

PARTIAL TRANSCRIPTION
MEETING OF THE
WILLIAMSTOWN BOARD OF SELECTMEN
Monday, May 9, 2016

The following is a partial transcript, with ellipses as shown, of an audio recording of public testimony and discussion among members of the Williamstown Board of Selectmen at their regular meeting of Monday, May 9, 2016. Per their agenda, the board considered and voted on what to recommend to town meeting voters regarding a warrant article for a zoning change at the Waubeeka Golf Links to permit a “country inn” of up to 120 lodging units. The recording was made by Bill Densmore. Transcription is by Bill Densmore and Tela Zaslof.

Stan Parese (attorney for property owner):

[Urges acceptance of “the acreage amendment”]

[The additional restraints being suggested by other amendments—square footage, etc.—are apparently being put forth], because this is not hard enough on us already. But it is exceedingly hard. It may be impossible. We may be in a very tough spot ... This is not merely an academic exercise. There are 40 people whose jobs are down there and if this is successful, we’re intending to have 100 jobs down there. But I would urge this Board of Selectmen and I would urge town meeting voters when they consider this, that if Waubeeka’s going out of business meant that 40 of your closest friends were going to lose their jobs, I would suggest that this isn’t the time to be making this more difficult than it already is.

Andy Hogeland, selectman:

There are strong opinions on all sides. But what we’ve often missed is that we have some common goals. A common goal has always been to frame a bylaw that gives Mike Deep a chance to have a go at the market, to see if there is a market for this kind of thing, and to balance this with protection of open space. The other goal is to create a draft bylaw that has a reasonably good chance of getting a 2/3 vote at town meeting, and I think we’re not there yet. The original Citizen’s Petition is flawed, we just voted against doing that, everyone recognizes that and recognizes the need for a substantial amendment. What we need is a good path out of the woods and I’d like to recommend one.

There have been a lot of competing drafts, not just the three we talked about. They try to address all concerns in a number of ways but the reality is, only one of them got passed by the Planning Board. There’s no other sanctioned amendment. I didn’t until now realize that Stan was going to be proposing the draft town acreage bylaw as his own, as is, without changing it. I think we have only a very slim chance to get a bylaw over the 2/3 hurdle. And that slim chance depends on our using the Planning Board amendment.

But first there are two elements in the Planning Board amendment that need to be modified. One is the allowable size of the buildings and second is the requirement for additional conservation restriction above the initial 67 acres. The Planning Board amendment moves both of those in the developer’s favor but I think they did not move them enough to get a 2/3 vote at Town Meeting.

I think the best way out of the woods for us is to recommend two changes to the Planning Board amendment:

- First, we should recommend that the Planning Board reconsider increasing the amount of gross square footage allowed. I don’t think it is up to us to recommend a specific number—the Planning Board can do that—and the majority of the Planning Board has already made clear at the last meeting, that they are ready to do that. The result of that may change and possibly narrow or eliminate the differences on that issue.

- Secondly, we should recommend that the Planning Board reconsider the requirements for conservation land and they should agree to reduce these or eliminate them. This seems to be the issue that generates the most animosity and I think that needs to stop.

The Planning Board has another meeting before Town Meeting so they have the time to review these recommendations to make these two changes, and I would urge them to do so. If the Planning Board adopts these recommendations, then we may be able to go into Town Meeting with a unified position. Getting a 2/3 vote on a zoning change is a huge hurdle, but chances of a successful passage go up. The chances go down if the Planning Board can't unite on this amendment and we have to deal with competing amendments at Town Meeting. I don't want this long effort to end up with nothing passing. There's no perfect compromise. We all have to stretch and we've stretched a lot already. But we've got a common interest in doing something positive, by trying to find an amendment we can all agree on. So I move that we all agree to recommend against the original Citizen's Petition, as we just did, and that the Planning Board revise their amendment to increase the amount of gross square footage and to reduce or eliminate the provision for conservation restriction above the initial 67 acres.

