PROCEEDINGS

MR. MALSTER: All right. Are you guys ready to go?

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

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

MR. MANFREDI: Good evening. On the two boards, on the right, is the approved Master Plan Special Permit; and on the left is the amendment, and I'll go back and forth between those as I go through these seven different items. And I'll preface a little bit by saying that the reason we're here with these amendments is really twofold. One is simply design evolution, meaning that we have been working on the central area and the south area extensively over the last few months. As you will hear, the site as become larger. There is some new real estate to talk about. And that's a large part of it. But the second part of it is the leasing has become real.

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

There are the seven issues, I through 7, are the seven items that I will go through and the project area and Westwood Station Boulevard are really wrapped integrally together. And so I will address those together. The project area gets simply the fact that we have expanded the site. We've added two additional parcels, Parcel 690 and the NStar parcel, and we did that in response to conditions regarding the configuration of Westwood Station Boulevard. So that's why those two items are wrapped together. You can go forward. So the project area, there was a condition in the Master Plan Special Permit, Conditions 3A and 6C, that this Board requested the straightening of Westwood Station Boulevard.

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

The first is Parcel 690. That's three acres and we're showing it -- obviously, this is the approved plan with the curb, the alignment of Westwood Station Boulevard. Parcel 690, as you will see, allows us to make the first step.
in straightening out Westwood Station Boulevard. And you might say that this is the key step in making that transition, but we still got this kind of double curve alignment. And like all things, at this point in the project, it's hard to sort out exactly which came first and which required which, because we're trying -- we're really trying to accomplish two things. We're trying to accommodate the straighter configuration, the better traffic configuration. But we also know, on the other side of our brain, that we're trying to solve some issues in the site plan here.

So the second parcel is the NStar parcel. That's about 2 1/2 acres. Put those two together and it allows us to create a configuration basically that we very broadly have shown in this big red line, and so now we have the configuration of!Westwood Station Boulevard that I think this Board requested and desired in the first place. It has obviously a secondary effect, the first being that configuration, the secondary effect being that we have a much more regular parcel at the south end of the site. We have, we think, a much better configuration intersection of Harvard and Westwood Station Boulevard. We have a better configured parking structure. I'm going to call this a better completion of the grid. We talked about grid a lot. You'll see several other slides that talk about what this allows us to do, but the reconfiguration of that intersection, the possibility that in future development, we can make a four-way alignment here and simply, the regularization of this parcel meets to a number of good things, but what we're really trying to satisfy is that road configuration.

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

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

MR. MANFREDI: Sure. Absolutely.

MR. MALSTER: In some level? I mean, I can certainly -- we certainly were directing you guys to straighten the roadway. And I can see your configuration as far as talking about a grid. But I mean, in actuality, one of the other reasons that you're up where you are, especially in the NStar parcel, is because 10A is a bigger footprint.

MR. MANFREDI: That's correct.

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

MR. MANFREDI: That's right.

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

MR. MANFREDI: That's absolutely true. That's absolutely true. That's really what I intended to say when I started. There are really two things happening here hand in hand. One is the configuration of the road but the second is the leasing becoming real and the tenants that, as we've discussed, and I'm going to go into greater detail on the tenants, but it's really about Wegman's and Target and specific requirements of those two tenants in terms of their foot present size and their overall tenancy. Now, we're trying to solve two problems at the same time.

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

MR. MANFREDI: There is really not really a potential development area. There is the opportunity for storm water management.

It's a site that is valuable to us.

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

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

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

MR. MANFREDI: Correct.

MR. GALE: So under this permit, it's green space? It's open space, steep angle?
MR. MANFREDI: That's right.
MR. MALSTER: They've moved up. They are going further into that hillside. So we're getting more of a difficult retaining wall and that's what we were looking at before.
MR. GALE: Part of the road, I'm sure, changes quite a bit.
MR. MANFREDI: I don't think there is a significant change in the height of the retaining wall. No. That should be the same. Basically, what we had to do here is similar to what we're doing here.
MR. GALE: The number is currently undeveloped?
MR. MANFREDI: Yes. I wouldn't say it precludes forever the possibility that some day somebody will figure it out, how to do something with that site, but that's a very tough site.
MR. GALE: It brings it under the special permit rather than as a right process?
MR. MANFREDI: That's exactly right.
MR. ALPERT: Not using a large land area to buffer FARs because the program is the same as the original Master Plan.

FROM THE AUDIENCE: The program is the same. We haven't increased it yet.
MR. OLANOFF: You're gaining quite a bit of front lawn in front of Building 11?
MR. MANFREDI: Yes.
MR. OLANOFF: What are you basically planning to do there. Paths?
MR. MANFREDI: In reality, this will probably be the subject of a future amendment. We haven't spent a lot of time there. We can make better use of that real estate.
MR. OLANOFF: Like in what way?
MR. MANFREDI: There is additional real estate here. I think that even if you didn't try to add square footage, this building would be better if it was helping define Westwood Station Boulevard and you got -- I would rather have that green space for internal, and I do think of better configurations for that building, different site; but you can see, we're really just pushing a piece of that on that site.
MR. MALSTER: When I'm looking at these two elevations that you guys proposed to us, the

Elevation 5 and Elevation 12, which show Harvard Street from Westwood Station Boulevard, University Avenue looking north, there is a significant difference as you look at these two elevations, I'm not sure how you can tell there can't be a bigger retaining wall.

MR. MANFREDI: You're looking at the elevation of Harvard.
MR. MALSTER: Well, I'm just looking at your thing. I think I'm actually looking down at Westwood Station Boulevard down Market Street on these two different elevations. It certainly looks to me like there is a significant change right at this intersection, right at that point right there. So I'm just trying to understand, are those the same views, right?
MR. MONTGOMERY: Just steeper slope.
MR. MALSTER: So you pushed those hills up into the hill or up the hill, right?
MR. MANFREDI: You are further west.
MR. MALSTER: I was just looking at those as I was going through those.
MR. BERGER: Westwood Station Boulevard is moved west.
MR. MALSTER: If you look here --
MR. MANFREDI: That's true.
MR. BERGER: But I don't think that's a retaining wall at this point.
MR. MONTGOMERY: It's a steeper slope.
MR. GALE: It's a steeper slope.
MR. MALSTER: Okay.
MR. OLANOFF: Getting back to the question I just asked, because on the bounds of Phase 1B, you do show that grass area in the paths in Phase 1B, even though you just said you're not sure what you're going to do there. I mean, any reason why that's included?
FROM THE AUDIENCE: There is a retention pond in that area as a part of this.
MR. OLANOFF: By putting in that detention?
MR. BERGER: Phase 1B is the marketplace area only. This reflects the Master Plan Special Permit amendment, which is the entire Master Plan. So you're not going to see anything proposed in Block 11 for the 1B, EIDR because 1B, EIDR only contemplates the
MR. OLANOFF: In this one, you're showing a blue line and it says Phase 1B. Is that area within the Phase 1B?

MR. BERGER: That is a detention basin.

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

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

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

MR. BERGER: Right.

