

**Town of Westwood Planning Board
Meeting Minutes
Thurston Middle School
October 25, 2007
7:00 PM**

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

Staff Members Present: Diane Beecham, Town Planner; John Bertorelli, Town Engineer; Westwood Station Peer Review Consultants: Peter Alpert, Esq., Ropes & Gray; Nancy Kolb; Drew Shelton and Bill Cranshaw both of VHB, Inc.

START OF DELIBERATIONS ON THE WESTWOOD STATION SPECIAL PERMIT DECISION

Chairman Malster opened the meeting at approximately 7:30 pm. Attorney Alpert began speaking on the deliberative process that the Planning Board will be following over the next several meetings. Specifically this evening's deliberations will focus on the following topics: General Conditions, Environmental Conditions, and Transportation Demand Management.

General Conditions

Important policy matters with respect to the General Conditions include the following:

- Defining the line between changes to the Project that require formal amendment of the Special Permit and those will not;
- Defining those components of the Project that do not require EIDR review and can proceed immediately following the issuance of the Special Permit;
- Determining what aspects of the Project that must be built and operational before any buildings can be occupied (i.e. phasing issues);
- Explaining the relationship between the Special Permit and the other permits and approvals that have been or will be issued for the Project;
- Imposing standards on the pace at which the Project is built out, so as to ensure that the Project's performance in early phases can be monitored before later phases are constructed; and
- Determining whether the Applicant's compliance with any aspects of the Special Permit should be secured.

Environmental Conditions

It was reported that the Peer Review Team identified the following outstanding policy issues:

- Degree of flexibility in the Project's water consumption rates, or storm water recharge rates, before a formal amendment will be necessary;
- Technical standards for the Project's fleet of shuttle buses; and
- Extent to which operational and maintenance standards for the Project, as contained in a freestanding Operation & Management (O&M) Plan, can be modified without formal amendment to the Decision.

Attorney Alpert provided the Board with a red-line draft of the "Conditions for the Protection of the Environment":

- (a) The Board requested clarification in the wording of this condition, relating to LEED Certification; the line specifically referring to: "as those requirements are presently understood." The Board asked for more description of how they are presently

- understood.
- (b) Minor grammatical changes.
 - (c) No changes.
 - (d) The Board would like the first line to read "In the initial construction of all buildings", instead of the "Project". Also would like the following line "all of which are described in more detail in the Application" that was previously deleted to be put back in.

There was a lengthy discussion amongst the Board, Town Engineer and VHB Peer Review Consultants regarding low-flow and waterless conservation measures, particularly the use of 1.6 gallons-per-flush (gpf) toilets and waterless urinals. Steve Olanoff suggested that the use of 1.1 gpf toilet be required. John Bertorelli, Town Engineer, recommended on behalf of the DPW to keep the 1.6 gpf standard as it is presently is drafted. Mr. Bertorelli stated that current standards and recommended flows for sewer lines make it undesirable to lower the gpf; in fact, a sewer problem could ensue due to the fact that the sewer main is relatively flat and the reduced amount of water may exacerbate clogging conditions.

Steve Olanoff responded that if the flatness of the sewer main is a problem, then it should be replaced.

It was reported by the Peer Review Consultants that the water budget for the project already accounts for the 1.6 gpf toilets. Regarding the .5 gpf urinals or waterless urinals, Steve Olanoff would like the Applicant to consider mandating these types of urinals in all buildings. The Peer Review Consultants stated that to mandate these urinals could impact the future tenants' occupation of these buildings and could possibly be an unrealistic expectation. Regarding the installation of .5 gallons per minute (gpm) lavatory sinks; Steve Olanoff recommended that they be in place in every public restroom.

Regarding the condition that there be a diversion of at least 75 percent of construction and (provided the Town allows reuse of crushed concrete, masonry and bituminous material in Project Roadways) demolition waste away from landfills; Mr. Bertorelli agreed that the above in parenthesis should be added.