Anne O'Connor, selectman:

Somewhere in here is a version I'm starting to feel comfortable with but my main discomfort is I'm not a planner at all. I'm the same as everyone out there in the audience. I'm a resident of Williamstown and I've tried to keep up to date but I haven't read through the fine print, of the Gardner amendment that was passed by the Planning Board, nor the fine print of the acreage draft that, it seems, Stan will bring forward at the Town Meeting floor. So that makes me uncomfortable when it comes to taking a vote right now. Hasn't read either version. I wouldn't mind, if we are going to come to a vote, that we underline a few more of the differences. There are a couple of other things, language differences.

Jane Patten, selectman:

Andy, I hear you and I know that this is your, kind of, signature where you try to be the guy in the middle trying to bring two sides together. But there's been more than enough opportunities for this to come together and having been deeply up to here, engrossed in this for the last—feels like forever—and reading every line and trying to figure out the nuances and subtleties, and different things. . .

In the April 28 meeting discussions were at a number of square foot agreement, possibly higher, and completely removing any additional requirement for more than 67 acres to go into CR. I believe the number was 70,000 acres, maybe a little more. Five or six days later, the compromise proposed was 50,000 acres and, oh, by the way, another 40 acres in CR. So I get that I'm from Missouri but where I'm from, no one would call that a compromise where you go from 70+ to 50, and thank you so much for your generosity, we won't ask you for more—and then asking for more. Fundamentally, trying to promote that as a compromise was almost candidly insulting to me. That someone would think I would say, "Oh, wow, that's a compromise!" It doesn't feel like a compromise to me. So my faith in this group's ability to get to something that would be acceptable not only to the petitioner but to the folks out there with the money, who might find this appealing. ... And I am one of the most optimistic people I know. I am the queen of glass half full and for me to get to this place is a sad, sad thing. And it makes me sad, I have been sad for a week.

I've heard a lot of people say, well, we've just got to get something that gets passed at Town Meeting. It doesn't matter if something passes at Town Meeting that no developer will touch. That is building a road to nowhere. Then people can say, well, we passed it. But if no developer is interested in it, it just doesn't matter.

I spoke with my father-in-law who is a very successful developer. I asked him what makes a piece of land attractive to him. The first thing he said is, "Well, we need a little bit of flexibility so we can see what's going to work with the space and what's going to work with the folks around it so it works with the neighbors. So if we're offered a very constrained piece of land we're likely not to be interested. And secondly if we're faced by what seems to be insurmountable hurdles in terms of the town's or city's

willingness to work with us, we just won't bid on it. It becomes a non-issue. We just say thank-you very much.

I agree with Ann, none of us are planners. None of us knows the right number of rooms or the wrong number of rooms. I do know that a developer who comes in and does a market study and says, "I think it's great that there are 10 acres, but we can only do an inn of this size and a banquet room of this size. Developers are not going to overbuild and spend tens of thousands per square feet, just because the land is there. The one example I can give on this, and this is going to be a shock to everybody—but I used to work for Victoria Secret and I would go on mall visits where we were either offered additional space or the opportunity to go into a mall for the first time. And they could show us a store that had 50,000 sq ft and they'd say, "We'll make you a great deal." But if we only needed 3, we took 3. So this notion that this is a gobble up, horns and a tail developer who would have unfettered growth is just not so. So I would love Andy to think that folks could get there but I have not seen anything, especially after that last meeting, when people tried to convince me and the town that that was a compromise. I'm sorry I would love to be proven wrong, but I don't see it.

Andy Hogeland:

Well, my proposal is to give them the opportunity to prove you wrong. It was very clear at the last PB meeting that the proponents were quite willing to talk about increasing the size of the building. They asked him to give them a size of the building and he declined to do so. I think also partly because of all the folderol you referred to, there is a possibility they would offer to reduce or eliminate the CR increase altogether.

