

**TOWN OF ASHBURNHAM  
BOARD OF SELECTMEN MINUTES  
OCTOBER 16, 2007  
VON DECK LECTURE HALL, OAKMONT REGIONAL HIGH SCHOOL**

This meeting was aired live on local cable television Channel 8.

PRESENT: Mark Carlisle, Chair, Jonathan Dennehy, Member, Chris Gagnon, Clerk, Paul Boushell, Town Administrator and Sylvia Turcotte, Assistant to the Town Administrator. Also present: Jim Shanahan, Town Accountant, Eric Smith, Town Planner and Bill Johnson, Advisory Board Chair.

I. APPROVAL OF AGENDA: At 7:00 p.m., Carlisle read the agenda. Dennehy motioned to accept the agenda and was seconded by Gagnon. Motion carried.

II. PRESENTATIONS, REPORTS & CORRESPONDENCE

A. **Announcement of new Departmental Fee Schedule Pamphlet:** Boushell stated that about a month ago he had tasked Lori Capone, Conservation Agent and Denee Howard, the new Land Use Administrator to come up with a fee pamphlet. He noted that this turned out to be a very nice piece of work and it presents the town in a good fashion. Carlisle agreed that this was a good job. Dennehy added that this is really good to have, as anything that can be done to streamline the process is always good thing. Gagnon also noted his approval.

B. **Correspondence:** No significant correspondence to report.

C. **Town Administrator's Update:** Paul Boushell began by stating that he apologizes for the website problems but that it should be up and running by the end of the week. He also stated that the Westminster Street Bridge paving would be started the next day and that it would take about a week more before the bridge is actually opened.

Gagnon stated that the Town's website was a great one and had even won an award. He noted that the new website would be great once the information gets on but added that he wasn't thrilled with the cost of this new website. Boushell stated that the public doesn't have access yet and Carlisle noted that it is still in the building stages.

Dennehy inquired about the letters to our representatives on the two major projects in town and Boushell noted that he had heard from Rep. Rice who was meeting with MA Highway and also that he did receive calls from Kate from Senator Brewer's office but that they had been playing phone tag. He added that Ashby Road is a major issue and that he would update the Board on any new developments.

D. **Public Safety Building Committee Update:** Gagnon noted that they had their construction meeting that morning. He stated that the committee went with the DPW Director's suggestion not to build an extra manhole so this saved money. He noted that the framework for the bays is still going up and would be almost complete before the framework for the office building begins. He added that radiant heat pipes would be installed in the bays. He stated that between Thanksgiving and Christmas the framework would be complete for the office building and that everything seems to be going smoothly.

Gagnon also noted that the Committee voted to have Larry Barrett as their representative/spokesperson for the local cable channel TV show where he would present updates on the progress of both projects in town during the construction.

Carlisle noted that he had attended a construction meeting recently at the Town Hall and stated that the masonry is done, the elevator shaft is in and the staging would be coming down by the last Thursday or Friday of the month.

III. OLD BUSINESS

IV. NEW BUSINESS

- A. **Discussion and preliminary review of warrant articles for November 15, 2007 Special Town Meeting:** Carlisle read each article on the draft warrant and a discussion followed after each article as noted.

**Article 1.** *To see if the Town will vote to rescind the quorum requirement of the Town Bylaws, Chapter 29 passed by unanimous vote at the Annual Town Meeting of May 14, 1996, which reads as follows: "The quorum for the annual town meeting and the quorum for special town meetings will be established at (75) seventy-five registered voters who's names appear on the current official list of registered voters as posted by the Board of Registrars, provided however, that a number less than a quorum may adjourn the same to a time certain. This section shall not apply to such parts of meetings as are devoted exclusively to the election of town officers.", or act in relation thereto.*

Carlisle noted that this would eliminate the quorum and all Selectmen were in agreement on this article.

**Article 2.** *To see if the Town will vote to appropriate by transfer from available funds a sum of money to fund the expenses associated with moving the offices back to Town Hall located at 32 Main Street, or act in relation thereto.*

Boushell noted that instead of going to the voters on this, we should go to the Capital Improvement Fund and this was reiterated by Jim Shanahan, Town Accountant. Shanahan stated that he would discuss this further with Town Counsel. Dennehy stated that this would be a Special Town Meeting at the Annual Town Meeting and that we would know our available revenue by then. It was agreed to take this article off the warrant.

