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**WESTWOOD FINANCE COMMISSION**

**WARRANT AND RECOMMENDATIONS FOR THE**

**SPECIAL TOWN MEETING**

**JUNE 19, 2007**



*Westwood Town Hall*

**SPECIAL TOWN MEETING**

**JUNE 19, 2007 – 7:30 P.M.**

**HIGH SCHOOL GYMNASIUM**

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Finance Commission

James Connors, Chairman  
Lisa Pisano, Vice Chairman

Peter Cahill  
Andrew Ferren  
John Grady  
George Hertz  
Brian London  
Mary Masi-Phelps

Kevin McManus  
Gerald Mitchell  
Margaret O'Brien  
Michael O'Hara  
Mark Passacantando  
Michael Raftery  
Ann Wood

Sheila Nee, Administrator

**Table of Contents**

	<b>Page</b>
Message from Finance Commission Chairman	i
<b>Warrant Articles</b>	
1      Petition Article – Amend Zoning Bylaw – Building/Structure Height	1
2      Petition Article – Amend Zoning Bylaw – Insert a new section: No Retail Sales and Service Establishment located within MUOD 1, MUOD 2 or MUOD 3 shall exceed 25,000 square feet in area, inclusive of all warehouse, storage and other facilities associated therewith.	2
3      Petition Article – Amend Zoning Bylaw – Alternative Regulations	2
4      Petition Article – Amend Zoning Bylaw – Housing Units	3
5      Petition Article – Maintain restrictive covenants and buffer zone	4
6      Petition Article – Traffic mitigation on Canton Street	5
7      Petition Article – Traffic mitigation on Everett Street and Forbes Road	5
8      Petition Article – Requirement of noise barrier	6
9      Appropriation – Artificial turf fields	7



## Westwood Finance Commission

### A Message to Residents

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#### PETITION ARTICLES

On April 24, 2007 at Westwood's Town election 5,276 citizens went to the polls to cast their votes and make their voices heard. This was over 56% of the registered voters in Westwood. Two incumbents were overwhelmingly re-elected to the Planning Board. This served as a mandate for the Planning Board to continue the thorough, open and comprehensive review process currently underway regarding the Westwood Station Special Permit Application. This process follows years of work to recodify Zoning Bylaws, encourage planned development of grossly underperforming commercial property and, hopefully, lessen the residential tax burden which is currently 26<sup>th</sup> out of 351 MA communities. This was done with help from professional planners and technical consultants. The zoning changes and improvements were phased in over three years and approved by more than a 2/3 majority at regularly scheduled Town Meetings.

The Finance Commission strongly objects to the possibility of two hundred signatories making major changes to years of work in 4 to 6 weeks without the same level of technical review, input and participation that has already taken place. This is a significant reason we ask you to attend this Special Town Meeting on **Tuesday, June 19** and vote indefinite postponement of all of the petitioners' articles (Articles 1-8 on the warrant).

The Finance Commission voted indefinite postponement on Articles 5, 6, and 7 because we were requested to do so by both the petitioners and the Board of Selectmen. Each wanted current negotiations and discussions regarding local neighborhood issues relating to roadway design and traffic mitigation on local streets to continue.

Articles 1, 2 and 3 pose inherent difficulties and unintended consequences that are not obvious at first glance. Article 1 fails to recognize why the current zoning allows five-story buildings instead of the petitioners' proposed ceiling of four stories. Years ago, well-respected environmental and planning consultants specifically advised the Town to increase the height to five stories while reducing the building footprints. By building up rather than out, we increase the amount of pervious (permeable) open space and better protect the aquifers and wells in the University Avenue Business Park. Article 2 arbitrarily limits the size of retail stores, eliminating some of the very tenants we want. This will result in other tenants no longer being interested without the presence of the key, anchor tenants to attract shoppers. As written, Article 3 is difficult to understand, but it appears to contradict the entire zoning scheme adopted by the Town over the past years.

Article 4 is unnecessary because the Planning Board and the Board of Selectmen already have the authority to limit the number of residential units.

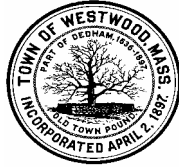
The idea behind Article 8 is understandable. A noise barrier between the abutting neighborhood and the project makes sense. However, by specifying the type and height of such noise barrier, the article precludes any possibility of better solutions.

