

Members present: Kevin M. McCormick Alexander Fallavollita, Sr.
 Christopher A. Rucho John B. DiPietro, Sr.
 Allen R. Phillips

Mr. McCormick convened the meeting at 7:00 p.m.

Read and acceptance of Minutes From Previous Meeting:

Motion Mr. Fallavollita to approve the meeting minutes of February 21, 2007 amending the liquor license public hearing to indicate Mr. Rucho opening the hearing up to public comments, seconded by Mr. Phillips, all in favor.

NEW BUSINESS

1. Concurrence on the hiring of Katrina M. Knipe as Fractional-time Dispatcher effective March 9, 2007, at Step 1, \$12.84 per hour and upon successful completion of training at Step 2

Motion Mr. Fallavollita to concur with the hiring, seconded by Mr. DiPietro, all in favor.

2. Concurrence on the appointment of Andrew Feland, 101 Central Street to the Housing Partnership effective March 12, 2007 for a term to expire on June 30, 2008

Motion Mr. Fallavollita to concur with the appointment, seconded by Mr. DiPietro, all in favor.

3. Concurrence on the appointment of Heather Feland, 101 Central Street to the Conservation Commission effective March 12, 2007 for a term to expire on April 30, 2010

Motion Mr. Phillips to concur with the appointment, seconded by Mr. DiPietro, all in favor.

4. Review Request for Transfer from the Reserve Fund to Town Counsel in the amount of \$1,591.50 to pay January invoice

Mr. Gaumond reported that the Reserve Fund was budgeted at \$60,000, and we have \$52,452 remaining in that line item.

Motion Mr. Fallavollita to approve the transfer request, seconded by Mr. DiPietro, all in favor.

5. Review Request for Transfer from the Reserve Fund to Veterans' Benefits in the amount of \$2,586.50

Motion Mr. Fallavollita to approve the transfer request, seconded by Mr. DiPietro, all in favor.

6. Consider increasing membership of the Economic Development Committee from 5 to 7 members

Mr. Gaumond received a request from the Economic Development Committee to increase its members so that they could get more things done as they have a very aggressive schedule.

Motion Mr. Fallavollita to approve with the request, seconded by Mr. Rucho, all in favor.

Public Hearing: Re, Proposed Stormwater Management Bylaw

Mr. McCormick opened the public hearing and read the following notice. Public notice is hereby given, in conformity with the requirements of the General Bylaws of the Town of West

Boylston, ARTICLE XXIII - PUBLIC HEARING AND NOTICE, that the Board of Selectmen will meet on Wednesday, March 7, 2007 at 7:05 p.m. for the purpose of considering a Stormwater Bylaw. The meeting will be held in the Mixter Municipal Office Building, 120 Prescott Street, West Boylston. For additional information, or to review the proposed information, please contact the Office of the Board of Selectmen/Town Administrator at 508.835.3490. All interested persons, groups, and agencies are invited to attend. Kevin M. McCormick, Chairman, advertised on February 21 and 28, 2007.

Mr. Westerling joined the Board and provided a background on the need for the bylaw. He explained that polluted storm water runoff is often transported to municipal separate storm sewer systems and ultimately discharged into local rivers and streams without treatment. The EPA's Stormwater Phase II Rule establishes an MS4 stormwater management program that is intended to improve waterways by reducing the quality of pollutants that stormwater picks up and carries into sewer system during storm events. Common pollutants include oil and grease from roadways, pesticides from lawns, sediment from construction sites and carelessly discharged trash, such as cigarette butts, paper wrappers and plastic bottles. When deposited into the nearby waterways through MS4 discharges these pollutants can impair the waterways.

The EPA issued the MS4 permit to the town four years ago and one of the requirements of the Phase II small MS4 permit is that the operator develop a program to reduce the discharge of pollutants, protect water quality and satisfy the appropriate water quality requirements of the Clean Water Act. The MS4 operator is also required to have an ordinance requiring procedures for site plan review, to have site inspections, and enforcement of an erosion and sediment control program for construction activities that disturb one or more acres of land. The bylaw being proposed would satisfy the EPA requirement. Mr. Westerling explained that the bylaw he is proposing has been through the EPA and from bylaws already adopted in surrounding communities and will protect the public health.

Mr. Fallavollita questioned who says we need this bylaw as his understanding is we have state and federal laws on the books in addition to our local Conservation Commission. He added that when we have to use the Home Rule amendment it tells him what they are telling us is not factual. He thinks we already have the laws on the books to enforce. Mr. Westerling agrees with Mr. Fallavollita. He also noted that in order to obtain the permit it cost the town \$28,000 for mapping services. Mr. Fallavollita questioned what the penalty would be if we do not do this. He also stated that he will not vote to put this on the warrant and he will speak against it at town meeting. Mr. Westerling understands Mr. Fallavollita's concerns, however, it is a requirement of the EPA and our MS4 permit that we do mapping and public education. Mr. Fallavollita questioned who the local enforcing agency would be. Mr. Westerling explained that the bylaw seeks to have the Planning Board as the enforcement agency. Mr. DiPietro questioned why it would not be the local Conservation Commission. Mr. Westerling explained that the Planning Board was chosen as it is in other communities because of their involvement with site plan reviews and subdivisions. Mr. DiPietro noted that the Conservation Commission can overrule a decision by the Planning Board if they do not like where the run off is going. Mr. Gaumond feels the draft policy is our first attempt to bring something forward for discussion purposes. Mr. Rucho questioned why the Building Inspector would not be the enforcement agent. Mr. Westerling noted that it may be that there are several agencies. He feels it might be more appropriate to have all those agencies adopt the bylaw and have their own agencies enforce it.

Karen Paré, Planning Board Chairperson, explained that the whole point is to have one stormwater bylaw so the standards are all the same. This is supposed to protect our drainage system

in town and the applicant obtains permit that says what they are doing will not damage our drainage system. The Planning Board does not feel they should be the stormwater authority in town. They think the DPW should be the stormwater authority, as they do not think it is their responsibility to have an enforcement agent. They would be happy to act for the stormwater authority for projects that come to them for site plan review. Ms. Paré also suggested some changes, which Mr. Westerling is happy to incorporate into the document.