The explanation given at the Planning Board meeting for why they increased the conservation restriction from the earlier 67 acres—[several people talking at once] please, let's calm down--after they passed they passed the original amendment with the 67 acres, they got a lot of feedback from the community that that wasn't what people wanted.

Hugh Daley, selectman: Were their ears not open for the previous eight months?

Andy Hogeland: All right, look, I'm not going to be interrupted. What I most want to do is not behave how the PB behaved. I want to up our game. I'm trying to move forward. I don't want to talk about the past, frankly.

Ron Turbin, selectman: No personalities, also.

Andy: I would say my view is, give them a chance, because if you don't give them a chance, you are going to have an acreage limitation up against a Planning Board square footage limitation and the most likely result is neither one passes. I would like to get something passed. I think this is a viable process towards letting the Planning Board do that so you have only one approach to doing this. If there are two approaches, it is a tough sell. It is not going to work.

Jane Patten: You said after the PBoard vote that a lot of people in the community weren't happy with it. At the May 4 meeting, heard Ann say they were concerned after the April 28 meeting when they got to 70+ and no additional CR, they got concerned that they were giving up too much. [So they changed the amendment for the May 4 meeting.] Is that what you're talking about? Ann's worrying that it wouldn't pass or that people were telling them they were giving away too much?

Andy: Well, both. What I'm telling you now is based on my conversation with people after the May 4 meeting. I believe there is substantially more flexibility in the Planning Board then there was on the 4th. The chances of doing something at TM would be better if the Planning Board was behind something that is more favorable to the developer than the one that passed on May 4.

Ron: I did think about this long and hard, and I really appreciate the effort that Andy has put into coming up with some sort of solution involving the Planning Board. What I've concluded is two things: one is that we're not the Planning Board. I agree with Anne [O'Connor] and I am loath to come up with a recommendation, a specific proposal. I thought about 70,000 square feet but maybe that's not enough. There are so many variables, and I agree with what Jane said—that a developer wants and a developer

wants flexibility. So I don't know if 70,000 sq ft is enough, maybe it is. That's No. 1 and No. 2 is: I don't want to become the Planning Board. And what is our role in terms of the Town Meeting? It's to make a recommendation. Believe me, I'd like to run away from this. But we have to make a recommendation, I think that's what we have to do tonight. I have a lot of respect for the entire Planning Board, all five members. I truly respect their intelligence, their dedication, the sacrifices they make, their integrity—all five members. But I think that now we have to act like the Selectboard and make a recommendation for the Town Meeting.

Hugh: It is important to me that we put something before the town that actually will get built. We put forward a plan that will work and we let the town decide if they want a hotel down there. The goal is not to pass town meeting, the goal is to change what's going on at Waubeeka. If you start from that position, you start recognizing that the developer has to put forward the plan that they best think can get built and then the town gets a chance to make a decision about it. That's the way this works.

I think the Planning Board has put forward the plan that they want. The fact that they are three days, four days away from it and they've had a change of heart, is incredible to me. I would like to know which Planning Board members have changed their mind. Is it Sarah Gardner, who drafted the amendment? Is it Ann [McCallum]? Ann, you're here, you could tell us. You could say, "I agree that the amendment is fundamentally flawed." I agree and I'm glad you do, too. But it seems strange to me to put this back into their hands.

I think our job before the Town—we are not planners, as you say, we're not to be comparing CR restrictions, and all that. That's their job and they did it. They put forward their plan. Our job now is to pick one of these plans, promote it to the Town, get up there collectively and say this is the way to do it, this is the way to insure a brighter future for the Town. I am a big fan of the 10-acre amendment, I think it makes sense. If you have ever done any work in real estate you know the market will drive the number of rooms up to our 120-room limit. The rooms will drive the program. For now, the square footage will drive the 10 acres. There is a built-in limitation of 10 acres and 120 rooms. Lastly, I will say this. We have all seen buildings, you can find a building, that 100,000 feet that looks like 50 and you can find a building that looks like 50,000 feet and it is 100,000. A lot of it is in the design. Nobody is going to build one more square foot than they can support. This is not a charity proposing this development. It is not reasonable to assume that it will be overbuilt because there is no square foot upper limit on the potential of what could be built. I think that is an irrational argument.