In summary, the petitioners' articles are unacceptable. In 1992, the Business Development Advisory Board was created to look at ways to grow and improve Westwood's commercial tax base, especially in University Avenue. Fifteen years later we have a chance to do just that. Do we really want to throw away this chance? The Finance Commission strongly urges a vote of indefinite postponement on all eight petition articles.

## **FIELDS**

The FinCom would like to commend the Board of Selectmen for recognizing a problem with our fields and attempting to act quickly to rectify the problem. However, at this time, Westwood simply cannot afford to borrow and repay the funds needed to solve this problem, within the confines of Proposition 2 ½. The FinCom would like to see all options examined in greater detail. We fully understand that Article 9 only seeks authorization to borrow. The FinCom strongly recommends we put off this action until we see if our commercial tax revenue does indeed increase before any authorizations are granted.

Jim Connors, Chairman



## Special Town Meeting Warrant

The Commonwealth of Massachusetts  
Norfolk ss:

To either of the Constables of the Town of Westwood, GREETING:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the inhabitants of said Town of Westwood qualified to vote in elections and town affairs to meet in the Westwood Senior High School, Nahatan Street, in said Westwood, on Tuesday, June 19, 2007 at 7:30 in the evening, there and then to act on the following Articles:

### *Articles 1, 2 and 3*

*The following three articles have been introduced by resident petition for inclusion at the Special Town Meeting. These articles propose to make very substantive changes to Section 9.6 of the Westwood Zoning Bylaw, Mixed Use Overlay District (MUOD).*

*The Mixed Use Overlay District bylaw was developed over the course of several years with input from various boards, commissions and Town staff, with the help of technical and planning consultants. Most importantly, the MUOD bylaw was approved by at least a 2/3 majority of votes by Westwood residents over the course of several Town Meetings. While the Finance Commission recognizes the concerns of the residents in the neighborhood abutting the Westwood Station project, we are very much opposed to the possibility of two hundred signatories making significant changes to years of work in a period of just a few weeks without the same level of input and participation that has already taken place. The Finance Commission also notes that the Westwood Station review process is still underway with the Planning Board where there is ample opportunity for public comment and modifications of plans if deemed necessary.*

### **ARTICLE 1. TO AMEND SECTION 9.6.7.5 OF THE ZONING BY-LAW**

To see if the Town will vote to amend the Westwood Zoning By-Law Section 9.6.7.5 by inserting a new section 9.6.7.5, as provided below, and to take any other action in relation thereto:

9.6.7.5 The maximum building/structure height in any portion of MUOD 1, MUOD 2 or MUOD 3 shall be seventy feet and a maximum of six (6) stories for any hotel use. The maximum building/structure height in any portion of MUOD 1, MUOD 2 or MUOD 3 for any authorized use other than a hotel shall be fifty feet and a maximum of four (4) stories. Unoccupied mechanical features pursuant to Section 9.6.7.6 shall not be included in the calculation of building/structure height.

(John Harding, 148 Forbes Road)

**The Finance Commission, by a vote of 10 in favor and 1 abstention, recommends that the Town vote Indefinite Postponement.**

*The height restriction in the proposed article appears arbitrary and overly restrictive. A key premise of the MUOD is to allow for taller buildings in return for more pervious surfaces, a strong benefit for this environmentally sensitive area. A one-height-fits-all approach (with the exception of a slightly higher height for hotels) also discourages the creativity that is central to the area master planning process. Further, the maximum height of buildings in this petition article is actually less than the height allowed as of right in the underlying Industrial District. The Finance Commission strongly believes that the Planning Board review process is the proper place to determine the building heights for the Westwood Station project.*

**ARTICLE 2. TO AMEND SECTION 9 OF THE ZONING BY-LAW**

To see if the Town will vote to amend Section 9 of the Westwood Zoning By-Law by inserting a new section 9.6.7.8, as provided below, and to take any other action in relation thereto:

9.6.7.8 No Retail Sales and Service Establishment located within MUOD 1, MUOD 2 or MUOD 3 shall exceed 25,000 square feet in area, inclusive of all warehouse, storage and other facilities associated therewith.

