



TOWN OF WAYLAND

41 COCHITUATE ROAD
WAYLAND, MASSACHUSETTS 01778

Approved for
Release
6/13/2011



FREDERIC E. TURKINGTON JR.
TOWN ADMINISTRATOR
TEL: (508) 348-7755
www.wayland.ma.us

BOARD OF SELECTMEN
DOUGLAS J. LEARD
JOSEPH F. NOLAN
ALAN J. REISS
MICHAEL L. TICHNOR
WILLIAM D. WHITNEY

CONFIDENTIAL

Board of Selectmen Executive Session Minutes April 28, 2008

Attendance: S. Correia, J. Nolan, M. Tichnor, W. Whitney

Also present: Town Administrator Frederic E. Turkington Jr., Town Counsel Mark J. Lanza, Zoning Board of Appeals member E. Michael Thomas and Zoning Board of Appeals alternate member Linda Segal

Purpose: The session was called at 10:08 p.m. in the Selectmen's Meeting Room, Wayland Town Building, by unanimous roll call vote (4-0) in open session as permitted by M.G.L. Chapter 39, Section 23B, paragraph three, for the purpose of discussing strategies with respect to (i) pending litigation between Omnipoint Communications and (ii) the appeal of the Planning Board's Town Center MSP Decision and (iii) the Town and its Board of Appeals and the value, sale or lease of real property because a public discussion of these matters will have a detrimental effect on the litigating and negotiating position of the Town.

Discussion: Omnipoint appeal: Town Counsel Mark Lanza gave a brief history of the case including a settlement proposal the plaintiffs sent by letter earlier this month. He said the next court date is May 12, 2008. The plaintiffs plan to pursue an application for a cell tower at the site on Stonebridge Road, but will drop the two other sites in their original application and will comply with the MGL 53g requirement to provide funds to the town for evaluating coverage gaps. It was the consensus of the Board, with concurrence from M. Thomas and L. Segal, to have counsel submit a counteroffer for agreement with the additional condition of a voluntary moratorium of at least five years by Omnipoint from pursuing the other two sites and to pay the town's legal fees in the appeal. M. Thomas and L. Segal left executive session at 10:33 p.m.

Rice Road 61A right of refusal: Town Counsel Mark Lanza reviewed the documents provided by counsel for the owner of the property, Dev Hamlen. He said the parcel is held under MGL 61A, which gives the town 120 days right of first refusal to purchase the land for open space purposes. The notice was filed on March 14, 2008. The land is east of Rice Road and abuts the Weston Estates subdivision and has already been approved as a conservation cluster subdivision. W. Whitney suggested that the Board receive written confirmation for the file that the Conservation Commission is in agreement with a vote to not exercise the option. The Board concurred and authorized the Town Administrator to execute the refusal of the option subject to receipt of such confirmation.

Bernstein v. Wayland: F. Turkington reviewed the provisions of the proposed settlement of the case, including means for establishing baseline traffic counts; method by which traffic would be measured;

the time periods subject to measurement; the point at which mitigation would be triggered; and the mitigation measures and sequence of implementation. The Board expressed concerns that the proposed trigger point for AM/PM weekday traffic is too low and directed the Town Administrator to reopen negotiations to seek an increase in that number from 5% up to 20% (especially as it related to the 24/7 turn restriction at the west end of Glezen Lane) and could offer a 9th speed table if needed to achieve the greater threshold.

Adjourn: By motion of M. Tichnor, seconded by J. Nolan, the Board, by roll call vote, unanimously voted to exit executive session at 11:09 p.m.