Alan Silverman is a retired business executive with a background in chemical engineering. He is a resident of Onancock and active in the Eastern Shore community. He was an Accomack County Planning Commissioner from 2011 through the end of 2014.

The following summary is based on a lengthy analysis Mr. Silverman presented in late October to the Accomack County Planning Commission. Haydon Rochester of Onancock edited and revised that presentation for an emailing to interested parties; hence, it came to ShoreLine. This summary also includes some important new information disclosed on November 12. The information is public, and the public may wish to be informed about the potential impacts of this controversial project. This summary provides necessary background.

The proposed Central Accomack County Wastewater Treatment Plant has appeared for several years as project PW-018 in the county’s Capital Improvements Plan, but with no detail provided. This year that detail became available through a preliminary design project on which over $100,000 has been spent. For nearly 40 years the Onancock wastewater treatment plant has processed the sewage both from the town and that collected by a county-owned main that runs from the county’s industrial park south of Melfa, north to Four Corners Plaza in Onley, where it connects with the Onancock system. If no new agreement is reached after the expiration in 2019 of the existing 40-year contract with Onancock, the proposed new treatment plant would process the sewage from this county main instead of sending it to Onancock’s plant. This would shift to the new plant revenue now earned by the Onancock plant, approximately 80% of which helps pay the plant’s “fixed costs” including bond interest. All of those fixed costs shifted from the Onancock plant, which would amount to about $200,000 annually, would then have to be paid by the citizens and businesses of Onancock.

The design for the proposed new county-owned plant calls for a 100,000 gallon per day plant that would provide only “secondary treatment,” which includes neither phosphorus removal nor any disinfection of the effluent, and would discharge that effluent into a large drainfield at county-owned property on Beacon Road near Airport Road, directly atop the groundwater recharge spine and across the street from a residential neighborhood.

By comparison, the Onancock treatment plant provides “tertiary treatment,” which includes phosphorus removal and disinfection, and discharges very clean water into the Onancock Creek. The Onancock plant has over 500,000 gallons per day of existing but unused treatment capacity available – that’s five times the capacity of the proposed county plant.

The secondary treatment specification level for the proposed sewage plant would leave in the effluent about 7.5 times the concentration of undigested organic material and several times the nitrogen content of the Onancock plant’s effluent specification.
The Northampton County Board of Supervisors says that they have reached a consensus on leaving the Chesapeake Bay Preservation Act (CBPA) protections in place for areas east of Route 13 – for now anyway. But since July, according to published minutes, the Planning Commission, at the Board’s direction, has been researching alternative “information related to land use controls that can benefit coastal water quality.”

A conclusion reached in a report submitted by one of the Commissioners, Mike Ward, implies that most shoreline regulations for land disturbance in other localities were concerned primarily with protecting property and reducing destruction of natural features, i.e., dunes, wetlands, animal habitat, etc. The report further states that “many states treat water quality apart and distinct from zoning and land use.”

The Virginia Department of Environmental Quality’s Coastal Zone Management Program appears to be an exception to this concept and includes guidelines and regulations for both shoreline and water quality protections provided by the CBPA. In fact, Virginia appears to be leading the way with a coastal zone management plan administered by the state for all coastal areas, which recognizes that shoreline protection and water quality protection are inseparable. This is particularly important in areas like Northampton County, where the rapidly growing aquaculture industry is a vital part of the local economy.

Nevertheless, the Northampton Planning Commission has drafted a series of questions and submitted them to the Board for comment and editing. The apparent plan is to present these questions to yet unnamed scientists for comment. But several of the questions appear to repeatedly point responders to affirming that separate and different standards are needed for the Bayside and the so-called “ocean front” of the county.

This recurring language (“ocean front”) in the questions appears to be both a misnomer and a misstatement. The only geographic “ocean front” land in the county would be the east sides of the barrier islands, now mapped as a Conservation zoning district. The mainland shoreline of the county borders coastal bays, i.e., Metompkin Bay, Mockhorn Bay, etc. – and these seaside coastal bays and their shorelines are included in the DEQ Coastal Zone Management Program, and are currently protected, just as the Chesapeake Bay shoreline is, by the CBPA.

