uses</b>							
1. Automobile sales, automobile service garage, automobile service station service, repair	No	No	P-ZBA	No	P-ZBA	No	R
2. Bank	No	No	Yes	Yes	Yes	Yes	R
3. Boat or canoe rental nonmotorized or no more than 10 hp	SP	SP	Yes	Yes	Yes	Yes	R
4. Customary Home occupation, Customary	TAU	TAU	Yes	Yes	Yes	Yes	R
5. Funeral home	SP	SP	Yes	Yes	Yes	Yes	R
6. Medical/dental care center	TAU	TAU	Yes	Yes	Yes	Yes	R
7. Motor vehicle service/gasoline service <b>Reserved for possible future use.</b>	No	No	P-ZBA	No	P-ZBA	No	R
8. Office	TAU	TAU	Yes	Yes	Yes	Yes	R
9. Parking facility: garages for 4 or more vehicles	SP	SP	Yes	Yes	Yes	Yes	R
Personal and other service 10. Personal and other service	No	No	Yes	Yes	Yes	No	R
11. Restaurant	No	SP	P-ZBA	P-ZBA	P-ZBA	No	R



12. Retail store	No	No	Yes	Yes	Yes	No	R
13. Roadside stand	No	SP	Yes	Yes	Yes	Yes	R
14. Stables with horses for hire	SP	SP	No	No	Yes	No	R
15. Trade shop	TAU	TAU	Yes	No	Yes	No	R
<b>General Uses</b>							
16. Agriculture	Yes	Yes	Yes	Yes	Yes	Yes	NR
17. Cemetery	Yes	Yes	Yes	Yes	Yes	Yes	R
18. Conservation	Yes	Yes	Yes	Yes	Yes	Yes	NR
19. Earth removal	SP	SP	SP	SP	SP	SP	NR
20. Kennel	TAU	TAU	No	No	No	No	NR
21. Membership club, nonprofit, <del>outdoor sports,</del> recreational, social	SP	SP	Yes	Yes	Yes	Yes	R
22. Membership club, for profit, <del>outdoor sports,</del> recreational, social	No	SP	Yes	Yes	Yes	Yes	R
23. Recreation/park	Yes	Yes	Yes	Yes	Yes	Yes	R

**Town of Wayland  
Table of Permitted Principal Uses by Districts (Cont'd)**

Key to symbols: Yes = Allowed as of right  
 P-ZBA = Allowed by permit from Zoning Board of Appeals  
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 NA = Not applicable

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
<b>Government, Institutional and Public Service</b>							
24. Assisted/independent living	SP	SP	SP	SP	No	No	R
25. Bus terminal	No	No	Yes	Yes	Yes	No	R
26. Educational	Yes	Yes	Yes	Yes	Yes	Yes	R
27. Hospital	SP	SP	No	No	Yes	Yes	R
28. Low-income elderly housing	TM	TM	No	No	No	No	R
29. Multi-family unit: low-income	TM	TM	No	No	No	No	R
30. Museum/library	Yes	Yes	Yes	Yes	Yes	Yes	R
31. Nursery school/day care	Yes	Yes	Yes	Yes	Yes	Yes	
32. Nursing home	SP	SP	No	No	Yes	Yes	R
33. Public or charitable Institution	SP	SP	No	No	Yes	Yes	R
34. Railroad station/ <del>railroad and right-of-way</del>	Yes	Yes	Yes	Yes	Yes	Yes	R
35. Religious <del>building or structure</del>	Yes	Yes	Yes	Yes	Yes	Yes	R
36. Studio <del>for art, music, dance</del>	SP	SP	Yes	Yes	Yes	No	R
37. Town uses ( <del>Municipal uses</del> )	Yes	Yes	Yes	Yes	Yes	Yes	R
38. Utility facility	Yes	Yes	Yes	Yes	Yes	Yes	R
<b>Industrial Uses</b>							
39. Construction/ <del>lumber yard</del>	No	No	No	No	Yes	No	R
40. Heavy vehicle repair	No	No	No	No	Yes	Yes	R

garage							
41. Light manufacturing	No	No	No	No	Yes	Yes	R
42. Research and development laboratories/offices not exceeding 15,000 square feet	No	No	No	No	Yes	Yes	R
43. Research and development laboratories/offices exceeding 15,000 square feet	No	No	No	No	No	SP	R
44. Warehouse/Distribution not exceeding 15,000 square feet	No	No	No	No	No	Yes	R
45. Warehouse/Distribution exceeding 15,000 square feet	No	No	No	No	No	SP	R

**Town of Wayland  
Table of Permitted Principal Uses by Districts (Cont'd)**

Key to symbols: Yes = Allowed as of right  
 P-ZBA = Allowed by permit from Zoning Board of Appeals  
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 NA = Not applicable

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
<b>Prohibited Uses</b>							
46. Aircraft landing and taking off	No	No	No	No	No	No	NA
47. Drive in, drive-through, or drive-up restaurants	No	No	No	No	No	No	NA
48. Hazardous material storage	No	No	No	No	No	No	NA
49. Junkyard	No	No	No	No	No	No	NA
50. Ungaraged and unregistered motor vehicles, more than one	No	No	No	No	No	No	NA
51. All uses not listed herein	No	No	No	No	No	No	NA
52. Boarding houses	No	No	No	No	No	No	NA
<b>Residential Uses</b>							
52. Accessory dwelling Unit	TAU	TAU	No	No	No	No	NR
53. Boarding house Reserved for future use	No	No	No	No	No	No	NA
54. Conservation cluster	SP	SP	No	No	No	No	NR
55. Dwelling, Single-family	Yes	Yes	No	No	No	No	NR
56. Letting of rooms	TAU	TAU	No	No	No	No	NR
57. Dwelling, Multi-family dwelling	SP <sup>1</sup>	SP <sup>1</sup>	No	No	No	No	NA
<b>Refuse Disposal District</b>	Requirements of § 198-1201 apply						
<b>Overlay Districts</b>							
Aquifer Protection District	Requirements of Article 16 apply						
Cochituate Interim Planning Overlay District	Requirements of Article 22 apply						
Conservation Cluster Development District	Requirements of Article 18 apply						
Floodplain, Federal	Requirements of Article 17 apply						

Flood Protection and Watershed Protection Districts	
Planned Development District	Requirements of Article 19 apply
Senior and Family Housing Overlay District	Requirements of Article 21 apply
Southeast Wayland-Cochituate Planning District	Requirements of Article 20 apply
Wireless Communications Services District	Requirements of Article 15 apply

NOTES:

<sup>1</sup> Multi-family dwellings may only be allowed by special permit in accordance with Article 18 Conservation Cluster Development District.

**Town of Wayland**  
**Table of Permitted Accessory Uses by Districts**  
**[Added 5-14-1998 ATM by Art. 55; amended 5-5-1999 STM by Art. 10;**  
**4-30-2001 ATM by Art. 25; 4-30-2001 ATM by Art. 26]**

Key to symbols: Yes = Allowed as of right  
 No = Not allowed  
 SP = Allowed by special permit  
 R = Required  
 NR = Not required  
 NA = Not applicable

Accessory Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
58. Accessory dwelling unit (§ 198-901.1.3)	SP	SP	No	NA	NA	NA	NR
59. Accessory dwelling unit - WHA (§ 198-901.1.4)	SP	SP	No	NA	NA	NA	NR
60. Barn, toolshed	Yes	Yes	Yes	Yes	Yes	Yes	NR
61. Cafeterias, banks, day-care or recreational facilities for employees	No	No	No	No	No	Yes	R
62. Home occupation (§ 198-901.1.2)	SP	SP	Yes	Yes	Yes	Yes	R
63. Family day care	Yes	Yes	Yes	Yes	Yes	Yes	R
64. Garage, carport: 3 vehicles or fewer	Yes	Yes	Yes	Yes	Yes	Yes	NR
65. Greenhouse, noncommercial	Yes	Yes	Yes	Yes	Yes	Yes	NR
66. Home occupation, Customary (§ 198-901.1.1)	Yes	Yes	Yes	Yes	Yes	Yes	NR
67. Kennel: 3 dogs or fewer	Yes	Yes	Yes	Yes	Yes	Yes	NR
68. Kennel: 4 dogs or more	SP	SP	Yes	Yes	Yes	Yes	R
69. Letting/renting of rooms	SP	SP	No	No	No	No	NR
70. (Reserved)	--	--	--	--	--	--	--
71. Residence in accessory dwelling	Yes	Yes	No	No	No	No	NR
72. Roadside stand	SP	SP	Yes	Yes	Yes	Yes	R

73. Swimming pool	Yes	Yes	No	No	No	No	NR
74. Tennis court	Yes	Yes	No	No	No	No	NR

**MOTION:**

Kevin F. Murphy moved and was duly seconded that the Town vote to amend its Zoning Bylaw, Chapter 198 of the Town Code, by making the revisions thereto printed on Pages 18 through 70 of the Warrant for this Special Town Meeting and the changes that are in the errata sheet.

**PLANNING BOARD REPORT:**

As authorized by the Town Meeting vote under Article 24 on May 6, 2004, the Planning Board has undertaken the project to rewrite the Town’s Zoning Bylaws, which are found in Chapter 198 of the Town Code. The Planning Board is undertaking the project in two stages; first to address organizational, consistency, and similar non-substantive matters and second to address substantive provisions. The first installment of the amendments consists of amendments to Chapter 198, Articles 1-5 and 7-14, which are being presented for consideration by the Town Meeting on November 16, 2010. All of the currently proposed revisions are non-substantive. Policy and similar substantive provisions are reserved for a later date.

The proposed amendments are intended to make the Bylaw more consistent and “user-friendly” by eliminating redundancy and improving organization. The amendments are designed to clarify terms and apply those terms consistently throughout the Bylaw. For example, the Definitions section (§198-104) is expanded to include definitions of terms used elsewhere in the Bylaw and terms not used are deleted. Narrative describing the various uses is removed from the Table of Dimensional Regulations (§198-801), the Classification of Principal Uses (§198-803), the Table of Permitted Accessory Uses by Districts (§198-804), and the Classification of Accessory Uses (§198-805) and inserted in the Definitions section. The amendments also incorporate Attachments 1, 3, and 5 (respectively, the Table of Dimensional Regulations, the Table of Permitted Principal Uses by Districts, and the Table of Permitted Accessory Uses by Districts) into the Bylaw. Other amendments update various sections and correct errors. Article 17 has been deleted because this is now regulated by the Conservation Commission under their rules and regulations.

The next phase of the Bylaw review project will address substantive and policy amendments.

**AMENDMENT NO.1:**

Gretchen Schuler moved and was duly seconded that the Town vote to delete the definition on Page 24 titled “Town Uses (Municipal Uses)”.

**VOTED ON AMENDMENT NO. 1:** MOTION NOT CARRIED

**AMENDMENT NO.2:**

Donna A. Bouchard moved and was duly seconded that the Town vote to restore §198-1702 Federal Flood Protection District, found on the bottom of page 63 and continuing on page 64, from the motion on the floor under Article 11.

**VOTED ON AMENDMENT NO. 2:** MOTION CARRIED

**MOTION TO PASS OVER ARTICLE:**

Lawrence K. Glick moved and was duly seconded that the Town vote to pass over this article.

**VOTED ON MOTION TO PASS OVER:** MOTION CARRIED

**ARTICLE 12: AMEND ZONING BYLAW TO ESTABLISH MUNICIPAL SERVICES OVERLAY DISTRICT**

*Proposed by: Planning Board, Board of Selectmen*

To determine whether the Town will vote to:

- a.) amend the Town of Wayland Zoning Map referenced in Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, § 198-301.2, by adding thereto and including in the new Municipal Services Overlay District shown on the plan entitled "Plan of land in Wayland, Massachusetts showing a Municipal Services Overlay District, dated September 9, 2010, prepared by the Town Surveyor's office a copy of which is plan is on file in the office of the Town Clerk and is attached to this warrant as Appendix E; and
- b.) to amend Chapter 198 by adding thereto the following new Article 24 198-2401, Municipal Services Overlay District:

Article 24 Municipal Services Overlay District 198-2401. Permitted uses. The purpose of the Municipal Services Overlay District is to allow municipal facilities and buildings for public uses and purposes. All uses shall comply with the requirements of Article 6 Site Plan Approval.

**MOTION:**

Kevin F. Murphy moved and was duly seconded that the Town vote to:

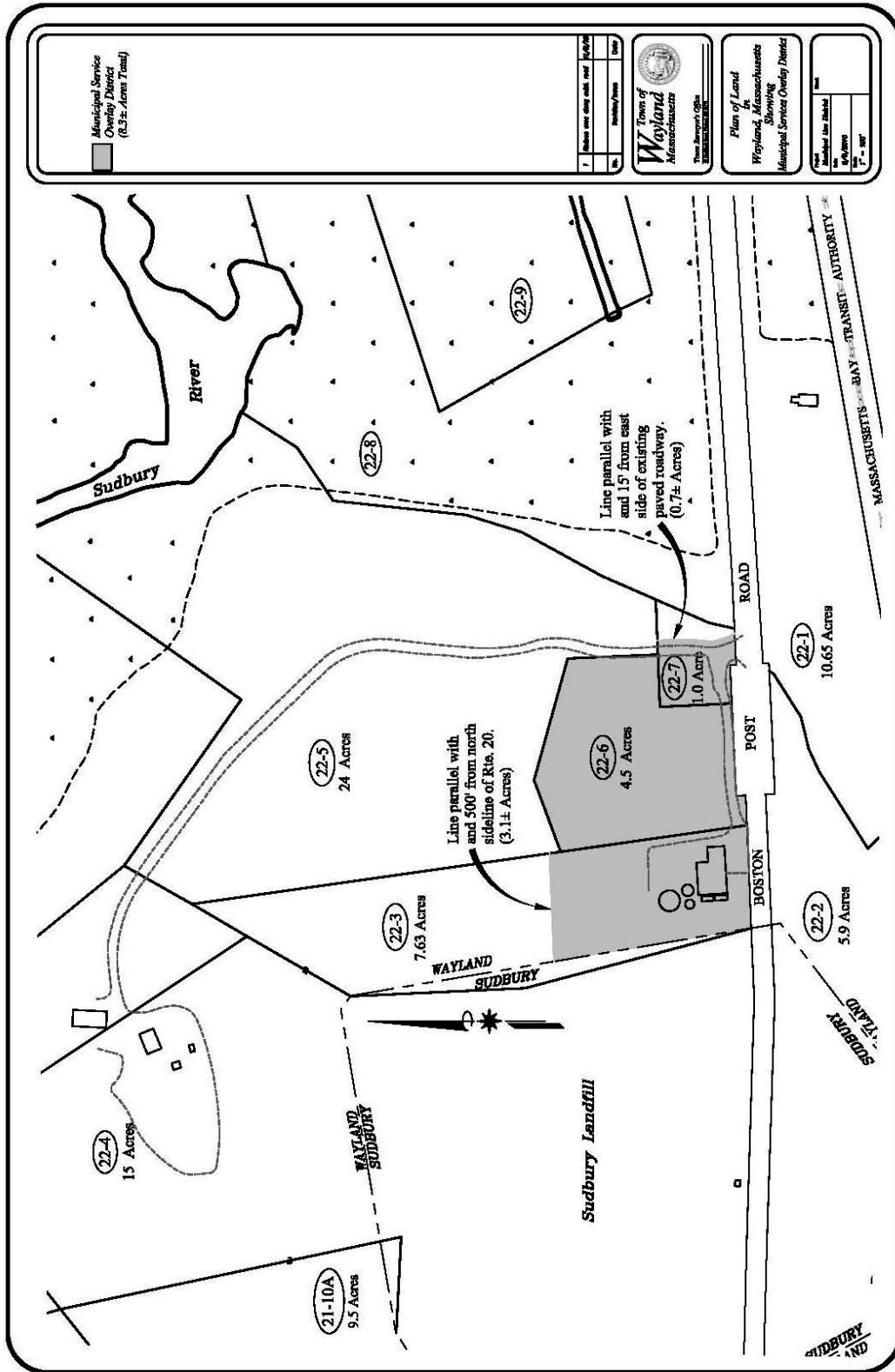
- a.) amend the Town of Wayland Zoning Map referenced in Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, § 198-301.2, by adding thereto and including in the new Municipal Services Overlay District shown on the plan entitled "Plan of land in Wayland, Massachusetts showing a Municipal Services Overlay District, dated September 9, 2010, prepared by the Town Surveyor's office a copy of which is plan is on file in the office of the Town Clerk and is attached to the Warrant for this special town meeting as Appendix E on Page 92 (see errata); and
- b.) amend said Chapter 198 by adding thereto the following new Article 24:

**Article 24**

**Municipal Services Overlay District**

**§198-2401. Permitted uses.**

The purpose of the Municipal Services Overlay District is to allow municipal facilities and buildings for public uses and purposes. All uses shall comply with the requirements of Article 6 Site Plan Approval.



**PLANNING BOARD REPORT:**

The purpose of the Municipal Services Overlay District is to allow municipal facilities and buildings for public uses and purposes. All uses shall comply with the requirements of Article 6 Site Plan Approval. The overlay district is needed because the area encompasses residential and refuse disposal zones and that the said article imposes an additional requirement of Site Plan Review under Article 6 of the Wayland Zoning Bylaws. The main purpose of the article is to allow the Wayland School Buses to park within this location. The Buses are presently being parked at the Wayland Middle School and DPW parking area.

An article was presented at the 2010 Annual Town Meeting to allow expansion of the Refuse Disposal District and issues were raised regarding the location. A motion was made at Town Meeting to pass over this article and was accepted. The Municipal Services Overlay District addresses a number of concerns that were raised from an abutter and other Town Boards. The Planning Director is in the process of meeting with the Well Head Protection Committee, Conservation Commission and the Surface Water Quality Committee before the Planning Board Public hearing to address any concerns.

The zoning amendment will also provide a better environmental site for the Wayland School Buses to park. The new location will remove the buses from an Aquifer protection district. This article will also provide the Town with a potential location for other Town uses, such as a Department of Public Works facility, if the Town decides to pursue the development and appropriation of such a facility in the future.

The Planning Board voted in favor, 3-0.

**VOTED:**            1<sup>ST</sup> VOICE VOTE:            UNDECIDED  
                              2<sup>ND</sup> VOICE VOTE:            UNANIMOUSLY

**ARTICLE 13:            ADOPT STRETCH ENERGY CODE AS A BYLAW**

*Proposed by:            Board of Selectmen, Energy Initiatives Advisory Committee,  
                                  Housing Authority, School Committee, Conservation Commission*

To determine whether the Town will vote to amend the Code of the Town of Wayland by adding thereto Chapter 197 entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including amendments or modifications thereto, as set forth below:

**Chapter 197**

**STRETCH ENERGY CODE**

**§197-1 Definitions.**

**International Energy Conservation Code (IECC) 2009** - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency.

**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

**§197-2 Purpose.** The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

**§197-3 Applicability.** The Stretch Energy Code applies to residential and commercial buildings. Buildings not included in the scope of this code shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

**§197-4 Stretch Code.** The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications thereto, is herein incorporated by reference into this Chapter.

**§197-5 Enforcement.** The Stretch Code shall be enforced by the Building Commissioner.

**MOTION:**

John Bladon moved and was duly seconded that the Town vote to amend the Code of the Town of Wayland by adding thereto Chapter 197 entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including amendments or modifications thereto, as printed on Page 74 of the Warrant for this special town meeting, except that the word "Energy" shall be inserted between the words "Stretch" and "Code" wherever those words appear together in §197-4 and §197-5 of said Chapter 197.

**Chapter 197**

**STRETCH ENERGY CODE**

**§197-1 Definitions.**

**International Energy Conservation Code (IECC) 2009** - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency.

**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

**§197-2 Purpose.** The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

**§197-3 Applicability.** The Stretch Energy Code applies to residential and commercial buildings. Buildings not included in the scope of this code shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

**§197-4 Stretch Energy Code.** The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications thereto, is herein incorporated by reference into this Chapter.

**§197-5 Enforcement.** The Stretch Energy Code shall be enforced by the Building Commissioner.

**PROCEDURAL MOTION TO EXTEND TIME:**

Steven J. Correia moved and was duly seconded that the Town vote to extend the time from 10:30PM until the finish of the last article of the Special Town Meeting.

**VOTED ON MOTION TO EXTEND TIME:** UNANIMOUSLY

**VOTED:** MOTION CARRIED



**ARTICLE 14: ACCEPTANCE AND ACQUISITION OF ALICE DRIVE AND HIDDEN SPRINGS LANE AS TOWN WAYS**

*Proposed by: Planning Board, Board of Public Works*

*Estimated Cost: \$10.00*

To determine whether the Town will vote to:

- a.) accept as a Town ways Alice Drive and Hidden Springs Lane as laid out by the Board of Public Works;
- b.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise, the fee or any lesser interest in the land in Wayland, Massachusetts, comprising the ways known as (i) Alice Drive as shown on the plan entitled "Definitive Plan Alice Drive Subdivision, Wayland, MA 01778," dated April, 2003, prepared by H<sub>2</sub>O Engineering Consulting Associates, Inc., and recorded with the Middlesex South Registry of Deeds as Plan No. 203 (3 of 6) of 2004; and (ii.) Hidden Springs Lane as shown on the plan entitled "Plan of Land of Hidden Springs Farm in Wayland, Massachusetts," dated July 16, 2004, revised through December 15, 2004, prepared by Sullivan, Connors and Associates and recorded with said Registry of Deeds as Plan No. 1038 (Sheet 2 of 6) of 2006, for roadway purposes;
- c.) appropriate \$10.00 to be expended by the Board of Selectmen for the acquisition of said land; and
- d.) determine whether said appropriation shall be provided by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, by borrowing, or otherwise.

**PLANNING BOARD REPORT:**

The Planning Board recommends that the Town accept Alice Drive and Hidden Springs Lane as Town ways. This article was on the 2010 Annual Town Meeting Warrant and was deferred due to Board of Public Works notice requirements. The roads were built to the proper specifications required by the Town to be Town ways and were accepted by the Planning Board last year by identical votes of 5-0.

**MOTION:**

Joseph F. Nolan moved that the Town vote to:

- a.) accept as a Town ways Alice Drive and Hidden Springs Lane as laid out by the Board of Public Works;
- b.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise, the fee or any lesser interest in the land in Wayland, Massachusetts, comprising the ways known as (i) Alice Drive as shown on the plan entitled "Definitive Plan Alice Drive Subdivision, Wayland, MA 01778," dated April, 2003, prepared by H<sub>2</sub>O Engineering Consulting Associates, Inc., and recorded with the Middlesex South Registry of Deeds as Plan No. 205 (3 of 6) of 2004; and (ii.) Hidden Springs Lane as shown on the plan entitled "Plan of Land of Hidden Springs Farm in Wayland, Massachusetts," dated July 16, 2004, revised through December 15, 2004, prepared by Sullivan, Connors and Associates and recorded with said Registry of Deeds as Plan No. 1038 (Sheet 2 of 6) of 2006, for roadway purposes;
- c.) appropriate \$10.00 to be expended by the Board of Selectmen for the acquisition of said land; and
- d.) provide for said appropriation by transferring \$10.00 from the General Fund – Unreserved Fund Balance.

**VOTED:**

1<sup>ST</sup> VOICE VOTE:  
2<sup>ND</sup> VOICE VOTE:

UNDECIDED  
UNANIMOUSLY

**ARTICLE 15: ACQUIRE EASEMENTS FOR PELHAM ISLAND ROAD BRIDGE REPLACEMENT**

*Proposed by: Town Clerk, Board of Selectmen,  
Board of Public Works*

*Estimated Cost: \$10.00*

To determine whether the Town will vote to:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise, permanent and temporary easements as shown on the plan entitled “Plan and Profile of Bridge Replacement Pelham Island Road Over Sudbury River Bridge No. W-11-002 (8XF) in the Town of Wayland County of Middlesex Preliminary Right of Way”, dated July 27, 2010, prepared by Maguire Group Inc., a copy of which plan is on file with the Office of the Town Clerk, for bridge construction and roadway purposes;
- b.) appropriate \$10.00 to be expended by the Board of Selectmen for the acquisition of said easements; and
- c.) determine whether said appropriation shall be provided by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, by borrowing, or otherwise.

**MOTION:**

Joseph F. Nolan moved and was duly seconded that the Town vote to:

- a.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain or otherwise, permanent and temporary easements as shown on the plan entitled “Plan and Profile of Bridge Replacement Pelham Island Road Over Sudbury River Bridge No. W-11-002 (8XF) in the Town of Wayland County of Middlesex Preliminary Right of Way”, dated July 27, 2010, prepared by Maguire Group Inc., a copy of which plan is on file with the Office of the Town Clerk, for bridge construction and roadway purposes;
- b.) appropriate \$10.00 to be expended by the Board of Selectmen for the acquisition of said easements; and
- c.) provide for said appropriation by transferring \$10.00 from the General Fund-Unreserved Fund Balance.

**MOTION TO TERMINATE DEBATE:**

Clifford W. Lewis moved and was duly seconded that the Town vote to terminate debate.

**VOTED ON MOTION TO TERMINATE DEBATE:**

MOTION CARRIED BY MORE THAN  
2/3<sup>RD</sup> MAJORITY

<b><u>VOTED:</u></b>	1 <sup>ST</sup> VOICE VOTE:	UNDECIDED
	2 <sup>ND</sup> VOICE VOTE:	UNANIMOUSLY CARRIED

The Moderator recognized the sound crew and WAYCAM volunteers

**WAYCAM**

Jim Mullane, Executive Director  
Richard Turner, Director of Operations  
Thomas Turner, Director  
Jonah Camiel

**SOUND CREW**

Albie Cincotti  
Jeff Wadsworth  
Jonathan von Mering  
Roxi Habibi

**ARTICLE 16: AMEND ZONING BYLAW – AQUIFER PROTECTION DISTRICT**

*Proposed by: Planning Board and Conservation Commission*

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Town’s Zoning Bylaw, by making the revisions to Article 16 thereof relative to the Aquifer Protection District as set forth below:

[Key to revisions: underlining = additions; ~~striketrough~~ = deletions.]

1604.2. Any use that will render impervious more than ~~20%~~15 % of the lot or 2,500 square feet, whichever is greater shall require site plan approval under this section. A system for ground water recharge for runoff from the impervious surface that does not degrade groundwater quality shall be provided. Under no circumstances shall the impervious surface of a residential lot exceed 30% of the upland area of the lot.

**PLANNING BOARD REPORT:**

The purpose of this article is to amend the Aquifer Protection Bylaw. The Wellhead Protection Committee (WPC) was again advised by the DEP Division of Water Supply that Wayland’s Aquifer Protection District bylaw (Chapter 198, Article 16) does not comply with MA DEP Wellhead Protection Regulations 310 CMR 22.21(2). The proposed amendments would allow the Town of Wayland to be added to the State’s list of towns that comply with the Department of Environmental Protection regulations. This article is recommended by the Wellhead Protection Committee, an advisory panel to the Board of Public Works.

The only change being considered is to change more than 20% to 15% of a lot.

The Planning Board voted in favor, 3-0.

**MOTION:**

Kevin F. Murphy moved and was duly seconded that the Town vote to amend Chapter 198 of the Code of the Town of Wayland, the Town’s Zoning Bylaw, by making the revisions to Article 16 thereof relative to the Aquifer Protection District as printed on Page 79 of the Warrant for this special town meeting.

1604.2. Any use that will render impervious more than 15 % of the lot or 2,500 square feet, whichever is greater shall require site plan approval under this section. A system for ground water recharge for runoff from the impervious surface that does not degrade groundwater quality shall be provided. Under no circumstances shall the impervious surface of a residential lot exceed 30% of the upland area of the lot.

<b><u>VOTED:</u></b>	1 <sup>ST</sup> VOICE VOTE:	UNDECIDED
	2 <sup>ND</sup> VOICE VOTE:	UNANIMOUSLY

The Meeting adjourned at 10:59 P.M. sine die.

Attendance: 223

**CERTIFICATE OF APPROPRIATIONS  
SPECIAL TOWN MEETING  
NOVEMBER 16, 2010**

Article No.	Total Appropriation	From Tax Levy	General Fund From Free Cash Unreserved Fund CPF	From Other Available Funds*	Borrowing	From Offset Receipts Enterprise or Revolving Funds (User Fees) MEMO	Date Passed
7	75,000.		40,000.	35,000.			11/16/10
8	6,000.			6,000.			11/16/10
9	40,000.			40,000.			11/16/10
14	10.		10.				11/16/10
15	10.		10.				11/16/10
	121,020.		40,020.	81,000.			11/16/10

**CERTIFICATE OF APPROPRIATIONS  
SPECIAL TOWN MEETING  
NOVEMBER 16, 2010**

ARTICLE	AMOUNT	*TRANSFER FROM (AVAILABLE FUNDS)
7	35,000.	Community Preservation Funds
8	6,000.	Community Preservation Funds
9	40,000.	Community Preservation Funds

Respectively Submitted,

Lois M. Toombs, CMC  
Town Clerk

**TOWN OF WAYLAND  
ANNUAL TOWN MEETING  
APRIL 7, 2011**

**DATE:**

April 7, 2011  
April 10, 2011  
April 11, 2011

**ARTICLES DISPOSED OF:**

1, 2, 3, 4, 5, 6  
6, 7  
8 - 25

**RETURN OF SERVICE****MIDDLESEX, S.S.****APRIL 7, 2011**

To any of the Constables of the Town of Wayland, Greetings:

I, Louis V. Gaglini, 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 5, 2011, together with the Warrant for the Annual Town Meeting to be held on Thursday, April 7, 2011 by my posting copies thereof at the Wayland Town Building, Cochituate Fire Station or the Cochituate Post Office, Wayland Public 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. Posting was done March 22, 2011.

**VOTES ENACTED:**

**THURSDAY, APRIL 7, 2011 AT THE WAYLAND MIDDLE SCHOOL**

**C. PETER R. GOSSELS, MODERATOR:**

Pursuant to the Warrant dated March 21, 2011, signed by John Bladon, Steven J. Correia, Thomas J. Fay, Joseph F. Nolan, and Susan W. Pope, Selectmen, served and return of service given by Louis V. Gaglini, Constable of the Town, the inhabitants of the Town of Wayland qualified to vote at Town Meeting met this day at Wayland Middle School, and at 7:32 P.M. the Moderator called the Meeting to order, declared that a quorum was present, and the Meeting proceeded to transact the following business:

**ERRATA:****Article 13, bottom of page 56, make the following correction:**

Under **FINANCE COMMITTEE COMMENTS**, the amount of the exemption shown for qualifying widows or widowers (\$4,350) contains an extra digit and is incorrect. The actual amount is \$350.00. The correct language should read as follows:

**FINANCE COMMITTEE COMMENTS:** This is an annual article that provides tax exemptions to assist the elderly, disabled veterans, and other fixed income residents. With the passage of this article at each Annual Town Meeting, certain residents may avail themselves exemptions in the following amounts: \$350 for widows or widowers; \$875 for the blind; \$1,000 for the elderly, and \$800 for disabled veterans. The title of Article refers to "Increasing Real Estate Tax Exemptions Amounts" because the exemptions listed above are the amounts in the state statute. In FY2010, 83 taxpayers were granted exemptions for a total amount of \$129,551.33. This amount represents the statutory exemptions granted and does not include the Circuit Breaker Match and CPA exemptions.

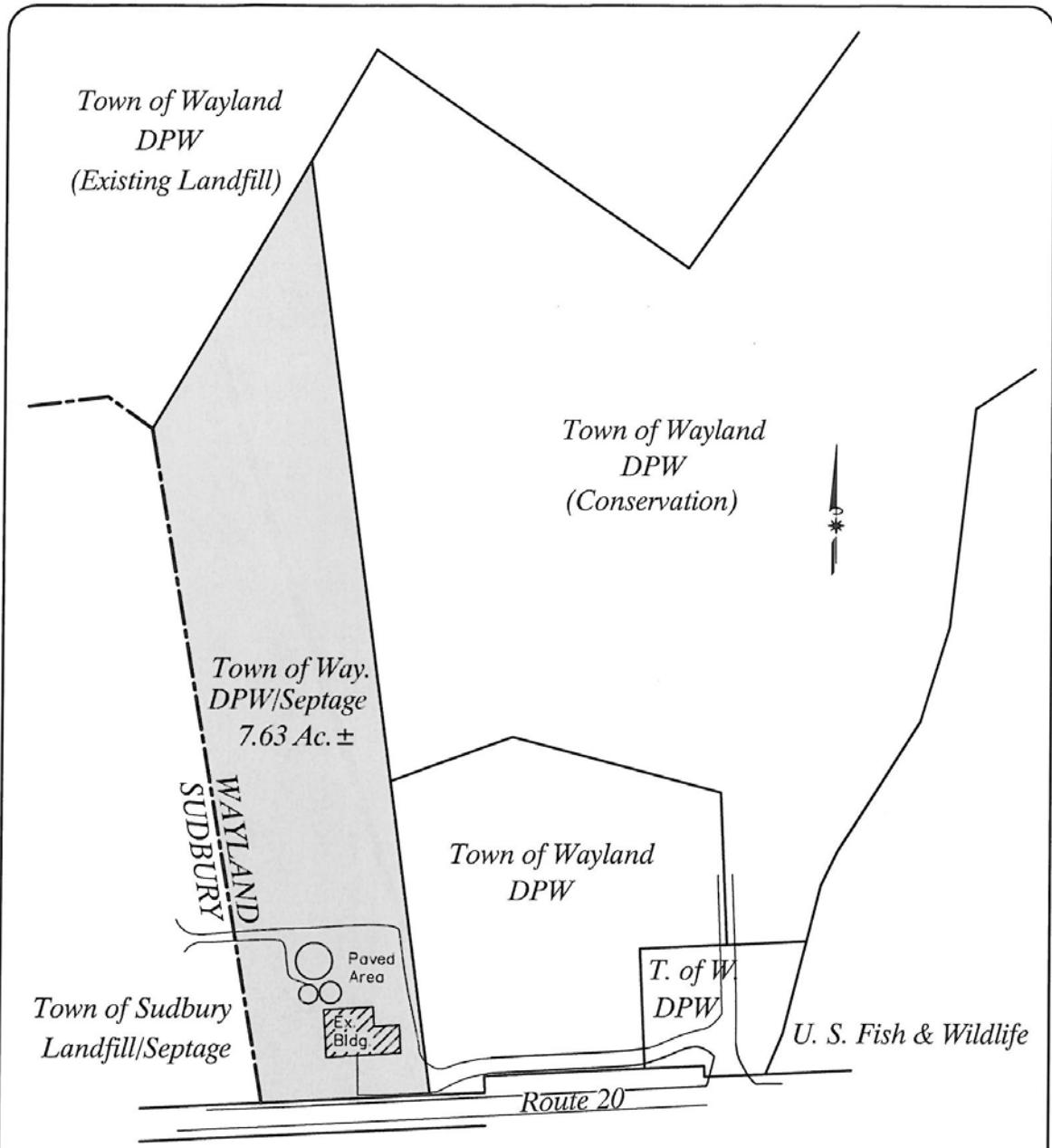
**Article 21, Page 128, before table at bottom of page:**

Add: (No changes to uses 46-51 are proposed)

**ADD:**

<b>Appendix G: PLAN OF LAND IN WAYLAND SHOWING THE WAYLAND/SUDBURY SEPTAGE FACILITY (Article 17)</b>
--

See following map.



**Wayland** Town of  
Massachusetts



Town Surveyor's Office  
41 Cochituate Road, Wayland, MA 01778

Plan of Land  
in  
Wayland, Mass.  
Showing the Wayland/Sudbury  
Septage Facility

Project	SEPTAGE 2011
Date	4/4/2011
Scale	1" = 200'

## HOW TO VOTE ELECTRONICALLY

At last year's Annual Town Meeting, Wayland voters approved an article proposing the use of electronic voting at this year's Annual Town Meeting, which will begin the evening of April 7<sup>th</sup>. Instead of shouting out Aye or No, raising our hands, or standing to be counted, we'll be using electronic handsets to register our votes quickly and accurately.

These handsets look a bit like a TV remote control, but instead of pushing buttons to change channels, we'll be pushing buttons to vote: the 1 button for *Aye*, or the 2 button for *No*. Your vote will be displayed on your handset's screen and wirelessly transmitted to a computer that counts votes and displays results for the Moderator to announce. Nothing but these totals will be permanently recorded, so your vote will remain private.

Because the new High School is under construction, this year's Annual town Meeting will be held in the Middle School's Gymnasium and Auditorium.

We'll be using the north end of the Gym as a check-in area; as in past Town Meetings, check-in will be organized alphabetically by last name. As you're checking in, you'll be issued a handset for your use during that session.

