

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**July 26, 2010**

**Acton Town Hall**

**Francis Faulkner Hearing Room**

**Regular Meeting begins at 7:00 P.M.**

**Executive Session, Room 126, 6:00 P.M.**

Present: Lauren Rosenzweig Morton, Michael J. Gowing, Terra Friedrichs, Janet K. Adachi, Pamela Harting-Barrat, Asst. Town Manager Murray, Recording Secretary; Christine Joyce. The Meeting was televised for regular session

Ms. Rosenzweig Morton – Moved to open into public session only to go into Executive Session to consider the purchase, exchange, lease or value of real property, negotiations at 2 Stow Street) and declares that an open meeting may have a detrimental effect on the negotiation position of the Board of Selectmen, further, that Regular Session will reconvene at the conclusion of the Executive Session. Ms. Friedrichs – Second. Ms. Friedrichs took Roll Call, All AYES

**CITIZENS' CONCERNS**

None

**CHAIRPERSON'S UPDATE**

Ms. Rosenzweig Morton updated the citizens that there have been revisions made to the Open Meeting Law at the State Level. As a town we have held a session to learn about the new open meeting law, we need to post the day, time, and place of all meetings and an agenda of will be discussed within 48 hours excluding Saturday and Sundays.

**OPERATIONAL MINUTE**

Mr. Ledoux wanted to report to the Board that Jean Fleming will be retiring at the end of October.

Mr. Ledoux also noted that we are moving toward the shuttle service program and have been working with the vendor who will be running the program.

ALG has scheduled their first meeting for August 17. This is a kick off meeting for FY12 Budget planning will be at 7:30 a.m. on August 17<sup>th</sup> in Room 204 of the Town Hall.

File

## **PUBLIC HEARINGS & APPOINTMENTS**

### **FY11 SEWER O& M RATES**

Steve Barrett –discussed that the Sewer Commissioner's are being asked to approve the O&M rates which are set once per year by the Sewer Commissioner's for residential and businesses. He was asked if there super sizing costs included in the rate. The reply was no, these are O&M (Operation and Maintenance) rates. Supersizing is on the debt side. He noted the question about debt service to carry the supersizing. The bond is up in 20 years.

Ms. Harting-Barrat - Moved to set the Residential Rate at \$.0171 cents per gallon and the Commercial Rate at \$.0243 cents per gallon. Ms. Friedrichs – second. UNANIMOUS VOTE

### **CAPIZZI AND COMPANY, SITE PLAN SPECIAL PERMIT #6/11/10-427, 820 MAIN STREET**

Ms. Harting-Barrat gave an overview of the site on Main Street in North Acton,

Mark Donohoe their engineer noted that the Capizzi & Company is a landscaping firm, they do landscaping, hardscapes and irrigation systems. The need is to facilitate the storage of their vehicles. They will construct the sidewalk and would like some help from the town to cross wetlands.

Ms. Adachi wanted to make sure the Applicant checked on the status of the outstanding Order of Conditions and noted that they needed a Certificate. Mr. Donohoe will address, and noted he will check with Tom Tidman.

Ms. Rosenzweig Moved to continue The Hearing to August 23, at 8:20 p.m. Mr. Gowing – second. UNANIMOUS VOTE

### **TD BANK NE, CONTINUATION OF SITE PLAN SPECIAL PERMIT #4/30/10/424 HEARING, 508 MASS AVE.**

Ms. Adachi updated the Board on the outstanding issues from the last meeting.

Ms. Friedrichs asked how high the retaining wall will be. They replied various heights and the style of the wall proposed, Link.

Mr. Gowing spoke about the two driveways and does not see the need for two driveways. They again noted that they need to maintain the easement with the second driveway.

Ms. Harting-Barrat noted her displeasure of them proposing 3x the minimum required number of spaces. She wanted the building pulled forward and parking in the rear.

Ms. Rosenzweig Morton thanked them for getting input from the Design Review Board and adding screening as they suggested.

Roland said the dual driveways are needed in his opinion. The internal circulation there is conflicting and there are theories on this. This raises a concern with regard to the sidewalk.

File

Ms. Rosenzweig Morton - Moved to close the hearing. Ms. Adachi – second. Ms. Friedrichs Nay, 4-1 Motion passed

**BEER AND WINE PACKAGE STORE TRANSFER, 586 MASS AVE. FROM WEST ACTON MARKET TO RED WHITE AND BREW**

Phil Pagano the new owner of West Acton Market plans to move the license to the space that Moodz's Clothing Boutique occupied. He has no experience in the liquor business but he hopes to be successful and expand the choices for customers, he noted that it will remain a convenience store at this time. Both he and his son have been TIPS trained.

Mr. Gowing - Moved to approve the transfer of the Beer and Wine Retail License. Ms. Harting-Barrat - second. UNANIMOUS VOTE

GREAT ROAD BAR AND GRILLE, COMMON VICTUALLER AS A FULL LIQUOR RESTAURANT, 166 GREAT ROAD WITHDRAWN BY APPLICANT

GREAT ROAD BAR AND GRILLE, TRANSFER OF A FULL LIQUOR LICENSE AS RESTAURANT, 166 GREAT ROAD WITHDRAWN BY APPLICANT

**SELECTMEN'S BUSINESS**

**LEGISLATION FILED RE: WATER RIGHTS, TOWN OF BOXBOROUGH**

Ms. Rosenzweig Morton gave an overview of the issues regarding the water rights. They have a scheduled a meeting with Boxboro and she wanted input and questions or concerns from the Board. Ms. Adachi wanted to know if Boxboro could push this through or have the authority to do this. Ms. Harting-Barrat asked about the impacts and why they never contacted us prior to putting this on their Town Meeting Warrant. Mr. Gowing agreed with Ms. Harting-Barrat. Ms. Rosenzweig Morton noted that Boxborough's Town Administrator and the Chair of their Board of Selectmen apologized for the lack of sufficient communication on this issue.

Ms. Friedrichs noted her concern with regard to this issue, how much water do we need with build out and the pumping permit limits. She noted it triggers how much we will need in the future.

Ms. Rosenzweig Morton noted she sits on many regional boards. She spoke about the Town of Bedford and they are now dealing with the MWRA to get clean water because of an issue that happened with their own groundwater supply. She is concerned this could happen in Acton also, and wants to make sure this legislation does not jeopardize future options

Ms. Rosenzweig Morton - Moved to send a letter to our legislators ask them to hold off on this issue. Ms. Adachi second. UNANIMOUS VOTE

Resident Bill Mullin spoke about the use of Nagog Pond and allowing Concord to retain the use of this pond while it offered non motorized recreation to residents. He also noted that the Water District could support water for Boxboro.

File

### **EAGLE SCOUT COURT OF HONOR, MATTHEW KURANDA**

Ms. Rosenzweig Morton will attend

### **NARA RIDGE APPROVAL PRIVATE DRIVE**

Ms. Harting-Barrat - Moved to approve the proposed Name. Ms. Adachi - second. Mr. Gowing is an abutter and abstained. 4-1 Motion passes

### **MORRISON FARM REUSE PLAN**

Ms. Rosenzweig Morton discussed the feasibility study and reminded the Board and the public that we have had several committees with this project and we have gotten a lot of public comments.

Mr. Gowing updated the Board on the Blue Ribbon Panel. They are trying to get a consensus of the Board on issues of the house, barn, meadow, play areas.

The committee should include Finance, Historical Commission, Cemetery, organic farmers, neighbors the Meadow group and an at large member and would be a 9 person panel.

