

TOWN OF WAYLAND
NOTICE OF MEETING

Michael Lowery, Chair
Clifford Lewis, Vice Chair

Jon Mishara
Mike Wegerbauer
Bob Goldsmith

Posted in accordance with the provisions of the Open Meeting Law*
www.mass.gov/380/openmeeting

NAME OF BOARD:
DATE OF MEETING:
TIME OF MEETING:
PLACE OF MEETING:

BOARD OF PUBLIC WORKS
Monday August 10, 2020
2:00 PM
TOWN BUILDING (REMOTE)
41 Cochituate Rd. Wayland, MA 01778

AGENDA

*In compliance with the revised Open Meeting Law requirements, we will live stream the meeting via Zoom as well as WayCAM. The Zoom meeting can be entered using the following link:
<https://zoom.us/j/96153387563?pwd=YU9qZGVlcy06eVYkT8QVYVbTVlQ109> Password: 082462
The meeting may be viewed live on the WayCam Government channel (Comcast 9, Verizon 38).

Public Comment will be received either through Zoom** or by phone at 508-358-6812 for this meeting. The phone number will be active during the public comment portion of the meeting. Thank you in advance for your patience; we intend to address all calls that come in during the Public Comment period.

In addition to being live streamed, WayCam will record the meeting and this recording will be made available to the public as soon after the meeting as is practicable. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings.

**To make a public comment via Zoom, perform a virtual "hand raise". The meeting moderator will contact you via a chat message to acknowledge your request and will inform the chair of your request to comment. Instructions for performing a virtual "hand raise" can be found at <https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>

- 2:00

Announcements

- Welcome Bob Goldsmith
- 2:05

Public Comment
- 2:10

2020 ATM, Spencer Circle Easements

- Possible vote to pass over the article per Board of Selectmen's status on easements.
- 2:25

River's Edge Easements on Transfer Station Access Road

- Report from Lowery/Lewis on Informal meeting 7/26 and Board of Selectmen meeting 07/27

- Discussion and possible vote to enable Selectmen to grant easements on Transfer Station Access Road provided that BopW motion, STM article, and surveyed plans are available.
- 2:45

Topics Not Reasonably Anticipated by the Chair 48 Hours Prior to Posting, if any
- 3:00