Since electronic voting is new, we'll start the meeting off with a few "test votes" to get everyone comfortable with the procedure. The Moderator will pose a question like "Will the Red Sox win the pennant this year?", and give us 30 seconds to vote; during this interval, you'll be able to change your vote should you wish to do so; the system counts only the last button you pushed: the 1 button for *Aye*, and the 2 button for *No*. When the 30 second interval is over, the Moderator will announce that the vote is complete, and shortly thereafter announce the results. *Of course* the Red Sox will win the pennant.

Every vote taken throughout each session of Town Meeting will be conducted using electronic voting; each time, you'll have 30 seconds to convey your vote. If you don't want to participate in a particular vote, don't push any buttons during the 30 second voting interval; if you accidentally push the 1 button or the 2 button, you can clear your vote by pushing the 3



button. If you inadvertently turn your handset off by pushing the power button in its lower-right corner; push this button again to turn your handset back on. Pushing any of your handset's other buttons will not change your vote, but for peace of mind, your handset will encourage you to *Re-vote*; push the 1 button for *Aye* or the 2 button for *No*.

If you leave your seat during the meeting, please keep your handset with you. When you leave the Middle School – either during a session or at the close of a session – please place your handset in one of the boxes at each building exit. If you forget to turn in your handset, we'll give you a call the next day and ask you to return it.



Every handset will be tested before each session of Town Meeting, so the probability of a handset failing is very low. That said, if pushing your handset's 1 button or 2 button during a vote does not produce an *Aye* or *No* on its display, please raise your hand; a Teller will quickly provide you with a paper ballot to record your vote, and you'll be issued a new handset. We don't expect this to happen, but like the Boy Scouts, we'll be prepared.

If we have a good turnout, then arriving voters will be seated in the Auditorium after the Gym is full. The colored dot on the back of your handset will indicate the room in which you're seated: red for the Gym and green for the Auditorium. You'll only be able to vote if you

are seated in the correct room. To be sure you can sit together with family or friends, plan to check-in around the same time.

If you're physically unable to use a handset to vote, inform the person who checks you in, and you'll be seated in an area where your votes will be manually counted by Tellers. If you're wondering how much radio energy is used by a handset to convey your vote wirelessly, it uses half the power of a typical cell phone, and transmits for only a brief instant after you vote by pushing the 1 button or the 2 button, using the same frequencies as Wi-Fi wireless internet access.

Our use of electronic voting this spring is a *pilot* – a free test provided by Option Technology Interactive, one of several suppliers of electronic voting systems. We will carefully monitor the performance of this system during each session of this spring's Annual Town Meeting, and hold a public hearing afterward to gather your feedback and suggestions. If electronic voting works as well as we expect, we'll recommend that Wayland adopt it permanently – a recommendation that would require approval by the voters at a future Town Meeting.

### **ELVIS: Wayland's Electronic Voting Implementation Subcommittee**



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

*Proposed by: Board of Selectmen*

To determine whether the Town will recognize the achievements and contributions to Town government of citizens and employees:

1. Recognizing citizens who have served in a volunteer capacity on elected and/or appointed boards, committees, and commissions for a minimum of 25 years (service need not be consecutive);
2. Recognizing employees who have retired since the previous Annual Town Meeting or intend to retire prior to June 30, 2011, subject to a minimum of 20 years of service; and
3. Requesting Town Meeting to observe a moment of silence in memory of elected or appointed volunteers, employees with at least 10 years of service, or an employee while in service to the Town without regard to tenure who shall have passed away since the adjournment of the 2010 Annual Town Meeting.

**MOTION NO. 1**

Steven J. Correia moved and was duly seconded that the Town recognize citizens who have served in a volunteer capacity on elected and/or appointed boards, committees, and commissions for a minimum of 25 years:

The following citizens are recognized for their extensive service to the Town as in the Warrant:

<b>Gossels, C. Peter R.</b>	Finance Committee	1966-1968	
	Town Counsel	1968-1979	
	Codification Committee	1968-1982	
	Code Enforcement Committee	1968-1982	
	Special Counsel	1979-1982	
	Town Moderator	1982-2011	
	Chairman, Town Meeting Procedures Review Committee	02/08/10-06/02/10	
	Ex officio, Town Meeting Advisory Committee	11/2010-Annual Town Meeting 2011	
	Ex officio, Town Meeting Facilities Subcommittee	09/2010-Annual Town Meeting 2011	
	Ex officio, Town Meeting Electronic Voting Implementation Subcommittee	09/2010-Annual Town Meeting 2011	
	Ex officio, Town Meeting Procedures Subcommittee	09/2010-ATM 2011	
	<b>Berry, Dennis J.</b>	Board of Selectman	1991-1997
		Route 30 Development Committee	04/29/96-06/30/99
		Housing Task Force	1991-1994
Charter Commission		1989-1991	
Operational Review Committee		1993-1994	
Growth Policy Study Committee		1975-1977	
Housing Authority		1977-1982	
Public Safety Building Committee		03/03/97-06/30/04	
Public Safety Designer Committee		06/08/98	
Town Administrator Search		06/06/05	
DPW Assessment Committee		10/17/05-06/30/08	
Town Meeting Procedures Review Subcommittee		02/08/10-06/02/10	
Town Meeting Facilities Subcommittee		09/9/10-2011 ATM	
Chair, Town Meeting Procedures Subcommittee		09/2010-2011 ATM	
Assistant to the Town Moderator	09/2010-Present		
Assistant to the Town Moderator	09/2010-Present		
Town Meeting Electronic Voting Implementation Subcommittee	10/01/10-2011 ATM		

<b>Dyer, John C.</b>	Planning Board	1970-1977
	Metropolitan Area Planning Council	1971-1980
	Assessment & Valuation Study	1996-1999
	Septage Committee	07/13/99-06/30/10
	MWRA/Weston Aqueduct Committee	2001-2004
	Veteran's Memorial Committee	01/14/02-06/30/10
	Public Ceremonies Committee	07/20/04-Present
	375 <sup>th</sup> Anniversary Commemoration Committee	12/20/10-12/31/13
<b>Burton, Gary</b>	Superintendent of Schools	1994-2011
	Growth Policy Committee	1995-1997
	CAN/Raytheon Committee	1995-1998
	Town Center Committee	1998-2002

Steven J. Correia thanked C. Peter R. Gossels for all his service to our Town and presented him with an award followed by a round of applause and a standing ovation.

All other citizens were recognized by a round of applause.

**VOTED ON MOTION NO. 1:**                      MOTION CARRIED

**MOTION NO. 2**

Steven J. Correia moved and was duly seconded that the Town recognize and observe a moment of silence in remembrance of the following elected or appointed volunteers or, employees with at least 10 years of service, or an employee while in service to the Town without regard to tenure who have passed away since the adjournment of the 2010 Annual town Meeting:

Charles E. Kiley, III	May 29, 2010	Landfill Supervisor	
George F. Norton	October 22, 2010	Police Officer	
Peter Regan	November 4, 2010	Firefighter	
Josephine "Jo" Mula	December 10, 2010	Vice Principal, Middle School	
Dorothy Virginia Reed Blades	December 23, 2010	Schools & Police Department.	
Richard A. Gladu	January 8, 2011	Deputy Fire Chief	
Cynthia Goff	February 19, 2011	Director of Special Education	
Philip L. Pattison	March 24, 2011	Board of Health	1997-2007
		Road Commissioner	1992-1996
		Septage Committee	1997-2007
		Rt 30 Study Committee	1999-2000
		Dudley Pond/MWRA Comm	2000-2004
		Rt 30 Intersection Comm	2001-2002

The Moderator declared that the motion carried by observing a moment of silence.

**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:**

Susan W. Pope moved that the Town vote to accept the 2010 Wayland Annual Report and those reports included in Appendix B of the 2011 Annual Town Meeting Warrant. Susan Pope stated that a print out of the Operational Review Committee's Interim Report of the Abrahams Group was available at Town Meeting.

**ANNOUNCEMENT:**

Richard Turner, chairman of the Public Ceremonies Committee, announced that the Public Ceremonies Committee had chosen Mrs. Barbara M. Sheffles who had volunteered as a teacher’s aide for over a decade as the 2011 winner of the Lydia Maria Child Award and that the presentation of this award would be made at a future date.

**VOTED:** MOTION CARRIED

**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:**

Susan W. Pope moved and was duly seconded that the following persons be nominated for the following offices in accordance with Article 3 of the 2011 Annual Town Meeting Warrant:

**As Trustees of the Allen Fund:**

Sema Faigen  
Benjamin W. Johnson III  
Michael B. Patterson

**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:**

Susan W. Pope  
Jean B. Pratt  
Harry F. Sweitzer

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

**AMENDMENT:**

Clifford W. Lewis moved and was duly seconded that the Town vote to delete these offices.

**VOTED ON AMENDMENT:** MOTION NOT CARRIED

**VOTED:** MOTION CARRIED

**ARTICLE 4: 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:**

Cherry C. Karlson moved and was duly seconded that the Town vote to pass over this article.

**VOTED:**

MOTION CARRIED

**ARTICLE 5: CURRENT YEAR TRANSFERS**

*Proposed by: Finance Committee*

*Estimated Cost: \$225,000*

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 2011		
	PURPOSE	AMOUNT
1	SNOW REMOVAL	\$135,000
2	TOWN COUNSEL	\$80,000
3	SEPTAGE PROFESSIONAL EXP	\$10,000
<b>TOTAL CURRENT YEAR TRANSFERS</b>		<b>\$225,000</b>
FUNDING SOURCES:		
	UNRESERVED FUND BALANCE	\$215,000
	SEPTAGE RETAINED EARNINGS	\$10,000
<b>TOTAL</b>		<b>\$225,000</b>

**MOTION:**

Cherry C. Karlson moved and was duly seconded that the following sums be appropriated to be expended by the following boards and committees in Fiscal Year 2011 for the following purposes:

Purpose	Amount	Board or Committee
Snow Removal	\$219,000	Public Works
Town Counsel	\$80,000	Selectmen
Septage Professional Expense	\$10,000	Selectmen

and that said appropriations be provided by transferring \$299,000. from the General Fund – Unreserved Fund Balance and \$10,000. from Septage Retained Earnings.

**AMENDMENT:**

Anette Lewis moved and was duly seconded that a change to the funding source on line item “Town Counsel” \$80,000 come from Wastewater Retained Earnings rather than the General Fund – Unreserved Fund Balance.

**VOTED ON AMENDMENT:**

MOTION NOT CARRIED

**VOTED:**

MOTION CARRIED

<b>ARTICLE 6:      FY2012 OMNIBUS BUDGET</b>
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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 6:**

- 1) "That the report of the Finance Committee respecting the Fiscal Year 2012 Budget be accepted; and that each and every numbered item set forth in the Finance Committee's Budget for Fiscal Year 2012 be voted, granted and appropriated as an expenditure for the several purposes and uses set forth in said budget establishing a total budget of \$70,906,997 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, \$68,820,407 shall be raised by taxation, \$360,000 shall be provided by transfer from Ambulance receipts, \$125,182 shall be provided by transfer from Premium on Bonds Account, \$500,000 shall be provided by transfer from unreserved fund balance, \$500,000 from Water surplus, \$40,233 from Septage Retained Earnings, \$361,175 from Wastewater revenues, \$200,000 from Wastewater Retained Earnings.
  
- 2) 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 6 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, the DPW Garage, the Baldwin Pond Water Treatment Plant, 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 Family 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 Family Services and Staff at the Annual Town Meeting;"

"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 the Town create for Fiscal Year 2012 the Transfer Station revolving fund by vote of the 2011 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws by the Board of Public Works for transfer station programs and activities, to be funded by user fees and recycling receipts collected; and that the amount to be expended not to exceed the sum of \$750,000;" and

"That the Town continue for Fiscal Year 2012 the revolving fund established by vote of the 2006 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws by the 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 \$850,000;" and

"That the Town continue for Fiscal Year 2012 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**

Cherry C. Karlson moved and was duly seconded that the report of the Finance Committee respecting the Fiscal Year 2012 Budget be accepted; and that each and every numbered item set forth in the Finance Committee's Budget

for Fiscal Year 2012 be voted, granted and appropriated as an expenditure for the several purposes and uses set forth in said budget establishing a total budget of \$70,906,997 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, \$68,820,407 shall be raised by taxation, \$360,000 shall be provided by transfer from Ambulance receipts, \$125,182 shall be provided by transfer from Premium on Bonds Account, \$500,000 shall be provided by transfer from unreserved fund balance, \$500,000 from Water surplus, \$40,233 from Septage Retained Earnings, \$361,175 from Wastewater revenues, \$200,000 from Wastewater Retained Earnings; 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 on Page 28 of the Warrant for the 2011 Annual Town Meeting.

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
<b>SELECTMEN</b>				
	PURCHASE OF SERVICES	\$45,454	\$20,400	\$27,000
	SUPPLIES	\$-734	\$7,800	\$8,800
1	TOTAL EXPENSES	\$44,720	\$28,200	\$35,800
	TOTAL SELECTMEN	\$44,720	\$28,200	\$35,800
<b>TOWN OFFICE</b>				
	SALARIES	\$356,414	\$358,700	\$358,700
2	TOTAL PERSONNEL SERVICES	\$356,414	\$358,700	\$358,700
	PURCHASE OF SERVICES	\$13,957	\$17,000	\$17,500
	SUPPLIES	\$60,278	\$51,800	\$54,800
3	TOTAL EXPENSES	\$74,235	\$68,800	\$72,300
	TOTAL TOWN OFFICE	\$430,648	\$427,500	\$431,000
<b>PERSONNEL BOARD</b>				
	SALARIES	\$0	\$6,750	\$6,750
4	TOTAL PERSONNEL SERVICES	\$0	\$6,750	\$6,750
	PURCHASE OF SERVICES	\$5,085	\$10,000	\$10,000
5	TOTAL EXPENSES	\$5,085	\$10,000	\$10,000
	TOTAL PERSONNEL BOARD	\$5,085	\$16,750	\$16,750
<b>FINANCE</b>				
	SALARIES	\$281,320	\$274,315	\$285,958
6	TOTAL PERSONNEL SERVICES	\$281,320	\$274,315	\$285,958
	PURCHASE OF SERVICES	\$30,555	\$72,400	\$73,200
	SUPPLIES	\$4,090	\$5,000	\$5,000
7	TOTAL EXPENSES	\$34,645	\$77,400	\$78,200
	TOTAL FINANCE	\$315,965	\$351,715	\$364,158
<b>ASSESSOR</b>				
	SALARIES	\$156,540	\$210,000	\$222,300
8	TOTAL PERSONNEL SERVICES	\$156,540	\$210,000	\$222,300
	PURCHASE OF SERVICES	\$55,063	\$110,020	\$111,800
	SUPPLIES	\$2,104	\$1,500	\$2,000
9	TOTAL EXPENSES	\$57,167	\$111,520	\$113,800
	TOTAL ASSESSOR	\$213,707	\$321,520	\$336,100

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
<b>TREASURER</b>				
	SALARIES	\$181,997	\$181,869	\$183,600
10	TOTAL PERSONNEL SERVICES	\$181,997	\$181,869	\$183,600
	PURCHASE OF SERVICES	\$22,891	\$37,250	\$37,250
	SUPPLIES	\$743	\$1,700	\$1,700
11	TOTAL EXPENSES	\$23,635	\$38,950	\$38,950
	TOTAL TREASURER	\$205,632	\$220,819	\$222,550
<b>TOWN COUNSEL</b>				
	PURCHASE OF SERVICES	\$202,251	\$225,000	\$235,000
	SUPPLIES	\$2,792	\$3,000	\$4,000
12	TOTAL EXPENSES	\$205,043	\$228,000	\$239,000
	TOTAL TOWN COUNSEL	\$205,043	\$228,000	\$239,000
<b>INFORMATION TECHNOLOGY</b>				
	SALARIES	\$79,399	\$80,746	\$80,746
13	TOTAL PERSONNEL SERVICES	\$79,399	\$80,746	\$80,746
	PURCHASE OF SERVICES	\$107,011	\$157,500	\$159,000
	SUPPLIES	\$35,433	\$20,500	\$73,000
14	TOTAL EXPENSES	\$142,444	\$178,000	\$232,000
	TOTAL INFORMATION TECHNOLOGY	\$221,843	\$258,746	\$312,746
<b>TOWN CLERK</b>				
	SALARIES	\$114,977	\$114,752	\$116,074
15	TOTAL PERSONNEL SERVICES	\$114,977	\$114,752	\$116,074
	PURCHASE OF SERVICES	\$7,718	\$11,800	\$11,800
	SUPPLIES	\$411	\$1,600	\$1,600
16	TOTAL EXPENSES	\$8,129	\$13,400	\$13,400
	TOTAL TOWN CLERK	\$123,106	\$128,152	\$129,474
<b>ELECTIONS</b>				
	SALARIES	\$32,182	\$22,700	\$18,000
	TOTAL PERSONNEL SERVICES	\$32,182	\$22,700	\$18,000
	PURCHASE OF SERVICES	\$1,097	\$1,000	\$1,200
	SUPPLIES	\$11,277	\$17,500	\$12,000
	TOTAL EXPENSES	\$12,373	\$18,500	\$13,200
17	TOTAL ELECTIONS	\$44,556	\$41,200	\$31,200
<b>REGISTRAR</b>				
	SALARIES	\$275	\$275	\$275
18	TOTAL PERSONNEL SERVICES	\$275	\$275	\$275
	PURCHASE OF SERVICES	\$3,584	\$4,625	\$4,625
19	TOTAL EXPENSES	\$3,584	\$4,625	\$4,625
	TOTAL REGISTRAR	\$3,859	\$4,900	\$4,900

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
<b>CONSERVATION</b>				
	SALARIES	\$113,946	\$123,608	\$126,659
20	TOTAL PERSONNEL SERVICES	\$113,946	\$123,608	\$126,659
	PURCHASE OF SERVICES	\$7,525	\$12,500	\$12,500
	SUPPLIES	\$10,865	\$8,600	\$8,600
21	TOTAL EXPENSES	\$18,390	\$21,100	\$21,100
	TOTAL CONSERVATION	\$132,335	\$144,708	\$147,759
<b>PLANNING</b>				
	SALARIES	\$102,215	\$109,586	\$110,700
22	TOTAL PERSONNEL SERVICES	\$102,215	\$109,586	\$110,700
	PURCHASE OF SERVICES	\$1,234	\$3,000	\$3,000
	SUPPLIES	\$444	\$2,000	\$2,000
23	TOTAL EXPENSES	\$1,679	\$5,000	\$5,000
	TOTAL PLANNING	\$103,893	\$114,586	\$115,700
<b>SURVEYOR</b>				
	SALARIES	\$146,253	\$147,844	\$151,520
24	TOTAL PERSONNEL SERVICES	\$146,253	\$147,844	\$151,520
	PURCHASE OF SERVICES	\$11,092	\$11,800	\$12,800
	SUPPLIES	\$3,318	\$4,150	\$4,150
25	TOTAL EXPENSES	\$14,409	\$15,950	\$16,950
	TOTAL SURVEYOR	\$160,663	\$163,794	\$168,470
<b>FACILITIES</b>				
	SALARIES	\$276,376	\$273,504	\$277,225
26	TOTAL PERSONNEL SERVICES	\$276,376	\$273,504	\$277,225
	PURCHASE OF SERVICES	\$181,663	\$156,260	\$167,150
	UTILITIES	\$482,504	\$772,000	\$746,000
	SUPPLIES	\$29,374	\$21,200	\$25,000
27	TOTAL EXPENSES	\$693,540	\$949,460	\$938,150
	TOTAL FACILITIES	\$969,916	\$1,222,964	\$1,215,375
<b>HISTORICAL COMMISSION</b>				
	PURCHASE OF SERVICES	\$110	\$200	\$200
28	TOTAL EXPENSES	\$110	\$200	\$200
	TOTAL HISTORICAL COMMISSION	\$110	\$200	\$200
<b>SURFACE WATER QUALITY COMMISSION</b>				
	PURCHASE OF SERVICES	\$63,043	\$43,500	\$43,500
29	TOTAL EXPENSES	\$63,043	\$43,500	\$43,500
	TOTAL SURFACE WATER QUALITY COMM	\$63,043	\$43,500	\$43,500



FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
<b>HISTORIC DISTRICT COMMISSION</b>				
	PURCHASE OF SERVICES	\$0	\$275	\$275
30	TOTAL EXPENSES	\$0	\$275	\$275
	TOTAL HISTORIC DISTRICT COMMISSION	\$0	\$275	\$275
<b>PUBLIC CEREMONIES</b>				
	PURCHASE OF SERVICES	\$943	\$2,500	\$2,500
31	TOTAL EXPENSES	\$943	\$2,500	\$2,500
	TOTAL PUBLIC CEREMONIES	\$943	\$2,500	\$2,500
<b>POLICE</b>				
	SALARIES	\$1,998,418	\$2,087,989	\$2,052,500
32	TOTAL PERSONNEL SERVICES	\$1,998,418	\$2,087,989	\$2,052,500
	PURCHASE OF SERVICES	\$108,309	\$125,550	\$131,550
	SUPPLIES	\$149,654	\$173,800	\$173,200
33	TOTAL EXPENSES	\$257,963	\$299,350	\$304,750
	TOTAL POLICE	\$2,256,381	\$2,387,339	\$2,357,250
<b>JOINT COMMUNICATIONS</b>				
	SALARIES	\$395,127	\$478,000	\$479,100
34	TOTAL PERSONNEL SERVICES	\$395,127	\$478,000	\$479,100
	PURCHASE OF SERVICES	\$13,008	\$15,100	\$15,100
	UTILITIES	\$13,260	\$12,500	\$13,500
	SUPPLIES	\$6,924	\$6,300	\$8,300
35	TOTAL EXPENSES	\$33,192	\$33,900	\$36,900
	TOTAL JOINT COMMUNICATIONS	\$428,319	\$511,900	\$516,000
<b>EMERGENCY MANAGEMENT</b>				
	PURCHASE OF SERVICES	\$12,983	\$14,800	\$16,000
	SUPPLIES	\$6,238	\$7,000	\$7,000
36	TOTAL EXPENSES	\$19,222	\$21,800	\$23,000
	TOTAL EMERGENCY MANAGEMENT	\$19,222	\$21,800	\$23,000
<b>DOG OFFICER</b>				
	PURCHASE OF SERVICES	\$20,103	\$21,000	\$21,000
	SUPPLIES	\$0	\$3,000	\$3,000
37	TOTAL EXPENSES	\$20,103	\$24,000	\$24,000
	TOTAL DOG OFFICER	\$20,103	\$24,000	\$24,000
<b>FIRE</b>				
	SALARIES	\$2,027,753	\$2,090,092	\$2,125,700
38	TOTAL PERSONNEL SERVICES	\$2,027,753	\$2,090,092	\$2,125,700
	PURCHASE OF SERVICES	\$37,877	\$55,700	\$55,700
	SUPPLIES	\$94,223	\$105,000	\$109,000
39	TOTAL EXPENSES	\$132,100	\$160,700	\$164,700
	TOTAL FIRE	\$2,159,852	\$2,250,792	\$2,290,400

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
<b>BUILDING &amp; ZONING</b>				
	SALARIES	\$274,916	\$269,609	\$269,609
40	TOTAL PERSONNEL SERVICES	\$274,916	\$269,609	\$269,609
	PURCHASE OF SERVICES	\$11,583	\$13,800	\$13,800
	SUPPLIES	\$7,232	\$7,000	\$7,100
41	TOTAL EXPENSES	\$18,814	\$20,800	\$20,900
	TOTAL BUILDING & ZONING	\$293,730	\$290,409	\$290,509
	<b>TOTAL PUBLIC SAFETY</b>	\$5,177,607	\$5,486,240	\$5,501,159
42	<b>SCHOOLS</b>	\$30,438,924	\$30,596,713	\$31,096,713
43	<b>REGIONAL VOCATIONAL SCHOOLS</b>	\$421,426	\$390,000	\$280,000
<b>DPW</b>				
	SALARIES	\$1,466,381	\$1,546,891	\$1,419,088
	TOTAL PERSONNEL SERVICES	\$1,466,381	\$1,546,891	\$1,419,088
	PURCHASE OF SERVICES	\$590,299	\$773,400	\$557,200
	SUPPLIES	\$377,062	\$380,800	\$352,300
	TOTAL EXPENSES	\$967,361	\$1,154,200	\$909,500
44	TOTAL DPW	\$2,433,742	\$2,701,091	\$2,328,588
<b>BOARD OF HEALTH</b>				
	SALARIES	\$521,169	\$536,021	\$561,200
45	TOTAL PERSONNEL SERVICES	\$521,169	\$536,021	\$561,200
	PURCHASE OF SERVICES	\$114,584	\$112,480	\$120,250
	SUPPLIES	\$7,526	\$13,750	\$13,990
46	TOTAL EXPENSES	\$122,110	\$126,230	\$134,240
	TOTAL BOARD OF HEALTH	\$643,279	\$662,251	\$695,440
<b>VETERANS SERVICES</b>				
	SALARIES	\$3,755	\$3,850	\$3,850
47	TOTAL PERSONNEL SERVICES	\$3,755	\$3,850	\$3,850
	PURCHASE OF SERVICES	\$7,074	\$7,500	\$8,500
	SUPPLIES	\$2,827	\$6,000	\$6,000
48	TOTAL EXPENSES	\$9,901	\$13,500	\$14,500
	TOTAL VETERANS SERVICES	\$13,656	\$17,350	\$18,350
<b>COUNCIL ON AGING</b>				
	SALARIES	\$159,199	\$158,782	\$160,032
49	TOTAL PERSONNEL SERVICES	\$159,199	\$158,782	\$160,032
	PURCHASE OF SERVICES	\$69,631	\$45,200	\$45,200
	SUPPLIES	\$6,065	\$7,300	\$7,300
50	TOTAL EXPENSES	\$75,696	\$52,500	\$52,500
	TOTAL COUNCIL ON AGING	\$234,895	\$211,282	\$212,532

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
<b>YOUTH SERVICES</b>				
	SALARIES	\$135,709	\$140,750	\$140,750
51	TOTAL PERSONNEL SERVICES	\$135,709	\$140,750	\$140,750
	PURCHASE OF SERVICES	\$3,446	\$3,850	\$3,850
	SUPPLIES	\$909	\$975	\$975
52	TOTAL EXPENSES	\$4,355	\$4,825	\$4,825
	TOTAL YOUTH SERVICES	\$140,064	\$145,575	\$145,575
<b>LIBRARY</b>				
	SALARIES	\$704,361	\$719,470	\$739,750
53	TOTAL PERSONNEL SERVICES	\$704,361	\$719,470	\$739,750
	PURCHASE OF SERVICES	\$38,565	\$44,300	\$44,300
	SUPPLIES	\$187,378	\$163,660	\$168,500
54	TOTAL EXPENSES	\$225,943	\$207,960	\$212,800
	TOTAL LIBRARY	\$930,304	\$927,430	\$952,550
<b>POOL</b>				
	SALARIES	\$18,217	\$0	\$0
	TOTAL PERSONNEL SERVICES	\$18,217	\$0	\$0
	PURCHASE OF SERVICES	\$0	\$0	\$0
	UTILITIES	\$0	\$0	\$0
	SUPPLIES	\$7,309	\$0	\$0
55	TOTAL EXPENSES	\$7,309	\$0	\$0
	TOTAL POOL	\$25,527	\$0	\$0
<b>DEBT AND INTEREST</b>				
	DEBT SERVICE	\$4,244,864	\$4,985,645	\$7,776,459
56	TOTAL EXPENSES	\$4,244,864	\$4,985,645	\$7,776,459
	TOTAL DEBT AND INTEREST	\$4,244,864	\$4,985,645	\$7,776,459
<b>RETIREMENT</b>				
	PURCHASE OF SERVICES	\$3,005,975	\$3,140,204	\$3,420,633
57	TOTAL EXPENSES	\$3,005,975	\$3,140,204	\$3,420,633
	TOTAL RETIREMENT	\$3,005,975	\$3,140,204	\$3,420,633
<b>UNCLASSIFIED</b>				
	INSURANCE GENERAL	\$668,655	\$670,000	\$680,000
	INSURANCE 32B	\$6,795,662	\$7,466,000	\$7,640,000
	MEDICARE	\$483,780	\$590,000	\$590,000
	UNEMPLOYMENT	\$125,192	\$130,000	\$175,000
	NON CONTRIBUTORY RETIREMENT	\$16,731	\$18,000	\$19,000
	POLICE/FIRE DISABILITY	\$2,196	\$15,000	\$15,000
	RESERVE FOR SAL ADJ	\$0	\$75,000	\$1,100,000
	OCCUPATIONAL HEALTH	\$3,182	\$8,000	\$8,000
	EMPLOYEE ASSISTNCE PROGRAM	\$0	\$0	\$0
	TOWN MEETING	\$14,519	\$40,000	\$40,000
	STREET LIGHTING	\$126,917	\$140,000	\$140,000

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
	RESERVE FUND	\$0	\$225,000	\$250,000
58	TOTAL UNCLASSIFIED	\$8,236,834	\$9,377,000	\$10,657,000
	<b>TOTAL GENERAL FUND BUDGET</b>	<b>\$59,192,161</b>	<b>\$62,360,810</b>	<b>\$66,902,456</b>
<b>WATER FUND</b>				
	SALARIES	\$765,301	\$974,604	\$981,621
	TOTAL PERSONNEL SERVICES	\$765,301	\$974,604	\$981,621
	PURCHASE OF SERVICES	\$377,168	\$462,000	\$452,000
	UTILITIES	\$270,451	\$375,000	\$350,000
	SUPPLIES	\$386,057	\$353,250	\$395,000
	DEBT SERVICE	\$1,117,203	\$1,172,343	\$1,224,512
	TOTAL EXPENSES	\$2,150,878	\$2,362,593	\$2,421,512
59	TOTAL WATER DEPARTMENT	\$2,916,180	\$3,337,197	\$3,403,133
<b>SEPTAGE FUND</b>				
	SALARIES	\$50,704	\$52,990	\$30,233
	TOTAL PERSONNEL SERVICES	\$50,704	\$52,990	\$30,233
	PURCHASE OF SERVICES	\$203,009	\$0	\$10,000
	UTILITIES	\$26,638	\$0	\$0
	SUPPLIES	\$8,674	\$0	\$0
	DEBT SERVICE	\$0	\$0	\$0
	TOTAL EXPENSES	\$238,321	\$0	\$10,000
60	TOTAL SEPTAGE DEPARTMENT	\$289,025	\$52,990	\$40,233
<b>WASTEWATER MGMT DISTRICT COMM</b>				
	PURCHASE OF SERVICES	\$168,176	\$148,000	\$148,000
	CAPITAL	\$0	\$0	\$0
	DEBT SERVICE	\$46,912	\$130,340	\$413,175
	TOTAL EXPENSES	\$215,089	\$278,340	\$561,175
61	TOTAL WASTEWATER MGMT COMM	\$215,089	\$278,340	\$561,175
	<b>GRAND TOTAL OMNIBUS BUDGET</b>	<b>\$62,612,454</b>	<b>\$66,029,337</b>	<b>\$70,906,997</b>

**POINT OF ORDER:**

Donna Bouchard questioned whether the revolving funds that town meeting was being asked to appropriate or approve exceeds what the law permits.

The Moderator suggested that Donna Bouchard make a motion to either reduce the numbers or delete the paragraphs in their entirety but not by point of order.

**POINT OF ORDER:**

Cherry C. Karlson stated that the tax rate recapitulation sheet is not part of the budget that we are reviewing under this motion.

**CLARIFICATION:**

The Moderator clarified that talking about the Town's budget devolves into the tax rate so questions to do with the tax rate are within the scope of article 6.

**AMENDMENT NO. 1 TO MOTION NO. 1:**

Clifford W. Lewis moved and was duly seconded that the Town vote to delete from Page 34 under Unclassified line item 57 "Reserve for salary adjustment \$1,100,000.

**MOTION TO TERMINATE DEBATE:**

Mark Santangelo moved and was duly seconded to terminate debate.

**VOTED ON MOTION TO TERMINATE DEBATE:**

MOTION CARRIED

**VOTED ON AMENDMENT NO. 1 TO MOTION NO. 1:**

MOTION NOT CARRIED

**AMENDMENT NO. 2 TO MOTION NO. 1:**

Clifford W. Lewis moved and was duly seconded that the Town vote to take \$10M of free cash and apply that to the budget proportionately to each item.

**MOTION TO TERMINATE DEBATE:**

Sharon Lee Burke moved and was duly seconded to terminate debate.

**VOTED ON MOTION TO TERMINATE DEBATE:**

MOTION CARRIED

**VOTED ON AMENDMENT NO. 2 TO MOTION NO. 1:**

MOTION NOT CARRIED

**AMENDMENT NO. 3 TO MOTION NO. 1: (WITHDRAWN)**

Donna Bouchard moved and was duly seconded that the Town vote to reduce the amount to be expended by the Recreation Commission for Recreation programs and activities not to exceed the sum of \$561,280., the legal limit as required under which the fund was established, MGL Chapter 44 §53E½, and that we do not establish a Transfer Station Revolving Fund until we have a better understanding of what is required by law.

**MOTION:**

Clifford W. Lewis moved that the Revolving Fund be reduced to "0" and the functions to that amount be funded from free cash.

The Moderator ruled the motion out of order.

**AMENDMENT NO. 4 TO MOTION NO. 1:**

Cherry C. Karlson moved to amend the 5<sup>th</sup> paragraph on page 28 under 2) dealing with the Transfer Station by changing that number from \$750,000. to \$561,280. and on the 6<sup>th</sup> paragraph dealing with the Recreation Commission, change that number from \$850,000. to \$561,280. which would bring the Revolving Funds in line with the 1% that had been referred to earlier.

Donna Bouchard accepted Cherry Karlson's motion and withdrew her motion in favor of Cherry Karlson's amendment.

**VOTED ON AMENDMENT NO. 4 TO MOTION NO. 1:**

MOTION CARRIED

**VOTED ON MAIN MOTION NO. 1 AS AMENDED:**

MOTION CARRIED

**MOTION TO ADJOURN:**

Mark Santangelo moved and was duly seconded that the Town vote to adjourn until Sunday, April 10, 2011 at 1:00PM.

**VOTED ON MOTION TO ADJOURN:**

MOTION CARRIED

**The meeting adjourned at 10:58 P.M. until Sunday, April 10, 2011 at 1:00 P.M.**

**Attendance: 412**

**VOTES ENACTED:  
SUNDAY, APRIL 10, 2011 AT THE WAYLAND MIDDLE SCHOOL**

**C. PETER R. GOSSELS, MODERATOR:**

Pursuant to the Warrant dated March 21, 2011, signed by John Bladon, Steven J. Correia, Thomas J. Fay, Joseph F. Nolan, and Susan W. Pope, Selectmen, served and return of service given by Louis V. Gaglini, Constable of the Town, the inhabitants of the Town of Wayland qualified to vote at Town Meeting met this day at Wayland Middle School, and at 1:03 P.M. the Moderator called the Meeting to order, declared that a quorum was present, and the Meeting proceeded to transact the following business:

**MOTION UNDER ARTICLE 6:**

The Moderator stated that there would be a motion to reopen the main budget for one purpose only due to a complex legal issue.

**MOTION TO RECONSIDER ARTICLE 6 (OMNIBUS BUDGET) MOTION NO. 1:**

Cherry C. Karlson moved and was duly seconded that the Town vote to reconsider its first vote under Article 6 of the Warrant for the 2011 Annual Town Meeting, which vote was taken on April 7, 2011.

**VOTED ON MOTION TO RECONSIDER:**

MOTION CARRIED

**MOTION TO AMEND ARTICLE 6 MOTION NO. 1:**

Cherry C. Karlson moved and was duly seconded that the Town vote to amend its first vote under Article 6 of the Warrant for the 2011 Annual Town Meeting, which vote was taken on April 7, 2011, by:

- 1.) Adding to the Fiscal Year 2012 Budget a new appropriation line item immediately after "TOTAL POOL" on Page 34 of the Warrant to be designated and entitled "55A RECREATION – TOTAL EXPENSES TOTAL RECREATION \$355,000;
- 2.) Increasing the Total General Fund Budget on Page 34 of the Warrant from \$66,902,456 to \$67,257,456;
- 3.) Increasing the Grand Total Omnibus Budget on Page 35 from \$70,906,997 to \$71,261,997; and,
- 4.) Increasing the amount to be raised by taxation from \$68,820,407 to \$69,175,407.

