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TOWN OF WESTWOOD, MASSACHUSETTS

PHASE 1A-EIDR, PHASE)
1B-EIDR and AMENDMENT # 1)
to MASTER PLAN SPECIAL)
PERMIT.)

BEFORE PLANNING BOARD MEMBERS:

Bruce Montgomery
Steven Olanoff
Robert C. Malster
Robert Moore, Junior
Henry Gale

ALSO PRESENT:

Nora Loughnane, Town Planner

APPEARANCES:

ROPES & GRAY, LLP
(by Peter Alpert, Esq.)
One International Place, Boston, MA
02110, for the Planning Board.

WILMER, CUTLER, PICKERING, HALE & DORR
(by Susan Kincaid, Esq.)
60 State Street, Boston, MA 02109,
for the Applicant.

Held at:
Municipal Office Building
50 Carby Street
Westwood, Massachusetts.
Monday, June 23, 2008.
8:10 p.m.

(Myriam A. Maracas, Court Reporter)

1 those as I go through these seven different
2 items. And I'll preface a little bit by saying
3 that the reason we're here with these amendments
4 is really twofold. One is simply design
5 evolution, meaning that we have been working on
6 the central area and the south area extensively
7 over the last few months. As you will hear, the
8 site as become larger. There is some new real
9 estate to talk about. And that's a large part
10 of it. But the second part of it is the leasing
11 has become real.

12 When we filed and when you approved
13 that Master Plan special permit, there were a
14 number of candidates for different of these
15 sites, and now we have real tenants, and so
16 we've just pushed the ball further down the
17 field and all of this has become much more real.

18 There are the seven issues, 1 through
19 7, are the seven items that I will go through
20 and the project area and Westwood Station
21 Boulevard are really wrapped integrally
22 together. And so I will address those together.
23 The project area gets simply the fact that we
24 have expanded the site. We've added two

PROCEEDINGS

1
2
3 MR. MALSTER: All right. Are you guys
4 ready to go?

5 MR. BERGER: Okay. Rob, the Planning
6 Board, we are going to this evening talk about
7 the Master Plan Special Permit amendment and
8 Amendment No. 1 that was filed on March 14th,
9 2008. Dave Manfredi will walk you through the
10 amendments. There are seven amendments and
11 there is an eighth item, which is the
12 consolidated special permit. Those permits need
13 to be amended as well.

14 I'll just run through them very
15 quickly, and we also would like to discuss
16 matters related to NStar, the NStar parcel that
17 we acquired and release of conveyance that Susan
18 Kincaid will discuss with you. So that's the
19 agenda for this evening. And we'll get started
20 right away with David Manfredi's presentation.

21 MR. MANFREDI: Good evening. On the
22 two boards, on the right, is the approved Master
23 Plan Special Permit; and on the left is the
24 amendment, and I'll go back and forth between

1 additional parcels, Parcel 690 and the NStar
2 parcel, and we did that in response to
3 conditions regarding the configuration of
4 Westwood Station Boulevard. So that's why those
5 two items are wrapped together. You can go
6 forward. So the project area, there was a
7 condition in the Master Plan Special Permit,
8 Conditions 3A and 6C, that this Board requested
9 the straightening of Westwood Station Boulevard.

10 And if you simply look at the approved
11 Master Plan, you will remember what we used to
12 call the bottleneck here. We were kind of
13 threading the needle through that tight test,
14 parts of the site, and there was a request that
15 we would straighten the Westwood Station
16 Boulevard. This required the purchase of Parcel
17 690 and the purchase of the NStar parcels and
18 I'll take them one by one. Maybe we can turn
19 the lights down a little bit.

20 The first is Parcel 690. That's three
21 acres and we're showing it -- obviously, this is
22 the approved plan with the curb, the alignment
23 of Westwood Station Boulevard. Parcel 690, as
24 you will see, allows us to make the first step

1 in straightening out Westwood Station Boulevard.
 2 And you might say that this is the key step in
 3 making that transition, but we still got this
 4 kind of double curve alignment. And like all
 5 things, at this point in the project, it's hard
 6 to sort out exactly which came first and which
 7 required which, because we're trying -- we're
 8 really trying to accomplish two things. We're
 9 trying to accommodate the straighter
 10 configuration, the better traffic configuration.
 11 But we also know, on the other side of our
 12 brain, that we're trying to solve some issues in
 13 the site plan here.

14 So the second parcel is the NStar
 15 parcel. That's about 2 1/2 acres. Put those
 16 two together and it allows us to create a
 17 configuration basically that we very broadly
 18 have shown in this big red line, and so now we
 19 have the configuration of Westwood Station
 20 Boulevard that I think this Board requested and
 21 desired in the first place. It has obviously a
 22 secondary effect, the first being that
 23 configuration, the secondary effect being that
 24 we have a much more regular parcel at the south

1 end of the site. We have, we think, a much
 2 better configuration intersection of Harvard and
 3 Westwood Station Boulevard. We have a better
 4 configured parking structure. I'm going to call
 5 this a better completion of the grid. We talked
 6 about grid a lot. You'll see several other
 7 slides that talk about what this allows us to
 8 do, but the reconfiguration of that
 9 intersection, the possibility that in future
 10 development, we can make a four-way alignment
 11 here and simply, the regularization of this
 12 parcel meets to a number of good things, but
 13 what we're really trying to satisfy is that road
 14 configuration.

15 So we've got the change in the project
 16 area and we've got the change in the
 17 configuration of Westwood Station Boulevard.

18 MR. MALSTER: Would it be all right if
 19 we like ask questions?

20 MR. MANFREDI: Sure. Absolutely.

21 MR. MALSTER: In some level? I mean, I
 22 can certainly -- we certainly were directing you
 23 guys to straighten the roadway. And I can see
 24 your configuration as far as talking about a

1 grid. But I mean, in actuality, one of the
 2 other reasons that you're up where you are,
 3 especially in the NStar parcel, is because 10A
 4 is a bigger footprint.

5 MR. MANFREDI: That's correct.

6 MR. MALSTER: So, in other words, if
 7 you stuck with the original Master Plan and 10A
 8 didn't change in size or whatever, you could
 9 achieve this but the thing that's pushing you
 10 even further is the size of the program that you
 11 want to put in there?

12 MR. MANFREDI: That's right.

13 MR. MALSTER: So I mean, it isn't
 14 strictly us pushing you to this. It's
 15 definitely you guys and your tenants have pushed
 16 you where you are today.

17 MR. MANFREDI: That's absolutely true.
 18 That's absolutely true. That's really what I
 19 intended to say when I started. There are
 20 really two things happening here hand in hand.
 21 One is the configuration of the road but the
 22 second is the leasing becoming real and the
 23 tenants that, as we've discussed, and I'm going
 24 to go into greater detail on the tenants, but

1 it's really about Wegman's and Target and
 2 specific requirements of those two tenants in
 3 terms of their foot present size and their
 4 overall tenancy. Now, we're trying to solve two
 5 problems at the same time.

6 MR. GALE: I have a question. The two
 7 parcels, some of them are going in the road,
 8 does the balance of them remain as green space
 9 or open space or is that a potential development
 10 area?

11 MR. MANFREDI: There is really not
 12 really a potential development area. There is
 13 the opportunity for storm water management.
 14 It's a site that is valuable to us.

15 MR. GALE: It's fairly steep through
 16 there?

17 MR. MANFREDI: Very steep. It's hard
 18 to imagine a footprint of a building that works
 19 on that parcel.

20 MR. GALE: So for another amendment of
 21 the special permit?

22 MR. MANFREDI: Correct.

23 MR. GALE: So under this permit, it's
 24 green space? It's open space, steep angle?

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<p>1 MR. MANFREDI: That's right.</p> <p>2 MR. MALSTER: They've moved up. They</p> <p>3 are going further into that hillside. So we're</p> <p>4 getting more of a difficult retaining wall and</p> <p>5 that's what we were looking at before.</p> <p>6 MR. GALE: Part of the road, I'm sure,</p> <p>7 changes quite a bit.</p> <p>8 MR. MANFREDI: I don't think there is a</p> <p>9 significant change in the height of the</p> <p>10 retaining wall. No. That should be the same.</p> <p>11 Basically, what we had to do here is similar to</p> <p>12 what we're doing here.</p> <p>13 MR. GALE: The number is currently</p> <p>14 undeveloped?</p> <p>15 MR. MANFREDI: Yes. I wouldn't say it</p> <p>16 precludes forever the possibility that some day</p> <p>17 somebody will figure it out, how to do something</p> <p>18 with that site, but that's a very tough site.</p> <p>19 MR. GALE: It brings it under the</p> <p>20 special permit rather than as a right process?</p> <p>21 MR. MANFREDI: That's exactly right.</p> <p>22 MR. ALPERT: Not using a large land</p> <p>23 area to buffer FARs because the program is the</p> <p>24 same as the original Master Plan.</p>	<p>1 Elevation 5 and Elevation 12, which show Harvard</p> <p>2 Street from Westwood Station Boulevard,</p> <p>3 University Avenue looking north, there is a</p> <p>4 significant difference as you look at these two</p> <p>5 elevations, I'm not sure how you can tell there</p> <p>6 can't be a bigger retaining wall.</p> <p>7 MR. MANFREDI: You're looking at the</p> <p>8 elevation of Harvard.</p> <p>9 MR. MALSTER: Well, I'm just looking at</p> <p>10 your thing. I think I'm actually looking down</p> <p>11 at Westwood Station Boulevard down Market Street</p> <p>12 on these two different elevations. It certainly</p> <p>13 looks to me like there is a significant change</p> <p>14 right at this intersection, right at that point</p> <p>15 right there and right at that point right there.</p> <p>16 So I'm just trying to understand, are those the</p> <p>17 same views, right?</p> <p>18 MR. MONTGOMERY: Just steeper slope.</p> <p>19 MR. MALSTER: So you pushed those hills</p> <p>20 up into the hill or up the hill, right?</p> <p>21 MR. MANFREDI: You are further west.</p> <p>22 MR. MALSTER: I was just looking at</p> <p>23 those as I was going through those.</p> <p>24 MR. BERGER: Westwood Station Boulevard</p>
<p>Page 10</p> <p>1 FROM THE AUDIENCE: The program is the</p> <p>2 same. We haven't increased it yet.</p> <p>3 MR. OLANOFF: You're gaining quite a</p> <p>4 bit of front lawn in front of Building 11?</p> <p>5 MR. MANFREDI: Yes.</p> <p>6 MR. OLANOFF: What are you basically</p> <p>7 planning to do there. Paths?</p> <p>8 MR. MANFREDI: In reality, this will</p> <p>9 probably be the subject of a future amendment.</p> <p>10 We haven't spent a lot of time there. We can</p> <p>11 make better use of that real estate.</p> <p>12 MR. OLANOFF: Like in what way?</p> <p>13 MR. MANFREDI: There is additional real</p> <p>14 estate here. I think that even if you didn't</p> <p>15 try to add square footage, this building would</p> <p>16 be better if it was helping define Westwood</p> <p>17 Station Boulevard and you got -- I would rather</p> <p>18 have that green space for internal, and I do</p> <p>19 think of better configurations for that</p> <p>20 building, different site; but you can see, we're</p> <p>21 really just pushing a piece of that on that</p> <p>22 site.</p> <p>23 MR. MALSTER: When I'm looking at these</p> <p>24 two elevations that you guys proposed to us, the</p>	<p>Page 12</p> <p>1 is moved west.</p> <p>2 MR. MALSTER: If you look here --</p> <p>3 MR. MANFREDI: That's true.</p> <p>4 MR. BERGER: But I don't think that's a</p> <p>5 retaining wall at this point.</p> <p>6 MR. MONTGOMERY: It's a steeper slope.</p> <p>7 MR. GALE: It's a steeper slope.</p> <p>8 MR. MALSTER: Okay.</p> <p>9 MR. OLANOFF: Getting back to the</p> <p>10 question I just asked, because on the bounds of</p> <p>11 Phase 1B, you do show that grass area in the</p> <p>12 paths in Phase 1B, even though you just said</p> <p>13 you're not sure what you're going to do there.</p> <p>14 I mean, any reason why that's included?</p> <p>15 FROM THE AUDIENCE: There is a</p> <p>16 retention pond in that area as a part of this.</p> <p>17 MR. OLANOFF: By putting in that</p> <p>18 detention?</p> <p>19 MR. BERGER: Phase 1B is the</p> <p>20 marketplace area only. This reflects the Master</p> <p>21 Plan Special Permit amendment, which is the</p> <p>22 entire Master Plan. So you're not going to see</p> <p>23 anything proposed in Block 11 for the 1B, EIDR</p> <p>24 because 1B, EIDR only contemplates the</p>

1 marketplace area. That's why it's green in that
2 plan.

