

TOWN OF WAYLAND

WARRANT for

SPECIAL

TOWN MEETING



PLEASE NOTE:

**The location of the Special Town Meeting
will be the
WAYLAND HIGH SCHOOL FIELD HOUSE
DOORS OPEN AT 5:30 P.M.**

**Tuesday
November 13, 2018
7:00 P.M.**

www.wayland.ma.us

NOTICE

The Town of Wayland does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Wayland does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 (ADA).

Questions, concerns, complaints, or requests for additional information **regarding the ADA may be forwarded to Wayland's designated ADA Compliance Coordinator.**

Name: David Porter
Title: HR Assistant
Office Address: 41 Cochituate Road, Wayland MA 01778
Phone Number: (508) 358-3623
Fax Number: (508) 358-3627
TDD: (508) 358-0194 or 711
Days/Hours Available: Monday, 8:00 a.m. to 7:00 p.m.
Tuesday to Thursday, 8:00 a.m. to 4:00 p.m.
Friday, 8:00 a.m. to 12:30 p.m.

Individuals who need assistance in seating for more effective communication are invited to make their needs and preferences known to the ADA Compliance Coordinator. Notification prior to Special Town Meeting would be helpful.

**This notice is available in large print and on audio tape
from the ADA Compliance Coordinator.**

BE PREPARED

The Board of Selectmen anticipates above-average participation in the November 2018 Special Town Meeting. If you plan on attending Town Meeting on November 13 please be aware of the following:

1. Parking at the High School will be limited to the 475 marked parking and 15 marked handicapped spaces. There will be NO parking allowed on any roadway or grass within school grounds. There will be people on site to assist residents and to help ensure that we utilize each and every space. Carpooling is strongly encouraged.
2. Once the High School parking lots are full, drivers will be directed to offsite parking at Saint Ann's Church and other sites, as needed. Buses will begin transporting residents from satellite parking lots to Town Meeting at 5:30 pm.
3. The doors of the Field House will open at 5:30 pm to allow adequate time to check in and receive an electronic voting hand set.
4. Seating in the Field House will be opened in sections, as needed. Public safety officials will open the rows from the front to the back as each section fills up. Please move in to fill each and every available seat. The bleachers will be available at any time.
5. If you arrive after Town Meeting has started, please be respectful and keep the noise from conversation to a minimum. Once you have received your handset, please move in to the arena and find a seat. For everyone's safety, congregating at the entrance and exits will not be allowed.
6. It is very important that you plan to arrive and check in as early as possible. Town Meeting will not be delayed for residents who arrive late and may be waiting in line when an article important to them comes up for a vote. The welcome teams will do everything reasonably possible to get people in to Town Meeting as swiftly as possible.
7. Fire, Police, and EMS staff will be on duty each night of Town Meeting. If you have any issues, please seek out one of them for assistance.

If you have specific questions on the logistics or attendance on November 13, please email the Fire Chief, David Houghton, dhoughton@wayland.ma.us.

ADJOURNED MEETINGS

It is anticipated that if an adjourned meeting is necessary to complete action on this warrant, it will be held on Wednesday, November 14, 2018, subject to Special Town Meeting approval.

If you have any questions about the Articles, please attend the Warrant Hearing on Monday, November 5, 2018, at 7:15 P.M. at the Town Building. You may also call the Town Administrator's office at (508) 358-7755 before Special Town Meeting.



TOWN OF WAYLAND

2018 SPECIAL TOWN MEETING WARRANT

Special Town Meeting will start at 7:00 p.m.

In the WAYLAND HIGH SCHOOL FIELD HOUSE
on Tuesday, November 13, 2018

Doors will open at 5:30 p.m.

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NOTICE REGARDING MOTIONS

This Warrant for Wayland Special Town Meeting is issued by the Board of Selectmen and is served upon all residents by mail and by posting at the Town Building, the Wayland Public Library, the Cochituate Fire Station or the Cochituate Post Office, and at Happy Hollow School. It contains the agenda of subjects to be acted upon; i.e., the articles.

By state law, no action at the Special Town Meeting is valid unless the subject matter is contained in the warrant. This requirement means only that the subjects to be acted upon must be sufficiently stated in the warrant to apprise voters of the nature of the matters with which the meeting is authorized to deal. It does not require that the warrant contain an accurate forecast of the precise action that the meeting will take upon those subjects. A valid motion may differ from the underlying article, but it must be within the scope of that article.

If you are in doubt about the action Special Town Meeting might take under an article, you should plan to attend the Special Town Meeting.

TOWN MEETING PROCEDURES

Town Meeting functions best when all voters are familiar with its rules of procedure. A summary of those rules appears in the document, "The Moderator's Rules and Regulations Governing Wayland's Town Meetings" prepared by the Moderator and included as part of this warrant booklet (Appendix A). Copies of the pamphlet, "The Moderator's Handbook for Wayland Town Meetings," are available online at http://www.wayland.ma.us/Pages/WaylandMA_BComm/Moderator/Handbook.pdf.

NO SMOKING NOTICE

Voters are reminded that no smoking is permitted on school grounds.

QUANTUM OF VOTE

The quantum of vote is specified in the warrant for each article.

For those articles involving appropriations which are anticipated to be provided by taxation or from available funds or transferred funds previously appropriated for another purpose, a majority quantum of vote is indicated. For articles which are anticipated to be funded by borrowing, a two-thirds quantum of vote is indicated.

Certain articles request the action of Special Town Meeting under its general legislative powers (i.e., to hear and accept reports, to appoint a committee, to adopt a resolution or "sense of the meeting" vote, etc.), and in such cases no particular statute is referenced. Town Counsel has advised that, as a matter of common law precedent in Massachusetts, such matters are decided by a majority vote.

HOW TO VOTE ELECTRONICALLY

During the April 2015 Annual Town Meeting, Wayland's citizens approved a resolution endorsing the use of wireless electronic voting for all sessions of all town meetings through fiscal year 2019. Instead of shouting out *Aye* or *No*, raising our hands, or standing to be counted, we'll use electronic handsets to register our votes quickly, accurately, and privately during the upcoming Special Town Meeting.

The handsets look a bit like a TV remote control, but instead of pushing buttons to change channels, we push buttons to vote: the 1 button for *Yes*, or the 2 button for *No*. Your vote is 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 is permanently recorded, so your vote will remain private.

Special Town Meeting will be held in the High School Field House. You can use any check-in station; waiting in one line based on the first letter of your last name is no longer required. As you're checking in, you'll be issued a handset for your **exclusive** use during that session. Voting with a handset issued to anyone else is **strictly forbidden**.

If your phone, tablet, or laptop supports Wi-Fi, please disable this feature, as doing so will enhance performance of the electronic voting system.



Before each vote, the Moderator will summarize the motion or amendment being decided. He'll then announce the beginning of a 30 second interval during which you can convey your vote, and a "voting light" near the Moderator will be illuminated. To vote *Yes*, push your handset's 1 button. To vote *No*, push your handset's 2 button. If you accidentally push the wrong button, you can change your vote by pushing the correct button. If you don't want to participate in a particular vote, don't push any buttons during the 30 second voting interval; if you don't want to participate but accidentally push the 1 button or the 2 button, you can clear your unintentional vote by pushing the 3 button. When the 30 second interval is over, the "voting light" will be extinguished, and the Moderator will announce that the vote is complete; shortly thereafter, the Moderator will announce the results.



You should check-in at least 5 minutes before a vote to be certain that your handset can be used in that vote. If pushing your handset's 1 button or 2 button during a vote produces a *can't vote yet* message on its display, please raise your hand; the Moderator will direct personnel from the Help Desk to provide you with a paper ballot to record your vote.

If you inadvertently turn your handset off by pushing the power button in its lower-right corner, its display will be blank; push the power button briefly to turn your handset back on. Pushing any of your handset's other buttons during the voting interval will not change your vote, but for peace of mind, your handset will encourage you to *Re-Vote*; push the 1 button for *Yes* or the 2 button for *No*.

If you temporarily leave your seat during the meeting, please keep your handset with you. If you're visiting the restroom, you can leave your handset with the Exit Desk staff. When you leave the Field House – either during a session or at the close of a session – please place your handset in one of the bins at the Exit Desks. 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 *Yes* or *No* on its display, please raise your hand; the Moderator will direct personnel from the Help Desk to 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 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 Help Desk personnel. If you're wondering how much radio energy is used by a handset to convey your vote wirelessly, it's less than 1% that of a typical cell phone and only for brief instants, employing the same frequencies used for Wi-Fi wireless internet access.

ELVIS: Wayland's Electronic Voting Implementation Subcommittee

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Town of Wayland

***** WARRANT *****

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all such residents of Wayland to meet in the Field House of the Wayland High School on

TUESDAY, NOVEMBER 13, 2018, AT 7:00 P.M.

to act on the following Articles:

ARTICLE 1: PAY PREVIOUS FISCAL YEARS UNPAID BILLS

Proposed by: Board of Selectmen

Estimated Cost \$5,952.76

To determine whether the Town will vote to:

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

Fiscal 2018 liabilities to be paid using Fiscal 2019 appropriations:

1)	Facilities Department - NE Overhead Door	\$1,035.00	Fiscal 2019 Facilities Budget
2)	Facilities Department - NE Overhead Door	\$211.87	Fiscal 2019 Facilities Budget
3)	Facilities Department - BP Trucking	\$95.12	Fiscal 2019 Facilities Budget
4)	Facilities Department - BP Trucking	\$223.60	Fiscal 2019 Facilities Budget
5)	Facilities Department - BP Trucking	\$106.92	Fiscal 2019 Facilities Budget
6)	School Budget - Budget Blinds	\$900.00	Fiscal 2019 School Budget
7)	School Budget - Pearson	\$80.25	Fiscal 2019 School Budget
8)	School Budget - Robin Traquina	\$1,650.00	Fiscal 2019 School Budget
9)	School Budget - Gretchen Paulson	\$300.00	Fiscal 2019 School Budget
10)	School Budget - People Fit	\$1,350.00	Fiscal 2019 School Budget

FINANCE COMMITTEE COMMENTS: Occasionally, bills are not paid at the end of a fiscal year for a number of reasons, including late submission. The unpaid bills from Fiscal Year 2018 are summarized in the article and will be paid using funds appropriated for the FY 2019 budget.

The Board of Selectmen recommends approval. (Vote 4-0-0)

ARGUMENTS IN FAVOR: This is a standard Article that allows the Town to pay bills for the previous fiscal year.

ARGUMENTS OPPOSED: There are no apparent arguments against this Article.

RECOMMENDATION: The Finance Committee recommends approval. (Vote 7-0-0)

QUANTUM OF VOTE: Nine-tenths vote per G.L. c. 44, Sec. 64; two-thirds vote if borrowing pursuant to G.L. c. 44, Sections 7 and 8.

For more information about this article, contact Brian Keveny, Finance Director, at 508-358-3611, or email bkeveny@wayland.ma.us.

ARTICLE 2: CURRENT YEAR TRANSFERS

Proposed by: Board of Selectmen

Estimated Cost: \$125,100

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 appropriations 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 or combination of them, shall be authorized to expend the money or monies appropriated therefor; and to determine whether the Town will vote to amend the amount previously appropriated under Article 9 of the April 2018 Town Meeting.

CURRENT YEAR TRANSFERS FY 2019

PURPOSE:	AMOUNT
• INFORMATION TECHNOLOGY EXPENSE	\$100,000
• POLICE PERSONNEL SERVICES	\$25,100
TOTAL	<u>\$125,100</u>

FUNDING SOURCES:

• INFORMATION TECHNOLOGY PERSONNEL SERVICES	\$100,000
• INFORMATION TECHNOLOGY PERSONNEL SERVICES	\$25,100
TOTAL	<u>\$125,100</u>

FINANCE COMMITTEE COMMENTS: This article authorizes the expenditure of funds for the current fiscal year, which were not foreseen in the current budget. These transfers are required for the following reasons:

INFORMATION TECHNOLOGY EXPENSE (\$100,000): This request is to transfer funds from the Information Technology Personnel Services budget to the Information Technology (IT) expense budget. The funds will be used to pay for contracted services for the provision of IT Director Services following the resignation of the permanent full-time IT Director.

POLICE PERSONNEL SERVICES (\$25,100): This request is to transfer funds from the Information Technology Personnel Services budget to the Police Personnel Services budget. The funds will be used to fund a portion of the settled Wayland Police Officers Union contract as explained in Article 3.

The Board of Selectmen recommends approval. (Vote 4-0-0)

ARGUMENTS IN FAVOR: These expenses were not reasonably anticipated when forecasting the FY 2019 budget, and they represent binding obligations of the Town.

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

RECOMMENDATION: The Finance Committee recommends approval. (Vote 7-0-0)

QUANTUM OF VOTE: Majority vote per G.L. c. 40, Sec. 5 and G.L. c. 44, Sec. 33B(b)

For more information about this article, contact Brian Keveny, Finance Director, at 508-358-3611, or email bkeveny@wayland.ma.us.

ARTICLE 3: FUND FISCAL YEARS 2018 AND 2019 TOWN SUCCESSOR COLLECTIVE BARGAINING AGREEMENT

Proposed by: Personnel Board

Estimated Cost: \$160,100

To determine whether the Town will vote to transfer \$135,000 from FY19 Budgeted Reserve for Salary Settlement account and \$25,100 from FY19 Information Technology Personnel Services for the purpose of funding FY19 and retroactively funding FY18 of the collective bargaining agreement for the period of July 1, 2017 through June 30, 2019 between the Town of Wayland and the New England Police Benevolent Association, Inc., Local 176, and further to authorize the Finance Director to distribute said amounts, as appropriate, to and among the department personnel and line items affected thereby.

Total retroactive cost FY18	\$76,947
Total incremental cost FY19	<u>\$83,153</u>
Total to be transferred	\$160,100

FINANCE COMMITTEE COMMENTS: This article requests Special Town Meeting to authorize the Finance Director to transfer funds from the Reserve for Salary Settlement Account and the Information Technology Personnel Services budget to the Police Department budget. The Town has reached agreement with the Police Union and expects to have a signed contract before Special Town Meeting for a successor collective bargaining agreement for the period of July 1, 2017 through June 30, 2020. Upon the advice of Town Counsel and in accordance with M.G.L. Ch. 150E, Section 7b), the initial years of incremental funding requirements for FY18 and FY19 for the Police Union collective bargaining settlement are being presented to Special Town Meeting.

At the April 2018 Annual Town Meeting, monies were approved in the Unclassified Reserve for Salary Settlement account to fund the incremental FY18 and FY19 increase for the Police Union. The base wages and other contractual compensation from the previously settled collective bargaining agreements were included in the approved FY19 departmental budgets. The requested action will not increase the overall FY19 budget. Future years' negotiated compensation for this contract will be included in the fiscal year budgets presented to Annual Town Meeting and will not require incremental funding approval.

The settlement is consistent with other public sector union settlements in the Massachusetts municipal marketplace. The base wage increase for the Police Union is 2.00% for FY18 and 2.25% for FY19 over

the amounts for the respective prior fiscal years. The make-up of the increase, which includes base salary and other negotiated items, will be explained on the floor of Special Town Meeting.

The Personnel Board recommends approval. (Vote 4-0-0)

The Board of Selectmen recommends approval. (Vote 4-0-0)

ARGUMENTS IN FAVOR: The negotiated FY19 settlement represents a fair wage adjustment in the marketplace and falls within the guidelines provided by the Finance Committee.

ARGUMENTS OPPOSED: Some may argue that employees are sufficiently compensated under the existing wage scales.