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
<b>SELECTMEN</b>				
	PURCHASE OF SERVICES	\$45,454	\$20,400	\$27,000
	SUPPLIES	-\$734	\$7,800	\$8,800
1	TOTAL EXPENSES	\$44,720	\$28,200	\$35,800
	TOTAL SELECTMEN	\$44,720	\$28,200	\$35,800
<b>TOWN OFFICE</b>				
	SALARIES	\$356,414	\$358,700	\$358,700
2	TOTAL PERSONNEL SERVICES	\$356,414	\$358,700	\$358,700

	FISCAL YEAR 2012 BUDGET	EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
	PURCHASE OF SERVICES	\$13,957	\$17,000	\$17,500
	SUPPLIES	\$60,278	\$51,800	\$54,800
3	TOTAL EXPENSES	\$74,235	\$68,800	\$72,300
	TOTAL TOWN OFFICE	\$430,648	\$427,500	\$431,000
	<b>PERSONNEL BOARD</b>			
	SALARIES	\$0	\$6,750	\$6,750
4	TOTAL PERSONNEL SERVICES	\$0	\$6,750	\$6,750
	PURCHASE OF SERVICES	\$5,085	\$10,000	\$10,000
5	TOTAL EXPENSES	\$5,085	\$10,000	\$10,000
	TOTAL PERSONNEL BOARD	\$5,085	\$16,750	\$16,750
	<b>FINANCE</b>			
	SALARIES	\$281,320	\$274,315	\$285,958
6	TOTAL PERSONNEL SERVICES	\$281,320	\$274,315	\$285,958
	PURCHASE OF SERVICES	\$30,555	\$72,400	\$73,200
	SUPPLIES	\$4,090	\$5,000	\$5,000
7	TOTAL EXPENSES	\$34,645	\$77,400	\$78,200
	TOTAL FINANCE	\$315,965	\$351,715	\$364,158
	<b>ASSESSOR</b>			
	SALARIES	\$156,540	\$210,000	\$222,300
8	TOTAL PERSONNEL SERVICES	\$156,540	\$210,000	\$222,300
	PURCHASE OF SERVICES	\$55,063	\$110,020	\$111,800
	SUPPLIES	\$2,104	\$1,500	\$2,000
9	TOTAL EXPENSES	\$57,167	\$111,520	\$113,800
	TOTAL ASSESSOR	\$213,707	\$321,520	\$336,100
	<b>TREASURER</b>			
	SALARIES	\$181,997	\$181,869	\$183,600
10	TOTAL PERSONNEL SERVICES	\$181,997	\$181,869	\$183,600
	PURCHASE OF SERVICES	\$22,891	\$37,250	\$37,250
	SUPPLIES	\$743	\$1,700	\$1,700
11	TOTAL EXPENSES	\$23,635	\$38,950	\$38,950
	TOTAL TREASURER	\$205,632	\$220,819	\$222,550
	<b>TOWN COUNSEL</b>			
	PURCHASE OF SERVICES	\$202,251	\$225,000	\$235,000
	SUPPLIES	\$2,792	\$3,000	\$4,000
12	TOTAL EXPENSES	\$205,043	\$228,000	\$239,000
	TOTAL TOWN COUNSEL	\$205,043	\$228,000	\$239,000
	<b>INFORMATION TECHNOLOGY</b>			
	SALARIES	\$79,399	\$80,746	\$80,746
13	TOTAL PERSONNEL SERVICES	\$79,399	\$80,746	\$80,746

	FISCAL YEAR 2012 BUDGET	EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
	PURCHASE OF SERVICES	\$107,011	\$157,500	\$159,000
	SUPPLIES	\$35,433	\$20,500	\$73,000
14	TOTAL EXPENSES	\$142,444	\$178,000	\$232,000
	TOTAL INFORMATION TECHNOLOGY	\$221,843	\$258,746	\$312,746
	<b>TOWN CLERK</b>			
	SALARIES	\$114,977	\$114,752	\$116,074
15	TOTAL PERSONNEL SERVICES	\$114,977	\$114,752	\$116,074
	PURCHASE OF SERVICES	\$7,718	\$11,800	\$11,800
	SUPPLIES	\$411	\$1,600	\$1,600
16	TOTAL EXPENSES	\$8,129	\$13,400	\$13,400
	TOTAL TOWN CLERK	\$123,106	\$128,152	\$129,474
	<b>ELECTIONS</b>			
	SALARIES	\$32,182	\$22,700	\$18,000
	TOTAL PERSONNEL SERVICES	\$32,182	\$22,700	\$18,000
	PURCHASE OF SERVICES	\$1,097	\$1,000	\$1,200
	SUPPLIES	\$11,277	\$17,500	\$12,000
	TOTAL EXPENSES	\$12,373	\$18,500	\$13,200
17	TOTAL ELECTIONS	\$44,556	\$41,200	\$31,200
	<b>REGISTRAR</b>			
	SALARIES	\$275	\$275	\$275
18	TOTAL PERSONNEL SERVICES	\$275	\$275	\$275
	PURCHASE OF SERVICES	\$3,584	\$4,625	\$4,625
19	TOTAL EXPENSES	\$3,584	\$4,625	\$4,625
	TOTAL REGISTRAR	\$3,859	\$4,900	\$4,900
	<b>CONSERVATION</b>			
	SALARIES	\$113,946	\$123,608	\$126,659
20	TOTAL PERSONNEL SERVICES	\$113,946	\$123,608	\$126,659
	PURCHASE OF SERVICES	\$7,525	\$12,500	\$12,500
	SUPPLIES	\$10,865	\$8,600	\$8,600
21	TOTAL EXPENSES	\$18,390	\$21,100	\$21,100
	TOTAL CONSERVATION	\$132,335	\$144,708	\$147,759
	<b>PLANNING</b>			
	SALARIES	\$102,215	\$109,586	\$110,700
22	TOTAL PERSONNEL SERVICES	\$102,215	\$109,586	\$110,700
	PURCHASE OF SERVICES	\$1,234	\$3,000	\$3,000
	SUPPLIES	\$444	\$2,000	\$2,000
23	TOTAL EXPENSES	\$1,679	\$5,000	\$5,000
	TOTAL PLANNING	\$103,893	\$114,586	\$115,700



FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
<b>SURVEYOR</b>				
	SALARIES	\$146,253	\$147,844	\$151,520
24	TOTAL PERSONNEL SERVICES	\$146,253	\$147,844	\$151,520
	PURCHASE OF SERVICES	\$11,092	\$11,800	\$12,800
	SUPPLIES	\$3,318	\$4,150	\$4,150
25	TOTAL EXPENSES	\$14,409	\$15,950	\$16,950
	TOTAL SURVEYOR	\$160,663	\$163,794	\$168,470
<b>FACILITIES</b>				
	SALARIES	\$276,376	\$273,504	\$277,225
26	TOTAL PERSONNEL SERVICES	\$276,376	\$273,504	\$277,225
	PURCHASE OF SERVICES	\$181,663	\$156,260	\$167,150
	UTILITIES	\$482,504	\$772,000	\$746,000
	SUPPLIES	\$29,374	\$21,200	\$25,000
27	TOTAL EXPENSES	\$693,540	\$949,460	\$938,150
	TOTAL FACILITIES	\$969,916	\$1,222,964	\$1,215,375
<b>HISTORICAL COMMISSION</b>				
	PURCHASE OF SERVICES	\$110	\$200	\$200
28	TOTAL EXPENSES	\$110	\$200	\$200
	TOTAL HISTORICAL COMMISSION	\$110	\$200	\$200
<b>SURFACE WATER QUALITY COMMISSION</b>				
	PURCHASE OF SERVICES	\$63,043	\$43,500	\$43,500
29	TOTAL EXPENSES	\$63,043	\$43,500	\$43,500
	TOTAL SURFACE WATER QUALITY COMM	\$63,043	\$43,500	\$43,500
<b>HISTORIC DISTRICT COMMISSION</b>				
	PURCHASE OF SERVICES	\$0	\$275	\$275
30	TOTAL EXPENSES	\$0	\$275	\$275
	TOTAL HISTORIC DISTRICT COMMISSION	\$0	\$275	\$275
<b>PUBLIC CEREMONIES</b>				
	PURCHASE OF SERVICES	\$943	\$2,500	\$2,500
31	TOTAL EXPENSES	\$943	\$2,500	\$2,500
	TOTAL PUBLIC CEREMONIES	\$943	\$2,500	\$2,500
<b>POLICE</b>				
	SALARIES	\$1,998,418	\$2,087,989	\$2,052,500
32	TOTAL PERSONNEL SERVICES	\$1,998,418	\$2,087,989	\$2,052,500
	PURCHASE OF SERVICES	\$108,309	\$125,550	\$131,550
	SUPPLIES	\$149,654	\$173,800	\$173,200
33	TOTAL EXPENSES	\$257,963	\$299,350	\$304,750
	TOTAL POLICE	\$2,256,381	\$2,387,339	\$2,357,250

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
<b>JOINT COMMUNICATIONS</b>				
	SALARIES	\$395,127	\$478,000	\$479,100
34	TOTAL PERSONNEL SERVICES	\$395,127	\$478,000	\$479,100
	PURCHASE OF SERVICES	\$13,008	\$15,100	\$15,100
	UTILITIES	\$13,260	\$12,500	\$13,500
	SUPPLIES	\$6,924	\$6,300	\$8,300
35	TOTAL EXPENSES	\$33,192	\$33,900	\$36,900
	TOTAL JOINT COMMUNICATIONS	\$428,319	\$511,900	\$516,000
<b>EMERGENCY MANAGEMENT</b>				
	PURCHASE OF SERVICES	\$12,983	\$14,800	\$16,000
	SUPPLIES	\$6,238	\$7,000	\$7,000
36	TOTAL EXPENSES	\$19,222	\$21,800	\$23,000
	TOTAL EMERGENCY MANAGEMENT	\$19,222	\$21,800	\$23,000
<b>DOG OFFICER</b>				
	PURCHASE OF SERVICES	\$20,103	\$21,000	\$21,000
	SUPPLIES	\$0	\$3,000	\$3,000
37	TOTAL EXPENSES	\$20,103	\$24,000	\$24,000
	TOTAL DOG OFFICER	\$20,103	\$24,000	\$24,000
<b>FIRE</b>				
	SALARIES	\$2,027,753	\$2,090,092	\$2,125,700
38	TOTAL PERSONNEL SERVICES	\$2,027,753	\$2,090,092	\$2,125,700
	PURCHASE OF SERVICES	\$37,877	\$55,700	\$55,700
	SUPPLIES	\$94,223	\$105,000	\$109,000
39	TOTAL EXPENSES	\$132,100	\$160,700	\$164,700
	TOTAL FIRE	\$2,159,852	\$2,250,792	\$2,290,400
<b>BUILDING &amp; ZONING</b>				
	SALARIES	\$274,916	\$269,609	\$269,609
40	TOTAL PERSONNEL SERVICES	\$274,916	\$269,609	\$269,609
	PURCHASE OF SERVICES	\$11,583	\$13,800	\$13,800
	SUPPLIES	\$7,232	\$7,000	\$7,100
41	TOTAL EXPENSES	\$18,814	\$20,800	\$20,900
	TOTAL BUILDING & ZONING	\$293,730	\$290,409	\$290,509
	TOTAL PUBLIC SAFETY	\$5,177,607	\$5,486,240	\$5,501,159
42	SCHOOLS	\$30,438,924	\$30,596,713	\$31,096,713
43	REGIONAL VOCATIONAL SCHOOLS	\$421,426	\$390,000	\$280,000
<b>DPW</b>				
	SALARIES	\$1,466,381	\$1,546,891	\$1,419,088
	TOTAL PERSONNEL SERVICES	\$1,466,381	\$1,546,891	\$1,419,088

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
	PURCHASE OF SERVICES	\$590,299	\$773,400	\$557,200
	SUPPLIES	\$377,062	\$380,800	\$352,300
	TOTAL EXPENSES	\$967,361	\$1,154,200	\$909,500
44	TOTAL DPW	\$2,433,742	\$2,701,091	\$2,328,588
	<b>BOARD OF HEALTH</b>			
	SALARIES	\$521,169	\$536,021	\$561,200
45	TOTAL PERSONNEL SERVICES	\$521,169	\$536,021	\$561,200
	PURCHASE OF SERVICES	\$114,584	\$112,480	\$120,250
	SUPPLIES	\$7,526	\$13,750	\$13,990
46	TOTAL EXPENSES	\$122,110	\$126,230	\$134,240
	TOTAL BOARD OF HEALTH	\$643,279	\$662,251	\$695,440
	<b>VETERANS SERVICES</b>			
	SALARIES	\$3,755	\$3,850	\$3,850
47	TOTAL PERSONNEL SERVICES	\$3,755	\$3,850	\$3,850
	PURCHASE OF SERVICES	\$7,074	\$7,500	\$8,500
	SUPPLIES	\$2,827	\$6,000	\$6,000
48	TOTAL EXPENSES	\$9,901	\$13,500	\$14,500
	TOTAL VETERANS SERVICES	\$13,656	\$17,350	\$18,350
	<b>COUNCIL ON AGING</b>			
	SALARIES	\$159,199	\$158,782	\$160,032
49	TOTAL PERSONNEL SERVICES	\$159,199	\$158,782	\$160,032
	PURCHASE OF SERVICES	\$69,631	\$45,200	\$45,200
	SUPPLIES	\$6,065	\$7,300	\$7,300
50	TOTAL EXPENSES	\$75,696	\$52,500	\$52,500
	TOTAL COUNCIL ON AGING	\$234,895	\$211,282	\$212,532
	<b>YOUTH SERVICES</b>			
	SALARIES	\$135,709	\$140,750	\$140,750
51	TOTAL PERSONNEL SERVICES	\$135,709	\$140,750	\$140,750
	PURCHASE OF SERVICES	\$3,446	\$3,850	\$3,850
	SUPPLIES	\$909	\$975	\$975
52	TOTAL EXPENSES	\$4,355	\$4,825	\$4,825
	TOTAL YOUTH SERVICES	\$140,064	\$145,575	\$145,575
	<b>LIBRARY</b>			
	SALARIES	\$704,361	\$719,470	\$739,750
53	TOTAL PERSONNEL SERVICES	\$704,361	\$719,470	\$739,750
	PURCHASE OF SERVICES	\$38,565	\$44,300	\$44,300
	SUPPLIES	\$187,378	\$163,660	\$168,500
54	TOTAL EXPENSES	\$225,943	\$207,960	\$212,800
	TOTAL LIBRARY	\$930,304	\$927,430	\$952,550

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
	PURCHASE OF SERVICES	\$38,565	\$44,300	\$44,300
	SUPPLIES	\$187,378	\$163,660	\$168,500
54	TOTAL EXPENSES	\$225,943	\$207,960	\$212,800
	TOTAL LIBRARY	\$930,304	\$927,430	\$952,550
	<b>POOL</b>			
	SALARIES	\$18,217	\$0	\$0
	TOTAL PERSONNEL SERVICES	\$18,217	\$0	\$0
	PURCHASE OF SERVICES	\$0	\$0	\$0
	UTILITIES	\$0	\$0	\$0
	SUPPLIES	\$7,309	\$0	\$0
55	TOTAL EXPENSES	\$7,309	\$0	\$0
	TOTAL POOL	\$25,527	\$0	\$0
55 A	RECREATION TOTAL EXPENSES			\$355,000
	TOTAL RECREATION			\$355,000
	<b>DEBT AND INTEREST</b>			
	DEBT SERVICE	\$4,244,864	\$4,985,645	\$7,776,459
56	TOTAL EXPENSES	\$4,244,864	\$4,985,645	\$7,776,459
	TOTAL DEBT AND INTEREST	\$4,244,864	\$4,985,645	\$7,776,459
	<b>RETIREMENT</b>			
	PURCHASE OF SERVICES	\$3,005,975	\$3,140,204	\$3,420,633
57	TOTAL EXPENSES	\$3,005,975	\$3,140,204	\$3,420,633
	TOTAL RETIREMENT	\$3,005,975	\$3,140,204	\$3,420,633
	<b>UNCLASSIFIED</b>			
	INSURANCE GENERAL	\$668,655	\$670,000	\$680,000
	INSURANCE 32B	\$6,795,662	\$7,466,000	\$7,640,000
	MEDICARE	\$483,780	\$590,000	\$590,000
	UNEMPLOYMENT	\$125,192	\$130,000	\$175,000
	NON CONTRIBUTORY RETIREMENT	\$16,731	\$18,000	\$19,000
	POLICE/FIRE DISABILITY	\$2,196	\$15,000	\$15,000
	RESERVE FOR SAL ADJ	\$0	\$75,000	\$1,100,000
	OCCUPATIONAL HEALTH	\$3,182	\$8,000	\$8,000
	EMPLOYEE ASSISTANCE PROGRAM	\$0	\$0	\$0
	TOWN MEETING	\$14,519	\$40,000	\$40,000
	STREET LIGHTING	\$126,917	\$140,000	\$140,000
	RESERVE FUND	\$0	\$225,000	\$250,000
58	TOTAL UNCLASSIFIED	\$8,236,834	\$9,377,000	\$10,657,000
	<b>TOTAL GENERAL FUND BUDGET</b>	<b>\$59,192,161</b>	<b>\$62,360,810</b>	<b>\$67,257,456</b>

FISCAL YEAR 2012 BUDGET		EXPENDED FY 2010	APPROPRIATED FY 2011	REQUESTED FY 2012
<b>WATER FUND</b>				
	SALARIES	\$765,301	\$974,604	\$981,621
	TOTAL PERSONNEL SERVICES	\$765,301	\$974,604	\$981,621
	PURCHASE OF SERVICES	\$377,168	\$462,000	\$452,000
	UTILITIES	\$270,451	\$375,000	\$350,000
	SUPPLIES	\$386,057	\$353,250	\$395,000
	DEBT SERVICE	\$1,117,203	\$1,172,343	\$1,224,512
	TOTAL EXPENSES	\$2,150,878	\$2,362,593	\$2,421,512
59	TOTAL WATER DEPARTMENT	\$2,916,180	\$3,337,197	\$3,403,133
<b>SEPTAGE FUND</b>				
	SALARIES	\$50,704	\$52,990	\$30,233
	TOTAL PERSONNEL SERVICES	\$50,704	\$52,990	\$30,233
	PURCHASE OF SERVICES	\$203,009	\$0	\$10,000
	UTILITIES	\$26,638	\$0	\$0
	SUPPLIES	\$8,674	\$0	\$0
	DEBT SERVICE	\$0	\$0	\$0
	TOTAL EXPENSES	\$238,321	\$0	\$10,000
60	TOTAL SEPTAGE DEPARTMENT	\$289,025	\$52,990	\$40,233
<b>WASTEWATER MGMT DISTRICT COMM</b>				
	PURCHASE OF SERVICES	\$168,176	\$148,000	\$148,000
	CAPITAL	\$0	\$0	\$0
	DEBT SERVICE	\$46,912	\$130,340	\$413,175
	TOTAL EXPENSES	\$215,089	\$278,340	\$561,175
61	TOTAL WASTEWATER MGMT COMM	\$215,089	\$278,340	\$561,175
<b>GRAND TOTAL OMNIBUS BUDGET</b>		<b>\$62,612,454</b>	<b>\$66,029,337</b>	<b>\$71,261,997</b>

**MOTION NO. 1:**

Cherry C. Karlson moved and was duly seconded that the report of the Finance Committee respecting the Fiscal Year 2012 Budget be accepted; and that each and every numbered item set forth in the Finance Committee’s Budget for Fiscal Year 2012 be voted, granted and appropriated as an expenditure for the several purposes and uses set forth in said budget establishing a total budget of \$71,261,997 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, \$69,175,407 shall be raised by taxation, \$360,000 shall be provided by transfer from Ambulance receipts, \$125,182 shall be provided by transfer from Premium on Bonds Account, \$500,000 shall be provided by transfer from unreserved fund balance, \$500,000 from Water surplus, \$40,233 from Septage Retained Earnings, \$361,175 from Wastewater revenues, \$200,000 from Wastewater Retained Earnings; 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 on Page 28 of the Warrant for the 2011 Annual Town Meeting.

**VOTED ON AMENDMENT TO ARTICLE 6 MOTION NO. 1:**

MOTION CARRIED

**VOTED ON MOTION NO. 1 (OMNIBUS) AS AMENDED:**

MOTION CARRIED

CAPITAL BUDGET - FY2012		RECOMMENDED	
<u>INFORMATION TECHNOLOGY (TOWN)</u>			
1	COMPUTER EQUIPMENT	C	50,000
<u>CONSERVATION</u>			
2	HAMLIN WOODS DAM REPAIRS	B	100,000
3	STORMWATER MAPPING	C	35,000
<u>FACILITIES</u>			
4	BUILDING REPAIRS	B	290,000
<u>POLICE</u>			
5	COMPUTER EQUIPMENT	C	40,000
<u>JCC</u>			
6	BUILDING REPAIRS	FC	1,000,000
<u>FIRE DEPARTMENT</u>			
	VEHICLE-CHIEFS VEHICLE	C	35,000
	VEHICLE-PARAMEDIC SUV	C	40,000
7	TOTAL VEHICLES		75,000
<u>DPW</u>			
	WATER PUMPS	B	60,000
	PACKARD SWAP TRUCK ATTACHMENT	B	60,000
	GANG MOWER	B	95,000
	WACKER LOADER	B	50,000
8	TOTAL EQUIPMENT		265,000
	VAC TRUCK	B	300,000
	SWAP TRUCK	B	200,000
9	TOTAL VEHICLES		500,000
10	DESIGN-NEW DPW FACILITY	B	175,000
11	DRAINAGE IMPROVEMENTS	B	200,000
12	FIELD RENOVATIONS	B	125,000
13	HANNAH WILLIAMS PARK IMPROVEMENTS	B	120,000
14	FIELD DEVELOPMENT & ANALYSIS	E	530,000
<u>DPW-WATER</u>			
15	PUMP STATION UPGRADES	WB	100,000
16	GENERATOR	WC	50,000
17	SYSTEM UPGRADES-ROUTE 27/30 INTERSECTION	WB	510,000
<u>RECREATION</u>			
18	BEACH IMPROVEMENTS	C	75,000
<u>SCHOOL DEPARTMENT</u>			
19	TECHNOLOGY	E	350,000
20	VEHICLE	C	50,000
21	BUILDING REPAIRS	B	100,000
GRAND TOTAL			4,740,000
SUMMARY			
	BORROW	B	1,875,000
	DEBT EXEMPT ITEMS - BORROW	E	880,000
	CASH CAPITAL	C	325,000
	FREE CASH	FC	1,000,000
	WATER BORROWING	WB	610,000
	WATER CASH CAPITAL	WC	50,000
			4,740,000
		G/F	4,080,000
		WATER	660,000
			4,740,000

**MOTION NO. 2**

Cherry C. Karlson 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 with the following changes in line item #14 by removing the words "Development &" to read "Field Analysis" and change proposed sum of \$530,000 to \$75,000. and change Grand Total from \$4,740,000.00 to \$4,285,000.00

	Equipment/Vehicle/Project		Department	Amount
1	Computer Equipment	C	Information Tech	\$ 50,000.00
2	Hamlin Woods Dam Repairs	B	Conservation	\$100,000.00
3	Stormwater Mapping	C	Conservation	\$ 35,000.00
4	Building Repairs	B	Facilities	\$ 290,000.00
5	Computer Equipment	C	Police	\$ 40,000.00
6	Building Repairs	FC	Jt. Communications	\$1,000,000.00
7	Motor Vehicles	C	Fire	\$ 75,000.00
8	Equipment	B	Public Works	\$ 265,000.00
9	Motor Vehicles	B	Public Works	\$ 500,000.00
10	Designer Services – New DPW Facility	B	Public Works	\$175,000.00
11	Drainage Improvements	B	Public Works	\$ 200,000.00
12	Field Renovations	B	Public Works	\$125,000.00
13	Hannah Williams Park Improvements	B	Public Works	\$ 120,000.00
14	Field Analysis	E	Public Works	\$ 75,000.00
15	Pump Station Upgrades - Water	WB	Public Works	\$ 100,000.00
16	Generator – Water	WC	Public Works	\$ 50,000.00
17	Water System Upgrades – Rt. 27/30 Int.	WB	Public Works	\$510,000.00
18	Beach Improvements	C	Recreation	\$ 75,000.00
19	Technology.	E	School	\$350,000.00
20	Motor Vehicle	C	School	\$ 50,000.00
21	Building Repairs	B	School	\$ 100,000.00
	<b>GRAND TOTAL</b>			<b><u>\$4,285,000.00</u></b>

and, to provide for these appropriations, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$2,910,000. pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, and \$325,000. shall be raised by taxation, \$50,000 from water surplus, and \$1,000,000. shall be transferred from the General Fund – Unreserved Fund Balance as set forth in Page 36 of the Warrant for the 2011 Annual Town Meeting.

**AMENDMENT NO. 1 TO MOTION NO. 2:**

Margo Melnicove moved and was duly seconded that the Town vote to consider the capital budget line item by line item.

**VOTED ON AMENDMENT NO. 1 TO MOTION NO. 2:**

MOTION CARRIED

**AMENDMENT NO. 2 TO MOTION NO. 2:**

Kim Cook moved and was duly seconded that the Town vote to delete line item #4 Facilities Building Repairs \$290,000.00. from the capital budget.

**VOTED ON AMENDMENT NO. 2 TO MOTION NO. 2:** MOTION CARRIED

**AMENDMENT NO. 3 TO MOTION NO. 2:**

Carla Howell moved and was duly seconded that the Town vote to delete line item #6 JCC Building Repairs \$1,000,000.00 from the capital budget.

**MOTION TO TERMINATE DEBATE:**

Matthew M. Shear moved and was duly seconded to terminate debate.

**VOTED ON MOTION TO TERMINATE DEBATE:** MOTION CARRIED

**VOTED ON AMENDMENT NO. 3 TO MOTION NO. 2:** MOTION NOT CARRIED

**AMENDMENT NO. 4 TO MOTION NO. 2:**

Donald M. Schuler moved and was duly seconded that the Town vote the \$265,000 request under line item #8 be reduced to \$205,000.

**MOTION TO TERMINATE DEBATE:**

Judy A. Bennett moved and was duly seconded to terminate debate.

**VOTED ON MOTION TO TERMINATE DEBATE:** MOTION CARRIED

**VOTED ON AMENDMENT NO. 4 TO MOTION NO. 2:** MOTION NOT CARRIED

**AMENDMENT NO. 5 TO MOTION NO. 2:**

Patricia E. Abramson moved and was duly seconded that the Town vote to delete line item #9 VAC Truck \$300,000 from the capital budget.

**VOTED ON AMENDMENT NO. 5 TO MOTION NO. 2:** MOTION NOT CARRIED

**AMENDMENT NO. 6 TO MOTION NO. 2:**

Molly Upton moved and was duly seconded that the Town vote to delete \$75,000. from item #10 on the capital budget.

**VOTED ON AMENDMENT NO. 6 TO MOTION NO. 2:** MOTION NOT CARRIED

**AMENDMENT NO. 7 TO MOTION NO. 2:**

Michael P. Lowery moved and was duly seconded that the Town vote to amend Article 6 Motion #2, item 14 "Field Analysis" by adding the following additional content: "The study shall include determining feasibility and costs for a 10,000 gallon/day community leaching field, beneath proposed fields at the Middle School, which could later move septic leachate away from Dudley Pond.

**VOTED ON AMENDMENT NO. 7 TO MOTION NO. 2:** MOTION CARRIED

**AMENDMENT NO. 8 TO MOTION NO. 2:**

Phillip A. Langsdorf moved that the Town vote to amend line item #14 by reducing the amount of \$75,000 to \$40,000. from the capital budget.

**MOTION TO TERMINATE DEBATE:**

Judy A. Bennett moved and was duly seconded to terminate debate.

**VOTED ON MOTION TO TERMINATE DEBATE:** MOTION CARRIED



**VOTED ON AMENDMENT NO. 8 TO MOTION NO. 2:** MOTION NOT CARRIED**AMENDMENT NO. 9 TO MOTION NO. 2:**

Linda Segal moved and was duly seconded that the Town vote to amend line item #17 "System Upgrades – Route 27/30 Intersection" on page 36 in the warrant so the money appropriated will be provided from the General Fund – Unreserved Fund Balance, otherwise known as Free Cash.

**VOTED ON AMENDMENT NO. 9 TO MOTION NO. 2:** MOTION CARRIED**AMENDMENT NO. 10 TO MOTION NO. 2:**

Margo Melnicove moved and was duly seconded that the Town vote to delete \$350,000 School Technology from the capital budget.

**MOTION TO TERMINATE DEBATE:**

Mark Santangelo moved and was duly seconded to terminate debate.

**VOTED ON MOTION TO TERMINATE DEBATE:** MOTION CARRIED**VOTED ON AMENDMENT NO. 10 TO MOTION NO. 2:** MOTION NOT CARRIED**AMENDMENT NO. 11 TO MOTION NO. 2:**

Margo Melnicove moved and was duly seconded that the Town vote to amend line item #19 Technology by replacing debt exempt borrow with Free Cash.

**MOTION TO TERMINATE DEBATE:**

Clifford W. Lewis moved and was duly seconded to terminate debate.

**VOTED ON MOTION TO TERMINATE DEBATE:** MOTION CARRIED**VOTED ON AMENDMENT NO. 11 TO MOTION NO. 2:** MOTION NOT CARRIED**AMENDMENT NO. 12 TO MOTION NO. 2:**

Kim Cook moved and was duly seconded that the Town vote to delete line item #21 Building Repairs \$100,000.

**VOTED ON AMENDMENT NO. 12 TO MOTION NO. 2:** MOTION NOT CARRIED

**MOTION NO. 2 AS AMENDED:**

Cherry C. Karlson 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.

	Equipment/Vehicle/Project		Department	Amount
1	Computer Equipment	C	Information Tech	\$ 50,000.00
2	Hamlin Woods Dam Repairs	B	Conservation	\$100,000.00
3	Stormwater Mapping	C	Conservation	\$ 35,000.00
4	<del>Building Repairs</del>	<del>B</del>	<del>Facilities</del>	DELETED
5	Computer Equipment	C	Police	\$ 40,000.00
6	Building Repairs	FC	Jt. Communications	\$1,000,000.00
7	Motor Vehicles	C	Fire	\$ 75,000.00
8	Equipment	B	Public Works	\$ 265,000.00
9	Motor Vehicles	B	Public Works	\$ 500,000.00
10	Designer Services – New DPW Facility	B	Public Works	\$175,000.00
11	Drainage Improvements	B	Public Works	\$ 200,000.00
12	Field Renovations	B	Public Works	\$125,000.00
13	Hannah Williams Park Improvements	B	Public Works	\$ 120,000.00
14	Field Analysis	E	Public Works	\$ 75,000.00
15	Pump Station Upgrades - Water	WB	Public Works	\$ 100,000.00
16	Generator – Water	WC	Public Works	\$ 50,000.00
17	Water System Upgrades – Rt. 27/30 Int.	FC	Public Works	\$510,000.00
18	Beach Improvements	C	Recreation	\$ 75,000.00
19	Technology.	E	School	\$350,000.00
20	Motor Vehicle	C	School	\$ 50,000.00
21	Building Repairs	B	School	\$ 100,000.00
	GRAND TOTAL			<u>\$3,995,000.00</u>

and, to provide for these appropriations, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$2,110,000. pursuant to the provisions of Massachusetts General Laws Chapter 44, Sections 7 and 8, and \$325,000. shall be raised by taxation, \$50,000 from water surplus, and \$1,510,000. shall be transferred from the General Fund – Unreserved Fund Balance as set forth in Page 36 of the Warrant for the 2011 Annual Town Meeting.

**VOTED ON MOTION NO. 2 (CAPITAL) AS AMENDED:**

MOTION CARRIED

<b>ARTICLE 7:            APPROPRIATION OF MtBE LITIGATION SETTLEMENT MONIES FOR                                  WATER MAIN IMPROVEMENT IN COCHITUATE</b>
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*Proposed by: Petitioners*

*Estimated Cost: \$500,000*

To determine whether the Town will vote to appropriate \$500,000. to be expended by the Board of Public Works for the sole purpose of repairing and/or replacing water mains in Cochituate at the Route 27/30 intersection and nearby streets, as recommended for fire flow protection in the Department of Public Work's FY2012-FY2016 Capital Plan; and to determine whether said appropriation shall be provided by transferring \$500,000 – representing the approximate amount of the proceeds received by the Town of Wayland since 2008 from the Methyl Tertiary Butyl Ether (MtBE) products liability litigation settlements – from (1) the General Fund – Unreserved Fund Balance, (2) the Board of Selectmen's Legal Account, or (3) such other town account where said proceeds reside.

**MOTION:**

Linda Segal moved and was duly seconded that the Town vote to pass over this article.

**VOTED TO PASS OVER:**

MOTION CARRIED

**MOTION TO ADJOURN:**

Mark Santangelo moved and was duly seconded that the Town vote to adjourn until Monday, April 11, 2011.

**VOTED ON MOTION TO ADJOURN:**

MOTION CARRIED

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*The Moderator thanked Mark Fite of Option Technology Interactive (OTI) for the use of their electronic voting equipment, acknowledged by a round of applause.*

**The meeting adjourned at 5:43 P.M. until Monday April 11, 2011 at 7:30 PM**

**Attendance:    358**

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**VOTES ENACTED:  
MONDAY, APRIL 11, 2011 AT THE WAYLAND MIDDLE SCHOOL**

**C. PETER R. GOSSELS, MODERATOR:**

Pursuant to the Warrant dated March 21, 2011, signed by John Bladon, Steven J. Correia, Thomas J. Fay, Joseph F. Nolan, and Susan W. Pope, Selectmen, served and return of service given by Louis V. Gaglini, Constable of the Town, the inhabitants of the Town of Wayland qualified to vote at Town Meeting met this day at Wayland Middle School, and at 7:33 P.M. the Moderator called the Meeting to order, declared that a quorum was present, and the Meeting proceeded to transact the following business:

<b>ARTICLE 8:            RESTATEMENT OF FY2011 SCHOOL DEPARTMENT BUDGET</b>
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*Proposed by: Petitioners*

*Estimated Cost: \$30,000*

To determine whether the Town will vote to appropriate a sum of money for a restatement of the fiscal year 2011 Wayland Public School budget at a detailed and subsidiary account level in the recommended best management practice on the MUNIS system and produce a report establishing fiscal year 2011 budget-to-actual School Department expenditures; 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 of Massachusetts or Federal Government, by borrowing, or otherwise.

The restatement shall be performed by an independent, qualified consultant experienced in constructing detailed budgets for public school districts and conducted under the direction of the Operational Review Committee established by the Board of Selectmen, comprised of one member from each of the Finance Committee, Board of Selectmen, and School Committee and two members appointed by the Finance Committee. The Operational Review Committee will submit the completed report to the 2011 Special Town Meeting with findings and recommendations, said committee to be dissolved with the adjournment sine die of the 2011 Special Town Meeting.

**MOTION:**

Donna Bouchard moved and was duly seconded that the Town vote to appropriate \$30,000. for a restatement of the fiscal year 2011 Wayland Public School budget document at a detailed and subsidiary account level, to include all grants, revenues, revolving funds and other funds, in the recommended best management practice on the MUNIS system and produce a report establishing fiscal year 2011 budget-to-actual School Department expenditures; and the appropriation shall be provided by free cash. The restatement shall be performed by an independent, qualified consultant experienced in constructing detailed budgets for public school districts and conducted under the direction of the current Operational Review Committee established by the Board of Selectmen, comprised of one member from each of the Finance Committee, Board of Selectmen, and School Committee and two members appointed by the Finance Committee. The Operational Review Committee will submit the completed report to the 2011 Special Town Meeting with findings and recommendations, said committee to be dissolved with the adjournment sine die of the 2011 Special Town Meeting.

**VOTED:**

MOTION CARRIED

<b>ARTICLE 9:            COMPENSATION FOR TOWN CLERK</b>
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*Proposed by: Board of Selectmen*

*Estimated Cost: \$66,773.00*

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, 2011, which salary and compensation is printed below.

**SALARY SCHEDULE – TOWN CLERK**

	<u>FY 2011</u>	<u>FY 2012</u>
Town Clerk	\$ 66,112.00	\$ 66,773.00

**MOTION:**

Susan W. Pope moved and was duly seconded that the Town vote to fix the salary and compensation of the elected Town Clerk at \$66,773.00 effective July 1, 2011.

**VOTED:**

UNANIMOUSLY IN FAVOR

**ARTICLE 10: PERSONNEL BYLAW AND WAGE & 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 D) previously adopted by the Town.

**MOTION:**

Nancy B. McCarthy moved and was duly seconded that the Town vote to amend the Code of the Town of Wayland, Chapter 43, PERSONNEL and the Personnel Wage and Salary Classification Plan previously adopted by the Town, by establishing the non-union wage and salary rates and the effective date for said rates as set forth in Appendix D on pages 158 through 162 of the Warrant for the 2011 Annual Town Meeting.