- (e) No changes.
- (f) Omit the current wording, use wording as it is in the Conservation Commission's Order of Conditions and the Board of Appeals WRPOD Permit.
- (g) Additions underlined: "If changes are made to the Project that result either in a measured 15% increase in the amount of water consumed by the Project or in a calculated 15% decrease in the amount of water that the Project recharges to the aquifer (each as measured by reference to the projections in the Application), then such changes will require formal amendment to this Decision. Water recharge calculations shall be made consistent with the methods used to make such calculations in the Application. Examples of modifications to the Project that may either individually or cumulatively trigger this requirement include: the third and fourth bullets have been deleted as this language is found in the O&M Plan.
- (h) Additions underlined: The potable water supply shall not be used for landscaping purposes, except to the limited extent to ensure the survival of newly planted landscapes material. "Material" was added.
- (i) No changes.
- (j) Additions underlined: No Building Permits shall be issued at any time after Applicant gains control or ownership of the existing building with an address of 160 University Avenue until evidence is submitted to the Building Department and the Planning Board demonstrating that such building either...
- (k) Additions underlined: The Project shall be constructed and operated in substantial

(Board asked for "substantial" to be deleted.) accordance with the Final Operations & Maintenance Plan (the "O&M Plan") attached to this Decision as Exhibit.... Deleted: "Significance" within the meaning of the preceding sentence is to be determined in the sole discretion of the Town Engineer (deleted: and the) or Public Works Director, (deleted: who) shall (deleted: as necessary) consult (deleted: as appropriate) with the Planning Board (deleted: in making such determinations) whenever changes to the O&M Plan are proposed that might, in the view of such official, be significant. The Planning Board shall determine whether the proposed change(s) warrant formal amendment of this Decision.

- (l) 1. Compliance with Final (Board asked to delete Final) O&M Plan. (deleted: Each CMR shall document compliance with) Additions underlined: Documentation of all activities identified in the Final (deleted: Final) O&M Plan during the Monitoring Year in question, consistent with the reporting standards established in the O&M Plan.
2. Zone 1 Protection Measures. (Deleted: These include) Additions underlined: Documentation of compliance with the landscaping, fencing, and signage (Deleted: as proposed) measures specified in the (deleted: Application O&M Plan). These measures are covered in (d).
3. Water Consumption. (Deleted: Consumption) Majority of paragraph deleted. Additions underline: Budget. Reports on compliance with Special Condition 2(f) above regarding measured water consumption and calculated water recharge.
4. Additions underlined: Documentation of compliance with the O&M Plan's (Board asked for specificity) requirements regarding training in the areas of... (Deleted: This training should include tenants, contractors performing on site work, and any other on site employees or management personnel who may Pollution Prevention Training. (Deleted: Annual training must be provided on) need to respond to emergencies.)
- (m) Additions underlined: in accordance with the WRPOD Permit
- (n) Deleted entire condition. Stated it was included in O&M exhibit.
- (o) Deleted entire condition. Stated it was included in O&M exhibit.
- (p) (ii) use Alternative Fuels (should refer to use in shuttle buses), (iii) 25% should refer to non-bus vehicle. The overall objective to this condition is to use fuels better than average.

The Applicant mentioned that it is the intent to use buses operating with alternative fuels and at this time research suggests that the current availability of a more esthetically pleasing bus using alternative fuels is lacking. This condition will be undergoing further review.

- (q) Attorney Alpert stated that noise and sound related condition will be deferred for tonight, as it is still under Peer Review Consultant review.
- (r) Deleted entire condition. Stated it was included in O&M exhibit and possibly may already be part of general bylaws.
- (s) All residential buildings shall be equipped with suitable recycling (deleted: facilities) Addition underlined: receptacles for glass, aluminum and paper products. Board member asked for addition of: metal, plastic and any other recyclables.
- (t) All solid waste accumulation (Deleted: where "facilities" is and added: receptacles in its place.) Board member asked for addition of: metal, plastic and any other recyclables.

Transportation Demand Management (TDM)

Attorney Alpert stated The TDM-related provisions are amongst the most complicated in the decision document. Staff has agreed with CCF that many details of the TDM program should be removed from the text of the decision to an exhibit. While there is agreement on this point, the Board needs to determine what should remain in the decision and what should be exported to the exhibit. From the Peer Reviewers' perspective, the most important policy questions remaining in the TDM policy questions are:

- Determining which TDM-related provisions should be retained in the permit, and which can be put in a freestanding TDM exhibit;
- The degree of flexibility that CCF and the other stakeholders in the TDM Plan should have to change the plan without formally amending the Special Permit decision;
- Degree to which headways and other operational characteristics of the Project's various shuttle services should be set out in mandatory as opposed to suggested terms;
- The degree to which large employers within the Project Site need to convey employment- and lease-related data to the Town in order to support accurate mode share surveys;
- The degree to which large tenants can be compelled to participate in TDM programs;
- Measures to be taken in the event that TDM programs chronically fail to achieve target mode shares.

