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# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

BOARD OF SELECTMEN

LEA T. ANDERSON  
MARY M. ANTES  
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## Board of Selectmen

### Meeting Minutes

### Executive Session

June 10, 2019

7:00 PM

Wayland Town Building, Selectmen's Meeting Room  
41 Cochituate Road, Wayland

**Attendance:** Lea Anderson, Mary Antes, Tom Fay, Cherry Karlson

**Absent:** Doug Levine

**Also Present:** Louise Miller, Town Administrator; Elizabeth Doucette, Assistant Town Administrator; Paul Brinkman, Town Engineer; Sean Fair, Chair of Conservation Commission.

**Purpose:** At 9:24 pm, C. Karlson moved, seconded by M. Antes, to call the session to order in the Selectmen's Meeting Room, Wayland Town Building by unanimous roll call vote of the Board (YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.) in open session as permitted by Massachusetts General Laws Chapter 30A, Section 21 (a) (6) to discuss the purchase, exchange, lease or value of real estate with respect to the Town's agreement with Twenty Wayland, LLC relative to property and development located off 400-440 Boston Post Road and to consider the purchase, exchange, taking, lease or value of real estate in regard to the Rivers Edge Project at 484-490 Boston Post Road, and pursuant to Section 21 (a) (3) to discuss strategy with respect to litigation – Stephen Cass v. Town of Wayland and to discuss strategy with respect to litigation related to Kenneth Nelson v. Town of Wayland, et al.

**Twenty Wayland LLC:** L. Miller explained the purpose of the discussion is to determine strategy for moving forward with negotiations with Twenty Wayland to acquire land for conservation and municipal use. Twenty Wayland has been in touch with the Conservation Administrator and S. Fair to move the conservation side of the discussion forward. Twenty Wayland is currently proposing Conservation Restrictions on parcels 14, 15, and 16 rather than transfers. Conservation still holds \$85,000 in a performance bond for an open Order of Conditions. The Board agreed that the negotiations should address all parcels of land under consideration (four parcels including the municipal parcel, three parcels north of the condos and the town green).

P. Brinkman reported on his work to understand any outstanding issues related to the stormwater basin 2 which is partially located on the land the Town is considering acquiring. His review shows the basin seems underutilized, was designed to handle stormwater from a large CoA/CC type structure (larger than existing building) with a parking lot, and that a stub was left to connect to the basin. He cannot determine what maintenance has been done on the basin.

To best avoid environmental issues related to the prior PCB contamination, he suggested minimizing soil disturbance with any building project – including reuse of the existing building and maybe even raising the level of the parking lot.

The Board agreed to work with Conservation to consider using Parcel 15 "Meadow Management" for municipal purposes (perhaps solar panels or as reserve field for the wastewater plant). Parcels 14 and 16 are primarily wet and provide good connections to other Conservation lands.

There was agreement to work together in negotiations with Twenty Wayland. T. Fay will meet with Frank Dougherty this week and report back to L. Miller and the Board. A letter/proposal from the Town to Twenty Wayland is a next step. C. Karlson will contact Zurich about an agreement on cost allocations to the Town under the Easement and Covenant Restrictions (ECR) document.

S. Fair left the meeting at 9:51 pm.

**River's Edge:** L. Miller reported that Wood Partners is eager to file with the Town to begin the permitting process. P. Brinkman distributed two documents to facilitate the Board's discussion of the soil management costs and how they relate to the purchase price analysis. Under the Land Development Agreement (LDA), the Town has the right to review the costs and hire consultants for further review. The soil management costs may be netted from the purchase price per the LDA.

P. Brinkman reviewed the soil work conducted by the Town prior to issuing the RFP. The test pits provided data on soil content and location of ledge. The Board agreed with P. Brinkman's preliminary assessment that over 30% more soil was being moved than in the original cost proposal.

According to costs submitted by Wood Partners, the Town's current estimation of the net purchase price is \$824,000. C. Karlson expressed frustration with the net price and supported P. Brinkman's efforts to challenge the cost assumptions. L. Miller asked if the Board had a net purchase price for negotiations; the Board was not prepared to reach that decision yet. It would like to hear back from P. Brinkman after his discussions with the project engineers.

L. Miller will speak with J. Lambert to give the Board's feedback; P. Brinkman will talk with Wood Partner's engineers to review the submitted costs.

P. Brinkman left the meeting at 10:13 pm.

**Kenneth Nelson v. Town of Wayland, et al:** [REDACTED]

**Stephen Cass v. Town of Wayland:** [REDACTED]

**Exit Executive Session:** At 10:23 pm, T. Fay moved, seconded by L. Anderson, to exit Executive Session. Roll call vote of the Board. YEA: L. Anderson, M. Antes, T. Fay, C. Karlson. NAY: none. ABSENT: D. Levine. ABSTAIN: none. Adopted 4-0.

**Documents provided:**

1. [REDACTED]
2. [REDACTED]