3 MR. OLANOFF: In this one, you're
4 showing a blue line and it says Phase 1B. Is
5 that area within the Phase 1B?

6 MR. BERGER: That is a detention basin.

7 MR. OLANOFF: Okay. So, in fact, you
8 are kind of making a determination of what
9 that's going to be, unless you later on move
10 that detention basin?

11 MR. MANFREDI: Right. And the B is
12 simply not -- it's not taking the rest of the
13 11th site. It's simply taking that piece of the
14 11th site.

15 MR. OLANOFF: Right, but that would
16 preclude you from moving Building 11 in that
17 area into the future, unless you came back
18 and --

19 MR. BERGER: Right.

20 MR. MANFREDI: Right.

21 MR. OLANOFF: In other words, the
22 Conservation Commission at that point might say
23 you can't do it. All right.

24 MR. MANFREDI: The third issue is site

1 because there really was a supported
2 obstruction.

3 And if you recall, again, the two
4 things are what you mentioned a moment ago is
5 actually true. This is completely intertwined
6 with leasing activity. This is a graphic that I
7 think I showed you eight months ago as we were
8 trying to explain what we were trying to do with
9 Market Street. This is Market Street, then
10 University Ave., and we were trying to explain
11 how we were stacking these uses and basically,
12 we have leasable space that fronted on
13 University Avenue. And that had adjacent
14 parking below Market Street adjacent to that
15 footprint of the building.

16 On top of that was additional
17 structured parking and then additional leasable
18 space. And Market Street came over the top of
19 the parking structure and connected
20 perpendicular with Westwood Station Boulevard.
21 This came to be known in the leasing activity of
22 this project as the basement and you can imagine
23 that's not a good thing. Tenants saw this as
24 undesirable space. It did not have enough

1 drives, and there are three site drives
2 affected. They are Market Street marketplace
3 and Office Campus Drive, and this is in response
4 to the special permit Condition 6C, which I
5 don't need to read to you; but basically, these
6 three site drives have been relocated by more
7 than 25 feet from the accrued plan. So I'll go
8 through each one of these.

9 The approved Market Street, as you
10 recall, came across University Avenue, came
11 south and actually, then, from about this point,
12 was actually existed on superstructure and came
13 down to Parcel 10 across the parking structure
14 and are from Westwood Station Boulevard. And
15 this was the subject of a great deal of
16 conversation with the Cecil Group as to its
17 configuration, and as to its compliance with the
18 overall guidelines regarding the relationship of
19 parking in buildings.

20 There are a number of issues about
21 both the alignment of Market Street and also the
22 fact that a good deal of it existed on
23 structure, which created some difficulties for
24 us and truly providing appropriate street trees

1 frontage. It did not belong to the project. It
2 did not have enough visibility to new guests.
3 So one of our goals was clearly to eliminate
4 that space, replace it with more visible, more
5 leasable space. At the same time, what we were
6 doing here was raising the grade of Market
7 Street substantially in order that we could hit
8 these elevations. And so we were literally
9 raising the grade of Market Street about ten
10 feet above its natural or existing topography.
11 Now you can go forward.

12 So the amended Market Street, as it is
13 now proposed, will come through basically on the
14 same alignment and then connects directly to
15 Harvard Street. And through this entire rent,
16 it is now on FIRMA so we now have, I think,
17 several advantages. One, first we have no
18 leasable space that can be referred to a
19 basement. It all has visibility from Harvard,
20 from Market Street. As you know, we now propose
21 this as few stories and as has been presented to
22 you, I think actually this is a real break
23 through in the planning of this entire project.
24 The ability to take one of these tenants and

1 previously, I think everybody knows that
 2 previously it was Target. Basically what was
 3 done is making that Target footprint, we put it
 4 on top of the Wegman's footprint. By the way,
 5 without increasing the overall density of the
 6 entire project, but what we've done is taken
 7 that footprint and put it on top of that
 8 footprint, brought this street to its natural
 9 grade, connected that street to Harvard, and
 10 then obviously Harvard has to make that
 11 connection from this intersection back up to
 12 Westwood Station Boulevard. I think this is all
 13 better. I think it's all more natural in that
 14 the street is -- we're creating a four-way
 15 intersection. We have got freedom to do street
 16 trees whenever we want in terms of the landscape
 17 all along here, not sitting on top of a
 18 structure and we've made better space. We've
 19 made best long-term leasable space.
 20 If we look at this, we're sharing the
 21 approved Market Street and the amended Market
 22 Street and this will take a little bit of
 23 explanation. What we're really doing is we're
 24 looking sort of at an end elevation right here

1 of the old plan. And so the old plan, this is
 2 what I've been calling the basement and this is
 3 what -- this is the leasable space above that.
 4 Market Street was elevated and was up at that
 5 grade about ten feet above the existing grade.
 6 Actually, about almost 15 feet above the Phase
 7 IV of that lower level space.
 8 What we're proposing now, again, if I
 9 look at an elevation that way, what you're
 10 looking at is Wegman's on the first floor and
 11 Target on the second floor. Market Street, more
 12 or less, existing grade, approximately Elevation
 13 58. A pedestrian bridge that docks the parking
 14 structure on the opposite side of the street. I
 15 just think it's all the more natural set of
 16 conditions.
 17 MR. MONTGOMERY: How wide is that?
 18 MR. MANFREDI: It varies. It varies
 19 from at its very narrowest point, and the reason
 20 it varies is because there are some ins and outs
 21 in this facade. There are always ins and outs
 22 in the parking structure because of its elevator
 23 corridors and at its narrowest, it's 48 feet.
 24 At its widest from here to there in that

1 stretch, I think about 58 feet.
 2 MR. GALE: The road in question, the
 3 space is not particularly difficult to lease?
 4 MR. MANFREDI: Normally, I would stand
 5 here and tell you the second floor space is very
 6 difficult to lease. What makes this leasable is
 7 the direct connection into the park. The second
 8 site drive affected is marketplace and
 9 marketplace, as you can see here, previously
 10 connected Westwood Station Boulevard and Market
 11 Street. What we've done now, we've really
 12 changed all of the grade of Market Street and so
 13 that connection is really no longer viable from
 14 an engineering point of view.
 15 And what we are proposing is that we
 16 basically move this intersection north, about
 17 100 feet north; and obviously, my next point
 18 will be, the street opposite, but what we're
 19 doing is we're moving it for this to maintain
 20 that four-way intersection that is still
 21 accessing into parking. There is still
 22 pedestrian access between the buildings from the
 23 office campus into Market Street and into the
 24 retail, but that street no longer runs through

1 the grades. You probably got grade change here
 2 of somewhere in the neighborhood of 20 feet.
 3 And then the third affected site drive is Office
 4 Campus Drive. And, again, this is related to
 5 the Level 1. Basically, Office Campus Drive, as
 6 it was approved and as it is now, it's moved
 7 about 100 feet north, but it basically has the
 8 same function as it did before. It's one of the
 9 three primary accesses, points of access into
 10 Office Campus Drive. So this is just an
 11 illustrative related to site drives.
 12 Again, the point that I made a few
 13 moments ago, that we think we have rationalized
 14 or regularized the street grade, which we think
 15 is a good thing for a variety of reasons. We're
 16 building streets and hopefully building
 17 buildings and parking structures that have a
 18 life beyond the immediate tenancy and we think a
 19 more regular grid is just a better long-term
 20 plan.
 21 MR. MALSTER: Did Market Street move at
 22 all in front of 7A, 7B, in any of its
 23 configuration back down to where it crosses
 24 University Ave.?

1 MR. MANFREDI: It is constant from
2 basically from here to there.
3 MR. MALSTER: So none of that --
4 MR. MANFREDI: It's moved from there to
5 there.
6 MR. GALE: It changed in elevation?
7 MR. MANFREDI: Yes, it changed in
8 elevation right up and down.
9 FROM THE AUDIENCE: It may move a few
10 feet in the natural course of laying things out.
11 MR. GALE: Building 8 is a two-story
12 structure; is that right?
13 MR. MANFREDI: Building 8A is a
14 two-story structure.
15 MR. GALE: Accesses from the two sides?
16 MR. MANFREDI: On this end, access off
17 of the top deck of the parking structure, and
18 then on the second floor and on the first floor,
19 access off of Market Street. Currently, the
20 current thing on this is it is accessible from
21 Market Street and it's accessible from P9.
22 MR. GALE: So above it all, is that a
23 parking lot or building area?
24 MR. MANFREDI: This is all loading.

1 Loading and access, vehicular access into the
2 parking structure.
3 MR. GALE: It's not an entrance to the
4 building?
5 MR. MANFREDI: Not an entrance to the
6 building.
7 MR. OLANOFF: So the loading in the
8 back of the building, is that the first level or
9 second level?
10 MR. MANFREDI: First level. I'm sorry.
11 It's at the second level.
12 MR. OLANOFF: So the back of the first
13 level is completely in back?
14 MR. MANFREDI: That's right. That's
15 right. Actually, just to give you a little bit
16 more sense of how we think about this, this
17 really -- the first floor tenant here really
18 belongs to the street. The second floor tenant
19 really belongs to that parking. This tenant
20 currently, and this is still subject of final
21 commitment, is a single tenant that occupies two
22 floors and has internal communication. So they
23 have -- it's one tenant that has its entry here
24 and the second entrance here. The reason I tell

1 you that is, I don't think this second floor
2 survives with simply that entrance. I'm not
3 sure it has enough visibility. I think this one
4 does, because it kind of captures all of that
5 parking.
6 MR. OLANOFF: So the second floor
7 matches the third floor of the garage or the P10
8 drive?
9 MR. MANFREDI: Yes. Correct. Correct.
10 MR. OLANOFF: There would be another
11 elevator, short elevator walkway?
12 MR. MANFREDI: Yes. Exactly. You can
13 see it's just a little bit of umbilical there.
14 I think the other thing you can see, when you
15 compare these two plans, is, one of the things
16 that's happened here, some of this we'll take
17 credit for planning and some of it we'll just
18 say kind of falls out of process, but I think
19 we've made the pedestrian part of the essential
20 area longer, meaning that in reality, I think
21 that the real pedestrian quality in this
22 planning ended about here. This was Target.
23 This was the entrance to Target. This was
24 parking at grade, as you remember, and then we

1 put a little bit of GLA here to try to maintain
2 some sense of a double-sided street. By taking
3 Target, putting it on top of Wegman's, what
4 we've really done here is from here to here, is
5 really a double-sided street and of a good
6 pedestrian scale. You can see, and don't hold
7 me to these demising lines forever and ever, but
8 that's the scale of the tenants we expect to see
9 in that zone.
10 While these get a little bit bigger, I
11 think these will be relatively active facades so
12 basically, we've taken the pedestrian area,
13 which kind of ended right there, and we've
14 extended it to here. I can tell you, I can
15 stand here and tell you we really extended it to
16 there, but these are big tenants and they will
17 not encourage as much pedestrian activity as
18 will happen in that part of the site.
19 MR. GAIL: The loading for 8A first
20 floor is where? True elevators or something?
21 MR. MANFREDI: Yes. Yes. If you look
22 very carefully at that plan, you can see all of
23 that is drawn in back there. Okay. I think I'm
24 onto No. 4, which is floor area. And that's

1 Building 10 and that is what you're referring to
 2 a moment ago and the reason we're here as an
 3 amendment is that Condition B.1.F3 in the south
 4 retail area, no single retail facility, 150,000
 5 square feet. I think I'm sure this reflects a
 6 number of different considerations by the Board,
 7 but I know that one of them, from our
 8 conversations with the Cecil Group, is that when
 9 the original Master Plan Special Permit was
 10 approved, we didn't know who these tenants were.
 11 We now have real tenants and we can tell you
 12 real square footages. And those real tenants,
 13 as I've mentioned, are Target and Wegman's in
 14 Building 10A. And the way those two tenants
 15 break down is that Target is 100 -- Okay. In
 16 the approved floor plan, we had unnamed 150,000
 17 square foot tenants on the Parcel 10 site, and
 18 that's the site that I previously referred to
 19 the basement, on what is now the 8A site was
 20 167,000 square foot Target.

