

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 2008-00552

DAVID BERNSTEIN, KATHLEEN BERNSTEIN,)
JEFFREY PORTER, JILL PORTER, SUSAN)
REED, WILLIAM PETRI, ARLENE PETRI,)
TIMOTHY MARSTERS, L. HOWARD HARTLEY,)
MARCIA ANNE HARTLEY, RICHARD MIKELS,)
DEBORAH MIKELS, and MICHAEL BATE,)
)
Plaintiffs,)
)
v.)
)
WAYLAND PLANNING BOARD,)
WILLIAM STEINBERG, ALBERT I. MONTAGUE,)
JR., DANIEL MESNICK, KEVIN MURPHY,)
and LYNNE DUNBRACK, as members of the)
Wayland Planning Board, ANETTE LEWIS,)
as an associate member of the Wayland)
Planning Board, TOWN OF WAYLAND,)
WAYLAND BOARD OF SELECTMEN, AND)
WAYLAND BOARD OF ROAD COMMISSIONERS,)
and TWENTY WAYLAND, LLC,)
)
Defendants.)

AFFIDAVIT OF KEVIN R. DANDRADE, P.E., P.T.O.E.

I, Kevin R. Dandrade, upon my oath, depose and state as follows:

1. My name is Kevin R. Dandrade. My office address is TEC, 65 Glenn Street, Lawrence, Massachusetts 01843. TEC, Inc. is also known as The Engineering Corp. TEC, Inc. is engaged in the business of providing professional engineering and planning

services for public and private entities, ranging from transportation planning, traffic impact and access studies, roadway and traffic control design, municipal peer reviews, site planning and design, utility design, structural engineering, and construction inspections.

I am a Principal and Senior Project Manager of TEC. I have 18 years of experience in traffic impact evaluations, municipal peer reviews, traffic corridor studies, traffic signal design, site design and utility engineering for numerous projects within New England. My expertise includes site layout, traffic impact and access studies, parking studies and layout, signal equipment layout and specifications, intricate coordinated traffic analyses, cost and quantity estimates, contract document preparation, traffic signal construction inspection, and field fine-tuning. I received a Bachelors of Science degree in Civil Engineering from the University of New Hampshire. I am a registered Professional Engineer in Massachusetts, New Hampshire, and Maine, and is a certified Professional Traffic Operations Engineer through the Transportation Professional Certification Board, Inc. I have been qualified by the court and testified in the matter of Demoulas Super Markets, Inc. v. Town of Raynham Planning Board and Walmart Real Estate Business Trust, Bristol Superior Court, Civil Docket #BRCV2005-00567.

2. In July, 2005, the Town of Wayland Highway Department hired TEC to perform a review of zoning-level traffic information related to the proposed Wayland Town Center Project (the "Project") as part of a Mixed Use Overlay District (MUOD) zoning overlay. In subsequent years, the Town's Planning Department, on behalf of the Planning Board (the "Board") engaged the services of TEC to perform peer review traffic engineering services relative to Twenty Wayland, LLC's application for a master special permit, special permits and site plan approvals for a mixed-use development at 400-440 Boston Post Road, Wayland, Massachusetts consisting of 372,500 square feet of commercial, residential and municipal building space and related infrastructure known as the Wayland Town Center Project. I was the engineer assigned by TEC to perform such services relative to the Project. The peer review traffic engineering services performed by TEC relative to the Project included a review of the off-site traffic impacts of the Project on public ways in the Town of Wayland including Glezen Lane. TEC reviewed the trip generation potential from the site, the potential for variations in trip distribution onto the adjacent municipal street system, intersection capacity, and mitigation measures and other traffic control changes.

3. Soon after David Bernstein and 12 other people residing on Glezen Lane appealed the Board's decision to issue special permits and site plan approvals for the Project in February, 2008, the Board further engaged the services of TEC to develop proposed traffic control measures relative to the anticipated Project related traffic impacts on Glezen Lane. I was the engineer assigned by TEC to perform such services relative to the appeal. In that regard, TEC was asked to collect certain baseline traffic data along Glezen Lane and participate in discussions with town staff, the appellants, and the appellant's traffic engineer, TEPP, LLC.

