



**TOWN OF WAYLAND**  
41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778  
**PLANNING DEPARTMENT**

SARKIS SARKISIAN  
WAYLAND TOWN PLANNER  
TEL: (508) 358-3615  
FAX: (508) 358-4036

**MEETING MINUTES**

**November 29, 2011**

The Dudley Area Advisory Committee met **on Tuesday, November 29, 2011 at 7:00PM** in the Wayland Town Building, 41 Cochituate Road, Wayland, MA relative to the following agenda items:

*Agenda*

**AGENDA**

- 7:00 Meeting called to Order
- 7:05 Public Comment
  - Minutes
  - Discussion of Best Use Criteria
  - Review of combined Plan that incorporates the similarities of each member's Charrette.
  - Review of Committee Members List of Questions for T/B
  - Review of T/B answers to questions
  - Review of T/B billing
  - Begin Discussion on Criteria of Best Use
  - Rachel Bratt memorandum
  - Confirmation of Scheduled Meetings
  - On Going Process Discussion
  - Other Business not reasonably anticipated by Chair
- 9:00 Meeting Adjourned

**Attendance:**

Patricia Reinhardt (Chairperson)-Board of Selectman, Mike Lowery- Surface Water Quality, Alan Palevsky-Wayland Neighbors 4 Responsible Land Use, Rachel Bratt, Housing Partnership, Russell Ashton Wayland Housing Authority, Bob Goldsmith, Conservation, and Brud Wright Recreation

Also present was Sarkis Sarkisian, Town Planner  
Minutes taken by S. Sarkisian

**7:05 P.M. OPEN MEETING:**

P. Reinhardt opened the meeting and reviewed the agenda.

### **7:10 P.M. Discussion of the Best Use Criteria**

P. Reinhardt described the steps needed to be taken in order to reach consensus for Town Meeting and reminded the committee on the tasks that were given to them: .

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

P. Reinhardt further reported that any option is going to require funds and at what costs for each option.

S.Sarkisian passed out minutes and correspondence to the committee members.

M. Lowery asked that an area wide program for systems be evaluated.

B. Goldsmith stated that waste water treatment on the east side of Pond may require potential inducement to the Town .

A. Palevsky asked if the proposed septage development proposal would satisfy our needs on Affordable Housing and meet the 10% requirement.

R. Bratt articulated the need for more family housing. Even though we have a minimum 10% requirement the Town has other housing needs.

R. Ashton wanted the committee to understand that any new project needs adequate funding and that new development will bring in new revenue.

B. Wright wanted to know what costs would be and where would the funds come from for any development.

B. Goldsmith stated that the issue at hand is weed control and improving water quality of the Pond.

M. Lowery said that when one takes into consideration best use it should be in context of the entire Town of Wayland.

B. Wright stated that we have had flooding in some of these basements for 5-6 years and this should not be a Town issue. He further said he has an issue with fixing someone else's septic system. Has a real issue with raising funds to fix private homes. Any proposal to put homes on this land is going to be very difficult to pass at Town Meeting.

R. Ashton stated the septic system resolution will not be paid for by the Town.

R. Bratt stated that Dudley Pond is a great resource and raised the question on how can we provide sweeteners? Why can't we provide funding so that some of these improvements can be constructed?

A. Palevesky stated that it would be highly politically unlikely that any housing on this site would pass Town Meeting. He further referenced the charrettes and the number of people that attended and it was overwhelmingly clear that no housing should occur on this land.

P. Reinhardt stated that we as a committee must come to a consensus for any proposal to win Town Meeting. We must also answer questions as to how are we going to pay for it and whether anything that is proposed on this property even viable.

**Steve Garone, DPA Representative to the Committee MEMO to the Committee as part of the record**

Since I am not able to attend the November 29th DAAC meeting, I have submitted this statement. My intention here is to share my thoughts and views on some of the items on the meeting's agenda, as well as some general views. Please share this with committee members and community attendees.