RECOMMENDATION: The Finance Committee recommends approval. (Vote 6-0-0)

QUANTUM OF VOTE: Majority vote per G.L. c. 40, Sec. 5 and G.L. c. 44, Sec. 33B(b).

For more information about this article, contact Louise Miller, Town Administrator, at 508-358-3621, or email lmiller@wayland.ma.us.

ARTICLE 4: ZONING: UPDATE FLOOD PLAIN MAPS

Proposed by: Planning Board

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 following revisions:

“Federal Flood Protection District” includes the areas shown on the FEMA maps, and is addressed in §198-302.1.2 . The following proposed revisions apply only to the Federal Flood Protection District with the below text:

302.1.2

A Federal Flood Protection District, which includes all special flood hazard areas within the Town of Wayland designated as Zone A ,AE,AH,AO,AR,V, VE and 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 25017C0369F, 25017C0386F, 25017C0388F, 25017C0389F, 25017C0507F, 25017C0509F, 25017C0517F, 25017C0526F, 25017C0527F, 25017C0528F, 25017C0529F,25017CIND1B, 25017CIND2B and 25017C0536F dated July 7, 2014. 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 July 7, 2014. 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.

FINANCE COMMITTEE COMMENTS: Passage of this article will update the portion of the Town bylaw pertaining to the Federal Flood Protection District with the most recent information. The Federal Emergency Management Agency (FEMA) partners with Tribal nations, States, and communities through the Risk Mapping, Assessment, and Planning (Risk MAP) program to identify flood hazards, assess flood risks, and provide accurate data to guide stakeholders in taking effective mitigation actions that result in safer and more resilient communities. This data is incorporated into flood maps, known as Flood

Insurance Rate Maps (FIRMs), that support the National Flood Insurance Program (NFIP) and provide the basis for community floodplain management regulations and flood insurance requirements.

Flood hazards are dynamic and can change frequently because of a variety of factors, including weather patterns, erosion, and new development. FEMA, through the Risk MAP program, works with communities to collect new or updated flood hazard data and periodically updates flood maps to reflect these changes. There is no set schedule for updating the maps; updates occur as federal budgets and schedules allow.

The Zoning bylaw section Federal Flood Plain District (chapter 198, section 1702) was last amended on April 7, 2011, prior to the new FIRM maps panels dated 2014.

Each time FEMA provides a community with new and additional flood hazard data and map changes, a community must adopt the new floodplain management regulations or amend existing zoning regulations. This proposed amendment to the Wayland Zoning Bylaw (“Bylaw”) is to reference the updated panel numbers that are wholly or partially within the Town of Wayland for the current (FEMA) Federal Flood Plain District, defined as the one-hundred-year floodplain, within the Town of Wayland, designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA).

Wayland’s participation in the National Flood Insurance Program guarantees the availability of flood insurance to property owners who would not otherwise be able to have that protection.

For more information visit FEMA’s Map Service Center website at <https://msc.fema.gov> or call the FEMA Map Information eXchange (FMIX) at 877-336-2627.

The Planning Board Report can be found in Appendix B.
The Planning Board recommends approval. (Vote 3-0-0)
The Board of Selectmen recommends approval. (Vote 4-0-0)

ARGUMENTS IN FAVOR: This amendment will provide consistency between the flood plain maps recognized by the Town and those recognized by the federal government, providing residents with a uniform definition of designated Federal Flood Plain areas in Wayland.

Amending the bylaw to match the designated Federal Flood Insurance panel numbers will enable residents to purchase insurance through the National Flood Insurance Program against loss resulting from physical damage to, or loss of, real property, or personal property related thereto, arising from a flood.

ARGUMENTS OPPOSED: The revised maps could potentially impact ongoing projects in Town.

FINANCE COMMITTEE RECOMMENDATION: The Finance Committee recommends approval. (Vote 5-0-0)

QUANTUM OF VOTE: Two-thirds vote per G.L. c. 40A, Sec. 5.

CONSISTENCY WITH LAW: The proposed bylaw amendment is not repugnant to federal or Massachusetts law.

For more information about this article, contact Town Planner Sarkis Sarkisian at 508-358-3778 or ssarkisian@wayland.ma.us.

ARTICLE 5: FUND ASBESTOS MITIGATION AT RIVER'S EDGE*Proposed by: Board of Selectmen**Estimated Cost: \$790,530*

To determine whether the Town will vote to appropriate a sum of money to be expended under the direction of the Board of Selectmen for the removal and related costs of removal of asbestos containing materials and associated soil on town-owned land on Boston Post Road in Wayland Massachusetts, shown in Assessor's map 22, lots 3, 6, and 7, also known as the River's Edge site, such costs to include but not be limited to costs for contractor, administrative, legal, consulting, environmental, and engineering services and compliance fees; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by funds already appropriated for another purpose, by borrowing under Massachusetts General Laws Chapter 44 or other enabling authority, or otherwise.

FINANCE COMMITTEE COMMENTS: Passage of this article will appropriate funds for the removal of identified asbestos containing materials and associated soils from the River's Edge project site at 484-490 Boston Post Road. It is a regulatory mandated expenditure that is the responsibility of the Town.

The requested funds would be used to remove approximately 2,000 cubic yards of a 34,000 cubic yard dirt pile in accordance with Massachusetts Department of Environmental Protection (MassDEP) regulations.

Because the Town is still the legal property owner, the Town is responsible for completing the cleanup of asbestos contamination as required by MassDEP before the River's Edge developer can continue with the site investigations. While there is still no guarantee of a buyer at the end of the cleanup process, the developer, Wood Partners, has confirmed they are still interested in purchasing and developing the River's Edge property.

When the River's Edge project was originally contemplated, any site remediation was intended to be performed and budgeted by the developer. This strategy remains unchanged. However, because of the specific MassDEP regulatory obligation, the Town is required to perform and pay for the required remediation; any work completed by the Town will directly increase the net land purchase price to the Town under the Land Disposition Agreement (LDA) with Wood Partners, if the agreement is consummated.

BACKGROUND: In August 2017, during the developer's due diligence work, an amount of asbestos containing materials above the reportable release quantity was discovered at the proposed location of the River's Edge project. Asbestos is a natural mineral once used in a variety of building materials. It is known to cause lung cancer and respiratory diseases. The MassDEP regulates abatement, construction and demolition projects that involve asbestos, and the Town is dependent upon MassDEP approval for any proposed mitigation strategy. As of the writing of this Article, the Town is in the process of determining the appropriate remediation plan with the MassDEP.

PROJECT COSTS: The anticipated project was reviewed with MassDEP. The following costs were developed by VERTEX, the Town's Environmental consultant on this project, and reviewed by the Town Engineer. These are estimates. The Town will work with Wood Partners to make certain the work occurs within this appropriation.

Table 1 - Estimated Project Costs

No	Item	Cost
1	Site Preparation for Equipment Access	\$10,000
2	Mobilization	\$12,500
3	Washpad for Contamination	\$5,500
4	Excavate and Load ACM/Soil	\$56,000
5	Transport and dispose ACM/Soil	\$336,000
6	Air Monitoring	\$15,000
7	Management of Washwater	\$15,000
8	Traffic Control / Details	\$10,000
9	Demobilization	\$5,000
10	Truck Liners	\$25,600
11	Construction Oversight	\$50,000
12	Town LSP/Environmental Assistance	\$7,500
13	Legal	\$50,000
14	Compliance Fees	\$10,000
15	Contingency (30%)	\$182,430
	TOTAL	\$790,530

Passage of this article will appropriate funds for removing the identified contaminant. The Town filed a NTWP (non-traditional work plan) with the Mass DEP which allows the Town to begin the public bid process for this work. The Town has to complete the work independent of whether the sale to Wood Partners occurs or not. For additional background information on the River’s Edge project see Appendix C River’s Edge Information for historical information, estimated net purchase price and estimated return on investment.

The Board of Selectmen recommends approval. (Vote 5-0-0)

ARGUMENTS IN FAVOR: Appropriation of these funds will allow the Town to conform with MassDEP’s regulations to remove and dispose of asbestos containing materials and soils from the River’s Edge site. This abatement is legally required of the Town whether or not the River’s Edge project moves forward.

Approving this appropriation now gives the Town the best opportunity to move forward with the River’s Edge project. Funds will be available to start the cleanup in the Fall of 2018 and the developer can continue with its due diligence process on the rest of the site. A further delay could jeopardize the overall development project.

Failure to remove the asbestos containing material and soils in a timely manner could result in enforcement actions by the MassDEP and a loss of control of the project, resulting in an increase of the overall cost of removal of the asbestos containing material and soils.

Removal of the asbestos containing material and soils will remove an obstacle to development of the River’s Edge project which will bring affordable and market rate rental housing units to Wayland.

The project cleans up a long-underutilized site, which when developed is projected to provide approximately \$645,261 revenue to the Town from the land sale and a 2017 estimated \$551,947 in annual tax revenues, and vaults the Town’s affordability level to over 9%, just shy of meeting the Commonwealth’s 10% affordable housing requirement to avoid unfriendly Chapter 40B projects.

ARGUMENTS OPPOSED: Since the Town has only examined 2,000 of the 34,000 cubic yards of dirt, there is a possibility that once mitigation is achieved for this specific asbestos identified, additional asbestos discoveries could result in a significantly expanded scope and cost.

Some might argue that they do not want to continue the due diligence process. By choosing not to fund this project the Town would be jeopardizing the ability to meet the February 2019 end of the Due Diligence period and not continue the sale process as planned.

Some may argue it was stated at 2014 ATM that the Town would not perform the work at River's Edge because it costs municipalities significantly more than private developers to complete public work, and given that a private developer could perform the work during its own natural pre-construction site-work activities (which would minimize moving dirt piles multiple times), it is much more cost effective to convey the land to a developer and have them complete the work.

There is no guarantee that Wood Partners will purchase the parcel. One could be opposed to paying for this because they never expected to pay for it in the first place.

Some may say that the Town cannot afford to complete the work at this time or add additional debt service.

FINANCE COMMITTEE RECOMMENDATION: The Finance Committee recommends approval. (Vote 6-0-0)

QUANTUM OF VOTE: Majority vote per G.L. c. 40, Sec. 5; Two-thirds vote if borrowing under G.L. c. 44, Sec.7.

For more information about this article, contact Louise Miller, Town Administrator, 508-358-3620 or lmiller@wayland.ma.us or Paul Brinkman, Town Engineer, 508-358-6852 or pbrinkman@wayland.ma.us.

ARTICLE 6: ZONING: ESTABLISH DISTRICT FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS

Proposed by: Planning Board

To determine if the Town will vote to (1) amend the Town's Zoning Map to create a new Marijuana Establishments overlay zoning district comprising of Wayland parcels Map 22-010, 21-005, 21-008A, 21-002, 21-004, 21-002A, 21-001, 21-008, 21-006A, 21-006 and 21-003; (2) amend Chapter 198 of the Code of Wayland, the Town's Zoning Bylaw, by adding Article 26 "Marijuana Establishments District"; and (3) amend Chapter 198, Attachment 3 of the Code of Wayland, the Table of Permitted Principal Uses by District to include the Marijuana Establishments District as set forth below:

ARTICLE 26

Marijuana Establishments District

§198-2601 Purpose and intent

2601.1. The purpose of this section is to provide for the placement of Marijuana Establishments (MEs) and Medical Marijuana Treatment Centers in suitable locations in the Town of Wayland (the "Town") in

recognition of and in accordance with “The Regulation of the Use and Distribution of Marijuana Not Medically Prescribed,” M.G.L. c. 94G and “Medical Use of Marijuana,” M.G.L. c. 94I. The specific purpose of this section is to safeguard the built environment by permitting compliance with state law in a manner consistent with community and neighborhood concerns, while also ensuring that those entities permitted to operate a ME or Medical Marijuana Treatment Center, as defined herein, comply with the relevant provisions of Chapter 55 of the Acts of 2017, and the regulations promulgated by the Cannabis Control Commission (CCC) found at 935 CMR 500.000 et seq. and the Department of Public Health found at 105 CMR 725.000 et seq., and any successor statutes and regulations, as applicable.

§198-2602 Definitions

2602.1 As used in this article, the following terms shall have the meanings indicated:

CRAFT MARIJUANA COOPERATIVE – a Marijuana Cultivator comprised of residents of the commonwealth organized as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the CCC, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and Marijuana Products to deliver marijuana to MEs but not to consumers.

INDEPENDENT TESTING LABORATORY - a laboratory that is licensed by the CCC and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or ME for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c.94C, § 34.

LICENSE – The certificate issued by the CCC that confirms that a ME or Medical Marijuana Treatment Center has met all applicable requirements pursuant to Chapter 55 of the Acts of 2017, 935 CMR 500 et seq., 105 CMR 725 et seq., and 935 CMR 501 et seq., as applicable. For a Medical Marijuana Treatment Center, the license may also be provisional or called a certificate of registration.

MARIJUANA - all parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (b) hemp; or

(c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA ESTABLISHMENT (ME) – a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana- related business, except a Medical Marijuana Treatment Center.

MARIJUANA CULTIVATOR – an entity licensed to cultivate, process, and package marijuana and to transfer marijuana to other MEs but not to consumers.

MARIJUANA CULTIVATION FACILITIES – facilities that a Marijuana Cultivator may be licensed to operate.

MARIJUANA PRODUCT MANUFACTURER – an entity licensed to obtain, manufacture, process, and package marijuana and Marijuana Products and to transfer marijuana and Marijuana Products to other MEs but not to consumers.

MARIJUANA PRODUCTS – marijuana and its products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

MARIJUANA RETAILER – an entity licensed to purchase and deliver marijuana and Marijuana Products from MEs and to deliver, sell, or otherwise transfer marijuana and Marijuana Products to other MEs and to consumers.

THIRD PARTY MARIJUANA TRANSPORTER – an entity licensed by the CCC to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to MEs, but not to consumers.

MEDICAL MARIJUANA TREATMENT CENTER – an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

MICRO-BUSINESS – a ME that is licensed to act as a: licensed Marijuana Cultivator in an area less than 5,000 square feet; licensed Marijuana Product Manufacturer, and licensed marijuana delivery service in compliance with the operating procedures for each such license.

MARIJUANA RESEARCH FACILITY – an entity licensed to engage in research projects by the CCC.

§198-2603 Location – Marijuana Establishments District is the designated Location for ME’s and Medical Marijuana Treatment Centers

2603.1.1 A Marijuana Cultivator may operate a Marijuana Cultivation Facilities on any property within the Marijuana Establishments District.

2603.1.2 All types of MEs and Medical Marijuana Treatment Centers may only be sited within the Marijuana Establishments District, as per Figure 1, below.