**Article 3.** *To see if the Town will vote, pursuant to the provisions of Massachusetts General Law Chapter 32B, Section 9A, to pay one-half the premium costs payable by a retired employee for group general or other insurance as provided by the Town under G.L. c. 32B, Sec. 9, first sentence, so that, the Town will provide such insurance for its retirees on a 50-50 contributory basis, or act in relation thereto.*

Boushell noted that this was passed over in the spring at the Annual Town Meeting and unfortunately, it is too costly with all the financial uncertainty right now for the Town. He recommended not placing this article on the warrant. Dennehy added that this would be a major effort and very costly and Gagnon agreed adding that it would need to be looked into further. Boushell agreed and stated that it would need to be a 20-year plan. Shanahan noted that the cost would keep growing as well.

**Article 4.** *To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 32B, Section 18, to require Medicare eligible retired employees to enroll in a Town sponsored Medigap plan, or act in relation thereto.*

Carlisle noted that Article 4 would be taken off the draft warrant as it ties in to Article 3.

**Article 5.** *To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to pay the salary and expenses of a part-time outreach worker to contact town seniors, listen to their needs, and link them to services to meet those needs, or act in relation thereto.*

Boushell stated that he recently sent out a memo to all Department Heads noting that they were not to submit money articles, however, he noted that Public Safety is the first priority and that the Council on Aging has the tax work-off program. He added that he does not recommend to go forward with this article and that he does recommend that Muessel avails herself of the tax work-off program for this request.

Mary Lee Muessel asked to speak on this request. She stated that this person would be highly qualified and that they need the continuity of a staff person to follow thru. Dennehy inquired as to the cost and Muessel stated approximately \$20,000 hopefully for 25 weeks a year. Boushell stated that adding health care to this it would be closer to \$25,000 or \$30,000 which would come out to almost one third of the free cash number.

Dennehy stated that normally they don't add positions or supplement the budget mid-year so why can't it wait until the normal process. Muessel responded that the seniors are suffering now. Carlisle noted that this is a difficult situation and that the seniors make up an important part of the Town. He also noted that they have been saying that they would hire another paramedic and police officer for some time and until this happens this is paramount. He added that they really don't know what will happen and that a conservative approach is called for. He also stated that they don't want to hire only to turn around and have to lay them off if the situation warrants. He stated that they should bring this to the voters in the spring.

Fred Sweeney stated that they are striving to help people out there now and that they should let the voters decide. Gagnon noted that he understands and can sympathize with this but that he sees that the community looks out for their own. He added that they could continue this way for now. He also noted that there should be a moratorium put on town payroll for now as well, and added that 2% of our budget is payroll and our income is not increasing so we need to put a hold on this for now. Gagnon also noted that the Town's ALS license is on the line and we need another paramedic and that we also need another police officer for the night shift as right now there is only one officer on duty at the most dangerous time of the day.

Gagnon stated that we need a full-time paramedic, a full-time police officer and a full-time debt person and we just can't give the COA another person right now. He added that the new paramedic and police officer would serve the seniors better. Carlisle apologized but stated that they have to digest what they have and go into next year to see where they stand.

Dennehy agreed with Gagnon and Carlisle noting that he is nervous about next year's revenue and he is afraid of what's coming in the spring. He added that he would be saying no to many things until they get greater reassurance and that he won't be in support of spending any money right now. Carlisle noted that they will take this article off the warrant and Dennehy noted that they would put it as a priority in the spring. All the Selectmen were in agreement. Gagnon noted that they should have everyone check on their neighbors in the meantime.