Mr. McCormick noted that if you do not disturb more than 10,000 square feet of the land as a whole for the project this does not apply. Ms. Paré thinks the hot spot definition should be a little more clarified. Mr. Phillips suggested continuing the hearing to refine the document. Mr. Rucho recommends everyone submit comments. It was noted that the materials were submitted to Board of Health, Zoning Board of Appeals, Planning Board and Conservation Commission for comments. Mr. McCormick feels the individual overseeing the bylaw should be a full-time person and not a part-time Board. Mr. Fallavollita would like to know if the person who will oversee the bylaw is qualified to do this.

Motion Mr. Phillips to continue the hearing until the March 21 at 7:45 p.m., seconded by Mr. Rucho. Mr. Westerling will coordinate a meeting with the Building Inspector, Conservation Commission, Planning Board and the Town Administrator. He will also find out what the penalty would be if the town did not comply. There is no one present to speak on this issue. Vote on the motion – all in favor.

Public Hearing, Re: Request From Verizon New England, Inc. To Install 7 New Poles on Pierce Street (cont.)

This hearing was originally opened on February 7 and continued until this evening. Scott Burns, Right-of-Way Manager for Verizon joined the Board. He reported that the Department of Environmental Protection has no as-built plans of the site. He did obtain a copy of an October 2006 site plan prepared by David Ross. When he went to the Registry of Deeds for information on the lay out of the street and was told that the information was either lost or destroyed. Mr. Burns used a copy of the abutter's plan which indicates the street is 33-feet wide, and he moved three of the poles to the north side to keep them away from the dump side of the site. Tomorrow he will do a dig safe.

Mr. DiPietro noted that the road in question is one of the roads the Transportation Committee is looking at to build a truck route to the Industrial Park. Mr. Burns advised that the poles will be placed three feet off the traveled way. Mr. McCormick voiced concern that the poles will be coming in fifteen feet from the edge leaving only eighteen feet of roadway. Mr. Fallavollita recommends coming off two and a half feet from the neighbors' property line and installing taller poles for shorter anchors. Mr. DiPietro indicated that the town would need fifty feet for a right-of-way for the truck route to the Industrial Area, and he would not want to agree to anything that would ruin their plan.

Mr. McCormick explained that the Board of Selectmen does not want to make the road any narrower than it is. Mr. Fallavollita recommends finding the center of the road and laying the street out 33-feet wide. He also would not have a problem cutting down trees in the town's right-of-way with the permission of the Tree Warden. Mr. Burns would like to install two, four-inch conduits. Mr. Fallavollita recommends hiring a surveyor to find the meets and bounds of the right-of-way. Mr. Burns indicated that Verizon will not pay to survey the road, however, he could place conduit off of the line. The Board suggested to Mr. Burns that he contact Mr. Ross, who developed the plan. Mr. McCormick would not have a problem with Verizon installing conduit as long as it would not interfere with the Light Plant. Mr. Rucho asked the advantage to the town for this. Mr. Burns

explained that this service is for the National Grid substation. Brad White, Manager of the Municipal Light Plant reported that last summer National Grid did some major renovations, and the Light Plant needed some new equipment at the substation as the cable there is old. He believes the Municipal Light Plant underground utilities are on the left hand side from Route 140. Mr. Burns stated that he is offering the town nothing.

Mr. McCormick suggested continuing the hearing for one more meetings to allow Mr. Burns to do a dig safe and report back on where he can locate the conduit. Mr. Fallavollita recommends he work through Mr. Westerling to find the line and make sure he is in the right-of-way. Mr. Westerling stated that he would be happy to work with Verizon, however, if they are not surveying the property he is unsure what good it will do any good. Mr. White stated that the Municipal Light Plant co-owns the substation with National Grid. Mr. Gaumond explained that the second request is for an easement for the area. Mr. Burns stated that he would eliminate the poles and go with conduit. Mr. McCormick suggested running it next to the Municipal Light Plant's conduit. Mr. Fallavollita cautioned that the Light Plant's conduit might be very deep at this point. Mr. Westerling reported that there was someone out surveying the back portion of the property and he suggested Mr. Burns contact National Grid. A gentleman in the audience from National Grid stated that there was a survey done to identify an existing fence, they did find bounds and their investigation went to the property lines. National Grid is trying to meet the requirements of Verizon and they are presently being served with what they need at the site. There is no one present to speak on the issue.

Motion Mr. Rucho to continue the hearing for two weeks to measure off the edge of the road and give the Board of Selectmen a small drawing on where the conduit will be installed, seconded by Mr. Fallavollita, all in favor. Verizon will send the Board a modified version of the easement layout. Mr. Fallavollita also requested means and methods of installing such as pipe size and means of compaction.

Request From Verizon for Telephone Easement on Pierce Street

This item will also be tabled until March 21.

John K. Westerling, Director Department of Public Works**1. Bernardin Drainage Easement**

Mr. Westerling explained that there is an existing drainage structure on Newton Street that is there by prescriptive easement and Mr. Bernardin has requested that be changed to a permanent easement. At Mr. Bernardin's expense, the property has been surveyed, maps have been prepared, and the easement language has been reviewed by town counsel. Mr. Fallavollita asked if the line goes to another person's property. Mr. Westerling explained that there is a discharge, a natural flow overland to a neighbor's property, 150 to 200-feet, and no head wall. Mr. Fallavollita recommends installing stone. Mr. Westerling noted that the challenge is 200-feet and the property is very steep. Mr. Fallavollita is concerned that the end of the drainage pipe will get plugged if there is no head wall. He asked Mr. Westerling if he felt the line should be replaced. Mr. Westerling does not feel it needs to be replaced as it is 8 or 12 years old and operating fine. The intent is to get something recordable.

Motion Mr. Fallavollita to accept the easement, seconded by Mr. Phillips, all in favor.

2. Use of Chapter 90 Funds to purchase Opticom System for traffic lights in front of the Bruce L. Shepard Public Safety Headquarters

Mr. Westerling received a request from the Fire Chief to use Chapter 90 funds to install an Opticom System in front of the Public Safety Headquarters. The Fire Chief has asked that this agenda item be postponed until the first meeting in April. Mr. Fallavollita noted that as the location is on a state highway the Commonwealth of Massachusetts should install it. Mr. Westerling explained that the town owns the light, and originally we made the request for the lights at the intersection of Routes 12 and 140. Mr. Fallavollita asked Mr. Westerling to request Senator Chandler petition the state for the funding.

3. Report on sidewalk plowing

Mr. Westerling previously forwarded a full-page email to the Board on the challenges he encountered during the Valentine's Day snowstorm. Mr. Fallavollita stated that he would appreciate it if when something happens to a piece of equipment and it cannot be utilized that Mr. Westerling make an attempt to use another piece of equipment.