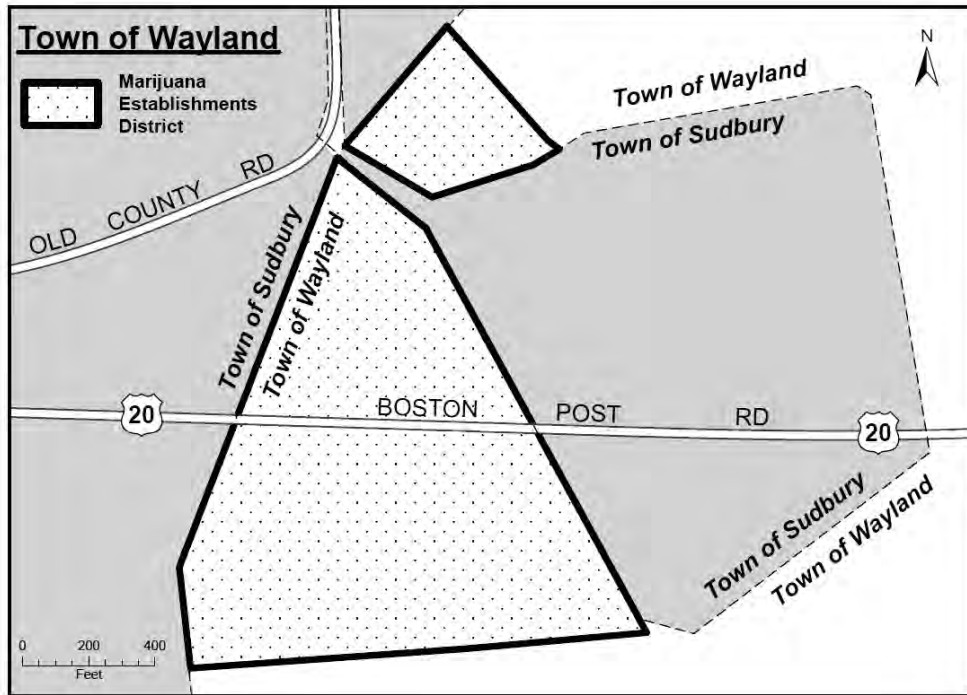


Figure 1

2603.1.3 No ME or Medical Marijuana Treatment Center shall be located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. The distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the ME is or will be located.

2603.1.4 Within the Marijuana Establishment District, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. If the provisions of the Marijuana Establishment District are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the Marijuana Establishment District conflict with the requirements of the underlying district, the requirements of the Marijuana Establishment District shall control.

§198-2604 Designated Number of MEs and Medical Marijuana Treatment Centers

2604.1.1 The total number of Marijuana Retailers permitted under this Bylaw shall not be greater than two (2), except that in no instance shall the number of Marijuana Retailers be fewer than twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises, as set forth in G.L. c. 94G Section 3(a)(ii). Fractions shall be rounded up to the nearest whole number.

2604.1.2 The total number of Medical Marijuana Treatment Centers shall not exceed one (1).

2604.1.3 There shall be no limit on the number of MEs permitted within the Town, except as per Subsection 2604.1.1.

§198-2605 Special Permit Required.

2605.1.1 No ME or Medical Marijuana Treatment Center shall be operated or expanded without first obtaining a Special Permit from the Special Permit Granting Authority in accordance with Article 2 of the Zoning Bylaw.

2605.1.2 The Special Permit Granting Authority for any ME or Medical Marijuana Treatment Center shall be the Planning Board.

2605.1.3 A Special Permit shall only be valid for use by the Applicant and will become null and void upon the sale or transfer of the License of an ME or Medical Marijuana Treatment Center.

2605.1.4 The Special Permit shall lapse if construction has not begun on the project within 2 years of obtaining said permit, as determined by the Building Inspector or their designee(s).

§198-2606 Site Plan Review. Applications to operate or expand a ME or Medical Marijuana Treatment Center shall be subject to Article 6 of the Zoning Bylaw. The site plan shall be

submitted in conjunction with the Special Permit application and joined to the final approval for the Special Permit.

§198-2607 General Requirements for MEs and Medical Marijuana Treatment Centers

2607.1.1 Outside storage. No outside storage of marijuana, Marijuana Products, or related supplies shall be permitted, except at open-air, outdoor cultivation facilities.

2607.1.2 Visibility of activities. All activities shall be conducted indoors, except for open-air, outdoor cultivation facilities or Marijuana Transporters.

2607.1.3 Paraphernalia. No retail marijuana, Marijuana Products, or paraphernalia shall be displayed or kept by a Marijuana Retailer so as to be visible from outside of the licensed premises.

2607.1.4 Hours of operation. A Marijuana Retailer may not open earlier than 8:00 AM and shall close no later than 8:00 PM the same day. There shall be no hourly restrictions on any other type of ME or Medical Marijuana Treatment Center, unless imposed by the Special Permit Granting Authority as part of site plan approval.

2607.1.5 On-site consumption of marijuana. On-site consumption is prohibited on or within the premises of any ME, except as may be authorized under the CCC license for Research Facilities.

§198-2608 Design Requirements for MEs and Medical Marijuana Treatment Centers.

2608.1.1 Permanent location. All marijuana uses, except for Marijuana Transporters and open-air Cultivation Facilities, shall be operated from a fixed location within a fully enclosed building.

2608.1.2 Signage. All signage must comply with the regulations set forth in Article 5

2608.1.3 Lighting. Outdoor light levels shall not exceed one (1) foot-candle along property lines, nor ten (10) foot-candles for any location on the property. Any light poles, new or existing, may not exceed eighteen (18) feet in overall height. All outdoor light fixtures must be shielded and aimed down in order to prevent light trespass onto adjacent properties. Marijuana Cultivation Facilities or Medical Marijuana Treatment Centers may not illuminate growing operations between dusk and dawn, unless within a fully-enclosed, opaque building. The Special Permit Granting Authority may modify this requirement for adequate security or other reasons specified.

2608.1.4 Landscaping. Marijuana Retailers shall be landscaped to harmonize the building with surrounding uses as stated in Article 6.

2608.1.5 Parking. Off-street parking must be as stated in section §198-506. Off-street loading must be as stated in section §198-507. For buildings or sites that

contain more than one type of marijuana use, each use shall be calculated separately and parking provided for each use on-site, based on gross floor area of the individual uses. These requirements may be modified or waived by the Special Permit Granting Authority.

2608.1.6 Drive through facilities. On-site drive through facilities shall be prohibited for any marijuana use.

2608.1.7 Fencing. Fencing may be required if determined necessary by the Special Permit-Granting Authority. In no instance shall barbed-wire fencing be permitted.

2608.1.8 Odor Control. MEs and Medical Marijuana Treatment Centers engaged in cultivation, processing, product manufacturing, storage and/or transportation shall employ odor control technology such that no odor from the ME can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or Medical Marijuana Treatment Center or at any adjoining use or property.

§198-2609 Filing Requirements. Applications to permit a ME or Medical Marijuana Treatment Center must be submitted to the Planning Board. Such applications shall include the following:

2609.1.1 Site Plan. A site plan shall be submitted that includes all information required under Article 6, Site Plan Approval, and must also include the following:

2609.1.2 The names, mailing addresses, phone numbers, email addresses, and signatures of the applicant, owner, and operator.

2609.1.3 Physical address (if one exists), and the map, lot, and block number of the proposed site.

2609.1.4 Security Plan. The security plan shall be delivered directly to the local Police Chief and reviewed and approved by the local Police Chief, or their designee to ensure the safety of employees, patrons, and the public to protect the premises from theft or other criminal activity.

The Security Plan shall include the following:

2609.1.5 An interior floorplan (including secured areas, windows, doors, etc.)

2609.1.6 Exterior lighting

2609.1.7 Fencing (if any)

2609.1.8 Gates (if any)

2609.1.9 Alarms

2609.1.10 24 Hour cameras

2609.1.11 Any other security measures as requested by the Police Chief.

2609.1.12 Traffic Study. The Special Permit Granting Authority may require a traffic study that includes an analysis of traffic generation, circulation, and off-street parking demand to determine sufficient parking and optimum configuration for site ingress and egress.

2609.1.13 Photometric Plan. A photometric plan may be required by the Special Permit Granting Authority, or their designee, before or after the marijuana use is in operation.

2609.1.14 State License. A copy of the Provisional License for a ME from the CCC or documentation that demonstrates that said facility and its owner/operators qualify and are eligible to receive a Provisional License and meet all of the requirements of an ME in accordance with the regulations adopted by the CCC, as amended. Proof of a Provisional Certificate of Registration from the Department of Health or any successor licensing entity shall be required for Medical Marijuana Treatment Centers.

2609.1.15 Proof of Site Control. Evidence that the Applicant has site control and the right to use the site for a marijuana use in the form of a deed, valid lease, or purchase & sale agreement or a notarized statement from the property owner certifying the Applicant has site control.

2609.1.16 Energy Resource Plan. All MEs engaged in marijuana cultivation, processing and product manufacturing shall submit an energy and resource use plan to the Special Permit Granting Authority to demonstrate best practices for resource conservation. The plan shall include an electrical system overview, proposed energy demand, ventilation system and air quality, proposed water system and utility demand.

§198-2610 Discontinuance of Use

2610.1 Any ME permitted under this Section shall be required to remove all material, plants, equipment, and other paraphernalia in compliance with regulations established by the CCC within thirty (30) days after the expiration or voiding of its license.

§198-2611 Annual Inspections for MEs and Medical Marijuana Treatment Centers

2611.1.1 Any operating ME or Medical Marijuana Treatment Center within the Town shall be inspected annually by the Building Inspector, or their designee(s), to ensure compliance with this section and with any conditions imposed by the Special Permit Granting Authority as a condition of the Special Permit approval.

2611.1.2 The first annual inspection shall be more than one (1) year, but not more than two (2) years after beginning operation.

§198-2613 Other laws remain applicable.

2613.1.1 License Required. At all times while a permit is in effect all MEs shall possess a valid License from the CCC and Medical Marijuana Treatment Centers shall possess a valid Provisional License or Certificate of Registration from the Department of Public Health, CCC or other state licensing entity, as applicable.

2613.1.2 Prior to the issuance of a Special Permit, the ME or Medical Marijuana Treatment Center must have entered into a Host Community Agreement (HCA) with the Town. The HCA shall, at a minimum, include or reference the following:

2613.1.3 A Community Impact Fee, not to exceed 3% of gross sales, may be applied to any Marijuana Retailer, in compliance with G.L. c. 94G, § 3(d).

2613.1.4 A description of the activities that will occur on site.

2613.1.5 Hours of operation.

§198-2614 Independent Consultants

2614.1.1 Due to the complex technical character of the information to be provided by an applicant pursuant to these regulations and the monitoring, testing and inspection of facilities and operations, the Special Permit Granting Authority may hire at the applicant’s expense such consultants as it deems reasonably necessary to assist said authority in making determinations under this Bylaw.

ADD THE FOLLOWING TO THE ZONING BYLAWS

Table of Permitted Principal Uses by Districts

Overlay Districts	Description
<i>Marijuana Establishments District</i>	<i>Requirements of Article 26 apply-SP</i>

FINANCE COMMITTEE COMMENTS: The purpose of this Zoning bylaw is to provide a specific area in Town for the placement and control of marijuana establishments (MEs) and medical marijuana treatment centers (MMTCs). The particular area proposed for this purpose is the Boston Post Road location illustrated in Figure 1.

A Marijuana Establishment for purposes of this article is defined as a marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, marijuana retailer, independent testing laboratory, marijuana research facility, marijuana transporter, or any other type of licensed marijuana-related business, except an MMTC.

In 2016, the voters of the Commonwealth of Massachusetts voted to legalize recreational marijuana. The Legislature subsequently adopted a statute to regulate the commercial cultivation and sale of marijuana products, codified under Chapter 94G of the Massachusetts General Laws. Section 3 of the statute provides that if a city or town voted in favor of legalization in 2016, the municipality may prohibit recreational marijuana establishments through an election and at town meeting. Because

Wayland voted to support the statewide ballot measure in 2016 (by just 74 votes), the statute requires a two-step process in order to adopt a town-wide prohibition.

The Board of Selectmen determined to move forward with one of two steps in the process by authorizing a Special Election, which was held on October 2, 2018. At this election Wayland residents supported a town-wide prohibition, 1,226 in favor and 465 opposed. However, Town bylaw states that notification of Special Elections needs to be mailed to all residences. This did not occur and under the advice of Town Counsel the Special Election should be retaken. The Board of Selectmen expects to add the ballot question at Annual Town Elections this Spring. The Town may separately consider a total ban on the commercialization of recreational marijuana, which is the purpose of the subsequent Article 7. This permanent prohibition would replace the temporary moratorium that was adopted by Town Meeting in 2017, which will expire on December 31, 2018. However, the earliest the permanent prohibition outlined in Article 7 would be effective, if passed, is following Annual Town Meeting in April 2019.

This Article 6 will be effective immediately with the Attorney General's review, if passed. If the voters subsequently approve the full ban on recreational MEs in the Spring, this new district would effectively only apply to MMTCs. Medical marijuana facilities cannot be prohibited.

If this article is not approved, MEs and MMTCs may be allowed to be located in any business district in Town, the number of establishments may not be limited, and required terms of operation may not be tailored to address the nature of the business.

The proposed Marijuana Establishment District is in recognition of and in accordance with state law, "The Regulation of the Use and Distribution of Marijuana Not Medically Prescribed," M.G.L. c. 94G and "Medical Use of Marijuana," M.G.L. c. 94I. This bylaw is intended to provide a safeguarded area by permitting compliance with state law in a manner consistent with community and neighborhood concerns, while also ensuring that those entities permitted to operate a ME or MMTC, as defined herein, comply with the relevant provisions of Chapter 55 of the Acts of 2017, and the regulations promulgated by the Cannabis Control Commission (CCC) found at 935 CMR 500.000 and 105 CMR 725.000 et seq. The Marijuana Establishment District will be the only district in Town to allow such use provided that a Special Permit and Site Plan Approval is first obtained from the Planning Board.

The boundaries of the Marijuana Establishment District proposed in this article and illustrated in Figure 1 ensure that no ME or MMTC shall be located within 500 feet of a pre-existing public or private school providing education in kindergarten through grade 12. The distance of the buffer zone is measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the ME is or will be located.

Within the Marijuana Establishment District, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. If the provisions of the Marijuana Establishment District are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the Marijuana Establishment District conflict with the requirements of the underlying district, the requirements of the Marijuana Establishment District shall control.

The total number of marijuana retailers permitted under this Bylaw shall not be greater than two (2), except that in no instance shall the number of marijuana retailers be fewer than twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be

drunk on the premises, as set forth in M.G.L. c. 94G Section 3(a)(ii). The total number of MMTCs shall not exceed one (1). There shall be no limit on the total number of MEs permitted within the Town, except for the limits noted above.

The result of this Town Meeting vote does not change the state law with regard to adult recreational marijuana usage. This article only addresses the establishment of MEs and MMTCs in Wayland. Possession and use of marijuana in compliance with state law would be allowed regardless of the outcome of the vote on this article.

BACKGROUND: The Town voted 549 in favor and 97 opposed at the Special Town Meeting held on November 14, 2017 for a Non-Medical/Recreational Temporary Marijuana Moratorium Zoning Bylaw Amendment. After the temporary moratorium was adopted, a Marijuana Working Group was formed that included representatives of the Planning Board, Board of Selectmen, Board of Health, Youth and Family Services, Schools and members of the community. For the past several months they met regularly to understand the new State law that would legalize the cultivation, personal use and retail sales of recreational marijuana throughout the Commonwealth and how Wayland would be impacted. The Working Group collected input from Town Counsel, Town departments and committees, community activists, and the general public through numerous meetings, forums and public hearings. They also consulted with other towns to gather information for review and consideration, and to determine potential strategies. The group heard and read published reports from other states where marijuana is currently grown, processed and sold that it has caused a major shift impacting law enforcement and public health. They also reviewed the final regulations that were recently approved by the Cannabis Control Commission.

The Working Group recommended that the Board of Selectmen and the Planning Board fully prohibit cultivation, processing, and dispensing of marijuana in Wayland. They reported that a total ban of commercialization of marijuana will help prevent potential negative secondary effects that could be caused by these operations. There will be no additional funding from the Commonwealth or from the Town of Wayland to manage these potential secondary negative side effects.

The Planning Board held a public hearing on this proposed amendment and voted 3-0-0 to support the town-wide prohibition. The Planning Board's report is attached to the Warrant as Appendix B.