**VOTED:**

MOTION CARRIED

**ARTICLE 11: 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.

Department	Vehicle/Equipment	Year
Public Works	Bobcat Skid Steer Loader	1992
Public Works	Volvo 6-yard Dump Truck with Snow and Ice Package	1993

**MOTION:**

John Bladon moved and was duly seconded that the Town vote to authorize the Board of Selectmen to sell or otherwise dispose of the following surplus equipment in connection with the purchase of new vehicles and/or equipment:

Department	Vehicle/Equipment	Year
Public Works	Bobcat Skid Steer Loader	1992
Public Works	Volvo 6-yard Dump Truck with Snow and Ice Package	1993

**VOTED:**

UNANIMOUSLY IN FAVOR

**ARTICLE 12: 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:**

John Bladon moved and was duly seconded that the Town encourage residents to consider a tax-deductible donation of land to the Town for conservation purposes and thank those who have made such donations.

**VOTED:**

UNANIMOUSLY IN FAVOR

**ARTICLE 13: 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 2012.

**MOTION:**

John Bladon moved and was duly seconded that the Town 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 2012.

**MOTION TO TERMINATE DEBATE:**

Allan J. Matthews moved and was duly seconded to terminate debate.

**VOTED ON MOTION TO TERMINATE DEBATE:**

MOTION CARRIED BY 2/3 MAJORITY

**VOTED:**

MOTION CARRIED

**ARTICLE 14: SET ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING**

*Proposed by: Community Preservation Committee*

*Estimated Cost: \$180,000*

To determine whether the Town will vote to set aside for later spending \$60,000.00 for open space, but not including land for recreational use, \$60,000.00 for historic resources, and \$60,000.00 for community housing pursuant to Massachusetts General Laws Chapter 44B, Section 6.

**MOTION:**

Jerome Heller moved and was duly seconded that the Town vote to set aside for later spending annual revenues in the Community Preservation Fund in the amounts of \$60,000.for open space, but not including land for recreational use, \$60,000.for historic resources, and \$60,000.for community housing pursuant to Massachusetts General Laws Chapter 44B, Section 6.

**VOTED:**

MOTION CARRIED

**ARTICLE 15: PRESERVATION AND DIGITIZING OF HISTORIC RECORDS**

*Proposed by: Community Preservation Committee, Historical Commission*

*Estimated Cost: \$160,000*

To determine whether the Town will vote to appropriate a sum of money for the purpose of preserving and digitizing selected historic documents important to the history of Wayland which are now held in the town vault; 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 of Massachusetts or Federal Government, by borrowing, or otherwise.

**MOTION:**

Jerome Heller moved and was duly seconded that the Town vote to appropriate \$160,000.00 to be expended by the Historical Commission for the purpose of preserving and digitizing selected historic documents important to the history of Wayland which are now held in the town vault; and provide for said appropriation by transferring \$160,000.00 from the Community Preservation Fund – Historic Resources Reserve.

**VOTED:**

UNANIMOUSLY IN FAVOR

**ARTICLE 16: ADOPT BYLAW ALLOWING USER FEE BILLS TO BE SENT WITH PROPERTY TAX BILLS**

*Proposed by: Board of Selectmen*

To determine whether the Town will vote to amend Chapter 72 of the Code of the Town of Wayland by designating the first paragraph of §72-2 regarding the collection of accounts by the Treasurer and Collector as Paragraph “A” and by adding the following new paragraph to § 72-2:

“B. The Treasurer/Collector of Taxes may include in the envelope or electronic message in which property tax bills are sent notices for rates, fees or charges assessed by the Town of Wayland for water use, wastewater management system or sewer use or solid waste collection or disposal, provided that the bills or notices shall be separate and distinct from the property tax bills.”

**MOTION:**

John Bladon moved and was duly seconded that the Town vote to amend Chapter 72 of the Code of the Town of Wayland by designating the first paragraph of §72-2 regarding the collection of accounts by the Treasurer and Collector as Paragraph “A” and by adding the new Paragraph B to said §72-2 as printed in Page 60 of the Warrant for the 2011 Annual Town meeting.

**VOTED:**

UNANIMOUSLY IN FAVOR

**ARTICLE 17: ACQUIRE TOWN OF SUDBURY’S INTEREST IN SEPTAGE FACILITY**

*Proposed by: Board of Selectmen*

*Estimated Cost: \$130,000*

To determine whether the Town will vote to:

- a) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase or otherwise, all of the Town of Sudbury’s right, title and interest in and to the Septage Treatment Facility and the parcel of land upon which it is situated known and numbered 490 Boston Post Road, Wayland, Massachusetts, containing 7.63 acres, more or less, as described in an order of taking dated January 11, 1971 and recorded with the Middlesex South Registry of Deeds in Book 11943, Page 420;
- b) appropriate a sum of money to be expended by the Board of Selectmen for the acquisition of the Town of Sudbury’s right, title and interest in said facility and parcel of land;
- c) determine whether said appropriation shall be provided by taxation, transfer from unappropriated available funds, transfer from available funds appropriated for other purposes, by borrowing, or otherwise; and
- d) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to enter into and execute all necessary and appropriate instruments and agreements, including, without limitation, intermunicipal agreements, in connection with said acquisition.

**MOTION:**

Joseph F. Nolan moved and was duly seconded that the Town vote to pass over this article.

**VOTED:**

UNANIMOUSLY IN FAVOR

**ARTICLE 18: AMEND SPECIAL ACT ESTABLISHING DEPARTMENT OF PUBLIC WORKS BY TRANSFERRING DUTIES OF WASTEWATER MANAGEMENT DISTRICT COMMISSION TO BOARD OF PUBLIC WORKS**

*Proposed by: Wastewater Management District Commission, Board of Public Works*

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt a special act which amends Chapter 347 of the Acts of 2008 by abolishing the Wayland Wastewater Management District Commission and transferring its authority and powers to the Board of Public Works effective July 1, 2012, substantially the same as follows:

[key to revisions; underlining = additions; ~~strikethrough~~ = deletions]

**CHAPTER 347 of the Acts of 2008**

**CHAPTER 347 AN ACT AUTHORIZING THE TOWN OF WAYLAND TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.**

SECTION 1. Chapter 130 of the acts of 1962 is hereby repealed.

SECTION 2. Chapter 254 of the acts of 1966 is hereby repealed.

SECTION 2A. Chapter 461 of the acts of 1996, as amended by chapter 374 of the acts of 2006, is hereby repealed.

SECTION 3. There is hereby established in the town of Wayland a department of public works, in this act called the department, which shall be under the supervision, direction and control of the town administrator.

SECTION 4. (a) There shall be a board of public works consisting of 5 members, in this act called the board. From the effective date of this act until not earlier than the 2010 annual town election, the members of the board shall be designated as follows:

(i) 1 member who shall be appointed by the board of road commissioners;

(ii) 1 member who shall be appointed by the board of water commissioners;

(iii) 1 member who shall be appointed by the park and recreation commission;

(iv) 1 member who shall be appointed by the board of health; and

(v) 1 member who shall be appointed by the board of selectmen. In making their appointments to the board, the board of road commissioners, the board of water commissioners, the park and recreation commission and the board of health shall consider their respective current and former members. When the initial board first enters upon the performance of its duties it shall file written notice thereof with the town clerk whereupon the board of road commissioners and the board of water commissioners shall be abolished and the park and recreation commission shall thereafter be known as the recreation commission. Vacancies occurring in the board after its initial appointment and before the 2010 annual town election shall be filled by roll call vote of the board of selectmen and the remaining members of the board acting jointly. Commencing with the 2010 annual town election, the manner of selection of the members of the board shall be by election at the annual town election. The initial members thereof shall be elected to terms as follows, 1 to serve for 1 year, 2 to serve for 2 years, and 2 to serve for 3 years and thereafter when the term of member expires, such member's successor shall be elected for a term of 3 years. In all cases, each member shall serve until his successor is appointed or elected and qualified. Vacancies in the elected board shall be filled in accordance with section 11 of chapter 41 of the General Laws. All members of the board shall be registered voters of the town.

(b) The board shall have the powers and duties vested by general or special law or by town by-law in the following boards, commissions and officers, except as provided in this act:-



- (1) road commissioners and board of road commissioners;
- (2) surveyors of highways;
- (3) superintendent of streets;
- (4) water commissioners and board of water commissioners;
- (5) park commissioners, except conducting recreation activities or programs;
- (6) cemetery commissioners;
- (7) tree warden; ~~and~~
- (8) sewer commissioners, with respect to the town's wastewater managements system, including, but without limiting the generality of the foregoing, the following rights and powers which shall be exercised consistent with the official planning documents adopted from time to time by boards and commissions of the town including, without limitation, the town of Wayland Open Space and Recreation Plan:

(a) to adopt rules, regulations, and procedures in connection with the performance of its functions and duties, and regarding the use of, and connection to, the wastewater management system. As used in this act, "wastewater management system" means the wastewater collection, treatment and disposal systems serving more than one facility as defined in Title V of the state environmental code to be constructed and or to be in the possession of and under the jurisdiction, control and regulation of the board, but owned by the town, including all plants, works, instrumentalities or parts thereof, lands, easements, rights in land and water rights, rights of way, contract rights, franchises and privileges, all publicly constructed main, trunk, intercepting, connecting, lateral, outlet and other sewers, outfalls, pumping and ventilating stations, disposal and treatment plants, or works, structures, equipment, vehicles, appliances and adjuncts thereto, and any other property or interests in property, real or personal, incidental to and included in such wastewater disposal systems, and all facilities, betterments, extensions, improvements and enlargements thereto hereafter constructed or acquired. Any such wastewater management system shall be subject to the rules and regulations of said board of health of the town, applicable laws of the commonwealth and any approvals required thereunder.

The board may, by regulation, prescribe civil penalties, which shall enure to said town, in accordance with section ten of chapter eighty-three of the General Laws for the violation of any rule or regulation prescribed by the board. The board may further assess fines not exceeding three hundred dollars for each violation of its rules and regulations in accordance with section twenty-one of chapter forty of the General Laws;

(b) to maintain an office in the town at such place or places as it may determine;

(c) to apply for, receive, accept, administer, expend and comply with the conditions, obligations and requirements respecting any grant, gift, loan, including without limitation any grant, gift or loan from agencies of local, state and federal governments, donation or appropriation of any property or money in aid of the purposes of the board and to accept contributions of money, property, labor or other things of value;

(d) to acquire in the name of said town by purchase, lease, lease-purchase, sale and leaseback, gift or devise, or to obtain options for the acquisition of, any property, real or personal, tangible or intangible, or any interest therein, in the exercise of its powers and the performance of its duties;

(e) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to, any property, real or personal, tangible or intangible, or any interest therein, consistent with all requirements of the General Laws;

(f) to enter onto any land to make surveys, borings, soundings and examinations thereon, provided that the board shall make reimbursements for any injury or actual damage resulting to such lands and premises caused by any act of its authorized agents or employees and shall so far as possible restore the land to the same condition as prior to making of such surveys, borings, soundings and examinations; and to acquire by eminent domain any interest in real property within said town in the name of the board in accordance with the provisions of chapters seventy-nine and chapter eighty A of the General Laws or any alternative method provided by law; provided, however, that said board shall not exercise the power of eminent domain without the prior approval of the town meeting and the selectmen of the town. The board may

order the removal or relocation of any conduits, pipes, wires, poles or other property located in public ways or places or in or upon private lands, which it deems to interfere with the laying out, construction or operation of any wastewater disposal project, and the proper authorities shall grant new locations for any such structure so removed or relocated, and the owner thereof may be reimbursed by the board for reasonable cost of such removal or relocation. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, pipes, conduits, wires, poles or other property in such public ways or places, and the private owner of any such structures in public ways or lands shall comply with any such order of the board relating to any such structure in public ways or lands. If any such owner shall fail to comply with any such order of the board relating to any such structure in public ways and places within a reasonable time, to be fixed in the order, the board may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the board by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof, except for reimbursement of cost provided for above. This section shall not apply to facilities on property of the commonwealth under the control of the department of highways or the metropolitan district commission or installed under license or permits granted by said department or commission, except with its approval;

(g) to contract for and purchase wastewater disposal and treatment services from, and to provide wastewater disposal and treatment services to, any person, private or public corporation or public instrumentality or town, the commonwealth and the federal government when necessary or convenient for the operation of the wastewater management system;

(h) to construct, improve, extend, enlarge, maintain and repair the wastewater management system; provided, however, despite anything else in this act to the contrary, the power granted in this clause to construct, extend and enlarge the wastewater management system shall be limited in that the board shall not:

(i) provide service to replace, repair or upgrade an existing facility's system at the same design flow unless and until the board of health has approved such replacement, repair or upgrade; unless there is a request by said board of health based on the need to protect the public health, welfare, or the environment, or unless the facility's system is provided for in a permit issued by the Massachusetts department of environmental protection; or

(ii) provide service to a new facility's system or for an increase in design flow to an existing facility's system if that new system or increase in design flow could not have been permitted in the absence of this act or Chapter 461 of the acts of 1996, as amended by chapter 374 of the acts of 2006, unless there is a request by said board of health based on the need to protect the public health, welfare, or the environment, or unless the facility's system is provided for in a permit issued by said department of environmental protection; or

(iii) compel the owner of a home, facility or lot who can demonstrate compliance with Title V of the state environmental code and the regulations of said board of health to join the wastewater management system, unless required to do so by said board of health or otherwise required to do so by law; or

(iv) notwithstanding the provisions of section three of chapter eighty-three of the General Laws, require the connection of any home, facility or lot to the wastewater management system;

(i) to use monies borrowed or appropriated by the town for the purposes of this act or Chapter 461 of the acts of 1996, as amended by chapter 374 of the acts of 2006, provided that the principal of, premium, if any, and interest on all notes and bonds issued by the town for the wastewater management system, unless otherwise provided by the town, shall be payable solely from the funds provided therefor from revenues as herein provided, but shall be general obligations of the town for payment of which the full faith and credit of said town shall be pledged;

(j) to make contracts of every name and nature and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;

(k) to exercise the powers and privileges of, and to be subject to limitations upon towns and cities provided by the provisions of sections one to twenty-four, inclusive, and twenty-seven to twenty-nine, inclusive, of chapter eighty-three of the General Laws, insofar as such provisions may be applicable and are consistent with the provisions of this act;

(l) to provide financing, technical and administrative assistance and to provide or cause to be provided maintenance for systems, including alternative systems, serving single facilities, as defined in Title V of the state environmental code;

(m) to administer and execute the provisions of section one hundred and twenty-seven B 1/2 of chapter one hundred and eleven of the General Laws as they pertain to inadequate septic tanks; provided, however, that said board of health has first made findings consistent with its authority as provided in said section one hundred and twenty-seven B 1/2 as to any affected owner;

(n) to create an overall wastewater policy and plan for said town;

(o) to fix, revise, charge, collect and abate fees, rates, rents, assessments, delinquency charges and other charges for wastewater collection, treatment and disposal and other services, facilities and commodities furnished or supplied by it based on sewer capacity or on water usage or both sewer capacity and water usage. Subject to the provisions of this paragraph, fees, rates, rents, assessments, delinquency charges and other charges of general application shall be adopted and revised by the board at least annually in accordance with procedures to be established by the board for assuring that interested persons are afforded notice and an opportunity to present data, views and arguments. The board shall hold at least one public hearing on its schedule of fees, rates and charges or any revision thereof prior to adoption, notice of which shall be delivered to the legislative and executive bodies of said town and be published in a newspaper of substantial circulation in said town at least one month in advance of the hearing. No later than the date of such publication, the board shall make available to the public and deliver to the selectmen its most recent financial statement, the proposed schedule of fees, rates and charges and its proposed operating and capital budgets for its next fiscal year. The board may combine its fees, rates and other charges for wastewater services provided by it in a single schedule of charges. Fees, rates, rents, assessments, abatements and other charges established by the board shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the commonwealth or any of its political subdivisions. Subject to paragraph (f) of section 4 of this act, the fees, rates, rents, assessments and other charges established by the board in accordance with this paragraph shall be so fixed and adjusted in respect to the aggregate thereof so as to provide revenues at least sufficient (1) to pay the current expenses of the board relative to the wastewater management system, (2) to pay the principal of, premium, if any, and interest on bonds or other evidences of indebtedness issued by said town for said system as the same become due and payable, (3) to create and maintain such reasonable reserves as may be reasonably required by any trust agreement or resolution securing bonds, (4) to provide funds for paying the cost of all necessary repairs, replacements and renewals of the wastewater management system and (5) to pay or provide for any amounts which the board may be obligated to pay or provide for by law or contract including any resolution or contract with or for the benefit of the holders of bonds issued for the board relative to said system.

(i) On or before one year after the effective date of this act and annually thereafter, the board shall prepare a proposed capital improvement program for the next three succeeding fiscal years and shall adopt a capital improvement budget for the next succeeding fiscal year for the wastewater management system. Such program and budget shall include a description of the projects proposed to be undertaken during such periods, the costs proposed to be incurred on such projects, the method of financing such costs and an estimate of the effect, if any, that such costs will have on the current or projected fees, rates, rents and other charges of said system. The program and budget shall be annually prepared and the budget shall be presented for approval to the town meeting without review or approval of the board of selectmen. The board shall submit its capital budget for said system to the finance committee for review and recommendation. The board shall hold at least one public hearing on said proposed capital improvement program and budget prior to adoption, which hearing may be combined with a hearing provided in this paragraph (o), notice of which shall be delivered to said board of selectmen and be published in a newspaper of

substantial circulation in the town at least one month in advance of the hearing. No later than the date of such publication the board shall make available to the public and deliver to said board of selectmen copies of the proposed program and budget. The annual operating budget of the wastewater management system shall be submitted to the finance committee for review and recommendation, and all funds expended by the board relative to said system shall be subject to appropriation by town meeting:

(ii) The board shall undertake a study and examination of its estimated expenses and costs of constructing, maintaining, operating and improving the system, and shall prior to one year after the effective date of this act promulgate in accordance with this paragraph a schedule of fees, rents, rates and other charges sufficient thereafter to satisfy the requirements of this paragraph (o). Such schedule shall become effective upon promulgation. Such schedule shall provide for the metering, monitoring and other measuring of, and charging for, wastewater management services provided by the board to consumers of such services in said town, including said town, the commonwealth and all independent agencies and authorities of said town and the commonwealth, and any exemptions from such charges provided to the commonwealth or said town under any general or special law, are hereby declared inapplicable as of the date such schedule shall be in force; provided, however, that no betterment or special assessment shall be made by the board under the authority of chapters forty, eighty, eighty-three of the General Laws or any other provision of law against property owned by the commonwealth or any town of the commonwealth, or any political subdivisions thereof. The board shall have the benefit, without further acceptance of sections sixteen A and sixteen B of said chapter eighty-three. Applications for abatements in accordance with section sixteen E of said chapter eighty-three shall be made within thirty days after the date of such demand. Upon written application, the board shall issue lien certificates in accordance with section twenty-three of chapter sixty of the General Laws. No recordation of certificates issued by said town pursuant to said section twenty-three of said chapter sixty shall affect liens for the unpaid fees, rates, assessments, and other charges of the board;

(p) to do all things necessary, convenient or desirable for carrying out the purposes of this act or the powers expressly granted or necessarily implied in this act; and

(q) consistent with the constitution and laws of the commonwealth, the board shall have such other powers as may be necessary for or incident to carrying out the foregoing powers and the accomplishment of the purposes of this act relative to the wastewater management system; provided, however, that nothing in this act shall impose any duty on the board to maintain groundwater levels within or without the boundaries of said town; and

~~(89)~~ any other public works related powers and duties that may be, from time to time, vested in the board by general or special law, town by-law or town meeting vote.

(c) The town's sanitary landfill and any other solid waste disposal facilities or services that may be provided, made available or arranged by the town shall be under the supervision and control of the board.

(d) In addition, the board shall be responsible for the custody, care, management, control, operation, repair and maintenance of all town-owned land, equipment, facilities, vehicles and other personal property and accounts, budgetary funds, other funds and staff formerly under the jurisdiction of the board of road commissioners, the board of water commissioners, ~~and~~ the park and recreation commission and the Wayland wastewater management district commission and used by the commissions for public works or park purposes. In consultation with the recreation commission, the board shall annually establish a plan for the periodic maintenance, repair and improvement of all town-owned land on which programs, events and activities are conducted or coordinated by the recreation department. The board shall be responsible for carrying out the plan.

(e) The board shall have the authority to adopt and amend rules and regulations relative to all matters and affairs under its jurisdiction. Prior to adopting or amending such rules and regulations, the board 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 2 successive weeks, with the first such publication being not less than 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 regulations 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 board and a copy shall be filed in the town library.

(f) The town is hereby authorized to establish an Enterprise Fund in accordance with the provisions of section fifty-three F 1/2 of chapter forty-four of the General Laws for the operation of the wastewater management system.

SECTION 5. The town administrator, in consultation with the board, shall appoint and fix the tenure, compensation and fringe benefits of, and may enter into an employment agreement with, a director of public works, subject to appropriation and the provisions of the town's by-laws and personnel by-laws and wage and salary classification plan. The director shall exercise and perform, under the operational and administrative direction of the town administrator and the policy direction of the board, the powers, rights and duties which have been transferred to the department and as set forth in the town's by-laws. The director need not be a resident of the town during tenure of office. No member of the board shall be eligible for appointment as director of public works. The director shall be a managerial and confidential employee as such is defined by chapter 150E of the General Laws and relevant case law from the Massachusetts labor relations commission.

SECTION 6. No existing contract, agreement or liability shall be affected by the abolition or modification of a board, commission or office effectuated by this act, but the board shall in all respects be the lawful successor of the boards, commissions and offices so abolished or modified.

SECTION 7. Each regular full-time or part-time employee of a board, commission or office abolished or modified by this act shall be transferred to and become an employee of the department. No such employee shall forfeit rate of compensation, grade, step or time of service solely on account of the establishment of the department. All collective bargaining agreements or employment contracts in force on the effective date of this act shall not be affected by this act. Nothing in this section shall be construed as limiting the town's rights, including, but not limited to, the right to determine the level of services, to reorganize, to create and abolish positions, to combine positions, reclassify positions, modify the organizational structure of the department of public works or to negotiate and agree to amendments, modifications or revisions to any collective bargaining agreement or employment contract or to amend or modify any by-law of the town.

SECTION 8. (a) Upon the filing of written notice in accordance with subsection (a) of section 4, the town's park and recreation commission shall be thereafter known as the recreation commission. The recreation commission shall consist of 5 members elected for terms of 3 years. The terms of the members of the recreation commission shall be staggered in the same manner as the terms of the park and recreation commission. The members of the park and recreation commission in office immediately prior to the effective date of this act shall continue in office as members of the recreation commission provided for in this section.

(b) The recreation commission shall have the power and authority to conduct recreation programs and activities on land or in facilities or buildings owned, leased or held by the town for park, playground or recreation purposes and, with the approval of the school committee, for school purposes.

(c) The recreation commission shall also be responsible for the custody, management, control and operation of all accounts, budgetary funds, other funds and staff formerly under the jurisdiction of the park and recreation commission and held or employed for playground or recreation purposes.

(d) The town administrator, in consultation with the recreation commission, shall also have the power and authority to appoint and fix the tenure, compensation and fringe benefits of, and may enter into an employment agreement with, a recreation director, subject to appropriation and the provisions of the town's by-laws and personnel by-laws and wage and salary classification plan. The recreation director shall exercise and perform, under the supervision and direction of the board and the administrative direction of the town administrator, the powers, rights and duties of the commission set forth in this section and the town's by-laws. The recreation director need not be a resident of the town during tenure of office. No member of the board shall be eligible for appointment as the recreation director. The recreation director shall be a managerial and confidential employee as such is defined by chapter 150E of the General Laws and relevant case law from the Massachusetts labor relations commission.

SECTION 9. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional

requirements whether or not such steps are required by statute. Insofar as the provisions of this act relative to the town's wastewater management system are inconsistent with the provisions of any general or special law, administrative order or regulation, or law of said town other than rules and regulations of the board of health, the provisions of this act shall be controlling. It being necessary for the welfare of the town of Wayland and its inhabitants, this act shall be liberally construed to effect its purposes.

SECTION ~~109~~. This act shall take effect on ~~July 1, 2009~~ July 1, 2012.  
~~Approved October 6, 2008~~

**MOTION:**

Frederick K. Knight moved and was duly seconded that the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt a special act which amends Chapter 347 of the Acts of 2008 by abolishing the Wayland Wastewater Management District Commission and transferring its authority and powers to the Board of Public Works effective July 1, 2012, by making substantially the same revisions to said Chapter 347 as set forth in Pages 64 through 71 of the Warrant for the 2011 Annual Town Meeting, except that 1.)no change to Section 9 of said Chapter 347 shall be made, except to renumber the section; and 2.) the proposed new Section 4(b)(8)(h) (iv)shall be revised so that it provides: "notwithstanding the provisions of section three of chapter eighty-three of the General Laws, be required to connect any home, facility or lot to the wastewater management system, unless required to do so by said board of health;"

**MOTION TO TERMINATE DEBATE:**

Allan Matthews moved and was duly seconded to terminate debate.

**VOTED ON MOTION TO TERMINATE DEBATE:**

MOTION CARRIED BY MORE  
 THAN REQUIRED 2/3 MAJORITY

**VOTED:**

1ST VOICE VOTE: UNDECIDED  
 STANDING COUNT BY MODERATOR: MODERATOR RULED MOTION NOT CARRIED

SEVEN PERSONS QUESTIONED THE VOTE

STANDING COUNTED VOTE: IN FAVOR: 70  
 OPPOSED: 106 MOTION NOT CARRIED

**TELLERS:**

- Clifford W. Lewis 33 Claypit Hill Rd
- Jean S. Whitney 112 Woodridge Rd
- Judith F. Currier 22 Algonquin Path
- Barbara Pontecorvo 6 Green Way
- Daniel F. Goessling 15 Davelin Rd
- Mathias Leupold 246 Old Connecticut Path
- Carole Plumb 17 Bald Rock Rd
- Jonathan Sieber 20 Clubhouse Lane
- Richard A. Gagne, Jr. 11 Caulfield Rd
- Alan J. Reiss 430 Old Connecticut Path
- David Bernstein 25 Glezen Lane
- Mark A. Santangelo 15 Oak St

<b>ARTICLE 19: AMEND ZONING BYLAW - ZONING BYLAW RECODIFICATION</b>
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*Proposed by: Planning Board*

To determine whether the Town will vote amend the Town's Zoning Bylaw, Chapter 198 of the Town Code as follows:

By deleting the text shown below as strike-out and by adding the text shown below in underlining as being added, and by adding the following three Attachments to the end of the Bylaw: Table of Dimensional Requirements, Table of Permitted Principal Uses by Districts, and Table of Permitted Accessory Uses by District; text that is not being changed is shown for informational purposes only; page numbers are shown for reference purposes only and are not part of the proposed amendments.

#### Chapter 198: ZONING

[HISTORY: Adopted by the Special Town Meeting of the Town of Wayland 10-11-1972 by Art. 10. Amendments noted where applicable. (Note: The numbering and format of the Zoning Bylaw as it appears in this chapter was adopted by the Annual Town Meeting 5-14-1998 by Art. 46.)] Note that all revision dates will need to be updated to include the most recent amendments.

#### GENERAL REFERENCES

Billboards and advertising signs — See Ch. 97.

Aquifer Protection District — See Ch. 300.

Conservation cluster development — See Ch. 301.

Site plan review and approval — See Ch. 302.

Subdivision of land — See Ch. 303.

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#### ARTICLE 1 General Provisions

##### § 198-101. Purpose.

- 101.1. For the purpose of promoting the health, safety, convenience, ~~morals~~ and welfare of the inhabitants of the Town of Wayland, the height, number of stories and size of buildings and structures; the size and width of lots; the ~~portion~~percentage of a lot that may be ~~built upon~~occupied; the size of yards, ~~courts~~ and other open spaces; the ~~intensity and usage~~density of ~~lots~~population; and the location and use of buildings, structures and land for trade, industry, residence or other purposes are hereby regulated and restricted as herein provided.
- 101.2. The ~~Town of Wayland~~municipality is divided into the districts hereinafter specified, and their regulations and restrictions are established as herein provided, all with the ~~purpose~~view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

##### § 198-102. Applicability.

- 102.1. The regulations and restrictions set forth in this Zoning Bylaw for each of the districts defined and described herein shall apply to the erection, construction, reconstruction, alteration and/or use of all buildings, structures, and/or land in the Town of Wayland, ~~except to the extent that such regulation is prohibited by the laws of Massachusetts.~~ [Amended 4-30-1975 ATM by Art. 28; 4-28-1986 ATM by Art. 25]

##### § 198-103. Severability.

- 103.1. The invalidity of one or more articles, sections, paragraphs, sentences, clauses or provisions of this Zoning Bylaw shall not invalidate or impair any other part of this Zoning Bylaw nor invalidate this Zoning Bylaw as a whole. [Amended 5-3-1993 ATM by Art. 19]

##### § 198-104. Definitions.

- 104.1. Unless otherwise expressly stated, words used in this Zoning Bylaw shall have the definitions in, first, the Zoning Act (MGL c. 40A, § 1A) or, if not defined in said section of said Act, then in this Article, or, if not

defined in either said Act or in this ~~Article~~ the most recent edition Article 2 of 780 of the Code of Massachusetts Regulations (CMR), the Massachusetts State Building Code (the Building Code) or, ~~successor code if not occurring in any of the preceding places, in Webster's Unabridged Dictionary, most recent edition.~~ [Amended 4-30-1975 ATM by Art. 31; 5-3-1993 ATM by Art. 17] Additional definitions applicable to particular provisions, including overlay districts, in this Zoning Bylaw may be found under the particular Article regulating those districts.

- 104.2. As used in this Zoning Bylaw, the following terms shall have the meanings indicated: [Amended 5-2-1996 STM by Art. 3; 5-7-1997 ATM by Art. 38]

ACCESSORY DWELLING UNIT — An ~~dwelling unit~~ additional set of living facilities, with permanent provisions for living, cooking and sanitation, located in a single ~~family residence~~ dwelling, or a building accessory thereto, and occupying no more than 35% of the ~~combined gross floor area~~ total living areas of the accessory ~~dwelling~~ unit and the principal ~~single family dwelling~~ residence.

ACCESSORY STRUCTURE — A building or structure, the use of which is customarily

incidental to, and located on the same ~~lot premises~~ with, the building or structure to which it is accessory.

ACCESSORY USE — A use of land, ~~or~~ building(s), or structure(s) customarily customary with, and incidental to, any permitted use and located on the same ~~lot premises~~ with, the use to which it is accessory, or on an adjacent lot under the same ownership, including a garage for three cars or fewer, carport, noncommercial greenhouse, tool shed, barn, swimming pool, and tennis court.

AFFORDABLE DWELLING UNIT (ADU) — A residential unit that is restricted in its sale, lease or rental to a qualified income-eligible household at specific price limits that qualify such residential unit for inclusion in the Chapter 40B Inventory of Subsidized Housing maintained by the Commonwealth of Massachusetts Department of Community Affairs, Department of Housing and Community Development. [Added 5-4-2005 STM by Art. 1]

AGRICULTURE – Farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

ASSISTED/INDEPENDENT LIVING – See Article 21.

AUTOMOBILE SALES – The use of any building, structure, or lot for the display and sale of new or used automobiles, including light trucks, vans, trailers or recreational vehicles, and any accessory vehicle preparation and repair work associated with such sale.

AUTOMOBILE SERVICE GARAGE – The use of any building, structure or lot for the repair of automobiles, including light trucks, vans, trailers or recreational vehicles,

AUTOMOBILE SERVICE STATION – The use of any building, structure, or lot for the sale of vehicular fuels, service and repair of automobiles, including light trucks, vans, trailers or recreational vehicles, and any accessory use and sale of products related to such sales and service.

BATHROOM – A room equipped for taking a bath or shower.

BOARDINGHOUSE – An establishment in which permanent lodging is provided for consideration to more than three persons unrelated to the owner or proprietor. Boardinghouse includes dormitories.

BOAT OR CANOE RENTAL – The rental, storage, maintenance and repair of small boats and canoes, non-motorized or no more than 10 horsepower, and equipment and accessories customarily incidental to their normal operation, including outboard motors and boat trailers; seasonal sale of boats and occasional sale of accessory items.

BUILDING – A structure with a roof supported by columns or walls and intended to shelter people, animals or goods.



~~BUILDING ENVELOPE — The three dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk; by other regulations; and/or any combination thereof. [Added 5-3-2000 ATM by Art. 32]~~

BUILDING HEIGHT — The distance, measured vertically from the average mean grade, to the highest roof element.

CONSERVATION LAND – Land that is left in its natural state or which is improved with trails and resource management programs that do not significantly alter the land’s natural state.

CONSTRUCTION YARD – An establishment for storage of lumber and other construction supplies, materials, and equipment.

DEP — Massachusetts Department of Environmental Protection, or any successor agency.

DHCD — Massachusetts Department of Housing and Community Development, or any successor agency.

DRIVE-IN, DRIVE-THROUGH OR DRIVE-UP USES — A retail or consumer service use of a building, structure or lot, ~~land or structure,~~ other than a restaurant, in which the business transacted is conducted by a customer or client from within a vehicle. [Added 5-5-1999 STM by Art. 11]

DRIVE-IN, DRIVE-THROUGH OR DRIVE-UP RESTAURANT – An establishment, the principal business of which is the sale of food or beverages in a ready-to-consume state and for which the method of operation includes sale of food or beverages in paper, plastic, or other disposable container or service of food or beverages directly to a consumer in a vehicle.

DWELLING UNIT (DWELLING) — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation; but no trailer, trailer coach or mobile home, whether or not selfpropelled, and whether or not the wheels thereof may have been removed, shall be construed to be a dwelling. [Amended 5-5-1999 STM by Art. 11]

DWELLING ~~UNIT~~, ATTACHED (ATTACHED DWELLING) — A building designed or occupied as a residence and separated from another attached dwelling on one or both sides, either by a vertical party wall or walls or by a contiguous wall or walls, without side yards. [Added 5-5-1999 STM by Art. 11]

DWELLING ~~UNIT~~, DETACHED (DETACHED DWELLING) — A building that is designed or occupied as a residence and that is substantially separated by side yards from any other building or structure or structures except accessory buildings or structures. [Added 5-5-1999 STM by Art. 11]

DWELLING ~~UNIT~~, MULTI-FAMILY (MULTI-FAMILY DWELLING) — A building containing more than two one dwelling units. [Added 5-5-1999 STM by Art. 11]

DWELLING, SINGLE-FAMILY (SINGLE-FAMILY DWELLING) – A dwelling unit for one housekeeping unit.

EDUCATIONAL – Educational uses exempt from regulation by the Zoning Act (MGL c. 40A, §3).

EARTH — ~~Shall~~ includes soil, loam, sand, gravel, clay, rock or other natural minerals and peat, and any combination of such materials. [Added 5-6-2004 ATM by Art. 23]

FLOOR AREA, GROSS (GROSS FLOOR AREA) — The sum of all floor areas within the perimeter of the outside walls of the building under consideration, without deduction for bathrooms, toilet compartments, lavatories, hallways, stairs, closets, thickness of walls, columns or other features; but excluding unfinished basements, cellars and attics, space used for mechanical systems, and garages, and areas open to below such as foyer spaces, balconies, and two-story atriums. [Amended 5-5-1999 STM by Art. 11]

~~FLOOR AREA, NET — Net floor area is for the purpose of determining the actual occupied area and does not include accessory unoccupied areas or thickness of walls.~~

FLOOR AREA RATIO — The gross floor area of all buildings and structures on a lot divided by the total lot area.

FRONTAGE — The linear extent of the front of a lot measured along the street lot line of the right-of-way

from the intersection of one side lot line to the intersection of the other lot line of the same lot along the same right-of-way. Noncontiguous frontage shall not be considered with regard to meeting frontage requirements. A building lot that is located on more than one street may not combine frontage on the streets and shall have the minimum ~~shall meet the~~ frontage requirement on one such street. [Added 5-5-1999 STM by Art. 11; amended 5-3-2000 ATM by Art. 32]

GRADE — A reference plane representing the average of finished ground adjoining the building at all exterior walls, established by the lowest points within the area between the building and a point six feet from the building.

~~HABITABLE SPACE — Space in a structure used or intended to be used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.~~

HAZARDOUS MATERIAL STORAGE – Storage or disposal of hazardous materials.

HEAVY VEHICLE REPAIR GARAGE – Establishment for the repair of trucks, construction equipment or other similar heavy motor vehicles and equipment, and vehicle body work shop, provided that the making of all but minor repairs must be conducted wholly within a building sufficiently sound insulated to confine noise to the lot.