**Article 6.** *To see if the Town will vote to amend the Town's General Bylaws by adding the following new Chapter XXVI, Low Impact Development (LID) Bylaw.*

*"CHAPTER XXVI: LOW IMPACT DEVELOPMENT (LID) BYLAW"*

*Introduction*

*Land uses in Town affect our streams, lakes and water supplies. Careful planning of new development and redevelopment will protect the quality and health of these important water resources. Therefore, the Town of Ashburnham enacts this Low Impact Development bylaw to provide guidance that will prevent harmful impacts from land development activities.*

*1.0 PURPOSES*

*A) The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing requirements and procedures to manage stormwater runoff, promote groundwater recharge and to prevent water pollution from new development and redevelopment. This Bylaw seeks to meet that purpose through the following objectives:*

*1. Establish regulations for land development activities that preserve the health of water resources;*

*2. Require that the amount and quality of stormwater runoff from new development is equal to or better than pre-development conditions in order to reduce flooding, stream erosion, pollution, property damage and harm to aquatic life;*

3. *Establish LID management standards and design criteria to control the quantity and quality of stormwater runoff;*
4. *Encourage the use of "low-impact development practices," such as reducing impervious cover and preserving greenspace and other natural areas;*
5. *Establish maintenance provisions to ensure that stormwater treatment practices will continue to function as designed and pose no threat to public safety;*
6. *Establish procedures for the Town's review of low impact development plans and for the Town's inspection of approved stormwater treatment practices;*

*B) Nothing in this Bylaw is intended to replace the requirements of either, the Town of Ashburnham Wetlands Protection Bylaw, Open Space Residential Development Bylaw, or any other Bylaw that may be adopted by the Town of Ashburnham. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each.*

#### **2.0 AUTHORITY**

*This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, and pursuant to the regulations of the federal Clean Water Act, and as authorized by the residents of the Town of Ashburnham at Town Meeting, dated November 15, 2007.*

#### **3.0 SCOPE AND APPLICABILITY**

*A) This Bylaw shall be applicable to all new development and redevelopment, including, site plan review applications, subdivision applications and subdivision applications where approval is not required under the Subdivision Control Law. The Bylaw shall apply to any activities that will result in an increased amount of stormwater runoff or pollutants from a parcel of land, or that will alter the drainage characteristics of a parcel of land, unless exempt under Section 3B of this Bylaw. All new development and redevelopment, under the jurisdiction of this Bylaw, shall be required to obtain a LID Permit. The LID Permit process shall be coordinated with existing permitting, where applicable.*

*An alteration, redevelopment, or conversion of land use or activities to those with higher potential pollutant loadings such as: auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas, shall require a LID Permit.*

#### **B) Exemptions**

*No person shall alter land within the Town of Ashburnham without having obtained a LID Permit for the property with the following exceptions:*

1. *Any activity that will disturb an area less than 7,500 square feet;*
2. *Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act, 310 CMR 10.04 and MGL Chapter 40A Section 3.*
3. *Timber harvesting conducted under the terms of an approved Forest Cutting Plan as defined by the Forest Cutting Practices Act regulation 304 CMR 11.00 and MGL Chapter 132 Sections 40 through 46.*
4. *Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;*
5. *Repair or replacement of an existing septic system;*
6. *Repair or replacement of an existing roof of a single-family dwelling;*

7. *The construction of any fence that will not alter existing terrain or drainage patterns;*
8. *Construction of a deck, patio, addition, garage, retaining wall, driveway expansion, accessory building, shed, swimming pool, tennis or basketball court associated with an existing single-family dwelling provided that the resulting runoff does not discharge untreated into a resource area;*
9. *Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns;*
10. *Emergency repairs to any Stormwater Management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Planning Board;*
11. *Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.*

#### 4.0 DEFINITIONS

*The definitions are in Appendix A of this Bylaw and shall apply in the interpretation and implementation of the Bylaw. Terms not defined in this Appendix shall be understood according to their customary and usual meaning. Additional definitions may be adopted by separate regulation.*

#### 5.0 ADMINISTRATION

*A) The Planning Board is hereby designated as the LID Authority. The Planning Board shall administer, implement and enforce this Bylaw. Any powers granted or duties imposed upon the Planning Board may be delegated in writing by the Planning Board to its employees or agents.*

*B) LID Regulations. The Planning Board shall adopt, and may periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this LID Bylaw by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. After public notice, public hearing and review by a Registered Professional Engineer, the Planning Board may issue rules and regulations to fulfill the purposes of this Bylaw. Failure by the Planning Board to issue such rules and regulations or a legal declaration of their invalidity by a court shall not suspend or invalidate the effect of this Bylaw.*