The Board members discussed the various Items on the list

Mr. Gowing – Moved to continue reviewing the list at the next meeting. Ms. Adachi – second.  
UNANIMOUS VOTE

### **SELECTMEN TO DISCUSS THE CALLING OF A SPECIAL TOWN MEETING**

Ms. Rosenzweig Morton noted that the Board has been doing its due diligence with regard to acquiring the Caouette/Simeone land. The Board said that the Selectmen need to come to Town Meeting to address this purchase with the voters, to that end; the Board will need to call a Special Town Meeting as soon as possible.

Ms. Harting-Barrat – Moved to call a Special Town Meeting on September 28, 2010, place to be determined. Ms. Friedrichs – second. UNANIMOUS VOTE

Ms. Harting-Barrat - Moved to Open and Close the Special Town Meeting Warrant tonight at the conclusion of the Board of Selectmen's meeting. Ms. Friedrichs – second. UNANIMOUS VOTE

### **SELECTMEN'S REPORTS**

Ms. Friedrichs spoke about Village Committee and they need people to organize and manage the groups.

Mr. Gowing – reported attending the Disability activities with Lisa Franklin that took place in Boston today. He noted around 500 people attended.

Ms. Rosenzweig Morton reported on the Magic meeting. MAPC is applying for federal funds and grants for regional planning under the Sustainable Communities Federal Planning Grant.

File

Ms. Harting-Barrat reported on her visit to the Planning Board and noted the Next Generation people presented a sub-division plan and are waiting for 40B legislation

Ms. Adachi attended ACHC meeting. She has been attending the Waster Water WANT meetings every two weeks and as the liaison she is getting up to speed and noted they are moving along.

## **OTHER BUSINESS**

None

## **CONSENT**

Ms. Friedrichs Hold 17  
Ms. Adachi Hold 18  
Ms. Rosenzweig Morton Hold 20  
Ms. Friedrichs Hold on 22  
Ms. Friedrichs Hold on 25  
Ms. Friedrichs Hold on 26

Ms. Friedrichs noted her stepmother is a West Acton Citizens' Library Trustee. She can act fairly on this Landmark Sign request

Mr. Gowing – Moved to accept the items listed under Consent as 19, 21, 23, 24, 27, 28, and 29.  
Ms. Harting-Barrat – second UNANIMOUS VOTE

Ms. Harting-Barrat – Moved to Approve 17 Minutes of Morrison Farm Tour. Ms. Adachi –  
Second UNANIMOUS VOTE

Ms. Adachi - Moved to approve 18 changes submitted with Design Review Board come back with guidelines for development of four or more units. Ms. Harting-Barrat. Second.  
UNANIMOUS VOTE

Ms. Rosenzweig Morton – Moved to approve #20 Joint letter on regarding the Regional Route 2 Corridor Advisory committee. This committee is made up of representatives of Acton, Concord, and Lincoln. We have been asked to write this unified letter and authorize the Chair to make minor changes to the joint letter. Terra proposed that we change it to the design because of our focus of the rail trail the design is critical. Roland said MPO is not interested in design they only want to address funding issues. Ms. Rosenzweig Morton noted that given the input from Roland that we hold off on the changes submit letter as written. Ms. Harting-Barrat – second.  
UNANIMOUS VOTE

Ms. Friedrichs held #22 asked about Mr. Tawa background and Janet Adachi noted the committee voted on appointing him to replace Ms. Byrne. Ms. Adachi Moved to appoint Mr. Tawa. Mr. Gowing - second. UNANIMOUS VOTE

Ms. Friedrichs held #25 Declare Surplus Ms. Friedrichs asked if this was for solar use. Mr. Gowing - Moved to approve. Ms. Adachi, second. Unanimous Vote

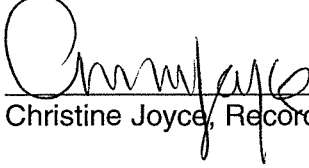
Ms. Friedrichs Held #26 Declare Surplus - Ms. Friedrichs asked if this was for solar use. Mr. Gowing - Moved to approve. Ms. Adachi, second. UNANIMOUS VOTE

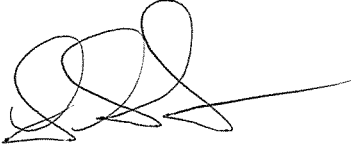
File

**EXECUTIVE SESSION**

To discuss land litigation (2 Stow Street)

Motion to adjourn 10:50

  
\_\_\_\_\_  
Christine Joyce, Recording Secty

  
\_\_\_\_\_  
Clerk  
Date: 12/20/10

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

*Francis Faulkner Hearing Room*  
*July 26, 2010*  
*7:00 PM*

EXECUTIVE SESSION @ 6:00 p.m. Room 126

6:00 Executive Session regarding strategy determination in regard to land purchase negotiations H2-A-62 (2 Stow Street)

**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. **7:20 FY11 SEWER O&M RATES**  
Stephen Barrett, Finance Director will be present the Proposed FY11 Rates to the Board
4. **7:30 CONTINUED DISCUSSIONS FROM JUNE 7, REGARDING MR. BERTOLAMI'S PROPERTIES ON POWDER MILL ROAD**  
Enclosed please find materials in the subject regard –  
WITHDRAWN BY APPLICANT 6/26/10
5. **7:50 CAPIZZI AND COMPANY, SITE PLAN SPECIAL PERMIT #6/11/10-427, 820 MAIN STREET (SELECTMAN HARTING-BARRAT ASSIGNED)**  
Enclosed please find materials in the subject regard
6. **8:15 TD BANK NORTH SITE PLAN #4/30/10-424, 408 MASS AVE, CONTINUATION OF THE PUBLIC HEARING OF JUNE 7, 2010**  
Enclosed please find materials in the subject regard
7. **8:45 LIQUOR LICENSE BEER AND WINE RETAIL, 578 MASSACHUSETTS AVE. FROM WEST ACTON MARKET TO RED WHITE AND BREW, LLC**  
Enclosed please find materials in the subject regard

8. **9:00 COMMON VICTUALLER AS A FULL LIQUOR RESTAURANT, GREAT ROAD BAR & GRILLE, 166 GREAT ROAD - WITHDRAWN BY APPLICANT 7/14/10**  
Chairman must open the advertised public hearing and then note the applicant has withdrawn the application
  
9. **9:05 TRANSFER OF A FULL LIQUOR LICENSE AS A RESTAURANT, 166 GREAT ROAD FROM CAFÉ PHOENICIA TO GREAT ROAD BAR & GRILLE - WITHDRAWN BY APPLICANT 7/14/10**  
Chairman must open the advertised public hearing and then note that applicant has withdrawn the application.

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

10. **LEGISLATION FILED RE: WATER RIGHTS, TOWN OF BOXBOROUGH**  
Enclosed please find materials in the subject regard
  
11. **EAGLE SCOUT COURT OF HONOR, MATTHEW KURANDA**  
Enclosed please find materials in the subject regard.
  