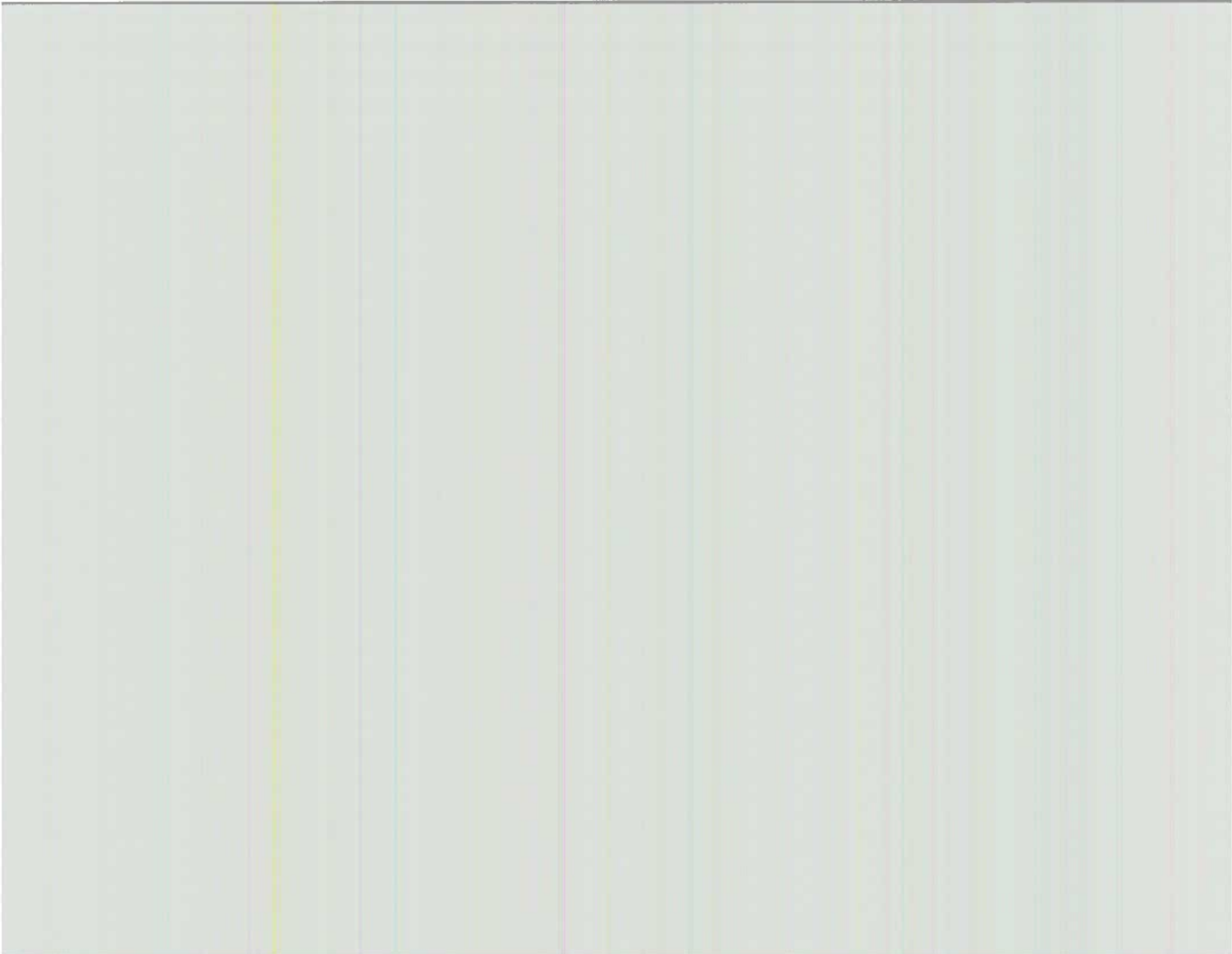
Adjourn

NOTE: Per changes to the Open Meeting Law, notice of any meeting of a public body shall include "A listing of topics that the chair reasonably anticipates will be discussed at the meeting". AG's Office guidelines state that the list of topics shall have sufficient specificity to reasonably advise the public of the issue to be discussed. Please list those topics on the above agenda

NOTE: Times are approximate, and the Agenda items may not be discussed in the exact order listed

