FYI

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
March 22, 2010
Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.

Present: Paulina Knibbe, Peter Berry, Lauren Rosenzweig, Terra Friedrichs and Mike Gowing Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Carol Holley spoke about Storm Water maps for town meeting and noted that we are going to get wetter due to global changes and we need to amend the FEMA maps and data collection.

Bob Evans, asked about Nursing Enterprise balance of $139,000

CHAIRPERSON'S UPDATE

Ms. Knibbe announced the 3 events that HDC is planning in Town. They are offering Historic Landscapes, Gardens and walking tour of Maple and Martin Streets.

Ms. Knibbe noted we will be re-certified as a Tree City.

Ms. Knibbe announced that the Street light replacement program 2 years ago has resulted in a 28% energy decrease in the street lights.

OPERATIONAL MINUTE

Steve noted that due to extreme flooding during the recent rainstorm the town had pumped out two hundred basements. We will be gathering our expenses for FEMA and waiting to see if we are declared a disaster area by the President.

The Town received a 2010 E Government award which recognizes our web site. Steve thanked Mark Hald and Laura Mason for their good work.

PUBLIC HEARINGS & APPOINTMENTS

SALERINO'S RESTAURANT, SITE PLAN SPECIAL USE, 251-255, MAIN STREET CANCELLED

Ms. Knibbe said we need to acknowledge a hearing in the newspaper and staff thinks this can be handled as consent at the March 29th BOS meeting.

EDC – SIGN BYLAW REVIEW

Ms. Friedrichs said staff has reviewed signs not in compliance. EDC took up the issue and EDC decided that we call together the businesses and review how we should enforce the existing zoning requirements.

Doug Tindal – There will be a sub-committee of EDC with the business community and the town. They have issues around compliance. EDC was approached about signage and the town's complicated sign by laws. The Town has gone through times when they have done nothing and now the town is in a vigorous manner to bring in to compliance. They think that communication needs to be reviewed and to review the bylaw as well as provide sign bylaw education.

Business owner David Didriksen outlined need for looking into the entire process. He feels that the business community and the residents have a common goal for the town to look attractive Ms. Knibbe noted rules should be clear and they are not currently. She felt it is necessary in town to control the signage. Our attorney said the Town Manager should be the one to make the changes. She feels we need to review the sign bylaw, with an eye to long term and short term issues.

Ms. Rosenzweig said that this is step one and the Town Manager noted that he wanted to have a meeting after town meeting to discuss this.

Counsel suggested that a letter go out in. The zoning bylaw needs tweaking and would welcome some of the things that could be discussed.

Roland discussed by right signs.

Mr. Gowing asked about violations and were they sale signs, as opposed to just a sign for the business.

Ms. Friedrichs agrees with counsel and recommends that a process be put in place in a kinder manner.

EDC wants a 120 day stay to resolve and figure out what is wrong and what will be allowed.

Ms. Knibbe noted Counsel to constitute committee to investigate and come back with suggestions. She recommends that a letter go out to all businesses with pending sign issues that the Town Manager will review enforcement in a case by case manner.

Ms. Friedrichs asked if she could meet with business and staff to discuss possibilities of process. Nina noted that the signage must be enforced under the bylaw. The Town can make the enforcement steps

Ms. Knibbe said we need to look at the three issues, look at bylaw, what do we do about current enforcement under way and practice, how enforcement is looked in to. Doug Tindal said they want resolution of the fines and to stop the fines and bring their signs into compliance. Town Counsel reiterated that the Town Manager is obligated to enforce, and can discuss with each party on a case by case basis.

Town Manager said that he questioned his authority and has sworn to obey the law.
Ms. Knibbe - Move that we recommend staff develop alternate mechanisms of enforcement of fines. Ms. Friedrichs – second - UNANIMOUS VOTE

Mr. Gowing asked Roland about a sliding scale for each day we see the violation, $300.00 per sign per day.

Ms. Rosenzweig asked if Nina (town counsel) thinks we need to send the letter provided. Ms. Knibbe – Moved to send a letter out to anyone in violation and encouraged them to come in and discuss and obtain the correct information. Ms. Friedrichs – second. UNANIMOUS VOTE

KAREN MAINES – VANASH FLORALS, REQUEST FOR FEE WAIVER

Ms. Maines said she purchased the property and worked with planning and was trying to do the right work. After two years went by they issued a violation. She received violation visit. She wants the fees waived due to the fact that she considers herself as a different case because she had begun the paperwork and some how planning lost it. She noted her sign was the correct size.