12. **REQUEST FOR COMMON DRIVE NAME APPROVAL FOR NARA RIDGE OFF LEDGE ROCK WAY**  
Enclosed please find materials in the subject regard
  
13. **MORRISON FARM CONTINUED DISCUSSION**  
Enclosed please find materials in the subject regard
  
14. **SELECTMEN TO DISCUSS THE CALLING OF A SPECIAL TOWN MEETING**
  
15. **SELECTMEN'S REPORTS**
  
16. **OTHER BUSINESS**

### **IV. CONSENT AGENDA**

17. **ACCEPT MINUTES, BOARD OF SELECTMEN'S MORRISON FARM SITE WALK, JULY 10, 2010**  
Enclosed please find materials in the subject regard
  
18. **DESIGN REVIEW BOARD CHARTER REDLINES BY SELECTMAN ADACHI FOR BOARD ACCEPTANCE**  
Enclosed please find materials in the subject regard



19. **ASSABET RIVER RAIL TRAIL (ARRT) LETTER TO METROPOLITAN PLANNING ORGANIZATION (MPO) RE: 2011-14 DRAFT TIP, JOINT LETTER WITH MAYNARD**  
Enclosed please find materials in the subject regard
20. **JOINT LETTER TO METROPOLITAN PLANNING ORGANIZATION (MPO) ON REGIONAL TRANSPORTATION**  
Enclosed please materials in the subject regard
21. **ADDENDUM TO COMPREHENSIVE COMMUNITY PLAN CHARGE**  
Enclosed please find materials in the subject regard
22. **COMMITTEE APPOINTMENT, WASTEWATER ADVISORY NEIGHBORHOOD TASK FORCE (WANT), MARK TAWA TO REPLACE KELLY BYRNE**  
Enclosed please find materials in the subject regard
23. **NARA PARK BEACH FEE WAIVERS – ENCLOSED PLEASE FIND CONFIDENTIAL REQUESTS FROM THE RECREATION DIRECTOR FOR BOARD CONSIDERATION**  
Enclosed please find materials in the subject regard, for Board consideration
24. **AVALON BAY CONSERVATION RESTRICTION ON 6.669 ACRES OF LAND SITUATED OFF DURKEE LANE**  
Enclosed please find materials in the subject regard
25. **DECLARATION OF SURPLUS PORTIONS OF WASTE WATER TREATMENT FACILITY(WWTF) LAND AND BUILDINGS FOR LEASING PURPOSES**  
Enclosed please find materials in the subject regard
26. **DECLARATION THAT THE FORMER TOWN LANDFILL AS SURPLUS FOR LEASING PURPOSES**  
Enclosed please find materials in the subject regard
27. **DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**  
Enclosed please find materials in the subject regard
28. **PROCLAMATION – NOVEMBER PANCREATIC CANCER AWARENESS MONTH IN THE TOWN OF ACTON**  
Enclosed please find materials in the subject regard
29. **REQUEST TO DESIGNATE THE WEST ACTON CITIZENS’ LIBRARY PROPOSED SIGN A LANDMARK SIGN**  
Enclosed please find materials in the subject regard

## **V. EXECUTIVE SESSION**

There will be a need for Executive session – scheduled at 6:00 p.m.

## **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

### **AUGUST 23**

Citizen Issue concerning the  
State's Sex Offender Registry  
Historic District Oversight  
EDC Oversight  
Change of Manager, Not Your Average Joe's

### **SEPTEMBER 13**

WRAC Oversight  
WANT Oversight

### **SEPTEMBER 27**

Restorative Justice  
Board of Health Oversight

## **MINUTES PENDING VOTES**

June 7 & 21    July 12



## **PENDING COMMITTEE APPOINTMENTS**





Ahmed Hilmy - Design Review Board, Finance Committee, EDC –Application sent to VCC and Town Moderator










































































Michael A. Luongo - Board of Appeals, Board of Health, Application sent to VCC





























































Fenglan Zhang - Board of Health, (Minuteman Voc and South Acton Revitalization Committee) note that we currently have a Minuteman Rep. and the South Acton Revitalization committee is no longer a committee, application sent to VCC

# Agenda

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<input type="checkbox"/>		020 (3) Sewer Operation and Maintenance Rate Recommendation	admin	07/23/10	313 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		030 (4) Mr. Bertolami, Autoplex II, Powder Mill Road, Continued Discussion Materials	admin	07/23/10	995 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		040 (5) Capizzi Company, Site Plan #06/11/10-427, 820 Main Street	admin	07/23/10	3 MB	    <input type="button" value="v"/>
<input type="checkbox"/>		<a href="#">045 (5) Capizzi Company - Link To Site Plan Documents</a>	admin	07/23/10	0	   <input type="button" value="v"/>
<input type="checkbox"/>		050 (6) TD Bank, N.A., Site Plan 04/30/10-424, 408 Mass Ave.	admin	07/23/10	1 MB	    <input type="button" value="v"/>
<input type="checkbox"/>		<a href="#">055 (6) TD Bank - Link To Revised Documents</a>	admin	07/23/10	0	   <input type="button" value="v"/>
<input type="checkbox"/>		060 (7) Transfer of a Beer and Wine Package Store License, Red White and Brew, 578 Mass Ave	admin	07/23/10	727 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		070 (10) Boxborough Home Rule Legislation/Acton Water District Rights	admin	07/23/10	1 MB	    <input type="button" value="v"/>
<input type="checkbox"/>		080 (11) Boy Scout Court of Honor, Matthew Kuranda	admin	07/23/10	64 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		090 (12) Proposed Common Drive Street Name, NARA Ridge	admin	07/23/10	1013 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		100 (13) Morrison Farm Reuse Materails	admin	07/23/10	348 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		110 (13) Morrison Farm Reuse, Citizen Comments	admin	07/23/10	173 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		120 (17) Accept Minutes, July 10, 2010, Board of Selectmen, Morrison Farm Tour by Board of Selectmen and Guests	admin	07/23/10	101 KB	    <input type="button" value="v"/>
<input type="checkbox"/>		130 (18) Design Review Board Charter Revisions	admin	07/23/10	796 KB	    <input type="button" value="v"/>

<input type="checkbox"/>	 140 (19) Assabet River Rail Trail (ARRT) Letter of Support to MPO	admin	07/23/10	248 KB	    
<input type="checkbox"/>	 150 (20) Route 2 Letter to MPO RE: Route 2 Corridor Communities Support	admin	07/23/10	297 KB	    
<input type="checkbox"/>	 160 (21) Comprehensive Community Plan, Charter Language	admin	07/23/10	265 KB	    
<input type="checkbox"/>	 170 (22) Committee Appointment, Mark Tawa, Wastewater Advisory Neighborhood Task Force (WANT)	admin	07/23/10	21 KB	    
<input type="checkbox"/>	 180 (24) Conservation Restriction, Avalon Bay Communities, 6.660 Acres of Durkee Lane	admin	07/23/10	29 KB	    
<input type="checkbox"/>	 190 (25) Declaration of Surplus Land, Wastewater Treatment Plan	admin	07/23/10	879 KB	    
<input type="checkbox"/>	 200 (26) Declaration of Surplus Land, Acton Landfill	admin	07/23/10	301 KB	    
<input type="checkbox"/>	 210 (27) Disposal of Obsolete Materials, Acton Memorial Library	admin	07/23/10	39 KB	    
<input type="checkbox"/>	 220 (28) Proclamation to Recognize November as Pancreatic Cancer Month in Acton	admin	07/23/10	154 KB	    
<input type="checkbox"/>	 230 (29) West Acton Citizens' Library Landmark Sign Request Approval	admin	07/23/10	479 KB	    

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<input type="checkbox"/>	PDF	020 - Comments Regarding Alcohol Violations	admin	07/23/10	39 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	030 - Board of Appeals, Comprehensive Permit Public Hearing 15- 26 Sachem Way, August 2, 2010	admin	07/23/10	85 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	040 - Fiscal Year 2011 - Payment Schedule for Cherry Sheet Program	admin	07/23/10	186 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	050 - Mass Department of Revenue, Workshop for Municipal Sharing, September 2, 2010	admin	07/23/10	278 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	055 - Regionalization Conference Registration	admin	07/23/10	60 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	060 - Metropolitan Planning Organization Public Notice, Draft TIP Comment Period Extension	admin	07/23/10	137 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	070 - Minuteman Arc's Adult Foster Care Program	admin	07/23/10	593 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	080 - Comcast, Customer Guarantee	admin	07/23/10	72 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	090- Water District Commissioners, Agenda July 19, 2010 and Schedule of Meetings, July - December 2010	admin	07/23/10	71 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	100 - Minutes, Comprehensive Community Plan, June 2, 2010	admin	07/23/10	318 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	110 - Minutes, Commission on Disabilities, June 10, 2010	admin	07/23/10	85 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	120 - Minutes, Economic Development Committee, July 1, 2010	admin	07/23/10	153 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	130 - Minutes, Conservation Commission, June 16, 2010	admin	07/23/10	170 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	140 - Minutes, Conservation Commission, June 2, 2010	admin	07/23/10	212 KB	<input type="checkbox"/>
<input type="checkbox"/>	PDF	150 - Minutes, Sidewalk Committee,	admin	07/23/10	156 KB	<input type="checkbox"/>

