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November 22, 2004

Mr. Peter Fohlin  
Town Manager  
TOWN OF WILLIAMSTOWN  
31 North Street  
Williamstown MA 01267

Dear Mr. Fohlin:

To support some research on issues surrounding the Dec. 2 special town meeting, and help with understanding of the facts, please reply with answers to the following questions. Your timely reply will ensure active and complete consideration of the warrant item, and could also better inform discussion at a tentatively-scheduled Nov. 29 WilliNet forum.

Thanks!

- 1) Has the town, or did the town, ever ask the state attorney general (the monitor of non-profit organizations in the Commonwealth) whether a subsidiary of a non-profit corporation can build a profit-making development and qualify for an exemption from the town's zoning ordinance for such profit-making development, when the profits are used to support the activities of the non-profit corporation in another area? Did it ever seek advice from town counsel on this question? What was/were the answer(s) in either case?
- 2) Has the town asked guidance from the state attorney general, or from its own counsel, on what proportion of an activity that is otherwise ineligible for a zoning exception must be charitable or educational in order to qualify for a zoning exception or override? If so what was/were the answer(s) in either case?
- 3) Have either of the above questions ever been discussed by town officials, or been the subject of communication, written or otherwise, with officials of or counsel to NBHS or its affiliates? If written, please make available any documents on this subject made or received by the town.
- 4) Does the town have an accurate estimate -- or any estimate -- of the cost of a replacement sewer line and/or related facilities along the Cold Spring corridor if the current capacity-limited sewer fails with added waste flows? If not, why has this estimate not been prepared? Who would pay for the cost of such a replacement?

5) Historically, it had been common in Massachusetts to require an Environmental Impact Report on private development projects which would have significant effects on state-road traffic activity, or cross other development thresholds. At one time, I think I recall that the town's bylaws paralleled state requirements for the preparation and submission of an EIR which, among other things, would analyze:

-- Consideration by the proponent(s) of the option of not building the proposed project, and the likely consequences.

-- Consideration by the proponent of alternate sites for the proposed project, and the effect of such alternate sites in relationship to the proposed site.

While state law may no longer require submission of such formal analysis, it would seem appropriate for the town to continue to do so independently. Please make available any analysis which the town has made or received, in writing or otherwise, which would address these considerations. If these considerations have not been before the town, please explain why not.

6) Have either the town or the state Department of Transportation performed analysis of the proposed Clark Greylock or Sweetwood expansion projects, especially as they would affect the high-school entrance and curb cut to U.S. Route 7, particularly as to safety? If so, please provide any documents made or received by the town on these points. If not, please answer whether the town has ever requested such information. If not, why not?

7) Has the town conducted any analysis, detailed or otherwise, of alternatives to these two land-development projects, prior to recommending approval of proposals for sites which require exemptions or overrides of town zoning and major public-works infrastructure improvements? If so, please provide any documents made or received by the town on these points.

If your response includes documents, a preference would be to inspect them at Town Hall rather than incur copying costs, and to facilitate expedited review. Please advise.

Thank-you for providing answers to these questions, which are offered in a spirit of fact-finding rather than partisanship.

Warm regards,

A handwritten signature in black ink that reads "Bill Densmore". The signature is written in a cursive, slightly slanted style.

Bill Densmore  
Cell: 458-8001