21 Basically, what we've done is we've
 22 picked up the 167,000 square foot Target. We've
 23 put it over on the 10A parcel. That's now
 24 160,000 square feet, of which 150,000 square

1 feet is up on the second level and 10,000 square
 2 feet is in the loading area. So if you look at
 3 the top of the slide, you see the approved
 4 Building 10A, and this is a little bit --
 5 probably a little bit hard to read; but what's
 6 happening here is, there is Market Street, the
 7 red line. That's where Market Street becomes
 8 part of the superstructure and then comes out of
 9 the wall at you, coming over the top of the
 10 parking structure. That's that parking that's
 11 kind of below grade parking. And then what
 12 we're proposing now is that Market Street is
 13 down, closer to its natural repose, and that
 14 dashed line is up. Target has actually gotten
 15 smaller only because the deal has gotten real
 16 and that's where they are in their requirement.
 17 There is nothing special, the 167,000 and
 18 160,000. Wegman's is 100 -- as proposed, is
 19 140,000 square feet on the ground floor. There
 20 is approximately 25,000 square feet in a
 21 mezzanine on the very south end of the site. So
 22 Wegman's sits in here and on this very south
 23 end, they have what they call a mezzanine. It's
 24 the second floor of the building. And so the

1 total area is 165,000 square feet. So we have
 2 those two tenants that require this Amendment 4
 3 floor area.

4 MR. GALE: Are the mezzanine and ground
 5 floor connected to the escalators or something?

6 MR. MANFREDI: Yes. Actually, this is
 7 at the end of the store where they have their
 8 basically restaurant kind of space. They have
 9 seating up on the mezzanine level.

10 MR. OLANOFF: So where is the 10,000
 11 square foot Target first floor?

12 MR. MANFREDI: It's in the loading area
 13 at the east end of the Parcel 10. It just gives
 14 them a loading area grade when they go up.

15 MR. GALE: These are by the whole
 16 building or are there other tenants?

17 MR. MANFREDI: No.

18 MR. MALSTER: There are tenants up on
 19 the second floor.

20 MR. GALE: So that's beyond the red --
 21 (inaudible).

22 MR. MANFREDI: There are tenants. Yes.
 23 That's right. There are tenants right there.

24 MR. GALE: On both levels?

1 MR. MANFREDI: On both levels.

2 MR. GALE: Okay.

3 MR. MANFREDI: So this was the view
 4 that we showed you six or eight months ago; and
 5 this kind of goes back to the point I was making
 6 a few minutes ago. This is a view that was
 7 taken about here, right about there. So I've
 8 got a little bit of small scale leasable space
 9 in the foreground, which is that, and then what
 10 we were calling the spot we were being cute.
 11 There is Target. And that's that corner right
 12 here. And so frankly, the pedestrian quality of
 13 the street really stopped at about this point.
 14 Because I think Target, with its parking at
 15 grade, and that edge really kind of cuts off the
 16 pedestrian environment.

17 MR. ALPERT: There are only two
 18 pedestrians shown beyond that point.

19 MR. MANFREDI: That's right. And the
 20 amended view, same viewpoint of view, I think
 21 we've moved a little bit to the right side.
 22 We're standing in the middle of the street. Now
 23 we're a little bit on the curb; but basically,
 24 what's happening is that from that same point,

1 which is right about here, you simply get more
2 small scale tenants until you get to that edge,
3 the edge of 10. If you look very, very
4 carefully, very, very carefully, you will see
5 that that says Wegman's and then it's Target
6 above.

7 MR. GALE: That end of the building has
8 some other tenants?

9 MR. MANFREDI: Well, now what you're
10 reading right there is this. Correct.

11 MR. GALE: So the blue building is the
12 other half of Building 10 or 10A?

13 MR. MANFREDI: That's correct. Okay.
14 I've already mentioned this. I'm not sure what
15 number I'm up to. I'm up to No. 5. There are
16 obviously grading changes that go along with
17 this. And so we are here with an amendment
18 required impacts. Site drives, drainage and
19 design and is really in this whole zone.

20 Basically, Market Street, as approved, is about
21 ten feet higher than its existing natural repose
22 and as we propose it now, it's basically where
23 it is today, which is, it varies from this point
24 to this point, but we're in the Elevation 50 in

1 here; and I think its parking tenants about
2 Elevation 58. Does that sound right, Brian?

3 MR. BRIAN: Yes.

4 MR. MANFREDI: I think I'm at No. 6,
5 which is Harvard Street; and, again, the
6 amendment required impacts to on-site traffic
7 flow. And so what has happened on the rest is
8 approved alignment from the Master Plan Special
9 Permit, on the right, the proposed alignment,
10 you can see that Harvard Street has gotten
11 longer. And the intersection has moved slightly
12 west. The total width of right of way has
13 stayed the same. But, of course, now we're
14 proposing that Market Street goes directly into
15 Harvard Street. And there is the potential to
16 make a four-way intersection in the future. If
17 you recall, we do not control this piece of real
18 estate. And previously, that point of egress
19 out of the parking garage was here. This allows
20 us to make that four-way intersection in the
21 future.

22 MR. GALE: Harvard Street in the same
23 place as it was before?

24 MR. MANFREDI: North, south. It's in

1 the same place. And so it was approved with a
2 right of way for five trains but only proposed
3 as using four lanes. Now that we're actually
4 making this connection, we are proposing it as
5 five lanes, the fifth lane being the left turn
6 lane as you're traveling from Westwood Station
7 Boulevard coming down Harvard Street, taking a
8 left onto Market Street. So we're within the
9 same right of way. We're just using all of the
10 right of way. Now we're using the five lanes,
11 including the left turn.

12 MR. GALE: Is there access to the
13 garage through Market Street? P, whatever it
14 is? P10 garage?

15 MR. MANFREDI: Oh, yes. There is
16 access at least two points along that garage
17 from Market and then access also from Westwood
18 Station.

19 MR. GALE: People coming down, taking a
20 left and looking for a place to park, giving up
21 and going in the garage?

22 MR. MANFREDI: Yes. Yes. We think
23 they'll learn quickly.

24 MR. MONTGOMERY: There is also access

1 off of Westwood Station Boulevard?

2 MR. MANFREDI: Yes. That's correct.
3 And then the last issue of last of the seven is
4 the lot divisions, which kind of falls out of
5 all of this. Again, the amendment as required,
6 due to the impacts of the project area, and
7 there are two of these lot division changes.
8 One, Lots 17 and 18, which are these two lots,
9 which we propose to make one lot, and the simple
10 reason for that is, we don't -- these are
11 probably going to be built office buildings. We
12 don't know the ideal size of the footprint of
13 each of those buildings, and we're looking for
14 flexibility in terms of how the footprints break
15 down. And that's the reason for No. 1, which is
16 Lot 17 becomes one lot. Those are in 1A. Yes.

17 MR. MALSTER: Well, the office
18 buildings aren't 1A?

19 MR. MANFREDI: You're right. I'm
20 sorry. The office buildings are not in Lot A.
21 They are north of University Ave. but they are
22 not in 1A. That's right.

23 MR. OLANOFF: Would you be planning to
24 move the entrance to that parking garage between

1 the two buildings if the buildings change?
 2 MR. MANFREDI: It's possible, yes.
 3 But, again, if we came in with a building
 4 proposal, you would have a review of that
 5 building proposal.
 6 MR. OLANOFF: Right, but that wouldn't
 7 be hard for you to do, even if the garage was
 8 built?
 9 MR. MANFREDI: That's a good question.
 10 MR. MALSTER: 1A, they are proposing to
 11 build half that garage.
 12 MR. MANFREDI: The reality is they are
 13 going to stay somewhere in this zone here so we
 14 have to make that transition from that point to
 15 that point.
 16 MR. GALE: Would have office buildings,
 17 plus the other half of the garage?
 18 MR. MANFREDI: Exactly. Well,
 19 probably, yes. Probably come together. The
 20 second part of this is Lots 20 and 24. And this
 21 really has to do with this end of the site in
 22 order to incorporate the 690 parcels and inside
 23 parcels and sort of this is the old approved lot
 24 devices, and you can see how those two are

1 broken down and you can see how these conform to
 2 the previous ownership and then the amended,
 3 adds this new site area and so it parcelizes
 4 around that new site area so that you get
 5 parcelization that accommodates the new
 6 alignment and then parcelization that combines
 7 those two lots to make one alignment. And those
 8 are the magic seven amendments.
 9 MR. BERGER: Thank you, David.
 10 MR. GALE: Can I ask another question?
 11 MR. BERGER: Sure.
 12 MR. GALE: The parcels between 1 and
 13 15, the office park there, with shifting the
 14 road, looks like that shrunk a little bit; is
 15 that true? The office? Two parcels above
 16 Westwood Station Boulevard?
 17 MR. MANFREDI: Yes.
 18 MR. GALE: So the square footage at
 19 that end has been sliced off and shrunk?
 20 MR. MANFREDI: Yes.
 21 MR. GALE: You end up with the same
 22 square footage and a smaller parcel?
 23 MR. MANFREDI: We do. We do but,
 24 again, that will most likely be the subject of

1 future conversations as those get more real; and
 2 when I say, "get more real," I really mean the
 3 same thing that happens with the retail, that we
 4 get real tenants.
 5 MR. GALE: One of the things we're
 6 approving would be increased density in those
 7 parcels; is that true?
 8 MR. MANFREDI: They remain the same.
 9 Yes. If you took the FAR parcel by parcel, yes.
 10 MR. ALPERT: That implicates that tough
 11 condition. One of the flexible bullets on the
 12 aggregate, facades in the office park. Remember
 13 that one?
 14 MR. BERGER: Yes.
 15 MR. ALPERT: I never fully understood
 16 it, but I assume you thought hard about that
 17 when you did that.
 18 MR. BERGER: We conformed to the
 19 condition that was drafted by Steve Cecil
 20 relative to setbacks and building facades along
 21 Westwood Station Boulevard and this new
 22 configuration. So there is no -- there wasn't
 23 an amendment required to redesign.
 24 MR. MALSTER: Is that what you're

1 talking about?
 2 MR. BERGER: Right in the office campus
 3 area.
 4 MR. MALSTER: Peter brought that up
 5 before out of order. But you are calling that
 6 out in your retail. You need to make a change,
 7 although you call it minor, right? In your
 8 section where you talk about what you consider
 9 minor, you're looking for a change in the design
 10 guidelines having to do with that same concept
 11 where you guys want to make a change to -- let's
 12 see if I can find it in here.
 13 MR. BERGER: This is in the 1B, EIDR?
 14 MR. MALSTER: Yes.
 15 MR. BERGER: You don't have a copy of
 16 it?
 17 MS. KINCAID: No. I just have the
 18 amendment.
 19 MR. GALE: The office park actually
 20 loses a little green space; is that true? Loses
 21 pervious area?
 22 MR. MANFREDI: I'm not sure we actually
 23 have done that calculation, but you're probably
 24 right.

1 MR. ALPERT: There is a green space
2 element to this condition. You couldn't have
3 Steve to help us through this. You can increase
4 the aggregate of facades in the office park of
5 Westwood Station Boulevard by ten percent or
6 less from the aggregate facades length shown on
7 the approved plans, so long as the landscape
8 setbacks released 80 feet from Westwood Station
9 and maintained along the entire facade.

10 So Henry's question triggered in my
11 mind when the road is now encroaching on those
12 buildings and being able to hold the line on the
13 landscape setbacks.

14 MR. BERGER: Correct. That's this area
15 in here. That has been maintained.

16 MR. MALSTER: The one I was talking
17 about is similar. You guys are looking for
18 change design guidelines having to do with
19 transparency or you guys want to modify sort of
20 the transparency so you guys are looking to do
21 something different?

22 MR. BERGER: Right. That's true.
23 That's in the 1B, EIDR, but that relates to
24 transparency relative to the retail facades.

1 goes over a question of, and then say, "well, we
2 cleared that threshold." The rest of the stuff
3 is all site plan review type of things. I think
4 it's to me, with the amount of changes going on,
5 it's difficult to take that approach. Some of
6 the other things you pull down as minor, to me,
7 one of the things you specifically wrote in the
8 special permit, in case of floors, and you guys
9 have increased the floors, some of the garages
10 and some of the buildings. I don't see how you
11 guys qualify it as minor. You say it stays
12 within the height flexibility guidelines, but
13 our special conditions, permit conditions, call
14 out not changing floors or stories. And you
15 guys have changed floors and stories.

16 MR. BERGER: Right. We approached the
17 flexibility guidelines which were written in
18 such a way that provided ultimately flexibility
19 in their interpretation based upon the design of
20 the Master Plan. That didn't necessarily push
21 the particular changes that you're referring to
22 into an amendment category. So we've defined
23 the changes in the plan in Section 13 of the
24 EIDR for 1B; and so we've looked holistically at

1 MR. MALSTER: Right. I guess on stuff
2 like that, I'm not sure how you guys qualify
3 that as minor.

4 MR. BERGER: These are items that would
5 require looking at the design guidelines and
6 reassessing what's going to work relative to
7 specific tenant requirements in this area. It's
8 in the EIDR item. I don't know if you want to
9 address it now.