February 10, 2010

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160 - TransReport, July 2010 Supplement

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**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING  
September 27, 2010**

**Acton Town Hall  
Francis Faulkner Hearing Room  
Regular Meeting begins at 7:00 P.M.**

**Executive Session, Room 126, 6:00 P.M.**

Present: Lauren Rosenzweig Morton, Michael J. Gowing, Terra Friedrichs, Janet K. Adachi, Pamela Harting-Barrat, Town Manager, Recording Secretary; Christine Joyce.  
The Meeting was televised for regular session

1. Ms. Rosenzweig Morton: "I am convening this meeting of the Board of Selectmen in open session at 6:00 pm." and to invite Attorney's Pickering Cook and Art Kreiger to sit in and participate in the Executive Session

**Litigation Matters**

2. Ms. Rosenzweig Morton: "I'll entertain a motion to enter executive session to discuss strategy with respect to litigation."
  - a. Ms. Friedrichs: "So moved."
  - b. Ms. Adachi: "Second."
3. Ms. Rosenzweig Morton: "Before the roll call vote to enter executive session, let me state:
  - a. "In the executive session, the Selectmen will discuss with Town Counsel settlement strategy as to the *Walker Realty* day care center case, and a brief update on the *Crossroads* case as to information received after the deadline for posting this meeting."
  - b. "In each case, an open meeting may have a detrimental effect on the litigating position of the Town or the Board."
4. Ms. Rosenzweig Morton: "Would the clerk please call the roll."

The clerk called the roll, all ayes.

**Real Estate Matter**

5. : Ms. Rosenzweig Morton: "I'll also entertain a motion to enter executive session to consider the purchase, exchange, lease or value of real property."
  - a. Ms. Friedrich: "So moved."
  - b. Ms. Adachi: "Second."



final

Ms. Rosenzweig Morton:: “Before the roll call vote to enter executive session, let me state:

- c. “In the executive session, the Selectmen will discuss with Town Counsel and the Board’s environmental expert matters concerning the potential acquisition of the Caouette property.
- d. “An open meeting may have a detrimental effect on the negotiating position” of the Board.

6. Ms. Rosenzweig Morton: “Would the clerk please call the roll.”  
The Clerk called the roll—all ayes.

7. Ms. Rosenzweig Morton: “At the conclusion of the executive session, the Board will reconvene in open session to conduct further business.”

### **CITIZENS’ CONCERNS**

**None**

### **CHAIRPERSON’S UPDATE**

Ms. Rosenzweig Morton announced that on October 20th the Acton 2020 group will be holding an open session to plan the future of Acton. This will take place at the High School at 6:30 – 9:30 p.m.

### **OPERATIONAL MINUTE**

Mr. Ledoux to defer due to time constraints

### **PUBLIC HEARINGS & APPOINTMENTS**

#### **NATIONAL GRID – GAS SUPPLY, MICMAC LANE**

Richard Porter a neighbor at 50 Nashoba Road had a question about the location. Staff will let National Grid know of his question and to let us know if he did not get a satisfactory answer to his question. Mr. Gowing – Moved to approve contingent upon Mr. Porter’s receiving an adequate response from National Grid. Ms. Friedrichs – second. UNANIMOUS VOTE –

### **RESTORATIVE JUSTICE**

Ms. Jennifer Larson Swain outlined their program and presented a slide show of their activities. The Board made several comments and asked questions about the program.

#### **NUISANCE DOG HEARING, AMY BARNETT, 18 STRAWBERRY HILL ROAD, APT. 22E**

Chairman Rosenzweig Morton read the Public Notice

Ms. Barnett was sworn in by Christine Joyce, Notary  
Mr. Medeiros was sworn in by Christine Joyce, Notary.

final

Ms. Friedrichs asked how large the dog was; Mr. Medeiros said 25-30 lbs.

Ms. Barnett explained the situation and that he had never done this to anyone.

Ms. Friedrichs asked if she felt there was more to the issue, Ms. Barnett did not.

Ms. Friedrichs asked if the complainant was sure what he felt regarding this hearing. He said he did not want to see the board not taking action to the fullest, up to putting the dog down, which was his preference.

Ms. Adachi asked about the dog's history.

Ms. Harting-Barrat spoke about whether they were invited in to the property. Ms. Barnett said that to her knowledge that they came in and did not do what the people dog sitting had asked them to do which was to call ahead and not to come in until the dog was put away.

The Board discussed restraining the dog, leashing in public with a muzzle, versus putting the dog down

Mr. Gowing asked Ms. Barnett why the dog was not licensed. She said she just did not know she had to. He was worried about the safety of residents.

Ms. Rosenzweig Morton said at a minimum the dog is to be muzzled or penned when some one comes to visit at her residence and the pen go with the dog if he is taken out of Acton.

Ms. Adachi noted that the Board were not Veterinarians or animal behavioral people. She felt the dog could go to a vet for the review. She would rather have him put through an evaluation to see if he may be a danger or be capable of more attacks. Mr. Gowing felt that this is the first incident they are aware of and we need to protect public. We need to have a behavioral professional evaluate this dog.

It was decided to have an Independent evaluation with the person chosen by our dog officer at he owner's expense. After the results, we could re-open the public hearing to discuss evidence and render the decision.

For now, Ms. Harting-Barrat – Moved to require the Dog be evaluated and to be contained in the house in a pen and the dog remain in the pen at all times when in any one else's home and that it be at all times leashed and muzzled when outside. Ms. Barnett shall pay the evaluation fees. Ms. Adachi – second. UNANIMOUS

## **BOARD OF HEALTH ANNUAL OVERSIGHT MEETING**

Mark Conoby, Chairman of the Board of Health announced the Board members present this evening. A slide Show presentation and prepared statements were viewed.

Ms. Harting-Barrat asked about emergency planning exercises, he said they hope to do this soon.

final

Mr. Gowing said the BOH does a fabulous job. He asked about dialogue with Water District. They are in communication and are sitting on several committees together.

Ms. Friedrichs asked about education of keeping your septic system functioning and other issues regarding aquifers and when they would have time to do water analysis.

They were thanked for their great work.

### **NURSING SERVICE STUDY**

Doug Halley presented the overview of the Nursing Service Study. Ms. Friedrichs noted she wanted to know the fixed vs. variable numbers and our obligation to provide the services.

Charles Kadlec was glad to support it but wondered what we could do to increase finances. We should notify Emerson to be sure Acton residents know that we have a Town Nursing Service; this would at least give us a level ground in providing the home health care.

Ms. Rosenzweig Morton – Moved to write a letter from the BOS to indicate that the appropriate approach of Emerson’s Discharge department would be to let Acton residents know about our Nursing Services that are available, and to educate the populous so when they are discharged, they have a choice. Ms. Friedrichs – second.  
UNANIMOUS VOTE

### **WEST ACTON TRIO – 232 ARLINGTON STREET, SPRUCE CORNER**

Continuation of hearing to October 18

### **SELECTMEN’S BUSINESS**

#### **SPECIAL TOWN MEETING DISCUSSION**

Warrant Article – ask for the town to pay from free cash up to \$250,000 to purchase the Caouette Farm. There will be an Info meeting on October 4<sup>th</sup> and consultant has said we could go forward, and that the clean up costs will be moderate.