Motion Mr. DiPietro to authorize John Westerling to purchase the snow blower attachment for the trackless vehicle. Mr. Gaumond suggested the Board should ask the DPW Director and the Town Administrator to prepare a sample warrant article for town meeting. Mr. Fallavollita voiced concern that we have narrow sidewalks. Mr. DiPietro advised that the machine can throw the snow less than 14 inches and he also saw it load dump trucks.

Motion Mr. Rucho to purchase the snow blower attachment for the bob cat, seconded by Mr. DiPietro. Vote on the motion – Messrs. McCormick, Rucho, Phillips, and DiPietro yes; Mr. Fallavollita abstains.

4. Report on oil analysis

Mr. Westerling reported that the cost is \$11.50 per sample plus shipping for a total cost per vehicle of \$15.00, and he sees no down sides to oil analysis. The analysis details fluid properties, fluid contamination and fluid wear debris. It can warn of existing problems and the DPW standards ready to act. Mr. Fallavollita does not believe this would require a vote of the Board. Mr. DiPietro recommends doing this twice a year and including the fire engines. Mr. Westerling stated that his budget could absorb a couple of hundred dollars.

5. Report on department's absenteeism

Mr. Westerling prepared a memo to the Town Administrator on the DPW's use of sick time. At first he looked at time used in this fiscal year and he also looked at a four-year span of sick time use. He didn't see any alarming user of sick time and the four-year trend line indicates less time is being used now than four years ago. He will continue to monitor this, however, he does not see a pattern. Mr. Fallavollita noted that there are people who have a lot of time with the town and hardly have any sick time on the books. He asked Mr. Westerling to look at the trend on a yearly basis if they take the time off several days at a time in one particular month. Mr. Westerling noted that he has never had a situation of over three days and no physician note provided.

Mr. DiPietro has noticed that the department is using less sand and salt and are being more effective. Mr. Westerling went though the Bay State Road Program who offered a kit to calibrate each sander. They are putting out 500 pounds per lane mile and each driver has a sheet available which indicates how much should be dropped. Mr. DiPietro thinks it is working very well.

Mr. Rucho noted that the absenteeism report indicates that two employees received an extra personal day because they did not take off any sick time in four months. Mr. Gaumond explained that he and Mr. Westerling will be scheduling a meeting with the union on that issue as currently you could take 20 hours of sick time within the four months, but without taking a full day you still get the benefit of the extra personal day.

Mr. Fallavollita questioned how Mr. Westerling came up with the 500 pounds as Mass Highway does not apply that much. Mr. Westerling noted that the 500 is what is recommended and Mass Highway uses straight salt where we use 25% salt.

Mr. Westerling reported that to date he has only expended \$102,000 in Snow and Ice, which was his original appropriation.

OLD BUSINESS

1. Review MMA Action Alert regarding the Patrick/Murray Administration's Municipal Partnership Act

At the last meeting of the Board, the Board requested this item be carried over for further consideration. Mr. Fallavollita has reviewed the legislation and does not feel that it does much for the size of our community, however, he is interested in the insurance portion. Mr. Gaumond feels that one of the aspects of the legislation will be streamline coalition bargaining. Mr. Fallavollita is concerned that we send someone to be a voice for the town. Mr. Gaumond suggested postponing this until the Board meets with Senator Chandler.

Motion Mr. Phillips to postpone this agenda item until March 21, seconded by Mr. Rucho, all in favor.

2. Report on Status of 40B exemptions

Mr. Gaumond explained that he was asked to provide an update to the town on whether the town would qualify for a 40B exemption.

At the last meeting of the Board they discussed whether or not the Town of West Boylston qualifies for a 'Safe Harbor' exemption from the provisions of Chapter 40B. Mr. Gaumond met with the Chairs of the Zoning Board of Appeals (ZBA), Planning Board, Housing Partnership and our Regional Assessor Harald Scheid and Town Counsel to review this information and to report back to the Board.

Currently the Department of Housing and Community Development (DHCD) has certified that the Town has a total of 81 affordable units that can be counted towards our inventory at this time. To that total we apply 13 units for the Afra Terrace Project and 26 units for the Franklin Street project. We have been notified that 8 additional units can be added due to the siting of a DMH home in the Town. When these new units are certified by DHCD, the Town's new number is expected to be 128 affordable housing units.

There are 7 "safe harbors" or exemptions that allow a municipality to deny a comprehensive permit application or grant the permit with conditions. The approach we took to determine whether or not the Town may currently achieve status for a 40B exemption is to look at each possible exemption and make a determination to that specific exemption.

Exemption # 1: Ten Percent Housing Exemption

The municipality's low and moderate income units exceed 10% of its total housing stock pursuant to M.G.L. c. 40B, § 20. " 760 CMR 31.04(1). The municipality's "Total Housing Stock" is

based on the last U.S. census, in this case, the 2000 census. The number of affordable units is based on the number of affordable units in the municipality as counted in the DHCD Subsidized Housing Inventory (the "Inventory"), plus additional affordable units that are eligible but have not been added to the Inventory, which is updated every 2 years. The number of housing units in the Town is 2454.

Additional affordable units count toward the Ten Percent Affordable Housing Exemption if they are approved under a comprehensive permit that has become "final" and are subject to building permits, available for occupancy, occupied, or to be constructed. A comprehensive permit becomes final once 20 days expire from the date on which the ZBA files its decision with the Town Clerk without an appeal, or, is an appeal if filed, on the date the last appeal is decided or otherwise disposed of. Affordable units no longer count toward the Ten Percent Affordable Housing Exemption if building permits are not issued within 1 year from the date on which the comprehensive permit decision became final.

The percentage of affordable housing units in a municipality may drop if (a) following the next census, the total number of housing units in the municipality changes; or (b) building permits are not issued for Affordable Units within one (1) year from the date on which the comprehensive permit approving the Affordable Units became final. As the next census approaches, it is important to note that while 10% of the municipality's total housing stock may count as affordable units in 2009, after the census, that percentage may drop to below 10% and the municipality will lose the benefit of the Ten Percent Affordable Housing Exemption until it reaches 10% again.

Based upon the calculation of total number of housing units (2454) and the 81 we currently have certified, we fall far short of the 245 needed to meet this threshold. Even if we added all of those units waiting to be submitted and/or approved, we would only have half of the necessary units to qualify for this exemption. Therefore, based upon our findings, the Town does not qualify for Exemption #1.

