

**Westwood Planning Board
Executive Session
Meeting Minutes
February 12, 2013
Downey School Cafeteria**

Attendance & Call to Order:

Ch. Wiggin called the Executive Session to order at 9:26 p.m.

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

401 Sandy Valley Road – Discussion Related to Ongoing Litigation

Town Counsel Tom McCusker was present and provided board members with a brief update on the status of the current litigation involving the Planning Board's Limited EIDR decision for 401 Sandy Valley Road.

- Land Court has found that the conditions of the Decision are unreasonable.
- Applicant's attorney and Town Counsel will attend pre-trial conference to discuss a possible settlement.
- Sprinkler installation remains to be cost prohibitive and applicant's attorney intends on sending Westwood Fire Chief William Scoble a proposal on this condition.
- Town Counsel informed that the Land Court should decide whether this condition is reasonable or unreasonable.

Board Questions & Comments:

- A board member asked if the condition to require sprinklers could be removed from all areas except the apartment. (Mr. McCusker suggested that the Planning Board should allow the process to go forward and wait to see the outcome.)

Motion/Action Taken:

Upon a motion by Mr. Olanoff and seconded by Mr. Rafsky, the board voted unanimously in favor to accept the opinion of town counsel to let the land court trial proceed without taking any action prior to that.

Adjournment

Upon a motion by Mr. Rafsky and seconded by Mr. Olanoff, the board voted unanimously in favor to adjourn this session at approximately 9:40 p.m.

A roll call vote was taken: Ch. Wiggin - yes, Mr. Rafsky - yes, Mr. Olanoff – yes, and Mr. Pfaff - yes.