(John Harding, 148 Forbes Road)

**The Finance Commission, by a vote of 10 in favor and 1 abstention, recommends that the Town vote Indefinite Postponement.**

*The proposed 25,000 square foot restriction appears arbitrary and overly restrictive. As with the proposed height restriction, the maximum square footage in this article is actually less than allowed in the underlying Industrial District, which imposes no definite size limit but rather requires a special permit for any retail use over 15,000 square feet and allows the special permit granting authority to decide the appropriate size. The Finance Commission strongly believes that as part of their careful review of the project, the Planning Board will determine the appropriate mix and size of retail that will fit with the character of Westwood. As importantly, we are confident that the Planning Board will impose the necessary traffic and other mitigations to protect the interests of the abutting neighborhoods and the entire Town.*

**ARTICLE 3. TO AMEND SECTION 9.6.7 OF THE ZONING BY-LAW**

To see if the Town will vote to amend Section 9 of the Westwood Zoning By-Law by amending section 9.6.7., as provided below, and to take any other action in relation thereto:

Alternative Regulations. The following alternative regulations may be used for a project in the MUOD rather than the regulations applicable to the underlying district as provided in Section 5.2, Table of Dimensional Requirements, Section 5.4, Height Regulations, Section 5.5.4, Corner Clearance, Section 5.5.5 Uses Within Setbacks, Section 6.3.2, Buffer Areas in Nonresidential Districts and Section 6.5, Floor Area Ratio Limitation. However, in the event that the regulations set forth below are more restrictive

than the regulations contained in Sections 5.2, 5.4, 5.5.4, 5.5.5, 6.3.2 and 6.5, then the regulations set forth below shall be mandatory.

(John Harding, 148 Forbes Road)

**The Finance Commission, by a vote of 9 in favor and 2 abstentions, recommends that the Town vote Indefinite Postponement.**

*As previously mentioned, the Finance Commission does not support material changes to bylaws which have been publicly discussed and approved by Westwood voters over the course of several Town Meetings spanning multiple years without sufficient time for all of the Town's residents and duly elected and appointed boards and commissions to debate the merits of these proposals. This petition article is particularly confusing. In most cases, the alternative regulations are less restrictive than the underlying zoning. It is not clear which alternative regulations would be considered more restrictive. If articles 1 and 2 are approved, however, the height restriction and the square footage restriction on retail use would be more restrictive than the underlying zoning. This is the opposite of what the Town sought to achieve by adopting the MUOD.*

*As with the other proposed articles, the import of this proposed article will be to limit the discretion of the Planning Board. For instance, the article would seem to require that the vegetated buffer between the project and abutting residential lots be no greater than 20 feet wide whereas, under the existing zoning, the Planning Board would have the discretion to impose a wider buffer area in response to specific project design.*

**ARTICLE 4. TO AMEND SECTION 9.6.8.1 OF THE ZONING BY-LAW**

To see if the Town will vote to amend the Westwood Zoning By-Law Section 9.6.8.1 by inserting after the words "A minimum of two hundred (200) housing units" the words "and a maximum of five hundred (500) units," and to take any other action in relation thereto.

(John Harding, 148 Forbes Road)

**The Finance Commission, by unanimous vote of those present, recommends that the Town vote Indefinite Postponement.**

*The purpose of this article is to limit the number of residential units to be constructed at Westwood Station. The article would achieve this limit by adding a new 500-unit limit on top of the existing controls, which include a floor-to-area ratio ceiling and a limit on the area within the project site that can be used for residential housing. The Planning Board presently has discretion to limit the number of residential units however it sees fit. The proposed article would also restrict the ability of the Board of Selectmen to control the number of housing units and require mitigation for school and other impacts through the development agreement that the Westwood Station developer must execute.*

*The Finance Commission is sympathetic to the petitioner's stated concerns about the impacts on schools and town services that could result from the residential component of any development in the MUOD. At the same time, the Finance Commission feels that residential units are likely to be a key component of a successful mixed-use development that also includes retail and office components. Moreover, there are*

*many factors that may determine the appropriate number of residential units for the project, including the design and size of the units, the number of bedrooms per unit, the sector of the housing market for which the units are designed and marketed (e.g., 55 and older housing, senior housing, young professionals without children, and families), and the sales price of the units. These factors all have different repercussions for Westwood's quality of life, its school system, and its tax basis, all of which should be taken into consideration when determining how much housing should be provided. The breadth of these considerations favors retaining some flexibility. In contrast, the proposed article would impose an arbitrary limit that appears not to be based on any studies as to impacts or other carefully considered information.*