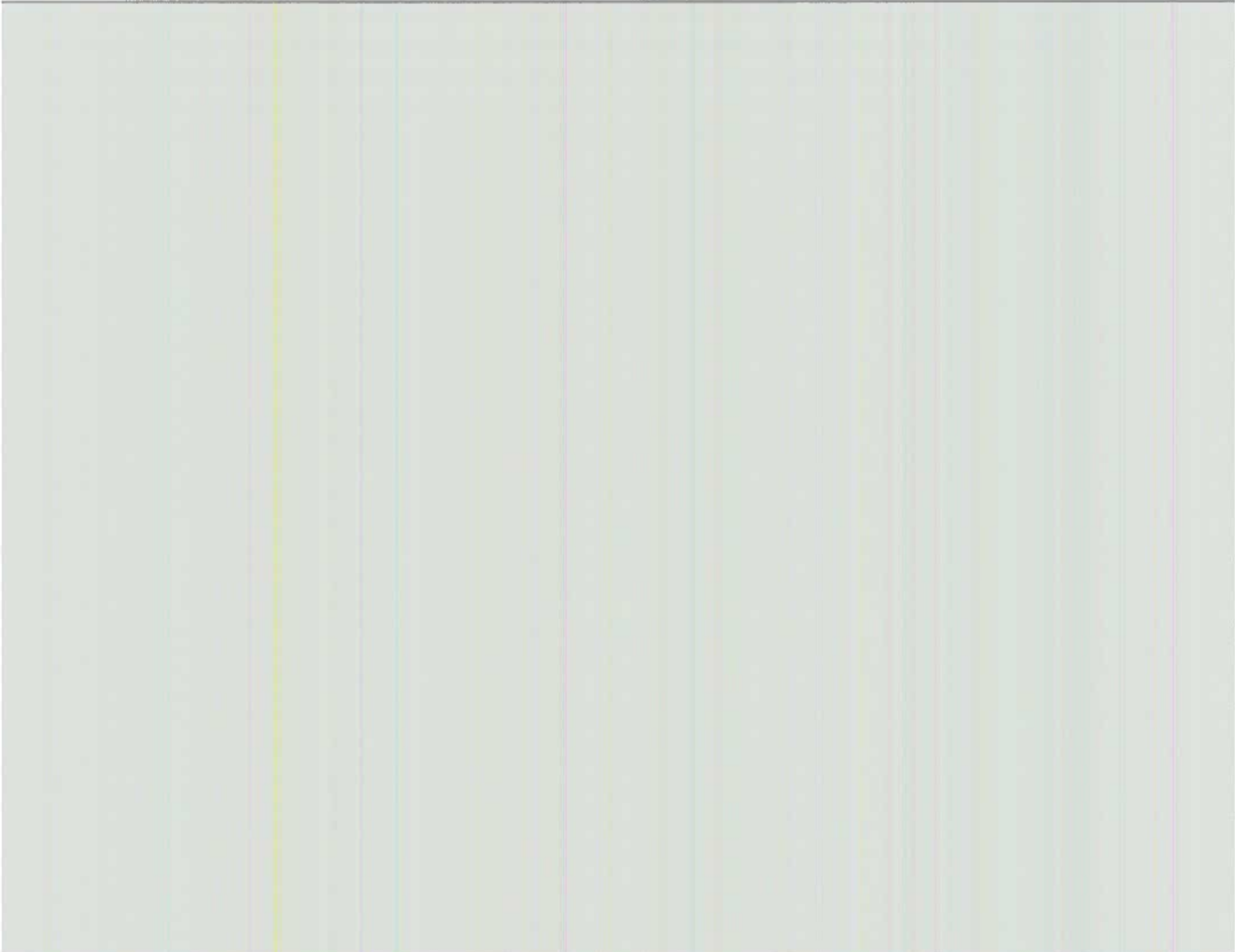
BOPW Meeting 8/10/2020

Announcements



BOPW Meeting 8/10/2020

Public Comment



BOPW Meeting 8/10/2020

2020 ATM, Spencer Circle Easements

BOPW Meeting 8/10/2020

River's Edge Easements

on Transfer Station Access Road

**MOTION: SURPLUS VOTE RE: EASEMENT FOR 490 BOSTON POST ROAD
BOARD OF PUBLIC WORKS MEETING – AUGUST 10, 2020**

I move that the Board of Public Works determine, pursuant to Massachusetts General Laws Chapter 40, Section 15A, that a portion of a travelled way, shown as "50.00' Wide Permanent Access Easement Area = 21,566 ± S.F." on a plan entitled "ALTA River's Edge 490 Boston Post Road Wayland, MA," dated June 20, 2019, prepared by Allen & Major Associates, Inc., being that portion of the Access Easement Area located upon: (i) a parcel of land described in an Order of Taking, dated November 15, 1965, recorded with the Middlesex South Registry of Deeds in Book 11003, Page 389; and (ii) "Lot B" shown on a plan entitled "Plan of Land in Wayland, Mass. Showing Land Owned by William W. and Mary P. Lord," dated February 28, 1978, prepared by the Wayland Engineering Department, recorded with the Middlesex South Registry of Deeds as Plan 482 of 1978, is no longer needed exclusively for municipal public works purposes.

I further move that the Board of Public Works support Town Meeting authorizing the Board of Selectmen to enter into a non-exclusive easement for the benefit of the owner of 490 Boston Post Road, and appurtenant to 490 Boston Post Road, for access, drainage and such other purposes as deemed necessary or convenient for the development of 490 Boston Post Road, and to take any and all related actions thereto.

**ARTICLE LANGUAGE FOR 2020STM – RIVER’S EDGE DEVELOPMENT: ACCESS
AND DRAINAGE EASEMENTS – DRAFT as of 08/07/2020**

To determine whether the Town will vote to transfer from the boards having the care, custody, control and management of certain property, located to the east of 490 Boston Post Road (Route 20), and shown as a “50.00’ Wide Permanent Access Easement” and a “30.00’ Wide Permanent Drain Easement” on a plan entitled “ALTA at River’s Edge 490 Boston Post Road Wayland, MA,” dated June 20, 2019, prepared by Allen & Major Associates, Inc., a copy of which is on file in the office of the Town Clerk, to said boards for the purposes for which said property is currently held and for the purpose of authorizing the Board of Selectmen to convey non-exclusive easements for the benefit of the owner of 490 Boston Post Road, and apurtenant to 490 Boston Post Road, for access, drainage and such other purposes as deemed necessary or convenient for the development of 490 Boston Post Road, and to take any and all related actions necessary or appropriate to accomplish the purposes of this Article and/or otherwise act thereon.