Some of the Glezen Lane traffic control measures TEC recommended are included in settlement agreement relative to the appeal, including limited time-of-day turn restrictions at the intersection of Route 27 / Glezen Lane (to divert potential cut-through motorists) and several speed tables (to calm or slow traffic).

4. I know the terms of the settlement of the appeal related to traffic. When the traffic thresholds which, once reached, require that certain traffic control measures be taken on Glezen Lane were established, no buildings on the Project site were constructed or occupied. Although there was a documented potential for cut-through traffic along Glezen Lane in my opinions expressed during the permitting process, the

actual impacts of the Project could not be better understood until the development was active and new patrons and residents frequented the Project. Town staff and Mr. David Bernstein obtained and summarized the traffic data on Glezen Lane that lead to the documented exceedances of the traffic-related thresholds. TEC will be reviewing this historic data in the upcoming weeks.

5. At present, certificates of occupancy have been issued for approximately 80% of the permitted non-residential building space in the Project. In my opinion, this amount of development of the Project is sufficient to provide much more reliable information about the vehicular traffic generated by the Project and its impact on Glezen Lane. TEC's April 6, 2015 technical memorandum summarizes recently collected traffic data and updated calculations for the full build-out of the project to show 31% to 35% lower trip generation potential during the weekday evening and Saturday midday peak hours, respectively. Furthermore, the actual trip distribution of the Project shows less traffic using the Route 27 access point when compared to the original traffic projections.

6. In my opinion, in order to perform a study of the Project-related traffic impact on Glezen Lane, a 60-day study period is necessary. Additionally, to provide the most

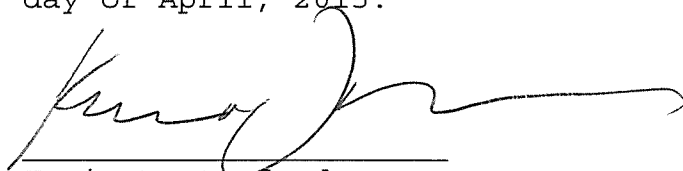
accurate data associated with the Project's purported cut-through trips, it is my opinion that all existing motor vehicle turn restrictions at the intersection of Old Sudbury Road (Route 27) and Glezen Lane must be removed during the 60-day study period in order to perform an accurate study. In my opinion, this time period will be sufficient to allow motorists to redistribute back to Glezen Lane as they seek the most efficient travel patterns. The right turn restriction from Route 27 northbound onto Glezen Lane and the left turn restriction from Glezen Lane westbound onto Route 27 southbound must be removed during this period to more accurately assess the actual potential for trips between Glezen Lane and the Project. With data collection prior to the 60th day following the removal of the turn restrictions, I estimate that TEC could produce a written report of the findings within another 30 days.

7. TEC provided prior guidance to the town staff during the appeal period and subsequent discussions that the implementation of the proposed geometric change to the intersection of Route 27/ Glezen Lane (see Item G.4. on page 8 and Exhibit 4 of the Judgment on Count II of the Plaintiff's Amended Complaint) would result in a need for fire trucks to utilize all travel lanes on Route 27 and Glezen Lane to negotiate a turn from Route 27 northbound to Glezen Lane eastbound. In my opinion, this geometric change will result in increased response time and

potentially unsafe operating conditions for sweeping turns into opposing traffic by the emergency vehicles.

8. I am the engineer at TEC assigned to perform and/or review the design, bid plans and specification preparation, cost estimating and construction supervision services relative to the design and construction of the permanent turn prohibitions and physical restrictions at the Glezen Lane - Route 27 Intersection described in Section I(G)(4) of the judgment in the above-captioned case. Following receipt of authorization from the Town, I estimate that 120 days will be required for TEC to perform field survey, prepare plans and specifications, and perform permitting with the Conservation Commission for these traffic control measures. After a contract for the construction of the work is awarded, I estimate that 60 days, weather permitting, will be required to complete the work.

Subscribed under the penalties of perjury this 6th day of April, 2015.


Kevin R. Dandrade

