

**Town of Westwood Planning Board
Meeting Minutes
Carby Street Building
October 17, 2006
7:30 PM**

Board Members Present: Steven Olanoff, Bob Moore, George Nedder, Bruce Montgomery, Rob Malster

Board Members Absent: none

Staff Present: Diane Beecham, Town Planner; John Bertorelli, Town Engineer

The meeting was convened at 7:30 pm.

Continuation of Public Hearing: Application for a Senior Residential Development at High Rock Village

Applicant: Tremont Redevelopment Corporation/Michael Lombardi

Address: 30+-acre parcel in vicinity of High Street and Mill Street

Project: Approximate 119-unit Senior Residential Development project

On a motion by Mr. Moore and seconded by Mr. Nedder, the Planning Board unanimously voted to immediately continue the public hearing to November 14, 2006 at 7:30 p.m., without taking any additional testimony.

ANR Plan

Applicant: Charles and Jane Howard

Address: 265 Dover Road

Project: Parcel exchanges among adjoining lots

On a motion by Mr. Montgomery and seconded by Mr. Nedder, the Planning Board voted in favor to endorse, as not requiring approval under the Subdivision Control Law, a plan entitled "Plan of Land Dover Road in Westwood, MA", dated August 7, 2006, prepared by Consolidated Design Group, Inc., 21 Main Street, Suite 9, Hudson, MA 01749.

Record Owner: Charles & Jane Howard, 265 Dover Road
Arthur & Paula Howe, 259 Dover Road
Ethel M. Howard

Land Affected: Assessors' Map 08, Parcels 29, 30 & 31

Mixed Use Overlay District Rules and Regulations

In Attendance: Dan Bailey, Rackemann, Sawyer & Brewster; Steve Rafsky, Chairman, Economic Development Advisory Board; Howard Davis, Director of Development, Cabot, Cabot and Forbes

Mr. Malster stated that a public hearing on the MUOD rules and regulations is tentatively scheduled for December 5th, and this date will depend on how quickly the third party review is completed and subsequently reviewed by the Planning Board. Mr. Bailey indicated that the MUOD Rules and Regulations are now at a place in

which the Board can begin to review the language. There has been a lot of focus on determining how the process will work at the time when the special permit has been issued and the developer is coming before the Board for site plan reviews. Mr. Bailey indicated that the developer is concerned about the possibility of the project getting stopped in the middle of its development; this will affect the financing. On the other hand, the Planning Board wants the ability to halt the project if it is somehow broken. The Planning Board and developer are trying to find a balance; trying to frame how this process will work somewhat in a vacuum since it has not started. Mr. Bailey thinks that the process language is more important in the special permit decision than in the Rules and Regulations.

Mr. Nedder indicated that the only way to get around these issues is to have multiple and separate special permits. Mr. Bailey responded that the Bylaw did not contemplate multiple special permits. Mr. Nedder stated that the Bylaw should be changed.

Mr. Bailey indicated that the sense of the Town is that they want the \$100 million of the infrastructure upfront; the only way that the developer can do this is to have a one special permit for the entire project. Otherwise, the developer will have financing issues.

Mr. Rafsky indicated that it is a balancing act. He stated that the Town wants to support giving the Planning Board all the tools that they need. The developer has to weigh how to get a special permit that will allow for the ability to lease, which includes a sense of predictability. Mr. Rafsky stated that there needs to be a way to prevent the project from going forward if it is not working; everyone shares that goal. There should not be any carte blanche permit granted. What are the tools that the Planning Board needs? What does the developer need to be able to lease the project?

Mr. Nedder stated that he is getting a sense that the Town is getting too much of a hit on the upfront infrastructure; he does not have a comfort level with this. He also indicated that the revised Rules and Regulations language as it now has been revised is substantially different and he does not support it.

Mr. Rafsky indicated that it was contemplated that the "teeth" of what the Board wanted in terms of enforcement will be in the development agreement. This agreement will give the Planning Board the authority for enforcement, not the Board of Selectmen.

Howard Davis, of Cabot, Cabot and Forbes, indicated that the special permit/site plan review process is the most important issue on the table. He stated that this project can not proceed without putting the entire infrastructure up front.

Mr. Davis stated that what causes angst is to have to reopen the special permit. The developer wants the ability to be able to tie any additional mitigation moving forward and does not want to look back.

Mr. Nedder indicated that he wants the development to be constructed in stages; the project would not be stopped if the process is working. He indicated that there was no way that the Town could adequately contemplate all the unanticipated impacts of a 4.5 million square foot project. On a personal note, it was impossible for him to anticipate all the impacts that he had to deal with when he constructed a 3,000 square foot addition onto his house.

It was stated that is a question about the negotiation of the developer agreement (which will be part of the special permit) and how to ensure that it is done in accordance with their applicable law. [It is expected that this agreement will be negotiated privately, but will have to be incorporated into the public hearing for the special permit.]

Mr. Moore questioned what would really happen if issues never got resolved. He indicated that as the process has been drafted now, it seems to force the Town into negotiations. He asked what would happen if the process ended up putting additional mitigation conditions on top of the other conditions.

Westwood Station Schedule

Mr. Malster indicated that the Board needs to determine a realistic and reasonable timeframe to complete the work for Westwood Station.

Mr. Olanoff indicated that there are too few meetings as shown on the schedule and that Town Meeting will also be coming up. He suggested the Board meet weekly; two meetings a month for Westwood Station business and the other two meetings for other Planning Board business.

Mr. Nedder indicated that he was unwilling to meet weekly because his personal travel schedule required him to be in Washington, D.C. at least once a week. He suggested having three meetings per month.

Mr. Moore indicated that he had a field job as well, and would need some fluidity in the schedule. He stated it would be better for his schedule to keep the meetings on Tuesdays.

[Board discussion about the schedule provided by RF Walsh is that it is unrealistic. The timetable provides for December 1st application date; public hearings starting January 15th and the decision filing date as April 1st].

The meeting was adjourned at 10:00 pm.