

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MINUTES**

11/3/08  
(14)

*Francis Faulkner Meeting Room,*  
*Town Hall*

September 22, 2008

7:00 PM

Present: Chairman Lauren Rosenzweig, Selectmen Andrew Magee, Paulina Knibbe, Peter Berry, Terra Friedrichs, and Assistant Town Manager John Murray, Recording Secretary Maryjane Kenney

**I. CITIZENS' CONCERNS**

Jeff Clymer of 5 Walnut Street addressed the Board concerning the process the Planning Board is using to make decisions at Quail Ridge. He would ask the Board of Selectmen to give appropriate guidance to Planning Board in decisions that will greatly affect the tax payers. It is his belief that there should be oversight to specific special permits. The current Planning Board members in his opinion do not meet the necessary criteria to have the expertise in many of the areas in which they are making decisions. Chairman Rosenzweig rescues herself. Finally he urged the Selectmen to get involved and to watch the meetings of the last year and take part in the upcoming meetings (See enclosed presentation).

**II. PUBLIC HEARINGS AND APPOINTMENTS**

**OPERATIONAL MINUTE**

The Assistant Town Manager reported on Fire Fighter Anita Arnum being deployed to Louisiana and Texas for Search and Rescue. The Town admires her work and is pleased she is safely back home and at work. The Main Street/Brook Street intersection has been realigned and curbing is completed. Landscaping is nearly complete; it makes the intersection much easier to navigate. All the work was done by in-house crews; they did a great job and should be congratulated. The Board asked the Manager to thank the DPW.

**ACTON COMMUNITY HOUSING CORPORATION (ACHC) ANNUAL OVERSIGHT MEETING**

2.1 ACHC provided an information packet on the effectiveness of the Condo Buy Back Program.

2.2 Habitat for Humanity: Alter Section D-3 of the Deed to make Habitat Primary and ACHC Secondary. The Board selected option # 2 which made Habitat Primary Monitoring Agent for 82 River Street. They also agreed to extend the deadline to make necessary changes to the deed. Selectmen Magee made the motion, Chairman Rosenzweig seconded. All voted in agreement.

Chairperson Nancy Tavernier gave the presentation:

Membership includes, Kevin McManus Treasurer (23 years), Dan Buckley, who is taking a leave of absence, Naomi McManus, Bernice Baran, Betty Clark, and Associate Member Pam Shuttle. We currently need 1 new member and will still need members as members are expected to retire from the Corporation this year. The ACHC is different from many committees as it is created by state statute. The focus of our committee is to facilitate affordable housing. This year has been unusual in that only 2 developers in 12 months have come before us and neither has continued on to appear before ZBA. It is best for Acton if the 40B's use the Local Initiative Process, as the

