

Wayland Historical District Commission Meeting  
August 9, 2010  
Approved September 16, 2010

The Wayland Historic District Commission (HDC) convened at 8:15 PM in the front lobby of the Town Building to welcome new members Kevin Crowley and Kathie Steinberg.

At 8:30 PM the HDC met with the Wayland Board of Selectmen (BoS).

In attendance from the HDC were: Margery Baston, Kevin Crowley, George Ives, Desmond McAuley, Gretchen Schuler, Kathie Steinberg, Meaghan Winokur. Barbara Buell, counsel for the HDC also joined the HDC at the BoS table.

Gretchen Schuler explained that the HDC was invited to attend the BoS meeting to discuss its procedures and the legal case Twenty Wayland LLC vs the Town of Wayland Historic District Commission. Gretchen said that it could only talk generally about the litigation. She told of Chapter 40C and the Wayland Bylaw Chapter 196, of the public hearing process and the guidelines for review. Gretchen then noted the facts of the Twenty Wayland application of February 2009. A Certificate of Appropriateness was denied by a unanimous vote because the traffic mitigation would have a detrimental effect on the district as a whole. Following that decision the HDC spent about two months resulting in a Certificate of Hardship with conditions. The developer appealed the entire Certificate. The HDC would have had to move to a default judgment because the town did not provide counsel who could file a response. Thus the HDC found its own counsel and responded to the appeal. Gretchen noted that the developer filed several motions and in each case the HDC was upheld. She read the statement in the last judgment where the judge said that the next step will be an evidentiary hearing on whether the intersection is now unsafe and dangerous or whether it has the potential of becoming unsafe and dangerous in the future.

Discussion about the legal matter continued with Selectmen asking questions regarding the Commission's view on the Selectmen's jurisdiction over traffic matters, how the situation could be resolved, why the HDC believed that 94,500 square feet would be the point at which traffic mitigation was necessary. Desmond McAuley asked whether MassHighway had declared the intersection unsafe as he had not seen any documentation to that end and said that he found it hard to believe that Mass Highway would have built an unsafe and dangerous intersection two years ago. Joe Nolan said that MassHighway generally does not declare intersections safe or unsafe. He indicated that the intersection has a Level of Service (LOS) of F and needed to be improved as the town grows. Gretchen pointed out that LOS referred to capacity. George Ives asked for a recent traffic study since the intersection was reconstructed in 2008. Meaghan Winokur stated that she had voted for the Town Center zoning change; however had she known the impact on the historic district she would not have been able to vote for it.

Tom Fay suggested refocusing the discussion on the point of the meeting – to facilitate a discussion between Twenty Wayland and the HDC to look for a compromise. There was discussion of HDC concern that the development would not reach a full build out and that the traffic mitigation was premised on the full build out. Steve Correia indicated that he was

confident that the town center project would be built and that the traffic mitigation would be necessary. Members of the BoS asked to set up a date for the two parties to meet. Gretchen asked for clarification on what to do with the new application while discussing the litigation indicating that it was important for the HDC to review a new application with an open mind. Frank Dougherty suggested that he could provide an extension of the time in which to review the new application allowing time to discuss the litigation in open meeting. Gretchen suggested that the attorneys should set the parameters of discussion as had been said before to Twenty Wayland. Following discussion of several suggested dates it was determined that the two parties would meet at an open meeting of the HDC on September 1, 2010 giving the attorneys ample time to notify the court that such meetings between Twenty Wayland and the HDC would occur.

There was some additional discussion of what the derogation to the historic district entailed to which Gretchen responded that the additional traffic lanes and moving of artifacts (risking breakage) and the change in the context of the First Parish with the relocation of its fence would have a negative impact on the historical and architectural integrity of the district. Margery Baston noted that nearly 10,000 sq.ft. of additional asphalt would be added to the district. The Glezen Lane settlement was discussed briefly and members of the HDC explained that the HDC was not part of that settlement when the BoS in effect usurped the jurisdiction of the HDC. Dave Bernstein one of the Glezen Lane plaintiffs who was in attendance stated that he was contacted and agreed to discuss modification of the agreement but received a follow-up e-mail from Fred Turkington indicating that it was unnecessary to have such talks because MassHighway would require the improvements and that the BoS would not be able to incur the costs of new studies. Bernstein read his e-mail interchange with Turkington.

Following the meeting with the Selectmen the HDC adjourned to the front lobby again and briefly discussed the meeting on September 1, 2010. Gretchen also said that she would cancel the meeting of August 19 and that the HDC could expect a full agenda in September as she had been contacted by contractor for 15 Bow Road, interested buyers of 39 Old Sudbury Road and that the HDC also would have to look at the new application from Twenty Wayland.

Respectfully submitted,  
Meaghan Winokur