



# TOWN OF WAYLAND

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BOARD OF SELECTMEN  
ANTHONY V. BOSCHETTO  
EDWARD J. COLLINS  
STEVEN J. CORREIA  
DOUGLAS J. LEARD  
JOSEPH F. NOLAN

## Board of Selectmen Meeting Minutes August 12, 2013

**Attendance:** Tony V. Boschetto, Edward J. Collins, Joseph F. Nolan

**Also Present:** Town Administrator Fred Turkington, Secretary MaryAnn DiNapoli

Vice Chair T. Boschetto called the meeting of the Board of Selectmen to order at 7:00 p.m. in the Selectmen's Meeting Room and reviewed the agenda for the public. J. Nolan wished a happy birthday to his mother who is 88 years old today.

Fire Chief Vincent Smith introduced new firefighters Derek Jordan and Pat Walkinshaw, who were sworn in by Town Clerk Lois Toombs.

**A2. Public Comment** Michael Lowery, 120 Lakeshore Drive, and member of the Dudley Pond Association, announced the Dudley Pond Run, to be held on Sunday, September 22; he said the funds are used to offset the cost of weed management at Dudley Pond. Kathy Siracusa, 14 Cameron Road, and Jan Dunn, 51 Knollwood Lane, representing the 375<sup>th</sup> Anniversary Commemoration Committee, announced the Five Century House Tour, September 21, 2013, and asked for the Board to help publicize the event. J. Dunn said they need volunteers and sponsors to fund the tour booklet. E. Collins moved, seconded by J. Nolan, to provide whatever help is necessary to publicize the event. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia, D. Leard. ABSTAIN: none. Adopted 3-0. Gretchen Schuler, 126 Old Connecticut Path, responded to comments made by a member of the Board at the July 22 meeting regarding the appointment of Alice Boelter to the Historic District Commission; she asked to correct the record by noting that the Historic District Commission permit was not the last permit needed by the Town Center project, and also that the commission never thought that it had jurisdiction over safety issues.

**A3. Conduct Joint Meeting with Commissioners of Trust Funds to Interview Candidates and to Make Appointment of a Voter to Fill Vacancy Created by Resignation of Jared Hobson James C. Murphy (to fill seat until April 2014 Town Election)** The Board was joined by Trust Fund Commissioners Russell Kopp and David D'Orlando. T. Boschetto invited the Commissioners of Trust Funds R. Kopp and D. D'Orlando to participate in the interview to fill a vacancy in an elected office and asked whether they were properly posted and in open session. F. Turkington explained that the seat would be filled until the April 2014 Town election, with the individual elected serving until 2016. James Murphy appeared for an interview for the vacancy. J. Nolan noted that the interview had been conducted on July 22, and because the Commissioners had not posted notice of their joint meeting with the Selectmen for the appointment process, the interview and appointment would be repeated. J. Murphy provided a résumé and reviewed his experience relative to handling distribution of trust funds. R. Kopp moved, seconded by D. D'Orlando, to appoint James Murphy as a Commissioner of Trust Funds through the April 2014 Town election. E. Collins moved, seconded by J. Nolan, to appoint James C. Murphy as a Commissioner of Trust Funds for a term to expire at the 2014 Annual Town Election. YEA: T. Boschetto, E. Collins, J. Nolan, D. D'Orlando, R. Kopp. NAY: none. ABSENT: S. Correia, D. Leard. ABSTAIN: none. Adopted 5-0.

**A4. Public Hearing – Change of Corporate Officers, Bertucci’s Restaurant, 14 Elissa Avenue**

**(Required under Liquor License Regulations)** T. Boschetto opened the public hearing for the change of corporate officers for Bertucci’s Restaurant at 14 Elissa Avenue, at 7:23 p.m. There was no public comment. E. Collins moved, seconded by J. Nolan, to close the hearing at 7:24 p.m. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia, D. Leard. ABSTAIN: none. Adopted 3-0. E. Collins moved, seconded by J. Nolan, to approve the application filed by Bertucci’s Restaurant Corp., dab Bertucci’s Italian Restaurant, for a transfer of stock, change of officer/director, and issuance of stock, at 14 Elissa Avenue, Wayland. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia, D. Leard. ABSTAIN: none. Adopted 3-0.

