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TOWN OF CHARLTON

Minutes of Regular Selectmen's Meeting
Tuesday – April 1, 2014 at 6:30pm

Present: Chairman – Frederick C. Swensen, Vice-Chairman – David M. Singer, Clerk – Joseph J. Szafarowicz and Members – Brent Sellew and Kathleen W. Walker. Also in attendance: Town Administrator – Robin L. Craver and Student Selectperson - Emily Sprague.

NOTE: Some matters may have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

I. Call to Order:

1. Chairman Swensen called the meeting to order with the pledge to the flag.
2. Chairman Swensen reminded everyone to treat each other courteously and be acknowledged by the Chair before speaking. Those in attendance are requested to turn off cell phones or put them on vibrate so as not to disrupt the proceedings and remove hats, if any.

II. Consent Agenda:

1. Minutes of Selectmen's Regular Meeting – March 4, 2014. **Motion by Mr. Singer to approve the minutes, seconded by Mr. Szafarowicz, 4 ayes, Ms. Walker abstained.**

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.
- Ms. Walker added for Earth Day that this is the first year that there will be a recycled art project. This contest is sponsored by the Charlton Heritage Preservation Trust and the Recycling Committee. She also stated that it's important to adopt a road and clean that road. There are bags in the Senior Center and we are trying to get every road in Charlton cleaned up.
- Chief Pervier came forward and stated that Thursday, the yellow bags will be available in the senior center. People are asked that if you pick up trash, bring it to the town hall to dispose. Please don't leave it on the side of the road. He also stated that they will be doing the car seat safety inspections that day.
- Mr. Singer stated that the Charlton Middle School Mirage Show Choir won gold at Bartlett in the competition this past weekend. He also read a letter he was asked to read from the Commonwealth of Massachusetts House of Representatives from State Representatives Paul K. Frost and Peter Durant. The letter states: Dear Selectmen, we are pleased to formally announce to you and the community that, as requested, we were successful in advocating for language and funding for the town in H.3332, *An Act providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth.* The bill has been released from the Joint Committee on the Environment, Natural Resources and Agriculture. It contains language we requested on behalf of Charlton which would provide up to $6,000,000 to establish an alternate public water supply source. We both recognize that expanding existing water lines is of prime importance to the Town of Charlton. If existing sources cannot meet the current and future needs of the community, then we understand that Charlton will need to engage in an ambitious endeavor to begin the process of researching and acquiring a new water supply source. Town Administrator Robin Craver has been very active in this matter and has kept us well informed of the challenges facing Charlton. We

applaud her hard work and are pleased to help with the process to address these water supply issues and concerns in any way. Moving forward, we will continue to advocate for the Town of Charlton to receive this funding, as there is still a long road ahead for this legislation. We will be sure to keep the Board updated as the H.3332 makes its way through the legislative process. As always, please feel free to contact us with any questions or concerns.

- Representative Durant came forward and provided the board with information regarding H.370 – An Act establishing a commission to study vocational technical schools. He stated that Selectman Singer was inquiring about a few bills and bill H.370 is a combination of the two bills (H.406 and H.407) that were in the house. This bill is currently sitting in the Clerk's office. The Board thanked Representative Durant for the update.

IV. Appointments/Resignations:

1. Resignation – Paul Derany, Veterans Agent/Assistant Director of Council on Aging. Mrs. Craver stated that attached is a letter from Paul Derany, Veterans Agent/Assistant Director of Council on Aging resigning his position as of April 18, 2014 due to accepting a position with a different organization. Mr. Derany has made changes within the Veterans Department since being hired on September 12, 2013 to help better assist the veterans in Charlton. She thanked Mr. Derany for his work and wished him well on his future endeavors. The Board should vote to accept his resignation. A letter thanking him for his service has been completed and is in your sign folder. **Motion by Mr. Singer to accept Mr. Derany's resignation, seconded by Ms. Walker, motion carries unanimously.**