She asked that the filing fees be waived and said she has a meeting with Roland to address this. Ms. Knibbe said that the change will prevent this in the future. Mr. Gowing said that under the circumstances we should waive the fees. Mr. Gowing –Moved to waive the filing fees for Ms. Maines. Ms. Friedrich - second. 4-1 Ms. Rosenzweig NO. motion passes

Ms. Rosenzweig disclosed she has done business with Ms. Maine's floral shop. Ms. Rosenzweig said she was more comfortable with the $250 and $75 fee reduction by half than the entire filing fees waived. Ms. Friedrichs emphasized that she voted to waive the fees because we could not find the paperwork and no proof that they did not follow the rules. This is a special case and should not set a precedent.

531 MASSACHUSETTS AVE., LLC, SITE PLAN SPECIAL PERMIT AMENDMENTS AND USE PERMITS.

Public hearing has been closed and the Chairman will allow the members to make a brief statement about this Decision. They will then review the detailed Decision.

Mr. Gowing noted he is in support and we need to come to resolution.

Ms. Friedrich spoke about the missing trees and hoped the board will make sure the provisions that are in place is what the public fell in love with.

Ms. Knibbe noted that as a board reviews this decision we should consider the balance of private property rights and public interest. She feels that it is sensitive to the area and provides substantial improvement and satisfies the laws. Ms. Knibbe believes that this is an excellent project.

Mr. Berry is in favor of both the project and the process –he noted that the Developer has been before all Boards and held several meetings with neighbors and other stake-holders. We place Legal ads in the paper to let everyone know of the meetings. HDC has conditions they identified that still have to be met.

Ms. Rosenzweig said she agrees and she was on the Planning Board when this parcel was zoned for mixed use. Town Meeting approved that there be a mixed use project to encourage the vitality of the village. The applicant was given feed back to get involved with outreach. Uses do change all the time and the applicant needs to be able to have the same flexibility of uses within what is allowed in the Zoning Bylaw.

The Board went through the findings decision.

2.2 Ms. Friedrichs does not want implication that there is no runoff on site. Mr. Berry - Moved to remove 2.3 last sentence Ms. Rosenzweig – second

2.4 Ms. Friedrichs wanted to add missing drawings. Ms. Friedrichs – Moved to put correct HDC documentations COA from 2009. Mr. Gowing – second. Counsel said it was improper to discuss the inclusion of drawings that were submitted by HDC. Motion fails

Add after 2.4 the finding that ties this to the zoning bylaw in this matter. Ms. Rosenzweig – Moved to add new finding Ms. Friedrich - second. 4-1 Terra No - Motion passes

2.5 None
2.6 None
2.7 None
2.8 hold Ms. Friedrichs asked a question about this section Ms. Rosenzweig Moved to remove with a stage language. Mr. Berry – second. 4-1 Ms. Friedrichs, NO
2.9 None
2.10 None
2.11 None
2.12 None
2.13 None
2.14 None
2.15 None
2.16 None
2.17 None
2.18 None
2.19 Remove
3.1. Ms. Rosenzweig - Move to reword submit outdoor lighting 10.6 of the Zoning and Chapter P of the Town Mr. Gowing – second. UNANIMOUS VOTE
3.1.2 None
3.1.3 None
3.1.4 None
3.1.5 None
3.1.6 None
3.1.7 Mr. Berry – Moved to Strike in consultation to modify landscaping with approval of the Tree Warden Ms. Rosenzweig – second UNANIMOUS VOTE
3.1.8 None
3.1.9 None
3.1.10 None
3.2.1 Clarification of Maximum seats not exceed 95 seats or 95 seats total for restaurant uses.
3.2.2 None
3.2.3 Ms. Knibbe discussed flexible performance space. Mr. Gowing and Ms. Rosenzweig said we need to be flexible with the uses.

Ms. Friedrichs - Moved to Move the end of sentence without prior approval of BOS. Ms. Friedrichs – Moved that we get what the applicant sold us and types of businesses presented during public hearing NO SECOND

3.2.4 None
3.2.5 None
3.2.6 None
3.2.7 None
3.2.8 Ms. Knibbe wants it to reflect the crosswalks. Roland said traffic signal language is very broad and more specifically refers to a pedestrian signal. Ms. Knibbe Moved to replace "traffic signal" with the words "Pedestrian crossing. " Ms. Rosenzweig – second.
3.2.9 Ms. Rosenzweig – Moved to "complete Mass Ave. improvements" and remove the word "promptly" add "prior approval " Mr. Gowing – second. UNANIMOUS VOTE
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3.3.22 Ms. Knibbe Moved – that no work on the site governed by building permit shall begin prior to the issuance of a building permit. Mr. Gowing, – second. Ms. Friedrichs abstained. Motion passes 4-1
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2.3.33
2.3.34 Ms. Knibbe Moved to add a condition that structures be held water tight to make sure the buildings on site are kept free of water to the satisfaction of Building Commissioner. Ms. Friedrich – second. UNANIMOUS VOTE

Mr. Berry – Moved to require a performance bond. Staff to prepare a Performance Bond. No second. Motion fails, No Second.

