

'SELECTMEN'S MEETING'
FEBRUARY 3, 1998

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TOWN CLERK

The Board of Selectmen held their regular meeting on Tuesday, February 3, 1998 at 7:30 P.M. Present were Chairman Dore' Hunter, Wayne Friedrichs, Herman Kabakoff, William Mullin, Nancy Tavernier, Town Manager Don Johnson and Assistant Town Manager John Murray.

{The meeting was televised by cable}.

CITIZENS CONCERNS

None Expressed.

Bill Mullin wanted to express his condolences to the two families whose teenagers passed away this week.

PUBLIC HEARINGS AND APPOINTMENTS

REOPEN SITE PLAN 11/13/97-360
360 NAGOG PARK

Mr. Kirk Ware, developer for the project stated that this site is the last developable site in Nagog Park. The property is located at the rear of the site and will be similar to the existing buildings. The site is located at the top of the hill and slopes downward to the west and borders a residential development. A retaining wall approximately 15 feet high will be constructed due to the existing slope. The building will be approximately 103,000 square feet with 400 parking spots. A traffic study was conducted by Rizzo Associates who collected traffic volumes and conducted a traffic analysis. As a result of the trip generation conducted approximately 125 new cars in the PM and 135 new cars in the AM would be added. Rizzo Associates also stated that the existing traffic light would not be effected by the additional volume and the current lights operate between a C and D rating. Some new graphic signs have been proposed and some re-striping of the pavement has also been proposed.

Bill Mullin questioned the need for 400 parking spaces when it is anticipated that there will only be a peak new car increase of 135. Bill also stated that he found the traffic report confusing and difficult to understand. Bill also questioned what the building will look like. Bill also asked if the rezoning of the Setra Building allowed Nagog Development to propose a larger building. Due to the rezoning the FAR doubled, allowing up to a 0.2 FAR. It was also asked if a traffic light rating of D is acceptable. Rizzo Associates stated that a D rating is good in the traffic world. The Board asked if the traffic study was consistent with the master plan and it was stated that it is unknown. The Board asked what would need to be done to have a C rating. It would involve an adjustment in the signal timing.

The exit from Nonset Path onto Great Road was not included in the study but currently has a D and E rating. Residents present stated that it can take up to 5 minutes to enter onto Great Road. Sara Cope, President of the Board of Directors at Nagog Woods Community Corporation, stated that on January 21, 1998 the Board voted to unanimously oppose development of these two buildings for the following reasons:

1. sensitivity to lighting, trash, noise and smell.
2. dissatisfied with the notification process which they feel the lack of notification was deliberate on the part of the developer.
3. possible traffic problems stating that from 7:00 AM to 9:00 AM and from 4:00 PM to 7:00 PM it is extremely difficult to exit Nonset Path.
4. existing 4-5 accidents per year

Based on these issues the Nagog Woods Community Corporation asked the Board disapprove this request.

Dore' stated the developer must follow a notification process outlined by the Town and that it is difficult to deny a site plan legally if guidelines have been followed. Wayne questioned the gradient of the retaining wall and asked what the precautions will be regarding the 15 foot height. Mr. Ware stated that the retaining wall will be fenced for safety reasons.

Abutters present stated that the developer should have gone above and beyond and notified all residents of this site plan and also recommended a continuance until a more thorough traffic study could be conducted. It was also stated that the traffic signals be adjusted. Abutters also stated that cars go down the wrong side of the road to try to minimize their wait time.

Michael Serese, resident of Westford Way, stated that he has been working on trying to clean up the Sewage Treatment Plant for five years and there is a current consent order pending recent fines. D.E.P. has indicated to Nagog Development Corporation that no more permits can be issued until clean up occurs. The problem on site is that wastewater is being discharged into the stream located behind the property. Mr. Serese also had a problem with the height of the proposed building and is concerned with the drainage system of the building.

NANCY TAVERNIER - Move to continue until March 3, 1998 at 8:00 PM. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

NON-SMOKING ARTICLE

Tina Grosowski and Wynne Hotaling were present to discuss the proposed no smoking article. Both Tina and Wynne wish to promote clean healthy living in Acton with the highest quality of life for ourselves and our children. They are also concerned with second hand smoke which is linked to causing cancer and heart disease. Wynne stated that she is concerned with the restaurant workers who are exposed to second hand smoke. They came before Town Meeting two years ago and placed a non smoking article on the warrant which was defeated. A public hearing with the Board of Health has been scheduled for March 9, 1998. They both will work

harder this time around to get the article passed and also seek Board of Selectmen support. Dore' stated that the Board will either vote to recommend or not recommend all articles at a future meeting as they do traditionally. The Board also asked that all restaurants be notified of the public hearing. Tina and Wynne also asked that consideration to placement of the article be placed near another health issue or near an article that will draw a large crowd.

**REOPEN SITE PLAN 3/19/97-358
103 GREAT ROAD
WETHERBEE PLAZA**

Mr. Bertolami was present tonight to discuss an amendment to site plan 3/19/97 - 358 in order to allow a wider driveway. Mr. Bertolami's traffic consultant has recommended a curb cut with a 24 foot wide driveway with an island that makes the driveway 53 feet wide. Mr. Bertolami has been before the State and has been granted a permit to allow the curb cut. Staff has some concerns with the wider driveway. Fire stated that the wider driveway would allow for better access for the fire apparatus. The Board expressed their concern for pedestrian safety. Dore' indicated that he was concerned with the curb cut going towards Concord Road. The Board noted that fire apparatus could enter in the paved connection between the cinema and Wetherbee Plaza. NANCY TAVERNIER - Move to approve amendment to allow a 53' wide driveway with island. WAYNE FRIEDRICH - Second. 4-1(Dore voted no). Motion passes.