MR. MANFREDI: Right.

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

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

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

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

because there really was a supported obstruction.

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

On top of that was additional structured parking and then additional leasable space. And Market Street came over the top of the parking structure and connected perpendicular with Westwood Station Boulevard. This came to be known in the leasing activity of this project as the basement and you can imagine that's not a good thing. Tenants saw this as undesirable space. It did not have enough frontage. It did not belong to the project. It did not have enough visibility to new guests. So one of our goals was clearly to eliminate that space, replace it with more visible, more leasable space. At the same time, what we were doing here was raising the grade of Market Street substantially in order that we could hit these elevations. And so we were literally raising the grade of Market Street about ten feet above its natural or existing topography.

Now you can go forward.

So the amended Market Street, as it is now proposed, will come through basically on the same alignment and then connects directly to Harvard Street. And through this entire rent, it is now on FIRMA so we now have, I think, several advantages. One, first we have no leasable space that can be referred to a basement. It all has visibility from Harvard, from Market Street. As you know, we now propose this as few stories and as has been presented to you, I think actually this is a real break through in the planning of this entire project.

The ability to take one of these tenants and
previously, I think everybody knows that
previously it was Target. Basically what was
done is making that Target footprint, we put it
on top of the Wegman's footprint. By the way,
without increasing the overall density of the
entire project, but what we've done is taken
that footprint and put it on top of that
footprint, brought this street to its natural
grade, connected that street to Harvard, and
then obviously Harvard has to make that
connection from this intersection back up to
Westwood Station Boulevard. I think this is all
better. I think it's all more natural in that
the street is -- we're creating a four-way
intersection. We have got freedom to do street
trees whenever we want in terms of the landscape
all along here, not sitting on top of a
structure and we've made better space. We've
made best long-term leasable space.
If we look at this, we're sharing the
approved Market Street and the amended Market
Street and this will take a little bit of
explanation. What we're really doing is we're
looking sort of at an end elevation right here

of the old plan. And so the old plan, this is
what I've been calling the basement and this is
what -- this is the leasable space above that.
Market Street was elevated and was up at that
grade about ten feet above the existing grade.
Actually, about almost 15 feet above the Phase
IV of that lower level space.
What we're proposing now, again, if I
look at an elevation that way, what you're
looking at is Wegman's on the first floor and
Target on the second floor. Market Street, more
or less, existing grade, approximately Elevation
58. A pedestrian bridge that docks the parking
structure on the opposite side of the street. I
just think it's all the more natural set of
conditions.

MR. MONTGOMERY: How wide is that?
MR. MANFREDI: It varies. It varies
from at its very narrowest point, and the reason
it varies is because there are some ins and outs
in this facade. There are always ins and outs
in the parking structure because of its elevator
corridors and at its narrowest, it's 48 feet.
At its widest from here to there in that
stretch, I think about 58 feet.

MR. GALE: The road in question, the
space is not particularly difficult to lease?

MR. MANFREDI: Normally, I would stand
here and tell you the second floor space is very
difficult to lease. What makes this leasable is
the direct connection into the park. The second
site drive affected is marketplace and
marketplace, as you can see here, previously
connected Westwood Station Boulevard and Market
Street. What we've done now, we've really
changed all of the grade of Market Street and so
that connection is really no longer viable from
an engineering point of view.

And what we are proposing is that we
basically move this intersection north, about
100 feet north; and obviously, my next point
will be, the street opposite, but what we're
doing is we're moving it for this to maintain
that four-way intersection that is still
accessing into parking. There is still
pedestrian access between the buildings from the
office campus into Market Street and into the
retail, but that street no longer runs through
the grades. You probably got grade change here
of somewhere in the neighborhood of 20 feet.
And then the third affected site drive is Office
Campus Drive. And, again, this is related to
the Level 1. Basically, Office Campus Drive, as
it was approved and as it is now, it's moved
about 100 feet north, but it basically has the
same function as it did before. It's one of the
three primary accesses, points of access into
Office Campus Drive. So this is just an
illustrative related to site drives.

Again, the point that I made a few
moments ago, that we think we have rationalized
or regularized the street grade, which we think
is a good thing for a variety of reasons. We're
building streets and hopefully building
buildings and parking structures that have a
life beyond the immediate tenancy and we think a
more regular grid is just a better long-term
plan.

MR. MALSTER: Did Market Street move at
all in front of 7A, 7B, in any of its
configuration back down to where it crosses
University Ave?
MR. MANFREDI: It is constant from basically from here to there.

MR. MALSTER: So none of that --

MR. MANFREDI: It's moved from there to there.

MR. GALE: It changed in elevation?

MR. MANFREDI: Yes, it changed in elevation right up and down.

FROM THE AUDIENCE: It may move a few feet in the natural course of laying things out.

MR. GALE: Building 8 is a two-story structure; is that right?

MR. MANFREDI: Building 8A is a two-story structure.

MR. GALE: Accesses from the two sides?

MR. MANFREDI: On this end, access off of the top deck of the parking structure, and then on the second floor and on the first floor, access off of Market Street. Currently, the current thing on this is it is accessible from Market Street and it's accessible from P9.

MR. GALE: So above it all, is that a parking lot or building area?

MR. MANFREDI: This is all loading.

LOADING AND ACCESS, VEHICULAR ACCESS INTO THE PARKING STRUCTURE.

MR. GALE: It's not an entrance to the building?

MR. MANFREDI: Not an entrance to the building.

MR. OLANOFF: So the loading in the back of the building, is that the first level or second level?

MR. MANFREDI: First level. I'm sorry.

It's at the second level.

MR. OLANOFF: So the back of the first level is completely in back?

MR. MANFREDI: That's right. That's right. Actually, just to give you a little bit more sense of how we think about this, this really -- the first floor tenant here really belongs to the street. The second floor tenant really belongs to that parking. This tenant currently, and this is still subject of final commitment, is a single tenant that occupies two floors and has internal communication. So they have -- it's one tenant that has its entry here and the second entrance here. The reason I tell you that is, I don't think this second floor survives with simply that entrance. I'm not sure it has enough visibility. I think this one does, because it kind of captures all of that parking.

MR. OLANOFF: So the second floor matches the third floor of the garage or the P10 drive?


MR. OLANOFF: There would be another elevator, short elevator walkway?

MR. MANFREDI: Yes. Exactly. You can see it's just a little bit of umbilical there.

I think the other thing you can see, when you compare these two plans, is, one of the things that's happened here, some of this we'll take credit for planning and some of it we'll just say kind of falls out of process, but I think we've made the pedestrian part of the essential area longer, meaning that in reality, I think that the real pedestrian quality in this planning ended about here. This was Target. This was parking at grade, as you remember, and then we put a little bit of GLA here to try to maintain some sense of a double-sided street. By taking Target, putting it on top of Wegman's, what we've really done here is from here to here, is really a double-sided street and of a good pedestrian scale. You can see, and don't hold me to these demising lines forever and ever, but that's the scale of the tenants we expect to see in that zone.