3.3.1
3.3.2
3.3.3
3.3.4 Roland suggested we add at the seventh line "for beginning construction activities and that the plan shall not rest for more than 2 years." Ms. Rosenzweig – Moved to add the language as suggest by Roland. Mr. Berry – second. 4-1 Ms. Friedrichs – No, Motion passes

3.3.5 Minor changes to reflect that BOS would decide whether a public hearing for modification would be made by BOS.

Ms. Knibbe – Moved to approve the Decision with changes as noted. Mr. Berry, -second. 4-1 Ms. Friedrichs No. Motion passes

SIDEWALK COMMITTEE PRESENTATION OF SIDEWALK DESIGN GUIDELINES

The Committee gave a slide presentation on the Design Guidelines that have been developed.

Ms. Knibbe noted that many sidewalks are negotiated with the home owners and asked to include that in the materials.

Ms. Friedrich spoke about Taylor Road sidewalk and an opt in process. Ms. Freidrichs asked about encouraging meandering sidewalks.

Ms. Friedrichs – Moved to accept as amended, Mr. Gowing – second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

ALG/BUDGET DISCUSSION
No Discussion

2010 ANNUAL TOWN MEETING WARRANT
No Discussion

ACTON ASSISTED LIVING/ROBBINS BROOK, SITE PLAN AMENDMENT ##11/18/98-366. PHASES 2 & 3, 886-900 MAIN STREET

Mr. Vazza noted that their approval included that they provide units for eligible buyers and originally they had set aside 3 units as affordable and they would be included in the States Affordable count. Has not been able to market the units and asked to have the restriction removed. He would like to complete the project. Mr. Berry said we do have a memo from Acton Community Housing Corp. suggesting the developer return $20,000 per unit to the affordable housing fund or $60,000. for the release of the three affordable units.
The developer was looking for relief. Mr. Berry said if they are not offering us anything he can not support. Mr. Vazza said it is a very trying time. He is trying to save the project.

Ms. Friedrichs agreed with Mr. Berry and wanted conditions of what we were to get and wants to look at the bylaw and sections and density they may have gotten. Roland said that there was no density bonus for this project

Ms. Rosenzweig noted that these will sell and will help them economically, she agrees with Mr. Berry and suggested Mr. Vazza meet again with the ACHC. Mr. Vazza was asked if he would pay $2,000 payable to the Town as each of the 35 unit's passes, resulting in the total of $60,000 over time and completion of units.

Ms. Knibbe asked about the market rate units vs. the affordable rate. She says we have a need in the town to get to closer to the affordable 10%. Ms. Knibbe suggested we stick to the number in the ACHC suggestion.

Roland said the project was under full service retirement special permit and the affordable units were negotiated and there were no density bonus. This was a large project and the Selectmen asked they contribute the four affordable units to the Town.

Peter asked Roland about ACHC suggestion. He has offered to pay a fee as each unit passes. Roland said it could be done.

Mr. Berry - Moved to grant Mr. Vazza the removal of the three affordable units at Robbins Brook in return for contribution to ACHC of $60,000, that $2,000 shall be paid at the time each unit comes in for an Occupancy Permit, and condition that we will receive the full $60,000. Ms. Knibbe second. Mr. Gowing asked to add to that a completion date by which they would be built. Ms. Rosenzweig suggested $2,000 per unit for three years and that at the end of the three years April 1, 2013 the full payment of any balance of the $60,000 be paid. Ms. Rosenzweig – second- Ms. Friedrichs No, 4-1 Motion Passes

Ms. Knibbe was reluctant to agree with something with a long time frame. Friendly amendment and include an end date when the rest of the money is due. Roland will add that to the decision.

W.R. GRACE SUSPENSION STUDY, SINKING POND

Ms. Rosenzweig said the letter was appropriate and Move to sent it. Ms. Friedrichs – second. UNANIMOUS VOTE

BOY SCOUT COURT OF HONOR

Selectman Friedrichs will attend.

AUTHORIZATION TO APPLY FOR CLEAN AIR AND MOBILITY GRANT, YEAR 2

Ms. Rosenzweig spoke about the application for the continuance of the Grant to Year 2. Authorize the Town Manager to sign the letter on behalf of the Board – Ms. Knibbe – Moved to authorize the Town Manager to sign the Grant. Ms. Rosenzweig – second. 4-1 Ms. Friedrichs, Abstained Motion passes

OTHER BUSINESS

Town Manager was authorized to sign the Letter to Mass High re: discontinuance of the State Highway portion of Route 111 at the WAVE site.