We wonder what the purpose of these questions is in view of the Supervisors’ apparent agreement to keep the seaside in the Bay Act. Clearly, the seaside needs the coordinated protections the Bay Act offers. The state of Virginia and its science resources have already said that. In fact, in response to a FOIA request, information provided to the county’s Department of Development indicates that two scientists have stated that water quality protection on the seaside is best achieved by wide forested buffers along the coastline and creeks – “100 feet of forest…would be the best of all situations,” as well as “maintaining a low development density.”

ShoreLine will continue to follow this story and report new information on the county’s actions regarding coastal bay protections.
As well, viruses and bacteria (including those from the new hospital) would remain untreated.

**From the 2014 Comprehensive Plan:** The Accomack Comprehensive Plan (Comp Plan or CP) urges “[requiring] a [Planning] Commission Permit” before approving new public facilities,” further stating that “VA Code…provides for the Planning Commission to determine whether public facilities are in conformance with the Comprehensive Plan. The County Planning Commission should exercise this authority….”

My comparison of the proposed project with the Comprehensive Plan that was re-adopted by the Board of Supervisors early in 2014 showed more than two dozen points at which the proposed project unambiguously does not conform to the Comp Plan. I could not find a single point at which the proposed project does conform to the Comp Plan. Accordingly, I moved that the Planning Commission recommend to the Board of Supervisors the removal of that project from the Capital Improvement Plan because of the absence of the required conformance. That motion was tabled until the new Capital Improvement Plan is before the Planning Commission for conformance review – anticipated early in 2015.

The space limit of ShoreLine does not allow the full text of my conformance analysis, but it is available by request from me via email, or from the Planning Department since it was attached to the agenda for the meeting of November 12. Here I will just summarize the main points of non-conformance with the Comprehensive Plan. (Quotes are from the Plan.)

- The Comprehensive Plan speaks extensively about protecting our sole drinking-water aquifer and our groundwater recharge spine. The Plan calls for minimizing risk of groundwater and aquifer contamination from wastewater, since “the EPA designated the…Yorktown-Eastover [as a] Sole Source Aquifer.” Further, the Plan specifies “manage potentially polluting land uses so as to minimize contamination threats…, require…all available technology to completely mitigate any such impacts, protect…groundwater recharge spine from contamination threats…[and] manage new development to protect our limited supply of groundwater.” The proposed new wastewater treatment plant fails to meet these clear and unambiguously stringent requirements.

- “The County’s sewage collection system [industrial park to Four Corners] is located within the identified groundwater recharge area and connections to the system are preferable to large flows of treated septic wastewater into the groundwater in this area.” The county should “Continue to develop plans for the replacement of septic systems with central sewage facilities in more densely populated areas.” But the proposed treatment plant is the opposite of encouraging (new) connections to the collection system and extending that system. Instead, it concentrates the disposal of incompletely treated, un-disinfected sewage right onto the groundwater recharge spine, and it seems a step backward in technology when contrasted with the Onancock plant’s more sophisticated, modern treatment systems. Ironically, any new connections as called for in the Comprehensive Plan would further exacerbate that non-conformance.

- “Work closely and collaboratively with the Towns...to achieve the goals of the County as well as...of the Towns....

Implement the CP through...well-planned public...services. ... Use the...policies of this CP to guide decisions regarding...the provision of public...facilities and services. ... Ensure that...plans [and] projects are aligned with the community’s goals.” The proposed treatment plant is redundant in capacity with the Onancock facility; its revenue-shifting could jeopardize the repayment of the taxpayer-subsidized bonds which funded the latter; it is very harmful to the Town of Onancock. This is the exact opposite of “well-planned public facilities and services.” The new plant is not aligned with the goal of any identifiable community of citizens, and it is antagonistic to the goals of the citizens and businesses of the Town of Onancock (who vote in and pay taxes to Accomack County). It is also antagonistic to the goals of Accomack County expressed elsewhere in the CP.

- “The [CP] should be implemented through fair and effective zoning practices, and well-planned public facilities and services. ... Due to the physical, cultural and economic nature of the Shore it would be unreasonable to think that the actions of one [governing body do] not affect the other. ... It is therefore important...to cooperate on regional issues, making the best use of limited resources and protecting the value of the region as a whole.”