Ms. Friedrichs - Moved to set the warrant – Mr. Gowing – second. UNANIMOUS VOTE

### **LAND PRESERVATION / FUNDING RESEARCH MATERIALS**

Ms. Friedrichs discussed the need for the owners to be able to present offers to purchase properties such as outright purchase, purchasing of development rights and the purchase of conservation restrictions. This would allow the opportunity to purchase with out going through the slower town notifications. It would be good to have volunteers who have an interest in Village Land collect data with regard to what other towns are already doing.

Mr. Gowing noted that it was premature to bring to town counsel in as we can reach out to MMA or MAPC as it may already be crafted.

Ms. Friedrichs will write up and bring back to the Board for further discussion

final

**ADVANCED LIFE SUPPORT, REGIONAL ALS**

Chief Craig and Mr. Ledoux spoke about Regional ALS. We have contracted with Pro EMS to provide the service. We would need to enter into an inter-municipal agreement to continue. Mr. Gowing – Moved to approve entering into the inter-municipal agreement with the designated towns for ALS services. Ms. Harting-Barrat.-seconded  
UNANIMOUS VOTE

**DRAFT DECISION, CAPIZZI & COMPANY, 820 MAIN STREET, #6/11/10-247**

Ms. Harting-Barrat Moved to approve this site plan decision. Ms. Adachi – second.  
UNANIMOUS VOTE

**60 POWDER MILL ROAD, SITE PLAN AMENDMENT #4**

Mr. Gowing – Moved to approve the site Plan decision. Ms. Friedrichs – second.  
UNANIMOUS VOTE

**REQUEST FOR A FREE STANDING SIGN AT NAGOG OFFICE PARK AT GREAT ROAD**

Attorney Levine outlined why they were before the Board about this evening. They want to speak about the Zoning Bylaw and jurisdiction from Planning to BOS when a sign is in a private way. They want to install an entrance sign off of Great Road within the landscaped island and to have it set back 10 feet. The second one is a replacement sign which would improve the sign with a newer one. He wants the Board to approve these two signs and the new owners noted they are refurbishing the park at this time. The Board reviewed the conditions from Mr. Bartl's memo, page 4 of 5

Ms. Harting-Barrat – Moved to approve this proposed signage as noted on Page 4 of 5 in Roland's memo. Mr. Gowing – second. 4-1, Ms. Friedrichs - NAY

**REQUEST FOR A SEWER TIE-IN, 294 MAIN STREET, ACTON MANAGEMENT, INC.**

Steve Steinberg was present to discuss his request for sewer connection to develop the parcel at 294 Main Street and noted that the project is not a 40B, and it does not require a site plan special permit. Mr. Gowing spoke about financial impact study and Ms. Rosenzweig said it is a bylaw issue and the pipe runs by his property. The board determines the tie in fee at \$12,311.50 per unit. If the Board takes no action it doesn't collect the money,

Ms Friedrichs said that it seemed like a lot of units to put on one parcel. Mr. Steinberg said that while he was asking for approval of 11 betterment units, that he was sure that he wouldn't build more than 5 or 6 units. Ms Friedrichs says that she thinks that this still seems like a lot of units and is concerned about stuffing so many units onto a parcel so close to the wetlands.

Ms. Harting-Barrat – Moved to approve the betterment privilege fee. Ms. Adachi – second. 4-1, Ms. Friedrichs NAY

final

## SELECTMEN'S REPORTS

None

## CONSENT

#19 Held for questions by Mike

Ms. Friedrichs – Moved to accept the items listed under Consent except for #19. Mr. Gowing– second UNANIMOUS VOTE

Ms. Harting-Barrat – Moved to approve #19 Ms. Friedrichs – second. UNANIMOUS VOTE

## EXECUTIVE SESSION

Ms. Rosenzweig Morton: "I'll entertain a motion to enter into executive session to discuss strategy with regard to Non-Union Negotiations, Town Manager. "And to invite Marianne Fleckner, Human Resource Officer to participate in the Executive Session.

Ms. Friedrichs "so Moved."  
Mr. Gowing - "second."

Ms. Rosenzweig Morton: "Before Roll Call Vote to enter into executive session, let me state:

"In Executive Session, the Selectmen will discuss Non-Union Negation as to the Town Manager.

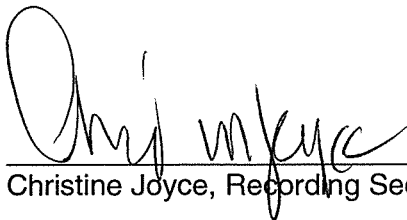
"An open meeting may have a detrimental effect on the negotiating position of the town or the Board."

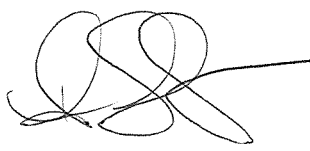
Ms. Rosenzweig Morton: "would the Clerk please call the Roll."

The Clerk Called the roll-all ayes.

Ms. Rosenzweig Morton: "at the conclusion of the executive session, the Board will reconvene in open session solely to adjourn the meeting"

Motion to adjourn 11:30 p.m.

  
Christine Joyce, Recording Secty

  
Clerk  
Date: 12/20/10

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

*Francis Faulkner Hearing Room*  
*September 27, 2010*  
*7:00 PM*

**EXECUTIVE SESSION – 6:00 p.m. in Room 121**

**6:00 P.M.** Executive Session to discuss strategy with respect to Litigation Strategy, Walker Realty, Next Generation vs. Town, and Land Negotiations, Stow Street (Caouette Property), Non-Union Negotiations, Town Manager

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

1. 7:05 **CHAIRMAN'S UPDATE**
2. 7:10 **OPERATIONAL MINUTE**
3. 7:15 **NATIONAL GRID - GAS PETITION TO INSTALL GAS LINE ON MICMAC LANE**  
Enclosed please find materials in the subject regard
4. 7:20 **RESTORATIVE JUSTICE PROGRAM**  
Enclosed please find materials in the subject regard
5. 7:35 **NUISANCE DOG HEARING, AMY A. BARNETT, 18 STRAWBERRY HILL ROAD, UNIT 22-E**  
Enclosed please find materials in the subject regard
6. 7:55 **BOARD OF HEALTH ANNUAL OVERSIGHT MEETING**
7. 8:15 **NURSING SERVICE STUDY**  
Enclosed please find materials in the subject regard

8. **8:50 WEST ACTON TRIO, 232 ARLINGTON STREET #7/26/10-248  
"SPRUCE CORNER" CONTINUATION FROM SEPTEMBER 13<sup>TH</sup>  
BOARD MEETING**  
*The Petitioner has asked to have an extension to October 18<sup>th</sup> at  
8:25; Hearing must be opened and continued, If the public wishes to  
comment further they may on October 18.*

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

9. **SPECIAL TOWN MEETING, BOARD TO TAKE POSITIONS ON  
ARTICLES**  
Enclosed please find materials in the subject regard
10. **LAND PRESERVATION/FUNDING RESEARCH MATERIALS**  
Enclosed please find materials in the subject regard
11. **TOWN MANAGER WILL UPDATE THE BOARD WITH REGARD TO  
ADVANCED LIFE SUPPORT, REGIONAL ALS**  
Enclosed please find materials in the subject regard
12. **CAPIZZI & COMPANY SITE PLAN SPECIAL PERMIT DECISION**  
Enclosed please find materials in the subject regard
13. **60 POWDER MILL ROAD, SITE PLAN 4<sup>TH</sup> AMENDMENT**  
Enclosed please find materials in the subject regard
14. **REQUEST FOR APPROVAL OF A FREESTANDING SIGN, OFFICE  
PARK, NAGOG AT GREAT ROAD**  
Enclosed please find materials in the subject regard
15. **REQUEST FOR A SEWER TIE IN FOR 294 MAIN STREET FROM ACTON  
MANAGEMENT, INC. FOR DEVELOPMENT OF 11 HOUSING UNITS**  
Enclosed please find materials in the subject regard