10 MR. MALSTER: Well, I mean, I can walk
11 you through a bunch of these things. For me,
12 when I started looking at this thing going
13 through the yearbook, what you guys are
14 qualifying as major and minor, to me, what we're
15 really doing there is looking for an amendment
16 of the whole 1B program. I think to me, it gets
17 really difficult, pick and choose between what's
18 major and what's minor. I think really we're
19 looking at the whole thing. I think personally
20 from a Board's perspective, it would be simpler
21 if we try and get through the amendment process
22 and understand fully what it is that we're
23 making changes to versus trying to just micro
24 pick out individual pieces, decide whether that

1 the special permit decision and made a
2 determination as to what we felt really pushed
3 the changes that pushed into the amendment
4 territory and those that didn't. So I mean, I
5 appreciate what you're saying. These are items
6 that we felt weren't substantive enough to move
7 into an amendment category.

8 MS. KINCAID: Can I add, too, that when
9 we were trying to start the classification
10 process of what we thought was an amendment,
11 what we thought was minor, we looked at the
12 bylaw and the regulations to see what guidance
13 is there to try to help us make those
14 classifications. And the one common thread
15 through those sections is, I think, the scales
16 tip towards an amendment if the change is
17 something that impacts more than just locally
18 where that change is located. So things like
19 Building 10A, redoing Market Street, you know,
20 it affects traffic at Harvard. You know, there
21 are a number of different things that come into
22 play. And we talked about grading and that
23 affects drainage, and so forth, where something
24 like transparency, we looked at it. It is the

1 subject of a condition and it is the subject of
2 design guidelines; but in the overall effect of
3 what else does it impact, the impact is fairly
4 local right there on Market Street, right there
5 where the change is being made. So that was the
6 other way of looking at it and that we pulled
7 actually right out of the bylaw.

8 MR. ALPERT: The bylaw or the decision?
9 The decision also says design guidelines which
10 is the source of the transparency requirement
11 and applied flexibility by the Board. So is
12 that where you came at that issue?

13 MS. KINCAID: Actually, just in
14 starting the whole process, we came at it from
15 the bylaw. There is that section that says,
16 changes can be made and the following things are
17 not minor. And if you look at what's not minor,
18 the thread in between, through those things,
19 sort of a branching of impacts out into other
20 things and I think that concept comes through
21 the regulations as well. That's where we
22 started how we went about it.

23 MR. ALPERT: The changes within that
24 big block are so it's hard to say which of these

1 same overall, or maybe it's even more whatever;
2 but when the Board looked at it, it was here in
3 conjunction with this, that, and the other thing
4 and now you guys moved it around. And you say
5 that's minor because we've kept the same overall
6 square footage of open amenity space. Once
7 again, I think that's a decision the Board has
8 got to make that it still works the same way it
9 worked before.

10 So when you try and say it's just a
11 minor change, you know, I mean, I think in some
12 levels, we're really splitting hairs. This
13 level, the Board is going to have to move the
14 project forward. You're going to have to get an
15 amendment, 4/5ths vote out of the Board. So I
16 guess it's really just the way how you guys look
17 at it versus maybe how we look at it. I mean, I
18 think it's the same thing. I'm not the lawyer.
19 It's a technicality.

20 MS. KINCAID: I mean, at the end of the
21 day, the amended approved plans will do exactly
22 that.

23 MR. GALE: Plans for this project and
24 that's going to be, it's one of their --

1 doesn't have a ripple effect and which do. I'm
2 sure the line drawing is very difficult for you.

3 MS. KINCAID: Yes.

4 MR. ALPERT: As will be for the Board.

5 MR. MALSTER: Yes. I think it gets
6 real difficult. I think at some levels, to me,
7 there is so much change that you're really
8 looking for the Board to holistically give
9 amendment to the IB process. I don't think it's
10 specific to -- you know, I just don't think it
11 really lends itself to breaking it down to, you
12 know, like finite individual, it's this, it's
13 this. I mean, you add all of those things
14 together, to me, that's what it is that you're
15 really looking at, get a 4/5ths vote for an
16 amendment. You know, I think it's --

17 MR. GALE: Traffic impacts and all
18 kinds of things.

19 MR. MALSTER: I mean, to me, it's like
20 when we have looked at it, public, the open
21 public amenities basis moved around, right, from
22 where we were? It's, you know, from what we
23 were looking at before, it's not what we're
24 looking at now. Maybe the square footage is the

1 MS. KINCAID: Amendment No. 1 and
2 you'll have approved plans attached.

3 MR. GALE: And that's what you're going
4 to be building. Adjustment or whatever you want
5 to call it.

6 MR. ALPERT: That thing is minor. We
7 just need 3/5ths. That's major. We never got
8 through the process that way. And you may -- I
9 don't know if you prevail on those arguments.
10 How does that help you? You lose two of these
11 guys on something, but that's minor. Therefore,
12 you can make that change, but you can't make any
13 others. This all works as an integrated whole,
14 as I understand it. You can't afford to lose
15 some battles and win others.

16 MS. KINCAID: No. And I don't think
17 that's what we're trying to do. We had to start
18 somewhere. So we looked to what guidance we
19 could find in the bylaw and the regulations and
20 applied that as best we could. I think if the
21 Board has a different view of how things should
22 be classified, I think we need to talk about it.

23 MR. ALPERT: Take a first cut at it,
24 but the more you think about it, the parsing is,

1 we can spend all summer doing that.
2 MS. KINCAID: I mean, at the end of the
3 day, to be honest with you, the other thing in
4 the back of my mind is, you know, what is the
5 subject matter of an amendment is subject to
6 appeal, whereas if something is coming through
7 the EIDR, it's a very different path in the
8 appeal as well.

9 MR. MALSTER: No. That was the first
10 thing we talked about. The first thing that
11 popped in my mind was appeal risk. But like
12 when I'm looking at P91 and 9C, I mean, you show
13 that in one -- in your amended Master Plan, but
14 what we're looking at, 1B is very different than
15 that. And to me, Building 9C has changed
16 significantly from what 10C was before when we
17 were looking at it and how it relates to the
18 site and how it's used, how it's faced, how you
19 access it.

20 And then at the 1B process, we'll then
21 have to deal with how do you deal with that
22 surface parking lot and how do you access that
23 parking lot; but to me, it's one more of those
24 things that you really need to have addressed at

1 conservative, and your opinion writing becomes
2 easy, right?

3 MR. GALE: You don't have to really
4 actually make that decision? When you say we're
5 approving this and you guys -- (inaudible).

6 MR. ALPERT: If you want to be clear
7 through what process you're approving changes?
8 It's very important to exclusively identify this
9 is subject to amendment and this we consider
10 minor and we just process it through the EIDR.
11 I think you clearly have to categorize things.
12 The question is, how far do we have to be in
13 that process? Because it drives the number of
14 votes. It drives the appellate process.

15 MR. MALSTER: So, Dave, can you give me
16 a little more information on what you guys are
17 referring in here as Block 7, which has to do
18 with Buildings 7C, 7A, 7B?

19 MR. MANFREDI: Buildings on the east
20 side of the street.

21 MR. MALSTER: To me, there have been a
22 lot of changes here but you guys have this
23 listed as minor. I mean, I think like one of
24 the changes I think that we are looking at, you

1 the amendment level versus waiting until you get
2 into the 1B process.

3 MR. GALE: Make a decision, an
4 amendment or a minor change? Are we going to
5 approval?

6 MR. ALPERT: You have the discretion to
7 say any of these changes is minor and you are
8 not going to put it through the amendment and
9 just handle it in the EIDR. The impact it has
10 is that in order to approve it, you need a
11 3/5ths vote majority; and once that decision is
12 made, then the appellate process isn't -- it's
13 hard for people to figure out how to do it,
14 frankly, whereas if it's a special permit, it's
15 a 4/5ths vote appeal risk.

16 MR. GALE: This is what we would like
17 to see. We'll vote that way. Then once that
18 happens, did that affect their ability to appeal
19 or process in any important way? We really have
20 to know which is which.

21 MR. ALPERT: The more things you treat
22 as amendment, technically, there is more stuff
23 for people to appeal but the opposite of that is
24 maybe handle everything by memory, be

1 know, right where you are seeing it, there are
2 seven. What's the last one in the corner that
3 had the most significant change on the original
4 plan?

5 MR. MANFREDI: 7C.

6 MR. MALSTER: That basically is going
7 away.

8 MR. BERGER: The way we approach those
9 types of changes was what we felt was Steve
10 Cecil's intent on how he contrasted the
11 flexibility guidelines. Our understanding of
12 it, at least in our dialogue with him, which
13 was, he had guidelines that defined if you moved
14 a building more than 25 feet, that was a
15 threshold, but there could be a determination
16 that there can be exceptions made by the
17 Planning Board.

18 We took that kind of guideline and the
19 intent around it, from our understanding from
20 Steve Cecil, was that he was trying to make sure
21 that we weren't moving buildings in a way that
22 created an interruption in the flow of
23 storefronts along the street, that there weren't
24 any gaps, that we weren't separating buildings

1 by such a distance that it created a void that
 2 lost the congruity and pedestrian connection.
 3 So as you see in the amended plan, that
 4 integrity is maintained of the storefronts and
 5 the street scape and the connection, the
 6 pedestrian connection along the street. There
 7 aren't any gaps. So rather than try and parse
 8 for every one of those flexibility guidelines,
 9 is an amendment, have we maintained the intent
 10 behind the guidelines? And our response to that
 11 was yes, we have. You can see along the street
 12 front.

13 MR. MALSTER: I guess I'm not the
 14 lawyer. I'm not trying to get hung up on
 15 things. It seems to me somewhere at the
 16 amendment change, the Board should address big
 17 things that have changed. I think I can follow
 18 you from sort of a point of view of what you've
 19 done in the back side over there, didn't screw
 20 up the continuity or we didn't yank a building
 21 out. There is a big void; but I mean, you've
 22 made a big change in that back side. That
 23 building is gone. You've added a different
 24 building. I believe that's where you want to

1 move the public safety building.

2 MR. BERGER: That's right.

3 MR. MALSTER: So to me, those are the
 4 changes that speak of amendments. Not that it's
 5 a bad thing in the design guidelines, whatever,
 6 but I think you just have to call out what that
 7 is and then you get, as part of the amendment
 8 process, you get the Board to vote on that as a
 9 change to the Master Plan. I mean, if you move
 10 the public safety building from a different lot
 11 over there to a different lot over here and
 12 replace that building with another building, you
 13 know, my simple brain looks at as an amendment
 14 to the Master Plan. Important pieces are moving
 15 around.

16 I mean, I think you can make the case
 17 that that's a good change and that it's better
 18 for the project and the fire chief likes it and
 19 stuff. I guess I just think those are the types
 20 of things we should be voting on as part of the
 21 amendment versus even though we know we're not
 22 addressing it now, we're going to address it as
 23 part of the site plan review.

24 MR. GALE: Can I make a suggestion? We

1 look at it. When we're done, we're going to
 2 have a band we all like and comfortable with.
 3 To me, the most important thing from that point
 4 on is not to have a decision reversed in court
 5 and move ahead as quickly as we can. So these
 6 guys got legal experts. I almost think we
 7 should go with whatever they think is going to
 8 be the most offensive way to present it.
 9 That's a little different. We don't have to
 10 worry at all what is really one or the other.

11 In the end, what matters to us is, we
 12 get a plan that's going to be successful for the
 13 Town of Westwood and successful for them and it
 14 is really more important to them and their legal
 15 staff.

16 MR. MALSTER: Well, all I can speak of
 17 is to some of the things we ran across as part
 18 of 1A. In other words, there was a discussion
 19 that came up as part of 1A with certain Planning
 20 Board members, one to say, you know what? I
 21 don't really like half a garage and half a
 22 surface parking lot. Are we really up against
 23 that? Well, we are because that was what we
 24 approved as part of the Master Plan, and so you

1 can't make that change site plan review. So if
 2 you accept what they've got down there in that
 3 block the way it is on the Master Plan and then
 4 you look into it in more detail at 1B, if you
 5 want to make some changes to say the programming
 6 foot present or whatever. I mean, you may not
 7 have --

8 MR. GALE: You guys are pretty well
 9 along in this project. They are not likely to
 10 make huge changes from this to the EIDR. I
 11 would suspect you already got it submitted. The
 12 two are going to match pretty closely, I would
 13 think.

14 MR. MALSTER: I'm just trying to say
 15 that the level of dialogue we need to have at
 16 this level should encompass sort of the big
 17 changes. I don't think it is to go down to the
 18 detailed level. I'm not asking them to show us
 19 the facade types and all that other stuff that
 20 we do.