Two-third’s majority vote



TOWN OF WAYLAND

SPONSORING BOARD ARTICLE REQUEST FOR TOWN MEETING

Attach extra pages if necessary

Article Title: River's Edge Development: Access and Drainage Easements Estimated Cost: None

Article Description (final language to be provided by Town Counsel based on description provided):

Authorize the Town to grant and execute access and drainage easements to the purchaser of the property known as River's Edge as described in the terms of the Land Disposition Agreement, dated July 28, 2017 and the Zoning Board of Appeals decision of December 30, 2019.

(Town counsel will provide final Article language. Draft sample easement language and map(s) to be provided for Warrant Appendix.)

Background Information (to be used by Finance Committee to draft its report. Please explain the intent of the article, why it should be supported now, as well as known reasons the article may be opposed):

Passage of this article will authorize the Board of Selectmen, on behalf of the Town, to grant easements (access and drainage) to the purchaser of the River's Edge parcel and to complete all required documents. The need for easements has been anticipated since the inception of the project given that access to the site is via the Transfer Station access road, over which the Town wanted to maintain ownership and control; the final locations of the easements were determined with the Zoning Board of Appeals (ZBA) site plan approval issued on December 30, 2019 (with the appeal period ending in January 2020). Both easements are required for the project to move forward and would be granted at closing.

At this time, the Town still owns the land, therefore, the easement cannot be completed now, and this article simply enables a future action. The developer, WP East Acquisitions, LLC (Wood Partners) anticipates filing the building permit upon authorization of the easements, and the land closing can occur after issuance of all approvals (with the exception of the building permit). The building permit fee of approximately \$XXX will be due when the permit is filed and will be deposited in the Town's General Fund as local receipts. The land purchase price, as defined in the Land Disposition Agreement as amended, is \$2.2 million to be received at closing. These funds will be deposited in a General Ledger account (Receipts Reserved for Appropriation/Real Estate) for appropriation by a future Town Meeting.

The River's Edge project proposes to build 218 rental units, of which 55 units (25%) will be affordable to low or moderate income households earning no greater than 80% of area median family income. The units are affordable in perpetuity. Additionally, 25% of the units will be age restricted for occupants aged 55 or over.

Access easement: The River's Edge project will use the same Rt 20 curb cut as the Transfer Station access road, as required by the Massachusetts Department of Transportation. The site plan requires two access points from the access road to the River's Edge project. (Map will be included.) The ZBA decision states "Access to the site is off of Boston Post Road via an access road to the Town's transfer station, which will be improved pursuant to the plans approved by the Board and listed herein." After an exhaustive review that included review of multiple traffic studies, the ZBA determined, among other items, that the project will not over-tax the Town's Access Road to the transfer station.

Drainage easement: The project requires a drainage easement under the Access Road to drain on the eastern side of the road. The ZBA decision found that the site plan detailed the extensive erosion and sedimentation control



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SPONSORING BOARD ARTICLE REQUEST FOR TOWN MEETING

Attach extra pages if necessary

measures that will be implemented and maintained for the project. A Long-Term Operation and Maintenance Plan has been developed for the proposed stormwater management system (SMS). The ZBA found, among other items, that the project will not contribute to the Town's stormwater system.

The Zoning Board of Appeals site plan review included information from applicable Town staff and boards, including a unanimous recommendation from the Planning Board.

The land under consideration is owned by the Town with jurisdiction potentially running to three Town boards: Board of Selectmen, Board of Public Works and Conservation Commission. Each board has considered and voted a decision on granting an easement prior to the Town Meeting vote. The Conservation Commission has reviewed the drainage system and included it as a recommended order of conditions in its report to the Zoning Board of Appeals. On July 29, 2020, the Conservation Commission voted unanimously in favor (6-0) of authorizing the Town to grant access and drainage easements for the River's Edge project. The Board of Public Works is meeting on August 10th. At the time the Warrant went to print, **(status)**.

History of the River's Edge project (summary): While this Article only addresses authorization of the easements, residents may need some background information on the River's Edge project. Town Meeting funded study monies in 2012 to evaluate the site for highest and best uses. This favorable vote was followed with a Town Meeting discussion and unsuccessful vote in 2013, and then ultimate approval by more than two-thirds margin at the 2014 Annual Town Meeting to allow for construction of rental housing with 25% affordable units. The Request for Proposals was issued in September 2015, reissued in January 2016, and a Land Development Agreement was signed with Wood Partners in July 2017. After almost a year's delay due to mitigating measures for asbestos on the property, due diligence was completed in the spring of 2019. Wood Partners began the permitting process and appeared before the Planning Board, Design Review Board, Board of Health, Conservation Commission and, finally, the Zoning Board of Appeals (ZBA). The ZBA issued its findings and site plan approval on December 2019, and the appeal period closed in late January 2020.