*C) Simplified LID Regulations. The Planning Board shall adopt and implement a Simplified LID Permit program for specific types of projects associated with a single-family residence. The purpose of the Simplified LID Permit is to streamline the permitting process under this Bylaw by eliminating many of the standard requirements for minor residential projects. The Simplified LID Permit Application form and Simplified LID Permit requirements shall be defined and included in the LID Regulations.*

*D) The Planning Board shall, with the concurrence of the Applicant, designate another Town Board, including the Conservation Commission and Board of Health, as its authorized agent for the purposes of reviewing all LID submittals and approving LID permits for any project within that particular Board's jurisdiction.*

*E) Stormwater Management Handbooks. The Planning Board will use the policy, criteria and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Policy to execute the provisions of this Bylaw. This Policy includes a list of acceptable stormwater treatment practices, including specific design criteria for each. The Policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the LID Regulations, stormwater*

*management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.*

*F) Actions by the Planning Board. The Planning Board may take any of the following actions as a result of an application for a LID Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.*

*G) Appeals of Action by the Planning Board. A decision of the Planning Board shall be final. Further relief of a decision by the Planning Board made under this Bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch. 249 § 4.*

*H) LID Credit System. The Planning Board may adopt a LID Credit System through the Regulations authorized by this LID Bylaw. This credit system will allow applicants the option, if approved by the Planning Board, to take credit for the use of stormwater better site design practices to reduce some of the requirements specified in the criteria section of the Regulations Failure by the Planning Board to issue such a credit system through its Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.*

#### 6.0 PROCEDURES

*Permit Procedures and Requirements shall be defined and included as part of any rules and regulations issued as permitted under Section 5 of this Bylaw.*

#### 7.0 ENFORCEMENT

*The Planning Board or an authorized agent of the Planning Board shall enforce this Bylaw regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any LID Regulations issued as permitted under Section 5 of this Bylaw.*

#### 8.0 SEVERABILITY

*The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.*

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#### APPENDIX A      DEFINITIONS

*APPLICANT:      A property owner or agent of a property owner who has filed an application for a LID permit.*

*BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater quality and protection of the environment. "Structural" BMP's are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMP's use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.*

*BETTER SITE DESIGN: Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural LID Management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for LID Management.*

*FOREST CUTTING PLAN: A plan for the cutting of trees on forest land, which is prepared and submitted in accordance with M.G.L. Chapter 132 Sections 40-46A. The forest cutting plan requires approval by a Service Forester of the Massachusetts Department of Conservation and Recreation, as provided under 304 CMR 11.04.*

*IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved parking lots, sidewalks, roof tops, driveways, patios, and paved, gravel and compacted dirt surfaced roads.*

*LID AUTHORITY: Town of Ashburnham Planning Board that has the authority to administer, implement, and enforce these LID Bylaws. The Planning Board is responsible for coordinating the review, approval and permit process as defined in this Bylaw. Other Boards and/or departments participate in the review process as defined in Section 5 of these LID Bylaws.*

*LID CREDIT SYSTEM: A form of incentive for developers to promote conservation of natural and open space areas. Projects that comply with prescribed requirements are allowed reductions in stormwater management requirements when they use techniques to reduce stormwater runoff at the site.*

*LOW IMPACT DEVELOPMENT PERMIT (LIDP): A permit issued by the Planning Board, for projects in the categories and meeting the standards defined in this Bylaw, after review of an application, plans, calculations, and other supporting documents. Projects in these categories that meet these generic standards and are properly implemented are assumed to meet the requirements and intent of this Bylaw which is designed to protect the environment of the Town of Ashburnham from the deleterious affects of uncontrolled and untreated stormwater runoff.*

*MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state Bylaws promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, § 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.*

*NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.*

*PERSON: Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Ashburnham, and any other legal entity, its legal representatives, agents, or assigns.*

*POST-DEVELOPMENT: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.*

*PRE-DEVELOPMENT: The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Planning Board. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.*

*RECHARGE: The replenishment of underground water reserves.*

*REDEVELOPMENT: Any construction, alteration, transportation, improvement exceeding land disturbance of 7,500 square feet, where the existing land use is commercial, industrial, institutional, or multi-family residential.*

*RESOURCE AREA: Any area protected under including without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, or Town of Ashburnham Wetlands Protection Bylaw. For the purposes of this Bylaw a resource area includes all land lying within 100 feet of a wetland and 200 feet of a perennial stream.” or act in relation thereto*

Eric Smith, the Town Planner was asked to give a brief synopsis and explain the article. Smith did so and also announced that a Public Forum to explain this further to residents and answer any questions they might have, is scheduled for Wednesday, October 24 at 7:00 p.m. at Overlook Middle School.