alternative option exists for a developer to go directly to the state, whereby they will by-pass the local input process. ACHC does not own or sell property. They do oversee the sales and marketing of 40B's to make sure they do affirmative marketing. This year Willow Central has been finished and occupied. The Buy-Down Condo Program subsidized 8 units this year. The Down Payment and Closing Cost Assistance Program enabled 5 first time home buyers grants for closing costs. The biggest highlight was getting granted the tax exempt status for the organization in August. There are currently three 40B projects being worked on: Madison place with 2 units, the Old High School Commons with 17 units, and 442 Mass Ave with 4 units. Non 40B's include Ellsworth Village with 3 units and Sommerset Hills with 4 units. This gives the Town a total 530 units with a need of 746 units to reach our 10% goal under 40B. In 2010 10 % will be 800. (State and group homes are beds that count toward the 10%, and serve an honorable and good purpose in Acton.) This upcoming year ACHC would like to hand some of the clerical requirements to the Planning Department. The Housing Authority and ACHC have a wonderful relationship and Ms. McManus has incorporated projects to help the Housing Authority. Pat Clifford of the Finance Committee attends regularly and helps the group tremendously with her support. Chairman Rosenzweig and the entire Board thanked the group for their hard work of getting people started in home ownership. Selectman Berry stated that affordable housing is an important social goal. Another larger rental unit in town would help although no one wants that. Selectmen Friedrichs would like to see whether the Finance Committee could analyze the possibility of our investing more money into down payments instead of sponsoring the building of additional new units. That would create less of a "loss" (less unprofitable). You would avoid losing so much money and you would help more people. Such a down payment plan would be offered to anyone who will deed restrict their unit. Kevin McManus explained that a down payment is an important step in qualifying; it shows they have something invested. On deed restricted units one must be income eligible and meet legal standards. Bernice Baran suggested that if Selectman Friedrichs has proposals she should come to ACHC and discuss them and learn the current process; some proposals might be supported and some might be modified and implemented, and many of her suggestions are in place in some format already. Selectman Magee agreed this is an oversight meeting not a meeting to discuss policy. He would suggest a study group do some real research if changes are needed. Selectman Friedrichs wanted to state 3 items she thought important to implement or change in the ACHC: 1. including the design review process in ACHC projects, and informing the DRB when there is developer interest in 40B projects; 2, documenting when density bonuses are given out so that the FinCom can account for the future costs to support the added units; and 3. for the Fincom to update the Residential Development Impact Analysis and study the impact of new ACHC sponsored units. Selectman Knibbe stated concerns with the ACHC in negotiations with Alexan that 50% of the pledged money goes to ACHC and their stated possible uses did not include increasing affordable housing. Nancy Tavernier noted with the market the way it is it makes more sense to tie these funds to the condo buy-down program now, but will use it for affordable housing if the market changes. Each change would go back to the Board for approval. Nancy was asked why most affordable housing is not in sewer districts. Most homes on sewers with the assessments being so large it makes them non-affordable. Selectman Friedrichs asked that the ACHC find a way to include units that are not on the sewer, to allow us to help more people. Nancy explained the lottery program. The ACHC does a lengthy outreach to the community in advertising and then lottery is held. If no one on the list wants the unit then it becomes 1<sup>st</sup> come 1<sup>st</sup> serve. The list is good for two years. Selectman Friedrichs would like to request that ACHC notify Design Review Board when there is a project. The ACHC is not a town Board and they have their own special legislation; they also have laws that they are accountable for following, so you cannot just think you can change process if you have a good idea. They are accountable as to approval of funds to the Selectmen for expenditures.

## **BOARD OF HEALTH OVERSIGHT MEETING**

Presentation was made by Bill Taylor for the Board of Health. The strength of our membership is the variety of expertise on the board. The Board of Health's goals are to administer and enforce Massachusetts health laws along with doing community outreach and health management. This year our Wellness University and Hazardous Waste days were successful programs. Goals for the upcoming year are in strategies for community programs such as Lyme disease and influenza outreach and to formulate adoption of new regulations concerning stormwater compliance. Selectman Magee stated that for a relatively small committee they have accomplished a lot. Mr. Halley stated it is a 7 person Board, but alternates only vote if a regular member is absent. Selectman Magee asked about the number of septic system installations. Mr. Halley replied they are down greatly, but they have 4 waste water alternative systems to be considered. Selectman Knibbe is pleased with the effort to hire a Social worker and requested an update. Mr. Halley said the Social Worker position is currently being interviewed for and will be situated in the nursing services, but might report directly to the manager. She asked why when we advertise Hazardous Waste Day we don't send to everyone in town. How can we enlarge that program what new strategy can we use. Mr. Halley stated the town has about 500 cars per event and the process is open to be reconsidered. What is community health assessment hope to accomplish? Survey to access the knowledge and needs of the community and then develop the health needs program which will help the underserved who don't have a lot of information. It will also give data on the health of the community in general. Selectman Berry was amazed at the list of inspections in the report. The Health Director said it is a good job done for a three person department, a secretary and a part time person. We contract for weights and seals and the animal control officer for barn inspections. Selectman Friedrichs wanted to discourage taking more deer habitat. She had inquiries about a deer killing to control the spread of Lyme disease. Bill Taylor stated that killing deer not real affective when deer cross town lines. Chairman Rosenzweig thanked the Board for all they have done to help keep us healthy and safe; education is the way to go. Inspections are very important with food borne illnesses.

