

**Westwood Planning Board
Meeting Minutes
August 7, 2012
7:30 PM**

Attendance & Call to Order:

The meeting was called to order at 7:37 p.m. by Ch. Jack Wiggin.

Present: Planning Board members Jack Wiggin, Steve Olanoff, Steve Rafsky, Bruce Montgomery, Chris Pfaff; Town Planner Nora Loughnane. Planning & Land Use Specialist Janice Barba recorded the minutes.

Discussion: Proposed Letter of Agreement – University Station

Ch. Wiggin opened the meeting and announced a change in tonight's agenda regarding the University Station discussion. He explained that the Proposed Letter of Agreement between the developer and the Town will be discussed tonight as opposed to the review of the Conceptual Plans which will likely be discussed at the board's next meeting on Tuesday, August 28th.

Tonight's discussion will focus on further refinement of content the draft Letter of Agreement between the developer and the Town of Westwood. Ch. Wiggin explained that this draft has been reviewed and commented on by the development team, Planning Board, Board of Selectmen, town staff and Special Counsel Dan Bailey.

Mr. Bailey informed the board that the content of the letter of agreement is nearly ready in terms of subject matter and substantive business terms for the establishment of a reimbursement account for expenses associated with fees, costs and disbursements by peer review consultants for the master plan and zoning amendment review for University Station. Mr. Bailey said the Board of Selectmen has provided de minimis yet valuable comments on this document. In addition, he stated at the request of a Planning Board member, has added an outline of process and procedures for review of the Westwood Marketplace project called "Exhibit A".

Board Comments & Requested Edits:

- Page 1 – paragraph 3: "*Westwood Marketplace may also require certain other actions at town meeting...*" edit requested: WESTWOOD MARKETPLACE MAY ALSO REQUEST THAT CERTAIN OTHER ARTICLES BE AVAILABLE FOR TOWN MEETING CONSIDERATION...
- Page 1 – paragraph 3: "*The Planning Board, the Board of Selectmen and other town boards...*" edit requested: Add AND COMMISSIONS....
- Page 2 - #1: "*...Westwood Marketplace and shall seek...*" edit requested: ...AND SHALL CONSIDER...
- Page 3 – (c): "*...not due to the fault of the Planning Board...*" edit requested: Add ,BOARD OF SELECTMEN....
- Avoid using any language implying the planning board's agreement should be added to this agreement. Mr. Bailey said he would add language to this effect.
- Page 6 – (Exhibit A): There is no mention of in this section about exactly what the project may contain, no reference to any bylaws or performance standards. *Ms. Loughnane said that the zoning bylaw amendment that is created in conjunction with the plans will set the performance standards and guiding principles for this project.*
- Page 6 – Add language "generally consistent with the master plan" and the "use of sustainability principles" is an element that the board hopes will be adopted as part of this project.
- Page 6 – If any additional consultant(s) is needed later in the process, does the Planning Board have total discretion to hire that consultant? (*Mr. Bailey said the Planning Board has "sole discretion" to do so and this is considered reasonable.*)
- Page 9 – (Exhibit B), #2: Special Town Engineer monthly expenses: what is the status of this? *Mr. Bailey commented that it is likely that the expense associated with the special town engineer's fees will be negotiated rather than providing direct payment to a town employee. Discussion continues on this section.*

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- Timeline – A board member had questions about payment for consultants after the completion of Town Meeting. *Mr. Bailey said that the terms of this agreement require payments to be made within thirty days but he would make sure there would be a provision for peer review consultants in the new bylaw with a 53G process.*

Dan Bailey's comments:

- Mr. Bailey thanked Ms. Loughnane and the board for the feedback and comments on the Letter of Agreement and suggested that if there any further edits he should send these to him via email.

Public Comments:

None.

Motion:

None needed.

This concluded the discussion on the University Station Development Proposal. This discussion will continue at the next meeting of the Planning Board on August 28, 2012 at 7:30 p.m. in the Champagne Meeting Room.

Consideration of Request for One-year Extension of Shared Driveway Special Permits and Scenic Road Approval for 303 Grove Street – Lots 122, 123 & 124

Ch. Wiggin asked Ms. Loughnane to give the board a brief summary on this request.

