

**Wayland Recreation Commission
Minutes
April 18, 2012
Recreation Meeting**

Present: Wright, Foster, Meliones, Virzi, McShea

Meeting called to order at 7:31 pm

Foster motion to accept minutes of March 12, April 3 and April 10, 2012. Second Wright. Vote unanimous in favor.

Virzi recapped where commission was at from last town meeting date.

Wright brief run down on article 27. More than 1 year ago was submitted at town meeting like article 27 and was voted down. Declare parcel 26 surplus as requested by town counsel. Voted 4-1 to declare land surplus. Did not know article was coming up until seen in warrant. Citizen called to attention to brief meeting to pass over at Town Meeting. April 10 voted to rescind vote from March 2011. Surface water quality failing septic system, homeowner wanted. Offer easement for septic, Town Administrator not sure. Wright told Joe Nolan of vote. Sue Pope was at the meeting. Virzi had informed Turkington and he said town counsel opined that if rescinded vote article would not go forward. Article presented at town meeting, tragedy occurred and follow up.

Public Comment:

Pam Hanlon - reason for rescinding and not declaring surplus.

Kim Cook - Lincoln Road - thanks for hearing me at meeting and reading emails. Asked questions why not following town code on Chapter 62 and selectman's policy and procedures pages 28 and 29. Delineate disposal of town owned land. Should have done the following.

1. BOS initiate conversation with board.
2. Board in writing opinion of need for use.
3. BOH opinion in writing. Town surveyor or conservation commission.
4. Public hearing on disposition of town owned land.
5. Board must obtain an appraisal, deemed valid according to 30B Sec. 16.

These parcels have never been appraised. Other parcels in 2006 were appraised. 1 year since article 22 was defeated - yet whole year passed and nothing has happened. Mr. Turkington and BOS neglected and did not do any of this. The Recreation Commission was hung out to dry by the BOS. Told Mr. Hanlon wanted to help him by the recreation commission. If the BOS had held hearings, like they were supposed to, people could have asked questions. These two parcels were bequeath to the inhabitants of Wayland. I am upset by how the recreation commission was treated by the BOS. Mr. Turkington said Mrs. Cook this issue with the commission going back is why you are losing sleep. You are the last board standing that is willing to stand up against Mr. Turkington. The citizens need to be heard. Mr. Turkington is working so hard for those he favors. Everyone should be treated fairly.

**Wayland Recreation Commission
Minutes
April 18, 2012
Recreation Meeting**

Sue Pope- town counsel says the BOS has followed all the procedures. Town Administrator works for the entire town - does not favor one over the other. 14 parcels - 7 bought land to repair septic - 7 did not want to purchase. Mr. Hanlon wants to enhance, restricted use only for a septic system. Helps Dudley Pond Association.

Wright - Virzi spoke to Hanlon on Thursday night and spoke with Wright how to resolve the concerns with home owner and recreation commission for solution to go to town administrator, town counsel and town meeting. Understanding that Mr. Hanlon's septic system is failing. Attempt to preserve recreation land without setting a precedent while helping to solve Mr. Hanlon's septic problem. Give Mr. Hanlon access to 26. We would swap 26 with 24. 26 would be sold for septic system. #24 easement if septic system needed to expand beyond lot 26.

Mike Lowery - Lakeshore Drive - will this motion be substituted and brought forth by BOS at Town Meeting.

Virzi- understanding is if this is approved BOS will vote and present at Town Meeting.

Pam Hanlon - 1800 sq. ft. small piece of land. We are willing to pay for appraisal. Bills to show every 6 weeks septic work being done. No plans to build anything on this land. Trying to do the right thing, feel am being punished.

Julia Junghanns- Director of Wayland Public Health, enter into public record memo dated 4/18/12. Subject: Town Warrant article 27. Julia reviewed memo with commission.

Virzi - is it possible to put a septic system in where one has failed? 24 & 26 good place to put a system?