## **DOMESTIC VIOLENCE SERVICES NETWORK**

Members of the Domestic Violence Services Network met with the Board of Selectmen to discuss their programs and missions. Chief Widmayer, Jaqueline Apsler, Meena Hewett, and Marilyn Peterson belong to Network for Women's Lives-Wellness and Safety for our Community. The collaborative includes the towns of Acton, Bedford, Boxborough, Carlisle, Concord, Lincoln, Maynard, Stow, and Wayland Police Departments, also Community volunteers, Hanscom Air Force Base and a Citizen's Board. Chief Widmayer stated domestic violence is one of the most pervasive problems we deal with in Acton. The Network said they are fortunate that the Acton Police Department is so pro-active. They have three key issues their programs focus on: Reach out as in referred 911 calls or direct service, Court Support, and outreach/prevention education. The goals for this year are to work more with schools and community for prevention education. Most volunteers are highly trained. Several members from Acton have been helpful in safety planning and resources acquisition. The United Way has been very helpful in funding as well as acquiring federal grants. The network have had successful outreach with training clergy as 1<sup>st</sup> responders and will this year try to increase training to include immigrant populations. They train all the police in the 9 town area. Their hot line help number is 888-399-6111. Selectmen Friedrichs inquired if there are more problems or more caring here so people hear and help. It is a pro-activeness of the police and schools which lends itself to early intervention. Selectman Berry asked if there exists an increase and does it have to do with the current economic downturn? That might increase stress levels but usually the behavior is there. The broader social programs the Network would like to work on would be to work more closely with the schools. A grant will be used for strategic planning and that is the big focus for 2009. Selectmen Berry noted that federal funding is down and the pie is shrinking as needs are increasing. The Selectmen thanked the

group for all their work and Selectman Magee gave a special note of thanks to Chief Widmayer for reaching out. Selectmen Friedrichs asked Ms. Apsler to define domestic violence because the people listening to this meeting should understand that it's so much more than just physical abuse. The presenter replied that it is any abuse where there is an uneven balance of power.

### **NATIONAL GRID RECTIFIER & RECTIFIER POLE, KINSLEY ROAD AT KINSLEY LANE AND WILLOW STREET AT DUGGAN ROAD**

Installation of Rectifiers to retard corrosion on existing gas lines by installing pressure treated Poles by around the pipes. They can go to the Engineering Department for approval or they can continue to come to the Board. Chairman Rosenzweig suggested that people might want to come in for public discussion, in which case it should go to the Board. Selectman Friedrichs thought the Board should get copies directly of the work to be accomplished. The Assistant Town Manager recommends that if there are any comments from abutters then it should go to the Board. Chairman Rosenzweig said it is a utility and we cannot change anything but location. Selectman Friedrichs took notice that the boxes are getting huge and there is no screening. They could go to Design Review Board to recommend how the boxes should all look, and then Acton will look better. DRB should meet with the Engineer Department to better monitor the boxes. Selectman Knibbe has no problem with the proposal. But she is concerned with the mission creep of DRB; the scope is way too wide. She stated that we have seen no charter and their job is so ambiguous. As an advisory group it should be limited to the Board of Selectmen to comment on. Chairman Rosenzweig stated their mission is for commercial development. Selectman Magee has some of the same concerns as Selectman Friedrichs, but DRB as an advisory board could be copied and asked for comments to be sent to the Engineering Department. That being said just email us the comments to the Selectmen for the hearing. Selectman Friedrichs already gave them the opportunity to comment on these. They had no comment. This particular pole is fine. Selectman Magee moved to approve these poles and Selectmen Knibbe agreed. The vote was unanimous. Chairman Rosenzweig asked if we can we get better pictures in the future.

## **III. SELECTMEN'S BUSINESS**

### **APPOINTMENT OF ALTERNATIVE REPRESENTATIVE TO THE METROPOLITAN AREA PLANNING COUNCIL**

The MACP is seeking an alternative to Lauren to attend with her or for her when she cannot attend. MAGIC meets once a month and MACP meets about 4 times a year.

### **TOWN COMMENTS AND ENVIRONMENTAL PROTECTION AGENCY REPLY CONCERNING W.R. GRACE SUPERFUND SITE**

The comment period has been extended 30 more days until October 30<sup>th</sup> (unofficial notification).

7.1 O'Reilly, Talbot & Okun Replied for the Board (Letter): Public Health Assessment

7.2 Comments on Monitoring Program Report

7.1 Selectman Rosenzweig is comfortable with the letter. Selectman Magee moves to approve the letter, Selectperson Knibbe, seconds. Selectman Friedrichs thinks we should take advantage of the 30 days and talk to our lawyer and make sure that we are documenting the fact that the new information is providing new insight into the damage to the town at that site. Mary Michelman, representative of ACES stated that if we send this letter it does not mean you cannot send a second set of comments. The EPA does need to respond to all the comments. The Assistant Town Manager reminded the Board that Environmental Counsel and consultants have reviewed the letter. Selectman Knibbe thought it would be reasonable to send a letter, we will add more. Chairman Rosenzweig moved to take a vote and all were in favor. The letter will be sent.

7.2 The Water District as well as the town did not learn about the contents found by the EPA testing until August of 2007. It took 10 months to get the EPA report and they had the knowledge all that time. More info should have been provided. Selectman Magee moved to send the letter. All agreed that the letter be sent.