21 MR. GALE: We're doing this, too. It
 22 seems we can be -- once we got what we want, we
 23 can say both are done.

24 MR. MALSTER: I think what we were

1 originally proposing was to try to get through
2 sort of the big ticket items. Sign off of those
3 and then both sides know that we're on the same
4 page, as far as the programming of the site. I
5 think it's a matter, more technical exercise,
6 work through the site plan review issues like we
7 did before.

8 MR. GALE: You guys don't need one of
9 these approvals for the other? You would be
10 just as happy if we signed off on the amendment
11 and the Plan B on the same day as if we added --
12 (inaudible).

13 MR. BERGER: Well, our original intent
14 was by filing both at the same time, this would
15 give you the information that you needed to
16 assess the plan comprehensively. I think Rob's
17 approach to -- we were assuming Rob's approach
18 deal with the amendments first and then move
19 into the EIDR. I mean, there are arguments to
20 be made for both. We're happy to do it in
21 whatever way the Planning Board is most
22 comfortable.

23 MR. GALE: It seems to me, break it in
24 half -- (inaudible).

1 MR. MALSTER: I personally think it
2 needs some level. You got to have four out of
3 five votes. It seems a huge waste of
4 everybody's time if you go down a long involved
5 process of sort of even site plan review levels
6 if you're not going to end up with four or five
7 votes so the idea was to sort of --

8 MR. GALE: I think --

9 MR. MALSTER: What's that?

10 MR. GALE: I think we know very quickly
11 if there are strong disagreements on that.
12 Steve wants a few more bicycle racks than some
13 of you guys.

14 MR. MALSTER: I think I definitely
15 think there are some larger issues we have to
16 work out than bicycle racks.

17 MR. GALE: Absolutely, but I think we
18 come to a consensus on that issue.

19 MR. ALPERT: These flexibility
20 guidelines, as I understood them, was to say
21 with respect to any little changes, any
22 particular change they want to make, there was a
23 safe harbor. It was within those rules. Then
24 the Planning Board cannot drag them into an

1 amendment process in order to affect one of
2 these changes. Now, we never thought through
3 what do these things mean in case of they are
4 going to present to you a whole menu of changes?
5 Some of them clearly are over the line. But you
6 guys have the problem of an amendment. The
7 question is, how much stuff do we put on our
8 wagon? Clearly, I think the Board -- let's say
9 we come in here, they get hung up on issues they
10 don't like. A change, you moved a retail facade
11 24 feet. That's the last thing that prevents
12 you from getting the fourth vote.

13 I think you would jump and argue we're
14 safe on that, because that's where the safe is;
15 but having gone so far and presented everything
16 in one big basket, clearly, you're into
17 amendment territory for one thing. Why not put
18 as many things in that box as we can just to
19 simplify our process? I think Rob's concern,
20 one of them is that the more things we put into
21 the EIDR and not treat as amendment, you know,
22 there is a legal risk to the Board in doing
23 that. The Board has its discretion. It loses
24 the ability to micro process. So I think we're

1 all pulling in the same direction here to get --
2 as we discussed this with Adam a few weeks ago,
3 the way we envision the process, we did the
4 amendment first and get that behind us. It's
5 good for you guys, but it puts the riskiest part
6 of the process with you early and then we know
7 we got an approved plan. Henry said we're going
8 to have not a bunch of little plans for each
9 building. So I think that Rob envisioned that
10 we stay -- one of this process would lead to a
11 vote as soon as possible on the amendment.

12 MR. MALSTER: I thought that was going
13 to make everybody's path clear; but like I said,
14 I hadn't spent as much time as I have now
15 reading through sort of their demarcation
16 between major and minor. So I'm not trying to
17 gum up the process. I think it's just sort of a
18 level here of -- I don't know. To me, it's
19 almost common sense looking at the thing
20 holistically of what's changed and what's not
21 changed.

22 MR. GALE: I'm perfectly willing to
23 take whatever categorization that you want to
24 do. Minor versus major. I know how I'm going

1 to look at it. They can put whatever they want
2 in their definition, but I want to see the whole
3 thing work. That change in 10A affects the
4 traffic down at the intersection or something.
5 Be comfortable we haven't screwed up something.

6 MR. ALPERT: I know it would be simpler
7 if you look at the physical aspects of this
8 because it really comes down to a decision, how
9 we're going to handle that. If you guys feel as
10 we start this process, no, they are getting hung
11 up, clearly that is not an amendment issue and
12 tell us and we'll respond to that. But I can
13 see, we have already wasted half an hour on
14 procedural issues.

15 MR. OLANOFF: Can we get back to the
16 details?

17 MR. MALSTER: We interrupted you guys.
18 I'm at a loss where you guys were as we jumped
19 in.

20 MR. BERGER: Consolidated special
21 permits. I'll just be very brief. David went
22 through all of our seven amendments. There are
23 impacts. We have consolidated permits that we
24 already filed. The result of the ramifications

1 of the changes that David reviewed will impact
2 those consolidated special permits in terms of
3 requiring an amendment for them. And joint off
4 street parking, we've moved the parking
5 structures around, that permits need to be
6 amended. Shared driveways, we had moved the
7 driveways around and site drives. That's going
8 to require an amendment. I'll skip 3 and come
9 back to it.

10 Earth material movement, grading has
11 been changed and as a result, that special
12 permit needs to be moved as well. Signage is an
13 item that we've taken the initiative to take a
14 look at the signage relative to this marketplace
15 area and is based on feedback that we've been
16 getting in the marketplace, real, real
17 marketplace. There are some items that we want
18 to come back to Steve Cecil with to make some
19 adjustments. We'll be doing that with him on
20 reviewing what those items are.

21 And then the result of that is that
22 there is an exhibit in special permit Exhibit 5
23 that need to be amended both in terms of number
24 signs and areas of sign. And, Brian, I think if

1 you go to the next slide, we have the NStar
2 matters, which I think Susan will review with
3 you.

4 MS. KINCAID: Yes. Before we do, do we
5 want to stop and talk about the amendment? Are
6 there more questions?

7 MR. BERGER: That's a separate item not
8 related to the special permit amendment.

9 MR. MALSTER: All right.

10 MR. OLANOFF: I have more questions on
11 whether some of the things are on here -- one
12 that came up was, all new Building 7D and what
13 is that?

14 MR. MANFREDI: This is the new public
15 service building.

16 MR. OLANOFF: Then what is 11A? And
17 then your legend is wrong because 11A is marked
18 as a public safety building.

19 MR. BERGER: Well, what's happened --
20 sorry to interrupt. What's happened is that
21 subsequent to this filing, which was March 14th,
22 is that we have had many meetings with Chief
23 Skobel trying to identify the best location for
24 the public safety building and it had been

1 determined, subsequent to the filing, that 7D is
2 the preferred location by Chief Skobel, and
3 we're amenable to it. So what will happen, as
4 part of this amendment process, and part of our
5 feedback and resolution on issues that you have
6 associated with the amendment and the peer
7 review consultants have associated with the
8 amendment, we will provide a supplement to the
9 special permit amendment which will incorporate
10 the fact that that is a public safety building
11 as well as other comments so that will be
12 included in the subdivision.

13 MR. OLANOFF: What was it going to be?

14 MR. MALSTER: It wasn't.

15 MR. BERGER: It was as filed in the
16 location of the 11A.

17 MR. OLANOFF: No. No. What was 7D
18 going to be?

19 MR. BERGER: That was going to be
20 additional retail, as was proposed.

21 MR. OLANOFF: You have located a fire
22 station in Zone 1 with firefighting chemicals
23 and whatnot. Is that going to --

24 MR. BERGER: This is something that

1 we're working through with the Chief and the
2 other departments in the Town to ensure that is
3 a controlled environment.

4 MR. OLANOFF: MVP would have a say.
5 The ZBA, would they require an amendment to
6 their permit? You suddenly really are putting
7 something seriously different as with regards to
8 chemicals in Zone 1.

9 MR. BERGER: We're talking to the Chief
10 about what, in fact, he will have in his
11 facility and we've made him aware of the fact.

12 MR. OLANOFF: Fire trucks come with
13 chemical foams and things like that.

14 MR. BERGER: All of these things are
15 being worked out.

16 MR. MALSTER: From my conversations
17 with the Chief, this isn't certainly a move just
18 by our Fire Chief. This also works for your
19 guys programming to open up that space. I mean,
20 this isn't strictly driven by the Town of
21 Westwood's fire department, one wanting to be
22 over there?

23 MR. BERGER: No. This has been a
24 process that we've been working through with

1 Chief Skobel for months now trying to find the
2 right home for his fire station.

3 MR. MALSTER: I'm trying to be clear
4 with you, though. You are taking the side he
5 doesn't want to be on 11A. I don't think that's
6 really the case.

7 MR. BERGER: I'm not suggesting
8 anything. All I'm saying is that we work
9 through the process to find a home for Chief
10 Skobel that's going to work for the project,
11 work for the chief.

12 MR. MALSTER: I mean, there is an
13 upside for you guys, too, to move from that
14 location and free that up for future programs
15 for you guys, as well as move them over to sort
16 of the back side over there where that original
17 7C or whatever it was going to be, right?

18 MR. BERGER: That works for everyone.
19 There is no question.

20 MR. MALSTER: I know. I think I heard
21 that the police chief liked that idea because
22 that got him closer to sort of the busier
23 lifestyle center. So I think I heard they liked
24 that. I'm not opposed to it. I mean, I just

1 think it's one of those types of things, though,
2 that has sort of a big ticket item. I think we
3 ought to deal with that at an amendment level.

4 MR. BERGER: Well, it's not part of the
5 amendment items that we reviewed because it's
6 not here yet.

7 MR. ALPERT: It's not here yet.

8 MR. BERGER: Right. We're getting
9 ahead of ourselves, but it's something that
10 needs to be addressed in the supplement.

11 MR. MALSTER: Okay.

12 MR. OLANOFF: It affects the amount of
13 open space since the fire, public safety
14 building is bigger than what you're showing here
15 as 7D. So I see quite a bit of trees and green
16 space that wouldn't be there.

17 MR. BERGER: All of those items have --
18 are being worked out in terms of maintaining the
19 amount of pervious, impervious area in the Zone
20 1, maintaining the open space as it was approved
21 in the special permit. So those items are
22 worked out in terms of ultimately going to be
23 worked out in terms of their design of the
24 station itself in that area.

1 MR. OLANOFF: You had a green space on
2 the corner of University Avenue and Market
3 Street. You moved it further down to, looks
4 like, next to 7D. There is a little bit of a
5 left here, it looks like. It looks to me like
6 there is a loss of green space there.

7 MR. MALSTER: If you read through the
8 minors, I'll --

9 MR. OLANOFF: I mean, in that location.

10 MR. MALSTER: No. They do hone up to
11 the fact that there is --

12 MR. BERGER: No. It's across the
13 street.

14 MR. MALSTER: They honed the fact they
15 moved around. They just kind of look at the
16 aggregate amount has not changed. It's been
17 relocated to different spots. They created that
18 park down at the corner of 10A. But like I
19 said, that was kind of things that I was looking
20 at sort of that corner with 9C and how that
21 whole corner sort of operates versus how it
22 operated before. I think that's just a much
23 more -- I mean, 9C, as far as I'm concerned, of
24 the Master Plan, is locked in behind. I mean,

1 you got to drive down and around and in between
 2 those two buildings to get up and in there. You
 3 can see that building from all kinds of places.
 4 I'm not sure how you get in. So to me, it has
 5 the front door before was highly located right
 6 there at that intersection, Market Street,
 7 University Avenue, with a little plaza right in
 8 front of it. I think some of that is also
 9 driven by the fact that of the surface parking
 10 lot that they are proposing in the 1B
 11 application, because that encompasses that whole
 12 building. So that surface parking lot works in
 13 the amended plan configuration. It doesn't
 14 really work in the original plan configuration.

15 MR. OLANOFF: So are we jumping ahead
 16 and asking what happens to 11C or 11A, or are
 17 you just going to --

18 MR. MALSTER: That block over there?

19 MR. OLANOFF: Yes. Without 11A being
 20 there. 11C has gone quite a bit smaller than
 21 previously. Is that because of the -- there is
 22 no hope for getting a sewer treatment plant?

23 MR. BERGER: No. What's happened is
 24 that a portion of 11C is moved into 10A.

1 MR. OLANOFF: Into 10A?

2 MR. MALSTER: Right.

3 MR. BERGER: Correct, and the back of
 4 10A and service area off of University Ave., the
 5 11C is proposed utility and maintenance
 6 facility. And a portion of it has been
 7 relocated to 10A.