- “Achieve...efficient development, compatible with Accomack County’s...resource constraints, by directing development towards existing population centers. ... [This] allows for more efficient services [such as] water and sewer. ... Direct development towards areas that are consistent with Accomack County’s historic pattern of development. ... Recognize and protect the county’s rural character...the character of towns. ... The rural quality of Accomack County, embodied by...historic homes [and] towns, ...is highly valued by the community.” The proposed plant would direct development away from Onancock by raising costs there and diminishing the funds available for maintaining the town’s infrastructure. That would be the opposite of protecting its resources and character.

- “Support efforts to...preserve significant cultural resources. ... Enhance opportunities for historical and cultural education.” Onancock has a substantial proportion of the historical and cultural resources of the county, and a project that forces the shift of hundreds of thousands of dollars in new cost annually onto the Town budget can’t be said to conform to these words of the CP.

- “Establish a ‘business friendly’ environment that promotes development. ... Provide incentives to...encourage additional investment by existing businesses. ... Minimize the net economic impact of local regulations. ... Consider the cost/benefit of local regulations on economic development.” Shifting large costs onto the businesses of Onancock is directly contrary to these policy statements, and there is no identifiable business anywhere that would be encouraged by this new sewage treatment plant.

- “Any proposals for centralized...sewer should be carefully analyzed to ensure that demand for the system justifies construction costs and any environmental impacts.” At the Planning Commission meeting November 12, the
More options for commercial waste water treatment

The Eastern Shore of Virginia Public Service Authority (PSA), after recently giving itself authority to contract for the $2.4 million sewer pipeline from the Route 13 Cheriton area to the Cape Charles wastewater plant, was given yet more directions from the Northampton County Board of Supervisors. Board Chairman LeMond, representing District 2, which includes Cheriton, has on more than one occasion said that he wanted to see all the options for service to that area. But the PSA has provided engineering information on only one option – piping sewage to the Cape Charles treatment plant.

The Supervisors recently approved $10,000 for another engineering study and requested that the PSA provide figures for construction and costs to pipe sewage to the nearby Bayview system, which is operated by the county. The engineering for the Bayview option, which may well be a less expensive alternative, will be done by Hurt and Profitt, a Lynchburg firm – the same firm which has in-hand the PSA’s multi-million dollar projected contract for the Cape Charles option.

Even though the Board of Supervisors has requested that all options be brought to the table by the PSA, there are at least two more alternatives for which engineering and cost estimates have not been submitted. First, at least ten years ago research was done on a stand-alone, on-site waste water treatment system often used in rural commercial areas, especially where there are few users in a small locale. These small, but expandable plants are usually funded and maintained either by the users themselves, or by a locality’s Public Works Department.

A recent EPA report has stated that small, decentralized sewer systems, including septic and alternative systems, are an effective and efficient way to protect water quality where population density is small. “On June 28, 2013, EPA released a model program for onsite wastewater treatment systems in the Chesapeake Bay watershed to help states more effectively prevent nutrients from entering the Bay…. When properly designed, sited and maintained, decentralized systems like septic systems can treat wastewater effectively and protect surface water and groundwater.” (Please see: http://water.epa.gov/infrastructure/septic/index.cfm)

The EPA also concluded in another report that “adequately managed decentralized wastewater systems are a cost-effective and long-term option for meeting public health and water quality goals, particularly in less densely populated areas.” (Please see: http://water.epa.gov/infrastructure/septic/index.cfm)

And there is one last option – which would be to abandon commercial waste water treatment for the Cape Charles intersection project altogether. There are reportedly as few as five committed participants – and all are currently served by their own on-site facilities.

ShoreLine will continue to report on the PSA’s actions and the Board of Supervisors directions, and will relay information and documents as they become available.

Mike Steelman tells the PSA that the sewer line is unaffordable and unnecessary.