While these get a little bit bigger; I think these will be relatively active facades so basically, we've taken the pedestrian area, which kind of ended right there, and we've extended it to here. I can tell you, I can stand here and tell you we really extended it to there, but these are big tenants and they will not encourage as much pedestrian activity as will happen in that part of the site.

MR. GALE: The loading for 8A first floor is where? True elevators or something?

MR. MANFREDI: Yes. Yes. If you look very carefully at that plan, you can see all of that is drawn in back there. Okay. I think I'm onto No. 4, which is floor area. And that's
Building 10 and that is what you're referring to a moment ago and the reason we're here as an amendment is that Condition B.1.F3 in the south retail area, no single retail facility, 150,000 square feet. I think I'm sure this reflects a number of different considerations by the Board, but I know that one of them, from our conversations with the Cecil Group, is that when the original Master Plan Special Permit was approved, we didn't know who these tenants were. We now have real tenants and we can tell you real square footages. And those real tenants, as I've mentioned, are Target and Wegman's in Building 10A. And the way those two tenants break down is that Target is 100 -- Okay. In the approved floor plan, we had unnamed 150,000 square foot tenants on the Parcel 10 site, and that's the site that I previously referred to the basement, on what is now the 8A site was 167,000 square foot Target. Basically, what we've done is we've picked up the 167,000 square foot Target. We've put it over on the 10A parcel. That's now 160,000 square feet, of which 150,000 square feet is up on the second level and 10,000 square feet is in the loading area. So if you look at the top of the slide, you see the approved Building 10A, and this is a little bit -- probably a little bit hard to read; but what's happening here is, there is Market Street, the red line. That's where Market Street becomes part of the superstructure and then comes out of the wall at you, coming over the top of the parking structure. That's that parking that's kind of below grade parking. And then what we're proposing now is that Market Street is down, closer to its natural repose, and that dashed line is up. Target has actually gotten smaller only because the deal has gotten real and that's where they are in their requirement. There is nothing special, the 167,000 and 160,000. Wegman's is 100 -- as proposed, is 140,000 square feet on the ground floor. There is approximately 25,000 square feet in a mezzanine on the very south end of the site. So Wegman's sits in here and on this very south end, they have what they call a mezzanine. It's the second floor of the building. And so the total area is 165,000 square feet. So we have those two tenants that require this Amendment 4 floor area.

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

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

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

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

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

MR. MANFREDI: No.

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

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

MR. MANFREDI: There are tenants. Yes.

That's right. There are tenants right there.

MR. GALE: On both levels?

MR. MANFREDI: On both levels.

MR. GALE: Okay.

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

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

MR. MANFREDI: That's right. And the amended view, same viewpoint of view, I think we've moved a little bit to the right side. We're standing in the middle of the street. Now we're a little bit on the curb; but basically, what's happening is that from that same point,
which is right about here, you simply get more small scale tenants until you get to that edge, the edge of 10. If you look very, very carefully, very, very carefully, you will see that that says Wegman's and then it's Target above.

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

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

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

MR. MANFREDI: That's correct. Okay. I've already mentioned this. I'm not sure what number I'm up to. I'm up to No. 5. There are obviously grading changes that go along with this. And so we are here with an amendment required impacts. Site drives, drainage and design and is really in this whole zone. Basically, Market Street, as approved, is about ten feet higher than its existing natural repose and as we propose it now, it's basically where it is today, which is, it varies from this point to this point, but we're in the Elevation 50 in

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

MR. BRIAN: Yes.

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

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

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

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

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

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

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

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

MR. MONTGOMERY: There is also access off of Westwood Station Boulevard?

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

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

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

MR. OLANOFF: Would you be planning to move the entrance to that parking garage between
the two buildings if the buildings change?

MR. MANFREDI: It's possible, yes.

But, again, if we came in with a building proposal, you would have a review of that building proposal.

MR. OLANOFF: Right, but that wouldn't be hard for you to do, even if the garage was built?

MR. MANFREDI: That's a good question.

MR. MALSTER: 1A, they are proposing to build half that garage.

MR. MANFREDI: The reality is they are going to stay somewhere in this zone here so we have to make that transition from that point to that point.

MR. GALE: Would have office buildings, plus the other half of the garage?

MR. MANFREDI: Exactly. Well, probably, yes. Probably come together. The second part of this is Lots 20 and 24. And this really has to do with this end of the site in order to incorporate the 690 parcels and inside parcels and sort of this is the old approved lot devices, and you can see how those two are broken down and you can see how these conform to the previous ownership and then the amended, adds this new site area and so it parcels around that new site area so that you get parcelization that accommodates the new alignment and then parcelization that combines those two lots to make one alignment. And those are the magic seven amendments.

MR. BERGER: Thank you, David.

MR. GALE: Can I ask another question?

MR. BERGER: Sure.

MR. GALE: The parcels between 1 and 15, the office park there, with shifting the road, looks like that shrunken a little bit; is that true? The office? Two parcels above Westwood Station Boulevard?

MR. MANFREDI: Yes.

MR. GALE: So the square footage at that end has been sliced off and shrunk?

MR. MANFREDI: Yes.

MR. GALE: You end up with the same square footage and a smaller parcel?

MR. MANFREDI: We do. We do but, again, that will most likely be the subject of future conversations as those get more real; and when I say, "get more real," I really mean the same thing that happens with the retail, that we get real tenants.

MR. GALE: One of the things we're approving would be increased density in those parcels; is that true?

MR. MANFREDI: They remain the same. Yes. If you took the FAR parcel by parcel, yes.

MR. ALPERT: That implicates that tough condition. One of the flexible bullets on the aggregate, facades in the office park. Remember that one?

MR. BERGER: Yes.

MR. ALPERT: I never fully understood it, but I assume you thought hard about that when you did that.

MR. BERGER: We conformed to the condition that was drafted by Steve Cecil relative to setbacks and building facades along Westwood Station Boulevard and this new configuration. So there is no -- there wasn't an amendment required to redesign.

MR. MALSTER: Is that what you're talking about?

MR. BERGER: Right in the office campus area.

MR. MALSTER: Peter brought that up before out of order. But you are calling that out in your retail. You need to make a change, although you call it minor, right? In your section where you talk about what you consider minor, you're looking for a change in the design guidelines having to do with that same concept where you guys want to make a change to -- let's see if I can find it in here.

MR. BERGER: This is in the 1B, EIDR?

MR. MALSTER: Yes.

MR. BERGER: You don't have a copy of it?

MS. KINCAID: No. I just have the amendment.

MR. GALE: The office park actually loses a little green space; is that true? Loses pervious area?

MR. MANFREDI: I'm not sure we actually have done that calculation, but you're probably right.
MR. ALPERT: There is a green space
element to this condition. You couldn't have
Steve to help us through this. You can increase
the aggregate of facades in the office park of
Westwood Station Boulevard by ten percent or
less from the aggregate facades length shown on
the approved plans, so long as the landscape
setbacks released 80 feet from Westwood Station
and maintained along the entire facade.
So Henry's question triggered in my
mind when the road is now encroaching on those
buildings and being able to hold the line on the
landscape setbacks.
MR. BERGER: Correct. That's this area
in here. That has been maintained.
MR. MALSTER: The one I was talking
about is similar. You guys are looking for
change design guidelines having to do with
transparency or you guys want to modify sort of
the transparency so you guys are looking to do
something different?
MR. BERGER: Right. That's true.
That's in the IB, EIDR, but that relates to
transparency relative to the retail facades.