**A5. Discussion with Representatives of Conservation Commission and Permanent Municipal Building Committee on Status of DPW Access Road Order of Conditions**

The Board was joined by Public Buildings Director John Moynihan, Conservation Commission Chair Andy Irwin, and Jon Mishara, member of the Board of Public Works and appointee to the Permanent Municipal Building Committee. J. Mishara updated the Board on the progress of the approvals for the DPW access road and garage. In regard to the wetlands, he said the Notice of Intent was filed with the Conservation Commission, and will be on the agenda on August 29. He said that all the necessary information has been provided. He noted that the NOI will be for the road only, as the building was separated earlier and an Order of Conditions was issued. He said he expects the Conservation Commission will issue the permit for the roadway in September, and described the measures that will be used to mitigate the impact. He also noted that an approval will be needed regarding natural heritage and endangered species. T. Boschetto asked if there would be time for the appeal process before a November Special Town Meeting. A. Irwin said that while the town would be aware of the appeal before the meeting, it would actually go to the DEP for consideration. T. Boschetto asked about the certainty as to cost, and J. Moynihan distributed a detailed estimate of the cost breakdown. J. Nolan suggested that a history of the project be prepared to illustrate the process to date, and T. Boschetto distributed a timeline he had created. Regarding the issue of methane, J. Mishara said there were no hits at the River Road location, and an application has been filed with the DEP for a standard methane mitigation plan. He said an archeological study and a ceremonial stone landscape study will be done in September, and the Massachusetts Historical Society report is expected at the same time. E. Collins asked if anyone was representing the rest of the town boards. J. Moynihan said the comments of the Board of Health, Surveyors, and Building Department are in the final bid package. Mike Lowery, 120 Lakeshore Road, said the Board of Health has approved the septic system for building. J. Moynihan introduced Doug Goddard as the new chair of Permanent Municipal Building Committee.

**A6. Update by Economic Development Committee on River’s Edge Housing Proposal**

Rebecca Stanizzi, Sam Potter, Jean Milburn and Nick Willard of the Economic Development Committee appeared before the Board to provide an update on the River’s Edge Housing proposal. R. Stanizzi addressed the issue of the impact of the project on the wireless district. She noted there is a gap in the overlying districts where a cell tower could be located, so the district is still viable. T. Boschetto said the concern is that minimizing the size of the current district will create pressure to form another cell tower district somewhere else in the town. R. Stanizzi said she will follow up with a consultant. E. Collins expressed his concern that the issue of the wireless district had not been vetted by any proponents of the project before Town Meeting, and he considered it disrespectful to the people who put in substantial time and effort in creating the district. R. Stanizzi then reviewed the issue of siting the River’s Edge project on River Road. She described the negative impacts of the location, including the increased traffic and density on a quiet residential street, reduced rental viability, reduced financial value to the town, reduced affordable housing, and reduced accessibility. E. Collins asked if the committee was in agreement; R. Stanizzi said yes. E. Collins asked if the committee was

proposing any changes to the proposal presented at the April town meeting, and if they planned to have an article ready for the fall Special Town Meeting. R. Stanizzi said that if the DPW garage project goes to fall Special Town Meeting, then the River's Edge project will as well. She noted that the committee is appointed by the Board and would like to be in agreement with them. J. Nolan said that the passage of the article for the River's Edge project was short by only seven votes, and there were viable issues about siting, methane, and the wireless district. He said if those issues are addressed, he would not change the previous article, although he would refine the presentation. However, he noted that if the road is not approved, the town will have bifurcated parcels and a new traffic discussion. T. Boschetto said the need to build a new DPW garage is clear, whereas there are residents who question the viability of the River's Edge project. He also noted that he believes Wayland taxpayers are being asked to waive the obligation of the Town of Sudbury. He questioned the accuracy of the figures presented by the Economic Development Committee and suggested that they use more conservative assumptions that still leave the same conclusion, but not so rosy so as to breed skepticism. He advised the Economic Development Committee to refine its analysis and to work with the Permanent Municipal Building Committee.

**A7. Review and Approve Consent Calendar (See Separate Sheet)** J. Nolan moved, seconded by E. Collins, to approve the consent calendar. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia, D. Leard. ABSTAIN: none. Adopted 3-0. T. Boschetto repeated his request for a list of pending legal matters. F. Turkington stated that he was working with Town Counsel Mark Lanza to provide a narrative summary of each pending case and would provide the document within two weeks.

