TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

LOUISE L. E. MILLER
TOWN ADMINISTRATOR
TEL. (508) 358-7755
www.wayland.ma.us

BOARD OF SELECTMEN

LEA T. ANDERSON
MARY M. ANTES
THOMAS J. FAY
CHERRY C. KARLSON
DOUGLAS A. LEVINE

**Board of Selectmen
Meeting Minutes
May 29, 2019
8:30 a.m.
Wayland Town Building
Selectmen's Meeting Room
41 Cochituate Road, Wayland**

Attendance: Lea T. Anderson, Mary M. Antes, Thomas J. Fay, Cherry C. Karlson, Douglas A. Levine

Also Present: Louise Miller, Town Administrator; Rebecca Stanizzi, River's Edge Advisory Committee; Sarkis Sarkisian, Town Planner (arrived 8:54 a.m.)

A1. Call to Order by Chair and Public Comment C. Karlson called the meeting of the Board of Selectmen to order at 8:30 a.m. in the Selectmen's Meeting Room in the Wayland Town Building when a quorum was present, noted that the meeting was not being broadcast or videotaped for later broadcast by WayCAM, and reviewed the agenda for the public. There was no public comment.

A2. River's Edge: Discuss and vote on 10th Amendment to Land Disposition Agreement C. Karlson noted that she had been in touch with R. Stanizzi, chair of the River's Edge Advisory Committee, on the proposed 10th Amendment to the Land Disposition Agreement (LDA). L. Miller reviewed the issues documented in the amendment. Wood Partners plans on submitting an application to the Planning Board for its meeting on July 8, 2019. Wood Partners' attorneys raised a question regarding which board, Planning Board or Zoning Board of Appeals, maintains jurisdiction on site plan approval if variances are required. The overlay district was set up with the understanding that the Planning Board has jurisdiction. C. Karlson asked if Town Counsel, KP Law, or Special Counsel, Anderson Kreiger, should make the determination. The Board agreed to first ask KP Law, which handles zoning issues for the Town, to opine on jurisdiction, with the understanding that Anderson Krieger can be consulted if necessary.

L. Miller reviewed the buyer's three proposed variances from the overlay zoning:

1. Not more than six feet of a parking level may be exposed. Buyer's current design does not conform to the overlay language and may require a variance.

2. No building shall exceed 150,000 square feet of gross floor area. Buyer proposed combining two buildings, separated by a firewall, which is technically two buildings by building code. This may require a variance from the overlay zoning.

3. Maximum lot coverage of 20% is not directly addressed by the River's Edge Housing Overlay District. Buyer's current design exceeds 20% lot coverage and it is not clear which underlying zoning (municipal or residential) will apply.

The Board discussed possible reasons for the variance proposals. R. Stanizzi expressed concern that the buyer is taking too much soil away instead of backfilling the parking area to cover the exposed parking area, thereby adding cost. The reason for connecting the buildings may be to save money on elevators, which may not be a good reason to change the design from the Town's perspective. The original conceptual design, which is part of the LDA, shows three separate buildings allowing views to the trees behind the buildings. R. Stanizzi asked that these two major site changes go before the Planning Board. L. Miller informed the Board that Town Engineer, Paul Brinkman, said that the garage could not be built without a variance.

S. Sarkisian joined the meeting at 8:54 a.m. The Board discussed the original intention to have three separate buildings. T. Fay suggested that what the Board does today is in no way an endorsement of the new design. S. Sarkisian suggested not worrying about the garage, because it could be landscaped. He said that the Planning Board knew that there would be greater coverage than 20% and was silent on coverage in the overlay district language. S. Sarkisian reminded the Board that this project could also be done by Local Initiative Project (friendly 40B) and could avoid other approvals. C. Karlson referred to the LDA of June 2017 regarding site plan approval and noted that Replacement Exhibit I to Contract (approvals timeline) had minor changes to two items.

The Board considered Exhibit B (summary table) that compares cost estimates from the RFP Proposal of 7/6/16 to estimates of 5/20/19. L. Miller reported that the Town has hired its own consultant, Beta, to confirm the costs. R. Stanizzi noted that the Town did not offer a structural guarantee of the soil, only an environmental guarantee. The added cost of taking away so much soil and doing geo piles does not seem reasonable. She said that either one or the other should be done, but not both. L. Miller noted that Paul Brinkman will follow up on this and other issues with Wood Partners.

The Board agreed to make three changes to the 10th Amendment: Section C. add the words "special permits" on line 3; Section D. change "will" to "may" on line 2; Exhibit A, number 2, change "Zoning Board of Appeals" to "Town".

M. Antes moved, seconded by T. Fay, to approve the 10th Amendment to the Land Disposition Agreement as amended, and to authorize Louise Miller to sign the document. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

A3. Adjourn D. Levine moved, seconded by L. Anderson, to adjourn the meeting at 9:28 a.m. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson, D. Levine. NAY: none. ABSENT: none. ABSTAIN: none. Adopted 5-0.

Items Distributed for Information and Use by the Board of Selectmen at the Meeting of May 29, 2019.
   1. 10th Amendment to the River's Edge Land Disposition Agreement - Exhibit B – Summary Table
   2. Land Disposition Agreement for the Sale and Redevelopment of Land Between Town of Wayland and WP East Acquisitions, L.L.C.
      https://www.wayland.ma.us/sites/waylandma/files/uploads/riverlda.pdf

Items Included as Part of Agenda Packet for Discussion During the May 29, 2019 Board of Selectmen's Meeting
   1. Tenth Amendment to Land Disposition Agreement for River's Edge (clean copy)
   2. Tenth Amendment to Land Disposition Agreement for River's Edge (track changes)