Special Conditions Regarding Transportation Demand Management Measures

Attorney Alpert read through the above special conditions and the following are the edits:

(a) The (deleted: Project) Additions underlined: Applicant shall (deleted: be operated in accordance with) implement the Transportation Demand Management Program detailed in Exhibit – to this Decision (the "TDM Plan"). The TDM Plan calls for, among other things, the establishment of "TDM Board" on which (deleted: the) a Town (deleted: will) representative is to have a permanent seat. The TDM Plan is intended to be a flexible document to which minor modifications can be made at the discretion of the TDM Board. No material changes to the TDM Plan may be made without formal amendment to this Decision. The Town's representative on the TDM Board shall consult with the Planning Board whenever changes are proposed to be made to the TDM Plan that might, in the judgment of the Town's representative, be materially inconsistent with the intent of the TDM Plan or materially alter the (deleted: intent or) effectiveness of the TDM Plan. If any changes are made to the TDM Plan during a given Monitoring Year, the CMR for such year shall contain an updated copy of the TDM Plan, (deleted: red lined against the prior version of) together with an explanation of all of the changes that have been made to the document.

(b) The central goal of the TDM Plan is to achieve the following mode-share goals for the retail, hotel, residential and office components of the Project (the "Target Mode Shares"):

- Residential: 41.5% non-Single Occupancy Vehicle (SOV)
- Office Employees 14.5% non-SOV
- Retail and Hotel Employees 8.0% non-SOV

To track the Project's performance against the Target Mode Shares, the TDM Plan requires the routine performance of mode share surveys ("Mode Share Surveys"), the results of which are to be included in CMRs. If any Target Mode Share is missed by more than

(deleted: five (5) ten (10) percent in any given Monitoring Year (e.g. the measured mode share for residential during the year in question is (deleted: 36.5) Added: 37.5% or less non-SOV) (deleted: in any given Monitoring Year) or the measured mode share for Office during the year in question is 13.05% or less non-SOV), or is missed to (deleted: any degree) by more than five (5) percent in two consecutive Monitoring Years, then this (deleted: shall be considered a material compliance problem within the meaning of Section 1.3 of the Rules & Regulations) will be considered to be noncompliant data for which corrective action must be taken in accordance with the TDM Plan. [It was suggested by Attorney Alpert that a provision here or elsewhere to the effect that if the Mode Share data is noncompliant AND Project-wide traffic counts are noncompliant, the Section 1.3 sanction will be triggered with respect to further build-out of residential, office, and retail or hotel components of the Project, as applicable to the Mode Share target at issue.]

(c) Mode Share Surveys cannot accurately be conducted without reliable data about the number of people employed within the Project Site by the Project's larger tenants and users. Each CMR shall identify each non-residential tenant or user occupying more than 20,000 gsf within the Project and list the cumulative number of employees employed at the Project by such tenants and users at the time of the Mode Share Survey. Totals shall be provided for the number of employees employed on the largest shift during the daytime on weekdays. Employment information for smaller tenants or users shall be based on the average employment densities of the large tenants and users for which actual data is generated.

(d) Deleted in its entirety.

(new d Added:) [limit on number of parking spaces per residential unit still subject to discussion at PRC level].

(e) The TDM Plan requires the operation of a Retail Shuttle Service commencing at the Retail Grand Opening, and a Commuter Shuttle Service commencing in phases as set forth in the TDM Plan. No reductions in service levels required pursuant to the TDM Plan are permitted for the first 12 months of operation of either the Commuter Shuttle or the Retail Shuttle. Added: All shuttle services shall operate at no cost to passengers.

(f) In addition to the Retail and Commuter shuttle services required to be operated within the Project Site in accordance with the TDM Plan, the Applicant will operate an on-demand transportation service upon commencement of operation of the Retail Shuttle Service. The on-demand service will be available to residents and employees for travel between the MBTA Station and their Westwood Station residences and employment locations in and around the Project Site, including State Street Bank. After the Commuter Shuttle Service is operational, the on-demand service needs to operate only when the (i) Commuter Shuttle service is not operating (e.g., during early morning, late evening, and weekend periods) and (ii) the MBTA is still operating commuter rail service. During the time period after commencement of operation of the Retail Shuttle Service and before the initiation of the Commuter Shuttle service, on-demand service will have limited operation and shall operate at all times that MBTA trains arrive or depart the MBTA station. Notwithstanding the foregoing, during Phase I, the On-Demand service is not required to operate during the hours that the Retail Shuttle is operated. (Deleted: The On-Demand service will be managed by the Transportation Coordinator. The goals of the service are to provide service that (i) accommodates all rider requests placed at least sixty (60) minutes in advance and limits in vehicle travel time to no more than 10 minutes, (ii) meets riders traveling from the MBTA station within five minutes of the scheduled train arrival, (iii) delivers riders traveling to the MBTA station to the station not more than 10 minutes prior to the scheduled train

departure time.