## **REQUEST TO ESTABLISH A POLICY REGARDING QUORUMS OF THE BOARD WHEN CONDUCTING TOWN BUSINESS WITHOUT A MEETING BEING POSTED**

Chairman Rosenzweig stated that this issue surfaces when more than 2 selectmen want to attend a meeting (without necessarily participating), but wanted to give up posting on those occasions. It would be a dangerous step. Selectman Knibbe can see how it could be abused, but we should be able to attend meetings to educate ourselves. We can't speak and we can't weigh in. The practice currently is that 2 Selectmen can attend and contribute, but if a third Selectman goes that person cannot participate or speak. Selectman Berry is concerned with not being able to observe other meetings, but doesn't think it is right to have 3 selectmen attend and not post it, under law. Chairman Rosenzweig said the intent is to avoid secret meetings and allow the public to attend public meetings. Sometimes there are joint meetings for a vote, while sometimes meetings are just to attend to listen. Selectmen Magee quoted from the Open Meeting Law. It stated that the meeting has to be posted as a Selectmen's meeting if there is a quorum. He stated it would be good to be better informed, but once it is posted as a Selectmen's Meeting he would feel obligated to attend. This law slows us down but keeps us honest. Selectman Friedrichs stated her issue is that when groups such as Selectmen are charged with heading an advisory group then the group can be manipulated and so it seems proper that the other Selectmen should be able to go and watch a meeting. In particular, she would like to review how the positions of the ALG are developed, because as an elected official, it's her job to monitor the budgeting process. Selectmen Friedrichs stated that it's her impression that the group as a whole likes to spend money and that she would like to watch the process in case she would like to raise early objections." Chairman Rosenzweig stated it is their charter to develop financial policy. The Assistant Town Manager stated that we already have an opinion from counsel and from the District Attorney. We have 2 choices: 1) Post the meeting or 2) Meet with only 2 selectmen at other meetings.

## **OTHER BUSINESS**

### **OCT 2 THURSDAY WILL BE A SPECIAL TOWN MEETING WARRANT WHICH WILL INCLUDE A CITIZEN PETITION AND #2 A LAND PURCHASE**

A Pre-Selectmen meeting posted at 6, an hour prior to the Town Meeting and the Selectman will stay in session for the duration of Town meeting.

9.1 Nashoba Brook Chamber (potato cave) Dedication September 27, 200, Selectman Berry will attend.

9.2 Bruce Freeman Rail Trail: Add Concord to the Inter-Municipal Agreement Selectman Magee moves for the Board to accept, Selectman Friedrichs seconds. She would like to get back on the TIP list. Selectman Magee stated he and the Town Planner are working hard for this to happen. All voted in favor.

9.3 Assabet River Rail Trail: Support Letter Selectman Magee moved to sign and sent the support letter. Selectman Knibbe seconded and the vote was approved by all. Selectman Magee explained we have been allotted the money but can't get it because we are not on the TIP so if we get back on the TIP we will get the money. Mr. Murray stated that the Mass Highway is so in debt and are taking money from one project to give to another. Mary Michelman said there are several groups that are doing letter campaigns. Right now we can't access the design money until we are approved for TIP (which means construction

costs will be funded). Steve Noone asked is there a time concern to use the CPA funds? CPA funds were for design and that money has been used so time frame is OK. The motion was made for the Chairman to be allowed to change one sentence at her discretion and the support letter would be sent. All approved.

9.4 Verrill Farm: Gift Fund: Selectman Knibbe stated that this would be one place that the Government should not be involved. She believes that Government should only do what can't be done elsewhere. Selectman Friedrichs stated her point was well taken and withdrew the question. Selectman Rosenzweig would like to send a letter to Verill Farm and the Town of Concord expressing our sadness. She would also like the Manager to send a letter and our Fireman that helped with aid to the Town Concord.

9.5 Chris Dallmus – Appointment Design Review Committee: Selectman Knibbe does not like the process being put forth here. Let's fix the process if it does not work. Chairman Rosenzweig stated that there is no rush since the Committee has a quorum. We can let the process work and approve at the next meeting. Selectman Friedrichs stated that the VCC is preventing the operations of the committees working in town. Selectman Magee stated the VCC is the process, but if we want to go back we should just go ahead and have the liaison do the interview. Selectman Friedrichs, as the liaison should attend the VCC meeting and fully understand the process by working with it and then she should fix the process if it needs attention. Selectman Friedrichs pointed out that the VCC meetings are on Monday nights, and because of volunteer staffing issues, they haven't been able to find a time to meet. She noted that the VCC does not answer their email. Selectman Magee moves to approve the appointment and Chairman Rosenzweig seconds. The Assistant Town Manager asked if the Board had term and position information. They did not so the vote was tabled. The Chairman asked to have the item on the October 6, 2008 meeting with the appropriate information.

