

2005

DISPOSITION OF TOWN-OWNED LAND

Town-owned land under the jurisdiction of the Board of Selectmen may be considered for disposition or lease including, but not limited to, when it is no longer needed by the town, and/or when there is a request from an abutter or other interested resident or party to purchase the land. However, nothing requires the Board to take such action.

PROCESS FOR DISPOSAL

1. The Board of Selectmen's office will maintain an up-to-date inventory, including a map and pictures, of Town-owned land under the Board's jurisdiction. Disposition of such land may be initiated by the board having jurisdiction, care, custody and control or by written request of an abutter or other interested resident or party.
2. Town boards will be asked in writing to indicate their interest in, need of, or use for the parcel(s) of land being considered for disposal. The Town may choose to request in writing an opinion as to the impact of the sale from the Planning Board, Conservation Commission, Board of Health, Town Surveyor, Assessors, and/or Building Commissioner.
3. Two weeks prior legal notice will be given in accordance with Town Bylaw Section 6-2 and a public hearing will be held on the matter of the disposition of the Town-owned land. Legal notice will also be posted in the Wayland Town Building, in the Wayland Public Library, and on the Wayland website. The Town shall mail written notification to abutters of land under consideration for disposal, including a location map where practicable, and to others who might have an interest in such land. Abutters shall be considered as any landowner within 300 feet of any edge of the property.
4. The Board shall obtain a written appraisal when appropriate or required by law, such as when land has more than a nominal value or is being sold for more than a nominal value.
5. Legal review of title documents (i.e., deeds, plans, tax taking documents, etc.), bids (i.e., sealed bids or proposals submitted pursuant to a formal invitation to bid or request for proposals), purchase and sale agreements, easements, and a majority vote of the Board of Selectmen to insert a land disposition article in the Town Meeting warrant, and a two-thirds Town Meeting vote, shall be required before any such disposition of Town-owned land is consummated.
6. The Town may choose to have the purchaser pay the costs incurred by the Town (i.e., appraisals, legal review, etc.).
7. All land will be sold as is and the buyer is responsible for compliance with all applicable laws, regulations, and statutes.
8. The Board may impose restrictions of the use of the land so disposed of.

GUIDELINES FOR DISPOSAL

1. The land is not needed or anticipated to be needed for any Town or public purpose (e.g., conservation, housing, park or recreation, waste water treatment, road, school, etc.). The Town retains the right to keep or require easements for the public good.
2. The land is not being maintained by the Town.
3. The land may serve a useful or public purpose for one or more town residents, such as:
 - Septic or other public health or safety purpose
 - Strategic purpose such as an exchange for land that is more beneficial to the Town or allowing a Town project to go forward
 - Financial purpose such as for maximizing sale proceeds to the Town
 - Zoning compliance purposes, such as reducing non-conformity of a property
 - Individual resident's purpose
4. Sale of the land will generally not
 - Make possible the subdivision of an enlarged parcel by combining the Town-owned land with abutting land
 - [Make possible demolition of an existing residence and its replacement with a residence that is substantially larger in scale than others in the vicinity]
 - Adversely impact abutters to the parcel to an unreasonable extent (e.g., the Board will balance the concerns of abutters with the general benefits to the Town.)
5. The purchaser or transferee of such Town-owned land shall be current with all taxes and municipal charges, if any, owned to the Town of Wayland.

Approved February 9, 2004; revised and restated on October 13, 2010