**Article 7.** *To see if the Town will vote to establish a Trustee Board for the William J. Bresnahan Scouting and Community Center, or act in relation thereto.*

Dennehy inquired as to how many members there would be on this board and it was determined around 7 or 8 members. He noted that the article should list how many members and he also questioned who would be appointing this board. Gagnon noted that they proposed a town appointed board which would only be managing this town property. Shanahan recommended that the Selectmen appoint this board and that because this is a fixed asset item, they would need to keep him appraised. Dennehy stated that they would need to know more before they bring this article to town floor and we need to know what they are supposed to be doing. Gagnon noted that they would be strictly charged with the construction and management of this town property. Dennehy again stated that there are many questions to be answered before town meeting and added that Town Counsel would have questions as well. Gagnon stated that they should leave the article in as a place holder for the time being. All members were in agreement that they need more information on this issue.

**Article 8.** *To see if the Town will vote to transfer the sum of \$35,000 from free cash towards the construction fund to assist in the construction of the William J. Bresnahan Scouting and Community Center Building located on River Street, or act in relation thereto.*

Boushell stated that as the Town Administrator, he does not recommend this article as the Town cannot afford it. The Board unanimously agreed with the Town Administrator.

**Article 9.** *To see if the Town will vote to appropriate by transfer from available funds the sum of \$5,550 to pay bills from the previous fiscal year, or act in relation thereto.*

Boushell noted that these were bills from Munis for training from the previous fiscal year.

**Article 10.** *To see if the Town will vote to transfer custody of the town’s interest in certain property located on Sherbert Road to the Board of Selectmen for the purpose of conveying said interest and to authorize the Board of Selectmen to convey said interest in said property to Habitat for Humanity on such terms and conditions as the Board deems to be in the best interests of the town, said property being the same property foreclosed upon by the town in the Commonwealth of Massachusetts Land Court, Department of the Trial Court, Case Number 98225 T.L. and Case Number 982225 T.L., also being the same property found at Book 1445, Page 240 and 241, respectively, also meaning and intending to include any interest the town may have in any portion of the land described in a deed found at Book 1616, Page 367 and recorded in said Registry for purposes of correcting any discrepancies which may have occurred in the two aforementioned deeds (Book 1445, page 240 and 241), or act in relation thereto.*

Boushell explained that in the spring the town donated land and according to Town Counsel, this will make it neat for a clear conveyance.



**Article 11.** *To see if the Town will vote to adopt the following new section of the Ashburnham Zoning Bylaw:*

**Section 7. Village Center District Moratorium**

**7.1 Purpose:** *The purpose of this bylaw is to provide the Town of Ashburnham an opportunity to study and review the existing Village Center Zoning District's requirements, determine whether the purposes of the Village Center Zoning District\* are being met, and provide time for the Town to present any necessary changes to the Village Center Zoning District (VCZD) to a future Town Meeting.*

**7.2 Moratorium:** *No new permits, including but not limited to demolition or building permits, shall be issued for any parcel or lot located within the Ashburnham Village Center Zoning District as set forth in Section 2.21 of the Ashburnham Zoning Bylaws and identified on the Town of Ashburnham Zoning Map, as updated through August 2007, for a period of one year from November 15, 2007, except as follows:*

- a. Any permits which otherwise may be issued pursuant to an application made before the first publication of notice of the public hearing on this by-law required by G.L. c. 40A, Sec. 5.*
- b. Any permits which otherwise may be issued for repair and maintenance of buildings existing as of the effective date of this bylaw.*
- c. Any permits for new decks, patios, porches, fences and the like on buildings existing as of the effective date of this bylaw.*
- d. Any permits for accessory buildings where a principal building exists on the lot as of the effective date of this bylaw.*
- e. Any permits for reconstruction following a fire or other natural destruction of a dwelling unit.*