V. Scheduled Appointments:

6:45pm – Christopher Sullivan – 6th Grade Essay Contest. Mrs. Craver stated that as you are aware, the Massachusetts Municipal Association sponsors a 6th Grade Essay Contest to municipalities every year and Charlton schools participate. This year, Christopher Sullivan, a resident of Charlton has won third place in the contest. We have invited Mr. Sullivan here to read his essay and to congratulate him on a job well done. Christopher Sullivan came forward and read his essay: "If I were elected leader of my community, I would make a difference by strengthening Charlton's economy. To do this, after my election to the Board of Selectmen, I would lead the selectmen in making important changes in the town. We would need to make more jobs available. By bringing in bigger businesses and a local hospital, we could provide more jobs and better services as well. Charlton's economy will surely improve if we provided more jobs and services because it would encourage more people to move here and would enlarge the tax money too. Businesses such as Apple, Microsoft and Nike may like to locate to Charlton because there is lots of undeveloped land. We could locate these businesses along Route 20 since it is already zoned for business. Also, we could add an amusement park and miniature golf course since there are not many places in Charlton for kids to go and have fun. If we were to have a hospital in Charlton, the citizens of our town can get medical help quicker than they can now. A hospital in Charlton would be best located between the Mass Pike and Route 20 since this is where most car crashes take place. In this way, accident victims can get help more quickly. Also, police should be stationed along Route 20 as well, so they could respond more quickly to help. An additional police post could also open up new positions for more police so that they can perform more important services. By doing these things, Charlton would attract more people to build new homes here. This in turn would grow the residential tax money. I believe that with this plan as an elected leader, I could strengthen our economic situation by bringing bigger businesses to Charlton, providing more good paying jobs, new building projects and better town wide services. The Board congratulated Mr. Sullivan on a job well done. Chairman Swensen invited him to come forward to present him with a few things. The first is a certificate of excellence by the Massachusetts Municipal Association. The second is a certificate from the Board of Selectmen for a job well done and the third is a check from the

Massachusetts Municipal Association for a job well done.

7:00pm – Cable Ascertainment Hearing. Mrs. Craver stated that we have scheduled the Cable Ascertainment Hearing for 7:00pm. The purpose of the hearing is to review the performance of the current cable television operator, Charter, during its current license term and to hear testimony on future cable related needs and interest of the Charlton Community. The notice of hearing was placed in the Southbridge Evening News on March 11, 2014 and March 18, 2014, the town's website, cable and the bulletin board in the hallway of the town hall. The office has not received any notices from any residents regarding the hearing. Chairman Swensen opened the hearing by reading the notice as placed in the paper. "The Board of Selectmen, as statutory Issuing Authority for the Town of Charlton, will conduct a public ascertainment hearing on Tuesday, April 1, 2014 at 7:00pm in the Selectmen's Meeting Room at the Charlton Town Hall, 37 Main St., Charlton, MA. The purpose of the hearing will be to review the performance of the current cable television operator, Charter, during its current license term and to hear testimony on future cable-related needs and interests of the Charlton community. Interested parties are encouraged to attend and offer testimony on any cable related matters. Any applications and reports to be considered at the hearing are available for public inspection at the Charlton Town Hall during regular business hours and for reproduction at a reasonable fee. For more information on the public hearing, please call the Town Administrator's Office at 508-248-2206. Cable Committee members Eric Borgeson and Ron Wilmot from the Cable Committee came forward. Mr. Borgeson explained what the committee does and stated that they are mostly run on volunteers. What they would like to hear tonight from the town folk, is what they like and what they don' like about Charter. Chairman Swensen stated that he's heard this a lot which is why don't we have a choice of cable providers in town. Mr. Borgeson stated that from what he's seen, there are very few towns in Massachusetts that have multiple providers. Ms. Walker stated that residents that might have questions or remarks regarding tonight's hearing, how do they contact the cable committee. Mr. Borgeson stated that they will put it on cable and people can also contact the Selectmen's office. Mrs. Craver stated that the Cable Committee has been doing a great job and they are working more with the schools now. Mr. Gilrein and Mr. Packard came forward. Mr. Gilrein stated that what they hope to do is to expand on more things beyond sporting events. Mr. Packard stated that they had the opportunity to work with Mr. Anderson. The Board thanked Mr. Gilrein and Mr. Packard. With no further comments, **motion by Mr. Szafarowicz to close the hearing at 7:12pm, seconded by Mr. Singer, motion carries.** Mrs. Craver stated that if any comments or concerns come in, we will forward them to the Board and the Cable Committee.

VI. New Business:

1. Request for Special License – Marilyn J. Mullen. Mrs. Craver stated that attached is a request from Marilyn J. Mullen for a special liquor license for Wine and Malt beverages to be used on Friday – April 25, 2014 from 6 – 9pm for the wedding rehearsal and Saturday – April 26, 2014 from 4:30pm – 10:30pm for the wedding reception at Camp Joslin. This request has been approved by the Building Commissioner, Fire Department and Police Department. The Fire Department offers the following stipulations: No blocking exits; No pirotects in building; DJ is to shut music down in case of emergency; crowd manager must be on site and do pre walk thru and vehicles prohibited from parking in fire lanes. The Police Department offers the following stipulations: All persons serving alcohol be TIP certified and that no one under the age of 21 be allowed to purchase or consume alcoholic beverages. All other requirements within the policy have been met. Per the Board's policy, the license if approved, should be issued for two additional days for the following reasons: Day 1 – to allow delivery of alcohol to establishment (no sales allowed), Day(s) 2 – For sale on the approved date and time as listed. Day 3 – To allow for pick-up of any unused alcohol (no sales allowed). Mrs. Craver would recommend the Board approve the special license as requested with the dates on the license to be April 24, 2014 through