### **IV. CONSENT AGENDA**

16. **ACCEPT MINUTES, BOARD OF SELECTMEN, JUNE 7 REGULAR  
MINUTES – CONFIDENTIAL MINUTES OF MAY 18, JUNE 7, JULY 28**  
Enclosed please find materials in the subject regard
17. **BOARD OF REGISTRARS APPOINTMENT TO FILL THE UNEXPIRED  
TERM OF MR. SEWARD WITH MARGARET BRANDON**  
Enclosed please find materials in the subject regard. Selectmen's reports

- 18. REQUEST FOR PERMISSION TO ERECT A 9/11 FUND RAISING SIGN IN FRONT OF THE PUBLIC SAFETY BUILDING FOR SIX MONTHS DURING FUND RAISING ACTIVITIES FOR THE MEMORIAL TO 9/11**  
Enclosed please find a request in the subject regard
- 19. REQUEST TO ERECT TEMPORARY SANDWICH BOARDS WITHIN THE TOWN'S RIGHT OF WAY, THEATRE WITH A TWIST, INC.**  
Enclosed please find materials in the subject regard
- 20. INDEPENDENCE DAY CELEBRATION, 2011 DATE SELECTION APPROVAL**  
Enclosed please find materials in the subject regard
- 21. REQUEST TO PLACE A MIRROR AT 135 PROSPECT STREET, WITHIN AN TOWN EASEMENT, ACTON BYLAW E39**  
Enclosed please find materials in the subject regard
- 22. REQUEST FOR BYLAW CHAPTER U, REQUEST FROM HEALTH DEPARTMENT TO SET FEES**  
Enclosed please find materials in the subject regard
- 23. COMMITTEE APPOINTMENT, CONSERVATION COMMISSION CHRISTINE PERRAUD, ASSOCIATE MEMBER**  
Enclosed please find materials in the subject regard
- 24. ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$2,700.00 from RE/MAX Landmark Acton, to be used for a Hot Air Balloon for Winter Carnival
- 25. ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$600.00 from Community Phonebook Company, to be used for Acton Day
- 26. ACCEPT ANONYMOUS GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$2,000.00 from an anonymous donor, to be used for the NARA Park Picnic Pavilion Project
- 27. ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$500.00 from Starz n'Lights, to be used to add an LED light at the amphitheater at NARA Park
- 28. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**  
Enclosed please find materials in the subject regard



## V. EXECUTIVE SESSION

There will be a need for an Executive Session regarding litigation strategy, Walker Realty, Next Generation vs. Town and Land Negotiations, Caouette Property, Stow Street and Non-Union Negotiations, Town Manager

### 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.

<u>OCTOBER 18</u>	<u>OCTOBER 25</u>	<u>NOV 8</u>
WANT Oversight Mtg	No Public Hearings	AML Overview
WRAC Oversight Mtg		
West Acton Trio site plan continuance		

### MINUTES PENDING VOTES

June 7, July 12, 26 and 28, August 23, September 13

### PENDING COMMITTEE APPOINTMENTS

William Jastromb – Green Advisory Committee -sent to vcc

Dr. Nidhi Lal – Board of Health – sent to vcc

Ann D. Corcoran – COA – sent to VCC

Christine E. Perraud, Cons Com – sent to Vcc

James Chiarelli, Associate, Historical Commission – sent to VCC

Terence Lobo, Cable TV Advisory Committee – sent to VCC

Chester Ruszczyk, Cable Advisory Committee – sent to vcc

Betsy Mercier – Recreation Commission –sent to VCC

Michael A. Luongo - Board of Appeals, Board of Health, Application sent to VCC

Fenglan Zhang - (Minuteman Voc and South Acton Revitalization Committee) note that we currently have a Minuteman

Rep. and the South Acton Revitalization committee is no longer a committee - sent to VCC

Ahmed Hilmy - Design Review Board, Finance Committee, EDC –Application sent to VCC and Town Moderator




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<input type="checkbox"/>	PDF	<b>090 (11) Town Manager Advanced Life Support, Regional ALS Presentation</b>	admin	09/24/10	781 KB	

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<input type="checkbox"/>		<b>110 (13) 60 Powder Mill Road, Site Plan 4th Amendment</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	09/24/10	165 KB					
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		Department, \$2,700.00				KB	
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<input type="checkbox"/>	PDF	<b>010 Press Release Re: MA Department of Energy Resources</b>	admin	09/24/10	72 KB	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	PDF	<b>020 Open Meeting Law Advisory Opinion</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	09/24/10	76 KB	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	PDF	<b>030 Acton 2020 Request for Volunteers and first Public Workshop</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	09/24/10	79 KB	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	PDF	<b>040 Municipal Right of Way Process from A-Z, Invitation to attend from Rep. Atkins</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	09/24/10	324 KB	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	PDF	<b>050 West Acton Merchants Association Minutes</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	09/24/10	48 KB	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	PDF	<b>060 School Committee Meeting, October 3, 2010</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	09/24/10	26 KB	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	PDF	<b>070 Comcast Changes as of September 1, 2010</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	09/24/10	44 KB	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>	PDF	<b>080 Lowell Regional Transit Authority, Agenda, September 23, 2010</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	09/24/10	34 KB	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

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**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING  
October 18, 2010**

**Acton Town Hall  
Francis Faulkner Hearing Room  
Meeting begins at 7:00 P.M.**

Present: Lauren Rosenzweig Morton, Michael J. Gowing, Terra Friedrichs, Janet K. Adachi, Pamela Harting-Barrat, Assistant Town Manager, John Murray; Recording Secretary, Christine Joyce. The Meeting was televised

**CITIZENS' CONCERNS**

Margaret Woolley Busse, Chair of 2020 Committee updated the board on what they are working on such as preparing a guide to Acton for the next 10 to 15 years. They are talking about phase II. Open Meeting on Wednesday at 6:30 at the high school and invited all to attend to learn and to offer insight.

**CHAIRPERSON'S UPDATE**

Ms. Rosenzweig Morton -.reminded everyone about the Special Town Meeting on October 25, 2010 at 7:00 p.m. in the ABRHS Auditorium Caouette Simeone farm

**OPERATIONAL MINUTE**

John Murray reported on the Green Energy Fair and Green Communities Award the Town received \$150,000 for phase 1. They are going to try for two more grants for electric charge station and energy improvements at town hall and COA.

**PUBLIC HEARINGS & APPOINTMENTS**

**NATIONAL GRID –GAS RECTIFIER INSTALLATION, 33 ETHAN ALLEN DRIVE**

Ben Doherty filling in for Mr. Dennis Regan was in attendance as well as their contractor. National Grid wishes to install a gas rectifier at 33 Ethan Allen Drive.

Ms. Adachi asked about replacement.

Ms. Friedrichs asked to discuss this at a time when policies are discussed at a future meeting so that we have a policy going forward.

Mr. Gowing asked about the depth and reason for 6 foot vs. 2 foot. National Grid's contractor said that a lower placement could cause a tripping problem.

Resident of 29 Ethan Allen Drive – asked about sound, location and smell. The resident will work with National Grid to resolve any concerns he may have but there will be no smell or sound emanating from the device.