**7.3 Village Center Zoning District Study Committee:** *The Town Administrator in consultation with the Board of Selectmen, immediately upon passage of this bylaw shall appoint a nine (9) member Village Center Zoning District Study Committee to be made up of two (2) Planning Board Members, two (2) Zoning Board of Appeals Members, one (1) Historical Commission member, one (1) Selectman, one (1) Ashburnham Business Council member, and two (2) citizens at large. This committee shall meet no less than once per month and shall carry out the study described in section of this bylaw. The committee shall prepare a written report for Town Meeting which shall include any specific recommendations for amendments to Section 2.21 of the Town's zoning bylaws.*

**7.4 Study and Report:** *During this moratorium period, the Village Center Zoning District Study Committee shall conduct a study of the efficacy of the current VCZD and render written findings to the Town Meeting, the Board of Selectman and the Planning Board no later than the November 2008 Special Town Meeting. The study shall include, but not be limited to:*

- a. An evaluation of the dimensional and requirements of the VCZD and whether there have been unintended results in the implementation of the VCZD in that many more of the previously existing lots than were anticipated have been rendered non-conforming.*
- b. A determination of whether the new dimensions are too large to meet the goals of preserving the historical, cultural, archeological, architectural, and recreational values of a traditional New England village center, particularly in view of the stated purpose of Section 2.21, considering in particular the establishment of similar sized lots to encourage renovations and new construction in harmony with the existing architecture and small "village center" sized lots and mixed uses already in existence.*

*c. A review of the issue of nonconforming lots and structures raised in the 1989 Downtown Planning Study which recommended a minimum lot size of 10,000 square feet and 50 feet of frontage. That plan noted that those proposed standards are more in keeping with the historic character of the town center where lots are smaller and narrower than is common in modern development patterns. The committee will consider the fact that if that approach had been taken in the 2004 bylaw changes, only 35% of the then existing lots in the Business district would have been out of compliance, representing a 58% reduction in nonconforming lots as compared to the % increase in nonconforming lots created by adoption of the VCZD in 2004.*

*d. A review the 300-foot strip of VCZD created along both sides of Main Street extending to the intersection of Corey Hill Road and Lashua Road, particularly west of Cushing Street. Good planning practices recommend avoidance of strip commercial development along roads leading into and out of a town center. This may have been overlooked when the changes were adopted in 2004 and should be reconsidered at this time.*

*The Committee shall conduct this study and prepare a written report, including any recommendations for zoning amendments to the VCZD, to be submitted to the Selectman and the Planning Board no later than one year from the effective date of this bylaw. The committee shall make an interim report (unless its work is completed in which case it shall render a final report) to the next annual town meeting.*

*\* "The Village is intended to foster appropriate reuse of existing structures and new construction within the downtown area in harmony with the historic character and dense development pattern of the downtown." Town of Ashburnham Zoning Bylaw, Section 2.1, or act in relation thereto.*

Eric Smith was again asked to give a brief synopsis on this article. He explained that he had worked with Town Counsel on this article as it needs to be very clear. He added that it needs to be in effect for no more than a year. He stated that the decision to do this was due to three lots in the village center that are for sale right now and that the town would need time to get this in focus. A short discussion followed.

Smith noted that they need to get members for this committee as soon as possible and that the Planning Board was meeting on Thursday, November 1<sup>st</sup> at 7:30 at Oakmont in Room 12 to discuss this further.

Bill Johnson inquired as to what impact this would have on business coming in to town and Carlisle stated that no permits would be issued. Johnson stated that he was against moratoriums as it would not make it any better to get new businesses in Town and that it was basically taking rights away from the people.

Gagnon stated that it would be nice to keep the colonial, historical properties in town and Johnson stated that this would have a negative impact if these properties would be sold. Smith stated that this is a tool to keep the Town's flavor. Carlisle stated that if we don't do this, then we are taking a chance that someone would buy it and take these buildings down. He added that we should let the people decide if they support the moratorium. Dennehy agreed stating that he would like to see this go to the Town Meeting floor.