8 MR. OLANOFF: Some of the electrical
 9 transformers, equipment relocated --

10 MR. BERGER: It's not a substation.
 11 It's a general maintenance utility servicing
 12 building.

13 FROM THE AUDIENCE: Also, NStar is
 14 cutting a deal with Norwood, which they are
 15 voting on, I believe, next week or the following
 16 week.

17 MR. OLANOFF: Tonight.

18 FROM THE AUDIENCE: So that affects
 19 helping that building needed to be --

20 MR. GALE: Probably sort of tied into
 21 the structure of the PRCs.

22 MR. MALSTER: You know, at some level,
 23 we have to sort of -- we've asked the PRCs to
 24 look at how they have delineated what they

1 consider amendments in major and minor so they
 2 are doing that. So we're going to hear back
 3 from that. We've also, based on our
 4 conversation last week, the memo they put
 5 forward, we've sort of identified some of the
 6 target spots that we want looked at. So I think
 7 a lot of this is Board driven on what are the
 8 other things we want to have the PRCs looking at
 9 as areas that the Board would really like to see
 10 some tangible results between what the PRCs are
 11 doing and the Applicant is doing.

12 MR. ALPERT: Good example of what
 13 they've not been asked to do is, up in the
 14 office park, make sure it all works as a matter
 15 of service, which is more EIDR type thinking.
 16 To some extent, there is -- you can't bank on
 17 this, but you can be reasonably certain one
 18 thing, one reality, which is, the 11 block,
 19 which Steve was just talking about in the office
 20 park, will change again, right?

21 MR. MANFREDI: You can be certain of
 22 that.

23 MR. ALPERT: Come back in another
 24 amendment.

1 MR. MALSTER: In those levels, what
 2 we've asked the PRCs to do is the same thing we
 3 did before. The intersection connections to the
 4 office park, you know, had to do with Westwood
 5 Station Boulevard. Those have to work. It goes
 6 back to sort of the original thing that we
 7 decided to do on the definitive subdivision
 8 plan. We've got to pin those intersections.
 9 And so you need to know that those intersections
 10 and turning movements and whatever and sorts of
 11 where are those connections are made work, and
 12 that gets you up in there. So if they wanted at
 13 some level to reconfigure how some of that park
 14 works up there but they are not changing those,
 15 you know, so be it. So we're not getting down
 16 into the complete operations of what's going on
 17 up there, as long as it's sort of a general,
 18 that looks like that's going to work servicing
 19 those parking garages there that they are
 20 providing. It goes back to the same thing.
 21 When we sign off on it, without being part of
 22 the Master Plan, they are getting entitled to
 23 that. So in general terms, we need to know at
 24 that level that it works.

1 MR. GALE: Still enough green space,
2 enough parking?

3 MR. MALSTER: Right.

4 MR. GALE: At some point, they've got
5 to do an overall traffic, make sure we haven't
6 done something that screws up the intersection
7 of Canton Street without changing that.

8 MR. MALSTER: Yes. I mean, John
9 Kennedy's got some very clear things that he's
10 doing with traffic solutions to look at how
11 producing network works in the 1B thing and how
12 it ties back to Westwood Station Boulevard. I
13 mean, that's a baseline thing that we got to
14 have sort of right out of the gates with the
15 traffic pattern.

16 MR. GALE: It's not one of the seven
17 items on the list, but it is something we want
18 to really want to take a look at and make sure
19 all of these changes, when you add them
20 together, it still works from a traffic point of
21 view.

22 MR. MALSTER: Right.

23 MR. GALE: Have we approved or
24 degraded the pedestrian friendliness of the

1 changes; but if you go through it, you can
2 get -- there is a pretty big sense of change. I
3 mean, there are a couple of views, that view at
4 the corner of Harvard Street and University
5 Avenue where before most of that was sort of
6 depressed below versus what it looks like now.
7 I think it's a significant different look on the
8 back side going down Westwood Station Boulevard,
9 especially in your 1B configuration, when that
10 surface lot is there. I mean, the view that you
11 show, your office view, future office tenant
12 there, is significantly different than what it
13 used to be.

14 MR. MANFREDI: You're at that corner.

15 MR. MALSTER: Yes, at that corner, but
16 also if you go over and you take a look at the
17 sort of the original plan, especially if you
18 look at the original plan without a surface
19 parking lot in there, a significant difference,
20 as you are driving down Westwood Station
21 Boulevard, looking down the project, let alone
22 what your future office tenants up on the hill
23 are going to be looking down on, I mean, the
24 unbroken magnitude of what P101 is along

1 overall project? That's something I would like
2 to know.

3 MR. OLANOFF: For the office park, how
4 do the pedestrians get out of the buildings to
5 Westwood Station Boulevard? How do they cross
6 Westwood Station Boulevard and how to get
7 through to Market Street?

8 MR. MALSTER: We clearly identified
9 that.

10 MR. OLANOFF: There are exactly three
11 parts to that.

12 MR. GALE: But it's something that's
13 important to me.

14 MR. MALSTER: We've clearly identified
15 that. We clearly identified the impact of sort
16 of the regrading of citing of tenants in the
17 garage and what it produces, you know, amongst
18 10A and P101. And if you look through sort of
19 their blocked diagrams and these, you can get a
20 pretty good sense. I think as we go further
21 into this, I think we're going to be asking both
22 the Proponent and Steve Cecil to produce some
23 more visual of what we're looking at there,
24 especially as they sort of hopefully make some

1 Westwood Station Boulevard, I don't know how
2 much -- I couldn't tell from some of your
3 renderings how much screenage or whatever is
4 going to be to get a real good sense of how
5 that's going to look, as you're going down
6 Westwood Station Boulevard. So I mean, I think
7 those are all things, to answer your question,
8 those are all things, Henry, that we've
9 certainly got out on the table to the peer
10 consultants. They've started the process of
11 setting up some meetings to start working on the
12 different disciplines.

13 MR. ALPERT: Traffic environment.
14 We've already had a couple of meetings.

15 MR. MALSTER: The other environmental
16 one that comes out the information, if you read
17 it, is the level of fudge factor, which we used
18 up on the water budget so you guys want to have
19 a little more closer inspection of Wegman's use
20 and -- I mean, they are listed in here as minor
21 but they were on that memo. So to answer your
22 question, that's some of the other stuff they
23 are looking at.

24 MR. GALE: I'm not going to want to go

1 for it.
 2 MR. MALSTER: So those are some of the
 3 things we're working on.
 4 MR. OLANOFF: Westwood Station
 5 Boulevard facade or P101 is the longest facade
 6 in Westwood Station? So it's got to be, yes,
 7 very significant, how you deal with that.
 8 MR. GALE: I don't know what that huge
 9 loading area there is.
 10 MR. OLANOFF: The amount you drive by
 11 that facade, you won't even notice a loading
 12 area.
 13 MR. MALSTER: You know, in their
 14 information, they call out the fact that they've
 15 created a larger screen buffer right there,
 16 which is sort of that finger that you see going
 17 out there.
 18 MR. MONTGOMERY: David, was it one
 19 story of the garage is exposed to the Boulevard
 20 or is it two?
 21 MR. MANFREDI: Yes.
 22 MR. GALE: My question is, does that
 23 screen work? That's what we need the PRCs to
 24 tell us.

1 MR. MALSTER: Yes.
 2 MR. BERGER: What happens is the
 3 Westwood Station Boulevard is going like this
 4 and the garage is kind of like that. At the
 5 corner of Harvard Street and Westwood Station
 6 Boulevard, you see the corner of the garage and
 7 as you head up, you become level midway through
 8 within. Then you rise above the deck on
 9 Westwood Station Boulevard so there is quite a
 10 bit of grade change there.
 11 MR. MONTGOMERY: You say one ends, the
 12 north end, it's above?
 13 MR. MANFREDI: You're actually higher.
 14 MR. MONTGOMERY: At the bottom corner,
 15 you're seeing all three floors or two?
 16 MR. MANFREDI: No. You're seeing two.
 17 MR. OLANOFF: Wait a minute. It's kind
 18 of hard to understand. Westwood Station
 19 Boulevard, is it going up as you go south?
 20 MR. BERGER: It has to come down to
 21 meet Harvard Street and then it goes back up.
 22 MR. MANFREDI: Coming down from here to
 23 here.
 24 MR. OLANOFF: It's creating a dip so

1 Westwood Station Boulevard is going up slowly,
 2 slowly until it gets to NStar Way. Then it goes
 3 down and then it goes back up again?
 4 MR. MANFREDI: It's coming --
 5 MR. OLANOFF: Starting at the railroad
 6 station.
 7 MR. OLANOFF: Why don't we start at
 8 University Ave.
 9 MR. OLANOFF: It's going upgrade.
 10 MR. MANFREDI: You're rising up and up
 11 and you reach a ridge and you start coming back
 12 down again, in order to create a five percent
 13 slope from Market to Westwood Station Boulevard.
 14 So at this point, you've exposed not quite two
 15 stories. Probably how much of that corner is
 16 exposed, Brian?
 17 MR. BRIAN: You see in it as the new
 18 level. So the top floor.
 19 MR. MANFREDI: So about ten feet apart,
 20 12 feet apart, your parking garage is exposed at
 21 this point --
 22 MR. MANFREDI: Somewhere in here, your
 23 grade is meeting the top of the park structure.
 24 At this point, you're above the parking

1 structure.
 2 MR. MONTGOMERY: So it's actually not
 3 as long a facade?
 4 MR. MANFREDI: What is this? 900 feet?
 5 You won't see that.
 6 MR. OLANOFF: So the intersection of
 7 Harvard Street and Westwood Station Boulevard is
 8 now lower than it was previously?
 9 MR. BRIAN: It's actually a little bit
 10 higher.
 11 MR. BERGER: It's probably a little bit
 12 higher. Harvard Street is just under 70 feet
 13 under.
 14 MR. OLANOFF: Because it's further
 15 west?
 16 MR. BERGER: It's further west.
 17 MR. OLANOFF: So the key I'm getting at
 18 is, once you head south from Harvard Street, the
 19 incline isn't any steeper? It's even less steep
 20 going up that hill?
 21 FROM THE AUDIENCE: No. It's not any
 22 steeper than it was.
 23 MR. OLANOFF: It's about the same?
 24 FROM THE AUDIENCE: Yes.

1 MR. OLANOFF: The fact that the street
2 is going up and then back down again breaks up
3 the building right there?

4 MR. MALSTER: We're looking down on --

5 MR. GALE: You don't see buildings.

6 MR. OLANOFF: As I remember the
7 ambulance, two of the ramps have like little
8 buildings on top of them.

9 MR. MALSTER: Two of the ramps?

10 MR. OLANOFF: Yes. You got those
11 places where the Xs are.

12 MR. MANFREDI: You mean here?

13 MR. OLANOFF: Yes. See those two Xs?

14 There is actually a little building on top of
15 the ramps, tops of the ramps?

16 MR. BERGER: Those are internal ramp
17 systems. It's just a preliminary design.

18 MR. ALPERT: There was an old design.

19 There was Campinelli, which is gone, right, at
20 Market Street?

21 MR. MALSTER: I don't know what you're
22 looking at.

23 MR. OLANOFF: It's a picture I saw.

24 MR. MALSTER: I don't think we want to

1 get -- I don't think we need to get down -- is
2 there some other stuff that you guys are trying
3 to accomplish tonight?

4 MR. BERGER: Yes. We got one more item
5 on our agenda.

6 MR. MALSTER: Right, which is your
7 NStar issues?

8 MS. KINCAID: Yes.

9 MR. BERGER: Right, associated with the
10 acquisition of the NStar land.

11 MS. KINCAID: I can go through it.

12 MR. MALSTER: Okay.

13 MS. KINCAID: I think David discussed
14 the need to get to this configuration from here.

15 David discussed the need to pick up the 690

16 Canton parcel in here. And then the NStar
17 parcel, which was sort of filled in the space

18 that was left, the puzzle piece that was left
19 after, you can see it there. The 690 Canton

20 parcel. This actually view, you can see the

21 grand scheme of things with NStar. We're

22 talking actually about a fairly small 2 1/2 acre

23 strip along what will be Westwood Station

24 Boulevard in negotiating the purchase and sale

1 agreement with NStar. They were very concerned

2 because they had three existing site plan

3 approvals, which at the time, they got them from

4 the Planning Board. They were special permits,

5 site plan approvals. Now it would just be site

6 plan approval but at that time, they were

7 actually special permits and their concern is

8 that two things. No. 1, the conveyance of this

9 property out of their larger parcel would in

10 itself trigger site plan review. That was their

11 first question that they would like a

12 determination from the Board on; and then the

13 second question was, of those three special

14 permits, those three site plan approvals, can

15 the Board say that and give them a determination

16 that that amendment is not required to remove

17 that 2 1/2 acre strip.