April 27, 2014. **Motion by Mr. Singer to approve the license request from Marilyn Mullen as long as all the stipulations from the Building Commissioner, Fire and Police Department are met and the license be issued for three days from April 24th through April 27th, 1st and last day are for drop off, no sales, seconded by Mr. Szafarowicz, motion carries unanimously.**

2. Request for Special License – George Guertin. Mrs. Craver stated that attached is a request from George Guertin for a special liquor license for Wine and Malt beverages to be used for a wedding on Saturday – May 24, 2014 from 6:00pm – 11:30pm at Camp Joslin. This request has been approved by the Building Commissioner, Fire Department and Police Department. The Fire Department offers the following stipulations: NFPA report must be submitted prior to event. The Police Department offers the following stipulations: All persons serving alcohol be TIP certified and that no one under the age of 21 be allowed to purchase or consume alcoholic beverages. All other requirements within the policy have been met. Per the Board's policy, the license if approved, should be issued for two additional days for the following reasons: Day 1 – to allow delivery of alcohol to establishment (no sales allowed), Day(s) 2 – For sale on the approved date and time as listed, Day 3 – To allow for pick-up of any unused alcohol (no sales allowed). Mrs. Craver would recommend the Board approve the special license as requested with the dates on the license to be May 23, 2014 through May 25, 2014. **Motion by Mr. Singer to approve the license request for Mr. Guertin's wedding and that the license be issued for three days from May 23rd to May 25th allowing 1st and last day as non sales day and that all stipulations by the Building Commissioner, Fire and Police Department are met, seconded by Mr. Szafarowicz, motion carries unanimously.**
3. Request for Special License – St. Joseph's Church. Mrs. Craver stated that attached is a request from Joyce Marcelonis on behalf of St. Joseph's Church for a special liquor license for Wine and Malt beverages to be used for a meat raffle on April 12th, September 21st and November 9th from 6:00pm – 10:00pm in the Church Hall. This request has been approved by the Building Commissioner and Police Department. The Fire Department has only approved the date of April 12th and would recommend they resubmit for the other dates once new testing alarm NFPA 72 & NFPA 25 reports are received. The Police Department offers the following stipulations: All persons serving alcohol be TIP certified and that no one under the age of 21 be allowed to purchase or consume alcoholic beverages. All other requirements within the policy have been met. Therefore, you are asked to approve the date of April 12th for the meat raffle as requested. Per the Board's policy, the license if approved, should be issued for two additional days for the following reasons: Day 1 – to allow delivery of alcohol to establishment (no sales allowed), Day(s) 2 – For sale on the approved date and time as listed. Day 3 – To allow for pick-up of any unused alcohol (no sales allowed). She would recommend the Board approve the special license for the April 12th date with the dates on the license to be April 11, 2014 through April 13, 2014. We have already contacted St. Joseph's and explained about the fire testing and they will come in and re-apply at that time. **Motion by Mr. Singer to approve the license requested by Ms. Marcelonis on behalf of St. Joseph's church as long as the stipulations are met as determined by the Building Commissioner, Police and Fire Departments for April 12th and that this license be granted for a 3 day period from April 11th through April 13th with the first and last day being non sales days, seconded by Mr. Szafarowicz, motion carries unanimously.**
4. Charlton Lions Club – Toll Road request. Mrs. Craver stated to please find attached a letter from the Charlton Lions Club requesting permission to hold a toll booth at the intersection of Rt. 31 and Masonic Home Road on May 10, 2014, (rain date – May 17, 2014) from 9:00am – 12:00noon. This event is being held to raise money to support Mass Lions Eye Research and other community causes. This request was also forwarded to Chief Pervier who is in support of the toll booth contingent upon the following safety precautions: All volunteers must wear bright colored vests;

