

3/12/07  
28

# MINUTES

## BOARD OF SELECTMEN & SEWER COMMISSIONERS' MEETING

July 24, 2006

Francis Faulkner Hearing Room

Acton Town Hall

7:00 PM

### EXECUTIVE SESSION

There will be a need for executive session.

### CITIZENS' CONCERNS

Bob Lessard, of Wampus Ave. spoke regarding dog complaints. Chairman Foster asked to hold discussion until the dog complaint item was on the timed on agenda.

### SEWER COMMISSIONERS' BUSINESS

### PUBLIC HEARINGS AND APPOINTMENTS

**OPERATIONAL MINUTE** - Town Manager Don Johnson gave a brief update on the concert series at NARA. The concert series is subject to weather variations and cancellations are possible.

#### **SITE DEVELOPMENT PLAN SPECIAL PERMIT, 01/22/98-361 (AMENDMENT), 25 WESTFORD LANE, FENTON**

Presentation by George Dimakarakos, on this project located on Durkee Lane between Nagog Park and Westford Lane, the request is to build two additional buildings. Selectman Magee went to review the site and noted the project should not continue until all drainage problem areas have been addressed. The existing drainage problem has been worked on all weekend, and is 80% completed. The water district should be able to give notation on the drainage. Non-approved items have been constructed that did not appear on the stamped plan of existing conditions. Although minor, it is still not in compliance with the intent of the stamped approval. George stated his apologies and assured the Board there was no intent to deceive. Selectman Hunter emphasized the real need to reflect the actual conditions and was distressed at the oversight. Selectman Rosenzweig was concerned with the Fire Department comments about the fire alarms. She made note of how pleased she was with the business staying and expanding in town. Chairman Foster was concerned about sufficient parking. George noted that materials found on the parking area have been removed. Once cleaned up, the parking concerns will be resolved. Chairman Foster questioned the lack of windows on the first floor. This is for issues of security George assured him. The existing building is not required to meet the current standard for outdoor lighting, change needed only if 25% or more of the building is altered.

**Selectman Hunter moved to take under advisement. Selectman Rosenzweig seconded. All approved to take under advisement.**

### **MADISON PLACE LOCAL INITIATIVE PLAN (LIP)**

Dennis Ring updated the board on the status of the historical building on the property. Denied initial demolition, the developer looked for an alternative site to move the building. After a 6 month delay they decided to revise the plans. They are looking for the Board's endorsement to incorporate the historic structure into the development plan by creating an ANR lot. Selectman Rosenzweig personally thanked the applicant for taking time to save the building. Selectman Magee was very pleased with the successful work in this project. He thanked the developer for the historic preservation and the plan as it relates to wetlands. Selectman Hunter spoke to the exceptional way engineering was handled by the applicant. He liked the way the septic plan and traffic plan had worked out. Chairman Foster asked about the septic system for the old house and was shown the area in question on the site map. Dennis pointed out that the soil has been tested in the proposed area and it will pass Title 5 inspection. Chairman Foster thanked the developer for working with the town.

**Selectman Hunter moved to accept revised plan. Selectman Magee moved to second. All approved.**

### **DESIGN REVIEW GUIDELINES COMMITTEE PRESENTATION**

Anne Sussman and Tom Peterman gave a presentation on guidelines for Commercial districts. There were 4 points that the Design Review Guideline Committee (DRGC), would like to see accomplished. 1) Approve the Advisory Committee to the Board of Selectmen, 2) Accept the draft guidelines, 3) Publicize the document and 4) Hold a town wide forum about the future of Acton commercial development. Selectman Rosenzweig noted that the current guidelines are general and the purpose of the forum would be to make them much more specific. A citizen, Terra Friedrichs, stated how this conformity helps in working with the building department. It is not that the DRGC says there is only one way but rather offers some choices. Selectman Hunter expressed support for the formation of a guidelines committee. He noted parking in the rear of buildings would enhance the look of Acton. Additionally, there is a need for nice walking space in commercial developments. Selectman Magee supported the idea. The challenge he stated is finding a way to be sure developers know up front the conditions of guidelines. He cautioned about early intervention at a time when plans are held tight in confidentiality. Developers and users are sometimes driven by other concerns about parking that should not be ignored. Selectman Rosenzweig agreed that parking is about user preference and not just that the developers like to see road front parking. Chairman Foster would like to see input from the town and developers on the web. He also offered the idea to go out to each committee to present the guidelines. He would like to keep the Planning Board and the Historical Commission involved in the formation of the guidelines. Carol Holley, a citizen, stated that when the design looks friendly if the speed limit is not reduced, it won't be used. She would like to see environmental friendly landscaping. Belle Choate spoke to the point that the guidelines have a "this is my parents Acton" feel, but does everyone like that idea. While they are lovely plans can they really be built? There are so many by-laws none of this could really be built. Sometimes close to street is not what you want. As in some historical buildings close to street means you ruin the streetscape. What about handicap accessibility? A citizen spoke that she was very concerned about how Acton looks. Appointment of a Committee following the enclosed proposal Selectman Hunter believes would eventually meld into a joint committee with other planning committees. Selectman Magee questioned the number of members on the committee, will 5 members be too small, will 7 members be too large? Selectman Hunter moved to accept the proposal and come back at next meeting and wrap up details. Herman Kabakoff thought this should go to Town Meeting. He also questioned the enforcement procedure. Are there any full time employees that can be used now? Selectman Rosenzweig