Engineering consultant surprisingly admitted what we had known from the beginning: the sewage-flow assumptions on which the proposed plant was designed were wildly optimistic – well over twice what will actually be available. The proposed plant capacity was halved, forced by the more realistic sewage flow assumptions. The economic inefficiency of diminished scale, taken together with adjustments to operating-cost assumptions, which appear to have been understated by about 35% versus comparable plant designs in New York State and Cape Cod, show there is no longer even a hypothetical economic advantage to the proposed new plant. One can only hope that this striking new information will impel the Supervisors to direct that a sensible new contract be reached with Onancock for the coming 40 years. “Sensible” in that the existing Onancock plant, the Town itself, and the entire region would be in better financial shape and able to cooperate for the common good and for orderly development.

ShoreLine Comment. Both counties are struggling with sewage treatment and how to best provide it. (See “PSA Update” on this page about the Northampton situation.) Both Boards of Supervisors are negotiating with other entities over the question of how to best provide sewage treatment service. Central Accomack County certainly needs sewage treatment service. We hope that the Accomack Board of Supervisors and the Onancock Town Council will work to overcome any differences they have and work together to address the county’s sewage treatment needs.
A town devoid of zoning or land use ordinances became the target of a company looking for a place to locate a “red bag” facility – that is, a medical waste sterilizing and incineration operation. Although Payne City had a solid waste management plan, there was no mention of “medical waste incinerator” in the plan, and therefore, no criteria and no exclusions. Nevertheless, the town refused to issue a letter of compliance for the operation.

The town’s legal staff had filed an objection to the proposed facility because it didn’t fit with the surrounding land use, a public park. The town’s popular ball field at the park would be slightly less than 360 feet – just a football field’s length – from the incinerator. Residue from the incinerator would be disposed of in the town landfill.

About 70 people showed up for an informational hearing about the proposal – nearly a third of the town’s population. The attorney for the proposed facility said that the community, 80 miles southeast of Atlanta, was reacting out of “unsubstantiated fear” and then argued that the whole town hadn’t shown up.

If approved, the proposed operation would be the first of its type in Georgia.

The facility applicant, Medsafe, LLC, subsequently filed a petition in Bibb County Superior Court asking a judge to rule that the city must issue a zoning clearance – the letter clearing the way for the facility to continue seeking state approval. The Georgia Environmental Protection Division had visited the site near the town park’s playing field and pronounced it an “excellent site” Medsafe, LLC, told the Superior Court Judge.

Although the judge acknowledged that Payne City has a compelling argument – i.e., “we don’t need this here” – she said that in the absence of local zoning regulations, case law appears to side with Medsafe, LLC.

Mountain View, Wyoming.
Source: the Uinta County Herald of Evanston, WY, and EnviroNews Wyoming of Mountain View, WY; October, 2014.

Clean across the country in Wyoming another small town, Mountain View, was faced with the same situation – a company looking for a site for a medical waste storage facility and incinerator. In this case, although the county had a zoning ordinance which would require a permit for such a use, the applicant, HBH Inc., had by-passed the town and applied directly to the state Department of Environmental Quality (DEQ) to operate a “low volume, low hazard waste facility.” The state notified only the three property owners adjacent to the site. One of those neighbors notified the Uinta County Planning Office.

The county official reviewed the DEQ application and decided that a local permit to locate the site would be necessary. Information on the county permit application then revealed the details of the “low volume, low hazard waste facility” – an 80 ton per month medical waste storage building and incinerator. Residue from that burn process would be deposited in the local landfill.

On the night of the public hearing, the turnout was the largest crowd the Planning Commissioners had ever seen. Questions ranged from why the applicant hadn’t approached the county for a permit, to why the facility couldn’t be located on the 600 vacant acres at the county landfill, to concerns about criminal investigations by state officials of similar facilities in nearby Salt Lake City.

“The emissions are completely sterile,” said Brad Hansen, the company owner. “It will operate a lot like the Wyoming Division of Corrections incinerator. We’ll reduce everything to ash and operate better than EPA standards.”

In view of overwhelming opposition, one of the Planning Commissioners repeatedly asked the applicant if he would like to withdraw his application and consider an alternative site. After hearing from one concerned resident after another, Hansen finally gave up and agreed to withdraw his application for the conditional use permit.