orange traffic cones must be set out on Main St. and Masonic Home Road for a distance of not less than 50 feet on each respective way prior to reaching the toll station, a minimum of 5 traffic cones on each roadway should be put in place at a distance no greater than 10 ft. apart; Signs warning "Voluntary Toll Booth Ahead" must be erected on both Masonic Home Road and Main St. not less than 75 feet from the toll station. **Motion by Mr. Singer to approve the Charlton Lions Club request to hold a toll booth at the intersection of Rt. 31 and Masonic Home Road on May 10, 2014(rain date – May 17, 2014) from 9:00am – 12:00noon contingent upon the following safety precautions:**
All volunteers must wear bright colored vests; orange traffic cones must be set out on Main St. and Masonic Home Road for a distance of not less than 50 feet on each respective way prior to reaching the toll station, a minimum of 5 traffic cones on each roadway should be put in place at a distance no greater than 10 ft. apart, signs warning "Voluntary Toll Booth Ahead" must be erected on both Masonic Home Road and Main St. not less than 75 feet from the toll station, seconded by Mr. Sellew, motion carries unanimously.

5. Vocational School applications. Mrs. Craver stated that Representative Durant provided information on this when he was here.

VII. Old Business:

1. M.G.L. Chapter 43, section D as requested by Selectman Szafarowicz. At the Board's roundtable discussion, Selectman Szafarowicz asked for this item to be placed on the agenda for discussion. Mrs. Craver has asked Attorney Cosgrove to put an article together that would accept the tenets of Chapter 43D, expedited permitting for your review should you wish to put an article on Town Meeting. Attorney Cosgrove has provided the Board with a "draft" warrant article and would also recommend the Board of Selectmen seek and allow sufficient time for input from all town boards, commissions, committees and officials who play a role in the issuance of any permit or other approval which acceptance of G.L. Chapter 43 D would affect. Such would include, but not necessarily be limited to: the building inspector, town planner/planning board, zba, conservation commission, perhaps the fire and police chiefs and water/sewer commission. He also recommends the Board seriously consider all aspects of the matter before deciding whether to put same before the town meeting. Mrs. Craver has also attached information from the Massachusetts Municipal Association regarding expedited permitting changes as well as a copy of M.G.L. Chapter 43D. She would ask the Board to consider Attorney Cosgrove's recommendation and recommend putting a place holder on the Town Meeting warrant and invite those departments as indicated to the Board's next meeting for discussion. Mr. Singer would like to have a place holder on the meeting and would ask for time so he can digest this himself. Mr. Szafarowicz feels this is something that should really be discussed at the next roundtable meeting. Ms. Walker stated that the Planning Board was asked how they feel and they are against it. She is not comfortable doing anything with this at this time. The Board feels the more information, the better. **Motion by Mr. Singer to put a place holder on the warrant for a possible 43D article, seconded by Mr. Szafarowicz.** Mr. Szafarowicz would like to make sure that in the future for this discussion that we can get hold of the person from the Central Mass Regional Planning and make sure this discussion does happen, he would not be comfortable moving forward without it. Mrs. Craver was asked to set a meeting up for April 17th for discussion as another Economic Development meeting. Ms. Walker has another meeting that night and stated that Mr. Szafarowicz usually attends as well. Discussion was to have it on the 10th in the Senior Center at 6:30pm. **Vote on motion: 3 ayes, Mr. Sellew and Ms. Walker – opposed.**
2. Civil Fingerprinting Bylaw request change. Mrs. Craver stated that Chief Pervier is recommending changing the frequency to when civil fingerprinting is done for license renewals within the Civil Fingerprinting bylaw and the Board of Selectmen policies. Currently,

fingerprinting is done yearly. He would recommend changing it to every three years as it is not necessary to do this yearly and would still allow for the necessary background checks on license holders as needed. Attached is a draft warrant article for Town Meeting and the Board's policy for Civil Fingerprinting reflecting the changes. Mrs. Craver would recommend the Board approve the article for Town Meeting as well as the Board's policy for Civil Fingerprinting contingent upon Town Meeting approval. Chief Pervier came forward and stated this change would be a cost savings to those in town that are licensed. **Motion by Mr. Singer that the Board vote to approve this to put on the warrant, seconded by Mr. Sellew.** Chief Pervier stated that the Board will also need to approve the change in the BOS policy contingent upon Town Meeting approval. **Motion carries unanimously. Motion by Mr. Szafarowicz that we amend the Board of Selectmen's policy as laid out in the memorandum upon a successful vote at Town Meeting, seconded by Mr. Singer, motion carries unanimously.**