Amy Jeschawitz, Planning Board chair: This has run its course with the Planning Board. We have spent nine months discussing this in all different ways, shapes and forms. I believe that regardless if even those changes were to be made, there still is going to be a competing amendment made from Stan Parese and Waubeeka regarding the acreage. So there are going to be two competing amendments. My other reason for this is that the Planning Board has other business we need to start tending to. We need to move on, put the cards on the table and turn to Town Meeting and let Town Meeting decide.

From a business point of view in dealing with other issues, we need to start doing those. I ask you to let us do that and let everything that happens at Waubeeka just go to Town Meeting and it will be decided there.

Joe Finnegan, resident: I'm not going to repeat—Andy had some nice words, Stan had some words—so I'm going to skip to the heart of the matter for me. When I heard about the Gardner amendment last week I was kind of shocked. The owner of the land was going to donate 33% of the land into conservation and in return the planning board voted to allow him to develop 50-60,000 sf. Let's just go to numbers for a minute. Waubeeka is 207 acres, 9 million square feet. Three million sq ft is being proposed to be put into CR—a win for the Town. The Gardner amendment will allow him to develop between 50,000 to 60,000 square feet. That's 7/10 of 1% of the land that he owns. The 10 acres he's asking to develop is 5%, is less than 5% of 207 acres. We just had a study, at the Williamstown Economic Development Committee, that said we need to expand our tax base, to create jobs, attract tourism dollars, make the community more vibrant. So I think the development of Waubeeka, an appropriately sized hotel, would do all those things. I think a great inn with a cross country skiing in the winter, tennis and golf in the summer, whatever the programming driven by the economics of this area, is a win for the town. Stan already talked through the process that any developer has to go through. It's all there. The Conservation Commission is there.

If you're talking about a compromise, when the land allowed for development is less than 1%--that's not a compromise. So I think they can do a lot better.

There's talk about what if it fails, if it is too small. If you gave him the maximum he was asking for, that's still only 10% of the land. So I hope we all do the right thing for this town when we vote next Tuesday.

Anne O'Connor: I sincerely welcome a hotel at Waubeeka. I've felt that way since the beginning. If it were not struggles at the golf course I think the idea of an additional hotel in that location is promising for the town. I'm not a developer so I don't know what it would take as a hotel to make it succeed there. I would love us to come up with something that would be 5-0. It would be nice for our board to reach some kind of clarity. I don't hear us getting there, which is what it is and I have a gut apprehension about an actual zoning change being written by a procedure of amendments at the floor of Town Meeting. We all know that is going to be super difficult. Part of me would love to step back and give the whole process some more time. Right as I sit here, though, I'm not sure the cool off period would accomplish what it would need to and that we would end up ready to pick up the pieces in the fall and figure out some new language around this. I have also heard from a lot of people, many of them are in the room. And I know I'm sort of the environmentalist on the Selectboard. Nonetheless, I . . .

Jane Patten (Interrupts): But I say I am pro this development, and now I am not an environmentalist? . . . that's one of the things that makes me nutty about this.