*For these reasons, the Finance Commission favors the existing zoning, which provides the necessary flexibility to design a good mixed-use development that serves the Town's interests without ceding the Town's ability to control the number of housing units built within the project. Accordingly, the Finance Commission recommends that the Town vote Indefinite Postponement.*

**ARTICLE 5. TO MAINTAIN RESTRICTIVE COVENANTS AND BUFFER ZONE**

To see if the Town will vote to direct the Board of Selectmen not to amend the gift of the restrictive covenants encumbering 213 Whitewood Road, such gift having been previously authorized and approved by Town Meeting on May 1, 2006, in order to make the Agreement between the Westwood Station developer and the abutting neighborhood legally binding, and including such restrictions as an extension of the Town's existing 150' wide buffer zone and certain other development restrictions to protect the integrity of the abutting neighborhood, without the express written assent of the abutting neighborhood as represented by the Whitewood Acres Neighborhood Association, Inc., and to take any other action in relation thereto.

(John Harding, 148 Forbes Road)

**The Finance Commission, by a vote of 10 in favor and 1 abstention, recommends that the Town vote Indefinite Postponement.**

*The petitioners sought to insure that the Selectmen were not able to amend the gift of the restrictive covenants encumbering 213 Whitewood Road unless the Whitewood Acres Neighborhood Association agrees to any proposed changes affecting this parcel of land. This gift was previously authorized and approved by Town Meeting on May 1, 2006.*

*Since our Annual Town Meeting on May 1, 2006, changes have been made to the Westwood Station Plan and the developer has had to accommodate a requirement imposed by the Massachusetts Highway Department. The Whitewood Acres Neighborhood Association is concerned with any changes that may impact the current covenants applied to 213 Whitewood Road.*

*The Board of Selectman has withdrawn articles pertaining to 213 Whitewood Road, and the neighborhood and developer in conjunction with the Board of Selectmen are working together to find a mutually acceptable solution to the Massachusetts Highway changes.*

*Due to the above events, Article 5 is no longer necessary and the Finance Commission has voted in favor of Indefinite Postponement, as requested by both the petitioners and Board of Selectmen.*



**ARTICLE 6** TRAFFIC MITIGATION ON CANTON STREET

To see if the Town will vote to take any actions necessary, including by acquiring, conveyance, gift, eminent domain or otherwise, any necessary interests in land and to seek all necessary approvals from any governmental boards, agencies or instrumentalities to either:

1. Install a Canton Street cul-de-sac and to install traffic calming on the surrounding streets. This action is more fully described as “Concept A” in the Vanasse Hangen Brustlin, Inc. (“VSB”) Report dated September 22, 2006, on file at the Westwood Town Hall.

or

2. Implementing a one-way restriction immediately south of Oceana Way that will restrict cars entering north of Oceana Way and to install traffic calming on the surrounding streets. This action is more fully described as “Concept C” in the VSB Report dated September 22, 2006, on file at the Westwood Town Hall, and to take any other action in relation thereto.

All such actions shall be taken prior to the issuance of a Building Permit by the Town to construct any portion of the Westwood Station Project.

(John Harding, 148 Forbes Road)

**The Finance Commission, by a vote of 10 in favor and 1 abstention, recommends that the Town vote Indefinite Postponement.**

***Articles 6 and 7***

*The analysis of the impact that Westwood Station could have on the traffic experienced by residents of Westwood and the surrounding area, and the search for workable solutions, has been the topic of ongoing discussions since the inception of the project. Town officials, including the Board of Selectmen and the Planning Board, have articulated that the need to address traffic concerns is one of the major concerns facing the Town. The Board of Selectmen recently created a traffic commission composed of Town officials and residents directly impacted by the traffic related to Westwood Station. The petitioner of Articles 6 and 7, along with a host of other residents from Canton Street, Everett Street, Forbes Road and other nearby roads, will be part of that traffic commission. The Planning Board’s Westwood Station review process is also addressing these issues. The Finance Commission would like to afford this traffic commission, the Board of Selectmen, and the Planning Board more opportunity to develop a resolution to these issues, rather than attempt to pursue a resolution through Articles 6 and 7. Given the commitment of the Town officials to continue to address these issues with the highest priority, the petitioner did not object to the indefinite postponement of these articles.*