Further, the Wayland Board of Health, School Committee, Police Department, and Youth and Family Services have all provided letters of support for prohibiting marijuana establishments town-wide, noting that public safety concerns are exacerbated by the potential illegal possession of marijuana by minors due to the products being more readily available in Town. These organizations have all referenced studies and reports from states that have legalized marijuana and can be referenced on the Planning Board's website. Many studies, PowerPoints, and data from those on both sides of the issue are available at this site, by contacting the Planning Department or Youth and Family Services.

In states that have already legalized recreational marijuana, public health and public safety agencies have reported an increase in the illegal possession of marijuana by minors and marijuana possession in schools. Especially concerning is the availability of edibles such as brownies and candy infused with tetrahydrocannabinol (THC), the psychoactive ingredient in marijuana, that among other effects, causes cognitive impairment, already seen in our youth community.

Another public safety concern cited by the Police Department is that there remains no breathalyzer or scientific test for measuring THC levels in drivers that appear to be impaired from excessive marijuana use. Recent studies from other states that have legalized retail sales of marijuana have shown that poly

drug drivers (combination of alcohol and drugs or multiple drugs) is now the most common type of impairment among drivers in fatal crashes.

It is important to note that Articles 6 and 7 do not change the state law with regard to adult recreational marijuana usage. The Special Election as well as the Town Meeting articles only address to what extent marijuana facilities and retail sales should be allowed in Wayland. Residents who wish to possess and use marijuana would be able to acquire it from retail dispensaries in neighboring communities such as Framingham and Marlboro.

MORE INFORMATION: For a more detailed account of the information considered in developing this zoning bylaw, please refer to the Frequently Asked Questions document in Appendix D, and the marijuana materials located on the Planning Board webpage on a link within that page entitled “Marijuana Information” on the Town’s website at the link below:
<https://www.wayland.ma.us/planning-board-department/pages/marijuana-material>

The Board of Selectmen recommends approval. (Vote 5-0-0)
The Planning Board recommends approval. (Vote 3-0-0)
The Board of Health recommends approval. (Vote 4-0-0)
The Family Youth Services recommends approval. (Vote 7-0-0)
The School Committee recommends approval. (Vote 4-0-1)

ARGUMENTS IN FAVOR:

- The proposed Marijuana Establishment District will allow the Town of Wayland to control where and how marijuana is grown, processed, and sold.
- The proposed location minimizes potential adverse impacts on adjacent properties, residential neighborhoods, historic sites, schools, and other locations where minors congregate by regulating the siting, design, placement, and security.
- Marijuana remains a Schedule I controlled substance and is an illegal drug under the federal Controlled Substances Act warranting additional layers of restrictions.
- Proponents may argue that associated net revenue after addressing community impact mitigation costs is not significant enough to outweigh the potential negative impact on the well-being of the community.

ARGUMENTS OPPOSED:

- The Town is potentially forgoing a source of additional sales tax revenue (3% of gross revenue) and community impact mitigation funding (up to 3% of gross revenue) by limiting permissible locations more than state law requires.
- Opponents may argue that the proposed Marijuana Establishment District is overly restrictive thereby not complying with the spirit of the law and as a result may be the subject of costly legal challenges.
- Opponents may argue that MEs and MMTCs are already subject to extensive regulations and additional layers of restrictions do not provide a value add to the Town.

FINANCE COMMITTEE RECOMMENDATION: The Finance Committee recommends approval. (Vote 5-0-1)

QUANTUM OF VOTE: Two-thirds vote per G.L. c. 40A, Sec. 5.

CONSISTENCY WITH LAW: The proposed bylaw amendment is not repugnant to federal or Massachusetts law.

For more information about this article, contact Town Planner, Sarkis Sarkisian, at 508-358-3778 or ssarkisian@wayland.ma.us.

ARTICLE 7: ZONING: PROHIBIT RECREATIONAL MARIJUANA ESTABLISHMENTS

Proposed by: Planning Board

To see 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 following revisions:

Amend §198-803 Classification of Principal Uses, Section 803.5 Prohibited Uses by striking §803.5.8, which imposed a temporary moratorium on adult use (recreational) Marijuana Establishments and replacing it with the following:

803.5.8 Consistent with G.L. c. 94G, Section 3(a)(2), all types of adult use (recreational) "Marijuana Establishments" as defined in G.L. c. 94G, §1 and 935 CMR 500.00, including marijuana cultivators, craft marijuana cooperatives, marijuana product manufacturers, marijuana retailers, independent testing laboratories, marijuana research facilities, marijuana transporters or any other type of licensed marijuana-related businesses shall be prohibited within the Town of Wayland.

FINANCE COMMITTEE COMMENTS: This zoning amendment would prohibit marijuana establishments, other than Registered Medical Marijuana Dispensaries, from being located and/or operated within the Town. Commercial recreational marijuana establishments include retail stores selling any type of marijuana products, commercial cultivation facilities (indoors and outdoors), testing facilities, and product manufacturing.

In 2016, the voters of the Commonwealth of Massachusetts voted to legalize recreational marijuana. The Legislature subsequently adopted a statute to regulate the commercial cultivation and sale of marijuana products, codified under Chapter 94G of the Massachusetts General Laws. Section 3 of the statute provides that if a city or town voted in favor of legalization in 2016, the municipality may prohibit recreational marijuana establishments through an election and at town meeting. Because Wayland voted to support the statewide ballot measure in 2016 (by just 74 votes), the statute requires this two-step process in order to adopt a town-wide prohibition.

The Board of Selectmen determined to move forward with one of two steps in the process by authorizing a Special Election, which was held on October 2, 2018. At this election, Wayland residents supported a town-wide prohibition (1,226 in favor and 465 opposed). However, Town bylaw states that notification of Special Elections needs to be mailed to all residences. This did not occur and under the advice of Town Counsel, the Special Election should be retaken. The Board of Selectmen expects to add the ballot question at the annual Town election this Spring.

The second step in the process is that the Town also needs to adopt a zoning amendment to prohibit marijuana establishments in the Town of Wayland, which is the purpose of this Article. Adoption of this amendment requires a two-thirds majority. This permanent prohibition would replace the temporary moratorium through December 2018 that was adopted by Town Meeting in 2017.

BACKGROUND: The Town voted 549 in favor and 97 opposed at the Special Town Meeting held on

November 14, 2017 for a Non-Medical/Recreational Temporary Marijuana Moratorium Zoning Bylaw Amendment. After the temporary moratorium was adopted, a Marijuana Working Group was formed that included representatives of the Planning Board, Board of Selectmen, Board of Health, Youth and Family Services, Schools and members of the community. For the past several months, the Working Group met regularly to understand the new State law that would legalize the cultivation, personal use and retail sales of recreational marijuana throughout the Commonwealth and how Wayland would be impacted. The Working Group collected input from Town Counsel, Town departments and committees, community activists, and the general public through numerous meetings, forums and public hearings. They also consulted with other towns to gather information for review and consideration and to determine potential strategies. The Working Group heard and read in published reports from other states where marijuana is currently grown, processed and sold that it has caused a major shift impacting law enforcement and public health. They also reviewed the final regulations that were recently approved by the Cannabis Control Commission.

The Working Group recommended that the Board of Selectmen and the Planning Board fully prohibit cultivation, processing, and dispensing of marijuana in Wayland. They reported that a total ban of commercialization of recreational marijuana will help prevent potential negative secondary effects that could be caused by these operations. There will be no additional funding from the Commonwealth or from the Town of Wayland to manage these potential secondary negative side effects.

The Planning Board held a public hearing on this proposed amendment and then voted 3-0 to support the town-wide prohibition. The Planning Board's Report is attached to the Warrant as Appendix B.

Further, the Wayland Board of Health, School Committee, Police Department, and Youth and Family Services have all provided letters of support to this article prohibiting marijuana establishments town-wide, noting that public safety concerns are exacerbated by the potential illegal possession of marijuana by minors due to the products being more readily available in Town. These organizations have all referenced studies and reports from states that have legalized marijuana and can be referenced on the Planning Board's website under the section called Marijuana Information. Many studies, PowerPoints, and data from those on both sides of the issue are available at this site or by contacting the Planning Department or Youth and Family Services.

In states that have already legalized recreational marijuana, public health and public safety agencies have reported an increase in the illegal possession of marijuana by minors and marijuana possession in schools. Especially concerning is the availability of edibles such as brownies and candy infused with tetrahydrocannabinol (THC), the psychoactive ingredient in marijuana, that among other effects, causes cognitive impairment, already seen in our youth community.

Another public safety concern cited by the Wayland Police Department is that there remains no breathalyzer or scientific test for measuring THC levels in drivers that appear to be impaired from excessive marijuana use. Recent studies from other states that have legalized retail sales of marijuana have shown that poly drug drivers (combination of alcohol and drugs or multiple drugs) is now the most common type of impairment among drivers in fatal crashes.

It is important to note that Articles 6 and 7 do not change the state law with regard to adult recreational marijuana usage. The Special Election as well as the Town Meeting article only address whether commercial recreational marijuana facilities and retail sales should be allowed in Wayland. Residents who wish to possess and use marijuana would be able to acquire it from retail dispensaries in neighboring communities such as Framingham and Marlboro.

If Town Meeting voters do not approve this article by the necessary two-thirds majority vote, thus rejecting the town-wide ban, the Planning Board is offering the previous Article 6, which would amend the Zoning Bylaw by creating a new zoning district where marijuana establishments would be permitted. That article would also require a two-thirds majority vote.

More information on the topic can be found here: <https://www.wayland.ma.us/planning-board-department/pages/marijuana-material>

Frequently Asked Questions: Appendix D

The Board of Selectmen recommends approval. (Vote 5-0-0)

The Planning Board recommends approval. (Vote 3-0-0)

The Board of Health recommends approval. (Vote 4-0-0)

The Family Youth Services recommends approval. (7-0-0)

The School Committee recommends approval. (Vote 4-0-1)

ARGUMENTS IN FAVOR:

- Passage of this article will help prevent potential negative secondary effects that could be caused by commercialization establishments.
- Marijuana remains a Schedule I controlled substance and is an illegal drug under the federal Controlled Substances Act and should, therefore, not be commercialized.
- The data is clear that in places like Colorado, Washington, and Oregon where marijuana is legally sold there are generally higher rates of marijuana use.
- Straightforward prevention science states when access and availability increase and perception of disapproval decreases, drug use and use-related harm go up.
- In states where marijuana use is legal, some public health and safety indicators show major impacts on mental health and on cognitive and emotional development from using marijuana (particularly high potency THC products are a major concern).
- Commercial marijuana sales in a community increases access to highly potent products that may be appealing to youth.
- In states that have already legalized recreational marijuana, public health and public safety agencies have reported an increase in the illegal possession of marijuana by minors and marijuana possession in schools.
- When they voted to support the ballot measure legalizing recreational marijuana in 2016, many Wayland voters may not have understood that marijuana legalization meant high potency marijuana/THC product commercialization, which some say should be kept out of any community as a public health concern.
- There remains no breathalyzer or scientific test for measuring THC levels in drivers that appear to be impaired from excessive marijuana use.

ARGUMENTS OPPOSED:

- Commercialization of marijuana will provide a new approach of safe, regulated sales through licensed businesses that check individuals' identifications and pay taxes.
- Some may argue that the Town is forgoing a potential source of additional sales tax revenue (3% of gross revenue) and community impact mitigation funding (up to 3% of gross revenue) by limiting permissible locations more than State law requires.
- Local bans block residents from the same consumer safety protections enjoyed by buyers of alcohol, prescription pharmaceuticals, or any other regulated product on the market.

- Opponents point to data that shows no increase in youth use in states where recreational or medical marijuana use is legal. National youth use since 1996 has dropped as 31 states have legalized medical marijuana, and nine states have legalized recreational use.
- Unlike package stores selling alcohol, marijuana stores can have no product displays, graphics, or suggestive signs and cannot allow entry to anyone under the age of 21.
- There are no additional costs. Available data shows that the public health and safety budgets in two legal states – Colorado and Oregon – are no greater a percentage of total state spending than they were before legalization.

FINANCE COMMITTEE RECOMMENDATION: The Finance Committee recommends approval. (Vote 4-0-2)

QUANTUM VOTE: Two-thirds vote required per G.L. c. 40A, Sec. 5.

CONSISTENCY WITH LAW: The proposed bylaw amendment is not repugnant to federal or Massachusetts law.

For more information about this article, contact Town Planner, Sarkis Sarkisian, at 508-358-3778 or ssarkisian@wayland.ma.us.

ARTICLE 8: ZONING: USE OF PRE-EXISTING NONCONFORMING LAND THAT CONSISTS OF MORE THAN SIX DWELLING UNITS

Proposed by: Planning Board

To see 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 following revisions:

After Section 401.1.2, add the following section:

401.1.2.1 – Notwithstanding the provisions of Section 401.1.2, a pre-existing nonconforming use of land that consists of more than six Dwelling Units for rent on a single Lot may not be changed, extended or altered in such a manner that results in either (i) more Dwelling Units or a greater Dwelling Unit density on the parcel of land; (ii) an enlargement of any of the Dwelling Units as measured by its Gross Floor Area or its number of bedrooms or rooms; (iii) the expansion of the use onto adjacent land; or (iv) the subdivision of the Lot into more than one Lot, or the division of the title to the Lot in any manner that results in more the one person or entity holding a fee simple title interest to the Lot or a fraction thereof (i.e., a condominium).

FINANCE COMMITTEE COMMENTS: This Article is in direct response to the future of Launcher Way, a 5.6-acre parcel of land off Oxbow Road, opposite Oxbow Meadows, that contains 12 single-family homes currently housing U.S. Army employees. The parcel is owned by the U.S. Army and has been put up for sale; however, it is not going through the General Services Administration (GSA) sale process. The GSA usually gives special consideration to the town where the property exists regarding the proposed use of the property. Instead the sale will be an open bid process with the property awarded to the highest bidder. Wayland may bid on the property but is unlikely to be the highest bidder.

This zoning amendment would restrict the ability of owners of pre-existing, nonconforming rental properties that contain six or more units of rental housing from expanding, enlarging or converting those properties in a manner that is inconsistent with current Zoning Bylaws. The purpose of the amendment is to preserve affordable rental housing stock.

Housing prices in Wayland and surrounding communities continue to rise, making it harder for middle-income families and young families to find a place to live. The amendment would affect 11 properties in Wayland that contain six or more rental units, which are nonconforming or “grandfathered” under zoning. They are:

LUC	SI	#	Street Name	Year Built	Acres
111	B	111	MAIN ST	1850	0.27
111	E	30	BRADFORD ST	1875	0.57
112	C	373	COMMONWEALTH RD	2016	3.10
121	6	67	LOKER ST	1875	0.70
125	C	285	COMMONWEALTH RD	1997	13.23
125	E	10	GREEN WAY	2000	11.35
125	A	134	BOSTON POST RD	2013	4.99
900	5	0	LAUNCHER WAY	1952	5.60
900	5	99	STONEBRIDGE RD	1945	51.69
970	5	12	BENT AVE	1975	2.61
970	5	106	MAIN ST	1910	3.25

Key:

LUC: state land use code

- 111 = 4-8 units (Both properties have 5 units.)
- 112 = more than 8 units (Property has 52 units.)
- 121 = rooming and boarding houses
- 125 = other congregate housing
- 900 = US Govt
- 970 = Housing Authority

SI: valuation neighborhood:

- A-E = commercial neighborhoods
- 5, 6 = residential neighborhoods

But there are unintended consequences that might result from the proposed changes for existing property owners. For example, Gross Floor Area (GFA) measures the finished area of a home. If an owner wished to add a dormer and finish their attic space, they would be prohibited.