HOME OCCUPATION, CUSTOMARY (CUSTOMARY HOME OCCUPATION) — Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit or an accessory structure. Said occupation to include but are not necessarily limited to the following: sale of antiques; dressmaking, sewing and tailoring; letting of rooms; telephone solicitation work; tutoring; home crafts; studio for artist or craftsman; office for doctor, dentist, attorney, real estate agent, insurance agent, accountant, stock broker, engineer, architect, landscape architect, musician, writer, data programming, sales representative; and tradesperson, such as electrician, plumber, and carpenter. Where customary home occupations are permitted by the Table of Accessory Uses § 198-804, no dwelling or accessory structure so used shall be reconstructed or enlarged for such purposes unless specifically permitted under the provisions of § 198-203. [Added 4-30-2001 ATM by Art. 25]

HOSPITAL – A licensed sanitarium or hospital.

HOUSEKEEPING UNIT — One or more persons living together and sharing the same kitchen facilities, water services and energy services.

JUNKYARD – A commercial salvage yard, commercial junk yard, or all open-air storage of junk, waste products, and salvage materials, including non-operative motor vehicles.

KENNEL – The maintenance of dogs and suitable shelters therefor.

LAVATORY – A room fitted for plumbing fixtures for washing the hands and face and water closets.

LIGHT MANUFACTURING – Manufacturing that employs electricity, and/or other quiet motive power, utilizes hand labor, and/or quiet machinery, and/or processes and that is free from neighborhood-disturbing odors or other neighborhood disturbing characteristics such as noise or dust.

LOT — An area of land in one ownership with definite external boundaries and without any other legal boundaries or lines that are internal to said external boundaries, excepting easements, ~~and which area of land is used or set aside and available for use as the site of one or more buildings.~~

MassDOT – Massachusetts Department of Transportation, formerly MassHighway Department, or any successor agency.

MEDICAL/DENTAL CARE CENTER – A center for medical, dental, clinical and public health service and supporting services for the foregoing, such as offices and laboratories.

MEMBERSHIP CLUB, NONPROFIT – Membership clubs and nongovernmental recreational facilities devoted to outdoor sports, recreational or social activities, including buildings and lots, except when the chief activity is customarily carried out as a gainful business.

MEMBERSHIP CLUB, FOR PROFIT – Membership clubs and nongovernmental recreational facilities devoted to outdoor sports, recreational or social activities, including buildings and lots, when the chief activity is customarily carried out as a gainful business.

- ~~MHD — Massachusetts Highway Department, or any successor agency.~~

**MOVE OR MOVEMENT** — To dig, excavate, remove, deposit, fill, grade, replace, level, or otherwise alter or change the location or contour of land. [Added 5-6-2004 ATM by Art. 23]

**MUSEUM or LIBRARY** — A museum or library open to the public or connected with a permitted educational use and not conducted as a for profit business.

**NONCONFORMING USE OF ~~LAND OR~~ BUILDING, STRUCTURE, OR LOT** — An existing use of a building, structure, or lot~~land or building(s)~~ that does not conform to the Zoning Bylaw~~regulations for the district in which such use of land or building(s) exists.~~

**NURSERY SCHOOL or DAY-CARE** — Nursery school and day-care centers and other facilities that receive children of school or preschool age for temporary custody, with or without stated educational purposes, during all or part of the day.

**NURSING HOME** — A licensed nursing, rest or convalescent home for the care of the sick or aged. No Nursing Home may be located within 30 feet of any lot line.

**OFFICE** — A business, government or professional office; a medical office, including laboratories incidental thereto.

**PARKING FACILITY** — A commercial parking lot or garage for four or more vehicles.

**PERSONAL AND OTHER SERVICE ESTABLISHMENTS** — Any establishment providing services involving the care of a person or his or her apparel or establishments providing services to the general public or to other business establishments, including a repair shop for household or office items.

**PREMISES** — ~~A distinct portion of real estate, land or lands, with appurtenances (buildings and structures).~~

**PUBLIC OR CHARITABLE INSTITUTION** — A public or charitable institution not of a correctional nature, provided that no building shall be within 30 feet of any lot line.

**RAILROAD STATION/RAILROAD RIGHT-OF-WAY** — Railroad passenger stations or rights-of-way, including customary services therein, but not including switching, storage or freight yards or sidings.

**RECREATION/PARK** — Parks; water supply reservations; public military and veterans memorials and monuments; and recreational facilities owned or operated by the Town.

**RELIGIOUS** — Places of worship and other religious uses exempted from regulation by the

Zoning Act ( MGL c. 40A, § 3).

**RESEARCH AND DEVELOPMENT LABORATORIES/OFFICES** — An establishment for carrying on investigations in the natural, physical, or social sciences, including engineering and product development.

**RESTAURANT** — An establishment for the serving and consumption of food and beverages inside a building at tables or counters

**RETAIL STORE** — A store, showroom or salesroom for the sale, preparation and display of merchandise within a building. Garden centers, florists or commercial greenhouses may have open-air displays of horticultural products. Retail stores may have seasonal open-air displays of merchandise.

**RIGHT-OF-WAY** — The full strip of land, whether public or private, designated for vehicular and sometimes pedestrian traffic, consisting of the pavement or traveled way and any planting strips and sidewalks. A right-of-way so designated shall be available only for such uses as are customary for rights-of-way in the Town of Wayland and shall not be available for any private construction, such as buildings, fuel tanks, septic systems, fences, walls or paved parking areas.

**ROADSIDE STAND** — A farm stand for the sale of produce.

**ROADSIDE STAND (ACCESSORY)** — For yearly terms only, a roadside stand for the sale of produce of the land of the owner and of other land within the Town, provided that the front yard regulations are complied with.

**SETBACK** — The shortest distance from the lot boundary line or right-of-way ~~street lot line~~ to the wall of a building or structure facing thereon. [Added 5-5-1999 STM by Art. 11]

**SPGA** — Special permit granting authority.

**STOR(E)Y** — That portion of a building included between the upper surface of a floor and upper surface of

the floor or roof next above.

**STREET** — Any public way used for vehicular traffic, or any private way used as a public way for such traffic. [Amended 5-5-1999 STM by Art. 11]

**STRUCTURE** — A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like. The word “structure” shall be construed, where the context requires, as though followed by the words “or part or parts thereof.”

STUDIO – A place for art, music, dance and similar activities or classes.

TOWN — The Town of Wayland (unless used generically with no capitalization).

TRADE SHOP – A shop used by practitioners of the building trades, provided that all work and storage shall be conducted within a building.

UTILITY FACILITY – A building housing facilities for communications or other utility uses.

WAREHOUSE/DISTRIBUTION – A building for the enclosed storage of goods and materials where the wholesale sale of goods or materials is permitted, provided that such sale is incidental to the warehouse use.

~~TOWN — The Town of Wayland (unless used generically with no capitalization).~~

**WIRELESS COMMUNICATIONS FACILITY** — A structure which may include a tower,

one or more antennas and one or more accessory structures designed to facilitate the following types of services: cellular telephone service, personal communications service and enhanced specialized mobile radio service. [Amended 5-7-1997 ATM by Art. 32]

**YARD, FRONT** — The space extending across the full width of the lot and lying between the front lot line or lines and the nearest point of the building or structure. [Amended 5-5-1999 STM by Art. 11]

**YARD, REAR** — The space extending across the full width of a lot and lying between the nearest point of the building or structure and the rear lot line, or the corner of a triangular lot farthest from the front lot line in the case of a triangular lot with only one lot line along a right-of-way. [Amended 5-5-1999 STM by Art. 11]

**YARD, SIDE** — The space between a side lot line of a lot and the nearest point of the building or structure, and extending from the front yard to the rear yard. [Amended 5-5-1999 STM by Art. 11]

**ZBA** — The Wayland Zoning Board of Appeals.

## ARTICLE 2 Administration and Enforcement

### § 198-201. Zoning Board of Appeals.

[Amended 4-30-1975 ATM by Art. 33; 5-5-1993 ATM by Art. 28]

201.1. ~~A Zoning Board of Appeals (ZBA) of five members and three associate members to be appointed by the Selectmen is hereby created under the provisions of MGL c. 40A, as amended, to assume the duties and powers given to such Board stated hereinbefore and further powers as follows: A Zoning Board of Appeals (ZBA) consisting of five members shall be appointed by the Board of Selectmen and shall have the powers as provided for in the Zoning Act, MGL, c.40A, and in this Zoning Bylaw. As provided for in c. 379 the Acts of 1996, the ZBA members shall be appointed for terms of three years. The Board of Selectmen shall also appoint three associate members of the ZBA as provided for in MGL c.40A, §12. Each associate member shall be appointed for a term of three years and shall participate in ZBA proceedings as provided for in MGL c.40A, §12. The ZBA shall have the following powers:~~

201.1.1. Editor’s Note: Former Section 201.1.1, which provided the ZBA with the power to adapt requirements of the Zoning Bylaw to irregular, unusual, narrow or shallow lots, and which immediately preceded this section, was repealed 5-14-1998 ATM by Art. 53. Said Art. 53 also

redesignated former Sections 201.1.2 through 201.1.6 as Sections 201.1.1 through 201.1.5, respectively. To permit a substitution for, or an extension or alteration to, an existing building, whether conforming or nonconforming, in accordance with provisions on use.

- 201.1.2. To grant temporary and conditional permits ~~of limited duration~~ for nonconforming uses, ~~and buildings, and structures~~ incidental to ~~the~~ development ~~of the use, building, or structure~~ operations.
- 201.1.3. To grant special permits pursuant to § 198-~~1604~~203 for the conversion of a house for a single ~~dwellinghousekeeping~~ unit existing on September 5, 1934, into a house for two ~~dwellinghousekeeping~~ units, provided that: [Amended 3-20-1974 ATM by Art. 43; 4-30-1975 ATM by Art. 31; 4-16-1980 ATM by Art. 20]
- 201.1.3.1. The lot on which the house is located conforms to the area and frontage regulations set forth in this Zoning Bylaw in effect at the time that the application for a permit shall have been filed;
- 201.1.3.2. Each ~~dwellinghousekeeping~~ unit shall have its own kitchen and at least one bathroom;
- 201.1.3.3. Each ~~dwellinghousekeeping~~ unit shall have sufficient space to park two automobiles off street; and
- 201.1.3.4. A disposal works construction permit for such use shall have been granted by the Board of Health.
- 201.1.4. To grant special permits provided for in this Zoning Bylaw. [Amended 4-30-1975 ATM by Art. 31; 6-21-1978 ATM by Art. 6; 4-22-1980 by Art. 24; 4-28-1986 ATM by Art. 28]
- 201.1.5. To hear and decide petitions for variances for use or activity pursuant to the provisions of MGL c. 40A, § 10.

#### § 198-202. Permit application.

- 202.1. Every application for a special permit under § 198-203 shall be accompanied by ~~an adequate sketch plot plan prepared and certified by a professional land surveyor~~ and a written description of the lot, the existing buildings and structures thereon and the location of any proposed building or structure on the lot, together with plans for any proposed building or structure, and shall in every case comply with the provisions of this Zoning Bylaw and the regulations of the ZBA or Planning Board, as may be the special permit granting authority.

#### § 198-203. Special permits; requirements and conditions.

[Amended 5-2-1983 ATM by Art. 12]

- 203.1. ~~Where special permits by the ZBA or the Planning Board (special permit granting authority) are required under this Zoning Bylaw, the Building Commissioner or other persons designated by the Selectmen to issue permits as hereinafter provided shall issue no permit until so directed in writing. The Building Commissioner may not issue a building permit for a use, building, or structure for which a special permit is required unless the special permit granting authority, the ZBA or the Planning Board, as applicable, shall have issued a special permit.~~ Upon application for such a special permit, the special permit granting authority shall give public notice by publication in a newspaper and by mail to the applicant and to the owners of all property ~~deemed by the special permit granting authority as affected by such a permit~~ who are entitled to be notified, as provided for in MGL c. 40A. The special permit granting authority ~~and~~ shall hold a hearing, ~~and~~ render a decision and take final action on the application as provided for in MGL c. 40A. The applicant shall show to the satisfaction of the special permit granting authority that the use, building, or structure ~~of the premises~~ for which application is made shall not be against the public interest, shall not derogate from the character of the neighborhood in which such use, building, or structure is to

occur and shall not be detrimental or offensive because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features and that such use, building, or structure shall not otherwise be injurious to the inhabitants of the Town or their property or dangerous to the public health or safety. When not so satisfied, the special permit granting authority shall deny the application~~refuse a permit~~. When,~~in the opinion of the~~ special

permit granting authority determines that,~~such~~ a special permit may be granted if accompanied by conditions specially designated to safeguard the neighborhood~~district~~ and the Town, it shall impose such conditions and make them a part of the decision, and they shall be made a part of the building permit issued by the Building Commissioner ~~or other person designated by the Selectmen as hereinafter provided.~~

§ 198-204. Planning Board associate member.

[Amended 5-3-1993 ATM by Art. 21]

- 204.1. There shall be one associate member of the Planning Board who shall be elected to serve a term of five years.
- 204.2. ~~Within 30 days after the Town is notified that this § 198-204 is approved by the Attorney General, or within 30 days after this § 198-204 becomes effective without action by the Attorney General, the Planning Board and the Board of Selectmen shall jointly appoint, by majority vote of all members from both Boards present, the first associate member to serve until the next annual Town election. At least a quorum of each of the Boards shall be present for this appointment and vote. Said position shall subsequently be filled by election in the same manner as election of regular members. Notwithstanding the expiration of the term of any duly appointed or elected associate member, said associate member shall continue to serve on any matter on which he or she was designated to serve until such matter is decided.~~  
Reserved for possible future use.
- 204.3. In the event of a vacancy in the position of associate member, the Planning Board and the Board of Selectmen shall jointly appoint, by majority vote of all members of both boards present, an associate member ~~position shall be filled by appointment in the same manner as specified in § 198-204.2 above, for a period ending at the next annual Town election, for the remaining portion of the term~~ at which time the position shall be filled by election in the manner as regular members, ~~specified in said § 198-204.2 above.~~ No vote to fill a vacancy may occur unless a quorum of both the Board of Selectmen and the Planning Board is present for the vote.
- 204.4. The Chairman of the Planning Board may require such associate member to be in attendance at special permit proceedings and hearings and may designate such associate member to sit on the Planning Board for the purpose of acting on a special permit application in the case of absence, inability to act or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Planning Board during special permit application proceedings and hearings. In no case, however, shall more than five members in total, including the associate member, acting as the Planning Board, take any action on any special permit. Notwithstanding the expiration of the term of any duly appointed or elected associate member, said associate member shall continue to serve on any matter on which he or she was designated to serve until final action is taken on the matter.

§ 198-205. Enforcement.

- 205.1. The Building Commissioner/Zoning Enforcement Officer shall be charged with the enforcement of this Zoning Bylaw. No building permit may shall be issued for the construction, alteration or moving of any building or structure if the building or structure, as constructed, altered or moved, would be in violation of this Zoning Bylaw. [Amended 5-2-1990 ATM by Art. 13]
- 205.2. The penalty for each violation of this Zoning Bylaw shall be as stated in the article specifying the penalty for such violations in the Town of Wayland Code, as may be amended from time to time (currently Chapter 1, General Provisions, Article II, Violations and Penalties). [Amended 5-3-1993 ATM by Art. 20]



- 205.3. No building permit ~~may~~ shall be issued under any application of any kind unless the plans and specifications that shall accompany such application, and the intended use of any building, structure or lot or premises under such permit, shall be in all respects in conformity with the provisions of this Zoning Bylaw. [Amended 5-20-1990 ATM by Art. 13]

ARTICLE 4 Nonconforming Structures and Uses Editor's Note: The title of this article was amended 5-14-1998 ATM by Art. 47. [Amended 4-17-1980 ATM by Art. 23]

§ 198-401. Continuance; conditions.

- 401.1. Any building, structure, or use lawfully in existence or lawfully begun or as to which a building or special permit has been issued before the first publication of notice of public hearing on any provision of this Zoning Bylaw, or any amendment thereto, required by MGL c. 40A, § 5, may be continued or completed although such building, structure, or use does not conform to the terms of said provision or amendment, subject, however, to the following:

401.1.1. Construction or operations under a building or special permit shall conform to any subsequent provision of this Zoning Bylaw, or any amendment thereto, unless the use or construction is commenced within a period of not more than six months after the issuance of the building or special permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

401.1.2. Preexisting nonconforming buildings, structures, or uses may be changed, extended or altered by a special permit issued by the ZBA pursuant to the provisions of § 198-201 and § 198-203 of this Zoning Bylaw, provided that no such change, extension or alteration shall be permitted unless there is also a finding by the ~~Zoning Board of Appeals (ZBA)~~ that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming building, structure, or use to the neighborhood; provided, however, that the Planning Board shall serve as the special permit granting authority for changes, extensions and/or alterations to nonconforming buildings, structures, and uses in the Senior and Family Housing Overlay District pursuant to Article 21 of this Zoning Bylaw; and further provided, however, that a single or two-family dwelling may be changed, extended, or altered so long as the change, extension or alteration does not increase the nonconforming nature of the dwelling. The Building Commissioner shall determine if a change, extension or alteration to a single or two-family dwelling increases the nonconforming nature of the structure. [Amended 4-28-1997 STM by Art. 5; 5-14-1998 ATM by Art. 45]

401.1.3. A ~~building structure~~ for one or two dwelling housekeeping units may be the subject of alteration, reconstruction, extension or structural change without the necessity of a special permit, provided that the following conditions are met: [Amended 5-4-1994 ATM by Art. 24]

401.1.3.1. Such alteration, reconstruction, extension or structural change shall comply with this Zoning Bylaw; and

401.1.3.2. Such alteration, reconstruction, extension or structural change shall not exceed 20% of the gross floor area of the building in existence on the date this paragraph first become effective, which is May 4, 1994, and such alteration, reconstruction, extension or structural change does not increase the nonconforming nature of the building. Open decks, accessory buildings less than 175 square feet in gross floor area, and accessory structures, such as fences, retaining walls, swimming pools, and tennis courts ~~less than 175 square feet~~ shall be permitted as a matter of right and shall not be included in any gross floor area calculation. [Amended 5-5-1999 STM by Art. 11; 5-3-2000 ATM Art. 30]

401.1.4. Wherever a lawful nonconforming building, structure, or use has been abandoned, or has not been used for two~~24~~ consecutive years~~months~~ or more, it shall not be resumed or reestablished,

and all future buildings, structures, and uses shall conform to this Zoning Bylaw. [Amended 5-14-1998 ATM by Art. 45]

- 401.1.5. If a nonconforming building or structure is damaged or destroyed by natural causes or otherwise, then any rebuilding or restoration may take place as of right as long as the rebuilding or restoration conforms precisely in size, location, configuration and extent of use to that which existed prior to the damage or destruction. All rebuilding or restoration shall be commenced within two years of the date of the damage or destruction and shall be continued through to completion as continuously and expeditiously as reasonable. Prior to the expiration of the two years, if the owner applies to the ZBA for an extension of this time period, and if the ZBA finds that there is good cause for the failure to commence rebuilding or restoration, the ZBA may extend the time period for no longer than an additional six months [Amended 5-14-1998 ATM by Art. 45]
- 401.1.6. The ZBA may, ~~but shall not be obligated to,~~ issue a special permit for any changes in size, location, configuration and extent of use in a nonconforming building or structure damaged or destroyed by natural or other involuntary causes, provided that the ZBA shall find that such changes shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. [Amended 5-14-1998 ATM by Art. 45; 5-5-2004 ATM by Art. 20]
- 401.1.7. Any permitted restoration or rebuilding under § 198-401.1.6 shall commence within six months after the issuance of the special permit therefor and shall continue through to completion as continuously and expeditiously as is reasonable or such permission shall lapse. Prior to the expiration of the six months, if the owner applies to the ZBA for an extension of this time period and if the ZBA finds that there is good cause for the failure to commence rebuilding or restoration, the ZBA may extend the time period for no longer than an additional six months. Unless otherwise authorized by the ZBA, the new or restored building or structure shall have the same height and location on the lot as the replaced structure.
- 401.1.8. Whenever land is taken by, or conveyed to, a governmental authority having the
- power of eminent domain or a street is created, widened or relocated, any then existing lot shown on a plan or described in a deed recorded in the Registry of Deeds that conformed, ~~or was considered to conform,~~ to the area and frontage requirements before, but not thereafter, shall be considered to conform, and any existing structure that was in compliance with regulations respecting location before, but not thereafter, shall be considered to be in compliance. This paragraph shall not be applicable if the street was a private way and the land on which it was created, widened or relocated was owned by the owner of the lot or structure affected. [Amended 4-28-1986 ATM by Art. 24; 5-4-1992 STM by Art. 4]
- 401.1.9. A building, structure, or use existing on January 1, 1947, shall be conclusively presumed to have been in existence before the first publication of notice of the public hearing on the original enactment of this Zoning Bylaw. [Amended 5-3-1990 ATM by Art. 22]

#### ARTICLE 5 General Regulations

##### § 198-501. Signs and exterior lighting.

- 501.1. Only those signs and exterior lighting as pertain to buildings, structures, or uses permitted in this Zoning Bylaw and on the same lot premises are permitted. Yard requirements as otherwise specified in this Zoning Bylaw shall apply to signs and exterior lighting fixtures and structures, except freestanding lampposts at a residence in a residential district, which lampposts shall have a minimum front yard setback requirement of 15 feet, to be measured from the front property line. Signage in residential districts shall be limited to that which is permitted by other sections of this Bylaw. Signage in districts other than residential districts may not exceed 40 square feet of area in the aggregate and 15 feet in height, including supporting structures and light sources. Signs attached to buildings may not rise above the front roofline of the building to which it is attached. Signs must be fixed in position so as not to rotate or oscillate. Signage in excess of that which is permitted may be allowed with a special permit issued by the special permit granting authority with



appropriate jurisdictional responsibility for site plan approval, as provided for in § 198-603; provided, however, that signs with moving parts and internally illuminated signs are prohibited. The sign dimensions set forth in this Zoning Bylaw apply in the aggregate to all signs on the lot. [Amended 4-29-1996 STM by Art. 1; 5-1-2002 ATM by Art. 30]

- 501.2. Exterior lighting and lighting of signs shall be continuous illumination, not flashing, blinking or varying in color. Exterior lighting fixtures shall be designed and placed so that the light source shall be completely shielded or diffused so as not to produce glare at any point along the exterior lines of ways adjacent to the lot where the sign is located ~~such premises~~ or at another lot ~~premises~~ in a residential district. Illumination of athletic fields, golf courses, and tennis courts is permitted when a special permit is issued by the Zoning Board of Appeals under the provisions of § 198-203. The provisions of this article do not apply to the seasonal display of lights for the purpose of the celebration of holidays nor to signs and advertising devices that have been installed or erected pursuant to a special permit, which permit shall expire in seven days after issuance, granted by the Board of Selectmen to a person or persons for any of the purposes set forth in MGL c. 180, §§ 2 and 4.

§ 198-502. Temporary signs.

[Amended 5-14-1998 ATM by Art. 47; 5-1-2002 ATM by Art. 30]

- 502.1. Real estate signs are permitted in all districts as of right, but shall refer only to the building, structure, or lot ~~premises or tract~~ on which they are located and have an area not exceeding six square feet.
- 502.2. One contractors sign, not exceeding nine square feet in area, maintained on the lot ~~premises~~ while a building is actually under construction or being renovated is permitted. No more than one contractors sign may be on the lot ~~premises~~ at any one time.
- 502.3. Nonresidential site development and subdivision signs are allowed in the form of one wall-mounted or freestanding sign, erected at the development/subdivision entrance from a street. The sign shall not exceed 15 square feet, and may bear decorative or logo devices, but no commercial advertisement. For nonresidential site development, the sign shall not be erected prior to the issuance of a building permit and shall be removed upon completion of construction or the issuance of a certificate of occupancy, whichever comes first. For subdivisions, the sign shall not be erected prior to the commencement of construction activities and shall be removed upon the issuance of the first certificate of occupancy or the issuance of certificates of occupancy for 25% of the development, whichever comes later. Signs shall be removed if construction activities have halted for a period of 6 months and may be reinstalled with approval of the Building Commissioner or designee. Signs required from federal, state, and/or local permitting authorities are excluded from the provisions of this section.

§ 198-503. Unregistered and ungaraged motor vehicle in Single Residence District.

[Amended 5-14-1998 ATM by Art. 47; 5-5-1999 STM by Art. 11; 4-3-2003 ATM by Art. 38]

- 503.1. Unless authorized by a special permit issued by the ZBA pursuant to § 198-203.1 of this Zoning Bylaw, not more than one unregistered and ungaraged motor vehicle may be located ~~shall be placed or permitted to remain~~ on any lot in a Single Residence District, and no unregistered motor vehicle or boat ~~may~~ shall be placed or permitted to remain in the front yard of any such lot. Any person so locating ~~placing~~ a motor vehicle or boat ~~and, if placed or allowed to remain with his or her knowledge or consent, the owner or owners of the motor vehicle and of the lot~~ shall each be punishable as specified in § 198-205.2 of this Zoning Bylaw.

§ 198-504. Earth movement.

[Amended 5-14-1998 ATM by Art. 47; 5-6-2004 ATM by Art. 23]

- 504.1. No earth in excess of 500 cubic yards may ~~shall~~ be moved on any lot ~~parcel of land~~ in any district which requires a minimum lot area of less than 40,000 square feet ~~in area~~ and no earth in excess of 1,500 cubic yards may be moved on any lot ~~parcel of land~~ in any district which requires a minimum lot area of 40,000 square feet or more unless a special permit from the ZBA is obtained in accordance with the procedure

provided in § 198-203, and only under such conditions as the ZBA may impose, with the following exceptions:

- 504.1.1. Where necessary as a part of farm or nursery activities or other use protected under MGL c. 40A, § 3.
- 504.1.2. Where the amount of earth to be moved is limited to the volume of the foundation and basement of the principal ~~mary~~ building or structure, or installation of ~~excavation for~~ septic systems, driveways, and walkways. The quantity of material to be moved shall be certified by a registered professional engineer or land surveyor.
- 504.1.3. Where the movement is on Town-owned land or to be transferred between or among Town-owned parcels. [Amended 11-12-2008 STM by Art. 6]
- 504.2. Nothing contained in § 198-504.1 shall prevent the continued use of any land for the purpose for which it is used at the time § 198-504.1 takes effect, which is May 14, 1998, or prevent the use of any land for farms, gardens, nurseries, cemeteries, parks, playgrounds and such purposes as are incidental to, or usual in connection with, any of said purposes.
- 504.3. Before a special permit is issued, the applicant shall show to the satisfaction of the ZBA that the movement will not impair the usability of the lotarea and adjacent lots for the purposes permitted in this Zoning Bylaw, that the grades to be established within the lotarea will permit vehicular access to the lotarea and the continuation of streets from the abutting lotspremises, and that the lotarea may ultimately be developed compatibly with the neighboring land.
- 504.4. The movement of earth from within a subdivision, the plan of which has been approved by the Planning Board and duly recorded in the Middlesex South District Registry of Deeds, shall be permitted as of right when and to the extent that such is necessary for the lawful construction or alteration of a way shown on said plan or for the lawful installation of utilities, drainpipes or drain structures in said subdivision, provided that the quantity of earth so moved shall not exceed that in place in the particular space to be occupied by such way, utilities, drainpipes or drain structures, and subject to any requirements made by the Planning Board endorsed or referred to on the plan of such subdivision.

§ 198-505. Performance standards.

[Added 5-6-1999 STM by Art. 19; amended 5-6-2004 ATM by Art. 21]

505.1. In all zoning districts all uses shall be conducted in a manner so as not to create offensive or unreasonable noise, vibration, light, smoke, gas, fumes, odor, dust, or so as to be dangerous to the public health or safety.

§ 198-506. Off-street parking.

[Amended 5-5-1999 STM by Art. 11; 5-5-2004 ATM by Art. 15 Editor's Note: This Article 15 also redesignated former § 198-1105.1 through § 198-1105.6.4 as § 198-506. ]

506.1. Off-street parking space shall be provided in connection with the original erection, or increase by units or dimensions, of any building or structure in the following amounts except as otherwise specified in the Zoning Bylaw:

- 506.1.1. For general retail businesses, commercial and personal service establishments, parking facilities on the basis of one parking space per 140 square feet of gross floor area. In addition to this amount, one parking space for every two employees shall be provided. [Amended 5-5-2004 ATM by Art. 16]
- 506.1.2. For office, professional or public buildings, one off-street parking space for each 200 square feet of ground floor area not used for bulk storage an one parking space for each 400 square feet of floor area other than ground floor.
- 506.1.3. For restaurants, tearooms, lunch counters or other facilities for eating or drinking, one parking space for everyeach three employees, plus one additional space for everyeach four seats.

- 506.1.4. For roadside stands, filling stations, auto sales, automobile repair shops or other roadside service establishments, one parking space for ~~every~~<sup>each</sup> two employees, plus such additional spaces for customer-motorists as the ZBA shall deem necessary to provide a maximum of safety and a minimum of congestion on the adjacent roadways.
- 506.1.5. Religious facilities, theaters, auditoriums or any public assembly area; one parking space for ~~every~~<sup>each</sup> three occupants based on the allowed occupancy.
- 506.1.6. Educational or training center, one parking space for each employee plus one parking space for each instructor plus one parking space for ~~every~~<sup>each</sup> 1.5 students based on the allowed occupancy.
- 506.1.7. Elementary or junior/middle schools, one parking space for each employee, teacher, or staff member; a number of parking spaces equal to 5% of the allowed occupancy for visitor parking; plus sufficient off-street space for the safe and convenient loading and unloading of students.
- 506.1.8. High school, one parking space for each employee, teacher, or staff member; a number of parking spaces equal to 5% of the allowed occupancy for visitor parking; plus one parking space per four students of driving age.
- 506.1.9. ~~Day care center or a~~Nursery school ~~or day care center~~, one parking space ~~for every~~<sup>per</sup> four persons of the facility's licensed capacity plus three parking spaces designed for the safe and convenient loading and unloading of persons.
- 506.1.10. For any and all uses, buildings, or structures not specifically provided for in the foregoing enumeration, such parking spaces as the Site Plan Approval Granting Authority, in accordance with § 198-603, shall determine to be necessary, considering the activities involved, to provide a maximum of safety and a minimum of congestion on the adjacent roadways.
- 506.2. Whenever, ~~after the date of this Zoning Bylaw~~, there is a change in the lawful use of the premises or in the number of employees or business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this Article, and whenever such change creates a need for an increase of more than 20% of the number of off-street automobile parking spaces, as determined by the requirements of ~~this § 198-506~~article, more off-street parking facilities shall ~~be have been~~ provided on the basis of the adjusted needs, as determined by ~~this § 198-506~~article.
- 506.3. Mixed uses.
- 506.3.1. In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with § 198-~~506.1+105~~506.1+105. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.
- 506.4. Special permit. The number of parking spaces may be reduced by the granting of a special permit from the Site Plan Approval Granting Authority, in accordance with § 198-603, ~~if where~~ the applicant demonstrates~~d~~ that such parking spaces will not be needed for the proposed use, subject to the condition that the area necessary for those spaces is available on the lot and is designated on the approved plan of record. Additional spaces may be required if, at anytime after the special permit is granted, the Site Plan Approval Granting Authority determines that a need exists or parking is deficient. The special permit requirement shall not apply to uses protected under MGL c. 40A, § 3.
- 506.5. Location of facilities.

- 506.5.1. Off-street ~~automobile~~ parking facilities, to the extent required in ~~§ 198-506~~this article, may be required either on the same lot ~~or premises~~ with the parking-generating activity or on any lot or premises a substantial portion of which, ~~at least, is~~, at least, within 300 feet of such activity.
- 506.6. Parking ~~facilities~~areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind. The required parking ~~facilities~~ areas shall be permanently available for use by ~~persons using or working at~~ patrons and employees of establishments providing such space.
- 506.7. The following design standards apply to off-street parking facilities:
  - 506.7.1. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street ~~or alley~~, as well as maneuvering areas. Access to and from ~~parking facilities~~lots shall be through designated driveways, with openings or curb cuts not in excess of 40 feet in width at the exterior line of a public or private way.
  - 506.7.2. All off-street ~~Said~~ parking ~~facilities~~areas shall be provided ~~and~~ and maintained with a permanent, dust-free surface, and shall be provided with adequate drainage, and shall have bumper guards where needed for safety.
  - 506.7.3. If lighting is provided, 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 ~~lots~~property.
  - 506.7.4. For ~~off-street~~ parking ~~facilities~~ areas of 10 or more spaces, bicycle racks facilitating locking, shall be provided to accommodate one bicycle per 10 parking spaces.
  - 506.7.5. Standard parking dimensional regulations. Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:
 

Angle of Parking (in degrees)	Width of Parking Stall (feet)	Parking Stall Length of Line (feet)	Width of Maneuvering Aisle (feet)
90 (two-way)	9	18.5	24
60 (one-way)	10.4	22	18
45 (one-way)	12.7	25	14
Parallel (one-way)	8	22	14
Parallel (two-way)	8	22	18
- 506.8. Landscaping in parking ~~facilities~~areas.
  - 506.8.1. Parking ~~facilities~~lots immediately adjacent to a residence district shall be adequately screened year-round from view from said residence district by trees, hedges or a tight fence.
  - 506.8.2. For all off-street parking facilities that are not enclosed within a building or structure ~~Within a parking lot~~, 10% of the parking ~~facility~~area shall be landscaped. For the purpose of ~~this article~~ § 198-506, “parking ~~facilities~~area” shall mean the total area of all parking spaces, including handicapped spaces. [Added 5-5-2004 ATM by Art. 16; amended 5-5-2005 ATM by Art. 28]

§ 198-507. Off-street loading.

[Amended 5-5-2004 ATM by Art. 15 Editor’s Note: This Article 15 also redesignated former § 198-1105.7 through § 198-507 as § 198-506. ]

- 507.1. On the same ~~lot~~premises with every building or structure where goods are received or shipped, newly erected or increased by units or dimensions ~~after the date of adoption of this Zoning Bylaw~~, adequate loading areas shall be provided. Off-street loading that is spaced logically, conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and business uses.

Required off-street loading space ~~may is-not-to~~ be included as off-street parking space. Loading areas shall be screened from any view from a street. The Site Plan Approval Granting Authority may modify this requirement.

#### ARTICLE 7 Area, Yard and Bulk Regulations

##### § 198-701. Height regulations.

##### 701.1. Single Residence Districts.

701.1.1. The limit of height of all buildings and structures in Single Residence Districts shall comply with § 198-801, Table of Dimensional Requirements, except that schools and, on lots of five acres ~~or and greater over in area~~, dwellings may be three stories high, but ~~may shall~~ not exceed the maximum allowed heights for buildings and structures set forth in § 198-801, Table of Dimensional Requirements. [Amended 5-5-1999 STM by Art. 9]

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. [Amended 5-2-1996 STM by Art. 3; 5-7-1997 ATM by Art. 32; 11-1-2005 STM by Art. 2]

##### 701.2. Light Manufacturing Districts.

701.2.1. The limit of height in Light Manufacturing Districts shall comply with § 198-801, Table of Dimensional Requirements, with the exception that § 198-701.1.2. shall apply; provided, however, that no wireless communications facility shall be erected except in compliance with Article 15. [Amended 5-2-1996 STM by Art. 3; 5-7-1997 ATM by Art. 32; 5-14-1998 ATM by Art. 48; 5-5-1999 STM by Art. 9]

##### § 198-702. Setbacks.

702.1. All buildings or structures in any ~~residence~~ district shall comply with the setbacks in § 198-801 Table of Dimensional Requirements. The setbacks shall apply to any public or private street right-of-way whether accepted or not. The setbacks shall apply to whichever distance is greater, except as provided in § 198-702.2 and 702.3 below; except that any existing lot

shown on a plan or described in a deed, recorded in the Registry of Deeds, that conformed ~~or was considered to conform~~ to the area and frontage requirements on, but not after, January 28, 1998, shall be considered to be conforming in compliance with this Zoning Bylaw; and any existing structure that ~~was conformed in compliance~~ with regulations respecting location on, but not after, January 28, 1998, shall be considered to be conforming in compliance with this Zoning Bylaw. Exempt from the setback requirements of this paragraph are roof eaves, stoops, stairs, bulkheads, chimneys and bay windows; and fences and walls up to six feet in height from the existing natural ~~ground level~~ topography. [Amended 5-14-1998 ATM by Art. 51; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11; 5-6-2004 ATM by Art. 21; 5-5-2005 ATM by Art. 26]

702.2. A building or structure in existence on March 1, 1960, may extend within 50 feet of any center line of the street; a porch attached thereon may extend within 20 feet of any street lot line; and a two-story porch that is not enclosed at least 1/2 of the year may project six feet into the front yard. [Amended 5-5-1999 STM by Art. 11]

702.3. In Single Residence Districts ~~if where there are, at the time when this Zoning Bylaw shall take effect~~, two or more single-family dwellings existing buildings on the same side of a street between two streets consecutively intersecting such street and within 200 feet of the lot in question, any new single-family dwelling building or structure on the lot may extend as near the line of such street as the average alignment of such then existing single-family dwellings building with respect to said street lot line. A new single-family dwelling building shall extend only as near such street lot line as the average alignment of the single-family dwellings existing buildings. [Amended 5-5-1999 STM by Art. 11]

702.4. On a corner lot, no planting, structure or part of a building may shall extend within 20 feet of any corner street lot line intersection if the planting, structure or building ~~so as to interfere~~s with the traffic visibility around the corner. [Amended 5-5-1999 STM by Art. 11]

§ 198-703. Yards.