ShoreLine Comment. The existing and previous Northampton County zoning ordinances did not contemplate a use like a “medical waste incinerator.” Probably, the importation, storage and incineration of refuse containing unknown pathogens, chemicals and biologicals, and the disposal of the resulting ash, was not considered to be a prudent industrial use on or around the county’s fragile ground or surface water.

The current county-wide rezoning proposal, however, includes a use called “Waste-related” and defined as “Matters dealing with domestic, commercial and industrial waste.” Unfortunately, these vaguely defined uses would be permitted not only in Industrial zoning districts, but also in all Agricultural zoning districts.

The devil is in the details, as they say, and that is why details matter. We can only hope that these details will be considered and that stories like those above don’t have to appear in the Virginia press when writing about the Eastern Shore – medical waste is hardly a tourism generator.
For Denard Spady, an appreciation

By John Ordeman

Denard Spady is the archetypical Eastern Shoreman: a descendent of a 17th century settler, he has lived all his life on land in lower Northampton County that his grandfather, his father and he farmed for more than a century. A graduate of Cape Charles High School, Denard earned a degree in business administration from William & Mary and returned to the Shore, where he managed the ancestral land for twenty years before leasing it when he took the job as CBES first Executive Director in 1995. For the past two decades, during the tenure of all seven CBES presidents, Denard has provided stability and continuity as the organization has grown in membership, influence and regard.

Denard has also served the community in several important positions: first as chairman of the County Equalization Board and subsequently as a member of the Northampton Planning Commission, on which he sat for thirteen years, the last five as chairman. He has also been a Jury Commissioner, has held leadership positions in the Cape Charles Rotary Club and the Rotary District and is a member of the board of the Arlington Foundation. Denard owns and has read virtually every book that has been written on the history of the Virginia Eastern Shore, and he has been a participant in the public dialogue on every issue of consequence to our community throughout his adult years. The mission of Citizens for a Better Eastern Shore is to promote balanced growth while enhancing our quality of life and preserving our natural resources, all causes to which Denard Spady has continually devoted his time, his talents, his understanding of the needs of our community and his concern for the people and the land – the consummate example of the good citizen.

We’re all very pleased that Donna Bozza, a life member of CBES who knows the Eastern Shore well and is an effective community activist, will be following Denard as the CBES Executive Director; and members of the organization will also be pleased to learn that Denard has agreed to continue to serve as the editor of ShoreLine, a position for which he is uniquely qualified by experience, knowledge and concern for local issues and skill as a writer and editor.

I’ve invited some of the people who have been Denard’s colleagues with CBES to participate in this tribute and expression of appreciation. Here are their contributions:

“To sum it up, Denard Spady is a gentleman. Whether guiding volunteers and working with them on events, participating in public events, seeking information from government sources or working in the ShoreLine edit sessions, Denard is always a gentleman. Working with him has been one of the most pleasurable aspects of my years on the Eastern Shore.” Gene Hampton, longtime member of the CBES Board and the ShoreLine Editorial Board

“Denard was one of the rare people who could match Suzanne Wescoat [CBES founding president] in brains and tact.” Jeff Walker, former CBES Board member and Northampton Supervisor

“It was a pleasure working with Denard and seeing the benefits of his commitment to the mission of CBES and his quiet, effective leadership to make things happen. He has always provided a steady hand at the helm combined with common sense. He has made CBES credible and effective in many ways to improve life on the Shore.” Ted Reynolds, former CBES Board member and Treasurer

“When I think about Denard Spady and his many years of community leadership, the word ‘integrity’ stands out. His honesty, sense of fairness and respect for his fellow human beings are clear to everyone who knows and works with him. As Executive Director of CBES, his inherent integrity was particularly apparent as it relates to local government process and the need for elected officials and staff to be open and inclusive with the people they serve.” Steve Parker, former CBES Board member and Director of the Virginia Coast Reserve of The Nature Conservancy

“I have worked with Denard on a wide variety of activities for many years, and at all times and in all ways he has been organized, informed and positive in his leadership and support. Every year he garners accolades from people discovering the Shore during the

See “Denard Spady,” Cont’d on p. 7
January 2015 Page 7

25th anniversary of Community Unity Day celebration
By Donna Bozza

As one of the rare Shore events that reflects our diverse culture, this year’s Community Unity Day celebrates a quarter of a century of providing residents with an opportunity to come together and observe Dr. Martin Luther King, Jr.’s, birthday. The day begins with a breakfast and address by Keynote Speaker Federal Communications Commissioner Mignon L. Clyburn. Breakfast will be followed by a community walk from Northampton High School to the county courthouse, where the speaker will be the Rev. Calvin L. Washington, Sr., pastor of Antioch Baptist Church at Birdsnest.