The Board of Selectmen recommend approval. (Vote 4-0-0)

ARGUMENTS IN FAVOR: The proposed amendment is very specific regarding land that contains six or more dwelling units that can be changed, extended or altered. This amendment will give the

Town more control over this narrow set of nonconforming rental properties, helping to preserve affordable rental housing in Wayland. The amendment would also preserve the integrity of the Zoning Bylaw's dimensional requirements and protect existing neighborhood from uncontrollable expansions of grandfathered uses.

This article only affects 11 properties.

If this amendment is not adopted, the winning bidder could potentially tear down the 12 modest homes and replace them with 12 larger homes that may or may not be affordable. The resulting homes could be three times the density than what every other property in the neighborhood must comply with (under current zoning, a single-family home requires 60,000 square feet of land in the Oxbow Road neighborhood).

If the amendment passes, the future owner can either continue to maintain the 12 modest homes on the site or replace them with homes that comply with the current Zoning Bylaw (i.e., four homes).

ARGUMENTS OPPOSED: Some may view this article as being too restrictive on a development that is pre-existing nonconforming. Free-market advocates could argue that there should be no density restrictions on land, or policies that benefit one economic class over another. Properties such as Launcher Way could be more valuable without the restrictions imposed by this amendment, thereby potentially affecting tax revenue.

This article might prevent a property owner from achieving a property's true potential worth.

The Town is dependent on new growth to support increased levy capacity and budget increases.

Currently, the ZBA is consistent in that if a lot is "preexisting nonconforming" then a proposed increase of the GFA of up to 20% may be as of right and not require ZBA action as long as the addition conforms to current setbacks. This amendment would prohibit any proposed increase of the GFA of up to 20%. For example, the property owner could not improve unfinished spaces, such as finished attics and finished garages.

FINANCE COMMITTEE RECOMMENDATION: The Finance Committee recommends approval. (Vote 4-1-1)

QUANTUM VOTE: Two-thirds vote per G.L. c. 40A, Sec. 5.

CONSISTENCY WITH LAW: Certain portions of this proposed bylaw amendment are not repugnant to federal or Massachusetts law.

For more information about this article, contact Louise Miller, Town Administrator, 508-358-3620 or lmiller@wayland.ma.us or Sarkis Sarkisian, Town Planner, 508-358-3778 or ssarkisian@wayland.ma.us.

ARTICLE 9: LOKER GRASS FIELD

Proposed by: Petitioners

Estimated Cost: \$1,500,000

To determine whether the Town will vote to:

- 1) appropriate a sum of money of up to \$1,500,000 to be expended under the direction of the Wayland Recreation Commission for the permitting, design, engineering, and construction of

a multi-purpose grass athletic playing field (soccer U12 size 165' x 240') at the Loker Conservation & Recreation Area including playing surfaces, drainage, landscaping, traffic (including a Rt. 30 traffic congestion mitigation plan to deal with the Loker field traffic), access (must meet all state and local emergency vehicle access requirements) and parking and any and all other costs incidental or related thereto;

- 2) determine whether said appropriation should be provided by taxation, transfer from unappropriated funds, transfer from available funds appropriated for other purposes, by borrowing, or otherwise;
- 3) authorize the Treasurer with the approval of the Board of Selectmen, to borrow up to \$1,500,000 pursuant to G. L. c. 44, §§7 or 8 or any other enabling authority, and issue bonds or notes of the Town therefor; and
- 4) authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of cost approved hereunder in accordance with G. L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

PETITIONERS' COMMENTS: The proposed field is a compromise for Loker recreation development. It creates an additional athletic field for Wayland youth sports. It reduces the cost of the field by 50% saving \$1.6 million. A grass field eliminates the threat of pollution to Loker and Willow Brook wetlands by crumb rubber dust, micro plastic pollution from artificial grass, and zinc-laden water at 4 times EPA guidelines for aquatic life as documented in published peer reviewed research papers. Grass fields are safer. On sunny days artificial turf fields surface temperatures can reach 160F, which can cause severe burns, skin abrasions and heat stroke. The mandated traffic mitigation plan will reduce the chance of rush hour gridlock at the Rt. 30 Rice Road intersection. A standard 100 yd x 60 yd size soccer field allows safer emergency vehicle access from Rice Road. Town water is available for field irrigation.

FINANCE COMMITTEE COMMENTS: This article appropriates \$1.5 million to be expended by the Wayland Recreation Commission to permit, design, engineer and construct an unlit multi-purpose grass athletic playing field at the Loker Conservation and Recreation Area. The article would fund playing surfaces, drainage, landscaping, irrigation systems, traffic mitigation plans and parking.

The Finance Committee recommends that funding for this project be voted as excluded debt.

Both the Recreation Commission and the Schools have indicated that the number of residents requesting field usage in Wayland has been increasing. Both Weston & Sampson and Gale Associates suggest that grass fields be used 400-600 hours per year. Using this standard, we are currently overusing Wayland's existing field assets by 3,000 hours per year. Given the current usage patterns and maintenance programs in Wayland, a new grass field could accommodate about 400 hours of usage per year. An artificial turf field with lighting can accommodate about 1,500 hours of usage per year.

The petitioners describe this article as a compromise: it helps to address the current field usage deficit by adding a field, but it also addresses the impact of light spillage into the Willow Brook neighborhood, and by substituting grass for turf, it reduces flooding risk because the grass field is permeable and does not require the drainage system.

According to the Department of Public Works, the annual maintenance costs of the grass field are estimated to be as follows:

- Maintenance of the playing field: \$12,000-\$20,000 (this includes mowing three times/week, painting weekly, seeding, fertilizing and aerating three times/year)
- Water usage: \$3,200-7,000
- Maintenance of natural areas, trash and recycling, restroom facilities and parking areas: \$4,000

Total estimated annual maintenance costs: \$19,200-\$31,000

In addition, a grass field needs to be refurbished every 8-10 years with an estimated cost of \$4 per sq. yd., or \$240,000 for this design.

BACKGROUND: This site is located at 412 Commonwealth Avenue; Assessor's Parcel 49-064B; it is a vacant parcel of land accessible from Route 30, just east of the intersection of Route 30 and Rice Road.

The Town acquired this 28.20-acre site from the Dow Chemical Company in 2000. The proposed area for construction of the new field is a vacant lot deeded for recreational use. At Annual Town Meeting in 2004, 8.37 acres of this property was delineated for recreational use. All of the premises are conveyed with the limitation that it be used only for recreation and conservation. The parcels contain a restriction that it shall not be used for the sale, lease, rental or use as a single family, multi-family, or other type of temporary or permanent residence. Nearest neighbors average over 500 feet away from the proposed playing field.

An exhibit with the design schematics for this project can be found in Appendix E and here:

<https://1drv.ms/p/s!ArKu24VoJjPchao0U-CXKbRB0UhVjA>

The Board of Selectmen does not recommend approval. (Vote 0-4-0)

The Recreation Commission voted not to recommend this article. (Vote 4-0-0)

ARGUMENTS IN FAVOR: This proposal would create an additional multi-use field for Wayland youth sports.

A grass field costs less to construct than an artificial turf field. The construction costs of this proposed grass field are estimated at \$1.5 million. The construction costs of the proposed artificial turf field are approximately \$2.6 million if you subtract the cost of lights.

Proponents note that the additional annual maintenance cost of a grass field is a fraction of the additional borrowing cost of building a turf field (approximately \$145,000).

Proponents argue that the town could allocate construction cost savings to rent fields in neighboring towns when needed given that grass fields support less usage.

Grass fields pose fewer concerns regarding zinc and other pollutant runoff to nearby wetlands. Artificial turf fields can throw off crumb rubber dust and micro plastics. Studies have shown that rain water runoff from artificial turf fields leach zinc up to four times the EPA guidelines for aquatic life. This is of concern at this site because the proposed artificial turf field lies within the wetlands buffer zone. The grass field being proposed only overlaps slightly with the wetlands buffer zone.

Some argue that grass fields pose less danger of severe burns and heat illness during summer weather since field surface temperatures are higher on artificial turf fields; surface temperatures can reach as

high as 160 degrees Fahrenheit.

Proponents argue that grass fields pose less danger of serious injuries, like concussions and ACL/MCL tears, and less potential risks than artificial turf fields using crumb rubber infill.

Proponents argue that a lower use grass field will have less of an impact on traffic on Route 30. The proposal includes funding for a traffic mitigation plan to ease traffic.

Building this field will utilize a site that has been vacant since 2000.

ARGUMENTS OPPOSED: A grass field will not go far enough to accommodate the Town's field needs as grass fields do not offer the same benefit in terms of playing time as a synthetic turf field. Three to four grass fields are needed to accommodate the usage of a single synthetic turf field with lights. The grass field being proposed in this article would accommodate approximately 13-20% of the current over usage.

Wayland fields sit on wet terrain; each spring Wayland typically opens its grass fields weeks after other towns are able to play on their fields.

The average annual cost to maintain a grass field is higher than the average cost to maintain a synthetic turf field. Grass fields require laborers, seeding, aerating, fertilizing, mowing, painting, etc. (specific numbers can be found in the Finance Committee comments section).

The Recreation Commission is sponsoring another project, an artificial turf field, at the same site. The site cannot accommodate both projects.

The Town has already invested \$154,000 in the design and planning for an artificial turf field with lights at the site.

An unlit grass field would likely be used once per day most likely during typical rush hour traffic times (3pm-6pm). A turf field would be used multiple times per day, but still just once during rush hour. Given that, opponents argue that the impact on traffic would be the same.

WHS Athletics and the Recreation Department have looked at renting fields in other communities or privately and have found outside resources to be very limited during youth sports seasons.

The Recreation Commission has already studied siting a grass field at the Loker Conservation and Recreation area and does not support doing so.

Some would argue that this project has been insufficiently vetted by the requisite boards and committees to permit it to proceed in the proposed time frame.

Funding for this project will impact the FY 2019 capital budget. There are other large capital projects that are competing for Town funding and management resources. These projects are typically not prioritized until the spring time frame when the entire capital budget is presented at the ATM. Some would argue that bringing this project forward for a vote in November, before knowing what the other competing projects for FY 2019 might be, is unwise.

FINANCE COMMITTEE RECOMMENDATION: The Finance Committee does not recommend approval. (Vote 0-5-1)

The Finance Committee recognizes this article is being presented as a compromise to the Turf Field proposal. This vote is based on the open issues including the project needs to be vetted by the requisite Boards and Committees, and the Finance Committee's recommendation that projects exceeding \$1 million be funded with exempt debt which needs to be authorized at the polls.

Additionally, the Town's capital budget won't be completed until the spring of 2019. Until then, it won't be clear if this project can compete with other potentially higher priorities. For this reason, we typically don't present capital articles at fall Town meetings unless they are of an emergency nature.

QUANTUM OF VOTE: Majority vote to appropriate or transfer funds per G.L. c. 40, Sec. 5 and G.L. c. 44, Sec. 33B(b). Two-thirds vote to borrow funds pursuant to G.L. c. 44, Sec. 7.

For more information about this article, contact Lead Petitioner John Sax.

ARTICLE 10: LIMIT DISCHARGE OF WEAPONS

Proposed by: Petitioners

Amend §139-8 of Chapter 139 of the code of the Town of Wayland by deleting said section and replacing with the following new section 139-8:

A. No person shall carry uncased or unholstered firearms, rifles, shotguns, or pistols or discharge explosives on public property without the prior written permission of the Board of Selectmen or on private property without the written permission of its owner.

B. No person shall fire or discharge any type of firearm, rifle, shotgun, or pistol on land within the confines of the Town unless they are at least 1000 feet from the nearest dwelling and 1000 feet within the property line of said land.

C. This section does not apply to the lawful defense of life or property or to any person in the performance of some legal duty or to the otherwise lawful discharge of blank ammunition.

PETITIONERS' COMMENTS: The Parkland shooting, the Sandy Hook shooting, and the Las Vegas shooting have had profound affects on many people. Our article places limits on outdoor shooting and will limit new shooting ranges in Wayland. It is intended to create awareness and discussion, and to limit our residents' and our children's exposure to gun fire.

Both the FinCom and petitioners agree this article will not and is not intended to apply to grandfathered ranges of the Wayland Rod & Gun Club. Their ranges are a separate issue facing the neighborhoods around the club.

However, Wayland does not need additional shooting ranges.

We hold no grudge against gun owners. Owning a gun is your own personal decision.

Guns, however, are serious weapons. We firmly believe a densely populated urban town like Wayland should have stricter limits on the discharge of firearms than the minimum required by state law.

FINANCE COMMITTEE COMMENTS: Passage of this article will replace the existing Town bylaw §139-8 Explosives and Firearms which states: “No person shall carry uncased or unholstered firearms or discharge explosives or firearms on public property without the prior written permission of the Board of Selectmen or on private property without the prior written permission of its owner. This section shall not apply to the lawful defense of life or property.”

The current laws governing the discharge of firearms are defined in Massachusetts General Laws (MGL) Ch. 269, §12E, to which Wayland adds a requirement of written permission from the Board of Selectmen.

MGL Ch. 269, §12E prohibits the discharge of firearms within five hundred feet of a dwelling or other building in use, except with the consent of the owner or legal occupant thereof, and then §12E enumerates the following six exceptions from the 500 foot buffer: “(a) the lawful defense of life and property; (b) any law enforcement officer acting in the discharge of his duties; (c) persons using underground or indoor target or test ranges with the consent of the owner or legal occupant thereof; (d) persons using outdoor skeet, trap, target or test ranges with the consent of the owner or legal occupant of the land on which the range is established; (e) persons using shooting galleries, licensed and defined under the provisions of section fifty-six A of chapter one hundred and forty; and (f) the discharge of blank cartridges for theatrical, athletic, ceremonial, firing squad, or other purposes in accordance with section thirty-nine of chapter one hundred and forty-eight.”

The Petitioners’ proposal extends the 500 foot buffer to 1000 feet. It retains three of the exceptions within the 1000 feet buffer for a lawful defense of life, law enforcement, and commemorative occasions using blanks, and eliminates the three exceptions for indoor and outdoor firing ranges, plus shooting galleries.

At present, there are three sources of legal gunfire within the Town of Wayland:

- Wayland Rod and Gun Club (WRGC) indoor and outdoor discharge area
- Hunting on Federal lands
- Any piece of property large enough to have land 500 feet from a building (primarily areas north of Route 20), per MGL Ch. 269 §12E

The WRGC is a private membership, non-profit civic league for recreation, sports, leisure, and athletics, focusing specifically on fishing and hunting sport programs and has been in operation since 1928 at its present location on Meadowview Road. The facility is also used to provide instruction, coaching and examination for the Boy Scout Rifle Shooting Merit Badge. The facility contains both outdoor and indoor firing ranges.

The facility’s use as a firing range is a pre-existing non-conforming use with grandfathering rights. Under Massachusetts laws (MGL Ch. 40A §6) new zoning bylaws can regulate future uses of land or property but not existing ones. Hence this article will not affect the discharge of firearms from this source.

The Great Meadows National Wildlife Refuge in Wayland is governed by Federal law and allows for hunting waterfowl with a gun on the river between certain buoys. Because Town laws do not apply to Federal land, permitted discharge of firearms in this area will not be changed.

Hence the article will have two impacts. The first is to extend the buffer in the third of the above permitted discharge areas from 500 feet of a building-in-use to 1000 feet of the nearest property line of a building-in-use. The second is to impose a 1000 foot buffer for skeet shooting on private property,

indoor and outdoor firing ranges, and for shooting galleries by eliminating the state law exception to the requirement for a 500 foot buffer for these activities.

