



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

FREDERIC E. TURKINGTON JR.
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

BOARD OF SELECTMEN
JOHN BLADON
EDWARD J. COLLINS
STEVEN J. CORREIA
DOUGLAS J. LEARD
JOSEPH F. NOLAN

Board of Selectmen Meeting Minutes January 22, 2013

Attendance: John Bladon, Edward J. Collins, Steven J. Correia, Douglas J. Leard, Joseph F. Nolan
Also Present: Town Administrator Fred Turkington, Secretary MaryAnn DiNapoli

Chair J. Bladon called the meeting of the Board of Selectmen to order at 7:06 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the public. He announced that the meeting is being broadcast and videotaped for later broadcast by WayCAM. J. Bladon said the Selectmen will hold office hours at the Wayland Town Building at 8:30 a.m. on Thursday, January 24. D. Leard said he will represent the Board of Selectmen at the U. S. Junior Nationals Curling Competition at the Broomstones Curling Club this weekend. F. Turkington reviewed items distributed for use by the Board.

A2. Public Comment There was no public comment.

A5. Review and Approve Consent Calendar (See Separate Sheet) D. Leard moved, seconded by J. Nolan, to approve the consent calendar. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A6. Review Correspondence (See Separate Index Sheet) The Board reviewed the week's correspondence. J. Nolan asked about the status of the Verizon fios buildout; F. Turkington said he will bring in the town cable attorney at a later meeting for a substantive discussion. J. Nolan asked the Board to consider taking a position on the state transportation plan. E. Collins asked if the town had any tangible interest in the rail lines. The Board discussed the use of cameras in the police cruisers and noted the town is working with the union to make the necessary arrangements. S. Correia noted the Conflict of Interest submitted by D. Leard and asked if Roy MacDowell does any business with Coldwell Banker; D. Leard said he did not know.

A3. Public Hearing per Massachusetts General Laws Chapter 166, Section 22, Regarding Petition from NStar to Obtain a Grant of Location to Install New Guy Stub Utility Pole 80/33-S and Anchor on Stonebridge Road J. Bladon opened at the public hearing regarding a petition from NStar to obtain a Grant of Location to install a new guy stub utility pole 80/33-S and anchor on Stonebridge Road at 7:20 p.m. Linda Segal, 9 Aqueduct Road, asked if the proponent would be present. F. Turkington said NStar does not appear for routine hearings. Tom Gulley, 20 Meadowview Road, and president of the Oak Hill neighborhood, said he was opposed to giving NStar any permits until the gate to the Meadowview Well was repaired, the damage to his "No Trespassing" sign was replaced or compensated, hazards were eliminated with attention to esthetics, and a plan for remediation and hazard elimination for the new installation is submitted, including financial penalties for non-completion in a timely fashion. L. Segal asked if a decision would be made tonight. J. Nolan noted that NStar will consider this an issue between the homeowners and the utility. He asked if the current application involved a safety issue; F. Turkington said no. It was the sense of the Board to ask for a representative of NStar to come before the Board to address the issues of the Oak

Hill Neighborhood before the pending request is considered. E. Collins asked that the Board specify that the representative have authority to take immediate action. J. Nolan suggested that the discussion include the issue of double poles. Donna Gulley, 20 Meadowview Road, said NStar did not honor the requests of the individual property owners as promised. Scott Machanic, 26 Meadowview Road, said NStar would not allow neighbors to intercede on behalf of fellow neighbors who could not speak English. L. Segal said that she believed William Hayes, NStar Senior Arborist, had the power to take the action requested. F. Turkington asked the neighbors to submit to his office a list of grievances in advance of the meeting. J. Bladon asked the Town Administrator to consult with the Town Counsel regarding the rights of the town. D. Leard moved, seconded by E. Collins, to request that NStar come before the Board at a future meeting to discuss the issues presented tonight. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The hearing was suspended at 7:45 p.m.

A4. Review of Articles Submitted for Consideration for Inclusion for 2013 Annual Town Meeting Warrant; Vote to Letter Articles and Assignees F. Turkington presented the thirty articles submitted for Annual Town Meeting along with the draft Board assignments. D. Leard moved, seconded by S. Correia, to accept the assignments and letter ordering as presented. YEA: J. Bladon, E. Collins, S. Correia, D. Leard, J. Nolan. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0. The Board reviewed and discussed the petitioners' articles.

A7. Report of the Town Administrator F. Turkington said he will confer with Moody's Investor Services on January 23 as they evaluate the credit rating on the annual capital borrowing. He noted that the budget summaries reflecting a potential ten percent reduction were included in the packets as per the Board request. He reviewed upcoming agenda topics and meeting schedules, and reminded the Board that the annual Massachusetts Municipal Association conference will be held in Boston this upcoming weekend.