CONSENT

Ms. Friedrichs wanted to hold February 8th minutes and to have them reflect that she would support for the disabled and elderly.

Mr. Gowing – Moved to accept the consent items except for Feb 8th. Ms. Rosenzweig – second. UNANIMOUS VOTE.

Ms. Friedrichs – Moved to accept Feb 8th minutes with changes. Mr. Gowing – second. UNANIMOUS VOTE

EXECUTIVE SESSION – None

Christine Joyce, Recording Secty

Clerk
Date:_____

BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING AGENDA

Francis Faulkner Hearing Room
March 22, 2010
7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. **7:05 CHAIRMAN'S UPDATE**
   The Chair will briefly update the Board on Topics of interest

2. **7:10 OPERATIONAL MINUTE**
   The Town Manager will provide a brief report on topics of interest

3. **7:30 SALERNO'S RESTAURANT, INC., SITE PLAN SPECIAL USE, SPECIAL PERMIT APPLICATION**
   HEARING CANCELLED

4. **7:35 BOARD OF SELECTMEN TO REVIEW RECOMMENDATIONS FROM THE ECONOMIC DEVELOPMENT COMMITTEE ON SIGN BYLAW**
   Enclosed please find materials in the subject regard for Board Consideration.

5. **7:45 KAREN MAINES, VANASH FLORALS, REQUEST FOR A FEE WAIVER**
   ISSUE: Fees and sign bylaw, enclosed please find materials in the subject regard

6. **8:00 WAVE SITE PLAN SPECIAL PERMIT, BOARD DISCUSSION**
   ISSUE: Draft Decision Review, enclosed please find materials in the subject regard

7. **8:30 SIDEWALK COMMITTEE PRESENTATION OF SIDEWALK DESIGN GUIDELINES**
   ISSUE: The Sidewalk Committee will present their Guidelines

III. SELECTMEN'S BUSINESS

8. **ACTON ASSISTED LIVING/ROBBINS BROOK, AMENDMENT #11/18/98-366 PHASES 2 AND 3, 886-900 MAIN STREET**
   Enclosed please find materials in the subject regard for Board Consideration.

9. **SELECTMEN'S REPORTS**

10. **2010 ANNUAL TOWN MEETING**

11. **W.R. GRACE COMMENTS RE: SINKING POND SEDIMENT RE-SUSPENSION STUDY**
    Enclosed please find materials in the subject regard

12. **BOY SCOUT COURTS OF HONOR, APRIL 25, 2010, FOR BOARD ASSIGNMENT**
    Enclosed please find materials in the subject regard.

13. **AUTHORIZATION TO APPLY FOR CLEAN AIR AND MOBILITY GRANT YEAR 2**
    Enclosed please find materials in the subject regard, for Board consideration.

14. **OTHER BUSINESS**

IV. CONSENT AGENDA

15. **ACCEPT MINUTES, BOARD OF SELECTMEN, FEBRUARY 8 AND FEBRUARY 22, 2010**
    Enclosed please find materials in the subject regard, for Board consideration.

16. **ONE DAY LIQUOR LICENSE, NARA PARK**
    Enclosed please find materials in the subject regard

17. **ACCEPT GIFT, RECREATION DEPARTMENT**
    Enclosed please find a gift of $1,500.00 from Dunkin Donuts to be used for Recreation programs at NARA Park

18. **ACCEPT GIFT, RECREATION DEPARTMENT**
    Enclosed please find a gift of $25.00 from Edible Arrangements, to be used for Summer Concert Series drawing prize

19. **ACCEPT GIFT, RECREATION DEPARTMENT**
    Enclosed please find a gift of $1,500.00 from Especially Pets to be used to help fund Acton day

20. **ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY**
    Enclosed please find a gift of $1,730.00 from the Auxiliary to refinish floors at the Library and to accept the gift of 6 framed watercolors from Liz Field, for the display in the Library

21. **DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**
Enclosed please find materials in the subject regard.

V. EXECUTIVE SESSION

None needed

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

MARCH 29
(Nothing scheduled at this Time)

MINUTES PENDING VOTES

Budget Saturday, January 25, February 1, February 8 and 22, March 8, 2010

PENDING COMMITTEE APPOINTMENTS

DAVID LUTZ – Working with VCC to determine what committee he would like to serve on
RONALD ROSE – sent to VCC, HDC applicant

LINDA MAYER – ABCC to VCC to review (no opening at this time) Hold in Pending