said this would fall under Selectman purview to begin and enforce. In some districts there is legal ramification but this is more a cooperative/advisory set of guidelines. Terra Friedrichs wanted to see the feasibility of having staff that could support a new committee. Chairman Foster stated that he will look to the Town Manager for advice on this question but staff is overburdened. **Selectman Hunter moved to accept the concept and move forward with comments from all the groups listed above. Selectman Magee seconded. The Board was in favor of the committee getting staff input and doing a road show for the other committees to comment on and report back details at a future meeting.**

## **SELECTMEN'S BUSINESS**

### **SITE DEVELOPMENT PLAN, 02/19/03-388 (AMENDMENT), 60 POWDERMILL ROAD, AUTOPLEX REALTY SUZUKI DEALERSHIP**

It was noticed that the status of the previous action needed to be reviewed. Selectman Magee helped explain the current plan. Conservation had denied the applicant's original request under the Riverfront Act. The applicant appealed the decision and the DEP upheld the decision. The applicant then dropped the appeal and offered another plan. Conservation was in agreement with the new plan and the DEP issued an Order of Conditions. While the conditions do not state the fence cannot be located at the edge of the restricted area, Selectman Magee would like to see a buffer area of 2 feet. Selectman Magee continued that the DEP also has to sign off before the town can approve the plans. Chairman Foster does not want to approve something that other jurisdictions may have a problem with. The Director of Conservation will be asked to confirm the DEP's position on this project. Selectman Magee stated the DEP has Order of Conditions and possibly there is not a requirement for a buffer zone but his preference and historical recollection is that such a zone should exist. Selectman Hunter asked that no action take place until we have more information. Chairman Foster agreed that no action take place until there is more information. The Board will delay action until the staff submits comments and the developer can be present. Selectman Hunter would like to get the developer in to discuss the plans.

### **COMPREHENSIVE PERMIT PRE-APPROVAL, WILLOW/CENTRAL STREET, ACTON COMMUNITY HOUSING CORPORATION**

**Selectman Hunter moved to authorize the Town Manager to sign-off and co-sponsor the proposal. All signed copies of the completed application to be distributed to the Board. Selectman Rosenzweig seconded. All agreed.**

### **DRAFT REQUEST FOR PROPOSALS, 74 RIVER STREET**

Selectman Magee approved the draft. He would like to take the Request for Proposal (RFP) to the neighbors. Selectman Hunter questioned prohibition of the developer in lieu of an existing condition in another permit and provided Selectman Magee with better language. Chairman Foster would like to approve this project and move it forward and get it on the street immediately. Selectman Magee is in agreement and would like the neighbors to be notified for comment. Selectman Rosenzweig questioned if there will be a hearing. The Town Manager stated that an RFP will go out and potential vendors will be interviewed.

**Chairman Foster moved to approve with Selectman Hunter's amendment, Selectman Hunter seconds if amendment is approved by Town Counsel. All were in favor. Staff will issue RFP out to bid as soon as possible.**

## **CAPITAL PLANNING SUBCOMMITTEE REPORT**

The Chairman briefed the Board as to the draft capital plan. Staff should identify for this year and 4 additional years of capital planning which need to be funded. This plan should be readied for The State of the Town Meeting this fall. Building a fire station, GIS Systems, Sewers are examples of capital items in the year to year budget. Town Manager has directed staff to make budgets with an eye to a 5 year plan. Selectman Hunter wants to complete the existing Capital Plan from the 90's before we construct a new one. He also stated a need for a new ambulance, new fire station and renovation of the other 2 stations. What are our borrowing practices? Selectman Rosenzweig felt that long range plans for the school building definitely helped in the funding for the schools. Some monies should be included for wastewater planning and A Master Plan. Chairman Foster wants a discussion at the Board's next meeting and the prior capital plan to look at. The new plan should not be constrained by funding at this point. Selectman Hunter would like to see a human resources capital plan with a fair wage for the non union employees. The Board expressed conceptual support.