703.1. Behind every building or structure ~~dwelling house~~ there shall be provided a backyard between the rear line of the building or structure ~~house~~ and the rear lot line meeting the setbacks in § 198-801, Table of Dimensional Requirements, except as authorized by special permit issued by the Zoning Board of Appeals ~~(ZBA)~~. A backyard may contain accessory buildings or structures, each of which may shall not be more than 11/2 stories high and that together may not shall cover ~~not~~ more than 30% of the backyard ~~its area~~, and none of which may shall extend within 10 feet of any lot line, except as authorized by special permit issued by the ZBA. [Amended 5-1-1995 STM by Art. 5; 5-5-1999 STM by Art. 9]

703.2. At each side of a building or structure ~~every dwelling house~~ there shall be a side yard meeting the setbacks in § 198-801, Table of Dimensional Requirements; except that any existing lot shown on a plan, or described in a deed, recorded in the Registry of Deeds that conformed, ~~or was considered to conform,~~ to the area and frontage requirements on, but not after, December 15, 1998, shall be considered to conform to this Zoning Bylaw; and any existing building or structure that was in compliance with regulations respecting location on, but not after, December 15, 1998, shall be considered to be conforming ~~in compliance~~ with this Zoning Bylaw. The above provision shall not apply; and except in any if specific case when an existing lot has less than the minimum frontage required ~~prescribed~~ by this Zoning Bylaw. In any such case, a special permit for a side yard of such width as may be approved by the ZBA may be issued in accordance with the provisions of § 198-203 ~~herein~~. A garage, either attached to the single-family, two-family, attached dwelling or multi-family dwelling or detached, may be located beside the ~~a~~ dwelling, provided that there is a side yard between the garage and the side lot line not less than that required by this Zoning specified in this paragraph. [Amended 4-28-1986 ATM by Art. 26; 5-5-1999 STM by Art. 9; 5-12-1999 ATM by Art. 37]

703.3. Except as otherwise provided by this Zoning Bylaw, for any non- ~~in any use not~~ residential use, or for ~~in~~ any use accessory thereto, all provisions of this Zoning Bylaw in regard to depth and width of yards applying to dwellings shall be observed.

§ 198-704. Lot coverage.

[Amended 5-5-1999 STM by Art. 9]

704.1. In all zoning districts, ~~The~~ percentage of a lot that may be covered by any building or structure shall meet the requirements in § 198-801, Table of Dimensional Requirements.

704.1.1. In the business districts, the open space required in this paragraph shall be located in such a way as determined by, ~~in the opinion of~~ the Building Commissioner or other permit issuing officer, ~~as herein provided for,~~ to properly light and ventilate the building or structure and to provide access in case of fire.

§ 198-705. Lot area and frontage.

705.1. ~~Single Residence Districts.~~ [Amended 5-2-1983 ATM by Art. 13; 5-4-1992 STM by Art. 3]

705.1.1. (Reserved) Editor's Note: Former § 198-705.1.1, pertaining to types of zones in the Single Residence Districts, was repealed 5-4-2000 ATM by Art. 35. See now § 198-301.1.1.

705.1.2. ~~Lot.~~ The lots on which dwellings are erected in the Single Residence District as set forth in § 198-301.1, shall meet the minimum lot area and frontage requirements of § 198-801, Table of Dimensional Requirements. [Amended 5-7-1997 ATM by Art. 39; 5-5-1999 STM by Art. 9]

705.1.3. (Reserved) Editor's Note: Former § 198-705.1.3, Lot, amended 5-7-1997 ATM by Art. 39, 5-5-1999 STM by Art. 9 and 5-5-1999 STM by Art. 11, was repealed 5-4-2000 ATM by Art. 35.

705.1.4. (Reserved) Editor's Note: Former § 198-705.1.4, Lot, amended 5-7-1997 ATM by Art. 39, 5-5-1999 STM by Art. 9 and 5-5-1999 STM by Art. 11, was repealed 5-4-2000 ATM by Art. 35.



- 705.1.5. (Reserved) Editor's Note: Former § 198-705.1., Lot, amended 5-5-1999 STM by Art. 9 and 5-5-1999 STM by Art. 11, was repealed 5-4-2000 ATM by Art. 35.
- 705.1.6. If a ~~parcel or~~ lot of land is shown on a plan recorded at the Registry of Deeds on or before the effective date of an amendment to this Zoning Bylaw increasing the area or frontage requirements enacted at the Special Town Meeting called for June 20, 1951, and if such ~~parcel or~~ lot conformed to the requirements of this Zoning Bylaw before such amendment but not afterwards, then such parcel or lot shall be considered to meet the requirements of such amendment, but no division of such ~~parcel or~~ lot ~~may~~ shall be made that will increase the extent of nonconformity between the ~~parcel or~~ lot and the amended requirements of this Zoning Bylaw.
- 705.1.7. If a lot of land conformed, ~~or was considered to conform,~~ to the requirements of this Zoning Bylaw before the adoption of an amendment or amendments to said Zoning Bylaw changing the area or frontage requirements enacted under the  
 warrant for the Special Town Meeting called for November 30, 1953, but did not conform to the requirements as amended, and if such lot meets either of the following two conditions, no division of ~~the lot may~~ land shall be made whereby the remaining land, if any, excluding the lot or lots to be sold, ~~may~~ shall be smaller than the minimum size provided for the zone in which such remaining land is located or have less frontage than the minimum provided:
- 705.1.7.1. It is shown on a plan or described in a deed recorded at the Registry of Deeds on or before October 9, 1953; or
- 705.1.7.2. It is shown on a plan of a subdivision that was submitted to the Planning Board for approval on or before November 2, 1953, and that was approved by the Planning Board and recorded in the Registry of Deeds not later than 20 days after November 30, 1953; then such lot shall be considered to meet the area and frontage requirements, as amended, but no division of such ~~parcel or~~ lot ~~may~~ shall be made that will increase the extent of nonconformity between the lot and the amended requirements of this Zoning Bylaw.
- 705.1.8. In a Residence Zone 20,000 ~~square feet~~ - 120 feet Front or Residence Zone 30,000 ~~square feet~~ - 150 feet Front, no building lot ~~may~~ shall be laid out and no dwelling ~~may~~ shall be erected on a lot unless the center of a circle 75 feet in diameter can be passed along a continuous line from the side line of the street along which the frontage of the lot is measured to any point of the dwelling, or proposed dwelling, on the lot without the circumference intersecting any side lot lines. In a ~~Residence Zone of~~ 40,000 square feet ~~- 180 feet Front~~ or a ~~Residence Zone~~ 60,000 square feet ~~- 210 feet Front in a Single Residence District~~, no building lot ~~may~~ shall be laid out and no dwelling ~~may~~ shall be erected on a lot unless the center of a circle 100 feet in diameter can be passed along a continuous line from the side line of the street along which the frontage of the lot is measured to any point of the dwelling, or proposed dwelling, on the lot without the circumference intersecting any side lot lines. This § 198-705.1.8 shall not apply to an existing dwelling or to a dwelling for which a building permit has been issued as of the effective date of the adoption of this paragraph, ~~which is May 2, 1983,~~ or to any alteration, extension or structural change thereto. [Amended 5-5-1999 STM by Art. 11]
- 705.2. No dwelling ~~may~~ shall hereafter be erected in a Business District or in a Light Manufacturing District or in a ~~zone designated~~ "Residence Zone 20,000 square feet-120 feet Front" on a ~~parcel or~~ lot of land ~~not fronting on a street, which parcel or~~ unless the lot ~~has at least of land shall contain less than~~ 20,000 square feet ~~of area and at least 120 feet of frontage on a street~~. No dwelling ~~shall hereafter may~~ be erected in a ~~zone designated~~ "Residence Zone 30,000 square feet-150 feet Front" on a ~~parcel or~~ lot of land ~~not fronting on a street, which parcel or~~ unless the lot ~~has at least of land shall contain less than~~ 30,000 square feet ~~of area and at least 150 feet of frontage on a street~~. No dwelling ~~may~~ shall hereafter be erected in a ~~zone designated~~ "Residence Zone 40,000 square feet-180 feet Front" on a ~~parcel or~~ lot of land ~~unless the not fronting on a street, which parcel or~~ lot ~~has at least of land shall contain less than~~ 40,000 square feet ~~of area and 180 feet of frontage on a street~~.

- 705.3. No ~~building, structure, or~~ dwelling ~~shall may hereafter~~ be erected on a ~~parcel or~~ lot of land not fronting on a street, which ~~parcel or lot of land shall~~ contains less than 20,000 square feet in area or ~~has that shall have~~ less than the minimum area and frontage on a right-of-way required for the zone in which it is located, unless such building, structure, or dwelling is accessory only to some existing building, structure, or dwelling, and no dwelling ~~may shall hereafter~~ be erected on a ~~parcel or~~ lot of land fronting on a street, which ~~parcel or lot of land shall~~ contains less area and less frontage on a street than the minimum area and frontage required for the zone in which said parcel or lot of land is located, as set forth in § 198-705.1.1 through 705.1.7 herein, except that where a ~~parcel or~~ lot was recorded at the Registry of Deeds at the time this Zoning Bylaw was adopted, in which case, the provisions of § 198-201, applying to narrow and irregular lots, shall apply.
- 705.4. No lot for which application for a permit to build has been made, or upon which a building or structure has been erected, ~~may shall~~ be reduced or changed in area or shape so that the lot, as so reduced or changed, or any land of the owners remaining after such reduction or change ~~shall fails~~ to have the minimum area and frontage required for the zoning district in which such land is located, unless such land as so changed shall be added to, and become a part of, another lot conforming to the requirements of the zoning district in which such lot is located.
- 705.5. The area of any lot, for the purpose of ascertaining the minimum required, ~~may shall~~ not include any part of the street or way upon which it abuts, but this provision shall not ~~be held to~~ apply to any area beyond the street lot line set aside by the Planning Board as a temporary turnaround area on a dead-end street intended for extension. [Amended 5-5-1999 STM by Art. 11]

§ 198-706. Lots on more than one street.

- 706.1. A building lot that is located on more than one street must comply with the front setback requirement with respect to each street on which it is located, except as may be authorized by special permit granted by the ZBA pursuant to § 198-203, and must meet the frontage requirement on one such street. [Amended 5-3-1993 ATM by Art. 16]

ARTICLE 8 Dimension and Use Tables [Amended 5-27-1981 ATM by Art. 16; 5-27-1981 by Art. 17; 5-14-1998 ATM by Art. 55; 5-5-1999 STM by Art. 10]

§ 198-801. Table of Dimensional Requirements.

Editor's Note: The Table of Dimensional Requirements is included at the end of this Zoning Bylaw.

- 801.1. The Table of Dimensional Requirements sets forth the requirements of this Zoning Bylaw as to area, lot coverage, frontage, setbacks and height requirements for a building or structure enlarged or erected pursuant to a permit issued on or after June 1, 1982. Unless a footnote to the Table of Dimensional Requirements shall expressly state to the contrary, said table shall govern over conflicting requirements in the text of this Zoning Bylaw. Overlay and other special districts may be subject to other dimensional requirements. For such requirements see the applicable Article.
- 801.2. Additional dimensional requirements located in other articles of this Zoning Bylaw may apply to the placement of signs, sidewalks, driveway openings, curbs, fences, planting strips and parking and loading facilities and to the separation of buildings and/or structures on the premises.
- 801.3. Footnotes to the table set forth additional requirements and exceptions as stated therein with respect to the category to which the footnote is noted.

§ 198-802. Table of Permitted Principal Uses by Districts.

Editor's Note: The Table of Permitted Principal Uses by Districts is included at the end of this Zoning Bylaw.

- 802.1. The Table of Permitted Principal Uses by Districts sets forth the permitted principal uses of land, buildings and structures in each zoning district as set forth in the various provisions of this Zoning Bylaw for uses commencing on or after June 1, 1982. No building, structure or land shall be used or occupied, except for the purposes permitted in the district in the Table of Permitted Principal Uses by Districts of this article applicable thereto, except accessory uses permitted pursuant to § 198-804, and nonconforming uses as provided in Article 4 of this Zoning Bylaw. It is the intent of this Zoning Bylaw to prohibit in any district



any use which is not specifically permitted, as well as any use which is denoted by the word “no” in the Table of Permitted Principal Uses by Districts or the Table of Permitted Accessory Uses by Districts. [Amended 5-5-1999 STM by Art. 11]

- 802.1.1. A use listed in the Table of Permitted Principal Uses by Districts is permitted as of right in any district under which it is denoted by the word “yes.” Uses denoted by the word “no” shall be prohibited. [Amended 5-5-1999 STM by Art. 11]
- 802.1.2. Uses designated by the letters “SP” may be allowed only if the Zoning Board of Appeals (ZBA) or Planning Board issues a special permit pursuant to § 198-203. [Amended 5-5-1999 STM by Art. 11]
- 802.1.3. ~~Uses designated by the letters “P-ZBA” may be allowed only if the ZBA issues a special permit pursuant to § 198-203. [Amended 5-5-1999 STM by Art. 11]~~ Reserved for possible future use.
- 802.1.4. Site plan approval is required in accordance with Article 6 for a use where the letter “R” appears, and is not required where the letters “NR” appear.
- 802.1.5. Uses designated by the letters “TAU” are not permitted as principal uses, but are permitted as accessory uses pursuant to § 198-804.
- 802.1.6. All uses set forth in this Table of Permitted Principal Uses by Districts shall, in addition, conform to all other requirements contained in this Zoning Bylaw; and, in the event of a conflict between this Table of Permitted Principal Uses by Districts and any other provisions of this Zoning Bylaw, this ~~Table of Permitted Principal Uses by Districts~~, § 198-802, shall prevail; and the Classification of Principal Uses, § 198-803, below, shall be considered as part of said section table and shall likewise prevail in the event of such conflicts. The special permit requirement shall not apply to uses protected under MGL c. 40A, § 3.

#### § 198-803. Classification of Principal Uses.

##### 803.1. Business uses.

803.1.1. Auto~~mobile~~ sales, ~~service, repair~~; See § 198-1102.1.2 ~~of this Zoning Bylaw.~~

803.1.2. Automobile service garage. See § 198-1102.1.4

803.1.3. Auto~~mobile~~ service station, ~~maximum of 12 vehicle fueling locations, with no fewer than two full service, and repair~~; See § 198-1102.1.4 ~~of this Zoning Bylaw.~~

~~Auto service station, all other~~; See § 198-1102.1.4 ~~of this Zoning Bylaw.~~

803.1.4. Bank ~~bank or loan agency.~~

803.1.5. Boat or canoe rental ~~rental, storage, maintenance and repair of small boats and canoes, nonmotorized or no more than 10 horsepower, and equipment and accessories customarily incidental to their normal operation, including outboard motors and boat trailers; seasonal sale of boats and occasional sale of accessory items, by owner only.~~

~~Customary home occupation~~; See the Table of Permitted Accessory Uses by Districts.

803.1.6. Funeral home ~~undertaking or funeral establishment.~~

803.1.7. Medical/dental care center ~~center for medical, dental, clinical and public health service and supporting service for the foregoing, such as office and laboratory.~~

803.1.8. Office ~~a business, governmental or professional office; a medical office, including laboratories incidental thereto.~~

803.1.9. Parking facility ~~commercial parking lot or garage for four or more vehicles.~~

803.1.10. Personal and other service ~~establishment~~ establishments providing services involving the care of a person or his or her apparel or establishments providing services to the general public or to other business establishments; ~~repair shop for household or office items.~~

~~803.1.11. Restaurant: See § 198-1102.1.1. of this Zoning Bylaw.~~

~~803.1.12. Retail store: store, showroom or salesroom for the sale, preparation and display of merchandise within a building. Garden centers, florists or commercial greenhouses may have open air display of horticultural products. Retail stores may have seasonal open air displays of merchandise.~~

~~803.1.13. Roadside stand: farm stands for the sale of produce.~~

~~803.1.14. Stables with horses for hire.~~

~~803.1.15. Trade shop: shops used by practitioners of the building trades, provided that all work and storage shall be conducted within a building.~~

### 803.2. General uses.

~~803.2.1. Agriculture: cultivating, harvesting and storing crops, including the storage of necessary farm equipment, provided that greenhouse heating plants and any building in which farm or pleasure animals are kept shall be distant not less than 20 feet from any lot line.~~

~~803.2.2. Cemetery: cemeteries, including any crematory therein.~~

~~803.2.3. Conservation Land: the use of land in its natural state or improved with trails and resource management programs that do not significantly alter its natural state.~~

~~803.2.4. Earth removal: See § 198-504 of this Zoning Bylaw.~~

~~802.2.5. Kennel: See the Table of Permitted Accessory Uses by Districts. Editor's Note: The Table of Permitted Accessory Uses by Districts is included at the end of this chapter.~~

~~892.2.6. Membership club, nonprofit: membership clubs and nongovernment recreational facilities devoted to outdoor sports, recreational or social activities, including buildings and premises; except when the chief activity is customarily carried on as a gainful business.~~

~~802.2.7. Membership club, for profit: membership clubs and nongovernment recreational facilities devoted to outdoor sports, recreational or social activities, including buildings and premises, when the chief activity is customarily carried on as a gainful business.~~

~~802.1.8. Recreation/park: parks, water supply reservations and soldier and sailor memorial buildings; recreational facility owned or operated by the Town.~~

### 803.3. Government, institutional and public service uses.

~~803.3.1. Assisted/Independent Living~~

~~803.3.2. Bus terminal~~

~~803.3.3. Educational: educational uses exempted from use regulations by the Zoning Act (MGL c. 40A, § 3).~~

~~803.3.4. Hospital: licensed sanitariums or hospitals.~~

~~803.3.5. Low-income elderly housing: See § 198-901.1.5.2 of this Zoning Bylaw.~~

~~803.3.6. Multi-family unit/low-income: See § 198-901.1.5.3 of this Zoning Bylaw.~~

~~803.3.7. Museum or library: museum/library open to the public or connected with a permitted educational use and not conducted as a private gainful business.~~

~~803.3.8. Nursery school or day-care: nursery school, day care centers and other facilities that receive children of school or preschool age for temporary custody, with or without stated educational purposes, during all or part of the day.~~

~~803.3.9. Nursing home: licensed nursing, rest or convalescent home for the care of the sick or aged, provided that no building shall be within 30 feet of any lot line.~~

~~803.3.10. Public or charitable institution: public or charitable institution not of a correctional nature,~~

~~provided that no building shall be within 30 feet of any lot line; veterans monuments.~~

~~803.3.11. Railroad station/railroad right-of-way: railroad passenger stations or rights of way, including customary services therein, but not including switching, storage or freight yards or sidings.~~

~~803.3.12. Religious building or structure, or use: places of worship and other religious uses exempted from use regulations by the Zoning Act (MGL c. 40A, § 3).~~

~~803.3.13. Studio: place for art, music, dance and similar activities or classes.~~

~~803.3.14. Town use. Town of Wayland facility, except in single residence districts, where such a facility is restricted to fire stations, police stations, public libraries, parks, water supply reservations and soldiers' \_\_\_\_\_ and \_\_\_\_\_ sailors' \_\_\_\_\_ memorial \_\_\_\_\_ buildings.~~  
[Amended 5-3-2000 ATM by Art. 31]

~~803.3.15. Utility facility: building housing facilities for communications or other utility uses.~~

#### 803.4. Industrial uses.

~~803.4.1. Construction yard: lumber, fuel, feed, ice establishment or contractor's yard.~~

~~803.4.2. Heavy vehicle repair garage: establishment for the repair of trucks, construction equipment or other similar heavy motor vehicles and equipment, provided that the making of all but minor repairs shall be conducted wholly within a building sufficiently sound insulated to confine disturbing noise to the premises.~~

~~803.4.3. Light manufacturing: light manufacturing employing electricity and/or other unobjectionable motive power, utilizing hand labor, and/or unobjectionable machinery and/or processes and free from neighborhood disturbing odors or other such neighborhood disturbing characteristics.~~

~~803.4.4. Research and development laboratories/offices less than or equal to 15,000 square feet: research and development laboratories less than or equal to 15,000 square feet; S see § 198-1401.1.1 of this Zoning Bylaw.~~

~~803.4.5. Research and development laboratories/offices greater than 15,000 square feet: research and development laboratories greater than 15,000 square feet; S see § 198-1402.1.1 of this Zoning Bylaw.~~

~~803.4.6. Warehouse/distribution less than or equal to 15,000 square feet: warehouse/distribution facilities less than or equal to 15,000 square feet; a building for the enclosed storage of goods and materials where the wholesale of goods or materials is permitted, provided that it is incidental to the warehouse use. See § 198-1401.1.1 of this Zoning Bylaw.~~

~~803.4.7. Warehouse/distribution greater than 15,000 square feet: warehouse/distribution facilities greater than 15,000 square feet; a building for the enclosed storage of goods and materials where the wholesale of goods or materials is permitted, provided that it is incidental to the warehouse use. See § 198-1402.1.1 of this Zoning Bylaw.~~

#### 803.5. Prohibited uses.

~~803.5.1. Aircraft landing and taking off~~

~~803.5.2. Boarding house~~

~~803.5.3. Drive-in, drive-through or drive-up in restaurants: A "drive through or drive in restaurant" is defined as any establishment whose principal business is the sale of food or beverages in a ready to consume state and whose method of operation includes: sale of foods or beverages in paper, plastic or other disposable container or service of food and beverage directly to a customer in a motor vehicle.~~

~~803.5.4. Hazardous material storage: storage or disposal of hazardous material; the commercial storage or disposal of hazardous material except as otherwise permitted.~~

~~803.5.5. Junkyards: Commercial salvage yards, commercial junkyard and all open air storage of junk, waste products and salvage materials (including nonoperating automobiles) are expressly prohibited in all zoning districts of the Town as are trailer and mobile home, trailer camp, mobile home park, trailer and mobile home sales and service, billboard, outdoor movie theater, commercial dump, slaughterhouse,~~

rendering plant, fertilizer plant, race track, commercial extraction of sand, gravel or minerals and all other uses which would be injurious to the neighborhood or to the property in the vicinity are expressly prohibited in all zoning districts in the Town.

~~803.5.6.~~ Ungaraged and unregistered motor vehicles: more than one except as otherwise permitted..

~~803.5.7.~~ All uses not specifically permitted by this Zoning Bylaw.

#### 803.6. Residential uses.

~~Boardinghouse: a dwelling in which permanent lodging is provided for consideration to more than three persons unrelated to the owner or proprietor. The term "boardinghouse" shall include dormitories.~~  
Editor's Note: The entry for accessory dwelling unit, which immediately preceded this entry, was repealed 4-30-2001 ATM by Art. 26.

~~803.3.6.1.~~ Conservation cluster: See Article 18 of this Zoning Bylaw.

~~803.6.2.~~ Dwelling, single-family: a dwelling for not more than one housekeeping unit.

~~Letting of rooms: See "customary home occupation" in the Table of Permitted Accessory Uses by Districts.~~

~~803.6.3.~~ Multifamily dwelling, multi-family: A building containing more than one dwelling unit. Accessory dwelling units and residences in accessory dwelling shall not be considered multi-family. [Amended 4-30-2001 ATM by Art. 26]

#### § 198-804. Table of Permitted Accessory Uses by Districts.

Editor's Note: The Table of Permitted Accessory Uses by Districts is included at the end of this chapter. [Amended 5-5-1999 STM by Art. 11]

804.1. The Table of Permitted Accessory Uses by Districts sets forth the permitted accessory uses of land, buildings and structures in each zoning district as set forth in the various provisions of this Zoning Bylaw for uses commencing on or after June 1, 1982. All uses set forth in this table shall conform to all other requirements contained in this Zoning Bylaw, and in the event of a conflict between this Table of Permitted Accessory Uses by Districts and any other provisions of this Zoning Bylaw, this ~~Table of Permitted Accessory Uses by Districts~~, § 198-804, shall prevail; and the Classification of accessory uses, § 198-805, below, shall be considered as part of said ~~section table~~ and shall likewise prevail in the event of such conflicts.

804.1.1. A use listed in said table is permitted as of right in any district under which it is denoted by the word "yes." Uses denoted by the word "no" shall be prohibited.

804.1.2. Uses designated by the letters "SP" may be allowed only if a special permit is issued pursuant to § 198-203.

~~804.1.3. Uses designated by the letters "P ZBA" may be allowed only if a permit is issued pursuant to § 198-203.~~

804.1.4. Site plan approval is required in accordance with Article 6 for a use where the letter "R" appears, and is not required where the letters "NR" appear.

#### § 198-805. Classification of accessory uses.

##### 805.1. Residential accessory uses.

805.1.1. In residential districts the term "accessory use" shall not include ~~any activity conducted for gain; nor~~ any walkway or driveway giving access thereto; nor any billboard advertising sign or poster, except for small bulletin boards.

~~805.1.1.1.~~ Accessory dwelling unit: See § 198-901.1.3 of this Zoning Bylaw.

~~805.1.1.2.~~ Accessory dwelling unit, WHA: See § 198-901.1.4 of this Zoning Bylaw.

~~805.1.1.3. Accessory use: Accessory use customary with, and incident to, any permitted use and located on the same lot or on an adjacent lot under the same ownership, including garage for three cars or less, carport, noncommercial greenhouse, tool shed, barn, swimming pool, tennis court.~~ Editor's Note: The entry for customary home occupation, which immediately followed, was repealed 4-30-2001 ATM by Art. 25. For current provisions, see entry for home occupation.

~~805.1.1.4. Family day-care: day care as defined in the Table of Permitted Principal Uses by Districts,~~ provided that it is conducted as an accessory use.

~~805.1.1.5. Home occupation, customary:~~ See § 198-104 of this Zoning Bylaw. [Amended 4-30-2001 ATM by Art. 25 Editor's Note: This article also repealed the entry for in-home office which immediately followed. ]

~~805.1.1.6. Kennel, fewer than three dogs or fewer; the maintenance of dogs and suitable shelters therefor, provided that the number of dogs six months and older shall be three or fewer;~~ any kennel or other structure used by dogs shall be no closer than 20 feet to any lot line, and no closer than 50 feet to any existing dwelling located beyond any lot line.

~~805.1.1.7. Kennel, four or more dogs: the maintenance of dogs and suitable shelters therefor for four or more dogs six months and older,~~ provided that a special permit is granted to the current owner of the premises in accordance with § 198-203; any kennel or other structure used by dogs shall be no closer than 20 feet to any lot line and no closer than 50 feet to any existing dwelling located beyond any lot line.

~~805.1.1.8. Letting/renting of rooms.:~~ See "customary hHome occupation, customary" above.

~~805.1.1.9. Office: office as defined in the Table of Permitted Principal Use by Districts, § 198-803,~~ provided that it is conducted as an accessory use and that there is no display of advertising, except for a small professional nameplate.

~~805.1.1.10. Residence in accessory building dwelling:~~ No accessory building may shall be occupied for residence purposes, except as otherwise provided herein; and except that an employee of the owner or tenant of the principal dwelling premises may occupy the upper floor of a garage or stable.

~~805.1.1.11. Roadside stand: for yearly terms only, a roadside stand for the sale of produce of the land of the owner and of other land within the Town, provided that the front yard regulations are complied with.~~ Editor's Note: The entry for trade shop, which immediately followed, was repealed 4-30-2001 ATM by Art. 25.

## 805.2. Accessory uses permitted in the Limited Commercial District.

### 805.2.1. Cafeterias, banks, day-care or recreational facilities for employees

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## ARTICLE 9 Single Residence District

### § 198-901. Permitted uses.

901.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables. [Amended 5-5-1999 STM by Art. 9]

[Amended 4-16-1980 ATM by Art. 20; 5-4-1994 ATM by Art. 23; 5-5-1999 STM by Art. 9: paragraphs deleted]

[Amended 5-4-1994 ATM by Art. 23; 5-5-1999 STM by Art. 9; 4-30-2001 ATM by Art. 25: paragraph deleted]

- 901.1.1. A customary home occupation of a resident owner, or a resident tenant with the owner's permission, shall be permitted as a matter of right in those zoning districts specifically referenced in the Table of Accessory Uses, § 198-804, provided that all of the following conditions are met: [Amended 5-4-1994 ATM by Art. 23; 4-30-2001 ATM by Art. 25]
- 901.1.1.1. The customary home occupation occupies no more than 25% of the gross floor area or 500 square feet, whichever is less, ~~of within~~ the dwelling unit or accessory building on the lot premises.
  - 901.1.1.2. There are no employees;
  - 901.1.1.3. No business is conducted on the lot premises with any client or customer physically present;
  - 901.1.1.4. There are no signs or other external evidence of non-residential use ~~the office~~; and
  - 901.1.1.5. No hazard or nuisance, including offensive noise, vibrations, smoke, dust or other particulate matter, odors, heat, glare, humidity, and noxious fumes, shall be created to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.
- 901.1.2. A customary home occupation of a resident owner, or a resident tenant with the owner's permission, may be permitted by issuance of a special permit from the Zoning Board of Appeals in those zoning districts specifically referenced in the Table of Accessory Uses, § 198-804, provided that all of the following conditions are met: [Added 4-30-2001 ATM Art. 25]
- 901.1.2.1. The use of the dwelling unit, or an accessory structure, by the resident for business is incidental and subordinate to its use for residential purposes and occupies no more than 25% of the gross floor area of the dwelling unit or 500 square feet, whichever is less, within the dwelling unit or accessory structure on the premises; [Amended 5-6-2004 ATM by Art. 21]
  - 901.1.2.2. No more than one nonresident employee shall be permitted on the lot site;
  - 901.1.2.3. There is no change in the outside appearance of the building, ~~or structure, or lot premises~~ or any visible or audible evidence detectable from the property line of the conduct of such business except that one sign not larger than two square feet in area bearing only the name of the practitioner and occupation shall be permitted (words only). The sign shall be flush-mounted to the dwelling unit and shall not be illuminated.
  - 901.1.2.4. Traffic, including traffic by commercial delivery vehicles, shall not be generated in greater volumes than would normally be anticipated in a residential neighborhood;
  - 901.1.2.5. No hazard or nuisance, including offensive noise, smoke, dust, odors, heat, glare, noxious fumes or vibrations, shall be created to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists;
  - 901.1.2.6. There shall be no display of goods or outside storage;
  - 901.1.2.7. Parking for the customary home occupation shall be provided met on the lot site.
- 901.1.3. An accessory dwelling unit is as permitted by the Table of Accessory Uses, § 198-804, and provided that: [Amended 4-17-1980 ATM by Art. 22; 4-30-1986 ATM by Art. 29; 5-5-1999 STM by Art. 9]
- 901.1.3.1. The lot on which the accessory unit is to be situated contains at least 20,000 square feet and at least 50% of the requirement for the district in which it is located.



- 901.1.3.2. No more than one accessory unit shall exist on the lot on which it is to be situated.
- 901.1.3.3. The building or buildings in which the accessory unit and the principal residence are to be situated shall have existed for two years. [Amended 4-30-1986 ATM by Art. 29]
- 901.1.3.4. Any additions made after January 1, 1980, to a building for the purpose of accommodating an accessory unit shall not increase the habitable area of the original building by more than 20%. Any such additions must meet all zoning requirements. [Amended 4-30-1986 ATM by Art. 29]
- 901.1.3.5. Either the accessory unit or the principal residence shall be occupied by the owner of the lot on which the accessory unit is situated. The owner may be absent for periods not exceeding one year, provided that no one occupies the owner's unit, except a house sitter paying no rent. The owner's unit may be rented for periods not exceeding two years, provided that prior written notice is given to the Building Commissioner, the owners have occupied their unit for the prior two years, and occupy for two years between rental periods, and the owners remain legal residents of the Town. [Amended 4-30-1986 ATM by Art. 29]
- 901.1.3.6. The accessory unit and the principal residence shall each have two means of egress to grade that are in compliance with the Building Code.
- 901.1.3.7. Sufficient parking spaces, not less than 10 feet by 20 feet, shall be provided off street for the occupants of each dwelling unit.
- 901.1.3.8. The Board of Health shall have given written approval that the septic system serving the dwelling with the accessory unit is in compliance with the rules and regulations of the Board of Health in effect at the time of application for special permit, unless a variance is granted by the Board of Health.
- 901.1.3.9. Where a special permit has been issued pursuant to the provisions of this section, the permitted use must commence within one year, otherwise said permit shall lapse.
- 901.1.3.10. Floor plans of the accessory unit and the principal residence and a plot plan showing the location of the building on the lot shall have been filed with the application after review by the Building Commissioner.
- 901.1.3.11. Application for a building permit or certificate of occupancy shall be made to the Building Commissioner, and no use or occupancy shall commence prior to the issuance of a certificate of occupancy by the Building Commissioner. [Amended 4-30-1986 ATM by Art. 29; 5-5-1999 STM by Art. 11]

[Amended 4-30-1986 ATM by Art. 29: paragraph deleted]

- 901.1.4. An accessory dwelling unit reserved, for a period not less than 10 years, for occupancy by a person or family receiving rental assistance from the Wayland Housing Authority is permitted in accordance with the Table of Accessory Uses, § 198-804, and provided that: [Amended 5-8-1989 ATM by Art. 18; 5-5-1999 STM by Art. 9]
  - 901.1.4.1. The lot on which the accessory unit is to be situated contains at least 15,000 square feet.
  - 901.1.4.2. Any additions made after December 15, 1988, to a building for the purpose of accommodating an accessory ~~dwelling unit~~ ~~apartment~~ reserved for Wayland Housing Authority rental programs shall not increase the habitable area of the original building by more than 35%, provided that the unit shall not exceed 1,000

square feet of floor space. Any such addition must meet all zoning and Building Code requirements.

- 901.1.4.3. The accessory unit shall have two means of egress to grade in compliance with the Building Code. [Amended 5-5-1999 STM by Art. 11]
- 901.1.4.4. The accessory unit shall be served by one parking space, unless the special permit granting authority determines that on-street parking is not detrimental to the neighborhood.
- 901.1.4.5. The accessory unit shall comply with the requirements of § 198-901.1.3.2, 901.1.3.3, 901.1.3.5, 901.1.3.8, 901.1.3.9, 901.1.3.10 and 901.1.3.11.
- 901.1.4.6. The homeowner shall submit proposed documents leasing the accessory unit, for a period of not less than 10 years, to the Wayland Housing Authority. Such documents shall include certification that the Wayland Housing Authority intends to accept such unit for its rental assistance programs.
- 901.1.4.7. Any special permit issued under this § 198-901.1.4 shall lapse if the homeowner breaches his/her lease with the Wayland Housing Authority (upon proper notice by said Authority) or if the accessory unit ceases to be occupied by an eligible family (as certified by said Authority).

901.1.5. Public buildings.

- 901.1.5.1. Police stations. [Amended 4-8-1985 STM by Art. 2; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

[Amended 5-5-1999 STM by Art. 9: paragraph deleted]

- 901.1.5.2. Housing for elderly persons of low income, including adequate parking areas therefor, as such housing is defined by MGL c. 121B, §§ 1, 38, 39 and 40, constructed by the Wayland Housing Authority as permitted in the Table of Principal Uses by District, § 198-802. [Amended 5-5-1999 STM by Art. 9]
- 901.1.5.3. Subsidized multi-family ~~unit~~ dwelling housing for persons of low income, including adequate parking areas therefor, such housing being more fully described in MGL c. 121B, constructed by the Wayland Housing Authority as permitted in the Table of Principal Uses by District, § 198-802. [Amended 6-2-1981 STM by Art. 6; 5-5-1999 STM by Art. 9]

[Amended 4-8-1985 STM by Art. 2; 5-5-1999 STM by Art. 9: paragraphs deleted]

- 901.1.5.4. Where sanitariums, hospitals or nursing homes for the care of the sick or aged, are permitted by the Table of Principal Uses by District, § 198-802, no building shall be within 30 feet of any lot line. [Amended 5-3-1993 ATM by Art. 18; 5-5-1999 STM by Art. 9]
- 901.1.5.5. Where public or charitable institutional buildings not of a correctional nature, are permitted by the Table of Principal Uses by District, § 198-802, no building shall be within 30 feet of any lot line. [Amended 4-28-1986 ATM by Art. 25; 5-5-1999 STM by Art. 9]

[Amended 6-16-1987 STM by Art. 5; 5-4-1988 ATM by Art. 20; 5-5-1999 STM by Art. 9: paragraph deleted] Editor's Note: Former § 198-901.1.9 on real



estate signs, which immediately followed, was moved to § 198-502 by Art. 47 of the 5-14-1998 ATM.