3. Annual Town Meeting - Warrant (close) and Budget. Mrs. Craver stated that the Board is scheduled to close the Annual Town Meeting warrant tonight. She has prepared a draft warrant list with articles for review. There are the usual housekeeping items such as accepting town reports and authorizations for grants. There are also articles submitted by other departments and committees. Two of the warrant articles are the fruits of two major projects, namely, the overhaul of the classification plan and the recodification of the bylaws. She has also prepared a draft budget for review. At this time, the revenue forecast is $23,252,653 and the total requested by departments is $24,480,010 which leaves a $1,227,357 deficit. If we level fund except contractual and statue requirements, the request is $23,747,414, leaving a deficit of $494,761. This deficit includes a 2.5% increase for DCRSD amounting to an additional $228,175. In the latest budget number from the School Business Manager on March 27th, they are requesting an additional $729,060. As you know, the Finance Committee has been meeting with the departments to hear their needs and concerns. Speaking of concerns, this is the first time since she's been here that the requests for the reserve fund are more than was allocated. The Reserve Fund had $100,000 appropriated for unforeseen needs and to date there are $176,888 in requests. $105,698 has been given an advisory approval and $71,190 has been actually funded, thus leaving $28,810. We already know there will be more than that required for budgets that are depleted. She has attached a spreadsheet of the approved reserve fund transfers. Chairman Swensen read the list of articles as presented by Town Administrator Craver for Town Meeting. The last article was a placeholder labeled Article __ - Mandatory Water Hook Up for New Construction, he would like to discuss this. Chairman Swensen stated that we've had some meetings with DEP and Southbridge regarding water hook ups. He said it is safe to say and honest to say that we are making good progress. The biggest issue at this point is the fact that the Town of Charlton is not using enough water. The water is sitting in the pipes too long and is not meeting the standards for public safety. He stated that there was talk about having any homeowner whose property is on a waterline to hook up. He is not for that and would not ask the board to bring that forward. New builders will be asked. Chairman Swensen would like to propose a placeholder for new construction on a waterline be required to hook up. **Motion by Mr. Szafarowicz to put a place holder article on the water for mandatory hookups, seconded by Mr. Sellew.** Mr. Sellew asked if there would be an exemption for any instances or is it for all? Mr. Gagner from the Board of Health came forward. The Board of Health had a meeting with the Water/ Sewer Commission and it was a very positive meeting. He stated that there was some language in there regarding sewer lines which will be discussed at their next meeting. He feels it's a good idea to put this on as a placeholder as well. **Vote on motion: motion carries unanimously.** Mrs. Craver would recommend the board close the warrant. **Motion by Mr. Singer to close the town meeting warrant, seconded by Mr. Sellew, motion carries unanimously.**

VIII. Committee Reports

IX. BOS Policy Review:

X. Student Selectperson Report – Emily Sprague gave her report.

XI. Town Administrator Report: Mrs. Craver reviewed her report.

XII. Other Business: (unknown at time of posting)
Ms. Walker stated that she and her husband were fortunate enough to escape this winter for three weeks and go on a holistic cruise. This cruise gave them the opportunity to reflect on how they spend their time. She needs to do what will bring her the most happiness. Last Friday, she removed her name from the ballot. She feels that John McGrath will be a great edition and will be joining the board in May. She also feels that Cindy Cooper will be a good fit on this board.

XIII. Next Meeting Announcement:

- All Boards, Committees and Departments Meeting – April 8, 2014 – 6:30pm – Senior Center
- Next regular Selectmen's meeting – April 15, 2014
- Annual Town Election – May 3, 2014
- Annual Town Meeting – May 19, 2014

XIV. Adjourn/Executive Session:
Motion by Mr. Szafarowicz to adjourn at 8:03pm, seconded by Mr. Sellew, motion carries unanimously.

Submitted by:
Mary C. Devlin
Administrative Assistant

Accepted by:

Frederick C. Swensen, Chairman

David M. Singer, Vice-Chairperson

Joseph J. Szafarowicz, Clerk

Kathleen W. Walker, Member

Brent Sellew, Member

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TO: Board of Selectmen

FROM: Robin L. Craver, Town Administrator

DATE: March 7, 2014

SUBJECT: Town Administrator's Report – for Selectmen's meeting of 3/11/14

A.L.I.C.E. Training Course – Kara Hmielowski, Administrative Assistant to the Town Administrator applied for a loss control grant through MIIA and we were awarded $3,465 for training purposes. We will be using these funds to allow for seven employees, one from each building in the town including the town hall, highway operations building, fire station, police station and library. The training addresses what to do in case of an active intruder or shooter. Attending will be Mary Devlin, Administrative Assistant to the Board of Selectmen, Carl Ekman (EMD), Fire Chief Cloutier, Cheryl Stevavis from Highway, and I'm waiting on the library and police representatives. The training is a two day A.L.I.C.E. Training Course (Alert, Lockdown, Inform, Counter, Evacuate). This training is called "Active Shooter Response Training Instructor Course" and will be held on June 11 & 12 from 8 – 4 at Harrington HealthCare at Hubbard in Webster, MA. The attendees will become knowledgeable of statistics and information about active shooter situations and why A.L.I.C.E. training is effective. Upon completion of this course, all seven employees will become an effective A.L.I.C.E. Instructor for the town and will provide training to other employees in their buildings. We will also be planning annual drills. We will also get credit on out insurance premiums.