**ARTICLE 7** TRAFFIC MITIGATION ON EVERETT STREET AND FORBES ROAD

To see if the Town will vote to take any actions necessary to design and implement traffic calming and traffic mitigation measures on Forbes Road, Everett Street and surrounding streets, such measures to be designed and agreed upon by the Board of Selectmen and interested residents of the Forbes Road and Everett Street area, including consultation with the Town’s traffic consultant and any other professionals, boards or committees, and to take any other action in relation thereto. All such actions shall be taken

prior to the issuance of a Building Permit by the Town to construct any portion of the Westwood Station project and with the Developer of Westwood Station to pay all costs associated with the design and implementation of such traffic calming and/or traffic mitigation measures.

(John Harding, 148 Forbes Road)

**The Finance Commission, by a vote of 10 in favor and 1 abstention, recommends that the Town vote Indefinite Postponement.**

**ARTICLE 8. REQUIREMENT OF NOISE BARRIER**

To see if the Town will vote to take any actions necessary to enter into an agreement with the Developer of Westwood Station (“Developer”) to commit to construct, prior to commencing the construction of any Phase of the Westwood Station Project (“WS”), an 8 foot high Noise/Safety Barrier (“NS Barrier”), and to take any other action in relation thereto. Such NS Barrier is to mitigate the noise effects upon the adjacent WS Neighborhood (“Neighborhood”) of the ongoing construction of WS and the noise associated with the activity (traffic, pedestrians, business operations, etc.). Such NS Barrier to also alleviate the crime impact generated by WS so as to mitigate pedestrian traffic from WS into the Neighborhood. Said NS Barrier to be constructed of natural wooden material, sturdy enough to withstand any winds or other environmental impacts, situated on a berm (natural or otherwise) at the edge of the wooded Town Buffer Zone and start at the intersection of Whitewood Road and Blue Hill Drive (as redesigned) and continue until it ends at or near the properties abutting Partridge Drive on the east side of the wooded Town Buffer Zone adjacent to said properties of any other abutters along said NS Barrier. Such NS Barrier to be maintained at Developer’s or its successor’s expense and at no expense to the Town. Such actions to be agreed upon in a Memorandum of Understanding or other Contractual Agreement between the Town and the Developer of Westwood Station prior to the issuance of a Building Permit by the Town for the construction of any Phase of the Westwood Station project.

(John Harding, 148 Forbes Road)

**The Finance Commission, by a vote of 8 in favor and 3 abstentions, recommends that the Town vote Indefinite Postponement.**

*In general, the Finance Commission applauds the neighborhood groups for their willingness and ability to organize their thoughts professionally and to actively participate in dialogs conducted by the various town boards and commissions regarding Westwood Station. The FinCom is highly supportive of the Westwood Station project as presented because it provides significant economic benefits to the Town while allowing for master planning that demands architectural and infrastructure consistency and critical environmental protections. We believe, however, that the economic, environmental and aesthetic benefits of the Westwood Station project must necessarily be evaluated in the context of the complex traffic, environmental and other concerns rightly raised by Westwood residents. In our view, these complex and often highly technical elements of the project are best studied by our democratically elected Planning Board officials over time, in great detail and with the assistance of technical experts – and not hastily voted on at a Special Town Meeting before all necessary details have been revealed, studied and reviewed.*

*In this context, the Finance Commission finds the proposed article to be premature and unnecessarily limiting. Specifically, the proposed article calls for a noise and safety barrier to be “eight foot high” and*

*to “constructed of natural wooden material.” The Planning Board, in consultation with the neighborhood groups and the developer, may conclude, for instance, that other types of materials may be more durable, rot-resistant, graffiti resistant, aesthetically pleasing, be easier to repair and replace, absorb sound better, etc. or that eight feet is not the most effective height for a safety barrier. As such, we believe the issue should be studied carefully by the Planning Board and the best solution for the Town determined in that venue.*

*The Finance Commission notes, however, that the neighborhood groups feel strongly that a noise and safety barrier is necessary to preserve and protect the quality of their neighborhoods, and we agree. We understand that the Planning Board intends to work closely with the neighborhood groups and the developer to ensure that the abutting neighborhoods are appropriately protected from the increased noise, automotive and pedestrian traffic resulting from Westwood Station. In this regard, we urge the Planning Board to consider all available noise mitigation and pedestrian deterring equipment available, and to work with the neighborhood groups and the developer towards a mutually acceptable solution.*

## **ARTICLE 9**

To see if the Town will vote to raise and appropriate and/or authorize the Board of Selectmen to borrow and/or accept any gifts and/or grants to construct, at the Board of Selectmen’s discretion, artificial turf fields or reconstruct the existing fields at Westwood High School or take any other action related thereto.