Anne: Yes, what I like about that is that I am an environmentalist but am not anti-business. So what I'm about to say will probably discourage those people who were enthusiastically recommending the Planning Board amendment as passed last Wednesday, even without any changes to it. I took a minute as we were talking to look at the acreage draft that I think is what Stan will be proposing. In this draft it is not the acreage that bothers me at all. I don't have a problem with looking at 10 acres and letting the developer figure out what makes sense in that 10 acres because it is going to come to the Zoning Board. . . . My concerns are about the CR. I'm thrilled at the idea of the CR on that upland wooded lot. I'm only concerned about ground mounted photovoltaic infrastructure on that lot. I know we're not planners but here we are talking like planners. But that concerns me, and also that it could be used for forestry or tree farming. I'm guessing that a well, for example, would be a little less invasive than photovoltaic array. And I can understand that you might have to cut down a tree if it's dead, but forestry, tree farming is more than that. So that doesn't sound like leaving your CR untouched. I'm also not sure about the clause that says in the event the special permit lapses or is revoked or is surrendered, the special permit would expire. I would like to know what that means before I have to cast my vote on the floor of town meeting. So those are my questions about the draft acreage proposal that Stan Parese will be presenting.

Jane Patten: I don't know the answers to all of those. I do know that the request for the photovoltaic is only if it makes sense and is doable on the land.

Amy: The part about the solar array, that also has to be applied for a special permit, they can't just do it.

Ron: So to be reviewed by the ZBA. Another question: Is tree farming an acceptable practice on CR restricted property.?

Amy: I don't know, I believe with CR you still have to get approval for things like that,, I believe it goes through the State at that point.

Joe Finnigan: When you put land into conservation, there is some standard language around it. The option is there. It is pretty standard language.

Anne McCallum, Planning Board member: I am here to represent the majority vote on the Planning Board. I think when it started off, when it came to us on the Planning Board, we were all very enthusiastic about this idea of having a hotel on the site, the Waubeeka Golf Course. And perhaps for those of us who were excited about it, the reasons for our excitement have grown quite diverse.

I think I represent the majority when I say that I was in favor of it as a way to preserve the open land. I think others might have been in favor of it as a way to generate income for the town. We thought we could bring those two nicely together. When we started to talk about the size, that's where the problem came. This particular area that we're talking about—in 1982, the state took an inventory of the beautiful places in Williamstown and that particular site from the high school down to and including Waubeeka, was one of only four places that they assigned the highest rating in the whole state. That's one of our premium views. And the thought that we could wreck this view with a hotel that was too large for its site, too much parking, too much coaches and buses spoiling it, was a very strong motivation for me to make sure that the size of the hotel didn't spoil this. Tourism is our main industry here (well, perhaps the college is our first main industry), but tourism is a very important part to us and we want to be careful to be good stewards of the land, to preserve our farmland because this is why people come here, for the beautiful views.

So it felt to me that, as a planner, it was very important to not wreck the land. So that's where the size came in. We then tried to think, well, what is a size that will offer economic opportunity that was meaningful without going crazy. And we looked around at the size of the various hotels in our area. The Orchards seemed like a reasonable medium-sized hotel. That's 47 rooms and it's about 60,000 square feet. The Porches in North Adams is 50 rooms and it happens to be the only hotel in northern Berkshire that reaches the 60% occupancy rate that is the gauge for a successful hotel. And it's much smaller. The hotel that's proposed by the college is 60 rooms at 50,000 square feet. They've also planned an annex, that would add another 20,000, so that would get up to 70,000 square feet. So all of these are the acreages and sizes that we looked at. Never were we trying to be punitive. We were trying to balance a really good investment opportunity with conserving the views and landscape that really make our town what it is. The CR thing seemed like a good guarantee that we're going to give this one property owner increased value. It seemed like a normal thing, and most towns would do this often in other areas—you ask for something back for this privilege of having this extra income on your property. You have this special income potential that others don't have.

So the thing we were asking for in return was the permanent CR restriction on the sensitive lands on the property-- the watershed, the 67 acres that we've already talked about. Then we thought the other unbuildable area that was also very sensitive and unbuildable was the watershed area along Route 43, the 40 acres we were suggesting would be a good quid pro quo.