**Best Use Criteria:**

Based on discussions at our meetings, the results of our two community-based charrettes, and the feedback and comments of town citizens, it is my view that discussions of best use criteria at this beginning stage should focus exclusively on the merits of possible uses. I believe it is important to state this position given several discussions we have had during previous meetings. These discussions included views that appear to presume what "deals" have to be made in order to get the support of the Board of Selectman and/or approval at Town Meeting for any proposal we develop.

I encourage committee members not to color discussion of best use criteria with these views. First, we really don't know with any certainty what would be needed, and individual committee members would likely disagree on this issue. Second, the committee should first and foremost decide best use criteria based on our charter and what is best for the land, pond, and community, and not make decisions based on assumptions about a negotiating stance.

Our "best uses" deliberations should not be influenced by politics. We have many more relevant and important criteria we need to initially consider.

I applaud the effort made as reflected in this memo - the ideas are interesting and creative. However, there are some issues that I think need to be addressed:

1. It is important to note that the words "soften the residents' opposition to housing" reflects a desired path for the writer, but it would be incorrect in my view to presume it is a goal for others on the committee. I know it isn't for me. The statement softly implies that this is a desired result for the committee. It also reflects a recurring undercurrent of our discussions that housing in some way takes precedence and that strong citizen opposition to it at this site is something that needs to be undone. It needs to be stated clearly that the committee has not officially set a goal of making this happen.
2. The "mixed plan" items look good as standalone ideas, but it should be noted that virtually all of these could be accomplished without housing:
  - a. The Dudley Pond Association, for instance, could apply for CPA funds on its own.
  - b. As we have seen, septic tie-ins for existing homes does not require additional housing.
  - c. Those of us who abut the pond are aware that we pay a tax premium for the privilege of looking out our windows at it. Could we ask the legislature to apply that premium to help develop new septic facilities?
  - d. I find the idea that "some % of CPA funds would go toward purchasing additional parcels of land . . . preferably in non-Cochituate locations, for new affordable for-sale units" an interesting one. It seems as if every time discussions at our meetings turned to other locations where affordable housing could be built, the issue was raised that that is not part of what we are being asked to do. I have no issue with discussing this idea, but in doing so we recognize that we should also be able to discuss other areas in the town where affordable housing can be built. I have believe this to be true from the beginning anyway, since it makes no sense to be chartered with taking into account the desires of the whole town in our deliberations without being able to include the whole physical town as well.
  - e. We keep hearing about any plan needing to include "better access to the pond". We have had many open meetings, and two charrettes, and so far I have heard no great public outcry for better access to the pond. I would like to ask that those who are aware of ***citizen-based*** sources of this desire to present it at our next meeting. Greater pond access is going to be an ongoing issue well past our committee's existence; we should begin with the real data that shows that Wayland citizens are clamoring for this access.

**Two Final Points:**

1. The thought that in return for any funding to do anything with this property, there must be housing, or increased pond access, or both, has to be put in perspective. In all of our work to collect citizen input, we have not heard anything that indicates that pond residents are proactively asking for anything to be done with the parcels under consideration. They did prioritize among the five options presented to them at the charrette, but that's what they were given to work with. I believe very strongly that if citizens at those charrettes were asked if it were ok to leave the property as is, their overwhelming response would be "yes". The point is, it is irrelevant to make the case that concessions need to be made in return for things that are not being requested in the first place.
2. This committee has done a good job of reaching out to the community, and has gotten useful and credible feedback that it should take very seriously. To draw an analogy, the Town Moderator doesn't go around seeking the opinions of citizens who did not vote on a specific issue at Town Meeting because they didn't show up. We should be under no greater obligation to do so.

Respectfully submitted on November 29 2011,

Steve Garone

DPA Representative to the DAAC Committee

## MEMORANDUM

TO: Members of Dudley Area Advisory Committee

FROM: Rachel Bratt

RE: Strategy for Doran Road parcels

DATE: October 14, 2011

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Following the charge of the Selectmen, we have been working on how the several possible uses of the Doran Road parcels could be accommodated. At our August 2 meeting I proposed a strategy that would include the building of perhaps, 6-8 units of for-sale price-controlled units (so they would count for 40B inventory). My proposal called for the future property tax revenues that would be generated from these parcels to be set aside to mitigate septic problems facing neighbors abutting the pond. This suggestion was prompted, in part, by the strong likelihood that, unless there are significant incentives for Dudley Pond neighbors, they will work hard to make sure that no housing is built on the site.