The Board of Selectmen does not recommend approval of this article. (Vote 0-5-0)

The Board of Health recommends against approval. (5-0-0)

ARGUMENTS IN FAVOR: Firearms discharge noise can travel a long distance, and the discharge noise from the WRGC can be heard throughout the Oak Hill, Stonebridge/Meadow View, and Pelham Island area. While the proposed bylaw will not eliminate the discharge noise from the WRGC because its use for this purpose is grandfathered, Petitioners nevertheless believe the article is still worth pursuing because it will severely reduce any future firearm discharge from non-grandfathered facilities.

Petitioners argue that the discharge of firearms is inconsistent with the characterization of the Town on its website as a: “quiet, peaceful community located in the Metro West area of Massachusetts”.

Petitioners argue that a significant number of residents would prefer not to live near an outdoor firing range. The article virtually eliminates the possibility of building any new firing ranges.

Petitioners argue that attitudes about guns have changed, particularly in light of the recent school shootings. They would argue that a greater number of residents is now discomfited by the sound of firearm discharges and would prefer an environment free of that sound.

Petitioners state that the sound of gunfire can be frightening to young children. They believe no Wayland child should be forced to get used to the sound of gunfire.

Petitioners assert that “at least 34 towns (including Lexington and Arlington) already have some type of firearm discharge ban. Wayland should join this list.”

ARGUMENTS OPPOSED: The proposed bylaw replaces the definition of a buffer from 500 feet of a “building” to 1000 feet from a “property line”. Some would argue that it would be difficult to enforce or adhere to that distinction in practice.

Moving the buffer from 500 to 1000 feet reduces the potential hunting area in Wayland from roughly 17% to 4% or less. The Town has hunters who would be unhappy with that. In addition, at some point in the future, the town may need to explore culling the deer population. Too many deer can create problems: Deer collisions, tick-borne diseases, excessive browsing of tree saplings, and browsing of understory plants leading to loss of tree and flowering plant diversity. The Mass. Division of Fisheries and Wildlife states that: “Wayland likely has a deer population that is over twice our recommended level.”

There are residents who might agree with the limitation on hunting, but those same residents might disagree with conflating recreational shooting on ranges with their support of a limitation on hunting. Those residents would argue for a continued exemption from the 1000 foot buffer for firing ranges.

This article does not mention or exclude police training. If this Article passes, the Wayland Police Department (WPD) could not conduct its firearms training in Wayland unless they can find a site for a firing range not nearer than 1000 feet to the nearest property line. Maps prepared by the Wayland GIS coordinator seem to indicate that there is no such site. Semi-annual firearms training by the WPD is a required activity. The expense to use an alternative range, such as the Devens Range, is estimated to

cost \$7,000 per year for travel and rental. The cost to build a new site at the Landfill is estimated at \$5,000.

While it's true that some towns have a ban on discharging firearms, most of these towns, such as Lexington, Concord and Weston, make exceptions for firing ranges. This proposed bylaw does not. Some towns also make exceptions for veterinarians.

This bylaw not only voids the state law exception for indoor ranges from the current 500 foot buffer but extends it to 1000 feet. That would seem to make no sense because a properly constructed indoor range can mitigate noise to roughly 40 decibels at 330 feet, and poses no risk to safety. As a frame of reference, a window air conditioner produces about 50 decibels.

The laws of physics for sound propagation predict that lengthening the buffer for the discharge of firearms from 500 to 1000 feet results in a reduction of 6 decibels. The general acoustical rule is a 6 decibel reduction per doubling of distance. (See: <http://www.sengpielaudio.com/calculator-distance.htm>). Some would argue that 6 decibels is too small a gain in noise reduction to justify the reduction in permissible hunting areas.

Some have argued that passage of this article, at least as it relates to the elimination of the exception from buffers for skeet and firing ranges, will be unenforceable. The logic is as follows: State law states that penalties for discharge of firearms within 500 feet of a building shall not apply to target or test ranges. The proposed Wayland bylaw would void that exception. There is, however, another state statute, MGL Ch.214, §7B, that explicitly prevents towns from imposing stronger noise mitigation rules on shooting ranges beyond those required to meet state requirements. If Wayland adopts the 1000 foot buffer because it fears the 500 foot buffer is unsafe, then it would make sense to continue the exception for firing ranges because firing ranges pose no threat to safety. On the other hand, if the goal is additional noise reduction, that is precluded by state law. Thus it is unlikely that the courts would permit voiding the exception for the 500 ft. buffer at firing ranges, much less allow it to be extended to 1000 ft.

FINANCE COMMITTEE RECOMMENDATION: The Finance Committee does not recommend approval. (Vote 0-4-2)

QUANTUM VOTE: Majority vote pursuant to G.L. c. 40, Sec. 21.

CONSISTENCY WITH LAW: Some provisions of this proposed bylaw are not repugnant to federal or Massachusetts law, while other provisions may conflict with or be preempted by M.G.L. c. 140, c. 269 and other provisions.

For more information about this article, contact Lead Petitioners Duane Galbi or Tom Gully.

APPENDIX A

THE MODERATOR'S RULES AND REGULATIONS GOVERNING WAYLAND'S TOWN MEETINGS

The following information may help you to participate fully in Wayland's town meetings, which have been held each year since 1639:

I. THE WARRANT

This booklet, which includes the Warrant for Wayland's Town Meeting, was compiled by the Selectmen and served upon all residents by mail and by posting in accordance with applicable provisions of the Code of the Town of Wayland. It contains the agenda of the subjects to be acted upon (articles), including the omnibus budget proposed (if this is an annual meeting), the report and recommendations of the Finance Committee, and additional information concerning the finances and administration of the Town to help us formulate our votes.

No action of this Town Meeting will be valid unless it shall have been taken under an article set forth in the Warrant.

Each article will be considered in the order in which it appears on the Warrant, unless the meeting shall have voted to do otherwise by a TWO-THIRDS vote.

II. THE VOTERS

A. All residents of Wayland, who have been duly registered as voters, are urged to attend, participate, debate and vote at all annual and special town meetings subject to laws of the Commonwealth of Massachusetts, the Bylaws of the Town and these rules and regulations.

B. The Town Administrator, Assistant Town Administrator, Town Counsel, Police Chief, Fire Chief, Finance Director, Director of Public Works, Public Buildings Director and Superintendent of Schools, shall have the right to attend and sit on the floor of town meetings, but they shall not be considered in determining the presence of a quorum unless they are registered voters of the Town. See paragraph IV.B.3 below.

C. All other persons, including members of the press, may attend and observe Wayland's town meetings so long as they remain seated in the special section reserved for non-residents, unless the Moderator shall have authorized them to sit among the registered voters.

D. A registered voter may bring his or her child(ren) to sit among the voters so long as the child(ren) sit(s) quietly beside his or her parent at all times.

III. THE MODERATOR

The Moderator is elected by ballot for a three year term at the annual election of town officers to preside at all Town meetings during his or her term of office and is authorized by state law to regulate the proceedings, decide all questions of order and make public announcement or declaration of all votes, subject to the Bylaws that Wayland has enacted to regulate the proceedings of town meetings. All rulings of the Moderator are final.

IV. THE MEETINGA. The Call to Order

1. The Moderator will call each session of town meeting to order at 7:30 p.m., or other time as determined by the Board of Selectmen, or as soon thereafter as the Town Clerk has determined that a quorum of one hundred (100) registered voters has been checked into the hall.

2. The Moderator will announce the number of each article about to be considered and invite a motion thereunder; the Moderator will omit the reading of the articles, unless a MAJORITY of the meeting shall vote otherwise.

B. To Address the Town Meeting

1. No person may address a town meeting until and unless he or she shall have been recognized by the Moderator. All persons shall, at the request of the Moderator, be silent.

2. All persons, who wish to be recognized, shall approach one of the three microphones placed at the front of the room, which most closely reflects the purpose for which they seek recognition:

- a. The Procedural Microphone (in the middle) will be available to those who have been recognized by the Moderator and wish to offer:
 - 1) The main motion under the article being considered and a presentation in support thereof;
 - 2) The principal presentation in opposition to the main motion.
See paragraph IV.C.2.b, below;
 - 3) An amendment to a main motion;
 - 4) A question seeking information concerning the motion or other matter then under discussion, or guidance from the Moderator as to procedure, including a point of order;
 - 5) An answer to a question seeking information; and
 - 6) A point of order or procedural motion, such as:
 - a) a motion to terminate debate;
 - b) a motion challenging the Moderator's declaration of a vote;
 - c) a motion questioning the presence of a quorum; and
 - d) a motion to adjourn.
- b. The "Pro" Microphone will be available to those persons recognized by the Moderator who wish to speak in support of a motion on the floor.
- c. The "Con" Microphone will be available to those persons recognized by the Moderator who wish to speak in opposition to a motion on the floor.

The Moderator will normally recognize those persons, who are standing behind or seated near each microphone in a single file, in the order of their entry into that file, alternating between the Pro and the Con mikes; but reserves the right to recognize any person at any time, including a person who has not approached a mike, a person who is handicapped or a person who has risen to a point of order. Any person whose remarks are not consistent with the purpose of the microphone that he has been permitted to use, shall yield the floor upon request of the Moderator.

3. Those individuals granted the right to sit on the floor under Section II B above, if non-residents, shall have the right to answer questions, but they do not have the right to vote unless they are registered voters of the Town.

4. If a person, who has not registered to vote, seeks permission to address the meeting, the Moderator will ask whether there are any objections. If there are any, he will immediately call for a vote. If the majority shall vote to hear the non-resident, the Moderator will give him/her the floor.

C. The Debate

1. When you have been recognized by the Moderator, address the Chair as follows: "Mr. Moderator, I am (Name) of (Street Address)." Then proceed as follows:
 - a. "I move that . . .";
 - b. "May I ask you . . ."; or
"May I ask through you (then state the question which you want a board, official, or previous speaker to answer);
 - c. "I rise to a point of order"; or
2. Once you have been recognized, you may offer any motion, amendment, argument, comment, suggestion or question relevant to the article then under consideration, unless the Moderator shall have authorized debate or invited comments upon subjects not listed in the Warrant; but:
 - a. Any person who wishes to offer the principal presentation in support of the main motion under an article, must so notify the Moderator prior to the session at which that article is called and complete the same within seven (7) minutes, or less, and yield the floor. A light will warn you to conclude your remarks and yield the floor during the final minute. The Moderator may divide the time if more than one person indicates a desire to make a presentation in support. The aforesaid seven minute limit does not apply to the principal motions under the omnibus budget article.
 - b. Any person wishing to offer a presentation in opposition to the main motion under an article must so notify the Moderator prior to the session at which that article is called and complete the same within the time used by the proponent, or within three (3) minutes, whichever is longer, and yield the floor. The same one (1) minute warning light will warn you to conclude your remarks. The Moderator may divide the time if more than one person indicates a desire to make a presentation in opposition.
 - c. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in two (2) minutes, or less, unless extended by leave of the Moderator and yield the floor. The same one (1) minute warning light will be turned on when you have used up the first minute.

- d. You may be interrupted only by a question of privilege, a point of order, a request that you speak more distinctly or by the Moderator.
- e. When you have completed your motion, question, or remarks, you relinquish your claim to the floor; and you must yield the floor upon request of the Moderator.
- f. The Moderator will rule, or take other appropriate action on any generally recognized incidental, subsidiary or privileged motion.

3. Abbreviated Presentation Procedure. With notice to and leave of the Moderator any person making a main motion under an article may present that motion under the Abbreviated Presentation Procedure. Under this procedure:

- a. The motion must be presented in or be substantially consistent with the words of the Article as printed in the Warrant, and without making further presentation in support of that article. The Moderator may allow minor or editorial variation from the words of the Article as printed in the Warrant.
- b. The Moderator will ask if anyone wishes to speak in opposition to the motion or if anyone has a question regarding the motion.
- c. Should there be a question, the questioner will be permitted to state his or her question and the presenter of the motion will be permitted to answer that question.
- d. Should any individual state that he or she is opposed to the motion, or if the Moderator determines that the questions are of significant depth or importance, the presentation and debate will revert to the normal course as set forth in these Rules.

4. If you have a question concerning the legality or propriety of the proceedings, you may approach the Procedural Microphone and address the Moderator without waiting to be recognized, saying: "Mr. Moderator, I rise to a point of order." When you have been recognized, you must state the reason for your point, which may include that a motion is beyond the scope of the article under consideration, that the person who has the floor is not addressing the merits of the motion or that a quorum is not present. The Moderator will then rule on the point and the Moderator's ruling is final.

5. If you wish to offer a motion within the scope of the article under consideration, follow the procedure outlined under paragraph IV. B. and C., above.

- a. If your motion is the main motion, you must then declare that it is identical word- for-word with the substantive portion of the article printed in the warrant which is then under consideration, or describe the substantive differences in wording between the article and the motion; otherwise the Moderator will permit no debate or action upon your motion. If your main motion is visually available to a reasonable extent throughout the hall, you may dispense with the description of substantive differences, unless directed to do so by the Moderator.
- b. If you plan to offer a main motion that contains more than twenty-five (25) words and differs significantly from the article printed in the Warrant such that in the view of the Moderator, the assembly may be confused, you must first print and distribute a copy thereof to those attending the session of town meeting at which said motion is presented.

- c. No motion or amendment of a motion that exceeds ten (10) words in length will be accepted, unless it shall have been offered to the Moderator in writing.
 - d. A motion that is not identical word-for-word with the substantive portion of the article printed in the warrant then under consideration will not be accepted, unless the Moderator shall determine that said motion is within the scope of the article; i.e., that it does not change the substantial character of the proposal described in that article or would not further restrict, if passed, the liberties of the residents of Wayland than the proposal set forth in the article.
 - e. The Moderator will accept no motion proposing a layout, taking, acceptance of gift, purchase, sale, lease or rezoning of land, unless the article under which the motion is offered contains a running description of the land in question, a description by metes and bounds or a reference to a plan suitable for recording that is available for public inspection at the office of the Town Clerk, the Town Surveyor, the Planning Board or another place to which the public has access during normal business hours.
 - f. The Moderator will accept no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.
 - g. The Moderator will accept no motion that in the Moderator's view would eviscerate or be completely opposite of the motion under the Article under consideration.
 - h. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.
6. You will not be recognized to speak on the merits of a motion if you have already spoken three times on its merits, but you may be recognized to answer a question put by another or to raise a procedural issue with respect to that motion.
7. Wayland's practice with respect to some common subsidiary motions is generally as follows:
- a. You may amend a motion by moving to add and/or delete words to and/or from the main motion or by substituting a new motion therefor; but the Moderator permits no more than two amendments to a main motion *at a time*. A motion to amend is debatable and requires only a MAJORITY vote, even though the main motion may require a TWO-THIRDS vote.
 - b. You may move to refer a matter for further study, if your motion identifies the official or committee who shall conduct such study, how it shall report, when and to whom. In the event that you wish to establish a new committee for this purpose, the motion must specify the number of members who shall serve and who shall appoint them. A motion to refer is debatable and may be amended and requires a MAJORITY vote.
 - c. You may move to advance or postpone to a time certain within the then current session of the meeting consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.

- d. You may move to lay an article on the table (“table”). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.

You may ask the Meeting to take no action under an article by moving “that the article be passed over.” Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

8. Upon the expiration of forty-five (45) minutes after the main motion under any article shall have been seconded, or put before the meeting by the Moderator, unless extended by leave of the Moderator, the Moderator will terminate debate thereon, unless the Town Meeting shall have voted by majority vote to extend the time available for further debate. The time needed to count the vote(s) upon the motion(s) under the article will not be included in the total time. The aforesaid time limit does not apply to debate under the omnibus budget article.