#### **IV. CONSENT AGENDA**

Selectman Magee made a motion to pass the Consent agenda and Selectman Knibbe seconded. Selectmen Friedrichs and Knibbe held #17 and #10. Selectman Magee moves items 11 through 16: approved and the votes were unanimous.

##### **10. ACTON COMMUNITY HOUSING CORPORATION REQUESTS REALLOCATION OF UP TO \$78,000 OF THE PULTE GIFT FUNDS FOR ROOF REPAIR OF TOWNE BUILDING**

A portion of this fund was voted to renovate the town building for sewer privilege fee, now ACHC would like some of those funds to fix the roof before winter. Selectman Magee motioned to allow the reallocation and Selectman Knibbe seconds. All voted in agreement.

##### **11. ONE DAY LIQUOR LICENSE, MIDDLESEX WEST CHAMBER OF COMMERCE, EVENT HELD AT POWERS GALLERY**

##### **12. ONE DAY LIQUOR LICENSE, IRON WORK FARM, ANNUAL MEETING AND RECEPTION**

##### **13. ONE DAY LIQUOR LICENSE, NARA PARK, IBM CORPORATION WORKGROUP**

##### **14. ACTON COMMUNITY HOUSING CORPORATION, REQUEST TO ELEVATE ASSOCIATE MEMBER PAM SHUTTLE TO A FULL MEMBER AND FULL MEMBER DAN BUCKLEY BE REASSIGNED TO AN ASSOCIATE MEMBER**

##### **15. ACCEPT GIFT, RECREATION DEPARTMENT**

A gift of \$200.00 from Acton Ford to be used for Acton Day was accepted.

##### **16. ACCEPT GIFT, RECREATION DEPARTMENT**

A gift of \$200.00 from Digital Credit Union to be used to fund Acton Day activities and Dog Day Jubilee at NARA Park.

## 17. DISPOSAL OF MATERIALS FROM MEMORIAL LIBRARY

Selectman Knibbe would like to put the disposal list on email and just a line item on consent, without hard copies in our packets. The Chairman did explain for the record why originally the Selectmen wanted to see the list to be sure the books were absolutely not useable. She believes that email could be sufficient. Selectman Magee suggested that all consent items could be done this way (i.e. no hard copy on Mondays).

Selectman Friedrichs asked if an item needs to be held for discussion we will put it in the packet. Selectman Magee moves that all consent only on email unless the Board is notified it is to be held, in which case it will go into the packets. Selectman Friedrichs seconded and all voted in favor. Selectman Magee moves to approve items 10 and 17, Selectman Knibbe seconds. Consent was unanimous. The entire consent agenda was approved.

## V. EXECUTIVE SESSION

### ADDITIONAL INFORMATION

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

### MINUTES PENDING VOTES

September 8, 2008

September 15, 2008, Joint Boards Meeting

### PENDING COMMITTEE APPOINTMENTS

Toros L. Maksoudian, Conservation Commission (One Associate position open) his materials are at VCC for processing.

Brendan Cotter, Recreation Commission Associate position, his materials are at VCC for processing.

Chris Dallmus, Applicant for Design Review Committee Member, Materials at VCC for processing.

### FUTURE AGENDAS

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

October 6 & 20      November 3 and 17      December 1 & 15      January 12, 2009

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Maryjane Kenney  
Recording Secretary

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MEETING AGENDA**

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**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

**1. 7:02 OPERATIONAL MINUTE**

The Town Manager will provide a brief report on topics of interest.

**2. 7:20 ACTON COMMUNITY HOUSING CORPORATION (ACHC) ANNUAL OVERSIGHT MEETING**

**ISSUE:** Annual Oversight Meeting

2.1 Information on Condo Buy Back Program

2.2 Habitat for Humanity: Alter Section D-3 of the Deed

**3. 7:55 BOARD OF HEALTH OVERSIGHT MEETING**

**ISSUE:** Annual Oversight Meeting

**4. 8:10 DOMESTIC VIOLENCE SERVICES NETWORK**

**ISSUE:** Members of the Domestic Violence Services would like to meet with the Board of Selectmen to discuss their programs and missions.

