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Tensions linger on proposal

By **Katie Liesener**/ Staff Writer
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Though given a one week extension by the Board of Selectmen, the Planning Board opted to submit a bylaw draft for the proposed Town Center on the former Raytheon site on Tuesday afternoon, which, to the selectmen's dismay, does not reflect an agreement with developer Twenty Wayland LLC on two issues - signage and change of store use.

"It doesn't do any good to have a bylaw in the warrant that the owner of the property doesn't support or can't work with," said selectmen Chairman Michael Tichnor. "The selectmen left negotiation of the zoning bylaw to the Planning Board and we thought that it was coming along and progressing. Obviously, they haven't crossed the finished line ... They've decided not to cross it."

Planning Board Chairman Larry Stabile, whose board has worked on the bylaw during holidays, weekends and evenings past midnight, said the board did not have enough time to make changes the developer wanted while adequately protecting the town.

"We decided (Monday) night what we were doing was the correct thing for the town and sufficient for the developer," he said.

The two boards first began meeting to discuss a new Town Center soon after the defeat of the last proposal at special Town Meeting on Nov. 1. To avoid many of the pitfalls of the first go-round, the boards met with the stated goal of proceeding toward a shared vision of a Town Center together.

But as the developers entered the process, and brought their own vision as well as the strain of a tight timetable, the two boards began gravitating toward two competing concerns. Selectmen have stated they don't want to miss a "best and last" opportunity to bring a Town Center to the voters, and the Planning Board has warned against rushing a project to the detriment of the town.

Frustrations on all sides reached a near-boiling point Monday night, as the clock ticked down toward the initial warrant deadline, which selectmen had set for Tuesday at town counsel's suggestion.

Unsure whether the Planning Board would finish the bylaw that night, selectmen discussed submitting a draft of the agreed-upon bylaw elements as a place-holder until the Planning Board could finish.

The selectmen said the intent of such a move would be not to alienate the Planning Board.

"I don't think this board wants to get into the business of writing zoning," said Selectman Bill Whitney.

When the Planning Board had not finished by 10 p.m., selectmen sent Town Counsel Mark Lanza as an emissary to ask that the board report on their progress. When Lanza returned to say the board had declined, the selectmen walked down the hall to the Planning Board's meeting, where the evening culminated in a tense exchange between the two boards.

"I feel like we're being backed into a corner here," said Planning Board member Ira Montague, who questioned the level of collaboration between selectmen and the developers, then retracted his statement.

The Planning Board told selectmen they had not yet discussed signage and had reached an impasse with developers over change in store use. The developer wanted the board to identify changes in use that would trigger a site plan review. The board did not feel it had enough time to define those categories in the bylaw, and wanted them defined in the master special permit instead.

Planning Board members said this was just one example of additional requests the developer had made above and beyond the minimal changes they had asserted would be necessary to guarantee development size.

"Our interpretations of what is minimal seem to be quite different," Stabile said in a later interview.

Likewise, their interpretations of timeliness differed.

Stabile said he received a counter-proposal from the developer on the change-in-use issue an hour before the board's Monday night meeting.

The developers said the Planning Board, which had not reviewed their proposal by the 1 a.m. end of the meeting, bogged themselves down in semantics instead of focusing on the most important elements of the bylaw.

"They're not familiar with this process," developer Chuck Irving told selectmen after they had

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returned to their meeting room. He said that change in use is "a very practical matter they don't have the experience to understand."

The bylaw draft submitted by the board reserves the definition of change-in-use categories for the master special permit and "gives us leeway to do signage that's appropriate," Stabile said.






As the Planning Board continues to work on the draft - which Stabile said may or may not include updates to signage and change-in-use issues by the close of the warrant next Tuesday - selectmen must decide how to proceed as well.

Keeping the warrant open for another week, Tichnor said, "gives us more time to review the placeholder - though it might be something more than a placeholder."

According to Town Administrator Fred Turkington, the selectmen could technically submit their own bylaw in addition to the Planning Board's. But if they are competing bylaws, he said, he will have to determine the legal process that would ensue.

When asked whether selectmen would consider submitting a separate bylaw that satisfies the developer's concerns, Tichnor responded, "Personally, I assume we're not going to rule out anything. But the goal is to submit a warrant article that is supported by both town boards and the developer."

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