This year’s Unity Day honoree is past CBES Executive Director of 20 years, Denard Spady. CBES again joins Northampton County Chapter NAACP, and the Northampton County Public Schools in sponsoring the community event.

“Community Unity Day goes beyond one man or one race, to celebrate the universal principles of the nonviolent pursuit of freedom, justice and equal opportunity for all,” said Jane Cabarrus, longtime organizer and president of the Northampton County NAACP. 2015 also marks the 24th year for the breakfast portion of the event started by Cabarrus, the Rev. H. Edward Whitaker and CBES founder and then president Suzanne Wescoat. The breakfast, inviting everyone to the table for a cultural “breaking of bread,” was created to feed the feeling of community.

Voter Registration will be available at the event, and other community informational vendors are invited. For more information: [757] 442-2139 or [804] 513-0532.

Mark your calendar: Monday, January 19, Unity Breakfast, 8:30 a.m. at the Northampton High School cafeteria, Eastville. Tickets are $6 for adults, no charge for students. Breakfast is followed by the Unity Walk to the Northampton County Courthouse. Dress warmly and wear comfortable shoes.

Denard Spady” Cont’d from p. 6

Bike Tour for the fantastic job he does in preparing and marking the routes, just one example of his skill and commitment to excellence.” John Chubb, emeritus CBES Board member and chair of the Natural Resources Committee

“It was with gratitude of the self-preservation sort that I learned Denard was to continue as Editor of ShoreLine. My sometimes garrulous style of writing has sometimes needed his level-headed editing to be transformed into the precise, informative and accessible articles I started to write. So here’s to another decade or two of the best kind of collaboration between writer and author.” Mary Miller, member of the ShoreLine Editorial Board

“Denard’s educational and farming background coupled with his tenure on the Planning Commission and his interest in the well-being of the Eastern Shore all contributed to his recognized knowledge of land use issues. He is a good friend, and I am a long-time admirer of his exceptional writing and editing skills. Vic Schmidt, emeritus member of the CBES Board and the ShoreLine Editorial Board

“Denard has been something of a conscience for CBES, giving the Board a wide berth in which to operate, but keeping us from going too far astray with his reverence for CBES’ core values and history.” Bo Lusk, vice-president of the CBES Board

Detach and return to CBES, PO Box 882, Eastville, VA 23347 • Join online at www.cbes.org

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* ________ Gift subscription to ShoreLine for a friend (write name and address on reverse) $ 20

For our membership records, please tell us how many there are in your home 16 years or older: ___________
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<th>Jan 13</th>
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<td>VIMS Public Seminar</td>
<td>Board of Zoning Appeals</td>
<td>7:30 PM, Wachapreague</td>
<td>Planning Commission</td>
<td>4 PM, ES Chamber of Commerce</td>
<td>CBES Exec. Committee</td>
<td>5 PM, CBES Office</td>
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<td>Planning Commission</td>
<td>7 PM, BOS Chambers</td>
<td>Wetlands Board</td>
<td>10 AM, Sup. Chambers</td>
<td>Community Unity Breakfast</td>
<td>8:30 AM, NHS, Eastville</td>
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<td>CBES Exec. Committee</td>
<td>School Board</td>
<td>7 PM, BOS Chambers</td>
<td>Board of Supervisors</td>
<td>6 PM, BOS Chambers</td>
<td>ES Groundwater Committee</td>
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<tr>
<td>CBES Board Meeting</td>
<td>Board of Supervisors</td>
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<td>7 PM, Conference Room</td>
<td>School Board</td>
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**Note:** Please verify times and places prior to attending meetings.

www.cbes.org