(Board of Selectmen)

**The Finance Commission, by a vote of 10 in favor and 1 opposed, recommends that the Town vote Indefinite Postponement.**

*This article is being brought before Special Town Meeting by the Board of Selectmen because three grass fields built by the contractor completing the High School project – the softball and baseball fields, and the multi-purpose practice/lacrosse/soccer field – were not constructed to the standards established in the contract. As a result, these fields are unusable in their present condition. Negotiations are underway with the bonding company and contractor to remedy the situation, but it is not clear whether the bonding company and contractor will agree to rework the fields in a manner satisfactory to the Town. Although the Town could bring the fields to a playable state with grass surfaces, this article would authorize the Board of Selectmen to borrow funds to install highly functional, but more costly artificial surfaces similar to the turf surface at Flahive Field.*

*It has been stated by the Board of Selectmen that the Town would borrow an amount not to exceed \$2.8 million, within the limits of Proposition 2 ½, for the construction of turf fields. The Finance Commission is concerned that funding a multi-million dollar project within the limits of Proposition 2 ½ would place severe pressure on the overall municipal and school budgets. In the FY08 budget, operating shortfalls were met using free cash, and the Finance Commission anticipates that there will be continued shortfalls until potential new sources of revenue become available to the Town. The winter of 2006-2007 was relatively mild; however, if we were to have a winter with more severe weather, it is likely that snow and ice expenses would preclude the use of free cash to fill operational shortfalls, necessitating cuts to municipal and school services.*

*The Finance Commission understands that the fields are unplayable in their current condition, and we fully support the need to ensure safe, functional fields for High School and Town recreational sports teams. Based on the data presented, however, it is not clear that the increased cost for three turf fields versus grass fields is justifiable at this time. Even assuming the Town receives a \$1 million gift from Cabot, Cabot and Forbes to fund a portion of the cost of the new fields, and assuming savings from avoided costs of irrigating and maintaining artificial turf fields, the artificial turf fields cost \$117,000 more than grass fields per year for ten years. The artificial fields could begin to save the Town money once the bond is paid off for about two to five years, at which time the artificial turf fields would require restoration making the overall financial benefits of artificial turf fields difficult to quantify without additional data. Although artificial surface fields can be used more than grass fields, allowing remaining grass fields in Town to be rested periodically to enable the grass to recover from heavy use, these benefits are also difficult to quantify and merit further study.*

*The Finance Commission also notes that at the 2006 Annual Town Meeting, the Town voted to appropriate \$1.95 million to complete the High School project, inclusive of all athletic fields. Any discussion regarding the action of converting the three fields into artificial turf surfaces from the contracted plan of grass surfaces is outside the scope of the High School project as originally envisioned and approved by the Town. Also, approximately \$280,000 of the \$1.95 million was allocated for the completion of an irrigation system that has not been done. The article is unclear as to whether that money is available to be applied to the cost of the artificial fields. It is also unclear if a portion of the new field maintenance position approved at the May 2007 Town Meeting could be eliminated also reducing the cost of the new fields. We are also concerned that the article as specifically worded does not place any limit on the amount to be borrowed.*

*We believe that this issue deserves further discussion among residents to determine the best option given the current budgetary pressures faced by the Town. As an alternative to installing artificial turf at this time, the Town could repair the existing grass fields at a much lower cost, to bring them to a playable state until additional revenues are available from Westwood Station or other commercial development, at which time turf fields could more easily be afforded. Another alternative to artificial turf on all three fields would be to rebuild the multi-purpose grass field using artificial turf, and repair the softball and baseball fields so that those sports continue to be played on grass. Most importantly, the Finance Commission recommends that each of the three field's condition and function be discussed and prioritized alongside other capital projects as part of the Town's Five-Year Capital Improvement Plan.*

*The Finance Commission recommends indefinite postponement on this article until the cost/benefit of artificial fields, alternative options, budgetary issues and the settlement with the contractor are more fully explored.*