

# No 40B exclusion for West Boylston

## Administrator's review challenged

By Marc C. Sanguinetti  
CORRESPONDENT

WEST BOYLSTON — Town Administrator Leon A. Gaumond Jr. sparked debate among residents and selectmen after he told them the town does not qualify for a safe harbor moratorium on Chapter 40B projects.

Residents asked Mr. Gaumond and town officials to look into exclusions from Chapter 40B, the state's affordable housing law.

At the selectmen's meeting Wednesday, Mr. Gaumond told a roomful of residents that the town does not meet the criteria for six of the seven exemptions allowed under 40B.

He said he believes the town could qualify for a moratorium under a "recent progress" exemption, but only until July, calling it a "temporary reprieve." Under Chapter 40B, developers of affordable housing units can apply for comprehensive permits, and bypass many local planning board approvals, if 10 percent of the town's housing stock is not designated affordable. If the town meets the criteria for a safe harbor moratorium, it would have the same authority over 40B proposals as it has for other proposed housing construction.

Residents and selectmen challenged Mr. Gaumond's calculations and argued that the town qualifies for more than one exemption.

Selectman John B. DiPietro Sr. said he obtained estimates from the assessor's office showing that the town would qualify for an exemption under which 1.5 percent of the town's total land area is devoted to affordable housing.

Mr. Gaumond said he could not support Mr. DiPietro's figures.

"On the 1.5 percent exemption, we're not even close," Mr. Gaumond said. "I can't come to this number — ever."

He said the town is short by more than 1,500 acres of qualifying for the 1.5 percent exemption. Unless he could substantiate the numbers, he said, he would not put his name on any document to the Department of Housing and Community Development, the state agency that certifies the number of affordable housing units in a town.

Mr. Gaumond told selectmen that his calculations and formulas were reviewed by town counsel, the Zoning Board of Appeals, the town Housing Partnership and the assessors' office. At best, he said, they feel strongly that the town is eligible for a temporary reprieve from Chapter 40B.

He reminded the residents that even if the town is eligible for exemptions from 40B, developers may still go through the ZBA and appeal the town's decision to reject a comprehensive permit.

Selectman Allen R. Phillips and Mr. DiPietro argued if town officials believe they are eligible for an exemption, the onus should be on the courts to disprove the numbers.

"Let someone outside of West Boylston refute it (our figures)," Mr. DiPietro said.

Kevin M. McCormick, chairman of the Board of Selectmen, cautioned that may cost the town time and money in court. "Throw in 10 million acres if you want," Mr. McCormick said, calling the numbers fictitious. "We're going to spend \$50,000 in court and lose. And you end up (with a 40B project) across the street anyway."

Mr. McCormick promised residents that Mr. Gaumond will continue to research the calculations and formulas in seeking 40B exemptions.

Mr. Gaumond thanked residents and town officials for their feedback on a recently proposed 40B development on Crescent Street.

Michael Staiti, of Keystone Development Corp. of Marlboro, appeared before selectmen in January seeking the board's support for the development. Residents and town officials alike cited concerns with traffic and safety, inaccessibility to firetrucks and ambulances, danger to wetlands, and demolition of historic property. Several residents took issue with the developer referring to Crescent Street as a "blighted area." Mr. Gaumond said he is forwarding all concerns and feedback to the state.