- 901.1.6. ~~C~~greenhouses or stable for horses are permitted by the Table of Principal Uses by District, § 198-802, any greenhouse heating plant and any building in which farm or pleasure animals are kept ~~may shall be distant~~ not ~~be within less than~~ 20 feet from any lot line. [Amended 4-30-1975 ATM by Art. 31; 5-5-1999 STM by Art. 9] Editor's Note: Former § 198-902, Accessory uses and buildings, amended 4-30-1986 ATM by Art. 29, and former § 198-903, Permits required by the Zoning Board of Appeals, amended 5-2-1983 ATM by Art. 12, which immediately followed, were repealed 5-5-1999 STM by Art. 9. Prior to this repeal, a former § 198-903, Storage of unregistered vehicles; violations and penalties, was moved to § 198-503 by Art. 47 of the 5-14-1998 ATM and a former § 198-903.1.4, Earth removal, was moved to § 198-504 by Art. 47 of the 5-14-1998 ATM.

[Amended 5-5-1999 STM by Art. 9: paragraph deleted]

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#### ARTICLE 10 Roadside Business District

§ 198-1001. Permitted uses.

- 1001.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables. [Amended 4-30-1975 ATM by Art. 3; 11-13-1991 STM by Art. 6; 5-4-1992 STM by Art. 1; 5-5-1999 STM by Art. 9]

§ 198-1002. Area, yard and bulk regulations; parking facilities; signs.

- 1002.1. In a Roadside Business District, buildings, structures, and ~~lots~~~~premises~~ used for purposes other than

those permitted in a residence district shall ~~be subject to~~~~observe~~ the following special provisions:

- 1002.1.1. ~~Lot~~. [Amended 11-13-1991 STM by Art. 6; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

[Amended 5-5-1999 STM by Art. 9: paragraph deleted]

Reserved for possible future use.

- 1002.1.2. All buildings and structures shall conform to the height and lot coverage regulations for residence districts as contained in § 198-701.1 and § 198-704, respectively. [Amended 4-28-1975 ATM by Art. 16]

[Amended 5-5-1999 STM by Art. 9: paragraph deleted]

- 1002.1.3. Except where adjacent buildings, structures, or lots ~~premises~~ are served by the same driveway openings, each ~~of such building, structure, or lot~~~~premises~~ shall be provided with two driveway openings onto the street, one of which shall be used for entrance to, and the other for exit from, the building, structure, or lot~~premises~~. Not more than two such openings shall be permitted for each 200 feet of street frontage. Such openings shall be not more than 20 feet in width at the street lot line and located no less than 40 feet apart, measured along said line, and not less than 20 feet from side lot lines. Where approval by the Mass~~DOT~~~~achusetts~~ Highway Department (MHD) is required in connection with driveway openings onto state highways, the prior provisions of this § 198-1002.1.3 shall be waived, and the regulations of MassDOT~~said Department~~ shall be applicable.

- 1002.1.4. Each ~~of such building, structure, or lot~~~~premises~~ shall provide and maintain adequate areas off the street for parking of cars of employees and customers to avoid undue interference with traffic. ~~The issuance of a building permit shall not be construed as an approval of the adequacy of such parking areas.~~

- 1002.1.5. Not more than one sign, other than those that are attached to and are part of the architectural design of a building or structure, ~~may shall~~ be permitted on each ~~building or structure premises~~.
- 1002.1.6. Accessory signs ~~may shall~~ not be located nearer than 30 feet to any ~~lot property~~ or street lot line. [Amended 5-5-1999 STM by Art. 11]
- 1002.1.7. In the event of the construction, reconstruction or substantial alteration of any ~~building or structure premises~~ that ~~is are~~ used or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purposes, a paved pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration, such sidewalk to be no less than five feet in width and set back no less than four feet from the street lot line and to be constructed the full width of the lot, except where driveways exist. ~~The sidewalk shall be, and~~ separated from the remainder of the lot with a four-foot strip to be maintained as a landscaped area. The sidewalk location shall be such as to join in a reasonable manner existing ~~or potential~~ sidewalks on abutting land. [Amended 5-5-1999 STM by Art. 11]

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ARTICLE 11 Business Districts  
 § 198-1101. Establishment.

- 1101.1. Business Districts A and Business Districts B are hereby established. In these districts, no building or structure, and no alteration, enlargement or extension of an existing building or structure, ~~may shall~~ be constructed and no ~~land, building, structure, or lot~~ or part thereof ~~may shall~~ be used for any purpose or in any manner other than as provided in the Table of Principal Uses by District, § 198-802. The provisions of Article 6, Site Plan Approval, shall apply as described in the Table of

Principal Uses by District, § 198-802. [Amended 5-5-1999 STM by Art. 9]

§ 198-1102. Permitted uses in Business District A.

- 1102.1. See Article 7. Area, Yard and Bulk Regulations; Article 8, Dimension and Use Tables. [Amended 5-5-1999 STM by Art. 9]

[Amended 5-5-1999 STM by Art. 9: paragraphs deleted]

- 1102.1.1. Restaurants ~~and other places for the serving and consumption of food or beverages inside the building at tables or counters~~ shall be permitted as described in the Table of Permitted Uses by District. Where the Table of Principal Uses by District, § 198-802, requires either a permit from the Zoning Board of Appeals (ZBA) or a special permit, the ZBA shall satisfy itself that a clearly established need of the Town will be served thereby and where the ZBA shall satisfy itself that the use of the premises shall not be against the public interest, shall not derogate from the character of the neighborhood in which such use is to occur and shall not be detrimental or offensive because of noise, vibrations, smoke, gas, fumes, odor, dust or other objectionable features and that such use shall not otherwise be injurious to the inhabitants or their property or dangerous to the public health or safety, subject, however, to the following: [Amended 3-20-1974 ATM by Art. 61; 5-5-1999 STM by Art. 9]

1102.1.1.1. The ZBA may permit food or beverages to be served or consumed on the premises outside the building, subject to such safeguards and limitations as it may impose in its approval of a site plan pertaining thereto, as long as such use shall be incidental to such consumption inside the building.

1102.1.1.2. The area of the ~~lot premises~~ to be traversed by motor vehicles shall be paved or otherwise covered with a suitable material.

- 1102.1.1.3. Properties in abutting residential districts shall be protected from headlight glare by such methods as the ZBA may require. Any protection required shall be maintained in good condition at all times. No signs or advertisements ~~may shall~~ be attached to any protective screening or fence except on the side facing the use of the ~~building, structure, or lot~~ premises. Such protective screening or fence may be interrupted by normal entrances or exits.

[Amended 4-28-1986 ATM by Art. 27: paragraph deleted]

- 1102.1.1.4. Illumination of outdoor areas shall be shielded so as not to shine upon any property in a residential district.
- 1102.1.1.5. The use of banners, pennants, pinwheels or other advertising novelties is prohibited.
- 1102.1.1.6. The ZBA may impose such additional conditions with respect to the size, construction, use, maintenance and operation of the premises, and the vehicular and pedestrian access thereto, as may be appropriate.

[Amended 5-5-1999 STM by Art. 9: paragraphs deleted]

1102.1.2. Automobile sales.

- 1102.1.2.1. Automobile sales ~~, service and repair garages and automobile service and repair garages,~~ shall be permitted as described in the Table of Principal Uses by District, § 198-802, and subject to the following: [Amended 5-5-1999 STM by Art. 9]

- 1102.1.2.1.1. Washing, lubricating and major repairing of vehicles are to be performed inside enclosed buildings.
- 1102.1.2.1.2. Dispensing of fuels, lubricants and fluids is to be done entirely on the ~~lot~~ premises.
- 1102.1.2.1.3. Auto dismantling and junk operations are prohibited.
- 1102.1.2.1.4. The entire area of the ~~lot~~ premises to be traversed by motor vehicles shall be paved.
- 1102.1.2.1.5. Driveways shall be paved and join streets and cross sidewalks at right angles, shall not be more than 24 feet nor less than 10 feet wide at any point, shall be at least 10 feet from any lot line and 25 feet from the intersection of street lot lines and shall be at least 20 feet apart. No more than two driveways ~~may shall~~ be permitted for each 100 feet of street frontage. Where approval by the MassDOT, or successor agency, is required in connection with driveway openings onto state highways, the prior provisions of this § 198-1102.1.4.1.7 shall be waived, and the regulations of said MassDOT shall be applicable. [Amended 5-5-1999 STM by Art. 11]
- 1102.1.2.1.6. No parts or partially dismantled vehicles ~~may shall~~ be stored out-of-doors.
- 1102.1.2.1.7. Minimum lot area for ~~automobile service and repair garages shall be 30,000 square feet, and minimum frontage shall be 125 feet; minimum lot area for automobile sales and for automobile sales, service and repair garages~~ shall be two

acres, and minimum frontage shall be 200 feet, and a structure(s) shall not be less than 100 feet from any residential building. [Amended 4-28-1986 ATM by Art. 27: paragraph deleted]

- 1102.1.2.1.8. Buildings ~~may~~shall occupy no more than 25% of the lot.
- 1102.1.2.1.9. The minimum setback for all structures ~~shall is to~~ be 40 feet from the street lot ~~property~~ line, ~~and with~~ minimum setbacks from other lot lines ~~shall to~~ be 25 feet. [Amended 5-5-1999 STM by Art. 11]
- 1102.1.2.1.10. Properties in abutting residential districts shall be protected from headlight glare by either:
  - 1102.1.2.1.10.1. A strip at least four feet wide densely planted with shrubs at least four feet high at time of planting and that are a type that may be expected to form a year-round dense screen at least six feet high in three years; or
  - 1102.1.2.1.10.2. An opaque fence of uniform appearance at least five feet high but not more than seven feet high above finished grade.

[Amended 4-28-1986 ATM by Art. 27: paragraph deleted]

- 1102.1.2.1.11. Protection afforded by § 198-1102.1.2.1.10.1 or 1102.1.2.1.10.2 above shall be maintained in good condition at all times. No signs or advertisements ~~may~~shall be attached thereto, except on the side facing the use of the ~~building, structure, or lot~~premises. Such protective screening or fences may be interrupted by normal entrances or exits.
- 1102.1.2.1.12. Illumination on outdoor areas shall be shielded so as not to shine on any property in a residential district.
- 1102.1.2.1.13. The use of banners, pennants, pinwheels or other advertising novelties is prohibited.

[Amended 5-5-1999 STM by Art. 9: paragraphs deleted]

- 1102.1.3. The ZBA, in accordance with § 198-203, may permit additional retail business and service uses when such uses are clearly similar to those permitted herein.
- 1102.1.4. Automobile service stations and automobile service garages. [Amended 5-5-1999 STM by Art. 9]
  - 1102.1.4.1. Automobile service stations and automobile service garages ~~for the sale of gasoline, lubricants and similar supplies and parts of motor vehicles, the making of minor repairs and adjustments to motor vehicles, other than structural changes or repairs, and providing water and compressed air,~~ shall be permitted as described by the Table of Permitted Uses by District. Where a permit from the ZBA or special permit is required as described in the Table of

Principal Uses by District, § 198-802, the ZBA shall satisfy for itself that a clearly established need will be served thereby, and subject to the following:

- 1102.1.4.1.1. Washing, lubricating and making of repairs shall be performed inside the building.
- 1102.1.4.1.2. No major repairs, such as body work, are to be performed.
- 1102.1.4.1.3. Sale or rental or display for sale or rental of motor vehicles or trailers is prohibited.
- 1102.1.4.1.4. No services or merchandise other than accessory, portable automotive merchandise may be displayed or sold on the premises.
- 1102.1.4.1.5. The area of the ~~lot~~premises to be traversed by motor vehicles shall be paved.
- 1102.1.4.1.6. Minimum lot area for an automobile service station shall be 40,000 square feet, and minimum frontage shall be 200 feet on any street, and structures shall not be less than 100 feet from any residential building. The minimum lot area for an automobile service garage shall be 30,000 square feet, and minimum frontage shall be 125 feet.
- 1102.1.4.1.7. Driveways shall be paved and join the street and cross sidewalks at right angles; shall not be more than 24 feet nor less than 10 feet wide at any point; shall be at least 10 feet from any lot line and 20 feet from the intersection of street lot lines; and shall be at least 20 feet apart. No more than two driveways ~~may~~shall be permitted for each 100 feet of street frontage. Where approval by the MassDOT is required in connection with driveway openings onto state highways, the prior provisions of this § 198-1102.1.4.1.7 shall be waived, and the regulations of MassDOT shall be applicable.
- 1102.1.4.1.8. No vehicles shall be stored out-of-doors, except for those used by employees and those used in the direct operation of the business.
- 1102.1.4.1.9. No parts or partially dismantled motor vehicles may be stored out-of-doors.  
  
[Amended 4-28-1986 ATM by Art. 27: paragraph deleted]
- 1102.1.4.1.10. Buildings and structures may ~~shall~~ occupy no more than 25% of the lot.
- 1102.1.4.1.11. The minimum setback of all structures, except gasoline pumps, shall be 40 feet from the street and 25 feet from other lot lines. Gasoline pumps shall be set back at least 20 feet from the street lot line and 25 feet from other lot lines.
- 1102.1.4.1.12. Properties in abutting residential districts shall be protected from headlight glare by either:
  - 1102.1.4.1.12.1. A strip at least four feet wide densely planted with shrubs at least four feet high

at time of planting and that are a type that may be expected to form a year-round dense screen at least six feet high in three years; or

1102.1.4.1.12.2. An opaque fence of uniform appearance at least five feet high but not more than seven feet above finished grade.

1102.1.4.1.12.3. Protection afforded by § 198-1102.1.4.1.12.1 or 1102.1.4.1.12.2 above shall be maintained in good condition at all times. No signs or advertisements ~~may shall~~ be attached thereto, except on the side facing the use of the ~~building, structure, or lot~~ premises. Such protective screening or fence may be interrupted by normal entrances or exits.

[Amended 4-28-1986 ATM by Art. 27: paragraph deleted]

1102.1.4.1.13. Illumination on outdoor areas shall be shielded so as not to shine upon any property in a residential district.

1102.1.4.1.14. The use of banners, pennants, pinwheels or other advertising novelties is prohibited.

§ 198-1103. Permitted uses in Business District B.

1103.1. See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Table. The ZBA, in accordance with § 198-203, may permit additional retail business and service uses when such uses are clearly similar to those permitted herein. [Amended 5-5-1999 STM by Art. 9]

§ 198-1104. Height, area, yard and bulk regulations.

1104.1. Height, area and yard requirements.

[Amended 5-14-1998 ATM by Art. 48; 5-5-1999 STM by Art. 9: paragraph deleted]

1104.1.1. In both Business Districts A and B, all signs as permitted herein and all outdoor displays as permitted herein shall be located not closer than 15 feet to the exterior line of any public or private way.

1104.1.2. In Business District A, the area and yard requirements of Article 7—shall apply. This requirement does not constitute relief from conformity with off-street parking and loading requirements ~~under herein~~ (~~§ 198-5604.2 and § 198-507~~).

1104.1.3. In Business District B, the following provisions apply:

[Amended 5-5-1999 STM by Art. 9; paragraph deleted]

1104.1.3.1. Exception to the setback requirements from street lot lines for buildings and

structures may be made by the ZBA, in accordance with § 198-203, upon presentation of a site plan for approval (See Article 6.), provided that the exception does not reduce the distance to less than 15 feet and that the plan is made in such manner as to minimize the generation of traffic hazards. [Amended 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

- 1104.1.3.2. For buildings in a Business District B, the ZBA, as outlined above, may grant exception to the fifteen-foot requirement of § 198-1104.1.3.1, provided that such is necessary to permit development of an integrated group of buildings on separate parcels of land. [Amended 5-5-1999 STM by Art. 9]

§ 198-1105. (Reserved)

Editor's Note: Former § 198-1105, Off-street parking and loading requirements was moved to § 198-506, Off-street parking, and § 198-507, Off-street loading, 5-5-2004 ATM by Art. 15.

§ 198-1106. Curbs and sidewalks

~~f.~~ [Amended 4-28-1975 ATM by Art. 26; 4-28-1986 ATM by Art. 27]

- 1106.1. In both Business Districts A and B, in the event of the construction, reconstruction or substantial alteration of any ~~building or structure~~ premises that ~~is~~ are used, or intended to be used, in whole or in part, for any industry, trade, manufacturing or commercial purpose, there shall be constructed as part of such construction, reconstruction or substantial alteration a raised granite curb at least six inches in height along the edge of the street, except at approved driveway openings. ~~and~~ There also shall be a paved pedestrian sidewalk no less than five feet in width set back no less than four feet from the street lot line ~~for and covering~~ the entire length of the lot ~~frontage; provided however, except~~ where driveways exist, the sidewalk shall ~~to~~ be separated from the remainder of the lot with a strip four feet wide in which ~~suitable evergreen shrubs or other landscaping approved by the ZBA~~ shall be maintained in good condition ~~suitable evergreen shrubs or other landscaping approved by the ZBA~~. The strip between the sidewalk and the street shall be maintained in good condition as a grass area. The sidewalk location shall be such as to join in a reasonable manner existing or ~~planned~~ potential sidewalks on abutting land.

§ 198-1107. Outdoor displays.

- 1107.1. In both Business Districts A and B, no outdoor display of merchandise for sale, other than motor vehicles, automobile accessories customarily sold at filling stations and farm and nursery produce, shall be permitted.

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ARTICLE 12 Refuse Disposal District [Amended 11-12-1975 STM by Art. 8]

§ 198-1201. Permitted uses.

- 1201.1. ~~See Article 7, Area, Yard and Bulk Regulations; Article 8, Dimension and Use Table.~~ No ~~building or structure may shall~~ be erected or constructed, altered, enlarged or used, and no land, water, ~~building,~~ or structure ~~may shall~~ be used for any purpose, or in any manner, other than as provided below:
- 1201.1.1. The disposal and treatment of septic tank pumpings at the septic treatment facility.
- 1201.1.2. The disposal of refuse and the recycling of materials and sale of recycled materials at such sanitary landfill areas as may have been designated by the Board of Health, all in accordance with its rules and regulations. [Amended 5-14-1998 ATM by Art. 49]
- 1201.1.3. The removal of such vegetation, sod, loam, gravel, stone and/or other earth materials as may have been authorized, from time to time, by the Board of Health. [Amended 5-14-1998 ATM by Art. 49]
- 1201.1.4. The storage of de-icing and earth materials. [Added 5-4-2005 STM by Art. 4]

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ARTICLE 13 Light Manufacturing District



§ 198-1301. Permitted uses.

[Amended 5-5-1999 STM by Art. 9]

1301.1. See [Article 7, Area, Yard and Bulk Regulations](#); Article 8, Dimension and Use Tables.

§ 198-1302. Sidewalks.

1302.1. In the event of the construction, reconstruction or substantial alteration of any [building or structure](#) premises that ~~is~~~~are~~ used or intended to be used, in whole or part, for any industry, trade, manufacturing or commercial purposes, a paved pedestrian sidewalk shall be constructed as a part of such construction, reconstruction or substantial alteration. ~~S~~ such sidewalk ~~shall to~~ be no less than five feet in width and ~~shall be~~ set back no less than four feet from the street ~~lot~~ property line and ~~shall to~~ be constructed ~~for the full entire~~ width of the lot ~~frontage; provided, however, except~~ where driveways exist, and separated from the remainder of the lot with a four-foot strip to be maintained as a landscaped area. The sidewalk location shall be such as to join in a reasonable manner existing or ~~potential~~ [planned](#) sidewalks on abutting land. [Amended 5-5-1999 STM by Art. 11]

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#### ARTICLE 14 Limited Commercial District

§ 198-1401. Permitted uses.

1401.1. See [Article 7, Area, Yard and Bulk Regulations](#); Article 8, Dimension and Use Tables. [Amended 5-5-1999 STM by Art. 9]

[Amended 11-13-1991 STM by Art. 5; 5-5-1999 STM by Art. 9: paragraph deleted]

1401.1.1. Research [and development](#) laboratories/~~offices~~, [offices, warehouse/distribution](#) facilities ~~for distributing merchandise~~, and light manufacturing, where the total footprint of all buildings housing such use(s) on the property does not exceed 15,000 gross square feet or 5% of the total lot area, whichever is smaller shall be permitted. [Amended 11-13-1991 STM by Art. 5; 5-6-1992 ATM by Art. 17; 5-5-1999 STM by Art. 9]

1401.1.2. Personal [and other](#) service [establishment](#) facilities, ~~such as cafeterias~~, banks, [nursery school/ and day-care](#), ~~or~~ recreation/[park](#) facilities, [and similar facilities](#), for the employees or other licensees of a permitted or special permit use, but such facilities shall not be available to the general public. [Amended 11-13-1991 STM by Art. 5]

§ 198-1402. Special permit uses.

[Amended 11-13-1991 STM by Art. 5]

1402.1. Buildings, ~~and~~ structures, [and lots](#) in a Limited Commercial District may be constructed, reconstructed, altered, enlarged or used, and premises may be used, for the following purposes and no others, subject to the provisions of Article 6, Site Plan Approval, of this Zoning Bylaw, and provided that a permit is obtained from the Zoning Board of Appeals in accordance with § 198-203 of this Zoning Bylaw:

1402.1.1. Research [and development](#) laboratories/~~offices~~, warehouses/[distribution facility](#), ~~facilities for distributing merchandise~~ and light manufacturing, where the total footprint of all buildings housing such use(s) on the property exceeds 15,000 gross square feet or 5% of the total lot area, whichever is smaller. [Amended 11-13-1991 STM by Art. 5; 5-6-1992 ATM by Art. 17]

§ 198-1403. Area, yard and bulk regulations.

[Amended 11-13-1991 STM by Art. 5; 5-5-1999 STM by Art. 9]

1403.1. See [Article 7, Area, Yard and Bulk Regulations](#); Article 8, Dimension and Use Tables.

§ 198-1404. Limitations and development.

[Amended 11-13-1991 STM by Art. 5; 5-6-1992 ATM by Art. 16]

1404.1. Notwithstanding any provision of this Zoning Bylaw to the contrary, no special permit or site plan



approval ~~may~~ shall be granted by the special permit granting authority or by the site plan approval authority (~~“the approving authority”~~) that allows for development in excess of the following limitations and that has not been supported by the ~~traffic impact information set forth in § 198-1405~~ following ~~submittals~~.

§ 198-1405. Traffic impact.

- 1405.1. The applicant shall submit a traffic impact assessment report containing such data and information as required by the approving authority. No new ~~building or~~ structure, group of ~~buildings or~~ structures, improvement, alteration or change in use shall result in a level of service (LOS), as defined by criteria set forth by the Transportation Research Board of the National Research Council, determined to be inadequate within the impact area of the proposed activity. The “impact area” shall mean any road, intersection or way within 1,000 feet of the closest boundary of the project site and projected to receive at least 5% of the anticipated average daily or peak-hour traffic generated by the proposed development. “Inadequate,” for the purpose of this finding, shall mean: [Amended 5-14-1998 ATM by Art. 50]
- 1405.1.1. An LOS of less than “B” (as defined in the reference cited above) for existing designated scenic roads, for all categories of existing residential streets (as defined in the Subdivision Regulations of the Planning Board Editor’s Note: See Ch. 303, Subdivision of Land→.) and for all new streets and intersections created in conjunction with the project.
- 1405.1.2. An LOS of less than “D” (as defined in the above reference) for numbered highways and all other streets.
- 1405.2. The approving authority, at its discretion, may hire a qualified expert in developing and interpreting traffic generation data to confirm data submitted by the applicant, evaluate data and recommend to the approving authority the appropriate LOS to be utilized by the approving authority in determining whether the proposed activity meets the requirement of this § 198-1405. The approving authority may charge the applicant reasonable costs for such work as part of the application fee for review of the application.
- 1405.3. The approving authority, at its discretion, may allow for improvements to affected areas that, when complete, will provide the required LOS and may make such improvements a condition of approval.
- 1405.4. The approving authority may accept a request for waiver of traffic impact if the applicant asserts to the satisfaction of the approving authority that:
- 1405.4.1. The application of the limitations contained under § 198-1405.1 and 1405.2 above would constitute a hardship or prohibit use of the property for a purpose allowed in this article and that the impact on the affected ways is insignificant; or
- 1405.4.2. The way(s) affected was (were) below the required LOS at the time of application and the impact on the affected way(s) is insignificant.
- 1405.5. Such request for waiver of traffic impact shall be made, in writing, by the applicant, who shall submit sufficient data satisfactory to the approving authority to support said request. The approving authority shall list, in writing, its reasons for granting or denying said request, after holding a public hearing in accordance with the hearing requirements of MGL c. 40A, the Zoning Act, pertaining to special permits.

§ 198-1406. Physical attributes of the ~~lot~~ site.

- 1406.1. The footprint of any building(s) ~~may~~ shall not exceed 20% of the total area of the ~~lot~~ site. The footprint of a building shall be measured at the outermost edge of the foundation of the building or at the outermost edge of any portion of the first floor overhanging the foundation, whichever is greater.
- 1406.2. The floor area ratio (FAR) ~~may~~ shall not exceed 40% when calculated by dividing the total gross floor area of the buildings by the total area of the ~~lot~~ site. ~~“Total gross floor area” shall mean the floor area within the perimeter of the outside walls of the buildings, without deductions for hallways, stairs, closets, thickness of walls, columns or any other features.~~
- 1406.3. No portion of any building ~~or structure may~~ shall exceed 35 feet in height, except that this limitation shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other accessory rooftop

- features necessary to the functioning of the building, if such features are in no way occupied by people.
- 1406.4. No building or structure ~~may~~shall extend to within 100 feet of any street lot line or to within 100 feet of any property line. [Amended 5-5-1999 STM by Art. 11]
- 1406.5. The ~~lot~~site shall have adequate parking spaces, as determined by the approving authority after review of the traffic impact assessment report. Such parking spaces shall be off-~~street~~ and shall not be located within 50 feet of the perimeter ~~property lot~~ line ~~of the site~~. The approving authority may allow on-street parking and location of parking spaces closer to ~~the said lot~~property line, but only after listing its reasons therefor and finding that allowing such parking is consistent with the purposes of this Zoning Bylaw. However, in no event ~~may~~shall parking be allowed within 100 feet of residential zoning districts or residential properties. All parking shall be screened from adjacent properties by suitable landscaping materials.
- 1406.6. All facilities and all articles stored on the ~~lot~~premises shall be located within enclosed buildings or structures, unless the approving authority allows for an adequately screened storage area and lists in its written findings that such an area is consistent with the purposes of this Zoning Bylaw.
- 1406.7. No loading platform ~~may~~shall be located on the street side of any building or structure or on the side of a building or structure facing a residential district, unless properly screened and unless the approving authority lists in its written findings that said screened platform is consistent with the purposes of this Zoning Bylaw.
- 1406.8. In the event of the construction, reconstruction or substantial alteration on any ~~lot~~site that is used or intended to be used, in whole or in part, for the purpose allowed under ~~this a~~Article 14, paved pedestrian sidewalks shall be constructed as a part of such construction, reconstruction or substantial alteration. Such sidewalks shall be no less than five feet in width, shall be set back no less than four feet from ~~the~~ street lot lines ~~for the entire width of the lot frontage~~ and shall be separated from the remainder of the ~~lot~~site by a four-foot landscaped strip. Sidewalks shall reasonably join existing sidewalks or shall be capable of reasonably joining ~~planned~~potential sidewalks, internally and on abutting land. [Amended 5-5-1999 STM by Art. 11]
- 1406.9. Not more than one sign, consistent with regulations promulgated pursuant to Article 6, Site Plan Approval, of this Zoning Bylaw, shall be allowed at each entrance of the ~~lot~~site from each principal way and from which way access to the site is provided in the site plan approval for the site.

198 Attachment 1

Town of Wayland  
 Table of Dimensional Requirements  
 [Amended 5-27-1981 ATM by Art. 16; 5-4-1982 ATM by Art. 23;  
 5-2-1983 ATM by Art. 12; 5-2-1983 ATM by Art. 13; 5-14-1998 ATM by Art. 56;  
 5-5-1999 STM by Art. 10; 5-12-1999 ATM by Art. 37; 5-1-2002 ATM by Art. 31]  
 Add new amendment references

Districts	Use	Minimum Lot Area <sup>1</sup> (sq. ft.)	Maximum Lot Coverage	Minimum Frontage (ft.)	Minimum Yard Setbacks <sup>1,4</sup>			Maximum Height <sup>4</sup>			
					From Lot Line (ft.)	From ROW Center Lane (ft.)	Rear From Lot Line (ft.)	Side From Lot Line (ft.)	The lesser of Feet	Stories	
Single Residence		20,000 <sup>15</sup>	2.0%	120	30 <sup>2</sup>	55	30	15 <sup>3</sup>	35	2 1/2	
		30,000 <sup>15</sup>	2.0%	150	30 <sup>2</sup>	55	30	20 <sup>3</sup>	35	2 1/2	
		40,000 <sup>15</sup>	2.0%	180	30 <sup>2</sup>	55	30	25 <sup>3</sup>	35	2 1/2	
Roadside Business	Uses permitted in Single Residence Districts	60,000 <sup>15</sup>	2.0%	210	30 <sup>2</sup>	55	30	30 <sup>3</sup>	35	2 1/2	
			2.0%		60	55	30	15 <sup>3</sup>	35	2 1/2	
Business A	Permitted nonresidential uses	40,000	2.0%	200 <sup>8</sup>	60	55	30	30	35	2 1/2	
			7.5% (70% corner lot)		30 <sup>2</sup>	55	15	15 <sup>3</sup>	35		
Business B	Automobile service garage and repair garage	30,000	2.5%	125	40 <sup>1</sup> <del>add reference to footnote 10</del>		25 <sup>7,10</sup>	25 <sup>7,10</sup>	35		
		2 acres	2.5%	200	40		25 <sup>7,10</sup>	25 <sup>7,10</sup>	35		
		40,000	2.5%	200	40 <sup>10</sup>		25 <sup>7,10</sup>	25 <sup>7,10</sup>	35		
		None	2.5%	None	60 <sup>11</sup>		15 <sup>3,13</sup>	15 <sup>3,13</sup>	35		
		None	None	None	30 <sup>2</sup>		30	15 <sup>3</sup>	None	None	
Light Manufacturing	Listed permitted uses	None	7.5% (70% corner lot)	None	30 <sup>2</sup>	55	15	15 <sup>3</sup>	40	3	
		30,000	2.5%	125	40 <sup>1</sup> <del>add reference to footnote 10</del>		25 <sup>7,10</sup>	25 <sup>7,10</sup>	35		
Limited Commercial	Automobile service and repair garage	2 acres	2.5%	200	40		25 <sup>7,10</sup>	25 <sup>7,10</sup>	35		
		40,000	2.5%	200	40 <sup>10</sup>		25 <sup>7,10</sup>	25 <sup>7,10</sup>	35		
		None	2.0%	15	30 <sup>2</sup>	55	30	15 <sup>3</sup>	35	2 1/2	
Aquifer Protection Cochrane Interim Planning Overlay Conservation Cluster Development Floodplain, Federal Flood Plain Protection Flood and Watershed Protection Planned Development Senior and Family Housing Overlay Southeast Wayland-Cochituate Planning Wireless Communications Services District Municipal Services Overlay	Permitted nonresidential uses	None	2.0%	None	100		1.00	1.00	35	2 1/2	

NOTES:

- 1 Minimum lot area shall be calculated in accordance with the requirements of § 198-705.5 of this Zoning Bylaw.
- 2 If § 198-702 shall require a greater setback or permit a lesser setback, the provisions of said § 198-702 shall prevail over this table.
- 3 Side yards shall meet the requirements of §§ 198-702.4 and 703.2, and the required minimum side yard may be reduced in accordance with the provisions of § 198-703.2.
- 4 Maximum height limitations shall be subject to the exceptions set forth in § 198-701.1.1 and 701.1.2.
- 5 ~~Accessory buildings shall be permitted in the minimum backyard in accordance with the provisions of § 198-703.1. Reserved for future use.~~
- 6 ~~Existing premises with less frontage may be used in accordance with the requirements of § 198-1002.1.4. (Editor's Note: Former § 198-1002.1.4, which provided for existing premises with less frontage, was repealed 5-5-1999 STM by Art. 9.) Reserved for future use.~~
- 7 The dimensional requirements of the nearest residential district shall apply.
- 8 Minimum lot area and frontage shall be determined in accordance with the provisions of § 198-1104.1.2.
- 9 Each structure shall be not less than 100 feet from any residential building.
- 10 Gasoline pumps shall be at least 20 feet from the street lot line and 25 feet from side and rear property lines. [Amended 5-5-1999 STM by Art. 11]
- 11 Also 60 feet from any residence district; exception may be made pursuant to § 198-1104.1.3.1.
- 12 ~~Sixty feet required from residence district boundary. Reserved for future use.~~
- 13 Exception may be made pursuant to § 198-1104.1.3.2.
- 14 Any greater setback required by § 198-702.4 or §§ 198-901.1.5.4, 901.1.5.5 or 901.1.6 shall prevail.
- 15 Minimum front yard width shall be calculated in accordance with the requirements of § 198-705.1.8 of this Zoning Bylaw.
- 16 Minimum lot area and frontage shall be determined in accordance with the provisions of § 198-1403.1.

Table of Permitted Principal Uses by Districts

[Amended 5-27-1981 ATM by Art. 17; 4-30-1986 ATM by Art. 30; 11-13-1991 STM by Art. 5; 11-13-1991 STM by Art. 6; 5-4-1992 STM by Art. 1; 5-14-1998 ATM by Art. 55; 5-5-1999 STM by Art. 10; 4-30-2001 ATM by Art. 26; 5-5-2005 ATM by Art. 29]

Key to symbols:

- Yes = Allowed as of right
- ~~P-ZBA~~ = ~~Allowed by permit from Zoning Board of Appeals~~
- R = Required
- No = Not allowed
- TM = Allowed by two-thirds majority Town Meeting vote
- NR = Not required
- SP = Allowed by special permit
- TAU = See Table of Accessory Uses by Districts
- NA = Not applicable

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
<b>Business Uses</b>							
1. <del>Auto</del> mobile sales, automobile service garage, automobile service station service, repair	No	No	<del>SP-ZBA</del>	No	<del>SP-ZBA</del>	No	R
2. Bank	No	No	Yes	Yes	Yes	Yes	R
3. Boat or canoe rental <del>nonmotorized or no more than 10 hp</del>	SP	SP	Yes	Yes	Yes	Yes	R
	TAU	TAU	Yes	Yes	Yes	Yes	R
	SP	SP	Yes	Yes	Yes	Yes	R
	TAU	TAU	Yes	Yes	Yes	Yes	R
	<del>No</del>	<del>No</del>	<del>P-ZBA</del>	<del>No</del>	<del>P-ZBA</del>	<del>No</del>	<del>R</del>
	TAU	TAU	Yes	Yes	Yes	Yes	R
	SP	SP	Yes	Yes	Yes	Yes	R
	No	No	Yes	Yes	Yes	No	R
	No	SP	<del>SP-ZBA</del>	<del>SP-ZBA</del>	<del>SP-ZBA</del>	No	R
12. Retail store	No	No	Yes	Yes	Yes	No	R
13. Roadside stand	No	SP	Yes	Yes	Yes	Yes	R
14. Stables with horses for hire	SP	SP	No	No	Yes	No	R
15. Trade shop	<del>TAU</del> No	TAU	Yes	No	Yes	No	R
<b>General Uses</b>							

16. Agriculture	Yes	Yes	Yes	Yes	Yes	Yes	NR
17. Cemetery	Yes	Yes	Yes	Yes	Yes	Yes	R
18. Conservation <u>Land</u>	Yes	Yes	Yes	Yes	Yes	Yes	NR
19. Earth removal	SP	SP	SP	SP	SP	SP	NR
20. Kennel	TAU	TAU	No	No	No	No	NR
4. Home occupation, Customary	SP	SP	Yes	Yes	Yes	Yes	R
5. Funeral home	No	SP	Yes	Yes	Yes	Yes	R
6. Medical/dental care center	Yes	Yes	Yes	Yes	Yes	Yes	R
7. Reserved for possible future use.							
8. Office							
9. Parking facility							
10. Personal and other service establishments							
11. Restaurant							

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
Government, Institutional and Public Service							
24. Assisted/independent living	SP	SP	SP	SP	No	No	R
25. Bus terminal	No	No	Yes	Yes	Yes	No	R
26. Educational	Yes	Yes	Yes	Yes	Yes	Yes	R
27. Hospital	SP	SP	No	No	Yes	Yes	R
28. Low-income elderly housing	TM	TM	No	No	No	No	R
29. Multi-family unit: low-income	TM	TM	No	No	No	No	R
30. Museum/library	Yes	Yes	Yes	Yes	Yes	Yes	R
31. Nursery school/day care	Yes	Yes	Yes	Yes	Yes	Yes	
32. Nursing home	SP	SP	No	No	Yes	Yes	R
33. Public or charitable Institution	SP	SP	No	No	Yes	Yes	R
34. Railroad station/ <del>railroad-</del> and right-of-way)	Yes	Yes	Yes	Yes	Yes	Yes	R
35. Religious <u>building or structure</u>	Yes	Yes	Yes	Yes	Yes	Yes	R
36. Studio <del>for art, music, dance</del>	SP	SP	Yes	Yes	Yes	No	R
37. Town uses	Yes	Yes	Yes	Yes	Yes	Yes	R
38. Utility facility	Yes	Yes	Yes	Yes	Yes	Yes	R
Industrial Uses							
39. Construction/ <del>lumber</del> yard	No	No	No	No	Yes	No	R
40. Heavy vehicle repair garage	No	No	No	No	Yes	Yes	R

41. Light manufacturing	No	No	No	No	Yes	Yes	R
42. Research and development <u>laboratories/offices</u> not exceeding 15,000 square feet	No	No	No	No	Yes	Yes	R
43. Research and development <u>laboratories/offices</u> exceeding 15,000 square feet	No	No	No	No	No	SP	R
44. Warehouse/ <u>Distribution</u> not exceeding 15,000 square feet	No	No	No	No	No	Yes	R
45. Warehouse/ <u>Distribution</u> exceeding 15,000 square feet	No	No	No	No	No	SP	R

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
Prohibited Uses							
46. Aircraft landing and taking off	No	No	No	No	No	No	NA
47. Drive <u>in, drive-through, or drive-up</u> restaurants	No	No	No	No	No	No	NA
48. Hazardous material storage	No	No	No	No	No	No	NA
49. Junkyard	No	No	No	No	No	No	NA
50. Ungaraged and unregistered motor vehicles, more than one	No	No	No	No	No	No	NA
51. All uses not listed herein	No	No	No	No	No	No	NA
<u>52. Boarding houses</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>NA</u>
Residential Uses							
<del>52</del> 53. Accessory dwelling Unit	TAU	TAU	No	No	No	No	NR
<del>53. Boarding house</del> <u>Reserved for future use</u>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>No</del>	<del>NA</del>
54. Conservation cluster	SP	SP	No	No	No	No	NR
55. Dwelling, <u>S</u> single-family	Yes	Yes	No	No	No	No	NR
56. Letting of rooms	TAU	TAU	No	No	No	No	NR
57. <u>Dwelling, Multi-</u> family <u>dwelling</u>	SP1	SP1	No	No	No	No	NA
Refuse Disposal	Requirements of § 198-1201 apply						



District	
Overlay Districts	
Aquifer Protection District	Requirements of Article 16 apply
<del>Cochituate Interim Planning Overlay District</del>	<del>Requirements of Article 22 apply</del>
Conservation Cluster Development District	Requirements of Article 18 apply <u>-SP</u>
Floodplain, Federal Flood <u>Plain</u> Protection and <del>Watershed Protection</del> Districts	Requirements of Article 17 apply <u>-SP</u>
Planned Development District	Requirements of Article 19 apply <u>-SP</u>
Senior and Family Housing Overlay District	Requirements of Article 21 apply <u>-SP</u>
Southeast Wayland-Cochituate Planning District	Requirements of Article 20 apply <u>-SP</u>
Wireless Communications Services District	Requirements of Article 15 apply <u>-SP</u>
<u>Planned Wireless Communications Services District</u>	<u>Requirements of Article 15A apply</u>
Municipal Services Overlay District	Requirements of Article 24 apply

NOTES:

1 Multi-family dwellings may only be allowed by special permit in accordance with Article 18 Conservation Cluster Development District.