Julia - get system as far away from pond as possible near road. Get as far away from water as possible.

Wright - can 22 and 30 both fit on 24 and 26. Can a system for 30 fit on 26 or 22 fit on 24?

Julia - maximize leaching area- may be possible to do a shared system.

Wright - so maybe a 2 system could fit or a shared system?

Julia - not sure maybe, investigate a smaller system. Not sure how much leaching space each could get separately.

**Wayland Recreation Commission
Minutes
April 18, 2012
Recreation Meeting**

Pam Hanlon - #30 is a 4 bedroom, #22 Lakeshore is a 1 or 2 bedroom. Gas lines and buried walls around current septic system. System at least 40 years old. 22 Lakeshore not making attempt to buy land or update septic system.

Julia - no area to relocate on site on #22 according to today's regulations.

Virzi - if system fails what do you do?

Julia - investigate other options and as a last resort use a tight tank.

Molly Upton - this would be a nice opportunity to give easement and to require a pond friendly septic system. Putting system there makes my skin crawl. Other alternatives better to the pond.

Virzi - if failing system what is the better alternative?

Upton - never heard of having to do more than normal requirements for BOH.

Allen Bolisky - Dudley Area Advisory Committee - problem highlights task of DAAC to find a community area for leaching fields on the pond.

Kim Cook - so Julia is saying for #30 best place to redo is on site?

Julia - not sure without investigating more.

Kim Cook - town should investigate all the facts.

Mike Lowery - Pond friendly septic system do much more to remove phosphorus than a regular title V system. Low phosphorus discharge is better to the pond.

Foster - if motion is put forth at town meeting would you Mike suggest this type of system be written into the agreement if Hanlon's given access to #26?

Lowery - not engineer, yes but at a cost. Might be comparable to system at least explore it.

Bill Steinberg - happy some type of accommodation for Hanlons. Sense of community, don't understand why we can't help them to find a solution. Town counsel comfortable that processes were followed and correct as Sue Pope stated would not want restrictions. System would have to meet BOH requirements. Didn't understand why all boards did not do homework and why changed? Did you have new information that the other boards did not have?

Virzi - Mrs. Cook brought information forward, we were never told by town counsel about an easement option.

**Wayland Recreation Commission
Minutes
April 18, 2012
Recreation Meeting**

Upton - septic has to satisfy title V not water.

Julia- regulations followed by town in addition to state regulations. New and repair regulations vary but at a minimum must meet title V.

Upton - not as pond friendly.

Lowery - 200' water body jurisdiction of Conservation Commission also reviewed by Conservation Commission as well as BOH.

Wright - is property owner from #22 here?

Pam Hanlon - town has owned this land since the 70's not rushing into this, has been there since the 70's. Brought up a year ago to update septic. 6 people in the house now. Upset about so much controversy over this tiny piece of land.

Meliones - 2011 trusted town counsel and new information brought together this so many houses in that area that are having difficulty. Easement would be better than selling. So new information made us think about the whole process. Not on our radar. Wright was active and revised the article feel it meets both needs and is a good compromise.

Sue Pope - after rescinded vote did you think to go to town counsel?

Wright - tried to do Monday, told Town Administrator Recreation Commission would not be interested without an easement. Fred brushed it off.

Sue - BOS owns several parcels and declared many parcel surplus. Hanlon only ones coming forward. Warrant hearings, town counsel and town administrator being told they are not doing their jobs is not correct.

Virzi - closed public comment at 8:27. Several issues, proposed new motion, disposition of other parcels of land. Question of #22 Lakeshore Drive and pond friendly septic system.

Foster - #22 should not be discussed tonight because we should focus on 24 and 26. This meeting is what's happening at 24 and 26 and how it relates to #30.

Wright - I don't feel that land not being used is automatically surplus land. Preference not to get rid of any recreation land ever unless it is benefitting the whole town. This is a good candidate because it stops pollutants into the lake. What do we do when #22 fails? Have we thought this through. If possible we don't want to do something that prevents us from solving a problem down the road.