Final

28 Ethan Allen Drive asked about extending life of the gas main. The contractor said the rectifiers can extend the life of the gas main up to 30 years

Ms. Friedrichs – Moved to approve with conditions noted in the memo. Mr. Gowing – second UNANIMOUS VOTE

### **WEST ACTON NEIGHBORHOOD TASKFORCE (WANT) ANNUAL OVERSIGHT MEETING**

Peter Mosbach new chairman provided a summary of what they have been doing and future actions/items they hope to work on going forward.

Ms. Adachi added that the membership of the committee comprises pro sewer and pro septic systems, the hope are that all information is gathered and aiming to have one solution.

Ms. Friedrichs asked about the reference of high needs-- she asked about cluster systems. Doug said that the town owned land is in the wetlands. They had looked at the cluster system and found it not feasible. Ms. Friedrichs said she wanted a range of costs. The overall costs are the same as septic and sewer according to Mr. Mosbach.

Mr. Gowing asked about financing options and \$40-70 monthly betterment fee and this was the best estimate at this time. He asked if we could get a median cost and it would be easier to let citizens know of the costs.

Mr. Gowing asked about future assistance at State or Federal level to leverage the neighborhood and its need for assistance. They have not been able to get assistance; the owner could get a 40% Tax Credit from the State for hook up, as well as low cost loans.

Ms. Harting-Barrat thanked them for their help in solving this as a community. She urged them to get another opinion from a disinterested third party.

Ms. Rosenzweig Morton spoke about funding and how the State works and that it is a 30 year loan. She hopes we can look at policies to save our drinking water and urged them to continue to work together.

Frank McNamara of 17 Tuttle Drive – this process has been divisive in the neighborhood and the question is about the process, agrees that the tone has become better. He said the focus of sewer or septic. Innovated technology Alternative Systems are still on the table. The information will be collected and they will be able to develop a cost.

### **WATER RESOURCES ADVISORY COMMITTEE (WRAC) ANNUAL OVERSIGHT MEETING**

Chairman Beck was introduced and presented a slideshow with regard to WRAC's mission.

They have their priorities for 2010 -11, storm water Construction and post construction bylaw.

Final

They have a time line of 4-5 months for Storm Water Bylaw and to develop the manual in 6-8 months and a public review and information 3-4 months and feels we can bring it to a town meeting for 2012.

Mr. Beck spoke about the need for a Technical Consultant to get the input required for Storm Water planning.

Ms. Friedrichs asked about enforcement of the new Stormwater bylaw. Mr. Beck said that Justin Snair and Doug Halley are working on this currently. The Town Manager outlined all the work Justin and Doug had accomplished so far.

Herman Kabakoff asked about unintended consequences regarding Planning Board changes to address power washing and car washing. Mr. Beck said they would review it and bring any changes to a future Town Meeting.

Ms. Rosenzweig Morton noted it was important to have a point person for Stormwater questions at Town Hall. Mr. Beck said that Justin Snair from the Health Department was the person currently assigned.

#### **WEST ACTON TRI0 – 232 ARLINGTON STREET, SPRUCE CORNER**

Ms. Harting-Barrat – Moved to continue the hearing to November 8, 2010 @ 8:25. Ms. Adachi – second. UNANIMOUS VOTE

#### **SELECTMEN'S BUSINESS**

#### **SPECIAL TOWN MEETING DISCUSSION**

Ms. Rosenzweig noted the hand outs have been prepared for those who are interested. Ms. Rosenzweig gave an overview of the land and the need to maintain it as a farming resource. The staff and Board members are looking in to possible gifts and/or grants. There are some possible leads and hopefully we will find out this week if gifts or grants may be available to supplement the costs. Mr. Gowing stated that the Town has applied to the Atty. General for Brown Fields Covenant not to Sue which will protect the town against any problems that may come up, and noted that the Attorney General's office should have an answer shortly regarding the likelihood of our approval

#### **SOUTH ACTON TRAIN STATION ADVISORY COMMITTEE—letter to MAPC for Planning Technical Assistance**

Mr. Zavolas noted that the dual platform will be constructed as requested by the Town. The Committee is concerned with the increased impact to the neighborhoods in that area. Mr. Zavolas asked for a letter from the town requesting technical assistance from MAPC re: South Acton Train Station Advisory Committee. They will come out and work with the Town and walk through the area and come up with a report at no cost to the Town and little time taken from staff resources.

Ms. Rosenzweig Morton asked about Assabet River Rail Trail vs. Bruce Freeman Rail Trail reference in the letter and it will be corrected in the letter going out.



Final

Ms. Rosenzweig Morton asked if Corey York could be the point person and Mr. Murray noted that Corey would be available to be the Staff person.

Mr. Murray added that we need to ask them to review current road loads as part of the study—the Board concurred.

Ms. Harting-Barrat – Moved to authorize the town Manager to sign the letter with the Bruce Freeman trail being changed to Assabet River Rail Trail and Add paragraph about the needs to study the roadway loads. Mr. Gowing – second. UNANIMOUS VOTE

## **SELECTMEN'S REPORTS**

Ms. Harting Barrat – Spoke about South Acton Train Station. The committee will look for another date as they did not have a quorum. The Items can be reviewed on the WEB Site.

Recreation had a delay in their meeting also.

Mr. Gowing noted that COA is updating their Charter for a change at the Annual Town Meeting. It was noted that Jean Fleming left today for retirement.

COD – Reviewed Accessibility and what is required under State Law

HDC/HC coordinating what they want to do in regard to 17 Woodbury Lane.

Ms. Friedrichs reported on the request to have the State accessibility representatives come out again and to give the same meeting at night for those who work during the day.

EDC moving forward with their signs and suggests business owners call the planning department if they have any questions.

Land Purchase Program and working on Grant programs and are in the process of applying depending on the circumstances of the site.

## **CONSENT**

#9 Ms. Adachi Hold – Minutes tabled until next meeting

#10 Ms. Friedrichs - Hold on Deed Restriction and refinance request. She said she has several questions regarding this in regard to 40B.

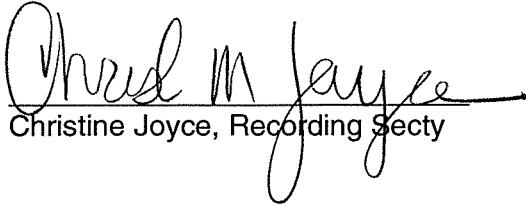
Mr. Gowing – Moved to accept the items listed under Consent except for #9 and 10. Ms. Harting-Barrat – second UNANIMOUS VOTE

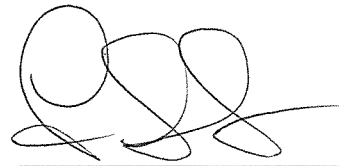
Ms. Harting-Barrat – Moved to approve #10 and #9 Held for next meeting - Ms. Friedrichs – second. UNANIMOUS VOTE

Final

**EXECUTIVE SESSION**

None

  
Christine Joyce, Recording Secty

  
Clerk 12/20/10

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

*Francis Faulkner Hearing Room*  
*October 18, 2010*  
*7:00 PM*

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

1. 7:05 CHAIRMAN'S UPDATE
2. 7:10 OPERATIONAL MINUTE
3. 7:30 NATIONAL GRID, 33 ETHAN ALLEN DRIVE, INSTALL GAS RECTIFIER, (DESIGNED TO DETECT GAS LEAKS)  
Enclosed please find materials in the subject regard
4. 7:40 WEST ACTON NEIGHBORHOOD TASK FORCE (WANT) ANNUAL OVERSIGHT MEETING  
Enclosed please find materials in the subject regard
5. 8:00 WATER RESOURCES ADVISORY COMMITTEE (WRAC) ANNUAL OVERSIGHT MEETING  
Enclosed please find materials in the subject regard
6. 8:25 WEST ACTON TRIO, 232 ARLINGTON STREET #7/26/10-248 "SPRUCE CORNER" CONTINUED FROM SEPTEMBER 13<sup>TH</sup> AND SEPTEMBER 27, 2010  
Enclosed please find materials in the subject regard.