(g) The Applicant shall join the Neponset Valley Transportation Management Association ("Neponset Valley TMA") at least three months prior to the Retail Grand Opening. All residents and employees working at the Project Site shall be eligible for the Neponset Valley TMA's services including rideshare matching and the Guaranteed Ride Home Program.

(h) The Applicant shall designate a Transportation Coordinator at least three months prior to the Retail Grand Opening. The Transportation Coordinator shall manage all aspects of monitoring and transportation associated with the Project. All commercial tenants, employers, and employees shall have access to the services provided by the Transportation Coordinator and the Neponset Valley TMA (deleted: at no cost to any tenant, employer or employee.) The Applicant shall encourage all employers within the Project Site to implement a transit pass program, including federal tax transportation benefits, and the Transportation Coordinator shall assist employers in establishing such program. The Applicant shall use commercially reasonable efforts to qualify for the Best Workplaces for Commuters program.

(deleted h i) Applicant shall use commercially reasonable efforts to require tenants, owners, and other users of more than 20,000 square feet in any non-residential Buildings each to designate one employee to serve as a Building-specific Transportation Management Coordinator (each, a "Building TMC"). The Building TMC's duties shall include providing employees with information about TDM programs, managing in-house TDM programs, overseeing the completion of Mode Share Surveys, assisting with TDM marketing events, providing recommendations to the Transportation Coordinator regarding TDM programs, and general coordination with the project Transportation Coordinator regarding TDM monitoring, surveying and reporting. Deleted: If despite its commercially reasonable efforts, the Applicant is not able to require a given tenant to designate a Building TMC, the Applicant shall at a minimum require such tenant to designate a person to oversee that tenant's Mode Share Surveys. Added: Applicant shall to no extent be relieved of its obligations to implement the TDM Plan generally, or more specifically to conduct the Mode Share Surveys, with respect to any tenant unwilling to appoint a Building TMC.

(i) The Applicant shall reserve parking spaces for carpools, vanpools, and Zipcars in each Parking Facility ("Preferential Parking"). The number of Preferential Parking spaces will initially be equivalent to at least deleted: 2 added 1% of the vehicle capacity of all of the Parking Facilities for which Certificates of Use and Occupancy have been issued at any given time, and at least one carpool /vanpool parking space will be located in each Parking Facility. The location of the Preferential Parking will be proximate to Building entrances and comparable to the location of handicap parking spaces. The design and location of Preferential Parking shall be submitted in the relevant EIDR Applications.

(j) Bicycle facilities in the Project Site shall be provided according to the Design Guidelines. The amount of commuter bicycle parking spaces shall be at least three spaces in each location designated for bicycle parking (deleted: or the equivalent of) Added: The total number of commuter bicycle parking spaces at the Project shall at no time be less than three (3) percent of the vehicle capacity of (deleted: the associated parking facility, whichever is greater) all Parking Facilities for which Certificates of Use and Occupancy have been issued. The amount of bicycle parking spaces for residents of the Project shall be at least fifteen (15) percent of the vehicle capacity of parking allocated to residents. The location and design of all bicycle

facilities shall be submitted as part of the relevant EIDR Applications.

(k) The Applicant shall establish a Zipcar program based on Zipcar's Sponsor Program (or an equivalent subsidy program should the Sponsor Program be eliminated) that will provide access to Zipcars and discounts to residents and tenants at the Project. The Applicant shall provide free Preferential Parking spaces to Zipcar. At all times (except when the cars are in use), a minimum of two Zipcars must be located at Parking Facilities within the Project Site. A third Zipcar must be provided, to be stationed at a Parking Facility within the office campus west of Westwood Station Boulevard, upon the issuance of a Certificate of Use and Occupancy for the first office Building at that location.

(l) The location and design of on-street curb allocation, including but not limited to, loading zones, parking restrictions, bus stop locations, and taxi stand locations shall be submitted in the relevant EIDR Applications.

The meeting was adjourned at 10:15 pm.