MR. MALSTER: Right. I guess on stuff
like that, I'm not sure how you guys qualify
that as minor.
MR. BERGER: These are items that would
require looking at the design guidelines and
reassessing what's going to work relative to
specific tenant requirements in this area. It's
in the EIDR item. I don't know if you want to
address it now.
MR. MALSTER: Well, I mean, I can walk
you through a bunch of these things. For me,
when I started looking at this thing going
through the yearbook, what you guys are
qualifying as major and minor, to me, what we're
really doing there is looking for an amendment
of the whole IB program. I think to me, it gets
really difficult, pick and choose between what's
major and what's minor. I think really we're
looking at the whole thing. I think personally
from a Board's perspective, it would be simpler
if we try and get through the amendment process
and understand fully what it is that we're
making changes to versus trying to just micro
pick out individual pieces, decide whether that
goes over a question of, and then say, "well, we
cleared that threshold." The rest of the stuff
is all site plan review type of things. I think
it's to me, with the amount of changes going on,
it's difficult to take that approach. Some of
the other things you pull down as minor, to me,
one of the things you specifically wrote in the
special permit, in case of floors, and you guys
have increased the floors, some of the garages
and some of the buildings. I don't see how you
guys qualify it as minor. You say it stays
within the height flexibility guidelines, but
our special conditions, permit conditions, call
out not changing floors or stories. And you
guys have changed floors and stories.
MR. BERGER: Right. We approached the
flexibility guidelines which were written in
such a way that provided ultimately flexibility
in their interpretation based upon the design of
the Master Plan. That didn't necessarily push
the particular changes that you're referring to
into an amendment category. So we've defined
the changes in the plan in Section 13 of the
EIDR for IB; and so we've looked holistically at
the special permit decision and made a
determination as to what we felt really pushed
the changes that pushed into the amendment
territory and those that didn't. So I mean, I
appreciate what you're saying. These are items
that we felt weren't substantive enough to move
into an amendment category.
MS. KINCAID: Can I add, too, that when
we were trying to start the classification
process of what we thought was an amendment,
what we thought was minor, we looked at the
bylaw and the regulations to see what guidance
is there to try to help us make those
classifications. And the one common thread
through those sections is, I think, the scales
tip towards an amendment if the change is
something that impacts more than just locally
where that change is located. So things like
Building 10A, redoing Market Street, you know,
it affects traffic at Harvard. You know, there
are a number of different things that come into
play. And we talked about grading and that
affects drainage, and so forth, where something
like transparency, we looked at it. It is the
subject of a condition and it is the subject of
design guidelines; but in the overall effect of
what else does it impact, the impact is fairly
local right there on Market Street, right there
where the change is being made. So that was the
other way of looking at it and that we pulled
actually right out of the bylaw.

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

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

MR. ALPERT: The changes within that
big block are so it's hard to say which of these
doesn't have a ripple effect and which do. I'm
sure the line drawing is very difficult for you.

MS. KINCAID: Yes.

MR. ALPERT: As will be for the Board.

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

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

MR. MALSTER: I mean, to me, it's like
when we have looked at it, public, the open
public amenities basis moved around, right, from
where we were? It's, you know, from what we
were looking at before, it's not what we're
looking at now. Maybe the square footage is the
same overall, or maybe it's even more whatever;
but when the Board looked at it, it was here in
conjunction with this, that, and the other thing
and now you guys moved it around. And you say
that's minor because we've kept the same overall
square footage of open amenity space. Once
again, I think that's a decision the Board has
got to make that it still works the same way it
worked before.

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

It's a technicality.

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

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

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

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

MR. ALPERT: That thing is minor. We
just need 3/5ths. That's major. We never got
through the process that way. And you may -- I
don't know if you prevail on those arguments.

How does that help you? You lose two of these
guys on something, but that's minor. Therefore,
you can make that change, but you can't make any
others. This all works as an integrated whole,
as I understand it. You can't afford to lose
some battles and win others.

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

MR. ALPERT: Take a first cut at it,
but the more you think about it, the parsing is,
we can spend all summer doing that.

MS. KINCAID: I mean, at the end of the
day, to be honest with you, the other thing in
the back of my mind is, you know, what is the
subject matter of an amendment is subject to
appeal, whereas if something is coming through
the EIDR, it's a very different path in the
appeal as well.

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

And then at the 1B process, we'll then
have to deal with how do you deal with that
surface parking lot and how do you access that
parking lot; but to me, it's one more of those
things that you really need to have addressed at
the amendment level versus waiting until you get
into the 1B process.

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

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

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

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

conservative, and your opinion writing becomes
easy, right?

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

MR. ALPERT: If you want to be clear
through what process you're approving changes?
It's very important to exclusively identify this
is subject to amendment and this we consider
minor and we just process it through the EIDR.
I think you clearly have to categorize things.

The question is, how far do we have to be in
that process? Because it drives the number of
votes. It drives the appellate process.

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

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

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

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

MR. MANFREDI: 7C.

MR. MALSTER: That basically is going
away.

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

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

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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

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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 offensible 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

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

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

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

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

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

MR. GALE: I think --

MR. MALSTER: What's that?

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

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

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

MR. ALPERT: These flexibility
guidelines, as I understood them, was to say
with respect to any little changes, any
particular change they want to make, there was a
safe harbor. It was within those rules. Then
the Planning Board cannot drag them into an
amendment process in order to affect one of
these changes. Now, we never thought through
what do these things mean in case of they are
going to present to you a whole menu of changes?
Some of them clearly are over the line. But you
guys have the problem of an amendment. The
question is, how much stuff do we put on our
wagon? Clearly, I think the Board -- let's say
we come in here, they get hung up on issues they
don't like. A change, you moved a retail facade
24 feet. That's the last thing that prevents
you from getting the fourth vote.

I think you would jump and argue we're
safe on that, because that's where the safe is;
but having gone so far and presented everything
in one big basket, clearly, you're into
amendment territory for one thing. Why not put
as many things in that box as we can just to
simplify our process? I think Rob's concern,
one of them is that the more things we put into
the EIDR and not treat as amendment, you know,
there is a legal risk to the Board in doing
that. The Board has its discretion. It loses
the ability to micro process. So I think we're
all pulling in the same direction here to get --
as we discussed this with Adam a few weeks ago,
the way we envision the process, we did the
amendment first and get that behind us. It's
good for you guys, but it puts the riskiest part
of the process with you early and then we know
we got an approved plan. Henry said we're going
to have not a bunch of little plans for each
building. So I think that Rob envisioned that
we stay -- one of this process would lead to a
vote as soon as possible on the amendment.