**III. SELECTMEN'S BUSINESS**

7. SPECIAL TOWN MEETING  
Enclosed please find materials in the subject regard
8. LETTER FROM NICHOLAS ZAVOLAS REQUESTING PLANNING TECHNICAL ASSISTANCE FOR THE SOUTH ACTON TRAIN STATION ADVISORY COMMITTEE  
Enclosed please find materials in the subject regard

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

- 9. ACCEPT MINUTES, BOARD OF SELECTMEN, AUGUST 23, 2010, REGULAR AND CONFIDENTIAL MINUTES**  
Enclosed please find materials in the subject regard
- 10. REQUEST THRU THE ACTON COMMUNITY HOUSING CORPORATION (ACHC) TO ALLOW A REFINANCE ON A DEED RESTRICTED UNIT**  
Enclosed please find materials in the subject regard. Selectmen's reports
- 11. PROCLAMATION, MONTH OF NOVEMBER NATIONAL HOSPICE/PALLIATIVE CARE**  
Enclosed please find materials in the subject regard
- 12. COMMITTEE APPOINTMENT, MICHAEL KREUZE, BOARD OF HEALTH VOTING ASSOCIATE TO REGULAR MEMBER TO FILL THE UNEXPIRED TERM OF MS. HARTING-BARRAT TO JUNE 30, 2012**  
Enclosed please find materials in the subject regard
- 13. COMMITTEE APPOINTMENT, DR. NIDHI LAL, BOARD OF HEALTH, VOTING ASSOCIATE, TERM TO EXPIRE 6/30/11**  
Enclosed please find materials in the subject regard
- 14. COMMITTEE APPOINTMENT, CHESTER RUSZCZYK, CABLE ADVISORY COMMITTEE, TERM TO EXPIRE 6/30/13**  
Enclosed please find Materials in the subject regard
- 15. CONFIDENTIAL REQUEST FOR FUNDS FROM THE VARNUM TUTTLE FUND**  
Enclosed please find a request in the subject regard
- 16. ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of a tree valued at \$200.00 from Green Acton and Weston Nursery to be planted at NARA Park on 10/10/10 as part of 350.org.
- 17. ACCEPT GIFT, WEST ACTON LIBRARY**  
Enclosed please find a gift of \$250.00 from Gerald and Barbara Browne to be deposited into the Gift Account for Library use
- 18. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**  
Enclosed please find materials in the subject regard

#### **V. EXECUTIVE SESSION**

##### **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.

### **OCTOBER. 25<sup>TH</sup> BOARD OF SELECTMEN MEETING HAS BEEN RESCHEDULED TO NOVEMBER 1, 2010 DUE TO CONFLICT WITH SPECIAL TOWN MEETING**

**NOV.1,**

**NOV 8**

CPC Submissions

Acton Memorial Library Overview

Colonial Spirits Liquor License Changes

### **MINUTES PENDING VOTES**

July, 26, September 13 & 27

### **PENDING COMMITTEE APPOINTMENTS**

William Jastromb – Green Advisory Committee -sent to VCC

David Green – Green Advisory Committee – sent to VCC 9/28

Ann D. Corcoran – COA – sent to VCC

Bridget McKeever Matz – Recreation sent to VCC

Betsy Mercier – Recreation Commission –sent to VCC

James Chiarelli, Associate, Historical Commission – sent to VCC

Terence Lobo, Cable TV Advisory Committee – sent to VCC



Amy Green, Conservation – sent to VCC 10/4


Pam Lynn – Historic District Commission– send to VCC 9/16

Michael A. Luongo - Board of Appeals, Board of Health, Application sent to VCC

Ahmed Hilmy - Design Review Board, Finance Committee, EDC –Application sent to VCC and Town Moderator

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<input type="checkbox"/>		020 (3) National Grid, Gas Rectifier, 33 Ethan Allen Drive	<a href="#">admin</a>	10/14/10	1 MB	    ▼
<input type="checkbox"/>		<u>030 (6) West Acton Trio, Site Plan "Spruce Corner", Continued</u>	<a href="#">admin</a>	10/14/10	146 KB	    ▼
<input type="checkbox"/>		<u>030 (6) "Spruce Corner" Parking Lot Zoning Compliance</u>	<a href="#">admin</a>	10/15/10	681 KB	    ▼
<input type="checkbox"/>		<u>030 (6) "Spruce Corner" Revised Landscape Plans</u>	<a href="#">admin</a>	10/15/10	658 KB	    ▼
<input type="checkbox"/>		<u>030 (6) "Spruce Corner" Revised Site Plan</u>	<a href="#">admin</a>	10/15/10	101 KB	    ▼
<input type="checkbox"/>		<u>030 (6) "Spruce Corner" Site Plan</u>	<a href="#">admin</a>	10/15/10	7 MB	    ▼
<input type="checkbox"/>		<u>030 (6) "Spruce Corner" Site Plan Special Permit</u>	<a href="#">admin</a>	10/15/10	801 KB	    ▼
<input type="checkbox"/>		<u>030 (6) "Spruce Corner" Stormwater Report and Calculations</u>	<a href="#">admin</a>	10/15/10	2 MB	    ▼
<input type="checkbox"/>		<u>030 (6) Interdepartmental Communication, Spruce Corner Revised Drawings and Documents, Scott A. Mutch</u>	<a href="#">admin</a>	10/15/10	87 KB	    ▼
<input type="checkbox"/>		030 (6) Memorandum, Spruce Corner New Mixed-Use Residential/Office Development, Design Review Board	<a href="#">admin</a>	10/15/10	47 KB	    ▼
<input type="checkbox"/>		040 (8) Draft Letter to MAPC Technical Assistance, South Acton Train Station Advisory Committee	<a href="#">admin</a>	10/14/10	11 MB	    ▼
<input type="checkbox"/>		050 (9) Minutes, Board of Selectmen, August 23, 2010	<a href="#">admin</a>	10/14/10	497 KB	    ▼
<input type="checkbox"/>		060 (10) Request for Refinance on a Deed Restricted Unit	<a href="#">admin</a>	10/14/10	67 KB	    ▼
<input type="checkbox"/>		070 (11) Proclamation, Month on November as National Hospice/Palliative Care Month	<a href="#">admin</a>	10/14/10	103 KB	    ▼
<input type="checkbox"/>		080 (13) Committee Appointment, Dr. Nidhi Lal, Board of Health Voting Associate	<a href="#">admin</a>	10/14/10	373 KB	    ▼
<input type="checkbox"/>		090 (14) Committee Appointment, Chester Ruszczyk, Cable Advisory Committee Regular Member	<a href="#">admin</a>	10/14/10	110 KB	    ▼
<input type="checkbox"/>		100 (16) Accept Gift, Recreation Dept.	<a href="#">admin</a>	10/14/10	24 KB	    ▼
<input type="checkbox"/>		110 (17) Accept Gift, West Acton Library	<a href="#">admin</a>	10/14/10	38 KB	    ▼



120 (18) Disposal of Obsolete Materials, Memorial  
Library

admin

10/14/10 93  
KB



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<input type="checkbox"/>		<b>020 Recreation Commission Minutes, September 7, 2010</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	10/14/10	196 KB	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/>		<b>030 Historical Commission Decisions</b> Scanned with FlowPort '2010 Meeting Week Cover Sheet (NEW)' Cover Sheet	admin	10/14/10	320 KB	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

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