### **ANIMAL CONTROL ON SELECTED MUNICIPAL PROPERTIES**

Chairman Foster briefed the Board as to the request from the Town Recreation Commission per the cover memo. Selectman Hunter questioned if this topic should be brought to Town Meeting as it becomes a very emotional issue. He suggests it should also be reviewed by Town Counsel. Selectman Rosenzweig had opined that safety should always be paramount and verbal commands are not sufficient when talking about control. Chairman Foster stated that the request applies to recreation areas not all conservation locations. The Commission could consider a dog park or dog hours as a compromise. Mr. Lessard, a citizen was present to discuss the issue of dogs running loose and presented studies about dogs and children. Selectman Magee believes the town staff and committees need a dialog with the citizenship of the town. Chairman Foster would like to hear what Town Counsel has to say. Carol Holly, a citizen asked if people who walk dogs for money should be using conservation land as it is not legal to run any business on conservation land. All agreed to take request under advisement. The request will be considered after further public discussion.

### **SEWER EXPANSION PROCESS DISCUSSION**

Chairman Foster offered a general description of letters from citizens and the Board of Health about Sewer Expansion. Sylvia Street has wanted additional feedback to its proposal. Staff has given input that there are several areas that have equal or worse need for sewer expansion. The process has to be consistent and be based on need. Sylvia Street is not a health or pollution issue, it is an expansion issue. All agreed that the process should not be arbitrary. Selectman Hunter asked if the original area West Acton-Flint Street is still in the MEPA process. Even with other options you need to go through the MEPA process. The project needs another series of reviews if the flow is greater than 300,000 gallons per day. Chairman Foster will not make any decision until we hear from MEBA. The comment period is over on August 15th and then the State has 10 days to issue a certificate. Selectman Rosenzweig hoped to have a new committee in place at that point in time with membership in the committee coming from all the various Town Departments. Mary Michelman said CWRMP does list other ways of dealing with wastewater. Please be stingy with permission to sewer.

**Selectman Rosenzweig made a motion that there be placed a moratorium on requesting sewer expansion until such a time that the decision is made on the CWAMP by MEPA and the committee has a systematic process to go forward. Chairman Foster seconds and the motion passes. Selectman Magee suggested putting these items under Sewer Commissioner's Business in the future.**

### **PATRIOTS HILL RECREATION CLUB, INC., SPECIAL EVENT APPROVAL REQUEST**

**Selectman Hunter suggests to routinely approve this request. Selectman Magee seconded the motion. It was approved by all unless there are unintended consequences.**

## **FY07 REAPPOINTMENT LIST**

Chairman Foster moved to approve the reappointment list. Selectman Magee had some exceptions for sunsetted members. Selectman Hunter explained the intent of the sunset policy and why it originated. Chairman Foster moved that Selectman Magee go through the committees that he is the liaison for on the appointment list and make any necessary changes to his committees. Selectman Magee had 2 exceptions, Terry Maitland's membership to be extended on the Conservation Commission and all Land Stewardship members that would be sunsetted to be extended with a term of 3 years. Then Chairman Foster went through the list and requested to extend the membership of Victoria Beyer on the Historic Commission. He also requested the extension of sunset members Nancy Gerhardt and Carol Mahoney of the Senior Disabled Taxation Aid Committee. Bruce Reichlen an associate on the Planning Board moved to a full member to fill the vacancy of Gary Sullivan's term. Chairman Foster moved to reappoint or sunset all members on the list with the changes noted above. The Town Manager discussed examples of the sunset policy and why the policy may be problematic and not fill the needs of the town's current committees.

**The Committee Reappointment list was approved as amended. All voted in favor.**

## **FY07 GOALS / COMMITTEE ASSIGNMENTS OVERSIGHT**

The committee goal and assignments were approved with the exception of changes made by Selectman Rosenzweig to take the Comprehensive Wastewater Advisory Committee off the Committee list and a change by Chairman Foster to take NARA off the goals for FY07. Selectman Rosenzweig also asked to put municipal salaries review as a FY07 goal to be achieved.

## **OTHER BUSINESS**

Selectman Rosenzweig requested an oversight meeting for the Economic Development Committee to see if they would go forward with new goals or disband into another group possibly helping in an advisory role in planning.

## **CONSENT AGENDA**

Herman Kabakoff asked to hold 19 and 21. Chairman Foster held those items and the vote was taken on the rest of the consent items. Herman questions if the car 33 in #19 and #21 are the same. Car 33 just references the ambulance.