Exemption 2: The Existing Development Exemption

Affordable Housing Land Area exceeds 1½% of Total Land Area. According to 760 CMR 31.04(2), a municipality may deny a comprehensive permit if low and moderate income housing exists in the ... municipality on sites comprising more than 1 1/2% of the total land area zoned for residential, commercial, or industrial use, pursuant to MG. L. c. 40B, § 20. In order to calculate whether the municipality qualifies for the Existing Development Exemption, we are required to use the following steps:

Step 1: Calculate Total Land Area

The municipality's "total land area zoned for residential, commercial, or industrial use" is referred to as the "Total Land Area." In order to calculate the municipality's Total Land Area, the municipality must first calculate the size of all the land in the municipality in which residential, commercial, or industrial use is permitted by zoning. Based upon the information collected from the Assessor's Office and from state sources, the Town has 12.9 square miles of land which equals 8256 acres of land. Then, subtract from that number all the following areas: (a) land owned by the federal or state government, or any political subdivision of either (including the Department of Conservation & Recreation or any state public authority): The state owned land equals 2850.54 acres, the old county owned land equals 218.93 acres and the Town of West Boylston owns 270.41 acres (this excludes the affordable housing units of Maple Street and Foster Street).

Note: I have received lots of comments from residents and other interested parties that claim the amount of DCR land is significantly higher than our Assessor's records of 2850.54 acres. I have verified the amount with the DCR itself (see attached note from John Scannel) who uses the number 2736 acres. For this discussion, I shall be using the Assessor's data).

(b) any water bodies: There are no other water bodies that have not been exempted above.

Mr. DiPietro noted that in the Weymouth case the ZBA calculated their state-owned water to get their exemption.

(c) any flood plains, conservation or open space zones or other land on which residential, commercial or industrial use is prohibited (for example, a parcel of land that, under zoning, can be used for residential, commercial or industrial use, but is subject to a permanent conservation restriction prohibiting such use): There is roughly 1.1 acre of land under the control of the West Boylston Land Trust and roughly 9.1 acres of available conservation land due to the pending conservation restriction for Hillside Drive.

The Town may also exclude all roadways within the Town. The Town owns roughly 51 miles of roadway in Town. Our DPW Director has calculated the Town-owned roadways as follows: 51 miles of road X 5,280 ft/mi X 40 ft (estimated width) = 10,771,200 square feet of roadway / 43,560 ft/acre = 247.3 acres of Town owned roadway. We have furthermore contacted MassHighway to determine the amount of state-owned roadway within the Town. MassHighway has estimated their roadways as follows: Route 12 = 39.7 acres, Route 110 = 12.7 acres, Southwest portions of Route I-190 = 127.1 acres, and Northwest portion of I-190 = 91.1 acres for a total of 270.6 acres of state-owned roadways. This gives us a combined total of 247.3 acres of Town-owned roadways PLUS 270.6 acres of state-owned roadways = 517.9 acres of total roadways in West Boylston.

When you consider the 8256 acres then subtract the 2850.54 acres of state owned land, the 218.93 acres of county owned land, the 270.41 acres of town owned land, the roughly 10.2 acres of restricted conservation land, and the 517.9 acres of roadways in Town, the Town is left with roughly 4388 acres of total land area.

Step 2: Calculate Size of Affordable Housing Land Area

Calculate the size of the parcels on which Affordable Housing exists in the municipality. The municipality can only include sites where the Affordable Housing units are (i) included in the Inventory, or (ii) occupied, available for occupancy, or under permit (i.e., either authorized by a final comprehensive permit and one year has not expired without issuance of building permits or if one year did expire then authorized by a final comprehensive permit and a building permit) at the time a new comprehensive permit applicant first applies to the ZBA.

The approximate acreage of the land designated for affordable housing is Maple Street (26.29 acres), Foster Street (1.8 acres), Lancaster Commons (2 acres), Franklin Street (3.5 acres soon to be added) and Afra Terrace (8.9 acres soon to be added) for a total of 42.5 acres.

Some residents and other interested parties maintain that the entire acreage of property that Afra sits on can be counted towards the Affordable Housing Land Area. I have discussed this with Town Counsel who has advised us that " I also reviewed the Arbor Hill case and agree that Footnote 7 indicates that for homeownership projects only the proportion of the land as affordable units are in the development is counted toward the acreage developed for affordable housing; thus only 25% of the Afra Terrace land would be counted." Also, the Planning Board's review of this is

as follows: For your meeting tonight, with regards to how to count the Afra Terrace Land: One needs to read the attached Order for Dismissal more carefully. The section that has been "starred" lists the total amount of land in the Rental Unit projects, and, in those cases the entire parcel can be counted towards the affordable total. If one continues to read further in the Order, you will see on page 5 the homeownership developments, in which the total land area is pro-rated based on the percentage of affordable units. (Also see the Footnote 7.) The document Guidance for Interpreting 760 CMR 31.04(2) Computation of Statutory Minima pursuant to MGL C. 40B General Land Area Minimum shows this as well. So, basically, if you can count all of the units towards your SHI (like rental projects with more than 25% of affordable units) you can count all of the land. If you count a percentage of the units, as in homeowner projects, the land area is pro-rated based on the percentage of affordable units. In Afra Terrace's case, that's 25%.

Practically speaking for a moment, it certainly would never stand up to the smell test to exempt the entire parcel of land. Under this argument, The Town or a developer could develop a 100 acre parcel with homeownership developments and put 1 affordable unit on the parcel and then would expect that the entire parcel could count for affordable housing usage. I would argue that if this were allowable then many more communities would be trying to exempt properties under this provision. See attached Guidance sheet from DHCD regarding this calculation (page 5).

Mr. Gaumond plans to scan all the documents and place the report on the town's web site.

Step 3 : Relation of Affordable Housing Land Area to Total Land Area

Divide the Affordable Housing Land Area by the Total Land Area. If the Affordable Housing Land Area is at least 1.5% of the Total Land Area, the municipality has the benefit of the Existing Development Exemption and may deny a comprehensive permit, or grant the permit with conditions. Based upon the total land area of 4388 acres, the Town would need roughly 65.8 acres of Affordable Housing Land Area. Even if we count the yet to be certified units at Franklin Street and Afra Terrace, we again fall far short of the amount needed to meet this exemption by 23.3 acres. Therefore, based upon our findings, the Town does not qualify for Exemption #2.