**CITIZEN'S GROUP TO PRESERVE NORTH ACTON WOODS
CARLISLE ROAD**

Karen O'Neill, citizen's group member, expressed their desire for the Town to purchase this 200+ acres of land. A developer has proposed to the Board of Health to build approximately 120 new homes. In the master plan, this piece of land which has multiple owners, some parts in Chapter 61A, is on a high priority list of properties to be retained under the open space plan. Ms. O'Neill stated that they have met with many organizations interested in raising funds for the purchase of this land.

The Board stated that it would be difficult to purchase this land due to the ongoing new land projects the Town has at this time, but promised to look at it with care. The Board questioned whether the Water District would be interested in this purchase due to its closeness with the Marshall Wells. The Board instructed the Citizen's group to look at unique ways to possible purchase this land and to bring it back to them at a future meeting.

REPRESENTATIVE PAMELA RESOR

Representative Resor was before the Board to discuss any issues the Board may have and also to discuss updates on the State budget. Rep. Resor stated that the legislator is in the process of sending a letter to Senator Kennedy and meet with him to support the NESWC communities to

meet the Clean Air Act requirements. Rep. Resor also asked the Town to present any documents to the Inspector General it may have from the State asking us to join NESWC back in 1981.

Rep. Resor also indicated that there is an amendment on the floor for the State to fully fund their half of the Quinn Bill. Also proposed is some new language regarding Special Education changing the funding from State to Federal.

Bill Mullin asked Representative Resor to enlist the State's help regarding the Prison Land Issue located at the corner of Wetherbee and Rt. 2. The State currently uses this 30 acre site for farming purposes and in exchange allows the Town to use School Street land for recreation issues. Bill would like a permanent land transfer. Nancy Tavernier asked Rep. Resor to support 0% sewer loans, open space bond bills, and raising the education reform from \$75/pupil to \$100/pupil.

SELECTMEN'S BUSINESS

BUDGET AND WARRANT DISCUSSION

Herman stated that he recommended 70,000 in operating budget cuts which represents 1/2% of the overall budget. Wayne stated he is reluctant to cut the operating budget stating that if there is extra money at the end of the year it will be reflected in the turnback. Nancy stated that the operating budget should not be placed under a magnifying glass, however, the capital budget should. Bill stated that the Board should agree with ALG before cuts can be made. The Board asked members to give written recommendations regarding the Capital budget to Don by Friday. HERMAN KABAKOFF - Move to reduce operating budget by 70,000. WILLIAM MULLIN - Second.

1 (Herman yes) -3 (Wayne, Dore, Nancy voting No) One abstention (Bill). Motion fails. WAYNE FRIEDRICHES - Move to approve Volume 1 (Operating Budget) in the amount of \$12,868,892.00. NANCY TAVERNIER - Second. 4-1 (Herman voting No). Motion Passes. The Board stated that there needs to be an agreement between ALG members.

ANNUAL TOWN REPORT

Wayne recommended two amendments to the Selectmen's Town Report. Wayne will give Dore' the changes.

BOY SCOUT COURT OF HONOR

Herman to represent the Board on April 11, 1998 for Zachery Haase and Dore' Hunter to represent the Board on February 28, 1998 for Richard Sharp.

COMMUTER LOT PETITION

Nancy Tavernier stated that she telephoned the chairman of the TAC making sure that they address the commuter lot on there agenda. Nancy stated that she counted 11 signatures on

the petition from Indian Village and suggested that they get a carpool going. The Board stated that this should be a scheduled agenda item and suggested March 17, 1998. The Board would like to hear the recommendations for improvement from Anne Fanton. The Board stated that TAC and Anne Fanton should be notified.

**SITE PLAN 10/17/96-356
NYNEX
982 MAIN STREET**

Nynex has requested the Board to take funding in lieu of placing sidewalks in the 982 Great Road area. The Town Planner has recommended that the Board opt for the installation instead of the money and the Conservation Department would rather the money to possibly construct sidewalks at the new NARA site. Easements need to be given in order to construct the sidewalks in the Nynex area, however, the Board discussed taking the cash if Nynex would agree to get the needed easements in case the Town decides to construct the sidewalks in that area. The general consensus of the Board is the need for new sidewalks. The Board asked Don to speak with Nynex to see if they will grant land agreements and to modify their letter to expend money for sidewalk purposes.

CONSENT AGENDA

The Board pulled site plan #3/15/96-354 off the consent calendar to discuss separately. New information has been received regarding this site plan, however, it was received after the closure of the public hearing. The Board is concerned that this could lead to new litigation.
WILLIAM MULLIN - Move to approve site plan 3/15/96-354 as written. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

WILLIAM MULLIN - Move to approve consent calendar items 12 and 14-16 as printed.
NANCY TAVERNIER - Second. UNANIMOUS VOTE. Nancy stated that there is a typo on one of the Gardner Field signs and asked that it be fixed.

TOWN MANAGERS REPORT

OFFICIAL TOWN FLAG

Don stated that the Hall of Flags at the State House is holding a vacant space for the Town of Acton's flag. The Minuteman have offered their flag for the time being. The Board stated that we should look into doing a Town flag and suggested that a contest be run and also contact Connie Huber to get her ideas. WILLIAM MULLIN - Move to display Minuteman Flag temporarily. HERMAN KABAKOFF -Second. UNANIMOUS VOTE.

HERMAN KABAKOFF - Move to enter into executive session for the purpose of discussing legal strategy and collective bargaining. WAYNE FRIEDRICHES - Second. Roll Call Taken. All ayes.



A handwritten signature in black ink, appearing to read "N. J. K. B. A. K. O. F. F." followed by a series of diagonal slashes.

Clerk

Date

Sheryl Ball
Recording Secretary
2_3_98.DOC