Water Negotiations: I attended a meeting last week with the Town of Southbridge, DEP and ExxonMobil regarding the new proposed waterlines. The issues before us now are whether the water can be provided and maintained in good quality with a limited number of users.

Chapter 43D – Expedited Permitting

Section 1. Notwithstanding any general or special law, charter provision, by-law or ordinance to the contrary this chapter shall apply upon its acceptance by a city or town.

Section 2. Definitions. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

"Governing body", in a city having a Plan D or Plan E charter the city manager and the city council and in any other city the mayor and city council, and in towns the board of selectmen.

"Interagency permitting board", the board, as described in section 62 of chapter 23A, established to review and approve or deny municipal priority development site proposals and to grant and administer technical assistance grants.

"Issuing authority", a local board, commission, department or other municipal entity that is responsible for issuing permits, granting approvals or otherwise involved in land use development including redevelopment of existing buildings and structures.

"Permit", a permit formal determination, order of conditions, license, certificate, authorization, registration, plan approval, zoning relief or other approval or determination with respect to the use or development of land, buildings, or structures required by any issuing authority including but not limited to those under statutory authorities contained in chapter 40A, sections 81A to 81J, inclusive, and sections 81X to 81GG, inclusive, of chapter 41, sections 40 and 40A of chapter 131, sections 26 to 32, inclusive, of chapter 111, chapter 40C, sections 13 and 14 of chapter 148, chapter 772 of the acts of 1975, or otherwise under state law or local by-law or ordinance, and all associated regulations, by-laws and rules, but not including building permits or approvals pursuant to sections 81O to 81W, inclusive, of chapter 41. "Permit" shall not include the decision of an agency to dispose of property under its management or control; predevelopment reviews conducted by the municipal office of permit coordination or a technical review team; or permits granted by the Massachusetts Water Resources Authority.

"Priority development site", a privately or publicly owned property that is: (1) eligible under applicable zoning provisions, including special permits or other discretionary permits, for the development or redevelopment of a building at least 50,000 square feet of gross floor area in new or existing buildings or structures; and (2) designated as an appropriate priority development site by the board. Several parcels or projects may be included within a single priority development site. Wherever possible, priority development sites should be located adjacent to areas of existing development or in underutilized buildings or facilities or close to appropriate transit services.

"Secretary", the secretary of the executive office of economic development.

"Technical review team", an informal working group consisting of representatives of the various issuing authorities designed by the head of their issuing authority to review requests submitted under this chapter. The technical review team shall not include members of the zoning board of appeals.

Section 3 Formal proposal for designation as priority development site; technical assistance grants

Section 3. (a) For a property to receive a designation as a priority development site, the governing body, after approval by a town meeting in a town, shall file a formal proposal with the board. The proposal shall include: (1) a detailed description of the property; (2) good faith commitment to comply with this chapter; (3) written authorization of the property owner; and (4) at the discretion of the governing body, a request for a technical assistance grant.

(b) All requests for a technical assistance grant shall include a detailed description of how the grant will be used and shall be submitted with the formal proposal as described in subsection (a). The grants shall be used to implement the requirements of this chapter, which shall include but not be limited to, professional staffing assistance, local government reorganization, and consulting services. The amount of any single grant awarded from the fund, shall not exceed $150,000. The board shall review and determine eligibility of the proposals and approve requests within 60 days of receipt of the proposals. In special circumstances where a specific and originally unforeseen need can be demonstrated, the governing body may be eligible for an additional technical assistance grant if approved by the board and the secretary

Section 4 Rules and regulations on permit issuance

Section 4. Within 120 days of the acceptance of this chapter the governing body shall implement the following: (a) appoint a single point of contact to serve as the primary municipal liaison for all issues relating to this chapter; (b) amend rules and regulations on permit issuance to conform to this chapter; (c) along with the issuing authority,

collect and ensure the availability of all governing statutes, local ordinances, by-laws, regulations, procedures and protocols pertaining to each permit; (d) establish a procedure whereby the governing body shall determine all permits, reviews and predevelopment reviews required for a project; all required scoping sessions, public comment periods and public hearings; and all additional specific applications and supplemental information required for review, including, where applicable, the identification of potential conflicts of jurisdiction or substantive standards with abutting municipalities and a procedure for notifying the applicant; and (e) establish a procedure, following the notification of the required submissions for review as set forth in clause (d), for determining if all the materials required for the review of the project have been completed

Section 5 Priority development permits; review and final decision

Section 5. (a) Priority development permit reviews and final decisions shall be completed within 180 days subject to the extension herein. The time period shall begin the day after the issuance of the notice that the application materials are complete pursuant to clause (e) of section 4. The governing body shall notify the applicant in writing within 20 business days from receipt of the completed form of additional information needed or requirements that it may have. The governing body may provide for pre-application conferences to facilitate this process.