**5. 8:25 NATIONAL GRID RECTIFIER & RECTIFIER POLE, KINSLEY ROAD AT KINSLEY LANE AND WILLOW STREET AT DUGGAN ROAD**

**ISSUE:** Installation of Rectifiers and Poles to detect gas leaks on main gas lines.

**III. SELECTMEN'S BUSINESS**

**6. APPOINTMENT OF ALTERNATIVE REPRESENTATIVE TO THE METROPOLITAN AREA PLANNING COUNCIL**

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

**7. TOWN COMMENTS AND ENVIRONMENTAL PROTECTION AGENCY REPLY CONCERNING W.R. GRACE SUPERFUND SITE**

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**9. OTHER BUSINESS**

- 9.1 Nashoba Brook Chamber Dedication September 27, 2008
- 9.2 Bruce Freeman Rail Trail: Add Concord to the Inter-Municipal Agreement
- 9.3 Assabet River Rail Trail: Support Letter
- 9.4 Verrill Farm: Gift Fund
- 9.5 Chris Dallmus – Appointment Design Review Committee

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November 3 and 17

December 1 & 15

January 12, 2010

John S. Weber

I would like to make a comment regarding a pressing concern that I believe the Board of Selectmen can impact with their actions. My concern is with the process by which the Planning Board is making an important decision regarding the Residences and Quail Ridge that affects the taxpayers of Acton. I realize that this is not a forum in which I should or can replay the hearings or point out where I feel mistakes have been made. That is not my intent. My intent is instead to ask the Selectman, as the body appointing the Planning Board members and with ultimate responsibility for the local roadways in Acton, to pay close attention to this upcoming decision and provide appropriate guidance to the Planning Board. This will help to make sure they are not acting in conflict with what is best for the Town and taxpayers.

Even beyond the Selectman's role related to the roads in Acton, I believe that the Selectmen should be providing oversight to a Board with respect to a special permit application that has the following characteristics:

1. Takes the Board more than a year upon which to reach a decision
2. The Board appears to be at a deadlock
3. All parties other than the Planning Board are in agreement with what should be the answer
4. All parties are suing the Town
5. A failure to resolve the issues at the Planning Board level returns this matter to Court
  - a. Can result in the developer taking other actions with the property that can have an adverse impact on the Town
  - b. The Selectman will need to expend additional dollars to support the ongoing litigation associated with the Planning Board's decision.

To be effective in their roles, Planning Board members need to be open-minded, be concerned about how decisions affect all parties and the equity of those impacts (i.e., a marginal improvement in convenience for one party cannot be accomplished at the significant detriment to another party), be able to process information from experts and discern what is credible and what is not, and most importantly be informed. From my experience with this special permit application, I believe that some Planning Board members do not satisfy all of the above criteria. If you agree with my perspective on these requirements, you should emphasize them in your communication with the Planning Board. Although I expect that there would be universal agreement on these criteria, we have continued to be told by the Planning Board that the equity of this decision on residents within Acorn Park is not a consideration.

I encourage the Selectmen to watch the videotape of the last Planning Board meeting to see what has ensued and to attend the September 23 meeting. I also urge the Selectmen to make a strong statement to the Board to remind them of their appropriate operating principles before they come to a final decision on September 23, 2008.

Just to be sure there is no misunderstanding, I am a resident of Acorn Park and I am impacted by the Planning Board's actions in the Residences at Quail Ridge special permit. Although I live on Walnut Street which is one of the streets in Acorn Park that is not directly affected by this decision, I feel this is an extremely important issue for the Town. I hope that my comments have been presented in a constructive way and again urge you to pay close attention to this decision and to ensure that the Planning Board understands its charter. Thank you.

Background: The Planning Board was presented with the question of access to a new 174 unit active adult development. The Board's choice was to have single access through the currently existing Quail Ridge/Palmer Kennel entrance with emergency access through Acorn Park, or open access through Acorn Park. The Town's traffic safety expert determined that the increased traffic through Acorn Park will result in a hazardous situation for the residents of Acorn Park. The narrow roads, numerous cars that park in the roads, and the poor site distances assisted them in their decision making process. The Town's Traffic Engineer opined, without making a determination based upon safety, that traffic would flow more evenly with open access through Acorn Park. Faced with this decision (safety v. convenience) the Planning Board elected to jeopardize the safety of the residents of Acorn Park for the convenience of a new development.