Exemption 3: the New Construction Exemption: New Affordable Housing Construction Land Area during a calendar year exceeds 0.3 of 1% of Total Land Area

Under 760 CMR 31.04(3), a municipality may deny a comprehensive permit if "the application before the Board would result in the commencement in any one calendar year of construction of low and moderate income housing on sites comprising more than 0.3 of 1 % of the ... municipality's land area or ten acres, whichever is larger, pursuant to M.G.L. c. 40B, § 20. "

Step 1: Calculate Total Land Area. In order to determine if the municipality qualifies for the New Construction Exemption, the municipality must first calculate the Total Land Area using the method set forth in Step 1 of the Existing Development Exemption. Again, the number of Total Land Area for West Boylston totals 4388 acres.

Step 2: Calculate Size of Minimum Affordable Housing Land Area. Affordable Housing must be constructed on sites that consist of 0.3 of 1 % of the municipality's Total Land Area or 10 acres, whichever is greater (referred to herein as the "Minimum Affordable Housing Land Area"). Calculate 1% of the municipality's Total Land Area. Next, multiply that amount by .3. If 0.3 of 1 % of the Total Land Area is less than 10 acres, the Minimum Affordable Housing Land Area is 10 acres; otherwise the Minimum Affordable Housing Land Area is 0.3 of 1 % of the Total Land Area. This comes to 13.14 acres for the Town of West Boylston.

Step 3: Calculate Size of New Affordable Housing Construction Land Area. Calculate the

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size of the property on which the applicant intends to construct the Affordable Units (the "Applicant's Land Area"). Calculate the size of the land on which Affordable Housing is to be constructed in the same calendar year pursuant to comprehensive permits that the ZBA has already granted (the "Expected Development Area"). Add the Applicant's Land Area and the Expected Development Area to calculate the "New Affordable Housing Construction Land Area."

Note the following qualifiers with regard to the New Affordable Housing Construction Land Area: (a) The New Affordable Housing Construction Land Area can only include impervious areas and landscaped areas (it does not include open space land), (b) Developers who intend to commence construction of Affordable Housing in the Expected Development Area must have received a firm funding commitment before the applicant's initial submission to the ZBA for the permit. If a firm funding commitment has not been received by that date, that land cannot be included in the Expected Development Area; and (c) All construction must proceed in good faith to completion. We can add the 1.7 acres of the Franklin Street project and the 4.5 acres of the Afra Terrace project totaling 6.2 acres of new construction land.

Step 4: Relation of New Affordable Housing Construction Land Area to Minimum Affordable Housing Land Area. If the New Construction Land Area is less than the Minimum Affordable Housing Land Area, the ZBA cannot deny the applicant a comprehensive permit. If it exceeds the Minimum Affordable Housing Land Area, the ZBA may deny the comprehensive permit. New Construction Land Area of 6.2 acres is shy of 13.14 acres of the Minimum Affordable Housing Land Area. Based upon our findings, the Town does not qualify for Exemption #3.

Exemption 4: the Two Percent Recent Progress Exemption: Affordable Housing units created during prior 12 months exceed 2% of Total Housing Stock

According to 760 CMR 31.07(d), the ZBA may deny a comprehensive permit, or, grant a permit with conditions if the Municipality "has made recent progress toward its housing unit minimum." "Recent progress toward its housing unit minimum" means that the number of Affordable Units that have been created during the twelve months prior to the date of the comprehensive permit application is equal to or greater than 2% of the municipality's Total Housing Stock. It should be noted that the applicant may re-file with the ZBA at a later date. Of the 2454 housing units in the Town, 49 units qualify for an exemption under this provision. When you add the Afra Terrace units and the Franklin Street units, you get 39 units. We should also be able to add the newly sited 8 DMH units which totals 47 units. Therefore, based upon our findings, while this is very close, we do not believe the Town qualifies for Exemption #4. The Town will also soon be able to add the three Angel Brook affordable units. I am working with Town Counsel on the avenues to count these three units to give us a moratorium from additional 40b's until July of 2007.

Exemption 5: Large Scale Project

Pursuant to 760 CMR 31.07(g), the ZBA may deny a comprehensive permit application or grant the permit with conditions where the applicant proposes the construction of a large-scale project as noted below:

Total Housing Stock	Applicant's Proposed Units
7,500 or more units	The greater of: - 300 units - 2% of Total Housing Stock
5,000 to 7,500 units	More than 250 units
2,500 to 5,000 units	More than 200 units
Less than 2,500 units	More than 150 units

As the Town has not added the number of units even close to the numbers outlined above. With a housing stock of 2454 units, the Town would have need a project which brought in more than 150 units. Therefore, based upon our findings, the Town does not qualify for Exemption #5.

Exemption 6: Related Applications

Pursuant to 760 CMR 31.07(n), the ZBA may deny a comprehensive permit or grant the permit with conditions to an application that is related to a prior application as noted as follows. Within 12 months prior to the date of the comprehensive permit application, an application for a variance, special permit, subdivision or other approval, with no Affordable Housing, related to construction of the same land was (i) filed, (ii) pending before a local granting authority, (iii) disposed of, or (iv) withdrawn. An application that concerns insubstantial construction or modification of the pre-existing use of the land is not considered a "prior application". This exemption needs to be considered on a case-by-case basis. With the Crescent Street 40B application, it is the Town's belief that the Town does not qualify for an exemption at this time.

Exemption 7: Planned Production: Compliance with an affordable housing plan approved by DHCD.

Pursuant to 760 CMR 31.07(i), in a municipality that has adopted an affordable housing plan approved by DHCD and that has received DHCD certification of initial compliance and of subsequent annual compliance, the ZBA may deny a comprehensive permit application or grant the permit with conditions during a 1-year or 2-year period.

Step 1: Adopt Affordable Housing Plan Approved by DHCD. The municipality must develop an Affordable Housing Plan for the development of affordable housing that complies with the requirements set forth in 760 CMR 31.07(i)(1) - (3), including being based on a comprehensive housing needs assessment and satisfying DHCD guidelines. The Town, through our Housing Partnership, have made the development of an Affordable Housing Plan its priority. They hope to have a draft by the end of March and DHCD has 90 days to review and approve the Town's plan.

Step 2: Annual Certification of Compliance. The municipality must request certification from DHCD that the municipality is in compliance with its Affordable Housing Plan. Such certification is retroactive to the date the certification was requested.