(b) The resubmission of the application or the submission of such additional information required by the governing body shall commence a new 30-day period for review of the additional information.

(c) If, at any time, an issuing authority determines that a permit or other predevelopment review is required which it did not previously identify, it shall immediately notify the applicant by certified mail and shall where public notice and comment or hearings are not required complete action on the application filed for the previously unidentified permit within 30 days of receipt of the completed application or not later than the latest required decision date for a pending permit, whichever is later. Where public notice and comment or hearing are required for the previously unidentified permit, the required action date shall be not later than 30 days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication allows. The failure of the governing body to notify an applicant of the requirement of a public hearing or comment period shall not constitute a waiver of the requirement

Section 6 Informal procedure for advisory review; fee

Section 6. (a) In accordance with this chapter, the governing body may establish an informal procedure to allow permit applicants to obtain advisory review by a technical review team of any issue of law, policy, procedure, or classification that the applicant claims is in dispute between the applicant and the issuing authority which has affected or will affect the ability of the applicant to obtain timely review of the permit application. The procedures shall provide for filing a request for review by the applicant, representation by the issuing authority on the technical review team, and a period not to exceed 30 days for issuance of a decision. Use of this procedure shall toll the review time periods. An advisory determination or ruling made pursuant to a procedure established in this section shall not constitute a decision or final action and shall not be subject to any right of administrative or judicial review.

(b) The governing body may establish an additional and separate fee, in addition to any fees that may be assessed by an issuing authority in order to carry out its duties under this chapter, and may deposit the fees in a special account to be maintained by the treasurer. The special account, including any accrued interest shall be expended at the direction of the governing body, without further appropriation; but, the funds shall be expended only in carrying out its responsibilities under this chapter

Section 7 Time for final actions

Section 7. Failure by any issuing authority to take final action on a permit or approval within the 180-day period or extended time, if applicable, shall be considered a grant of the relief requested of that authority. In that event, within 14 days after the date of expiration of the time period, the applicant shall file an affidavit with the city or town clerk, attaching the application, setting forth the facts giving rise to the grant and stating that notice of the grant has been mailed, by certified mail, to all parties to the proceedings and all persons entitled to notice of hearing in connection with the application

Section 8 Grounds for denial of grant

Section 8. The grant shall not occur where: (1) the governing body has made a timely determination that the application is not complete in accordance with its requirements and notified the applicant as set forth herein and the

applicant has not made a timely response to complete the application; (2) the governing body has determined that the final application contained false or misleading information; or (3) the governing body has determined that substantial changes to the project affect the information required to process the permit application have occurred since the filing of the application

Section 9 Waiver or extension of time period

Section 9. The 180 day time period may be waived or extended for good cause upon written request of the applicant with the consent of the governing body or upon written request of the issuing authority with the consent of the applicant. The 180-day period may be extended for up to 30 days by the governing body in the event an additional permit or other predevelopment review is required in accordance with subsection (c) of section 5, if the requirement for the previously unidentified permit or review has been determined no less than 150 days after the issuance of the notice of completeness. The 180 day time period shall be extended when the issuing authority determines either: (1) that action by another federal, state or municipal government agency is required before the issuing authority may act; (2) that judicial proceedings affect the ability of the issuing authority or applicant to proceed with the application; or (3) that enforcement proceedings that could result in revocation of an existing permit for that facility or activity and denial of the application have been commenced. In those circumstances, the issuing authority shall provide written notification to the secretary. When the reason for the extension is no longer applicable, the issuing authority shall immediately notify the applicant, and shall complete its decision within the time period specified in this section, beginning the day after the notice is issued. An issuing authority may not use lack of time for review as a basis for denial of a permit if the applicant has provided a complete application and met all other obligations in accordance with this chapter. If the Martha's Vineyard commission as described in chapter 831 of the acts of 1977, or the Cape Cod commission, as described in chapter 716 of the acts of 1989, require or allow referral of a permit application, the 180-day time period as described in this chapter shall be suspended upon receipt of the permit application. The 180-day time period shall recommence at the completion of the regional commission's review; but if either commission denies a regional permit on a priority development site, section 7 shall not apply and the issuing authority, upon receipt of the denial notice, shall permanently cease the 180 day time period

Section 10 Administrative appeals; time for filing; final written decision

Section 10. (a) Appeals from issuing authority decisions or from a grant by operation of law shall be filed within 20 days after the last individual permitting decision has been rendered or within 20 days after the conclusion of the 180 day period as set forth in subsection (a) of section 5, whichever is later. The 180 day period shall be increased by the number of days in any extension granted under this chapter.