**Selectman Hunter moved all other consent items to be accepted. Selectman Foster seconded. The vote was accepted by all. Selectman Foster moved to approve #19 and #21. Selectman Hunter seconded. Both were approved by all.**

### **15. SITE DEVELOPMENT PLAN #10/07/77-139, 51 KNOX TRAIL, COLLIER MOVING AND STORAGE**

Approval was given to applicant to amend the existing site plan special permit to construct a 2,200 square foot addition to the existing building. There will be a need to remove 2,300 square feet of impervious cover to accommodate this change.

### **16. LOCAL APPROVAL FOR LOCAL INITIATIVE PLAN (LIP) UNITS, ROBBIN'S BROOK SENIOR LIVING COMMUNITY, 906 MAIN STREET**

Approval was given for 3 affordable housing units in Phase II of Robbins Brook restricted housing to be counted towards the town's 10% goal.

### **17. ACCEPT GIFT, COUNCIL ON AGING**

The Board accepted two gift cards (\$25 each) from Donelan's Supermarket for a senior survey program.

**18. ACCEPT GIFT, COUNCIL ON AGING**

The Board accepted two gift cards (\$25 each) from Roche Brothers Supermarket for a senior survey program.

**19. ACCEPT GIFT, FIRE DEPARTMENT**

The Board accepted a gift of a Magellan GPS Navigation System, donated by the Robert M. Malinowski Charitable Fund, to be used in the Town's ambulance, valued at approximately \$1,000.

**20. ACCEPT SURPLUS EQUIPMENT, POLICE DEPARTMENT**

The Board agreed to allow the Police Department to accept a Mobile Hearing Clinic from surplus equipment for use as a command post.

**21. TRANSFER OF FIRE DEPARTMENT AMBULANCE TO POLICE DEPARTMENT**

The Board approved the Police Department's Request to acquire the Fire Department's ambulance that is being replaced, to be used to transport equipment to a scene, replacing the box van obtained through surplus equipment.

**22. ONE DAY LIQUOR LICENSE**

Ciena Corporation's for a One Day Liquor License at NARA Park was approved.

**TOWN MANAGER'S REPORT**

**EXECUTIVE SESSION**

There will be a need for Executive Session. Selectman Rosenzweig moved to go into Executive Session to discuss future executive session meetings. Roll was taken, all Ayes. The Board adjourned into regular session only to adjourn the meeting.

**FUTURE AGENDAS**

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

August 14  
September 11 & 25  
October 16 & 30

November 13 & 27  
December 11 & 18

**GOALS: 2006-2007**

1. Produce Morrison Farm Development Master Plan (Walter)
2. Policy Review/Improve Communication with Town Boards (All), Improving Inter-Board Communication. (Walter)
3. ALG process be used for purpose of Budget Planning for FY08 (Walter/Andy)
4. Middlesex Pension Alternatives (Peter)
5. Capital Plan for Town Meeting-Reengineering Report (Peter/Mullin)

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Recording Secretary

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Lauren Rosenzweig, Clerk

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Date

# Acton Board of Selectmen Committee Assignments

July 2006 - July 2007

Advisory Committee	Board Member Assigned
Acton Leadership Group	Walter Foster and Andy Magee
ARC of Innovation - 1495	Lauren Rosenzweig
Corridor Advisory Committee	Dore' Hunter
Design Review Guideline Committee	Lauren Rosenzweig and Peter Ashton
Economic Development Committee	Peter Ashton
Economic Development Industrial Committee	Peter Ashton
Investment Advisory Committee	Peter Ashton
Land Stewardship Committee	Andy Magee
MAGIC/MAPC	Lauren Rosenzweig
MBTA Advisory Committee	Dore' Hunter
Morrison Farm Planning Task Force	Walter Foster
No Place for Hate	Andy Magee and Lauren Rosenzweig
Open Space and Recreation Committee	Andy Magee
Outdoor Lighting Education Committee	Lauren Rosenzweig
Senior Tax Relief Taxation Aid Committee	Peter Ashton
Shuttle Advisory Committee	Lauren Rosenzweig
Water Resources Advisory Committee	Lauren Rosenzweig and Andy Magee