18 Our firm did a lengthy analysis of

19 each of the special permits and did a memo for

20 Peter and Erica and we subsequently met on and

21 walked through the site plan approval special

22 permits and we concluded fairly easily, I think,

23 that no amendment is required in the size of the

24 land here and in the size of the land here and

1 the fact that the subject matter of the site

2 plan approval was the parking, the site of the

3 building, where the building elements are and

4 usable elements of the site are. And so we

5 submitted a letter to the Board back in April

6 asking for that determination for NStar so that

7 we can complete our purchase and sale and get

8 that property.

9 And I think in terms of their first

10 question, there is really no question in my mind

11 that the conveyance of a parcel out in and of

12 itself wouldn't trigger site plan approval under

13 the Westwood bylaw. So that's the first

14 request.

15 The second request, in reviewing the

16 title of the NStar property, we actually

17 discovered that a portion of NStar Way that was

18 on the subdivision plan that NStar had approved

19 was a covenant to complete the road. The road

20 actually was completed. We all know. We have

21 driven on it and it also has already been

22 accepted as a town way. Somewhere along the

23 way, we think someone at NStar simply overlooked

24 making a trip back to this Board and asking for

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<p>1 release of the covenant. So we're asking for 2 that from NStar as well so those are the two 3 requests.</p> <p>4 MR. ALPERT: Who is? The CC&F or NStar 5 or the Town?</p> <p>6 MS. KINCAID: In the covenant land, 7 NStar Way, it's a public way. Do you have the 8 slide with the portion of NStar Way? It's so 9 hard to see. Came down along here. Actually, 10 NStar Way had a couple of different statuses 11 legally. Public way for a good part of it. The 12 very end, they actually continued it on through 13 what is today 22 Merrymount to connect to 14 Harvard. The strip along there that were the 15 subject to the covenant.</p> <p>16 MR. ALPERT: Who owns the street now?</p> <p>17 MS. KINCAID: It's a public way. It's 18 been accepted as a public way. But the covenant 19 is still on NStar's title. I think actually the 20 Town might have -- I think the Town acquired 21 that one in -- there was a time period when most 22 other public ways are easements.</p> <p>23 MR. ALPERT: They put the covenant for 24 what land? All of NStar's land?</p>	<p>1 areas outside the buffer area shall be done in 2 accordance with Exhibit A and then Exhibit A is 3 what you're talking about, Steve, where it is 4 talking about maintaining meadow environment. 5 So that's the conditions you're thinking of, I 6 think.</p> <p>7 MR. OLANOFF: Okay. So it is actually 8 a condition in there so how is that affected? I 9 mean, it's a condition which specifies you do it 10 by Exhibit A.</p> <p>11 MS. ALDERS: Well, it is a condition 12 but what they are asking for is statements from 13 the Planning Board, the same property won't 14 require an amendment to the special permit. 15 They are not talking about how the field might 16 be maintained or changes they might make to that 17 area. It's just talking about how the property 18 is transferred legally to title from one into 19 another and there is nothing in the special 20 permit that would prohibit transferring title to 21 the property to different entities, and that's 22 all they are asking the Board to make a 23 statement about.</p> <p>24 MR. ALPERT: Also that condition</p>
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<p>1 MS. KINCAID: Yes. It goes through 2 what is the public layout and also NStar. So we 3 need to clean that one up. Any questions?</p> <p>4 MR. OLANOFF: Well, there was a 5 condition in the special permit which says that 6 land should be left in a natural state, I 7 believe.</p> <p>8 MS. KINCAID: Actually, I didn't find 9 that in reading of all of their special permits. 10 I found a section that discusses certain ways 11 that that should be maintained. They refer to 12 it as the field, and I think NStar can't use 13 pesticides in certain things like that in the 14 field.</p> <p>15 MR. OLANOFF: They can't know it or 16 things like that.</p> <p>17 MS. KINCAID: But it actually doesn't 18 say it has to be maintained as open space.</p> <p>19 MR. ALPERT: Erica looked at it for us.</p> <p>20 MR. MALSTER: It's a note on the plan, 21 isn't it?</p> <p>22 MS. ALDERS: Well, there is in the 23 special permit Condition 21, does say 24 maintenance of the designated landscape field</p>	<p>1 doesn't seem to require the extension of a 2 field. It says, if there is going to be a 3 field, I don't know it.</p> <p>4 MS. ALDERS: It doesn't talk about 5 existence of a field.</p> <p>6 MR. ALPERT: Could imply. But it 7 wasn't explicit. The Board wasn't explicit on 8 that. A logical inference that the Board likes 9 the fields. That question is not presented.</p> <p>10 MR. MALSTER: You're not asking us 11 that?</p> <p>12 MS. ALDERS: No, I'm not asking that.</p> <p>13 MR. MALSTER: But the road is going to 14 end up on part of that field?</p> <p>15 MR. ALPERT: Put the slide that shows 16 the road intersecting the parcel.</p> <p>17 MR. OLANOFF: But they will still not 18 be mowing the road?</p> <p>19 MR. MONTGOMERY: The fact that it's a 20 road doesn't trigger the site plan.</p> <p>21 MR. ALPERT: The site plan is triggered 22 by issuance of building permits.</p> <p>23 MS. KINCAID: The reality of it is, the 24 Board has full review of this road as part of</p>

1 their Master Plan amendment process so the Board
2 is not losing any ability to control what's
3 going there.

4 MR. ALPERT: You are going to be
5 reviewing that geometry for Westwood Station
6 Boulevard in two other processes, maybe three
7 theoretically. The amendment, the EIDR, and the
8 modification of the subdivision plan.

9 MS. KINCAID: Yes, and tomorrow?

10 MR. BERGER: Today. I believe it was
11 filed today.

12 MS. LOUGHNANE: Yes.

13 MR. ALPERT: Excellent. The letter
14 says the -- it asks the Board this question: To
15 confirm that the sale by NStar -- this is a
16 point Erica made -- does not require EIDR
17 review, doesn't require amendment of any of
18 those previously existing permits. Just the
19 sale.

20 MR. GALE: Just take a note and say
21 this is our opinion.

22 MR. ALPERT: You don't have to do
23 anything. It's a favor to ask you to facilitate
24 the conveyance. That's a closing condition for

1 them. They can't get the land unless the Board
2 apparently -- unless the Board delivers this
3 letter, is my understanding.

4 MS. KINCAID: We are asking you to make
5 a determination which you could do it through a
6 vote. And I actually gave Peter a draft letter
7 that contains the text of the determination.

8 MR. ALPERT: The Board needs to
9 authorize to sign this letter.

10 MR. GALE: I authorize Rob to sign this
11 letter.

12 MR. OLANOFF: Can you read the letter
13 first? It's marked up.

14 MR. ALPERT: It's not marked up. It's
15 notes to myself.

16 MR. MALSTER: So we're talking about
17 one special permit, right, and then what?
18 Subsequent site plan reviews after that? I got
19 a little bit lost.

20 MS. KINCAID: Three special permits.
21 One for major business development and two that
22 were for site plan approval because at that
23 time, site plan approval was issued in the form
24 of a special permit.

1 MR. ALPERT: With? Under Section 17?

2 MS. KINCAID: Yes. Now in the Westwood
3 site plan, environmental impact and design
4 review. The approval does not come in the form
5 of a special permit.

6 MR. GALE: The special permit still
7 applies to the -- (inaudible).

8 MR. ALPERT: Really that change in the
9 bylaw was not retroactive.

10 MR. OLANOFF: Okay. This says that
11 upon recommendation of counsel to the Planning
12 Board. So do you recommend this?

13 MR. MOORE: Your lower line is --

14 MR. ALPERT: I'm not recommending you
15 sign it. I'm saying you can sign this because
16 it's legally and factually accurate. But that's
17 a business question as to whether you want to
18 sign it. I haven't seen the purchase and sale
19 agreement. I just know from the face of this
20 letter what it asserts is accurate, the sale of
21 that land does not require EIDR.

22 MR. MOORE: The letter also says it's
23 your recommendation to make a determination.

24 MS. KINCAID: Yes. Feel free to.

1 MR. ALPERT: Recommendation that you
2 sign the letter. Sorry. That's two months
3 stale. I didn't read it before I came in
4 tonight. My advice is that the letter can be
5 signed and the Planning Board, the statement
6 would be really legally accurate.

7 MR. MONTGOMERY: You don't really need
8 to mention you in there. Just take it out.

9 MS. KINCAID: Yes. I put it in to see
10 if the Board wanted a record that they consult
11 with counsel. So feel free.

12 MR. MOORE: Are you going to do that?

13 MR. MONTGOMERY: No, but we can take it
14 without it being cited in the letter. In fact,
15 what we're doing is reading --

16 MR. ALPERT: I don't mind if the letter
17 recites that, that counsel opine even that the
18 language was legally tenable or accurate or
19 whatever. But it's fine. If they want to pin
20 it on me, it's a legal question.

21 MR. OLANOFF: You're saying legally we
22 can make this determination? You're not telling
23 us to make this determination? You're saying
24 legally we can?

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1 MR. MOORE: Legally what this says is 2 accurate, is what he's saying.	1 MS. KINCAID: NStar feels that it gives 2 him some protection.
3 MR. ALPERT: It's a legal truism, that 4 statement.	3 MR. ALPERT: I call this a comfort lot. 4 It's not a legal document.
5 MR. OLANOFF: Those are really true. 6 It does not require EIDR. It does not require 7 amendment to the special permit.	5 MR. OLANOFF: Are we essentially saying 6 the Planning Board believes that this is true?
8 MR. ALPERT: These are almost 9 rhetorical questions you're asking. We can 10 debate why they are asking.	7 MR. ALPERT: I think you should peg it 8 on me and say, based on my advice that it's 9 legally true, this statement. Come with a 10 better word for it. I don't like this first
11 MR. MOORE: You guys do whatever you 12 want because I'm not going to -- I'm not going 13 to vote for it. I don't think we should be 14 making a legal opinion.	11 paragraph very much either but indented 12 paragraph is, we've looked at it ten different 13 ways and we don't see a problem with it. It 14 does not prejudice your ability to look at all
15 MR. OLANOFF: We had this discussion 16 before.	15 of this in the amendment process, as Henry just 16 said. It's a dubious enforceable back against
17 MR. MOORE: Yes, back in April.	17 the Town anyway; and what I would like here is
18 MR. OLANOFF: Yes.	18 it did not say the sale by NStar in subsequent
19 MR. MALSTER: Yes. It's the same 20 question that I raised before, which is, we're 21 sort of in a box here. We do want them to 22 straighten the road. That's a definitive. But 23 there is also the other side of the coin we're 24 getting up that way. I think not just because	19 development of the roadway within that parcel X, 20 Y, Z, didn't take it that far. 21 MR. MALSTER: All right. Have we 22 beaten this one to death enough? 23 MR. OLANOFF: Do you want to change 24 this and have us approve it again?
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1 it's knowledge in the road but also to fit this 2 programming.	1 MR. ALPERT: You can take a vote right 2 now, subject to minor adjustments to the first
3 MS. KINCAID: It's both.	3 paragraph, as we discussed tonight, and then 4 take it from there.
4 MR. MALSTER: Without the benefit of -- 5 so that to me, that's why we're getting in the 6 middle of this.	5 MR. GALE: I'll move that we sign it. 6 MR. MALSTER: Motion, then, to sign 7 this letter?
7 MR. GALE: It's a better road. Let's 8 make it a better road. We got this whole thing. 9 We don't like the programming. We can connect 10 to the amendment and say, you know, this 11 building is too big or this one is too blue or 12 whatever it is. Anymore trees here or whatever 13 you decide. That's the avenue to fix that as 14 the amendment, is this thing.	8 MR. GALE: Yes. 9 MR. MALSTER: All in favor? 10 MR. GALE: Aye. 11 MR. OLANOFF: Aye. 12 MR. MONTGOMERY: Aye. 13 MR. MALSTER: Opposed? 14 MR. GALE: No.
15 MR. MALSTER: Right.	15 MR. MALSTER: All right.
16 MR. OLANOFF: So when we say, makes the 17 following determination, what does that mean? 18 We're just expressing our legal opinion?	16 MR. OLANOFF: What was the vote? 17 MR. MALSTER: Four to one. 18 MR. OLANOFF: All right.
19 MR. MOORE: You're making a formal 20 determination. It's going to be hard for you to 21 come back -- I mean, not that you would.	19 MS. KINCAID: Pete's covenant -- 20 MR. ALPERT: On the lease of the 21 covenant, separate issue, Erica, you looked into
22 MR. MONTGOMERY: Do we have authority 23 to do that, Peter? I mean, and does it really 24 protect them from us?	22 it? You talked to Joan earlier about this? 23 MS. ALDERS: I did. What they are 24 asking for, when NStar Way became part of -- was

1 another definitive subdivision plan, they put
2 covenants on it. We did that. You did that for
3 the Westwood Station definitive subdivision
4 plan. And in 2001, NStar Way, which was the
5 subject of the definitive subdivision plan, was
6 accepted by the Town, May 7th, 2001, as a public
7 way. So I've reviewed the covenant. That
8 included NStar Way, and I have a certification
9 from Dottie at the Town Clerk's office. It was
10 accepted in 2001 as the town way. Those are the
11 two items I reviewed.