Following the completion of the ZBA decision appeal period, the Town and Wood Partners conducted a review of all outstanding items to be completed prior to submitting a building permit and moving to close on the land. The need for the easements was re-identified and prioritized at this time; however, the time had already passed to call a Special Town Meeting within the originally scheduled 2020 ATM in April. Wood Partners agreed to wait until a fall Special Town Meeting for discussion and vote on the required easements. Of course, this all occurred before the COVID-19 state of emergency was declared in early March 2020.

Proposed Arguments in Favor: The Town Meeting vote in 2014 authorized the Board of Selectmen "to convey, sell, lease or otherwise dispose of said parcels of land [which excluded disposing of the Transfer Station access road which the Town wanted to maintain ownership of] for affordable housing and market rate housing and accessory uses and structure purposes and, in connection therewith, to execute all necessary and appropriate documents" provided that the project meet the River's Edge Housing Overlay District and requirements and that a new multi-disciplinary River's Edge Advisory Committee solicited and reviewed the bids. An easement is a natural extension of the necessary and appropriate documents required for the project to proceed on the River's Edge parcels; however, Massachusetts General Laws require a Town Meeting vote to grant an easement, hence the purpose of this article.

These easements were anticipated as part of the original RFP in 2016 and are required to allow the project to move forward. A Town Meeting vote is required to grant an easement. The Town committed to provide the access easement, first in the RFP and then in the Land Disposition Agreement, section 1.1 (b):



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In addition to the Premises, Seller shall convey at the Closing (as such term is defined herein) a non-exclusive Access Easement for access to the Premises over that certain land shown as "Access Easement Area" on the ANR Plan (the "Access Road").

Now that site plan and other approvals have been received, and the Town and buyer are looking ahead to closing on the land parcels, these easements must be authorized to complete the access rights required to develop the site in timely anticipation of the closing. The ZBA's site plan approval locating the easements became final in January 2020. The vote on the easements was planned for a fall 2020 Special Town Meeting. However, given the timing of the 2020 Annual Town Meeting in September and no pressing need for a fall Special Town Meeting, the Board of Selectmen called a Special Town Meeting within the Annual Town Meeting to address this matter.

The Town is currently in a Safe Harbor status under Massachusetts law relative to new 40B developments because of this pending project and others. One of the requirements of maintaining the two-year Safe Harbor status is that a building permit must be pulled within one year; that deadline is December 2020. If Town Meeting authorizes these easements, Wood Partners plans to file for a building permit prior to that date.

Many arguments in favor of the easements are also arguments in favor of the project. River's Edge is a creative, proactive way to meet several Town goals and needs, economic and otherwise:

- Rental housing provides new affordable and market housing options in Wayland, currently in short supply, especially for seniors
- Diversity in housing options may help to diversify Wayland's current demographics
- With 25% of the units designated affordable and 100% rental, all 218 units will count toward Wayland's affordable housing inventory, which will vault the Town from 5% affordability to over 9%, nearly reaching our 10% state mandate.
- Valuable new zoning creates significant property tax revenue for the Town via sale of the land to a private developer.
- The project cleans up a neglected, contaminated site where the private developer will cover an estimated \$3+ million in environmental and demolition costs, which would otherwise be at the Town's expense
- Substantial new annual tax revenues will be generated from the new \$40-50+ million project, all on previously non-revenue generating land. Tax revenues are estimated to approach \$1 million per year, with limited additional Town services required on the privately maintained property
- The project cleans up a prominent site at Wayland's western gateway, complements Town Center and the new bike path, and respects the natural beauty of the Sudbury River by staying within a previously disturbed site.

The site plan approval expires one year from issuance if construction has not commenced. Commencement is defined as issuance of a foundation or structure permit. Delaying action on the easements could potentially stop the project and require the site plan approval process to start again – if the developer is willing. Given market uncertainties due to COVID-19 and the years of effort which has brought the project to this point of completing the approved land transaction and finally starting construction, the Town should move expediently on this procedural vote to ensure the project can proceed.

The ZBA decision addresses functional areas of concern expressed by the Board of Public Works. Specifically, conditions 36-41, require the purchaser to

- Truck any excess snow off site and to conduct winter weather management operations in a manner that will not place snow or other spoils onto the Transfer Station Access Road.