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

MR. GALE: I'm perfectly willing to
take whatever categorization that you want to
do. Minor versus major. I know how I'm going
to look at it. They can put whatever they want in their definition, but I want to see the whole thing work. That change in 10A affects the traffic down at the intersection or something. Be comfortable we haven't screwed up something.

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

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

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

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

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

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

And then the result of that is that there is an exhibit in special permit Exhibit 5 that need to be amended both in terms of number signs and areas of sign. And, Brian, I think if you go to the next slide, we have the NStar matters, which I think Susan will review with you.

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

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

MR. MALSTER: All right.

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

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

MR. OLANOFF: Then what is 7D? And then your legend is wrong because 11A is marked as a public safety building.

MR. BERGER: Well, what's happened -- sorry to interrupt. What's happened is that subsequent to this filing, which was March 14th, is that we have had many meetings with Chief Skobel trying to identify the best location for the public safety building and it had been determined, subsequent to the filing, that 7D is the preferred location by Chief Skobel, and we're amenable to it. So what will happen, as part of this amendment process, and part of our feedback and resolution on issues that you have associated with the amendment and the peer review consultants have associated with the amendment, we will provide a supplement to the special permit amendment which will incorporate the fact that that is a public safety building as well as other comments so that will be included in the subdivision.

MR. OLANOFF: What was it going to be?

MR. MALSTER: It wasn't.

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

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

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

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

MR. BERGER: This is something that
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<td>we're working through with the Chief and the other departments in the Town to ensure that is a controlled environment.</td>
<td>think it's one of those types of things, though, that has sort of a big ticket item. I think we ought to deal with that at an amendment level.</td>
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<td>MR. OLANOFF: MVP would have a say. The ZBA, would they require an amendment to their permit? You suddenly really are putting something seriously different as with regards to chemicals in Zone 1.</td>
<td>MR. BERGER: Well, it's not part of the amendment items that we reviewed because it's not here yet.</td>
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<td>MR. BERGER: We're talking to the Chief about what, in fact, he will have in his facility and we've made him aware of the fact.</td>
<td>MR. ALPERT: It's not here yet.</td>
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<td>MR. OLANOFF: Fire trucks come with chemical foams and things like that.</td>
<td>MR. BERGER: Right. We're getting ahead of ourselves, but it's something that needs to be addressed in the supplement.</td>
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<td>MR. BERGER: All of these things are being worked out.</td>
<td>MR. MALSTER: Okay.</td>
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<td>MR. MALSTER: From my conversations with the Chief, this isn't certainly a move just by our Fire Chief. This also works for your guys programming to open up that space. I mean, this isn't strictly driven by the Town of Westwood's fire department, one wanting to be over there?</td>
<td>MR. OLANOFF: It affects the amount of open space since the fire, public safety building is bigger than what you're showing here as 7D. So I see quite a bit of trees and green space that wouldn't be there.</td>
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<td>MR. BERGER: No. This has been a process that we've been working through with Chief Skobel for months now trying to find the right home for his fire station.</td>
<td>MR. BERGER: All of those items have -- are being worked out in terms of maintaining the amount of pervious, impervious area in the Zone 1, maintaining the open space as it was approved in the special permit. So those items are worked out in terms of ultimately going to be worked out in terms of their design of the station itself in that area.</td>
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<td>Chief Skobel for months now trying to find the right home for his fire station.</td>
<td>MR. OLANOFF: You had a green space on the corner of University Avenue and Market Street. You moved it further down to, looks like, next to 7D. There is a little bit of a left here, it looks like. It looks to me like there is a loss of green space there.</td>
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<td>MR. MALSTER: I'm trying to be clear with you, though. You are taking the side he doesn't want to be on 11A. I don't think that's really the case.</td>
<td>MR. MALSTER: If you read through the minors, I'll --</td>
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<td>MR. BERGER: I'm not suggesting anything. All I'm saying is that we work through the process to find a home for Chief Skobel that's going to work for the project, work for the chief.</td>
<td>MR. OLANOFF: I mean, in that location.</td>
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<td>MR. MALSTER: I mean, there is an upside for you guys, too, to move from that location and free that up for future programs for you guys, as well as move them over to sort of the back side over there where that original 7C or whatever it was going to be, right?</td>
<td>MR. MALSTER: No. They do hone up to the fact that there is --</td>
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<td>MR. BERGER: That works for everyone.</td>
<td>MR. BERGER: No. It's across the street.</td>
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<td>There is no question.</td>
<td>MR. MALSTER: They honed the fact they moved around. They just kind of look at the aggregate amount has not changed. It's been relocated to different spots. They created that park down at the corner of 10A. But like I said, that was kind of things that I was looking at sort of that corner with 9C and how that whole corner sort of operates versus how it operated before. I think that's just a much more -- I mean, 9C, as far as I'm concerned, of the Master Plan, is locked in behind. I mean,</td>
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<td>MR. MALSTER: I know. I think I heard that the police chief liked that idea because that got him closer to sort of the busier lifestyle center. So I think I heard they liked that. I'm not opposed to it. I mean, I just</td>
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MR. OLANOFF: So are we jumping ahead
and asking what happens to 11C or 11A, or are
you just going to --

MR. MALSTER: That block over there?

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

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

MR. OLANOFF: Into 10A?

MR. MALSTER: Right.

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

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

MR. BERGER: It's not a substation.

It's a general maintenance utility servicing
building.

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

MR. OLANOFF: Tonight.

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

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

MR. MALSTER: You know, at some level,
we have to sort of -- we've asked the PRCs to
look at how they have delineated what they
consider amendments in major and minor so they
are doing that. So we're going to hear back
from that. We've also, based on our
correspondence last week, the memo they put
forward, we've sort of identified some of the
target spots that we want looked at. So I think
a lot of this is Board driven on what are the
other things we want to have the PRCs looking at
as areas that the Board would really like to see
some tangible results between what the PRCs are
doing and the Applicant is doing.

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

MR. MANFREDI: You can be certain of
that.