9. Although the Moderator has absolute authority to regulate the proceedings at town meetings, debate under a motion can be terminated by a TWO-THIRDS vote of the Town Meeting. Therefore, if you believe that debate under a motion has gone on long enough, approach the Procedural Microphone, and, when you have been recognized, make a motion to terminate debate (move the previous question). If your motion receives a second, the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

10. If an article of the Warrant has been acted upon and disposed of, a motion to reconsider the article may be made at any time if the Moderator determines that the person offering the motion discloses significant new information to the Town Meeting concerning said article, which existed but had not been disclosed or made available to the Meeting when the motion under that article was debated, and the Moderator thereupon explains why such information satisfies the foregoing criteria; provided however, the debate and action on said motion shall be deferred until all other articles have been disposed of. In any event, a two-thirds vote shall be required for approval of a motion to return to an article.

D. The Vote

Before calling for a vote, the Moderator will usually repeat the motion under consideration (as the same may have been amended), unless it is substantially identical to the article:

1. In the event that electronic handset voting equipment shall have been made available for use by voters at any Annual or Special Town Meeting, all votes shall be taken by secret ballot using such equipment, unless the Moderator shall decide otherwise for reasons he/she shall state publicly. When calling for an electronic vote, the Moderator will ask voters to press the number “1” if they wish to register an “aye” or the number “2” if they wish to vote “no”. In the event that a voter wishes to abstain, he or she may (but need not) press “3”. Voters may change their mind as many times as they wish, but the last vote recorded upon the expiration of thirty seconds will count. Any voter who believes that his or her keypad is not functioning properly or is failing to record his or her vote accurately should proceed to the designated help desk. If a vote is in progress, the voter should raise his or her hand; if seen by the Moderator, the Moderator will dispatch help desk staff to examine the handset for any defect. If it is determined by help desk staff that the handset is defective, the voter will be offered a paper ballot and pen or other writing instrument to record his or her vote on that question and will be provided with another handset for the next vote. Such paper vote shall be promptly relayed by help desk staff to the Moderator.

- a. If a voter cannot use the electronic handset offered by the Checkers, he or she will directed to sit in a special section reserved for those who will not be using an electronic handset to vote. Whenever the Moderator shall call for a vote, tellers will provide a ballot to each voter in the special section(s), who, collect those ballots within thirty seconds and deliver them to the Moderator, who will add the total of the ballots to the vote received electronically and announce the vote on the motion before the meeting.
- b. Each person receiving a handset must retain and use only that handset until turned in at the Help Desk, given to a Teller or turned in at the end of the session. No person may lend or give that handset to another person, nor may any person vote with a handset originally given to another.

Voters with handsets may retain them if they wish to leave the room for any reason, but they must hand their handset to an exit attendant if they plan to leave the building.

2. In the event that electronic voting is for any reason not to be employed, the Moderator will first ask all those in favor to say, "Aye". He will then invite those opposed to say, "No". If the Moderator is in doubt as to whether the motion has carried, he or she may call for another voice vote; or may ask those in favor to stand, before he asks those opposed to stand. Sometimes, the Moderator will reverse this procedure before announcing the vote.

3. If the Moderator is still in doubt, or if seven (7) or more voters shall immediately question a voice or an uncounted vote taken by non-electronic means, the Moderator will call for the tellers to help him take a standing counted vote – two tellers for each section of the hall so that they may check each other's results. The Moderator will then repeat the motion and say, "All those in favor will rise and remain standing until counted." When the count has been completed, the Moderator will ask those who are opposed to stand and be counted. As soon as each team of tellers has agreed upon the count in their section, they will be asked to report the number of voters they have counted from the Procedural Microphone. When all of the tellers have reported, the Moderator will declare the vote and his declaration of the vote is final, unless clear and convincing evidence shall have been submitted to the Moderator that fraud, errors by of one or more tellers or some other irregularity has infected the accuracy of the vote count just completed; in which event the Moderator will repeat the standing counted vote procedure outlined above.

4. If a vote taken by electronic means is questioned by seven (7) or more voters, the Moderator will audit the vote by choosing a set of voters to come forward and present their handsets in turn to the Town Clerk, who will compare the vote shown on each handset with the vote received by the Electronic Voting System for that handset. If the correlation is less than fully accurate, the Moderator shall discard the electronic vote and call for a standing counted non-electronic vote under the previously set out procedures.

5. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion acted on by non-electronic means the Moderator will normally ask whether there is unanimous support for the motion; but if there is not such support, he will take a standing counted vote. If the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative the Moderator may by hand vote determine that the TWO-THIRDS majority was met.

6. If a TWO-THIRDS vote is required to carry a subsidiary or procedural motion, such as a motion to terminate debate ("move the previous question"), and the vote is not to be taken by electronic means, the Moderator need not take a count, even though the voice vote upon such motion was not unanimous, if the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative. The Moderator shall then declare that such motion has carried and the Clerk shall record such declaration together with a note that there was "a scattering of nos."

E. Adjournment

1. If you wish to adjourn a session of the Town Meeting before all of the articles have been disposed of, you must specify the date and time when the Meeting shall resume. Such motion may be made at any time, is debatable, may be amended and requires a MAJORITY vote, provided, however, that the Moderator will permit no such motion if it shall be offered after debate shall have been terminated upon a pending motion until the final declaration of the vote taken upon the motion then under consideration.

2. Each session of a Town Meeting shall be adjourned by the Moderator (a) at 10:30 p.m., or as soon thereafter as the Meeting has disposed of the article then under consideration or postponed action thereunder, or (b) voted to adjourn at a different time.

3. No motion to dissolve the Town Meeting (to adjourn *sine die*) is in order until every article shall have been duly considered, acted upon and declared as disposed of.

V. QUESTIONS

In the event that you have a question concerning the conduct of the meeting, you need further information to cast your vote, or the status of any motion being considered, you are invited to approach the Procedural Microphone and to address your question to the Moderator as soon as you have been recognized.

VI. MISCELLANEOUS RULES

Residents of the Town of Wayland may, with the prior permission of the Moderator, place and/or post documents intended and designed to inform and influence the action of voters at town meetings on the tables and wooden walls located behind and on either side of the tables occupied by the checkers at the entrance of the Field House and each other venue where town meetings are conducted, so long as said documents are germane to any of the articles set forth in the warrant.

The Selectmen, the Chief of Police and the Chief of the Fire Department and other town officers and employees may also be permitted by the Moderator to post and place documents pertaining to the safety of the public in the aforesaid locations.

Thank you for joining us to do the Town's business.

Dennis J. Berry, Moderator
November 1, 2018

MODERATOR'S SUPPLEMENTAL RULES FOR TOWN MEETING SLIDES

(v 1.3)

Three types of slides are acceptable for visual display when speaking before Town Meeting:

1. Motion slides
2. Amendment slides
3. Illustrative slides

A Motion slide is displayed when presenting a Main Motion, and can be displayed when presenting an Amendment to a Main Motion. A Motion slide

- shall be presented in the "standard motion format"
- shall be limited to one page unless approved by the Moderator
- shall include the Article number, Warrant page #, Quantum of Vote, Article Title, Proposer, and Estimated Cost in the Header
- shall present the Header text in 20 point Arial font
- shall present the full text of the Motion in 18 point Arial font
- shall not include images
- is requested for both Board-sponsored and Petitioner-sponsored articles
- shall be submitted in Word Document format to the Selectmen's Office

At the Moderator's discretion, an Amendment slide may be created during Town Meeting by Town Meeting personnel digitally photographing a sheet of paper bearing an Amendment in legible handwriting, or in text printed in 18 point font. The text of an Amendment can optionally be submitted in Word Document format to the Selectmen's Office 3 full business days prior to the first session of Town Meeting for review and approval by the Moderator.

One or more Illustrative slides accompanying an Article, Main Motion or Amendment may be displayed during a speaker's presentation. An Illustrative slide shall

- contain pictures, charts, maps, or diagrams that enable voters to better understand a Motion or Amendment
- not restate the language contained in the Motion or found in the text of the Article
- employ text only for the purpose of labelling graphical elements
- be submitted in JPG or PowerPoint format

All Motion and Illustrative slides

- shall be submitted to the Selectmen's office no later than 3 full business days prior to the first session of Town Meeting
- will be reviewed by the Moderator for relevance, value, and compliance with the above requirements; submitters will be notified of approval or rejection
- shall be removed from the screen when the speaker concludes their presentation

During the meeting, the audiovisual system operator will display approved slides at the speaker's direction. Under no circumstances will the use of slides or any other audio/visual device extend the speaker's time.

APPENDIX B: Articles 4, 6, 7 and 8**PLANNING BOARD REPORT**

In accordance with the provisions of Section XXVIA, Notice for Public Hearings, of the Zoning Bylaw, and Chapter 40A of the General Laws of the Commonwealth of Massachusetts, the Planning Board convened a duly advertised public hearing on Thursday, September 27, 2018 on the proposed amendments to the Zoning Bylaws as contained in the Warrant for the November 13, 2018 Special Fall Town Meeting (Articles 4, 6, 7, and 8). Following the public hearing and as further required by the Zoning Bylaw and General Laws of the Commonwealth of Massachusetts, the Planning Board produced this Report with recommendations on the articles for consideration by Town Meeting.

ARTICLE 4: ZONING: UPDATE FLOOD PLAIN MAPS**Final Recommendation - Adoption
(Planning Board voted 3-0-0)**

This is a housekeeping amendment that updates the floodplain district in the Zoning Bylaw to reflect the most current flood zone information published by the Federal Emergency Management Agency (FEMA), and make our Zoning Bylaw's identification of flood zones consistent with the Flood Insurance Rate Map (FIRM) map that individuals and entities rely on for land use development and planning purposes.

The identification of flood-prone areas serves many important purposes. Identifying flood hazards creates an awareness of the hazard, especially for those who live and work in the flood-prone areas. The Flood Insurance Rate Map (FIRM) maps and report provide communities with the information needed for land use planning and to reduce flood risk to floodplain development.

Each time the Federal Emergency Management Agency (FEMA) provides a community with new and additional flood hazard data/map changes, a community must adopt the new floodplain maps or amend existing zoning regulations. This proposed amendment to the Zoning Bylaw is to reference the updated panel numbers that are wholly or partially within the Town of Wayland for the current (FEMA) Federal Flood Plain District, defined as the one-hundred year floodplain, and designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA).

For more information on available digital products, visit FEMA's Map Service Center website at <https://msc.fema.gov> or call the FEMA Map Information exchange (FMIX) at 877-336-2627.

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ARTICLE 6: ZONING: ESTABLISH DISTRICT FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS**Final Recommendation - Adoption
(Planning Board voted 3-0-0)**

Article 6 is sponsored by the Planning Board, and proposes to amend the Zoning Bylaw by adding a new section, Article 26, to regulate Marijuana Establishments within the Town of Wayland and to establish a new zoning district in which Marijuana Establishment may be a permitted use.

The purpose of this Zoning Bylaw amendment is to provide an area in town for the placement and control of Marijuana Establishments (MEs) and Medical Marijuana Treatment Centers in a suitable location superimposed over the existing districts as shown on figure 1. The proposed bylaw will regulate MEs consistent with state law (Chapter 55 of the Acts of 2017, and the regulations promulgated by the Cannabis Control Commission (CCC) found at 935 CMR 500.000 and 105 CMR 725.000 et seq.) and consistent with community and neighborhood concerns. This Article will protect the town and replace the temporary moratorium that was adopted by Town Meeting in 2017, which will expire on December 31, 2018. If the voters approve the ban on recreational marijuana establishments, this new district would only apply to medical marijuana facilities. Medical Marijuana Facilities cannot be prohibited.

Among other things, the proposed bylaw amendment would prohibit ME or Medical Marijuana Treatment Centers within 500 feet of a public or private school providing education in kindergarten or any of grades 1 through 12. Within the Marijuana Establishment District, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. If the provisions of the Marijuana Establishment District conflict with the requirements of the underlying district, the requirements of the Marijuana Establishment District shall control.

The Bylaw would also restrict the total number of Marijuana Retailers to two (2), except that in no instance shall the number of Marijuana Retailers be fewer than twenty percent (20%) of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises, as set forth in G.L. c. 94G Section 3(a)(ii).

The proposed Marijuana Establishment District will allow the Town of Wayland to control where marijuana is being sold, and how it is being sold, grown and processed. The proposed location for the District was selected because it minimizes adverse impacts on adjacent properties, residential neighborhoods, historic sites, schools and other locations where minors congregate.

As stated in the Planning Board's Report for Article 7, the Board collected input from Town Counsel, Marijuana Working Group, Town boards such as the Board of Health, community activists, and the general public through numerous meetings, forums and public hearings over the last year. The Planning Board was persuaded that it is desirable to limit the places where marijuana could be sold in retail establishments, due to public health and safety impacts from the proliferation of marijuana use among minors in states that have already legalized marijuana.

More information:

<https://www.wayland.ma.us/planning-board-department/pages/marijuana-material>

* * *

ARTICLE 7: ZONING: PROHIBIT RECREATIONAL MARIJUANA ESTABLISHMENTS Final Recommendation - Adoption (Planning Board voted 3-0-0)

Article 7 is sponsored by the Planning Board, and proposes to amend §198-803 Classification of Principal Uses, Section 803.5 Prohibited Uses by striking §803.5.8, which imposed a temporary moratorium on adult use (recreational) Marijuana Establishments and replacing it with the following:

803.5.8 Consistent with G.L. c. 94G, Section 3(a)(2), all types of adult use (recreational) “Marijuana Establishments” as defined in G.L. c. 94G, §1 and 935 CMR 500.00, including marijuana cultivators, craft marijuana cooperatives, marijuana product manufacturers, marijuana retailers, independent testing laboratories, marijuana research facilities, marijuana transporters or any other type of licensed marijuana-related businesses shall be prohibited within the Town of Wayland.

This zoning amendment would prohibit marijuana establishments, other than Registered Medical Marijuana Dispensaries, from being located and/or operating within the Town. Commercial recreational marijuana establishments include retail stores selling any type of marijuana products, commercial cultivation facilities (indoors and outdoors), testing facilities, and product manufacturing. This prohibition would not change the state law with regard to adult recreational marijuana usage. The Special Election as well as this Town Meeting article only address whether marijuana facilities and retail sales should be allowed in Wayland. Residents who wish to possess and use marijuana would be able to acquire it from retail dispensaries in neighboring communities such as Framingham and Marlborough.

The Planning Board collected input from Town Counsel, Town boards such as the Board of Health, community activists, and the general public through numerous meetings, forums and public hearings over the last year. The Wayland Board of Health, School Committee, Police Department, and Youth and Family Services all support this article prohibiting marijuana establishments town-wide, noting that public safety concerns are exacerbated by the potential illegal possession of marijuana by minors due to the products being more readily available in Town. The Planning Board was persuaded by evidence of public health and safety impacts from the proliferation of marijuana use among minors in states that have already legalized marijuana. Especially concerning are the availability of edibles such as brownies and candy infused with tetrahydrocannabinol (THC), the psychoactive ingredient in marijuana, that among other effects, causes cognitive impairment. Another public safety concern cited by the Police Department is that there is no breathalyzer or scientific test for measuring THC levels in drivers that appear to be impaired from excessive marijuana use.

In 2016, the voters of the Commonwealth of Massachusetts voted to legalize recreational marijuana. The Legislature subsequently adopted a statute to regulate the commercial cultivation and sale of marijuana products, codified under Chapter 94G of the Massachusetts General Laws. Section 3 of the statute provides that if a city or town voted in favor of legalization in 2016, the municipality may prohibit recreational marijuana establishments through an election and at town meeting. Because Wayland voted to support the statewide ballot measure in 2016 (by just 74 votes), the statute requires this two-step process in order to adopt a town-wide prohibition.