Ms. Loughnane explained that the Shared Driveway Special Permits and Scenic Road Approval for lots at 303 Grove Street expired on July 16, 2010 and were automatically extended through July 16, 2012 by the Permit Extension Act. In May 2012 these lots were sold and the new property owner filed a request for a one-year extension of these approvals just prior to their expiration. She said what makes this request for extension a little less straight-forward is that there is a new extension of the Permit Extension Act that is currently awaiting the Governor's signature that would extend the former 2-year extension to a 4-year extension. That would mean that the 303 Grove Street approvals would be valid through July 6, 2017 (one year requested plus the four years). Ms. Loughnane added that if the board chooses to grant the one year extension and the bill does not become law, then the approvals will expire July 16, 2013.

Board Questions & Comments:

- Mr. Olanoff informed the other board members that he is a member of the Westwood Land Trust, who fundraised to preserve one of these lots and therefore he will recuse himself from voting on this matter.
- There was a general discussion amongst the board about whether there are any concerns about extending these permits one year or four years if the extension of the Permit Extension Act bill passes.

Chris Gallagher was present and informed the board that he recently met with the property owner and NStar regarding gas main installation and said that he said the property owner expressed an interest in expediting this process and therefore expects that the driveway will be completed upon the gas main installation.

Public Comments:

None.

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Motion:

Upon a motion by Mr. Rafsky and seconded by Mr. Montgomery, the board unanimously four in favor to approve a one year extension of the Shared Driveway Special Permit and one year extension of the Scenic Roads Approval for Lots 122, 123 & 124 at 303 Grove Street. (Mr. Olanoff abstained.)

DRAFT Request for Qualifications – Peer Review Consultant Services – University Station Comprehensive Development Proposal

Ms. Loughnane asked board members to review this draft so as to finalize it so that it can be mailed to consulting firms. She gave a brief summary of the RFQ: 1. Introduction; 2. Description of Work; 3. Submittal Procedure; 4. Project Schedule; 5. Qualifications, Skills & Expertise; 6. Terms; 7. Proposal Requirements; and 8. Proposal Review.

Board Questions & Comments:

- Will this RFQ be published and or advertised? *Ms. Loughnane said that it is not required to be published nor advertised, per Dan Bailey.*
- What engineering firms will this be sent to? *Ms. Loughnane said that it will be sent to every major engineering firm with multidiscipline teams to a specific contact person. She received a list from Dan Bailey plus has a few other firms on the list.*
- Requested that a comment about "submittal imminent" should be added.
- Suggestions to add the following language to number 1. *Introduction:* Due to the nature of the proposed Planning Board review procedure, which is expected to involve a recommendation to Town Meeting in late February 2013, time is of the essence, both in the selection of a Consultant Team, and in the performance of the selected team's responsibilities.
- Suggestion to add the following language to number 4. *Project Schedule:* ...Consultant Team within two (2) weeks of CHANGE TO: *as soon as possible following...* ALSO: ...and solicit a Contract Proposal CHANGE TO: *and solicit the timely return of a Contract Proposal.*
- Suggestion to add the following to number 5. *A. Urban Design Review: Energy Efficiency*
- Suggestion to delete: number 8. *F. Other: Selection of the Consultant Team may require oral presentations to the Board. The Board may choose to forgo oral presentations if a preferred candidate emerges based solely on the responses to this solicitation. The Board may pre-qualify more than one Consultant Team through this process.*
- Ms. Loughnane added the following text:

Based on the review of qualifications the Board may select applicants for an interview. During the interviews, the Board will also consider the consultant understands of the project scope and objectives:

a) *Highly advantageous.* *The proposal demonstrates a thorough understanding of the project scope and objectives.*

b) *Advantageous.* *The proposal demonstrates some understanding of the project scope and objectives.*

c) *Disadvantageous.* *The proposal does not demonstrate a thorough understanding of the project scope and objectives.*

Based on the interviews and the analysis of comparative criteria (experience with comparable projects and understanding of the project scope and objectives), the Board will then authorize the awarding of the contract. The Board reserves the right to recommend that no consultant be selected based on its evaluation that the consultants do not qualify or are otherwise non-responsive to this RFQ.

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The Town will not reimburse Consultants for any costs involved in the preparation and submission of responses to this RFQ or in the preparation for and attendance at subsequent interviews. The Town reserves the right to request any Consultant to supply any additional material deemed necessary to assist in the evaluation of the Consultant, and to modify or alter any or all of the requirements herein. In the event of a material modification, Consultants will be given an opportunity to modify their submission in the specific areas that are affected by the modification.