So that is the view from a majority of the Planning Board. As for whether we would be able to agree to a compromise, I have to agree with Amy that I think we are really far off. If you look at what Stan and Mike are proposing, I think it is really closer to over 100,000 square feet that they are really interested in. Looking at some earlier published figures and I don't think the faction I represent—I hate to say faction but it certainly has been recently—would go that high, ever. I think there is a chasm between us. So I'm with Amy and I think we should let the chips fall where they may at Town Meeting. I don't know that you need to vote tonight, ...on anything other than the original citizen petition.

Jane Patten: I appreciate your articulating your perspective ... somebody giving 67 acres or essentially a third of their land to me feels pretty quid-pro-quoish, feels pretty actually remarkable.

Ann: It was a very good gesture.

Jane: ... “The phrase that was used that really troubled me was “pay to play” . . . that really troubles me.” ... OK thanks for this but we want this much more. ... to suggest that one neighbor doesn't have that option [to buy the Waubeeka property] and this is some special privilege, deeply troubles me. The last thing is to compare The Orchards or Porches to this inn when they don't have a golf course and suggest that I be the same size ... you're still at 50,000 correct?

Anne: 60,000

Jane: Half, sure for another 10,000 square feet I'm going to ask for 2/3 again what I've already been graciously given. ... it just troubles me.

Karen Falk: I've seen the videos from April and the main meetings, and as a resident of Williamstown, first you said, this is what I kind of caught onto, bringing a developer into this Everybody seems to say they'd like to have a hotel here ... that doesn't seem to be the issue Maybe I'm going on complete emotion at this point, but after watching the April meeting and watching the May meeting, I'm absolutely appalled at what happened in the May meeting. Because what I saw was something trying to be slipped in with the Gardner amendment. Because what I heard, what I saw and what is on video, clearly said, I saw the debate sitting right there. She [*Sarah Gardner*] said I didn't do anything but add numbers to what was proposed, what was somebody else's job to propose. And finally she admitted after a lot of discussion, yes I added in that there would be additional acreage if they were to expand. That is disingenuous at its best and I am absolutely appalled that that got broken off in a positive way. And I would also like to say that all these things we have been talking about is micromanaging. Because in the end he came up with 67 acres that he was willing to bring forth that wasn't in any of the original proposals. He proposed that. ... that was a huge concession ... it is not for us to decide whether that's conservation land or not, whether we put photovoltaic panels on it, or whether we put a well on it. That's not for us to decide at Town Meeting. Because we have the infrastructure, after Town Meeting, to make sure that all these procedures are put in place. That's why you guys are here. ... I just don't understand why we are going through this and trying to micromanage. The man only wants to develop 10 acres, let him do in that place what he wants to or needs to or not even what he wants to but what the developer who is brought in gets to do. I just think we need to stop micromanaging, and let the people who were elected do their job, after we get past this one tiny hurdle.

Ron Turbin: I do encourage us to move away from the Planning Board. ... they work incredibly hard .. and are sincere ... and each one has a lot of integrity. It is unfortunate that we didn't get a compromise plan, one that both the developer wanted and the Planning Board could agree to. We have to do our job and make a recommendation, even though I'm the last one who likes to get involved in controversy. I like to run from it..... I do support the acreage control draft that Michael and Stan proposed.I do think it's really quite reasonable. Besides the 67 acres which is extremely generous, the 10 acres up at the northeast end is where we have the buildings already anyway and I think it is unanimous that those buildings are pretty ugly so we're going to get some fresh new ones there . . . I agonized over whether there should be a square footage restriction and I concluded that I'm not a planner but I don't think we should put in a square footage restriction because we don't really know what is enough. I thought about the new Williams Inn which, considering the annex, is 70,000 square feet. On the surface that might be enough for the new hotel, but I don't know if it is because you have a club house that needs to be put in, swimming pool, showers I just don't think it is fair to restrict the ultimate developer with a specific square footage of 70,000. Unless we made it 200,000 but that's ridiculous and that's something we don't want to put out there and it is not going to be 200,000 sf anyway. We could have an ugly 50,000 sf hotel. We have a ZBA that is going to be exercising some controls over this. And the public will be invited to meetings. So you do have a very good check there.