(b) A person aggrieved by a final decision of any issuing authority, or by the failure of that authority to take final action concerning the application within the time specified, whether or not previously a party to the proceeding, or any governmental officer, board, or agency, may appeal to the division of administrative law appeals by bringing an action within 20 days after a written decision was or should have been rendered. Appeals from decisions of multiple permitting authorities shall be filed simultaneously and shall be consolidated for purposes of hearing and decision. This section shall not apply to appeals pursuant to sections 40 and 40A of chapter 131, which shall continue to be appealed in accordance with said chapter 131, chapter 30A and applicable regulations.

(c) When hearing appeals under this chapter, the division shall revise its rules, procedures and regulations to the extent necessary to accord with the requirements of this chapter.

(d) The division shall render a final written decision within 90 days of the receipt of the appeal. Thereafter, an aggrieved party may appeal to the superior court department by bringing an action within 20 days after the division has rendered a final decision

Section 11 Transfer of permits; renewals; modification; expiration

Section 11. (a) Permits shall not transfer automatically to successors in title, unless the permit expressly allows the transfer without the approval of the issuing authority.

(b) Issuing authorities having substantive jurisdiction over permit issuance may develop procedures for simplified permit renewals and annual reporting requirements. If the procedures are not developed, renewals of permits shall be governed by the same procedures and timelines as specified in conjunction with this chapter.

(c) Issuing authorities shall make reasonable effort to review permit modification requests within as short a period as is feasible to maintain the integrity of the expedited permitting process. An issuing authority shall inform an applicant within 20 business days of receipt of a request whether the modification is approved, denied, determined

to be substantial or additional information is required by the issuing authority in order to issue a decision. If additional information is required, the issuing authority shall inform an applicant within 20 business days after receipt of the required additional information whether the modification is approved or denied or that additional information is still required by the issuing authority in order to render a decision. In cases in which the issuing authority determines that a requested modification is substantial, the original review period for permit categories as set forth in section 5 shall apply.
(d) Permits issued pursuant to this chapter shall expire 5 years from the date of the expiration of the applicable appeal period unless exercised sooner. Where permits cover multiple buildings, commencement and continuation of construction of 1 building shall preserve the permit validity. Changes in the law subsequent to the issuance of permits based upon the priority proposal shall not invalidate the permits or review certificates. Nothing in this section shall limit the effectiveness of section 6 of chapter 40A

Section 12 Benefits of priority development sites
Section 12. A priority development site shall be eligible for the following:—
(a) priority consideration for community development action grants, and public works economic development grants;
(b) priority consideration for other state resources such as quasi-public financing and training programs;
(c) brownfields remediation assistance;
(d) enhanced marketing by the Massachusetts office of business development, and the Massachusetts alliance for economic development; and
(e) technical assistance provided by the regional planning council

Section 13 Technical assistance funding
Section 13. (a) Technical assistance funding is intended to be a one-time grant to municipality, if the municipality has adopted expedited permitting as provided in sections 3 to 11, inclusive.
(b) A municipality shall be eligible for technical assistance funding, which may be less than the previous amounts awarded, for a second time if it has identified and successfully permitted one priority development site

Section 14 Time for required reviews
Section 14. Any required reviews established under sections 61 to 62H, inclusive, of chapter 30 or sections 26 to 27C, inclusive, of chapter 9 shall conclude within 120 days of a state determination of completeness of required review materials, as established by the executive office of environmental affairs in consultation with the state secretary. The secretary of environmental affairs and the state secretary shall establish time frames for all required filings and additional filings by the applicant in order to comply with this section. In the event an applicant fails to comply with all relevant time frames, the time shall be tolled until the applicant files the required documents.

Section 15 Substantive jurisdictional authority of issuing authorities
Section 15. Nothing in this chapter shall be construed to alter the substantive jurisdictional authority of issuing authorities.

Section 16 Rules and regulations
Section 16. The secretary shall promulgate rules and regulations to implement this chapter