General Terms and Conditions

Rights to Pertinent Materials

All proposals, responses, inquiries, and correspondence relating to the RFQ and all reports, charts, displays, schedules, exhibits, and other documentation produced by the Consultant that are submitted as part of the proposal shall become the property of the Town. Should the Consultant submit proprietary information in their proposal, the Consultant should clearly mark these sections.

Right of Town to Reject Proposals

The Town retains the right to reject any or all proposals, or any part of proposals, to waive minor defects or technicalities or to solicit new proposals on the same project or a modified project which may include portions of the originally proposed project as the Town may deem necessary in its interest.

Performance

The Town reserves the right to provide Consultant, at any point in the process, with a 30-day notice to perform as contracted or terminate the contract.

REVENUE ENFORCEMENT AND PROTECTION STATEMENT

Public Comments:

None.

Motion:

None needed.

Other New Business – University Station

Ch. Wiggin informed board members that a meeting has been scheduled for this Thursday with developers, town staff, one member of the Board of Selectmen, Steve Rafsky and he will discuss the residential component of University Station. He asked board members if they would like to provide comments tonight to be shared at the staff meeting.

Comments:

- Concern expressed about the proposed number of rental units and the impacts on the public school system and the public safety departments.
- Questions about who is the target market for the residential units and the number of bedrooms proposed for each unit.
- What is the true fiscal impact on the town's tax base?
- What is the true footprint of the housing units and the impact on the amount of office space that is proposed?
- Stressed importance of an affordability component.
- Questions about the senior living component and State guidelines associated with these units.

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Continuation of Public Hearing for Consideration of Revisions to Planning Board Rules and Regulations – Comments on Subdivision Rules and Regulations, EIDR Rules and Regulations, and Special Permit Rules and Regulations

Ms. Loughnane asked board members if they had any additional comments on the draft Special Permit Rules and Regulations since the last meeting.

Mr. Paradis of Beta Group informed that work continues on amending the Subdivision Rules and Regulations and expects that he, Chris Gallagher and Ms. Loughnane will get together in a meeting to discuss the progress.

Ch. Wiggin asked if Low Impact Design (LID) concepts will be incorporated into the Subdivision Rules and Regulations. Mr. Paradis said these LID techniques are still evolving and are more constraining and depend on a number of variables in each subdivision.

Ms. Loughnane said she would get back to the Board when the draft Subdivision Rules and Regulations document is ready to be further discussed. In addition she reminded the board that all other Special Permit Rules and Regulations have been combined with the exception of MUOD as it is expected that the MUOD section will be eliminated. At this time Ms. Loughnane said she is still working on the OSRD section as well as separate EIDR and Scenic Road Regulations.

Board Questions & Comments:

- Suggestion was made to further reduce number of paper copies required for submission and large plan set sizes to three and add a sentence saying "and additional sets as requested".

Public Comments:

None.

Motion:

Upon a motion by Mr. Montgomery and seconded by Mr. Olanoff, the board voted unanimously in favor to continue this public hearing on revisions to the Planning Board Rules and Regulations until Tuesday, September 11th at 8:00 p.m. in the Champagne Meeting Room.

Consideration of Planning Board Meeting Minutes

Draft minutes for June 19, July 10 and July 24 of the Planning Board meetings will be discussed at the next meeting.

Westwood Patch Meeting – University Station News Coverage

Ch. Wiggin informed the board that he and Ms. Loughnane will be meeting with the editor of the Westwood Patch to discuss news coverage of any information related to University Station through creation of a regular feature on its site.

Ms. Loughnane informed the board that the town's website now has a "button" on the front page for University Station related news.

A board member suggested establishing a "listserve" for residents to receive notification about meetings related to University Station. Ms. Loughnane said she will discuss this idea with the town's information technology manager.

Upcoming Meeting Dates:

Tues., Aug. 28th at 7:30 p.m.

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Tues., Sept. 11th at 7:30 p.m.

All meetings will be held in the Champagne Meeting Room at 50 Carby Street, unless otherwise noted.

Adjournment

Upon a motion by Mr. Rafsky and seconded by Mr. Montgomery the board voted unanimously in favor to adjourn the meeting at approximately 9:25 p.m.

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List of Documents, Materials and Exhibits

Letter to N. Loughnane from Greif & Litwalk, P.C., and dated 7/9/12 re: One Year Extension of Shared Driveway Special Permit and Scenic Road Approval for 303 Grove Street, Lots 122, 123 & 124.