1-Year Moratorium - For one year following either a certification of initial compliance or a certification of subsequent annual compliance with the municipality's affordable housing plan, the ZBA may deny a comprehensive permit application or grant a permit with conditions.

2-Year Moratorium - For two years following either a certification of initial compliance or a certification of subsequent annual compliance with its affordable housing plan, provided that during the year of such certification, the municipality increased its number of Affordable Housing units by at least 1.5% of its Total Housing Stock, the ZBA may deny a comprehensive permit application or grant a permit with conditions.

Since the Town has yet to complete its Planned Production Plan, we have not yet been certified by DHCD and therefore cannot qualify for any moratoriums afforded under this exemption. Therefore, based upon our findings, the Town does not qualify for Exemption #7.

Mr. Gaumond noted that the report was reviewed by Town Counsel, the Housing Partnership, the ZBA, the Planning Board and the Assessor's office all of whom strongly agree this is where we stand. We probably would qualify for Exemption #4, however, it would only be temporary. Mr. DiPietro asked Mr. Gaumond if he felt the town could get a decision on the Village at Oakdale project before July of this year. Mr. Gaumond offered to check with Town Counsel. Mr. DiPietro feels that since this is such a controversial issue he wonders if the Selectmen should ask the Zoning Board of Appeals to ask for a \$10,000 Mass Housing Grant to bring in a non-binding third party to make a decision on this entire project. He would like to have a botanist flag the wetlands and require the installation of a sidewalk on the street. Mr. Gaumond explained that under the DHCD Guidelines for Frequently Asked Questions, the DHCD does not certify that we have met the 1.5 threshold, the ZBA has the obligation when the application comes forward to declare its intention to go forward with an exemption for the project. The ZBA may decide it is a good project or not a good project. The decision can be appealed by the developer and we end up going to court. Mr. DiPietro suggests including the water bodies and having somebody else refute the figures. He pointed to an article, which was published with information provided by the Board of Assessors, and indicates that 4,859.06 acres or 46.79% of the total land in West Boylston is state-owned property. Mr. Gaumond explained that his job was to try to come up something he would feel comfortable putting his name to. With regard to the information that was published he spoke with the Board of Assessors and they could not tie back to the number published.

Mr. Fallavollita suggested counting the road behind the American Legion, the street on the landfill and the land designated as forestry or agricultural as they are non-buildable lots. Mr. Gaumond noted that the land has to be permanently non-buildable. Mr. Fallavollita also suggested the land under the power lines. Mr. DiPietro stated that on February 28 a person at DCR stated that they own 3,430 acres of land in West Boylston. Mr. Gaumond offered to make the best case he could for the exemptions. He cannot speak to the unnamed source at DCR, however, the information he received came from John Scannell. Mr. Fallavollita suggested Mr. Gaumond call Boston for the information. He also thinks we could count the utilities plus the railroads. Mr. Phillips asked Mr. Gaumond if he could find out who from the Board of Assessors gave out the numbers. Mr. Gaumond noted that he did ask them and they could not tie back to the number reported. Mr. Phillips asked why not just include the reservoir in the calculations. Mr. Gaumond offered to recalculate and present the numbers back to the Board. Mr. Rucho asked when the town feels it has an exemption who do we give it to? Mr. Gaumond explained that the ZBA brings that information forward during an application process. They can deny the application because the town has met the exemption, however, the applicant can appeal that decision. Mr. Phillips suggested using the Board of Assessors' number and let that be proven wrong. Mr. Fallavollita asked if the reservoir was man-made for municipal or federal use, would that qualify.

Linda Isgro noted on the grant money it does not allow us to use Town Counsel for figuring a Safe Harbor. Winthrop Handy asked if motels with subsidized residents could be counted as well as inmates. Mr. Gaumond advised that according to Town Counsel they could not be counted. The units would have to be certified as permanently affordable. Mr. Bowman referred to the calculations used by the Towns of Natick and Weymouth. Mr. Gaumond stressed that the trigger is the home ownership aspect and due to the fact that Afra Terrace is home ownership it must be pro rated. Mr. McCormick explained that we are trying to get a number we can support and defend in court.

Bruce Peterson asked if anyone took inconsideration the land impacted by the Cohen Bill. Karen Footner wants to make sure that DMH and DMR homes. Mr. Fallavollita thinks we have easements, which can be counted. Mr. DiPietro announced that on March 27 the Department of

Conservation and Recreation is going back into the real estate business and they have been authorized to start purchasing land in West Boylston. This time it will be strictly negotiable.

NEW BUSINESS**1. Review of comments received for the 19 Crescent Street 40B Project**

Mr. Gaumond received the following comments from Boards and Departments under the Town Administrator:

Police Department. Chief Minnich has concerns about the site distance in both directions coming out of the property and is requesting a traffic study be done to ensure traffic safety. Also concerning traffic, he notes the significant traffic delays in the mornings and afternoons as school lets out. He adamantly opposes the language used in the application that this is a blighted area and cited the beautiful homes in the area. Finally, he raised concerns that projects like this may have an adverse impact on the Police Department's ability to provide services to the community.

Fire Department: Chief Pauley has raised the same concerns as the Police Chief concerning the site distance issues and the heavy traffic issues in this area and also recommends a traffic study to examine this issue more closely. He raises the concerns that the configuration and width of the access driveway is not conducive to fire apparatus and ambulance response as there is insufficient area for emergency vehicles to turn around. He recommends that the two driveways would need to be looped or connected so these vehicles do not need to back out of the parking area. The Chief also recommends that the utilities should be buried underground to eliminate the possibility of overhead lines coming down and impacting emergency response as there is only one access driveway to the site. The Chief recommends the placement of at least one fire hydrant on site.

Open Space Advisory Committee: They adamantly opposes the project for this site because this project is sited in an area of open space near Carroll's Pond, a significant groundwater recharge zone, and its adjoining wetlands and that of Scarlett Brook, a tributary draining in the Wachusett Reservoir. Their concerns surround the wetland destruction, the impact on the quality of the Town's drinking water, and its contribution to excessive surface runoff and erosion. In addition, they raise concerns over traffic, the demolition of a possibly historically significant home, and the project's impact on the character of this neighborhood.

Board of Health: They suggest that proper trash receptacles be included in the plan so that they may be reviewed. Stormwater drainage must be managed so as not to adversely affect neighboring property, they make mention that the existing septic system on the property must be abandoned in accordance with Title V, and the property must be connected to the Town's sewer system.