MR. ALPERT: Come back in another
amendment.
MR. GALE: Still enough green space, enough parking?
MR. MALSTER: Right.
MR. GALE: At some point, they've got to do an overall traffic, make sure we haven't done something that screws up the intersection of Canton Street without changing that.
MR. MALSTER: Yes. I mean, John Kennedy's got some very clear things that he's doing with traffic solutions to look at now producing network works in the 1B thing and how it ties back to Westwood Station Boulevard. I mean, that's a baseline thing that we got to have sort of right out of the gates with the traffic pattern.
MR. GALE: It's not one of the seven items on the list, but it is something we want to really want to take a look at and make sure all of these changes, when you add them together, it still works from a traffic point of view.
MR. MALSTER: Right.
MR. GALE: Have we approved or degredated the pedestrian friendliness of the overall project? That's something I would like to know.
MR. OLANOFF: For the office park, how do the pedestrians get out of the buildings to Westwood Station Boulevard? How do they cross Westwood Station Boulevard and how to get through to Market Street?
MR. MALSTER: We clearly identified that.
MR. OLANOFF: There are exactly three parts to that.
MR. GALE: But it's something that's important to me.
MR. MALSTER: We've clearly identified that. We clearly identified the impact of sort of the regrading of citing of tenants in the garage and what it produces, you know, amongst 10A and P101. And if you look through sort of their blocked diagrams and these, you can get a pretty good sense. I think as we go further into this, I think we're going to be asking both the Proponent and Steve Cecil to produce some more visual of what we're looking at there, especially as they sort of hopefully make some changes; but if you go through it, you can get -- there is a pretty big sense of change. I mean, there are a couple of views, that view at the corner of Harvard Street and University Avenue where before most of that was sort of depressed below versus what it looks like now. I think it's a significant different look on the back side going down Westwood Station Boulevard, especially in your 1B configuration, when that surface lot is there. I mean, the view that you show, your office view, future office tenant there, is significantly different than what it used to be.
MR. MANFREDI: You're at that corner.
MR. MALSTER: Yes, at that corner, but also if you go over and you take a look at the sort of the original plan, especially if you look at the original plan without a surface parking lot in there, a significant difference, as you are driving down Westwood Station Boulevard, looking down the project, let alone what your future office tenants up on the hill are going to be looking down on, I mean, the unbroken magnitude of what P101 is along Westwood Station Boulevard, I don't know how much -- I couldn't tell from some of your renderings how much screenage or whatever is going to be to get a real good sense of how that's going to look, as you're going down Westwood Station Boulevard. So I mean, I think those are all things, to answer your question, those are all things, Henry, that we've certainly got out on the table to the peer consultants. They've started the process of setting up some meetings to start working on the different disciplines.
MR. ALPERT: Traffic environment. We've already had a couple of meetings.
MR. MALSTER: The other environmental one that comes out the information, if you read it, is the level of fudge factor, which we used up on the water budget so you guys want to have a little more closer inspection of Wegman's use and -- I mean, they are listed in here as minor but they were on that memo. So to answer your question, that's some of the other stuff they are looking at.
MR. GALE: I'm not going to want to go
MR. MALSTER: So those are some of the things we're working on.

MR. OLANOFF: Westwood Station Boulevard facade or P101 is the longest facade in Westwood Station? So it's got to be, yes, very significant, how you deal with that.

MR. GALE: I don't know what that huge loading area there is.

MR. OLANOFF: The amount you drive by that facade, you won't even notice a loading area.

MR. MALSTER: You know, in their information, they call out the fact that they've created a larger screen buffer right there, which is sort of that finger that you see going out there.

MR. MONTGOMERY: David, was it one or two stories of the garage is exposed to the Boulevard or is it two?

MR. MANFREDI: Yes.

MR. GALE: My question is, does that screen work? That's what we need the PRCs to tell us.

MR. MALSTER: Yes.

MR. BERGER: What happens is the Westwood Station Boulevard is going like this and the garage is kind of like that. At the corner of Harvard Street and Westwood Station Boulevard, you see the corner of the garage and as you head up, you become level midway through within. Then you rise above the deck on Westwood Station Boulevard so there is quite a bit of grade change there.

MR. MONTGOMERY: You say one ends, the north end, it's above?

MR. MANFREDI: You're actually higher.

MR. MONTGOMERY: At the bottom corner, you're seeing all three floors or two?

MR. MANFREDI: No, you're seeing two.

MR. OLANOFF: Wait a minute. It's kind of hard to understand. Westwood Station Boulevard, is it going up as you go south?

MR. BERGER: It has to come down to meet Harvard Street and then it goes back up.

MR. MANFREDI: Coming down from here to here.

MR. OLANOFF: It's creating a dip so

Westwood Station Boulevard is going up slowly, slowly until it gets to NStar Way. Then it goes down and then it goes back up again?

MR. MANFREDI: It's coming --

MR. OLANOFF: Starting at the railroad station.

MR. OLANOFF: Why don't we start at University Ave.

MR. OLANOFF: It's going upgrade.

MR. MANFREDI: You're rising up and up and you reach a ridge and you start coming back down again, in order to create a five percent slope from Market to Westwood Station Boulevard. So at this point, you've exposed not quite two stories. Probably how much of that corner is exposed, Brian?

MR. BRIAN: You see it in at the new level. So the top floor.

MR. MANFREDI: So about ten feet apart, 12 feet apart, your parking garage is exposed at this point --

MR. MANFREDI: Somewhere in here, your grade is meeting the top of the park structure. At this point, you're above the parking structure.

MR. MONTGOMERY: So it's actually not as long a facade?

MR. MANFREDI: What is this? 900 feet?

You won't see that.

MR. OLANOFF: So the intersection of Harvard Street and Westwood Station Boulevard is now lower than it was previously?

MR. BRIAN: It's actually a little bit higher.

MR. BERGER: It's probably a little bit higher. Harvard Street is just under 70 feet under.

MR. OLANOFF: Because it's further west?

MR. BERGER: It's further west.

MR. OLANOFF: So the key I'm getting at is, once you head south from Harvard Street, the incline isn't any steeper? It's even less steep going up that hill?

FROM THE AUDIENCE: No. It's not any steeper than it was.

MR. OLANOFF: It's about the same?

FROM THE AUDIENCE: Yes.
MR. OLANOFF: The fact that the street is going up and then back down again breaks up the building right there.

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

MR. GALE: You don't see buildings.

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

MR. MALSTER: Two of the ramps?

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

MR. MANFREDI: You mean here?

MR. OLANOFF: Yes. See those two Xs?

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

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

MR. ALPERT: There was an old design.

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

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

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

MR. MALSTER: I don't think we want to get -- I don't think we need to get down -- is there some other stuff you guys are trying to accomplish tonight?

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

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

MS. KINCAID: Yes.

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

MS. KINCAID: I can go through it.

MR. MALSTER: Okay.

MS. KINCAID: I think David discussed the need to get to this configuration from here. David discussed the need to pick up the 690 Canton parcel in here. And then the NStar parcel, which was sort of filled in the space that was left, the puzzle piece that was left after, you can see it there. The 690 Canton parcel. This actually viewed, you can see the grand scheme of things with NStar. We're talking actually about a fairly small 2 1/2 acre strip along what will be Westwood Station Boulevard in negotiating the purchase and sale agreement with NStar. They were very concerned because they had three existing site plan approvals, which at the time, they got them from the Planning Board. They were special permits, site plan approvals. Now it would just be site plan approval but at that time, they were actually special permits and their concern is that two things. No. 1, the conveyance of this property out of their larger parcel would in itself trigger site plan review. That was their first question that they would like a determination from the Board on; and then the second question was, of those three special permits, those three site plan approvals, can the Board say that and give them a determination that that amendment is not required to remove that 2 1/2 acre strip.

Our firm did a lengthy analysis of each of the special permits and did a memo for Peter and Erica and we subsequently met on and walked through the site plan approval special permits and we concluded fairly easily, I think, that no amendment is required in the size of the land here and in the size of the land here and...
release of the covenant. So we're asking for
that from NStar as well so those are the two
requests.

