

Town of Westwood Planning Board
Executive Session
January 27, 2009
8:30 PM

Board Members Present: Chairman Robert Malster, Steve Olanoff, Bruce Montgomery, Henry Gale and Robert Moore.

Staff Members Present: Nora Loughnane, Town Planner; John Bertorelli, Town Engineer; and Thomas McCusker, Jr., Town Counsel. Minutes were recorded by Janice Barba, Land Use Assistant.

At approximately 8:30 p.m., upon a motion by Mr. Olanoff and seconded by Mr. Montgomery the meeting adjourned to Executive Session to discuss a matter currently involved in litigation. A roll call vote was taken with five affirmative votes: Ch. Malster – “Aye”, Mr. Montgomery – “Aye”, Mr. Moore – “Aye” and Mr. Gale – “Aye”.

Presidential Estates

Mr. McCusker presented an update on the appeal of the Planning Board’s May 1999 decision to approve the Presidential Heights Definitive Subdivision. He told the Board that its decision was found to be lacking in specificity for retaining walls and drainage calculations, and was vacated by the Land Court upon appeal.

Mr. McCusker explained that, in March 2007, Mr. Gobbi submitted an application to the Planning Board for a new hearing on the proposed definitive subdivision, and Town Planner Diane Beecham informed Mr. Gobbi that the application was incomplete. Mr. McCusker further explained that, in July 2007, Mr. Gobbi requested a certificate of constructive approval from the Town Clerk but was denied. He said that Mr. Gobbi then filed a suit to compel the Town Clerk to issue the certificate of constructive approval.

Mr. McCusker said that he was currently in the process of trying to settle that law suit out of court. He suggested that the board convene an 81W public hearing in order to either rescind or amend the alleged constructive approval. Mr. McCusker further suggested that the board work with the town engineer to develop a new plan for retaining walls and drainage calculations should the board decide to amend this approval.

Mr. McCusker said that he would be in touch with the applicant’s attorney and would get back to the Planning Board when he had additional information.

Upon a motion by Mr. Moore and seconded by Mr. Montgomery, with five members voting in favor, none opposed, the Executive Session adjourned at 8:40 p.m.