**A8. Review Correspondence (See Separate Index Sheet)** J. Nolan expressed his disappointment in the reduction of Chapter 90 funding. E. Collins thanked Rachel Bratt for her email regarding the value of affordable housing, and while he applauded the work of the Dudley Area Advisory Committee, he said a continued commitment to housing is important. T. Boschetto relayed a message from D. Leard: he said he was sympathetic to the memorandum from Don Ouellette regarding Recreation and DPW issues.

**A9. Report of the Town Administrator** There was no report of the Town Administrator.

**A10. Selectmen's Reports and Concerns** T. Boschetto expressed concern that there was no prior notification of the vote by the Community Preservation Committee to acquire conservation land on Lincoln Road for \$2.4 million in community preservation funds. He said that before the town begins to expend legal funds negotiating a purchase and sales agreement, it should align the project with a long-term fiscal plan. F. Turkington said the Community Preservation Committee considers proposals based on the town's open space plan as approved by the Conservation Commission, and the purchase must be voted by Town Meeting. T. Boschetto requested a complete list of the land under consideration for purchase and a more inclusive vetting process. He said the town should not spend funds to negotiate a purchase that won't be approved by Town Meeting. F. Turkington said he would contact Jerry Heller, the Chair of the Community Preservation Committee, for more information. E. Collins noted that the same issue would arise in regard to housing trusts. T. Boschetto asked that the town consider other options, such as farm and ranch protection programs to fund conservation restrictions in lieu of CPA funds, leaving local dollars for other CPA projects. T. Boschetto distributed notes regarding the Town of Weston's fiscal policy process, and said he will continue to look at other towns.

**A11. Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting, If Any** T. Boschetto said, "I know of none."

**A12. Executive Session- Strategy and Negotiations with Respect to Pending Litigation in the Matter of *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater Management District Commission*** J. Nolan moved, seconded by E. Collins, that the Board of Selectmen enter into executive session in accordance with Massachusetts General Laws Chapter 30A, Section 21(a)(3) for the purpose of discussing strategy with respect to *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater Management District Commission* as a discussion of these matters in an open meeting may have a detrimental effect on the bargaining or litigating position of the Town. T. Boschetto declared discussion of these matters in an open session may have a detrimental effect on the litigating position of the Town. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia, D. Leard. ABSTAIN: none. Adopted 3-0.

T. Boschetto invited Wastewater Management District Commission member Sam Potter, Town Administrator Fred Turkington, and secretary MaryAnn DiNapoli to attend and participate in executive session. He announced that the Board expected to return to open session in approximately 30 minutes.

The Board returned to open session at 9:41 p.m.

There being no further business before the Board, E. Collins moved, seconded by J. Nolan, to adjourn the meeting of the Board of Selectmen at 9:42 p.m. YEA: T. Boschetto, E. Collins, J. Nolan. NAY: none. ABSENT: S. Correia, D. Leard. ABSTAIN: none. Adopted 3-0.

**Items Included as Part of Agenda Packet for Discussion During the August 12, 2013 Board of Selectmen's Meeting**

1. Legal notice, public hearing, change of corporation officers for Bertucci's (liquor license).
2. Letters of interest and background material provided by candidates for appointment to various boards and committees.

**Items Distributed For Information and Use by the Board of Selectmen at the August 12, 2013 Meeting**

1. Notice -Wayland 375th Anniversary Five Century House Tour -September 21, 2013.
2. Memorandum from Gretchen Schuler, 126 Old Connecticut Path, responding to comments made during appointment of Alice Boelter to Historic District Commission on July 22, 2013.
3. Estimate of Road Costs, August 6, 2013, for DPW facility access road.
4. Additional Costs to Relocate Proposed DPW Facility from River Road to Route 20 Site, August 11, 2013.
5. Should River's Edge Be Sited on River Road? and River Road Potential Residential Development Scenarios as prepared by Economic Development Committee, August 12, 2013.
6. Notes to Board of Selectmen prepared by Mr. Boschetto regarding Weston's fiscal policy process, August 12, 2013.
7. Email dated August 12, 2013 from Town Counsel Mark Lanza to Selectmen relative to timetable for filing motions in the matter of *Twenty Wayland, LLC v. Town of Wayland and Wayland Wastewater Management District Commission*.