Housing Partnership: They are pleased with the addition of one fully handicapped accessible unit in the project. While they cannot properly comment on the safety, density, and utility impact they do request that 20% of the project be certifiable as affordable units.

Building Department: Mr. Mark Brodeur has provided me with an updated letter today which addresses some concerns about the preliminary review of the property as well his formal review of the property. He points out that the two existing lots which constitute this project must be merged into one parcel and an ANR (Approval Not Required) be granted by the Planning Board. A demolition permit must be applied for and issued by the Building Department. According to the Town's bylaws, it does not allow for more than one residential structure on one lot, therefore the demolition of the existing structures must take place before any consideration of building permits can be had. He believes that the Planning Board would serve as the Special Permit Granting Authority for this project with regards to issues such as density, incentive zoning and site plan review. The height of the proposed structures is in conflict with the zoning bylaws. He has

concerns that the proposed driveway entrance at 18 feet wide is not adequate for the passage of two vehicles under winter conditions. He raises concerns about the Concept C Plan that refers to construction in the single residence zone that is not allowable under Section 2.4 of the Zoning Bylaws. He clearly mentions that Item 9 of the By-Right Plan does not illustrate the existing house or out buildings, property line of the two existing lots or the single residence zone line which suggests to him that this type of project may not be allowable under 40B requirements.

Department of Public Works/Sewer Department: On the sewer side, Mr. John Westerling notes that the proposal will not require a Sewer Extension Permit from the DEP therefore the Town's Sewer Capacity does not cover this proposal. The project would be able to connect into the sewer system with a sewer connection. The developer would be required to pay the privilege fees for each unit connecting to the sewer system and will have to demonstrate that the existing sewer infrastructure has sufficient capacity to handle the proposed flows and that the existing drainage infrastructure has sufficient capacity to handle the proposed drainage flows off the site. He also mentions that the developer had been willing to reconstruct the existing retaining wall or to investigate the feasibility of regrading the site to eliminate the need for a retaining wall.

Boards and entities not under the Town Administrator:

Zoning Board of Appeals: As they will be the Board to adjudicate on this matter for the Town, they certainly reserve some comments until the formal application has been filed by the applicant. They have several issues that the applicant should be made aware of during the project eligibility application process. Among these comments are that they contest the suggestion by the applicant that the area could be considered blighted and that the public bus stop does not officially go to this area any further, instead stopping at the Walmart. They raise the issue that the preliminary plans indicate that the land on the west side of the General Residence Zone is classified as Business Zone; they maintain that it should be listed as Single Family Residence.

West Boylston Water District: The Water District maintains that a complete investigation of the existing water system needs to be conducted and will then review the investigation report at that time to determine whether or not an approval for a connection can be made at this location. They discussed this with the applicant and the applicant is agreeable to this course of action.

Planning Board: While they welcome the additional affordable housing units to the Town, they have several comments about this particular project. Their largest concern is the proposed density of this project, particularly in this neighborhood that they refer to as historical. In addition, they mention that the Conservation Commission should be asked to verify the existence and extent of the wetlands on this site as they are concerned about the stormwater management requirements. Based upon the information they have on this project at this time, they question whether or not there is enough acreage for both adequate stormwater handling and 24 condos with parking and roadways. Like the ZBA, they raise the issue that the preliminary plans indicate that the land on the west side of the General Residence Zone is classified as Business Zone; they maintain that it should be listed as Single Family Residence. They also have concerns about the availability to public transportation now that the public bus route officially ends at Walmart. The Planning Board raises concerns about the one driveway to the site and the safety concerns due to the lack of a looped road. The tight roadways in the project raises further concerns about density as being a major issue.

Comments from residents of the Town:

Charles Witkus: Mr. Witkus raises concerns over density, as well as suggestions to place the houses 50 feet from the street and side lots to reduce crowding and to build a sidewalk on Crescent Street to provide for the possibility to connect the sidewalk to Goodale Park.

George Bernardin: Mr. Bernardin raises concerns about density, drainage, access, traffic and impact on the wetlands in the area. As an abutter, he is concerned about the impact on the character of the neighborhood. He has concerns about the lack of a public bus route and a general concern that the information about the scope of this project has changed a number of times in recent weeks and it has been difficult to assess the exact scope for the residents of this neighborhood.

Lynn Bird: Ms. Bird raises concerns about the speed of which this application is being moved through the application process. She also raises concerns as to whether or not the Town has met its requirements under 40B. She is concerned about the impact on the neighborhood and has noticed that many For Sale signs are now dotting the neighborhood.

The Bowman family: I am in receipt of numerous letters from members of the Bowman family that I summarize. They raise concerns that the Town has already met its requirements under Chapter 40B and that we qualify for an exemption under MGL. They raise concerns about the demolition of a historical home in the Town, traffic concerns as well as density concerns. They also take exception to the comments made by the applicant that this is a blighted neighborhood. They are concerned about the impact on the neighborhood as well as pointing out that the public transportation route no longer services this area. Further comments pointed out that the scope of the project has changed seemingly from week to week and many residents have found it difficult to accurately determine what it is that the applicant is proposing. They raised concerns about the impact on the Town's ecosystem, particularly as it relates to drainage issues. They also mention the Town has a large stock of condo units and they question the demand for more units like this.

Clinton & Sylvia Brown: They question the Town's ability to qualify for a 40B exemption under MGL. They raise concerns about the impact on our public safety forces, the sewer and water systems, the traffic in Town, and on the wetlands on this property, particularly the water recharge area for a well on the corner of Crescent and Goodale Streets. They also raise the issue of a lack of public transportation as well as a concern that there is no need for additional condos in this Town.

Andrew Feland: Mr. Feland is an abutter and questions the impact of this project on the water and sewer pressure in this area, as this area already has limited pressure. He recommends that an impact study to determine this project's impact on these utilities. He also raises issues of density and potential environmental impact.

The Footner family: I am in receipt of numerous letters and emails from the Footner family about this project. They raise concerns about the need for new affordable units based upon the 47 new units of affordable housing added this year. They raise concerns about the lack of public transportation and an 'identity of interest' between Mr. Staiti and Mr. Beardsley who is proclaimed to be a developer and the seller of the property. They contest the use of the word 'blighted' to refer to this area. They also object to the lack of consistency in scope from the applicant as this project has been presented in different ways to different boards.