Accessory Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
58. Accessory dwelling unit (§ 198-901.1.3)	SP	SP	No	NA	NA	NA	NR
59. Accessory dwelling unit - WHA (§ 198-901.1.4)	SP	SP	No	NA	NA	NA	NR
60. Barn, toolshed	Yes	Yes	Yes	Yes	Yes	Yes	NR
61. Cafeterias, banks, day-care or recreational facilities for employees	No	No	No	No	No	Yes	R
62. Home occupation (§ 198-901.1.2)	SP	SP	Yes	Yes	Yes	Yes	R
63. Family day care	Yes	Yes	Yes	Yes	Yes	Yes	R
64. Garage, carport: 3	Yes	Yes	Yes	Yes	Yes	Yes	NR

vehicles or fewer							
65. Greenhouse, noncommercial	Yes	Yes	Yes	Yes	Yes	Yes	NR
66. Home occupation, <u>Customary</u> (§ 198-901.1.1)	Yes	Yes	Yes	Yes	Yes	Yes	NR
67. Kennel: 3 dogs or fewer	Yes	Yes	Yes	Yes	Yes	Yes	NR
68. Kennel: 4 dogs or more	SP	SP	Yes	Yes	Yes	Yes	R
69. Letting/renting of rooms	SP	SP	No	No	No	No	NR
70. (Reserved)	--	--	--	--	--	--	--
71. Residence in accessory <u>dwell</u> ing building	Yes	Yes	No	No	No	No	NR
72. Roadside stand	SP	SP	Yes	Yes	Yes	Yes	R
73. Swimming pool	Yes	Yes	No	No	No	No	NR
74. Tennis court	Yes	Yes	No	No	No	No	NR

**PLANNING BOARD REPORT:** “A re-organization or re-structuring of the Zoning By-Laws of the Town without making any substantial procedural or substantive changes in such By-Laws” and still meet the intent of a By-Law that is more understandable to a layman.

*From the Wayland Zoning By-Law Committee in 1983*

As authorized by the Town Meeting vote under Article 24 on May 6, 2004, the Planning Board has undertaken the project to rewrite the Town’s Zoning Bylaws, which are found in Chapter 198 of the Town Code. The Planning Board is undertaking the project in two stages; first to address organizational, consistency, and similar non-substantive matters and second to address substantive provisions. The first installment of the amendments consists of amendments to Chapter 198, Articles 1-5 and 7-14, which are being presented for consideration by the Town Meeting on November 16, 2010. All of the currently proposed revisions are non-substantive. Policy and similar substantive provisions are reserved for a later date.

The proposed amendments are intended to make the Bylaw more consistent and “user-friendly” by eliminating redundancy and improving organization. The amendments are designed to clarify terms and apply those terms consistently throughout the Bylaw. For example, the Definitions section (§198-104) is expanded to include definitions of terms used elsewhere in the Bylaw and terms not used are deleted. Narrative describing the various uses is removed from the Table of Dimensional Regulations (§198-801), the Classification of Principal Uses (§198-803), the Table of Permitted Accessory Uses by Districts (§198-804), and the Classification of Accessory Uses (§198-805) and inserted in the Definitions section. The amendments also incorporate Attachments 1, 3, and 5 (respectively, the Table of Dimensional Regulations, the Table of Permitted Principal Uses by Districts, and the Table of Permitted Accessory Uses by Districts) into the Bylaw. Other amendments update various sections and correct errors.

One of the items of concern at Annual Town Meeting in November 2010 was the proposal to remove the section of the Zoning Bylaws that pertained to the Federal Flood Plain Protection District (Section 17 of the bylaws). The Planning Board has decided to maintain that section in the bylaws and has amended them as set forth in a separate article that is being brought before the 2011 Annual Town Meeting (Article 20).

Consistent and well-written Zoning Bylaws will provide a solid foundation for regulatory decisions and a clearer set of rules for applicants. It will also provide consistency with the laws of the Commonwealth of Massachusetts, such as making definitions in the Town’s Bylaws consistent with those of the Commonwealth. The Planning Board voted unanimously in favor of this article. Vote: 4-0.



**MOTION:**

Kevin Francis Murphy moved and was duly seconded that the Town vote to amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the revisions thereto as set forth on pages 73 through 121 of the Warrant for the 2011 Annual Town Meeting with one change to be made on page 93 of the Warrant in section 705.2. by striking the words "building, structure, or" to read "No dwelling may be erected".

**VOTED:**

UNANIMOUSLY IN FAVOR

**ARTICLE 20: AMEND ZONING BYLAW – UPDATED FEDERAL FLOODPLAN OVERLAY DISTRICT MAP**

*Proposed by: Planning Board*

To determine whether the Town will vote to amend the Town's Zoning Bylaw, Chapter 198 of the Town Code, Overlay districts, §302.1.2, §302.2, and §1702, of the Town Code as follows:

By deleting the text shown below as strike-out and by adding the text shown below in underlining as being added; text that is not being changed is shown for informational purposes only

§198-302. Overlay Districts

~~302.1.2~~

~~A Federal Flood Protection District, defined as the one hundred year floodplain, Zones A and A1 A30, that is shown, defined and bounded on maps published by the Federal Emergency Management Agency on file with the Town Clerk and entitled "FIRM – Flood Insurance Rate Map, Town of Wayland, Massachusetts, Middlesex County," and "Floodway Flood Boundary and Floodway Map, Town of Wayland, Massachusetts, Middlesex County," dated June 1, 1982.~~

302.1.2

A Federal Flood Plain Protection District, which includes all special flood hazard areas within the Town of Wayland designated as Zone A AE, AH, AO, A99 and "Floodway Areas in Zone AE", on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Wayland are panel numbers 25017C0369E, 25017C0386E, 25017C0388E, 25017C0389E, 25017C0507E, 25017C0509E, 25017C0517E, 25017C0526E, 25017C0527E, 25017C0528E, 25017C0529E, and 25017C0536E dated June 4, 2010. The exact boundaries of the Federal Flood Protection District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk. The FIRM is hereby incorporated as part of the Zoning Map of the Town of Wayland.

302.2

Any land lying within the Aquifer Protection District, the Federal Flood Plain Protection District, the Floodplain District or the Watershed Protection District shall also be subject to the regulations of the underlying districts to the extent not inconsistent with the regulations for the applicable overlying district or districts and shall, in addition, conform to the additional requirements of the one or more overlying districts in which the land lies. In the event of any conflict between the regulations applying to two or more overlying districts that apply to the same parcel of land, the conflict shall be resolved by applying the most restrictive provisions. [Added 5-4-1982 ATM by Art. 17; amended 5-1-1989 STM by Art. 7]

§198-1702, Federal Flood Plain Protection District

~~[Amended 5-4-1982 ATM by Art. 17]~~

~~1702.1. The purpose of this § 198-1702 is to carry out the purposes of the National Flood Insurance Program so as to enable interested persons to purchase insurance against loss resulting from physical damage to, or loss of, real property, or personal property related thereto, arising from a flood.~~

~~1702.2. The following requirements apply in the Federal Flood Protection District:~~

- ~~1702.2.1. Within Zone A, as shown on the Flood Insurance Rate Map (FIRM), where the base flood elevation is not provided on the FIRM, each applicant for a building permit for any building and/or structure lying within Zone A shall obtain any existing base flood elevation data, and it shall be reviewed by the Building Commissioner for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the Building Code (current Section 744).~~
- ~~1702.2.2. In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:~~
- ~~1702.2.2.1. All encroachments, including fill, new construction, substantial improvements to existing structures and other development, are prohibited, unless certification by a registered professional engineer or architect is provided by the applicant for a building and/or special permit for any such encroachment within the floodway demonstrating that such encroachment shall not result in an increase in flood levels during the occurrence of the one hundred year flood.~~
- ~~1702.2.2.2. Any encroachment meeting the above standard shall comply with the floodplain requirements of the Building Code. Editor's Note: Former § 198-1703, Watershed Protection District, as amended 3-15-1967 ATM by Art. 16, 4-30-1975 ATM by Art. 28, and 4-28-1986 ATM by Art. 25, which immediately followed, was repealed 5-5-2005 ATM by Art. 31.~~

#### 1702.1.

The purposes of the Federal Flood Plain Protection District are to protect the health and safety of persons in the Town against the hazards of flooding; to reduce damage to public and private property resulting from flooding; to control development within lands identified as flood hazard areas; and to maintain the Town's eligibility to participate in the National Flood Insurance Program and thereby enable Town property owners to purchase insurance against damage to, or loss of, real property or personal property arising from a flood. As used herein, FIRM means the Federal Insurance Rate Map, as described in §198-302.1.2.

#### 1702.2.

The following requirements apply in the Federal Flood Plain Protection District:

##### 1702.2.1.

In Zone AE, where the base flood elevation is provided on the FIRM, the base flood elevation shall be utilized to meet the elevation or floodproofing requirements of the State Building Code, Seventh Edition, 780 CMR 120.G, "Flood Resistant Construction", as may be modified in subsequent editions. Within Zone A, where the base flood elevation is not provided on the FIRM, each applicant for a building permit for any building and/or structure within Zone A shall obtain the best available base flood elevation data, which shall be reviewed by the Building Commissioner and used to meet said elevation or floodproofing requirements. Base flood elevation data is required for subdivision proposals or other developments greater than five acres within Zone A.

##### 1702.2.2.

All encroachments, including fill, new construction, substantial improvements to existing structures and other development, are prohibited, unless certification by a registered professional engineer or architect is provided by the applicant for a building and/or special permit for any such encroachment within the floodway demonstrating that such encroachment shall not result in an increase in flood levels within the Town during the occurrence of the one-hundred-year flood. Along waterways that have not had a regulatory floodway designated on the FIRM, the best available Federal, State, Town or other floodway data shall be used to provide the certification that the encroachment will not result in an increase in said flood levels.

#### 1702.3.

All development in the Federal Flood Plain Protection District, including structural and non-structural activities, that is in compliance with this Bylaw, must also be in compliance with the following State and Town requirements, and any waivers or variances from said requirements may only be granted in accordance with the procedures of those requirements:

1702.3.1.

The current requirements of the Massachusetts State Building Code for construction in flood hazard areas.

1702.3.2.

The Wetlands Protection Act, G.L., c. 131, §40, and its Regulations (currently 310 CMR 10.00 et seq.).

1702.3.3.

Inland Wetlands Restriction Regulations (currently 310 CMR 13.00).

1702.3.4.

Minimum Requirements for the Subsurface Disposal of Sanitary Sewage (“Title V”) (currently 310 CMR 15.000 et seq.).

1702.3.5.

Town Bylaws, Chapter 194, “Wetlands and Water Resources Protection,” and the Rules and Regulations of the Town Conservation Commission, as currently in effect.

**PLANNING BOARD REPORT:** This is being presented as a separate article and not as part of the Zoning Bylaws Recodification article in order to highlight for property owners that the Town is making map changes to designate new district boundaries of the flood plain zone that relate to new panel numbers. The Planning Board was concerned that if this amendment to the Zoning Bylaws were part of the larger recodification project (see Article 19 of the 2011 Annual Town Meeting),

that property owners in Wayland might not be aware. The changes to the floodplain maps are amendments to maps that were originally approved at Town Meeting to designate prior Federal floodplain maps. These maps have already been adopted by our Conservation Commission as stated in the Conservation Rules and Regulations.

The amendments to the floodplain maps will provide consistency between the flood plain maps recognized by the Town and by FEMA, thereby providing residents with an unambiguous definition of the designated Federal Flood Plain areas in Wayland. It will also make the Town’s bylaws on this matter consistent with the model bylaws recommended by the DCR (Massachusetts Department of Conservation and Recreation), which will provide residents with a set of rules and regulations that are clear and consistent if they need to count on such bylaws to assist them in managing flood plain issues.

If you have any questions about the Federal Floodplain maps, or wish to view them online, visit the FEMA website at <http://www.fema.gov>.

The Planning Board voted unanimously in favor of this article: Vote: 4-0.

**MOTION:**

Kevin Francis Murphy moved that the Town vote to amend Chapter 198 of the Code of the Town of Wayland, the Town’s Zoning Bylaw, by making the revisions to §302.1.2, §302.2, and §1702, thereof as set forth on Pages 124 through 126 of the Warrant for the 2011 Annual Town Meeting.

**VOTED:**

UNANIMOUSLY IN FAVOR

**ARTICLE 21: AMEND ZONING BYLAW - SITE PLAN APPROVAL REQUIREMENT FOR DAY CARE, EDUCATIONAL, NURSERY SCHOOL AND RELIGIOUS USES**

*Proposed by: Planning Board*

To determine whether the Town will vote to amend the Town’s Zoning Bylaw, Chapter 198 of the Town Code, Table of Permitted Principal Uses by Districts, and the Notes within and at the end of said table and §198-603 and §198-606 relative to Site Plan Approval by (i) deleting the text shown below as ~~struckthrough~~; (ii) adding the underlined text and (iii) as otherwise indicated (text that is not being changed is shown for informational purposes only):

a.) revise the Table of Permitted Principal Uses by Districts and the Notes within and at the end of said table as follows:

**Town of Wayland  
Table of Permitted Principal Uses by Districts (Cont’d)**

- Key to symbols:
- Yes = Allowed as of right
  - P-ZBA = Allowed by permit from Zoning Board of Appeals
  - R = Required
  - No = Not allowed
  - TM = Allowed by two-thirds majority Town Meeting vote
  - NR = Not required
  - SP = Allowed by special permit
  - TAU = See Table of Accessory Uses by Districts
  - NA = Not applicable

(No changes to uses 1 through 23 or 46 through 51 are proposed)

Uses	Single Residence	Roadside Business	Business A	Business B	Light Manufacturing	Limited Commercial	Site Plan Approval
<b>Government, Institutional and Public Service</b>							
24. Assisted/independent living	SP	SP	SP	SP	No	No	R
25. Bus terminal	No	No	Yes	Yes	Yes	No	R
26. Educational	Yes	Yes	Yes	Yes	Yes	Yes	R <sup>1</sup>
27. Hospital	SP	SP	No	No	Yes	Yes	R
28. Low-income elderly housing	TM	TM	No	No	No	No	R
29. Multifamily unit: low-income	TM	TM	No	No	No	No	R
30. Museum/ or library	Yes	Yes	Yes	Yes	Yes	Yes	R <sup>1</sup>
31. Nursery school/or day care	Yes	Yes	Yes	Yes	Yes	Yes	R <sup>1</sup>
32. Nursing home	SP	SP	No	No	Yes	Yes	R
33. Public or charitable institution	SP	SP	No	No	Yes	Yes	R
34. Railroad station and right-of-way	Yes	Yes	Yes	Yes	Yes	Yes	R
35. Religious	Yes	Yes	Yes	Yes	Yes	Yes	R <sup>1</sup>
36. Studio for art, music, dance	SP	SP	Yes	Yes	Yes	No	R
37. Town uses	Yes	Yes	Yes	Yes	Yes	Yes	R
38. Utility facility	Yes	Yes	Yes	Yes	Yes	Yes	R
<b>Industrial Uses</b>							
39. Construction/lumber yard	No	No	No	No	Yes	No	R
40. Heavy vehicle repair garage	No	No	No	No	Yes	Yes	R
41. Light manufacturing	No	No	No	No	Yes	Yes	R
42. Research and development not exceeding 15,000 square feet	No	No	No	No	Yes	Yes	R
43. Research and development exceeding 15,000 square	No	No	No	No	No	SP	R

feet							
44. Warehouse not exceeding 15,000 square feet	No	No	No	No	No	Yes	R
45. Warehouse exceeding 15,000 square feet	No	No	No	No	No	SP	R
52. Accessory dwelling unit	TAU	TAU	No	No	No	No	NR
53. Boarding house	No	No	No	No	No	No	NA
54. Conservation cluster	SP	SP	No	No	No	No	NR
55. Dwelling, single-family	Yes	Yes	No	No	No	No	NR
56. Letting of rooms	TAU	TAU	No	No	No	No	NR
57. Multifamily dwelling	SP <sup>42</sup>	SP <sup>42</sup>	No	No	No	No	NA
<b>Refuse Disposal District</b>	Requirements of § 198-1201 apply						
<b>Overlay Districts</b>							
Aquifer Protection District	Requirements of Article 16 apply						
Cochituate Interim Planning Overlay District	Requirements of Article 22 apply						
Conservation Cluster Development District	Requirements of Article 18 apply						
Floodplain, Federal Flood Protection and Watershed Protection Districts	Requirements of Article 17 apply						
Planned Development District	Requirements of Article 19 apply						
Senior and Family Housing Overlay District	Requirements of Article 21 apply						
Southeast Wayland-Cochituate Planning District	Requirements of Article 20 apply						
Wireless Communications Services District	Requirements of Article 15 apply						
Municipal Services Overlay District	Requirements of Article 24 apply						

NOTES:

<sup>1</sup> Limited site plan review and approval by the Building Commissioner in accordance with §198-606.3.

<sup>42</sup> Multifamily dwellings may only be allowed by special permit in accordance with Article 18 Conservation Cluster Development District;

b.) revise §198-603 and §198-606 relative to Site Plan Approval as follows:

§ 198-603. Administering board or official.

603.1. The Planning Board shall administer SPA:

603.1.1. Whenever this Zoning Bylaw does not also require a special permit, ~~permit~~ and/or variance; or

603.1.2. Whenever this Zoning Bylaw also requires a special permit from the Planning Board.

603.2. The ZBA shall administer SPA whenever this Zoning Bylaw also requires a special permit, ~~permit~~ and/or variance from the ZBA.

603.3 The Building Commissioner shall administer the SPA whenever the principal use of the land or structure is an exempt day care, educational, nursery school or religious use under MGL c.40A, §3.

(No changes to § 198-604 and § 198-605 are proposed)

**§ 198-606. Standards and criteria.**

606.1. The Planning Board shall review the complete application submittal and determine whether said submittal is consistent with the standards and criteria in this § [198-606](#). If the Planning Board finds that said standards and criteria have been met, and if it does not make any of the findings set forth in § [198-607](#) below, it shall approve the submittal, with or without conditions.

606.2. The following standards and criteria, specifically defined for each zoning district, shall be included in the SPA regulations:

606.2.1. The proposal shall be integrated into the existing terrain and surrounding landscape. Proposals shall, to the extent feasible:

606.2.1.1. Minimize the use of wetlands, steep slopes, floodplains and hilltops;

606.2.1.2. Preserve natural or historic features;

606.2.1.3. Maximize retention of open space;

606.2.1.4. Preserve scenic views from publicly accessible locations;

606.2.1.5. Minimize tree, vegetation and soil removal, blasting and grade changes; and

606.2.1.6. Screen objectionable features from adjacent properties and roadways.

606.2.2. The proposal shall include an adequate water supply system and adequate sewage and other waste disposal systems. Where sewage disposal systems are required, the applicant shall submit information as required by the Board of Health.

606.2.3. The proposal shall incorporate measures adequate to prevent pollution of surface water or groundwater; to minimize erosion and sedimentation; to prevent changes in groundwater levels and increased rates of runoff; and to minimize potential for flooding. Drainage shall be designed to maximize groundwater recharge and to prevent any increase in the rate and volume of runoff at the site's perimeter.

606.2.4. To the extent feasible, the proposal shall minimize demands placed on Town services and infrastructure.

606.2.5. The proposal shall provide safe vehicular and pedestrian movement within the site and to adjacent ways, including sidewalks, crosswalks and the like.

606.2.6. Design of buildings, structures and landscaping shall be in harmony with the prevailing character and scale of said buildings, structures and landscaping of the zoning district of the site and of adjacent properties. Such design shall include the use of appropriate building materials, screening and similar architectural techniques.

606.2.7. To the extent practicable, electric, telephone, cable television and other utilities on the site shall be placed underground.

606.2.8. Exposed storage areas, machinery, service areas, truck-loading areas, utility buildings and structures and similar unsightly buildings, structures, uses and activities shall be set back and/or screened to the extent feasible to protect adjacent properties from objectionable features.

606.2.9. To the extent feasible, proposals shall be designed to minimize shadows cast on adjacent properties in residential zoning districts.

606.2.10. There shall be no unreasonable glare from lighting, whether direct or reflected, onto roads and other ways, into the night sky or onto adjacent properties in residential zoning districts.

606.2.11. The proposal shall comply with this Zoning Bylaw. However, proposals that do not so comply may be approved hereunder if such noncompliance is permitted by the ZBA pursuant to other articles of this Zoning Bylaw and the applicable provisions of this Article 6.

606.3 When reviewing and acting on a site plan application for the principal use of land or a building or structure for day care, educational, nursery school or religious uses that are exempt from regulation under MGL c. 40A, §3, the Building Commissioner shall apply reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements as set forth in this Zoning Bylaw, except to the extent that the applicant shows that the regulation is unreasonable and unrelated to a legitimate municipal concern and will substantially detract or diminish the applicant's ability to conduct the exempt use.

**PLANNING BOARD REPORT:** The purpose of this article is to be in compliance with the laws of the Commonwealth.

The Planning Board voted unanimously in favor of this article. Vote: 4-0.

**MOTION:**

Kevin Francis Murphy moved and was duly seconded that the Town vote to amend Chapter 198 of the Code of the Town of Wayland, the Town's Zoning Bylaw, by making the revisions to the Table of Permitted Principal Uses by Districts, and the Notes within and at the end of said table and §198-603 and §198-606 thereof as set forth on Pages 128 through 131 of the Warrant for the 2011 Annual Town Meeting with one change on page 128 of the Warrant to top of table (no changes to uses 1 through 23 are proposed ) change to read (no changes to uses 1 through 23 or 46 through 51 are proposed).

**VOTED:**

MOTION CARRIED BY MORE THAN 2/3 VOTE

<b>ARTICLE 22: SALE OF TOWN-OWNED LAND AT 24 AND 26 LAKESHORE DRIVE</b>
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*Proposed by: Board of Selectmen*

To determine whether the Town will vote to:

- (a) authorize the Recreation Commission and the Board of Selectmen, as the case may be, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of the parcels of Town-owned land on Lakeshore Drive in Wayland, Massachusetts, known and numbered as 24 Lakeshore Drive, Wayland Massachusetts, and 26 Lakeshore Drive, Wayland, Massachusetts, and described in the deeds recorded with the Middlesex South Registry of Deeds, respectively, in Book 9138, Page 468 and Book 12786, Page 38, to 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 said parcels of land, subject to such conditions, restrictions and limitations as the Selectmen deem appropriate

**MOTION:**

Susan W. Pope moved and was duly seconded that the Town vote to:

- (a) authorize the Recreation Commission and the Board of Selectmen, as the case may be, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of the parcels of Town-owned land on Lakeshore Drive in Wayland, Massachusetts, known and numbered as 24 Lakeshore Drive, Wayland Massachusetts, and 26 Lakeshore Drive, Wayland, Massachusetts, and described in the deeds recorded with the Middlesex South Registry of Deeds, respectively, in Book 9138, Page 468 and Book 12786, Page 38, to 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 said parcels of land, subject to such conditions, restrictions and limitations as the Selectmen deem appropriate.

**MOTION TO EXTEND TIME:**

Kimberly Reichelt moved and was duly seconded that the town vote to extend the time of this evenings Town Meeting in order to complete the Towns business tonight.

**VOTED ON MOTION TO EXTEND TIME:** UNANIMOUSLY IN FAVOR

**AMENDMENT:**

Thomas J. Fay moved and was duly seconded that the Town vote to amend the second paragraph of the motion by inserting the words after subject to “all Town costs, including the Town’s legal fees, be paid by purchaser and that no habitable structure be constructed or placed on the land and such other conditions, restrictions and limitations as the Selectmen deem appropriate”.

**VOTED ON AMENDMENT:** MOTION NOT CARRIED

<b><u>VOTED:</u></b>	1st VOICE VOTE:	UNDECIDED
	STANDING COUNT BY MODERATOR:	MOTION NOT CARRIED BY MORE THAN 2/3 VOTE

**ARTICLE 23: AUTHORIZE LOCAL VOTING RIGHTS FOR PERMANENT RESIDENT ALIENS RESIDING IN WAYLAND**

*Proposed by: Petitioners*

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 of qualified permanent resident alien voters and may thereafter vote in any election for local offices, local ballot questions, and at Town Meeting.

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 presented on pages 133 and 134 of the warrant.

<b><u>VOTED:</u></b>	1 <sup>st</sup> VOICE VOTE:	UNDECIDED
	STANDING COUNT BY MODERATOR:	MOTION CARRIED

**ARTICLE 24: AMEND YOUTH ADVISORY COMMITTEE MEMBERSHIP AND LENGTH AND EFFECTIVE DATE OF TERMS**

*Proposed by: Youth Advisory Committee*

To determine whether the Town will vote to amend its prior votes relative to the composition of the Youth Advisory Committee and the terms of its members to establish a Youth Advisory Committee consisting of seven members, who shall not receive compensation, to be appointed by July 1 each year, to serve for terms of two consecutive years



as follows: one member to be appointed by the Wayland Clergy Association; two members by the Board of Selectmen, two members by the School Committee; one member by the Chief of Police; and one member by the Board of Health.

**MOTION:**

Joseph Karbowski moved and was duly seconded that the Town vote to amend its prior votes relative to the composition of the Youth Advisory Committee and the terms of its members by establishing a Youth Advisory Committee consisting of seven members, who shall not receive compensation, and shall be appointed by July 1 each year, to serve for terms of two consecutive years as follows: one member to be appointed by the Wayland Clergy Association; two members by the Board of Selectmen, two members by the School Committee; one member by the Chief of Police; and one member by the Board of Health.

**VOTED:**

UNANIMOUSLY IN FAVOR

The Moderator recognized the Sound Crew and WAYCAM volunteers followed by a round of applause.

**WAYCAM**

Jim Mullane, Executive Director  
 Thomas Turner, Director  
 Richard Turner, Operations Director  
 Jonah Camiel

**SOUND CREW**

Albie Cincotti  
 Jonathan von Mering  
 Roxi Habibi  
 Debbie Ng  
 Jade Donaldson

**ARTICLE 25: WATER RATE STRUCTURE EQUITY**

*Proposed by: Petitioners*

To determine whether the Town will vote to direct the Board of Public Works to adopt a water rate structure by the next billing cycle which would:

1. Replace the minimum usage charge with an administrative fee to recover administration, billing, and metering costs;
2. Combine all other operating and debt repayment costs into a usage based, tiered rate structure starting with the first unit of consumption;
3. Assess the administrative fee against each unit of a multi-unit structure, selecting the structure's billing tier based on its average consumption per unit.

**MOTION:**

Michael Lowery moved and was duly seconded that the Town vote to pass over this article.

**VOTED:**

UNANIMOUSLY IN FAVOR

**Tellers Assigned For The Annual Town Meeting**

<u>Name</u>	<u>Address</u>
Judith F. Currier	22 Algonquin Path
Carole Pumb	17 Bald Rock Rd
J. Michael Gilbreath	7 Jennison Ave
Daniel F. Goessling	15 Davelin Rd
Kathleen E. Bernstein	25 Glezen Ln
Clifford W. Lewis	33 Claypit Hill Rd
Barbara L. Pontecorvo	6 Green Way #201
Alessandra Kingsford	14 Glen Rd
Robert D. Crook, Jr.	16 Gregory Lane
Jack Langsdorf	47 Fuller Rd
Jonathan Sieber	20 Clubhouse Lane
Jean Whitney	112 Woodridge Rd

Phillip Langsdorf	29 Joyce Rd
R. Blair Davies, Jr	41 Woodridge Rd
Mathias Leupold	246 Old Connecticut Path
Alison Langsdorf	47 Fuller Rd
Richard A. Gagney, Jr.	11 Caulfield Rd
Mark Santangelo	15 Oak St
Alan Reiss	463 Old Connecticut Path
David Bernstein	25 Glezen Ln

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**Meeting adjourned at 11:10 P.M. sine die.**

**Attendance:                    216**

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Respectively Submitted,

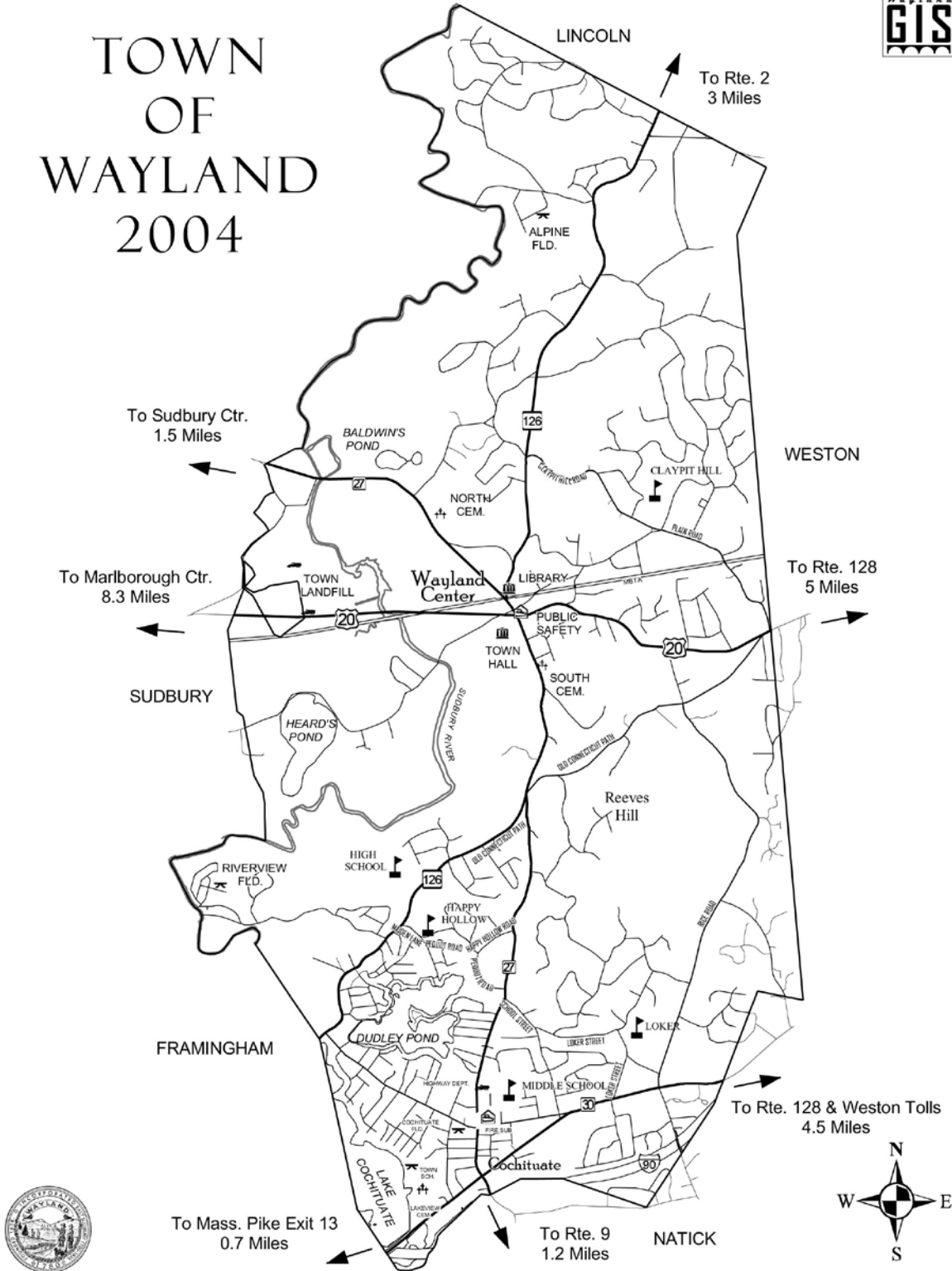
Lois M. Toombs, CMC  
Town Clerk

## ANNUAL TOWN MEETING APRIL 7, 2011 APPROPRIATION CHART

Article No.	Total Appropriation	From Tax Levy	General Fund From Free Cash Unreserved Fund CPF	From Other Available Funds*	Borrowing	From Offset Receipts Enterprise or Revolving Funds (User Fees) MEMO	Date Passed
5	309,000.		299,000.	10,000.			4/07/11
6	71,261,997.	69,175,407.	500,000.	1,586,590.		1,172,560.	4/07/11
6	3,995,000.	325,000.	1,510,000.	50,000.	2,110,000.		4/10/11
8	30,000.		30,000.				4/11/11
14	180,000.			180,000.			4/11/11
15	160,000.			160,000.			4/11/11
	75,935,997.	69,500,407.	2,339,000.	1,986,590.	2,110,000.		

ARTICLE	AMOUNT	*TRANSFER FROM (AVAILABLE FUNDS)
5	10,000.	Septage Retained Earnings
6	360,000.	Ambulance Receipts
6	125,182.	Premium on Bond Accounts
6	500,000.	Water Surplus
6	40,233.	Septage Retained Earnings
6	361,175.	Wastewater Revenues
6	200,000.	Wastewater Retained Earnings
6	50,000.	Water Surplus
14	180,000.	Community Preservation Funds
15	160,000.	Community Preservation Funds
6	561,280.	Transfer Station Revolving Fund
6	561,280.	Recreation Commission Revolving Fund
6	50,000.	Council on Aging Revolving Fund

# TOWN OF WAYLAND 2004



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*Special thanks to MaryAnn DiNapoli for her effort and hard work organizing this report.*