MR. ALPERT: Who is? The CC&F or NStar
or the Town?

MS. KINCAID: In the covenant land,
NStar Way, it's a public way. Do you have the
slide with the portion of NStar Way? It's so
hard to see. Came down along here. Actually,
NStar Way had a couple of different statuses
legally. Public way for a good part of it. The
very end, they actually continued it on through
what is today 22 Merrymount to connect to
Harvard. The strip along there that were the
subject to the covenant.

MR. ALPERT: Who owns the street now?

MS. KINCAID: It's a public way. It's
been accepted as a public way. But the covenant
is still on NStar's title. I think actually the
town might have -- I think the Town acquired
that one in -- there was a time period when most
other public ways are easements.

MR. ALPERT: They put the covenant for
what land? All of NStar's land?

MS. KINCAID: Yes. It goes through
what is the public layout and also NStar. So we
need to clean that one up. Any questions?

MR. OLANOFF: Well, there was a
condition in the special permit which says that
land should be left in a natural state, I
believe.

MS. KINCAID: Actually, I didn't find
that in reading of all of their special permits.
I found a section that discusses certain ways
that that should be maintained. They refer to
it as the field, and I think NStar can't use
pesticides in certain things like that in the
field.

MR. OLANOFF: They can't know it or
things like that.

MS. KINCAID: But it actually doesn't
say it has to be maintained as open space.

MR. ALPERT: Erica looked at it for us.
MR. MALSTER: It's a note on the plan,

isn't it?

MS. ALDERS: Well, there is in the
special permit Condition 21, does say
maintenance of the designated landscape field

areas outside the buffer area shall be done in
accordance with Exhibit A and then Exhibit A is
what you're talking about, Steve, where it is
talking about maintaining meadow environment.
So that's the conditions you're thinking of, I
think.

MR. OLANOFF: Okay. So it is actually
a condition in there so how is that affected? I
mean, it's a condition which specifies you do it
by Exhibit A.

MS. ALDERS: Well, it is a condition
but what they are asking for is statements from
the Planning Board, the same property won't
require an amendment to the special permit.
They are not talking about how the field might
be maintained or changes they might make to that
area. It's just talking about how the property
is transferred legally to title from one into
another and there is nothing in the special
permit that would prohibit transferring title to
the property to different entities, and that's
all they are asking the Board to make a
statement about.

MR. ALPERT: Also that condition
doesn't seem to require the extension of a
field. It says, if there is going to be a
field, I don't know it.

MS. ALDERS: It doesn't talk about
existence of a field.

MR. ALPERT: Could imply. But it
wasn't explicit. The Board wasn't explicit on
that. A logical inference that the Board likes
the fields. That question is not presented.

MR. MALSTER: You're not asking us
that?

MS. ALDERS: No, I'm not asking that.

MR. MALSTER: But the road is going to
end up on part of that field?

MR. ALPERT: Put the slide that shows
the road intersecting the parcel.

MR. OLANOFF: But they will still not
be mowing the road?

MR. MONTGOMERY: The fact that it's a
road doesn't trigger the site plan.

MR. ALPERT: The site plan is triggered
by issuance of building permits.

MS. KINCAID: The reality of it is, the
Board has full review of this road as part of
MR. ALPERT: With? Under Section 17?
MS. KINCAID: Yes. Now in the Westwood
site plan, environmental impact and design
review. The approval does not come in the form
of a special permit.
MR. GALE: The special permit still
applies to the -- (inaudible).
MR. ALPERT: Really that change in the
bylaw was not retroactive.
MR. OLANOFF: Okay. This says that
upon recommendation of counsel to the Planning
Board. So do you recommend this?
MR. MOORE: Your lower line is --
MR. ALPERT: I'm not recommending you
sign it. I'm saying you can sign this because
it's legally and factually accurate. But that's
a business question as to whether you want to
sign it. I haven't seen the purchase and sale
agreement. I just know from the face of this
letter what it asserts is accurate, the sale of
that land does not require EIDR.
MR. MOORE: The letter also says it's
your recommendation to make a determination.
MS. KINCAID: Yes. Feel free to.

MR. ALPERT: Recommendation that you
sign the letter. Sorry. That's two months
stale. I didn't read it before I came in
tonight. My advice is that the letter can be
signed and the Planning Board, the statement
would be really legally accurate.
MR. MONTGOMERY: You don't really need
to mention you in there. Just take it out.
MS. KINCAID: Yes. I put it in to see
if the Board wanted a record that they consult
with counsel. So feel free.
MR. MOORE: Are you going to do that?
MR. MONTGOMERY: No, but we can take it
without it being cited in the letter. In fact,
what we're doing is reading --
MR. ALPERT: I don't mind if the letter
recites that, that counsel opine even that the
language was legally tenable or accurate or
whatever. But it's fine. If they want to pin
it on me, it's a legal question.
MR. OLANOFF: You're saying legally we
can make this determination? You're not telling
us to make this determination? You're saying
legally we can?
MR. MOORE: Legally what this says is accurate, is what he's saying.
MR. ALPERT: It's a legal truism, that statement.
MR. OLANOFF: Those are really true. It does not require EIDR. It does not require amendment to the special permit.
MR. ALPERT: These are almost rhetorical questions you're asking. We can debate why they are asking.
MR. MOORE: You guys do whatever you want because I'm not going to -- I'm not going to vote for it. I don't think we should be making a legal opinion.
MR. OLANOFF: We had this discussion before.
MR. MOORE: Yes, back in April.
MR. OLANOFF: Yes.
MR. MALSTER: Yes. It's the same question that I raised before, which is, we're sort of in a box here. We do want them to straighten the road. That's a definitive. But there is also the other side of the coin we're getting up that way. I think not just because it's knowledge in the road but also to fit this programming.
MS. KINCAID: It's both.
MR. MALSTER: Without the benefit of -- so that to me, that's why we're getting in the middle of this.
MR. GALE: It's a better road. Let's make it a better road. We got this whole thing.
We don't like the programming. We can connect to the amendment and say, you know, this building is too big or this one is too blue or whatever it is. Anymore trees here or whatever you decide. That's the avenue to fix that as the amendment, is this thing.
MR. MALSTER: Right.
MR. OLANOFF: So when we say, makes the following determination, what does that mean?
We're just expressing our legal opinion?
MR. MOORE: You're making a formal determination. It's going to be hard for you to come back -- I mean, not that you would.
MR. MONTGOMERY: Do we have authority to do that, Peter? I mean, and does it really protect them from us?