If we don't have the hotel I think there is a reasonably good chance we are going to have houses there.It's been said that Michael has lost plenty. He's a smart business man so he knew what he was getting into. Recreational facilities, ski resorts, golf course they generally don't make it anymore being a recreational facility, they need the extra income coming in from a hotel, something like that. ... if you think about Waubeeka there's a lot of competition. There are at least four good golf courses within spitting distance. And the golf course is a treasure, it is something we don't want to lose. ... it is certainly the most beautiful public course I ever played at. True you would have tax revenues come in if houses were built, but you wouldn't have the economic advantages, the jobs bringing tourists in, Hops & Vines, at NoCo.it might revitalize the Store at Five Corners and the Green River Farm store, whatever that was. That's an area that's been depressed and the hotel might revitalize that..... I think if you compare the hotel to the possibility of 9-10 houses, it is a great economic advantage. ... with houses you have more impermeable surfaces. If the golf course folds or you have slow buildup of 10 houses ... some sites will sell, some won't, you'll have infrastructure, tree removal, we'll lose the meadow, new growth trees, I think the views will get pretty ugly without the golf course and just letting the meadow grow. So I support the acreage draft. I don't like the idea of photovoltaic panels going in the CR sites, but that will be controlled by the ZBA.

Jane Patten: We'll go another 8-10 minutes.

Stephanie Boyer, [Waterman Place. She formerly represented developers.] : I stood before boards asking people to turn farms into house lots. I helped develop wealthy subdivisions with big homes and big lots. I dealt with low income housing where we developed the lots right up to the lot line. And I can tell you that the most successful developments we had were when the zoning was tight. There was absolutely nothing wrong with having restrictive zoning. What happens is you go through all this craziness up front so you don't have to have to do it when the development is happening. The other issue I am having a problem with is, I fundamentally don't understand why defining a size of a building is so different than defining it by the number of rooms. Because what we're talking about really is, do we restrict how big this thing and do we count it up by square feet or do we count it up by rooms and we seem to be having this false argument based on whether we do it by the room count or the square foot count. Really what we can't get our head around is how big should this thing be. That's personally why I like the square footage number so I can visualize what that means. So I think at some point we are going to have to come to that. Because one way or the other, what ever number you are comfortable with you are switching it to that number in your head. The other thing that we really have to be careful about in a town—I'm very uncomfortable with this concept of the developer isn't going to build anything bigger than what he or she needs. Because I betcha they can build a fancy schmanzy place out there that's quite large that is going to draw people there and they are going to love it. But what's going to happen is our existing buildings and businesses are going to suffer. We're going to see loss of revenue at The Orchards or the Porches or the Williams Inn or whatever that is. And that's going to have an impact. And it may have such an impact that this great new tax gain that we have is now out the window. We can't solve all of these problems but we can try to figure out how to get a balance once that new entity gets there.

. . . The other thing that I think is probably most important is, once we do what we are doing there, there is no going back. We can go back and talk about this next week, but we're not going to be able to go back and move that hotel and say, oops we should have picked a different number. This is our one chance. So don't complain about how long it takes. This is the time to take the time. Maybe we don't put it on the Town Meeting agenda next week. Wouldn't that be fun. But take your time and don't be embarrassed about having taken that time, or the fact that we don't agree 'cause we're really all trying to get to the same place but we just are taking different paths. And that is where we should spend our time and I'm so grateful that all of you in this room and on the streets and in the coffee shops and wherever, are interested. I mean it's wonderful, this town, for that, even though it drives us nuts.

Jane: There is a room cap and a height restriction. The way you were phasing it, it was like it could be this big monstrosity.

Stephanie: I don't know what the 120 rooms means in terms of the square footage. That is not something we have been able to get answered.