12 I talked to John Bertorelli, and he
13 says that the traditional way in Westwood that
14 this would happen is that the Town Engineer, who
15 I think was Mr. Champagne back in 2001, would go
16 out to NStar Way and he would write up a report
17 indicating whether or not it had complied with
18 the requirements of the covenant. So in this
19 case, the construction was installed in
20 accordance with the covenant and in accordance
21 with the definitive plan, subdivision control
22 law, et cetera. John Bertorelli says that it
23 would not have been submitted to the Town for
24 acceptance as a town way, unless Mr. Champagne

1 had gotten a positive approval that it met all
2 of those requirements. So although I have not
3 seen a report that says it meets all of the
4 requirements, our assurance from John Bertorelli
5 is that it wouldn't have come up from town way
6 approval, unless it had been reviewed by the
7 Town Engineer. So the Applicant is asking that
8 the Planning Board release the covenant because
9 all of the items in the covenant have been
10 fulfilled.

11 MR. MOORE: The Applicant? Who owns
12 this?

13 MS. KINCAID: We're asking on behalf of
14 NStar. NStar still owns it. But we're helping
15 them clean up the title.

16 MR. OLANOFF: At the time of the
17 acceptance, I noted that they didn't put in all
18 of those streetlights that were indicated on the
19 Plan S. And the reply was DPW didn't want that
20 many streetlights because they didn't want to
21 maintain them all. So that's my quip.

22 MR. GALE: Are you going to be to this
23 road?

24 MS. KINCAID: Extending it so that to

1 meet the intersection with Westwood Station
2 Boulevard.

3 MR. GALE: All the Xs have already been
4 removed?

5 MS. KINCAID: As a legal matter, yes.
6 That happened at the last Town meeting.

7 MR. OLANOFF: Clearly, it's been in
8 operation with the reduced street lighting.

9 MR. GALE: Additional guardrails or
10 something?

11 MR. MALSTER: So normally do this. We
12 would usually have an accompanying letter from a
13 Town Engineer saying everything has been done in
14 accordance and so we're ready to release the
15 covenant. So sort of dot our I's here. Should
16 we be getting a letter from Bertorelli that
17 basically says we're ready to release this?

18 MR. OLANOFF: We did get one from Bill
19 Champagne.

20 MS. KINCAID: We just couldn't find a
21 copy of it.

22 MR. ALPERT: We're assuming it couldn't
23 have gone to Town meeting absent that report
24 from Champagne.

1 MS. KINCAID: Steve, do you recall the
2 report?

3 MR. OLANOFF: Yes. That's why I
4 mentioned about the streetlights. That was the
5 issue that I brought up at the time. So it
6 wasn't done. It was right before the Planning
7 Board, that report was made to the Planning
8 Board.

9 MR. MONTGOMERY: If there is any
10 deficiency, it's the Town's responsibility to
11 fix it?

12 MR. ALPERT: That's right, under
13 statute. I guess it's either a no-brainer or
14 show stopping. I don't know. Somewhere in that
15 range.

16 MR. ALPERT: What are you looking for?

17 MS. KINCAID: A release.

18 MR. ALPERT: A release that would be
19 drafted by you and signed by Nora?

20 MS. KINCAID: Yes. Erica gave me the
21 form tonight.

22 MS. ALDERS: It's the Planning Board's.
23 The one that Nora gave me had three members that
24 the Planning Board had signed.

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<p>1 MR. GALE: When the new covenant shows 2 up, it's probably going to be the 7th. 3 MS. LOUGHNANE: The 8th. July 8th. 4 MR. MALSTER: A form that we need to 5 sign and so we don't have the form in front of 6 us. We'll have it and sign it on July 8th. 7 MR. ALPERT: Would you like a letter 8 from Jen? 9 MR. MALSTER: I think it just covers -- 10 MR. ALPERT: We thought he would be 11 here tonight, what Erica said for him. 12 MR. MALSTER: I don't think it would 13 hurt to have -- 14 MS. KINCAID: Okay. We'll talk to him. 15 MR. MALSTER: To have a memo from John 16 that says basically, even though we couldn't 17 find that, we know that happened, and he just 18 took a look and followed through. 19 MS. KINCAID: Okay. Great. Thank you. 20 MR. MALSTER: All right. So we have 21 PRC sessions set up so there is obviously -- 22 MR. BERGER: Yes. We had a productive 23 meeting with John Kennedy last week. We went 24 through all of his issues. We have a schedule</p>	<p>1 MR. BERGER: The way we left it with 2 John Kennedy was to work towards a resolution 3 substantive with him on his issues prior to the 4 7th, such that he wanted to be able to -- the 5 8th. He wanted to be able to report on -- and 6 make his presentation, his ultimate resolution 7 technically with us on the 8th, and that's our 8 goal, too. So that's what we're both striving 9 for. 10 MR. MALSTER: Okay. 11 MR. GALE: If we got particular 12 concerns, we want to make sure that the PRCs 13 look into -- should we send an e-mail to Nora? 14 Is that the best way or to you or to the Board? 15 MR. MALSTER: That's fine. You can 16 certainly get it to Nora. If you have a 17 specific list of issues that are beyond the list 18 that are sort of highlighting of what we've 19 done, yes. 20 MR. MONTGOMERY: You can talk directly 21 to the PRCs, too. 22 MR. MALSTER: Right. You can do that, 23 too. 24 MR. ALPERT: It would be nice to have a</p>
<p>Page 98</p> <p>1 to deliver material, receive comments, deliver 2 additional material, and go back and forth 3 through the balance of this week to work towards 4 resolution with John. It was a pretty 5 productive meeting. So I think we'll get there. 6 We also met with Drew and Leo on environmental 7 issues on Friday. And we have some deliverables 8 for them. We also resolved that issue with 9 them. So that was productive. And we hope to 10 get what they need this week as well. 11 We also have parking and TDM meetings 12 scheduled for this week, material of which we 13 will have delivered to them prior to most of the 14 material delivered to them prior to the meeting. 15 And we're trying to pin down a time with Steve 16 Cecil. We think the earliest we can do, given 17 his schedule, is Monday. 18 MR. MALSTER: You guys are shooting for 19 this week? It didn't work out? 20 MR. BERGER: He's out of Town. We're 21 trying to -- 22 MR. MANFREDI: It's Monday at 2:30, I 23 think. 1:30 or 2:30. 24 MR. MALSTER: Okay.</p>	<p>Page 100</p> <p>1 written record. 2 MR. MALSTER: Have something written 3 down versus shooting. 4 MR. MONTGOMERY: Or you can e-mail it 5 right to him. 6 MR. ALPERT: Yes. 7 MR. OLANOFF: There was one thing. 8 Maybe the Planning Board can resolve early on 9 and save the PRCs and the Applicant a lot time, 10 which is resolve the issue of whether we want a 11 surface, temporary surface parking lot there for 12 P91. 13 MR. MALSTER: Well, one of the issues 14 that these guys are working on this week, we've 15 specifically set up the parking guys at VHB to 16 go through sort of their whole parking, their 17 numbers, their shared parking scheme. 18 MR. OLANOFF: Why should they spend 19 time analyzing that surface parking lot if we 20 just don't want it at all? 21 MR. MALSTER: No. Whether you like it 22 or not, I don't think that's for you to decide. 23 I think what I was specifically looking for from 24 the VHB is, why they say they need that surface</p>

1 lot, what that surface lot is doing. I think
2 that's information that would help you inform
3 your decision. That's all. It doesn't preclude
4 you from making whatever decision you want. I
5 think it's just some information that you don't
6 have right now, right?

7 MR. OLANOFF: Right. I want to avoid
8 them looking at traffic going in and out of that
9 parking lot. I mean, there is one thing that
10 says, okay. Is it needed or not? Another thing
11 is, how does it affect traffic? Because if we
12 don't want it, there is no traffic problem.

13 MR. MALSTER: You have to step back the
14 first level. We've basically identified the
15 underlying thing that has to get solved above
16 and beyond anything else is traffic. I know
17 John Kennedy has some issues with how that
18 parking lot would serve University Avenue and
19 whether that would screw up traffic flow if you
20 can't even get past that hurdle so be it.

21 When you talk traffic or parking, I
22 mean, it's somewhat two different things. John
23 Kennedy is in the process of working through
24 some of those based on functions there so there

1 is another piece of information about that is
2 surface parking lot. You're going to get other
3 information from VHB and Bill Cranshaw on their
4 needs for that and why they say they need that,
5 magnitude of what they say they need. You'll
6 have those in front of you very quickly there.

7 MR. ALPERT: Steve, you made the
8 decision, too?

9 MR. OLANOFF: Right. Do we need those
10 parking spaces? That's one thing but at this
11 point in time, if we decide we don't need those
12 parking spaces and we don't want those parking
13 spaces, why should we waste their time seeing
14 how the traffic flows in and out of the parking
15 lot that we don't want?

16 MR. MALSTER: I think what I'm trying
17 to get established with John is, is that
18 entrance that they are showing kind of functions
19 from a traffic standpoint?

20 MR. OLANOFF: That point is mute if we
21 don't want that parking lot.

22 MR. ALPERT: You don't want to take in
23 action, some can argue is arbitrary and
24 capricious.

1 MR. OLANOFF: Okay. Do we need those
2 spaces or don't we? If you don't have those
3 spaces, where will people have parking? And if
4 we can answer that question first and we can
5 conclude -- we conclude, all right, there is
6 parking available. We don't need those spaces
7 so we don't need that lot. Then we don't have
8 to look into whether traffic can get there and
9 leave there in an orderly fashion because it's
10 irrelevant.

11 MR. GALE: You say we need PRCs to look
12 at the amount of parking we need and traffic?

13 MR. OLANOFF: Yes. Amount of parking
14 aware first. Then we can make a determination,
15 do we even want that lot before they see how
16 that lot affects traffic.

17 MR. MALSTER: It's the same team of
18 consultants doing that work. They both work at
19 VHB. I think it's a coordinated review. It's
20 some of the baseline information that we need
21 back. If I thought this was going to take six
22 extra weeks to do it in this fashion, you are
23 going to have all of that information in front
24 of you. I'm assuming that information will

1 be --

2 MR. BERGER: We've delivered everything
3 that he's asked for the first round.

4 MR. MALSTER: I mean, parking stuff, as
5 far as I understand from you, is going to go to
6 the same space. I'm assuming you guys will be
7 sort of at the same level with parking reviews
8 by these guys on July 8th as you're hoping to be
9 with traffic?

10 MR. BERGER: We hope so. We haven't
11 met yet with Ken and VHB on marking, but we hope
12 to be there.

13 MR. MONTGOMERY: It's going to come
14 back to us the same. We want to hear them
15 arguing that they don't want to make it a more
16 efficient process by eliminating that step,
17 right? You rather get it going, right?

18 MR. BERGER: Yes.

19 MR. MONTGOMERY: Rather than wait to
20 review further, right?

21 MR. BERGER: Yes.

22 MR. MALSTER: I think it's pretty clear
23 that Steve wants pretty definitively against
24 parking lots.

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1 MR. GALE: Yes.
 2 MR. MALSTER: We just need a little
 3 more information. So anything else tonight,
 4 guys, before we continue this meeting? Am I
 5 going to get a motion?
 6 MR. GALE: I move we adjourn -- I mean,
 7 continue the hearing until -- what is it? Is it
 8 July?
 9 MS. LOUGHNANE: July 8, 7:30.
 10 MR. GALE: Champagne Room, 7:30.
 11 MR. MALSTER: All in favor?
 12 MR. GALE: Aye.
 13 MR. MOORE: Aye.
 14 MR. MONTGOMERY: Aye.
 15 MR. MALSTER: Thank you.
 16 (Whereupon, the meeting was
 17 adjourned at 10:15 p.m.)
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1
 2 CERTIFICATE
 3

4 I, Myriam A. Maracas, Registered
 5 Professional Reporter, do hereby certify that
 6 the foregoing transcript is a true and accurate
 7 transcription of my stenographic notes taken on
 8 June 23, 2008.
 9

10
 11 Myriam A. Maracas
 12 Registered Professional
 13 Reporter
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