MR. ALPERT: You can take a vote right now, subject to minor adjustments to the first paragraph, as we discussed tonight, and then take it from there.
MR. GALE: I'll move that we sign it.
MR. MALSTER: Motion, then, to sign this letter?
MR. GALE: Yes.
MR. MALSTER: All in favor?
MR. GALE: Aye.
MR. OLANOFF: Aye.
MR. MONTGOMERY: Aye.
MR. MALSTER: Opposed?
MR. GALE: No.
MR. MALSTER: All right.
MR. OLANOFF: What was the vote?
MR. MALSTER: Four to one.
MR. OLANOFF: All right.
MS. KINCAID: Pete's covenant --
MR. ALPERT: On the lease of the covenant, separate issue, Erica, you looked into it? You talked to Joan earlier about this?
MS. ALDERS: I did. What they are asking for, when NStar Way became part of -- was...
another definitive subdivision plan, they put

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

I talked to John Bertorelli, and he

says that the traditional way in Westwood that
this would happen is that the Town Engineer, who
I think was Mr. Champagne back in 2001, would go
out to NStar Way and he would write up a report
indicating whether or not it had complied with
the requirements of the covenant. So in this
case, the construction was installed in
accordance with the covenant and in accordance
with the definitive plan, subdivision control
law, et cetera. John Bertorelli says that it
would not have been submitted to the Town for
acceptance as a town way, unless Mr. Champagne
had gotten a positive approval that it met all
of those requirements. So although I have not
seen a report that says it meets all of the
requirements, our assurance from John Bertorelli
is that it wouldn't have come up from town way
approval, unless it had been reviewed by the
Town Engineer. So the Applicant is asking that
the Planning Board release the covenant because
all of the items in the covenant have been
fulfilled.

MR. MOORE: The Applicant? Who owns
this?

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

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

MR. GALE: Are you going to be to this

road?

MS. KINCAID: Extending it so that to

meet the intersection with Westwood Station

Boulevard.

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

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

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

MR. GALE: Additional guardrails or

something?

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

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

MS. KINCAID: We just couldn't find a

copy of it.

MR. ALPERT: We're assuming it couldn't

have gone to Town meeting absent that report
from Champagne.

MS. KINCAID: Steve, do you recall the

report?

MR. OLANOFF: Yes. That's why I

mentioned about the streetlights. That was the
issue that I brought up at the time. So it
wasn't done. It was right before the Planning
Board, that report was made to the Planning
Board.

MR. MONTGOMERY: If there is any
deficiency, it's the Town's responsibility to

fix it?

MR. ALPERT: That's right, under

statute. I guess it's either a no-brainer or

show stopping. I don't know. Somewhere in that
range.

MR. ALPERT: What are you looking for?

MS. KINCAID: A release.

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

MS. KINCAID: Yes. Erica gave me the

form tonight.

MS. ALDERS: It's the Planning Board's.
The one that Nora gave me had three members that
the Planning Board had signed.
MR. GALE: When the new covenant shows up, it's probably going to be the 7th.

MS. LOUGHANANE: The 8th. July 8th.

MR. MALSTER: A form that we need to sign and so we don't have the form in front of us. Well have it and sign it on July 8th.

MR. ALPERT: Would you like a letter from Jen?

MR. MALSTER: I think it just covers --

MR. ALPERT: We thought he would be here tonight, what Erica said for him.

MR. MALSTER: I don't think it would hurt to have --

MS. KINCAID: Okay. We'll talk to him.

MR. MALSTER: To have a memo from John that says basically, even though we couldn't find that, we know that happened, and he just took a look and followed through.

MS. KINCAID: Okay. Great. Thank you.

MR. MALSTER: All right. So we have PRC sessions set up so there is obviously --

MR. BERGER: Yes. We had a productive meeting with John Kennedy last week. We went through all of his issues. We have a schedule to deliver material, receive comments, deliver additional material, and go back and forth through the balance of this week to work towards resolution with John. It was a pretty productive meeting. So I think we'll get there.

We also met with Drew and Leo on environmental issues on Friday. And we have some deliverables for them. We also resolved that issue with them. So that was productive. And we hope to get what they need this week as well.

We also have parking and TDM meetings scheduled for this week, material of which we will have delivered to them prior to most of the material delivered to them prior to the meeting. And we're trying to pin down a time with Steve Cecil. We think the earliest we can do, given his schedule, is Monday.

MR. MALSTER: You guys are shooting for this week? It didn't work out?

MR. BERGER: He's out of Town. We're trying to --

MR. MANFREDI: It's Monday at 2:30, I think. 1:30 or 2:30.

MR. ALPERT: Okay.

MR. BERGER: The way we left it with John Kennedy was to work towards a resolution substantive with him on his issues prior to the 7th, such that he wanted to be able to -- the 8th. He wanted to be able to report on -- and make his presentation, his ultimate resolution technically with us on the 8th, and that's our goal, too. So that's what we're both striving for.

MR. MALSTER: Okay.

MR. GALE: If we get particular concerns, we want to make sure that the PRCs look into -- should we send an e-mail to Nora?

Is that the best way or to you or to the Board?

MR. MALSTER: That's fine. You can certainly get it to Nora. If you have a specific list of issues that are beyond the list that are sort of highlighting of what we've done, yes.

MR. MONTGOMERY: You can talk directly to the PRCs, too.

MR. MALSTER: Right. You can do that, too.

MR. ALPERT: It would be nice to have a written record.

MR. MALSTER: Have something written down versus shooting.

MR. MONTGOMERY: Or you can e-mail it right to him.

MR. ALPERT: Yes.

MR. OLANOFF: There was one thing.

Maybe the Planning Board can resolve early on and save the PRCs and the Applicant a lot time, which is resolve the issue of whether we want a surface, temporary surface parking lot there for P91.

MR. MALSTER: Well, one of the issues that these guys are working on this week, we've specifically set up the parking guys at VHB to go through sort of their whole parking, their numbers, their shared parking scheme.

MR. OLANOFF: Why should they spend time analyzing that surface parking lot if we just don't want it at all?

MR. MALSTER: No. Whether you like it or not, I don't think that's for you to decide.

I think what I was specifically looking for from the VHB is, why they say they need that surface
lot, what that surface lot is doing. I think that's information that would help you inform your decision. That's all. It doesn't preclude you from making whatever decision you want. I think it's just some information that you don't have right now, right?

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

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

When you talk traffic or parking, I mean, it's somewhat two different things. John Kennedy is in the process of working through some of those based on functions there so there is another piece of information about that is surface parking lot. You're going to get other information from VHB and Bill Cranshaw on their needs for that and why they say they need that, magnitude of what they say they need. You'll have those in front of you very quickly there.

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. BERGER: Yes.

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

MR. BERGER: Yes.

MR. MALSTER: I think it's pretty clear that Steve wants pretty definitively against parking lots.
MR. GALE: Yes.
MR. MALSTER: We just need a little more information. So anything else tonight, guys, before we continue this meeting? Am I going to get a motion?
MR. GALE: I move we adjourn -- I mean, continue the hearing until -- what is it? Is it July?
MS. LOUGHNANE: July 8, 7:30.
MR. GALE: Champagne Room, 7:30.
MR. MALSTER: All in favor?
MR. GALE: Aye.
MR. MOORE: Aye.
MR. MONTGOMERY: Aye.
MR. MALSTER: Thank you.
(Whereupon, the meeting was adjourned at 10:15 p.m.)

CERTIFICATE

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

Myriam A. Maracas
Registered Professional Reporter

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