The Board of Selectmen authorized the first step of the process by calling a special election, which was held on October 2, 2018. At this election Wayland residents supported a town-wide prohibition, 1,226 in favor and 465 opposed. Unfortunately, a Wayland by-law provision which required a copy of the warrant of the special election to be mailed to every household in Wayland was not followed. The Board of Selectmen are planning to include the same ballot question as part of the annual town election in April 2019. The process of prohibiting recreational marijuana establishments in Wayland also requires adoption of a zoning amendment, which is the purpose of this article. Adoption of this amendment requires a two-thirds majority vote. If this amendment is approved by Town Meeting, it would become effective upon the passing of the ballot question in April and would become effective at that time.

If Town Meeting voters do not approve this article by the necessary two-thirds majority vote or if the voters do not support the ban at the annual town election, thus rejecting the town-wide ban, the Planning Board is offering the preceding Article 6, which would amend the Zoning Bylaw by creating a new zoning district where marijuana establishments would be permitted. That article would also require a two-thirds majority vote. If supported at Town Meeting, this new permitted zone would replace the temporary moratorium that was adopted by Town Meeting in 2017 and which will expire on December 31, 2018. If the voters approve the ban on recreational marijuana establishments, then the new zoning district would apply only to medical marijuana facilities.

More information:

<https://www.wayland.ma.us/planning-board-department/pages/marijuana-material>

* * *

**ARTICLE 8: ZONING: USE OF PRE-EXISTING NONCONFORMING LAND THAT
CONSISTS OF MORE THAN SIX DWELLING UNITS
Final Recommendation - Adoption
(Planning Board voted 3-0-0)**

The Planning Board is sponsoring this Zoning Bylaw amendment, which would preserve large rental housing developments from being converted to condominiums, or from being torn down and replaced by more expensive housing. This amendment only applies to rental developments that are already in existence, and that are nonconforming to the Zoning Bylaw, meaning that they would not be allowed if they were constructed today, but are considered “grandfathered.”

Cities and towns are free to prohibit or strictly regulate changes to pre-existing nonconforming uses. Titcomb v. Bd. of Appeals, 64 Mass. App. Ct. 725, 729 (2005), *quoting*, Bobrowski, Handbook of Massachusetts Planning Law § 6.04[A]. Currently, Wayland’s Zoning Bylaw authorizes changes and expansions of pre-existing, nonconforming uses by special permit issued by the Zoning Board of Appeals. Specifically, under Section 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 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.

The proposed Bylaw would keep Section 401.1.2 intact, except as it applies to rental housing properties that contain six or more housing units. For those nonconforming properties, the rental development cannot be changed, extended or altered in such a manner that results in the creation of *more* apartment units or the *enlargement* of existing apartment units measured by Gross Floor Area or

number of bedrooms. Since the definition of “Gross Floor Area” excludes unfinished areas such as attics, basements and garages, this amendment would not prevent an existing rental development from adding new unfinished areas. Further, the amendment would not prevent the rehabilitation or reconstruction of an apartment building, so long as it does not increase the development’s Gross Floor Area.

This amendment has no effect on landlords who own small apartment buildings (five units or less). This amendment would apply, however, to the so-called “Launcher Way” housing development, currently owned by the United States Government, consisting of 12 small single-family homes on a single parcel of land of approximately 5.6 acres, located off of Oxbow Road. If adopted, this amendment would prevent that site from being redeveloped into 12 large homes, or into a new apartment complex. Under the proposed bylaw, the new owner of the site could renovate and retain the 12 existing homes as rental properties, or remove the existing homes and build new homes that fully comply with the Zoning Bylaw’s current dimensional requirements (i.e., 60,000 sq. ft. min. lot size).

There are strongly public policy benefits to preventing our existing affordable rental housing stock from being converted to expensive housing, or to luxury rental housing.

APPENDIX C: Article 5, Fund Asbestos Mitigation at River's Edge

RIVER'S EDGE INFORMATION: HISTORICAL INFORMATION ESTIMATED NET PURCHASE PRICE AND ESTIMATED RETURN ON INVESTMENT, prepared by the Finance Committee

HISTORICAL INFORMATION: At the 2012 ATM, \$360,000 was approved to analyze and plan for River's Edge. A portion of these funds were used to contract with consultants to assess the site to ensure that any environmental issues were understood, and mitigation was manageable and reasonable for a professional developer to undertake. The Economic Development Committee (EDC) oversaw the process, which resulted in the finding of "three small sections of asbestos transite pipe were also observed within the pile". For the specific review, please see the Environmental Executive Summary http://waylandmaarchive.vts.net/Pages/WaylandMA_Archive/WaylandMA_Procurement/WaylandMA_ProcCurrentBids/16-28Docs/16-28-RFP.zip for a description of the results of the Phase I and Partial Phase II investigations of the site.

At the 2014 ATM, in two articles, the Town voted to create River's Edge Housing Overlay Zoning District and to authorize the Board of Selectmen to sell the land for the purpose of building rental housing meeting the overlay zoning requirements. Effectively, the Town decided not to conduct the environmental site cleanup at its own expense and instead market the site to third parties and mitigate environmental issues as part of the purchase process.

In July 2017, the Town entered a Land Disposition Agreement (LDA) with WP East Acquisitions (Wood Partners) to purchase and develop the River's Edge project into market rate and affordable housing; the agreement is available on the Town's website, here: <https://www.wayland.ma.us/sites/waylandma/files/uploads/riverlda.pdf>.

The LDA outlined a 90-day due diligence period where Wood Partners was to complete its investigation of conditions on site including an assessment of environmental issues. The LDA anticipated that the developer, Wood Partners, would undertake the site cleanup as part of the overall site development efforts. In the LDA, Wood Partners budgeted over \$2.9 million in projected environmental and soils management cleanup costs to be substantiated (section 2.1 of LDA) as part of their due diligence process.

Due diligence commenced in July 2017 and began with the examination of the large soil piles located on the site. The process to assess the soil involved the spreading of the soil into a single flat layer for delineation and sampling. Suspected asbestos containing materials (ACM) were observed in an area of the soil pile located on the former Department of Public Works (DPW) staging area and the MassDEP was notified, as required. MassDEP required that ACM must be cleaned up *prior* to any further due diligence activities including spreading of the pile. Due to the nature of asbestos regulations, due diligence activities were required to cease until a resolution was reached. The original due diligence process anticipated the sampling and characterization of the entirety of the materials in one step, thereby allowing Wood Partners to assess the costs of soil management.

The Town, Wood Partners, VERTEX (a consulting environmental and engineering Firm - Licensed Site Professional) and MassDEP have worked together to determine the asbestos testing, identification and removal protocol. Once this work is completed by the Town, Wood Partners can complete the remainder of its due diligence on the site and proceed with the execution of the LDA.

On August 27, 2018, the Board of Selectmen entered into the sixth amendment to the LDA extending the due diligence expiry date to February 28, 2019. This is the expected length of time required to coordinate asbestos management and disposal planning/permitting with MassDEP and to complete the asbestos cleanup process.

ESTIMATED NET PURCHASE PRICE: Table 2 estimates the net purchase price by Wood Partners with information known to date:

Table 2 – Calculation of Net purchase Price

No	Item	Cost
1	Gross purchase price	\$8,098,550
	Less:	
2	Demo of Septage Facility *	(351,876)
3	Construction of Treatment Plant *	(2,543,303)
4	Construct Water Line *	(705,261)
5	Removal/Remediation of Soils *	(2,998,110)
	Plus:	
6	MassWorks Grant Funding for Construct Water Line (No 4)	705,261
	Net Purchase Price	\$2,205,261

Per the LDA, if Wood Partners spends *less* than any of the four site expense amounts shown in Table 2 (*), then savings will result in a higher net purchase price to the Town. For example, the Town secured MassWorks Grant funding for the water line in 2018, so the developer no longer needs to perform this work, and the net purchase price to the Town will be \$705,261 higher. In the same manner, if total soil remediation costs are less than the budget shown, as reasonably expected with the Town completing this asbestos work, a savings will accrue to the Town in the form of a higher net purchase price.

ESTIMATED RETURN ON INVESTMENT (ROI): The River's Edge initiative began in 2011 and after almost a decade continues to result in a positive ROI and indicated in the tables below.

Table 3 – One Time ROI

No	Description	Revenue / (Expense)
1	Net Purchase Price	\$2,205,261
2	Analysis and Planning	(360,000)
3	Legal Expenses	(250,000)
4	New DPW Laydown Area	(250,000)
5	Road to Laydown Area	(100,000)
6	New School Bus Area	(600,000)
	Total	\$645,261

Table 4 – Recurring ROI

No	Description	Revenue / (Expense)
1	Gross Rev. Taxes, CPA & Car Registrations	1,022,973
	Estimated Recurring Municipal Costs	
2	Police	(31,105)
3	Fire (net)	(25,406)
4	DPW	(161,500)
5	Senior Services	(4,105)
6	School Costs	(249,000)
	Net Annual Positive Fiscal Impact	\$551,947

APPENDIX D: Articles 6 and 7**MOST FREQUENTLY ASKED QUESTIONS ABOUT
COMMERCIAL RECREATIONAL MARIJUANA
ESTABLISHMENTS IN WAYLAND**

October 3, 2018

- 1. What is the process for banning all commercial recreational marijuana establishments in Wayland?**
 - A ballot question by majority vote. This took place on October 2, 2018 and nearly 18% of eligible voters, voted yes to ban marijuana by nearly a 3-1 margin to fully prohibit and ban all functions of Commercialized, Recreational, and Marijuana Establishments in Wayland.
 - An amendment to the Zoning Bylaw must be passed by a 2/3 vote at Town Meeting November 13, 2018.
 - Some towns, such as Concord, have adopted a ban via a General Bylaw, but the Attorney General, in approving such bylaws, has suggested that a zoning bylaw be adopted as marijuana uses “may be more appropriately regulated via a zoning bylaw.”

- 2. What happens if the Article to ban all types of commercial recreational marijuana establishments does not pass at Special Town meeting?**
 - The Town will have no further recourse. All types of commercial recreational marijuana establishments would then be allowed to open in any commercially zoned space in Wayland after December 31, 2018.
 - Or, the Town can consider a Zoning Bylaw to allow a specific marijuana district in a location that will not be intrusive to a neighborhood, as is being proposed by the Planning Board under Article F for the Fall Special Town Meeting.

- 3. What is the process for allowing only some commercial recreational marijuana establishments?**
 - For those commercial recreational marijuana uses which would be prohibited, the process described in item 1 above must be followed for each banned marijuana use (i.e., an amendment to the Zoning Bylaw must be passed by a majority at the ballot and 2/3 vote at Town Meeting.)

- 4. What constitutes a commercial recreational marijuana establishment?**
 - Retail store selling marijuana products
 - Commercial cultivation indoors or outdoors
 - Testing facility
 - Product manufacturing

- 5. Does banning commercial recreational marijuana establishments in Wayland impact medical marijuana in Wayland?**
 - No.

-
- 6. If Wayland votes for a total ban of commercial recreational marijuana establishments, will I be able to grow plants on my own property for personal use?**
- Yes. In accordance with State Law, within a person's primary residence (indoors or outdoors), each resident age 21 or older may grow up to 6 plants for personal use or up to 12 plants if there is more than one resident in the household age 21 or older.
- 7. If Wayland votes for a total ban of all commercial recreational marijuana, will I be breaking the law if I personally use it?**
- No. Any person over the age of 21 can legally use, possess, process, and manufacture marijuana for non-commercial purposes.
 - A person who is 21 years or older can possess or use one ounce or less of marijuana or no more than 5 grams of marijuana concentrate. In addition, within their residence, a person 21 years or older may possess up to 10 ounces, in addition to what is being grown on the premises, of any marijuana legally produced.
 - A person 21 years or older may legally give away up to one ounce of marijuana to another person age 21 years or older.
- 8. If Wayland votes to ban all commercial recreational marijuana establishments, will residents be allowed to receive home deliveries from establishments outside Wayland?**
- Currently, the State Cannabis Control Commission (CCC) does not permit home deliveries for personal recreational use. However, it will be revisiting the issue with an expected implementation date of July 1, 2019.
- 9. Can a marijuana cultivator sell directly to consumers?**
- No. A marijuana cultivator may cultivate, process, and package marijuana for the purpose of transferring and delivering its products only to commercial recreational marijuana establishments.
- 10. What restrictions apply to cultivating commercial recreational marijuana?**
- Greenhouses or growing fields must be a minimum of 500 feet from pre-existing schools.
 - Cultivation areas may not be visible from a public place without use of binoculars.
 - Cultivation facilities require fencing, security with lighting, and a visible path around the building.
 - In addition, for land in Wayland currently subject to conservations restrictions, additional restrictions may apply.
- 11. How will cultivating marijuana in Wayland affect abutters?**
- Greenhouses and/or outside security fences may obstruct views of open fields.
 - Fertilizer may contribute to ground and water pollution.
 - Required additional lighting, fencing and cameras for security purposes may be an annoyance.
 - May give off offensive odors if not properly mitigated. (Odors are not specifically regulated in the statute or by CCC regulations or by Town Bylaws.)

12. How could the construction of growing, testing and manufacturing facilities impact the environment?

- Size of the establishments, location, and cultivation requirements would be some of the variables impacting the environment. Increased water and energy demand as well as increased traffic from delivery vehicles will also impact the environment.

13. What decisions have Wayland's neighboring towns made about commercial recreational marijuana facilities?

Some towns are still in the process of deciding, but to date:

- Concord: Passed a total ban at Town Meeting via a General Bylaw. No ballot vote yet.
- Sudbury: Passed a total ban at Town Meeting No ballot needed.
- Lexington: Passed a total ban at Town Meeting. No ballot vote yet.
- Waltham: No determination yet.
- Lincoln: No determination yet.
- Weston: No determination yet.
- Framingham: Approved six licensed facilities
- Natick: Fall Town Meeting in 2018 to approve several new districts

14. How will State regulations of commercial recreational marijuana establishments be enforced locally?

- The State CCC will be responsible for enforcing regulations at the local level.
- Wayland Police will not be inspecting facilities or checking on reported violations.
- Bylaw violations are generally subject to enforcement by the Town's Building Inspector.

15. What is the estimated tax revenue Wayland might expect if it allows the retail sale of commercial recreational marijuana?

- This is difficult to estimate, but a 3% tax on retail sales can be voted at Town Meeting. See Article 6.

16. If commercial recreational marijuana establishments are banned in Wayland, can the decision be changed?

- Yes. The decision can be changed by voting a Zoning Bylaw Amendment by a 2/3 vote at a subsequent Town Meeting



You are required to serve this Warrant by posting copies thereof, attested by you, at the Town Building, at the Public Library in Wayland Center, at the Cochituate Fire Station or the Cochituate Post Office, and at the Happy Hollow School, and by mailing or delivering a copy thereof addressed to each residence in the Town fourteen (14) days, at least, before the time appointed for the Special Town Meeting.

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before October 30, 2018.

Given under our hands and seals this 29th day of October, 2018.

Lea T. Anderson, Chair

Cherry C. Karlson, Vice Chair

Mary M. Antes

Louis M. Jurist

Douglas A. Levine

Selectmen of the Town of Wayland

Carol Martin, Chair

Steven Correia, Vice Chair

Jen Gorke

Kelly Lappin

Klaus Shigley

George Uveges

David Watkins

Finance Committee of the Town of Wayland

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