**Article 12.** *To see if the Town will vote to transfer from available funds a sum of money into the Town's Stabilization Fund from the Capital Improvement Fund, or act in relation thereto.*

**Article 13.** *To see if the Town will vote to transfer the sum of \$80,000 from the Capital Improvement Reserve Fund to the FY08 Budget Reserve in order to cover the costs associated with the replacement of the Westminster Street Bridge. The \$80,000 will be reimbursed to the Capital Improvement Fund from Free Cash, or act in relation thereto.*

Shanahan, who skipped over to article 13, stated that he proposed \$80,000 be transferred from the Capital Improvement Fund to cover the expenses incurred by the DPW on the bridge and roads. He stated that the Town has \$251,329.32 in the Capital Improvement Fund right now. He stated that we don't want to touch the Reserve Fund. Boushell noted that we would essentially borrow the money from ourselves. Dennehy questioned the timeframe when the bills come in to be paid and Shanahan stated that they have already been paid and this would cover what has already been spent. Gagnon made note that it was amazing the Westminster Street Bridge was finished so quickly.

Boushell noted that Article 12 was a customary article to transfer any available funds into the Stabilization Fund.

Carlisle noted that potentially there would be two more articles from the School District. Boushell noted that these two articles were with Town Counsel and that there was a Tri-Board meeting on Tuesday where they would meet and discuss them further.

A discussion followed on the placement of these articles for the school. After much discussion it was decided to see what dollar amounts the School Committee votes on for these articles at the Tri-Board Meeting on Tuesday. Gagnon stated that he supports having the two articles on the warrant. Dennehy stated that they would post this meeting as a Selectmen's meeting so that they can vote on this.

Bill Johnson stated that he would like to wait and see to give the School the opportunity as a whole body to make a decision where the whole School Committee would vote. Dennehy noted that he didn't understand why they should wait until the last moment to vote. He wanted to be on the record as voting "no" on these articles being placed on the warrant.

Carlisle noted that they would meet at the Tri-Board Meeting on Tuesday, October 23, 2007 at 7:00 p.m. at Overlook Middle School in the Library.

**V. APPROVAL OF MINUTES**

**A. September 26, 2007 – Joint Meeting with Advisory Board**

Dennehy motioned to approve the minutes of September 26, 2007 and was seconded by Gagnon. Motion carried.

**B. October 1, 2007 – Regular Meeting**

Dennehy motioned to approve the minutes of October 1, 2007 and was seconded by Gagnon. Motion carried.

**VI. OTHER MATTERS**

Carlisle read the Town Clerk's Reminders as follows: Final Voter Registration for the Special Town Meeting is on Monday, November 5<sup>th</sup> from 8:00 a.m. to 7:00 p.m. at the Town Clerk's Office. Also, Thursday, November 15<sup>th</sup> is the Special Town Meeting at 7:00 p.m. at Oakmont Regional High School in the Auditorium, 9 Oakmont Drive.

Carlisle also noted that they received a request from the Employer Support of the Guard and Reserve to have the Board post a Statement of Support for the Guard and Reserve notice. The Board unanimously agreed to sign and post their support. It was noted by Gagnon that Kevin Paicos is in Afghanistan right now and that they support him.

Carlisle stated that a pole petition was sent to the Board regarding the moving of a pole from one side of the road to the other on the Westminster Street Bridge. Chris Gagnon signed the necessary paperwork to be returned to Verizon.

Carlisle also announced that Nashoba Board of Health has sent out a list of flu shot clinics. He noted that they would be held at two locations, Ashley Court and the Senior Center on Tuesday, November 13<sup>th</sup> from 11:00 a.m. to 1:00 p.m. and Tuesday, December 11<sup>th</sup> from 11:00 a.m. to 12:00 noon.

Carlisle also reminded residents of the Fundraising Auction on November 3<sup>rd</sup> at Thoma Travel on Willard Road.

He stated that the next regular meeting of the Board of Selectmen would be held on Monday, November 5, 2007.

VII. EXECUTIVE SESSION

VIII. ADJOURNMENT

At 9:15 p.m. Dennehy motioned to adjourn and was seconded by Gagnon.

Respectfully submitted,

Sylvia Turcotte, Assistant to the Town Administrator