## Board and Committee Liaison

Board/Commission/Committee	Board Member Assigned
Acton Boxborough Arts Council	Walter Foster
Acton Community Housing Corporation	Lauren Rosenzweig
Board of Appeals	Peter Ashton
Board of Assessors	Peter Ashton
Board of Health	Walter Foster
Cable Advisory Committee	Lauren Rosenzweig
Cemetery Commission	Walter Foster
Community Preservation Committee	Walter Foster
Conservation Commission	Andy Magee
Council on Aging	Peter Ashton
Finance Committee	Andy Magee and Walter Foster
Health Insurance Trust	Peter Ashton
Historic Commission	Dore' Hunter
Historic District Commission	Dore' Hunter
Lowell Regional Transit Authority	Dore' Hunter
Minute Man Tech	Dore' Hunter
Planning Board	Lauren Rosenzweig
Recreation Committee	Walter Foster
School Committee	Peter Ashton
Transportation Advisory Committee	Lauren Rosenzweig
Volunteer Coordinating Committee	Dore' Hunter

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**

*Francis Faulkner Room, Acton Town Hall*

*July 24, 2006*

*7:00 PM*

**I. CITIZENS' CONCERNS**

**II. SEWER COMMISSIONERS' BUSINESS**

**III. PUBLIC HEARINGS AND APPOINTMENTS**

**1. 7:02 OPERATIONAL MINUTE**

The Town Manager will give the Board a brief update on various topics.

**2. 7:15 SITE DEVELOPMENT PLAN SPECIAL PERMIT, 01/22/98-361 (AMENDMENT), 25 WESTFORD LANE, FENTON**

Enclosed please find materials in the subject regard, for Board consideration.

**3. 7:30 MADISON PLACE LOCAL INITIATIVE PLAN (LIP)**

Enclosed please find materials in the subject regard, for Board consideration.

**4. 7:45 DESIGN REVIEW GUIDELINES COMMITTEE PRESENTATION**

Enclosed please find materials in the subject regard, for Board consideration.

**IV. SELECTMEN'S BUSINESS**

**5. SITE DEVELOPMENT PLAN, 02/19/03-388 (AMENDMENT), 60 POWDERMILL ROAD, AUTOPLEX REALTY**

Enclosed please find materials in the subject regard, for Board consideration.

**6. COMPREHENSIVE PERMIT PRE-APPROVAL, WILLOW/CENTRAL STREET, ACTON COMMUNITY HOUSING CORPORATION**

Enclosed please find materials in the subject regard, for Board consideration.

**7. DRAFT REQUEST FOR PROPOSALS, 74 RIVER STREET**

Enclosed please find materials in the subject regard, for Board consideration.

**8. CAPITAL PLANNING SUBCOMMITTEE REPORT**

Enclosed please find materials in the subject regard, for Board consideration.

**9. ANIMAL CONTROL ON SELECTED MUNICIPAL PROPERTIES**

Enclosed please find materials in the subject regard, for Board consideration.

**10. SEWER EXPANSION PROCESS DISCUSSION**

Enclosed please find materials in the subject regard, for Board consideration.

**11. PATRIOTS HILL RECREATION CLUB, INC., SPECIAL EVENT APPROVAL REQUEST**

Enclosed please find materials in the subject regard, for Board consideration.

**12. FY07 REAPPOINTMENT LIST**

Enclosed please find materials in the subject regard, for Board consideration.

**13. FY07 GOALS / COMMITTEE ASSIGNMENTS**

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**14. OTHER BUSINESS**

**V. CONSENT AGENDA**

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**21. TRANSFER OF FIRE DEPARTMENT AMBULANCE TO POLICE DEPARTMENT**

Enclosed please find materials in the subject regard, for Board consideration.

**22. ONE DAY LIQUOR LICENSE**

Enclosed please find a request from Ciena Corporation for a One Day Liquor License at NARA Park, for Board consideration.

**VI. TOWN MANAGER'S REPORT**

**VII. EXECUTIVE SESSION**

There will be a need for Executive Session.

**ADDITIONAL INFORMATION**

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

**FUTURE AGENDAS**

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August 14

September 11

September 25

October 16

October 30

November 13

November 27

December 11

December 18

### **GOALS 2004-2005**

1. Produce Morrison Farm Development Master Plan (Walter)
2. NARA Park
3. Pursue Commercial Tax Base
4. Master Plan review meeting once per year

### **GOALS CARRIED FORWARD**

5. Monitor Labor Negotiations (Peter)
6. Improve Communication with Town Boards (ALL), Improving Inter-Board Communication (Dore')
7. Revisit 2020 planning process for direction to make this process more beneficial towards implementation of long-term vision, and to get a first rough cut of what happens next year before school is out for the summer (Peter)
8. ALG process be used for purpose of Budget Planning for FY05 (Dore'/Peter)
9. Process Planning for "Life after NESWC"
10. Middlesex Pension Alternatives (Walter)