A8. Review and Approval of Conditional Offer of Traffic Mitigation Plan from Baystone Development Regarding Danforth Green Housing Development, Old Connecticut Path, Framingham F. Turkington presented for Board signature the conditional offer of the traffic mitigation plan from Baystone Development regarding the Danforth Green Housing Development. He said the offer codifies the wishes of the Board and has been approved by Town Counsel. He noted that the offer is conditioned on approval by Framingham of the project as outlined. The Board discussed its concerns, including the possibility of superseding the prior agreement and the lack of feedback from other boards. J. Nolan said the traffic mitigation at West Plain and Route 126 will be completed safely as promised in the original agreement. D. Leard expressed concern about the impact on the Birch Road wells and chemical spills, and said he would not sign the agreement. E. Collins said the Board should not rush into approving the agreement; he said the language invites further litigation, and there is no guarantee that the property will not be flipped. He asked for confirmation as to the ownership of the property, and he suggested that the Board wait for the approval from Framingham. F. Turkington said the document was based on a unanimous vote of the Board from a previous meeting, and has been reviewed and approved by the town traffic engineers. Roy MacDowell, Baystone Development, said there is an environmental report on the property issued every year from the U.S. Air Force that indicates that there is minimal contamination, and it is diminishing and will be completely gone over the next few years. J. Nolan asked if the LSP services were provided independently. R. MacDowell said his firm has an LSP, the title company has an LSP, and the U.S. Air Force retains two LSPs; he said the town may access any of the impact reports. E. Collins questioned the need for the agreement. R. MacDowell said the Town of Framingham needs confirmation of their standing in Wayland, and Baystone Development needs assurance before investing in the finalization of the plans and getting permits to install the lighting. J. Nolan said the \$400,000 credit for the signalization was sufficient, and it is

a falsehood that the intersection mitigation was required. R. MacDowell noted that his company does not need to amend the original agreement; they could file for a new permit with Framingham with no agreement with Wayland. S. Correia said the concerns are conservation and wellheads. R. MacDowell said the aquifer is in Framingham, and the Framingham Board of Health and DPW have no concerns. The Board discussed the likelihood of Framingham becoming independent of the MWRA and restoring the use of the wells. J. Nolan asked if the agreement waives the town's conservation rights in regard to the Framingham wells. F. Turkington said no. D. Leard asked for feedback from other boards and committees. E. Collins requested that the Town Administrator notify all interested parties of the pending agreement, as well as everyone involved in the 2005 agreement. The Board discussed the appropriate level of notifications. J. Nolan requested that the Town Administrator draft a memo for Board approval to the affected Boards, to advise them of the agreement and allow for comment.

E. Collins moved that the following amendment be inserted into the agreement: Danforth Green, LLC, currently owns or controls the entire proposed development site, including, but not limited to, all areas of entrance and egress. If the project is not complete on or before _____, 20__, or if at any time Danforth Green, LLC transfers ownership or control of Danforth Green, LLC or the proposed development site or portion thereof to any other person, party, or entity, then this agreement and any subsequent agreement will be null and void, and the terms of the 2005 Wayland settlement agreement will automatically and immediately be reinstated.

R. MacDowell said the amendment would not allow him to sell the property; he said it was unacceptable and served no purpose. J. Nolan said he would not agree to substantive legal changes without an opinion from Town Counsel.

J. Nolan moved, seconded by S. Correia, to approve the conditional offer of a traffic mitigation plan from Framingham. YEA: J. Bladon, S. Correia, J. Nolan. NAY: E. Collins, D. Leard. ABSENT: none. ABSTAIN: none. Adopted 3-2.

A9. Selectmen's Reports and Concerns E. Collins repeated his request that the WaylandCares Sustainability Advisory Committee provide an independent evaluation of its previous work; he said he was told it was rigorously studied and evaluated, and he would like to see the results. He said it was represented to him that the information is on their website, but it is not. S. Correia suggested that he contact the Chair, Heidi Heilman, to arrange a meeting. J. Nolan noted that they received federal grants, and therefore had to provide a justification for their work. D. Leard said he had made a similar request as E. Collins and has not received a response.

A10. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any J. Bladon said, "I know of none."

J. Nolan left the meeting at 8:58 pm.

A11. Adjourn There being no further business before the Board, D. Leard moved, seconded by S. Correia, to adjourn the meeting of the Board of Selectmen at 8:59 p.m. YEA: J. Bladon, E. Collins, S. Correia, D. Leard. NAY: none. ABSENT: J. Nolan. ABSTAIN: none. Adopted 4-0.

Items Distributed For Use by the Board of Selectmen at the January 22, 2013 Meeting

1. Public comment dated January 22, 2013 from Alice Boelter regarding Danforth Green mitigation plan.
2. Public comment dated January 22, 2013 from Rebecca Butler regarding Danforth Green mitigation plan.
3. Public comment dated January 19, 2013 from Linda Segal regarding Danforth Green mitigation plan.
4. Press release dated January 19, 2005 relative to Danforth housing development mitigation settlement with National Development.
5. Agenda for Board of Selectmen's meeting of January 23, 2013.
6. Petitioner's contact information.
7. Email dated January 22, 2013 from Heidi Heilman with supporting information for proposed petitioner's article that would ban public consumption of marijuana.

Items Included as Part of Agenda Packet for Discussion During the January 22, 2013 Board of Selectmen's Meeting

1. List of articles, together with text of articles, submitted for insertion in 2013 Annual Town Meeting Warrant with tentative assignees.