Jane: This whole notion of this big ugly hotel. The assumption . . . nobody ever talks about what if this is amazing, what if this is awesome? What if this is the best thing that happened and it is a destination spot? What if it is a good thing? The emails today alone are ridiculous and it is all doom and gloom and awfulness. I hear you. That is what the restrictions are for. There is language in it that is extremely restrictive all the way down to aesthetics.

Andy: To Joe, I think people need to be clear I think there is no disagreement about having a hotel down there What is the best way to make sure the impacts are acceptable? There are different ways of measuring that. Pitting the environment against development is a false argument . It is what size shoe do you want to wear . . . 120 units doesn't mean anything in terms of size to people. ... the Williams Inn is about 120 units and Sweetwood is about 70 units but their sizes are very different. The concern about using units as the only unit of measurement is, nobody knows what that means. And at Town Meeting, which is the last time that the Town Meeting will have a say on how big this development is going to be—if they say how big it is going to be based on a number of units, which isn't even a measurement, that's going to be a big hurdle, I think, to get over.

The 67-acre CR gift comes with conditionsThe surrender revocation clause, which as I understand it is something nobody has ever seen before, allows the owner to try something out and then go back to the older zoning if he or she decides to quit. ... it says the developer can after trying something for a fewer

years, lets the special permit expire, can automatically kind of revert back to the zoning that existed before. I would rather leave that decision to future Town Meetings to decide. Because 5-10 years down the road if the hotel fails I don't think we should be able to say right off the bat that the developer should be the first person to decide what happens. I would like to trust in the wisdom of future Town Meetings.

Keith Davis, served many terms on zoning and on planning boards..

Right now the golf course has daytime seasonal use. No golf at night or winter. A hotel would make this year round and hopefully make it profitable. The Zoning Board is not generally the aesthetics police. There are sets of rules and you look at projects in relation to sets of rules. Variances should be virtually impossible to get. But we are not the aesthetics police. *[Davis now talks about previous consideration of a different project]* But it conformed with all the requirements of the zoning bylaw. So I made the motion and said yes after I said I hated the project.

The Clark Art Institute is very high but well back from road, so you don't notice massiveness of the structure. Placement of buildings on the property can do a lot to mitigate the effects. This is something developers work on.

If you are talking about clearcutting a bunch of wood on a CR land, I would not be in favor of that because that would be substantially more detrimental to the neighborhood. He is not in favor of restrictions beyond the 67 acres.

Ron Turbin's question for Keith: The ZBA is not the aesthetic police but looking at the acreage control draft, under F1, it says preserve the majority of the area in the district as open space recreational asset is a priority. So can ZBA talk about trees and zoning and rooftop design?

Keith: "Yes. If somebody wanted to put in a big box, like a Wal-Mart, that wouldn't fly."

Anne O'Connor: I had wondered earlier if we went with the acreage amendment, if somehow it's too big, is that something the zoning could address? It would have to be too big, you would have to have some other reasons, it's too high?

Keith: It's the massiveness of the building, appearance of the building, breaking of the building by rooflines.

Anne: As I understand it the acreage is not necessarily contiguous.

Andy Hogeland: We had a discussion earlier about units vs. square feet. I guess part of that issue I hear a lot is, if it is units, nobody knows how big that is. If it's a small room that is one thing, if it is a three-room suite that's another thing. If you were on the ZBA and you were given a choice, how would you decide, if you had 120 units that could be 2-3 times the size in a different building. The issue for me is how do you control the scale and size, there is nothing you could do to regulate the size?

Keith: Not directly. If it is permitted at 120 units than 120 units would be what's permitted. No matter how big. I mean the unit could be the size of this room, It could be half the size of this room and be two units. That is what it is, exactly.

Jane: This is big stuff, this is one of the most important things that has come up in the town for a long time. I'm fine with all the debate as long as it is factual debate.

Hugh: I will move that the Board recommend the so-called acreage amendment and report that back to Town Meeting.

Seconded by Ron.

[The vote was 4-1, with Mr. Hogeland being the only "no" vote.]