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- Install utilities in a manner minimizing impacts to patrons of the Transfer Station.
- Coordinate construction access with the DPW to minimize impacts to users of the Access Road.
- Relocate and install the Transfer Station access gate at a location to be determined by the Director of Public Works (approximately 300 ft north of its current location).
- Not restrict vehicular access through the Property by Transfer Station patrons who may need to reverse direction when the Transfer Station is closed.
- Mill and pave the access road to DPW specifications from Boston Post Road to the location of the new gate.

Some have suggested a license be granted by the Board of Selectmen to avoid the need for a Town Meeting vote on an easement. However, a license is held by a named licensee and does not run with the land. The purchaser has conveyed concern that its investors and lender(s) will not accept a license arrangement

Proposed Arguments in Opposition: Some are opposed to addressing this article now due to concerns about limiting the length of September's Town Meeting due to health concerns resulting from the COVID-19 pandemic.

The Board of Public Works has expressed concern with items that may impact its business: responsibility for snow plowing, snow storage, additional traffic on the access road, and relocating the roadway gate.

Proposer's Comments (if needed, 150-word limit per Town Code):

Information is included in the text above.

Contact Information for Publication in Warrant

Contact Person Name: Louise Miller Contact Person Phone: _____
Contact Person Town Email: lmiller@wayland.ma.us _____

Proposing Board Information

Board Name: Board of Selectmen
Vote (Quantum) to Submit Article 5-0 Date of Board Vote: July 27, 2020
Signature of Board Chairperson: _____ Date: _____



BEFORE YOU DIG
CALL 811 OR
1-888-DIG-SAFE
1-888-344-7333

DIG SAFE

TOWN OF SUDBURY
TOWN OF WAYLAND

BOSTON POST ROAD
(PUBLIC - VARIABLE WIDTH)

- NOTES
1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCURRED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE AIR AND ALL UNDERGROUND UTILITIES.
 2. THE INFORMATION SHOWN ON THIS PLAN IS THE SOLE PROPERTY OF ALLEN & MAJOR ASSOCIATES, INC. IT IS INTENDED FOR USE TO PROVIDE INFORMATION, ANY ALTERATION, MISUSE, OR RECALCULATION OF INFORMATION OR DATA WITHOUT THE EXPRESSED, WRITTEN CONSENT OF ALLEN & MAJOR ASSOCIATES, INC. IS STRICTLY PROHIBITED.
 3. THE CONTRACTOR SHALL CONTACT "DIGSAFE" AND THE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION WORK TO REQUEST THE LOCATION OF THE EXISTING UTILITIES DISCLOSED. 1-888-344-7333
 4. PROPOSED EASEMENTS ILLUSTRATED ARE FOR COORDINATION. PROPOSED ONLY. THE LAND OWNER WILL NEED TO OBTAIN NECESSARY PERMISSIONS OR ADJUST DESIGN ACCORDINGLY.

GRAPHIC SCALE



OVERLAY LEGEND

Conservation

Board of
Selectmen

Board of
Public Works /
Access Road

PROFESSIONAL ENGINEER FOR N.C.
ALLEN & MAJOR ASSOCIATES, INC.



REV	DATE	DESCRIPTION
E	11/12/2019	REVISED PER TOWN COMMENTS
D	10/18/2019	REVISED PER TOWN COMMENTS
C	10/10/2019	REVISED PER TOWN COMMENTS
B	09/27/2019	REVISED PER TOWN COMMENTS
A	07/09/2019	ISSUED FOR NOTICE OF INTENT

APPLICANT/OWNER:

WP EAST ACQUISITIONS, LLC
91 HARTWELL AVENUE
LEXINGTON, MA 02421

PROJECT
ALTA AT RIVERS EDGE
490 BOSTON POST ROAD
WAYLAND, MA

PROJECT NO.	1670-09A	DATE	06-30-2019
SCALE	1"=40'	DWG. NAME	1670-09A
DESIGNED BY:	SK	CHECKED BY:	CMQ



ALLEN & MAJOR
ASSOCIATES, INC.

100 COMMERCIAL STREET, SUITE 5
WOBURN, MA 01801
TEL: (781) 851-8487
FAX: (781) 851-8489

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DRAWING TITLE: PROPOSED EASEMENTS PLAN
SHEET NO: C-107

BOPW Meeting 8/10/2020

**Topics Not Reasonably Anticipated by
the Chair 48 Hours Prior to Posting, if
any**

BOPW Meeting 8/10/2020

Adjourn