Foster - but this would require input from #22.

**Wayland Recreation Commission
Minutes
April 18, 2012
Recreation Meeting**

Virzi - basically new wording is saying we own #26 and BOS #24 through article we take #24 BOS takes #26. They will sell it to the Hanlons at #30. We maintain not selling land at #24 but help out someone else to help not pollute the pond. With potential easement to #24. Always have possibility of giving easement to #22 in the future. Nothing in article 27 revised to decide what kind of system. Someone should make suggestion at town meeting if necessary.

Wright - now worried about parcel #22 concerned about easement from #24 in case #22 fails. Is it wise for us to stop at swap in order to resolve a problem at #22 in the future?

Virzi - Hanlons are rational people, will put were best and cheapest option. Understand what Wright is saying by cutting off future options for #22.

Foster - swap BOS can sell 26 to Hanlons, 24 we control and can determine at some point if #22 needs an easement for septic. But no opportunity if 24 becomes an easement for 30. Change (b) and strike purpose of granting a septic system easement and a right of first refusal in said parcel of land.

Linda Segel - legal council is in the building.

Virzi - could amend; choose to do nothing; could pass imperfect and make changes on town meeting floor.

Wright- allowing more room for the Hanlons.

Foster - Hanlons through a lot more we can complete our work tonight. The greater the opportunity to get it passed and done at town meeting.

Virzi- I think this is an elegant solution to the problem, I appreciate the hours Wright put into doing this.

Segel - you could meet before Monday, and could not mention parcel #22.

Lowery - what happens when you don't take care of milfoil - took 2 photos showed commission. Mantra is one septic system at a time, one outflow at a time. Mansion beach was closed last year due to high ecoli levels.

Virzi - swap land making #26 available by BOS to Hanlons without granting easement to #24?

Foster - not access for Hanlons to expand onto #24 only onto #26.

George Harris - attorney for the Hanlons - you can ask town meetin to vote to grant an easement on #24 but not declare it surplus. Chapter 40 Section 15 A.

**Wayland Recreation Commission
Minutes
April 18, 2012
Recreation Meeting**

would have to declare not needed as so far as an easement is concerned. Swap with BOS your piece could be granted easement on #24 to Hanlons but isn't effectuated until board declares it surplus. Would have to come to you to (recreation commission) to approve use by the Hanlons after approved at town meeting.

Commission recessed at 9:05 pm.

Commission resumed meeting at 9:10 pm.

Virzi - discuss soccer nets.

Town Counsel Mark Lanza -

Virzi - article 27 latest draft want to know if interpretation is correct. Concern that other owners may need some part in the future. Timing of giving easement if passed as is. Passing this rec. com. cannot give away easement.

Lanza - town is the owner #26 acquired through a friendly taking for recreation purposes.

Virzi - when #24 goes to recreation commission Hanlons would have to come back to commission to get easement?

Lanza - town meeting vote would authorize commission but does not require commission to grant easement.

Wright - so we can hold back until proven need?

Lanza - I would advise that you absolutely hold back until proven need.

Wright - what about right of first refusal?

Lanza - town meeting vote authorizes to do it but does not make recreation commission have to give right of first refusal. Does not authorize sale of land.

Wright - what is the dollar value of the easement?

Lanza - appraiser gives you opinion.

Meliones motion that we accept new revised April 17, 2012 motion on article 27. Second Foster. Vote unanimous in favor.

Nets

Wright - in favor of making it fair across the board. Will follow up with Malcolm concerning school's share.

**Wayland Recreation Commission
Minutes
April 18, 2012
Recreation Meeting**

Meliones motion to adjourn. Second Virzi. Vote unanimous in favor.

Meeting adjourned at 9:28pm. Cancel April 20 meeting, next meeting May 9, 2012.