I have spoken with a land use/environmental lawyer whom I respect and he has told me that my proposal would not be allowed under Massachusetts law. All property tax revenues must go to the city/town's general fund and then appropriated through town meeting, or whatever legislative process that the municipality has adopted. However, it would be possible for the Massachusetts legislature to pass a law giving Wayland special permission to do what I have outlined. He indicated that such exceptions are very common.

Might this plan be sufficient to soften the residents' opposition to housing? Would the residents agree to a mixed use plan, including housing, IF the package included:

- 1) Several million \$ of Community Preservation Act funds being put toward the improvements both of Doran Rd. property (e.g., for open space/passive recreation), as well as mitigation of Dudley Pond milfoil, etc. I think it could be argued that both would fall under recreation/open space guidelines of CPA; AND
- 2) If the new housing provided some septic tie-ins for a few neighbors; AND
- 3) If we were able to get permission from the legislature for a certain % of the future property taxes of the new homes (perhaps 75-100%) to be dedicated to providing Dudley Pond residents with continuing assistance in developing small-scale centralized septic facilities.

If there were 8 new homes, each paying \$4000 in property taxes, and if it were agreed that 75% of that money should go to a septic mitigation fund for Pond-side residents (to build small-scale centralized facilities), over a decade or more, we would likely see some real inroads on the problem, with residents being able to sell their homes etc.

- 4) In addition, some % of CPA funds would go toward purchasing additional parcels of land or existing low-cost homes, preferably in non-Cochituate locations, for new affordable for-sale units.
- 5) The town also made an appropriation for the overall development of the parcels and for the open space/recreational improvements that would accompany the development. For the town to appropriate the needed funds, Wayland voters would need to see that their own interests would be served by improvements to the pond's water quality and to having better access to the pond and to the newly improved open space on Doran Road.

If there is any hope of getting a housing component in the plan, which would be supported by the selectmen, the housing likely would have to be part of a large package that has lots of sweeteners for the local residents. Is the above proposal a place to start? Comments of course, would be welcome.

**Next steps:**

- 1) Should we arrange a meeting with Town Counsel to discuss the above idea?
- 2) The following outlines another possible funding source for dealing with septic problems around the pond that is unrelated to the use of the Doran Road parcels. I do not know whether this has already been pursued/considered by the town.

The town could borrow money from the Massachusetts Water Abatement Trust, which provides 0% interest rate loans, to cover the cost of one or more centralized septic facilities for residents abutting the pond. Homeowners would then repay all or a portion of these monies (through a “betterment” surcharge on their property tax) over the term of the loan, which likely would be 20 years. Apparently, up to 66, 3-4 bedroom homes could be served by each facility without needing a Ground Discharge Permit.

S. Sarkisian asked if we could consider substituting housing by removing shoreline residences with problem septic housing and creating affordable housing on the 7.5 acres.

A. Palevsky thought it was interesting but didn’t think you could get it done.

**8:27 P.M Don Leighton from Gates Leighton.**

D. Leighton presented the members charrettes and transcribed the maps to scale and with same legend.

D. Leighton stated that we should layout the priorities.

M. Lowery stated that Pond Drive is a Town Road and that we would need permission to modify.

B. Wright stated that it would be an issue to transfer land without a lot of support from abutters.

P. Reinhardt described the process of what would be required to transfer the land.

Discussion followed as to which vote would carry and that it would require a 2/3 vote.

M.Lowery made a motion to instruct Sarkis Sarkisian Town Planner to get another written opinion from Town Counsel as to the jurisdiction and process of conveyance of land for another agreed upon purpose.

2<sup>nd</sup> A. Palevsky  
All in favor 7-0

Motion to adjourn by B. Goldsmith  
2<sup>nd</sup> by B. Wright  
All in favor

**9:55 p.m.**

Respectfully submitted,

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Sarkis Sarkisian, Town Planner

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Date