Linda Isgro: Ms. Isgro raises concerns about the lack of public transportation to the site. She points out that Housing Plan Concept C calls for development within 100 feet of the wetland protection zone that remains unreplicated. She raises concerns about density due to the wetland protection zone. She contests the By Right plan concerning the two lots under discussion; particularly the concerns under the Town's current zoning bylaws. She raises concerns about the demolition of a historical property as well as a general lack of adequate frontage. She points out

that the site plans refer to business zones where it should refer to single family residence zones. She contests the proposed height of the structures pointing out that the proposal is in violation of the zoning bylaws. To add to the confusion of the residents, Ms. Isgro points out that the applicant contains a purchase and sale agreement which states that the project's necessary permits shall include Project Eligibility from DHCD pursuant to the Local Initiative Program and that the seller will not seek zoning changes in the premises. She maintains that the Town should qualify for exemption under the recent development exemption.

Robert & Joan Koppenal: They raise concerns that the Town has already met its requirements under Chapter 40B and that we qualify for an exemption under MGL. They raise concerns about the demolition of a historical home in the Town. They raise traffic concerns as well as density concerns. They also take exception to the comments made by the applicant that this is a blighted neighborhood. They are concerned about the impact on the neighborhood as well as pointing out that the public transportation route no longer services this area. Further comments pointed out that the scope of the project has changed seemingly from week to week and many residents have found it difficult to accurately determine what it is that the applicant is proposing. They raised concerns about the impact on the Town's ecosystem, particularly as it relates to drainage issues. They also mention that the Town currently has a large stock of condo units in the Town and they question the demand for more units like this.

Dorothy Trow: Ms. Trow has specific concerns about the current heavy traffic flow and the impact that this project would have on this flow especially since this project is so close to the schools, playgrounds, and an athletic field.

Mr. Gaumond asked the Board to consider these points and advise him as to the points of concern that they would have him write to MassHousing about in a letter to contain the signature of the Chairman of the Board of Selectmen. He recommends attaching all the comments the Board received to the letter which will be sent to Mass Housing.

Motion Mr. Fallavollita to concur with Mr. Gaumond's suggestion, seconded by Mr. Rucho, all in favor. Mr. Fallavollita encouraged the residents in attendance to provide comments. For the record, Mrs. Feland noted that she and her husband are not abutters.

Mr. DiPietro would like a five-foot sidewalk on Crescent Street. Mr. Gaumond will be FedExing and fax the letter out tomorrow. Karen Footner thanked the members of the Board for their deep thoughts and concern regarding the project. Mr. Gaumond will post the letter on the web site and email it to Ms. Footner.

NEW BUSINESS (cont.)**8. Review Management Letter for the Town of West Boylston for the year ended June 30, 2005**

Mr. Gaumond noted that he is generally pleased with the report and he will be working with Mr. Westerling and Mr. Daley on the two items noted.

9. Review Memorandum of Understanding (MOU) regarding Household Hazardous Waste Collection site

No action is needs to be taken on this item. The Wachusett Earth Day Committee is looking to establish a permanent site on DCR land off of Raymond Huntington Highway, and they are reviewing sample MOU documents. Mr. Gaumond and Fire Chief Pauley will be meeting on a regular basis with the group.

10. Review correspondence from the Department of Conservation & Recreation relative to FY 2007 Payment in Lieu of Taxes

Annually in the month of February the town receives correspondence from the Department of Conservation & Recreation relative to our Payment in Lieu of Taxes. The town will receive \$569,752.24.

11. Review correspondence from Senator Harriette Chandler regarding Governor Patrick's FY 2008 Budget

Mr. Gaumond pointed out that the town will be losing some money as some residents are attending charter schools.

12. Review MMA Action Alert on Governor Patrick's budget

The MMA encourages communities to contact their legislators should there be anything within the budget they are interested in.

13. Vote to enter into Agreement for Professional Services with Lamoureux Pagano Associates

Mr. Gaumond asked to pass over this item at this time, as the contract has not yet been signed. He requested the Board schedule a five-minute meeting prior to the Municipal Buildings Committee Meeting next Wednesday for this one issue. Board members agreed to meet 7:00 p.m. to be followed by a 7:15 meeting of the Municipal Buildings Committee.

MEETINGS & INVITATIONS

1. Schedule Budget Meeting with Finance Committee and School Committee.

Mr. Gaumond recommends the Board meet on March 28th at 7:00 p.m. He will have all his numbers finalized by the time of the meeting. Board members also agreed to schedule a Saturday morning work session for 9:00 on March 24th for preliminary warrant article discussion.

2. The March 10, 2007 Wachusett Futures Workshop has been cancelled.

3. On March 14, 2007 Municipal Buildings Committee will be meeting.

4. At the request of the MWRA a meeting will be held on March 19, 2007 at 10:00 a.m. at DCR in West Boylston to discuss the town's taking over the trunk line.

5. March 21, 2007 – 5:30 to 6:30 – Senator Chandler will have office hours

6. March 21, 2007 Agenda items to date

- Fulbright Scholars – Japanese Teachers
- Senator Chandler
- New Business
- Review list of Special Employees

7. April 4, 2007 Agenda items to date

- Board reorganization
- New Business
- Concurrence on April appointments

8. Mr. Gaumond announced that on April 7, 2007 from 9:00 a.m. until 10:30 we will be having a Town Administrator's Saturday Morning Meeting with Appointed Officials and asked if this is something the Chairman of the Board would like to extend to his appointments as well. The Town Clerk will be in attendance to swear all the new appointees in. Mr. McCormick agreed that it was a good idea and will also participate.

9. Mr. Gaumond distributed correspondence from the Mass Municipal Association on the Spring Regional Update Meeting to be held in Shrewsbury on March 22.

SELECTMEN'S REQUEST AND NEW BUSINESS

Messrs Fallavollita and Rucho have nothing this evening.

Mr. DiPietro asked Mr. Gaumond to find out from Fire Chief Pauley his opinion on the firemen getting Class B Driver Licenses with air break endorsements.

Mr. Phillips asked to be invited to any meetings Mr. Gaumond schedules with Fire Chief Pauley regarding Hazardous Waste as he would be interested in attending.

Mr. McCormick has nothing this evening

With no further business to come before the Board, motion Mr. Fallavollita at 10:40 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved: March 21, 2007

Nancy E. Lucier

Kevin M. McCormick, Chairman

Christopher A. Rucho, Vice Chairman

Allen R. Phillips, Clerk

Alexander Fallavollita, Sr., Selectman

John B. DiPietro, Sr., Selectman