

January 20, 2001

TO: Board of Selectmen

FROM: F. Dore' Hunter, Chairman

SUBJECT: Selectmen's Report

AGENDA

January 23, 2001

7:30 in Room 204

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. **7:32 SITE PLAN CONTINUATION #10/17/00-373- JULIA MCCARTHY**
2. **7:45 HISTORIC DISTRICT BYLAW** – Enclosed please find additional information in the subject regard.
3. **8:15 MINUTEMAN REGIONAL HIGH SCHOOL DISCUSSION** – Mr. Olmstead and Mr. Fitzgerald will be present to answer Selectmen's questions.
4. **8:45 ESTIMATED SEWER BETTERMENTS** – Enclosed please find materials regarding issuance of Estimated Sewer Betterments that require votes of the Board.

III. SELECTMEN'S BUSINESS

5. **STREET ACCEPTANCE DOCUMENTS** – Enclosed please find materials for the Board's review with regard to the Annual Street Acceptance process.
6. **BROOK SIDE SHOPS**– Enclosed please find materials in the subject regard for Board discussion
7. **OTHER BUSINESS**

IV CONSENT AGENDA

8. **ACCEPT MINUTES** – Enclosed please find the Minutes of the December 5, 2000, meeting for Board action.
9. **ACCEPT GIFT** – Enclosed please find a request from the Recreation Director to accept the proceeds from a lemon aid stand operated by Scott Ames, for tree purchase for NARA.
10. **ACCEPT GIFT** – Enclosed please find a request from the Chief of Police to accept a donation from Capizzi Company for the DARE Gift Account.

11. **FIRST TIME HOME BUYER RE-FINANCE REQUEST** – Enclosed please find a request for approval of re-financing of a LIP Home for Board action.

V. TOWN MANAGER'S REPORT

12. **NEED FOR SPECIAL MEETING – FEBRUARY 27, 2000** – Enclosed please find a memo from staff in the subject regard.

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.

February 6, 2001

February 20, 2001 – Superior Trading Co.

March 6, 2001 – Street Acceptance Hearing, Site Plan – 55 Knox Trail

March 20, 2001

April 2, 2001 Annual Town Meeting pre-meetings

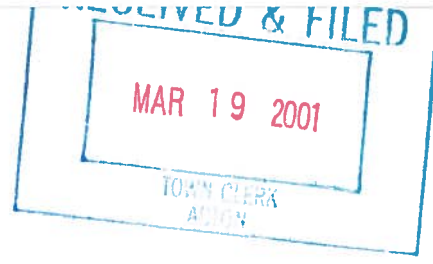
GOALS 2000-2001

1. To obtain facilities plan and bring to Fall Town Meeting. (Dore')
2. Determine future of Vallencourt House - 17 Woodbury Lane. (Herman)
3. Revisit the 2020 process and review make-up and consider expand or reduce the membership. (Peter)
4. Provide looking at salary levels in the organization, include liaison with Personnel Board (Trey /Peter)
5. Review Board of Health duties to expand its role so it becomes a more visible department. (Pam)
6. Formulate charge and suggested membership list for a "Long Range Planning Committee" (Ashton):

FY 2000 GOALS carried forward

7. Develop a comprehensive Beaver Nuisance policy (Pam)
8. Work with the Planning Board to implement the goals, objectives and strategies of the Master Plan update (Peter/Trey)

revised 9/26/00



SELECTMEN'S MINUTES JANUARY 23, 2001

Present: F. Dore' Hunter, Peter Ashton, Trey Shupert, Herman Kabakoff, Pamela Harting-Barrat, Town Manager and Assistant were present. The Meeting was televised.

CITIZEN'S CONCERNS

None Expressed

PUBLIC HEARINGS & APPOINTMENTS

JULIA MCCARTHY SITE PLAN #10/17/00-373 – 457 GREAT ROAD

Pam introduced the Site Plan proponent and they outlined their plans to have the current structure made into a commercial site or combined residential and commercial. They will need to provide 7 car spots and propose to close 2 of the three curb cuts on Great Road as well as rearranging the sidewalks. The Harris Street curb cut is proposed to remain open. They propose to use the existing landscaping. The plan is that the use will be small office spaces. Pam asked about plowing and they will provide an easement. She noted that the gravel under the riprap will help the recharge area as presented and would also have a seal so vehicle fluids could be contained.

Peter asked about the number of spaces, the actual number is 9 spaces and it was modified.

HERMAN KABAKOFF- Moved to close the hearing and to take it under advisement –
PAMELA HARTING-BARRAT - Second UNANIMOUS VOTE

HISTORIC DISTRICT BYLAW

Chairman Hunter opened the discussion noting Mr. Canning's written correspondence and an oral comment by Wayne Friedrichs that he would support this revised bylaw with one suggested change.

He outlined several areas that he had made changes and specific more detailed areas that are proposed to change.

Herman extended thanks for Dore's review and suggestions. He had a question about para 9.1.16 on II of 13. He wanted to know if his reading was consistent with what he understood regarding synthetic materials use.

Peter commented on the time Dore' has spent on this project. He will send his comments by E-Mail.

Trey asked about timing what is the plan leading up to town meeting. Dore' noted he will incorporate the changes and get them back to HDC and BOS and put them on the Warrant.

Michela Moran, Robert McCall and Ann Forbes were present to discuss their review of the issue.

Mr. McCall stated that they want to work together to present something to the town meeting. They feel some items are enforcement changes which have the Building Commissioner make enforcement decisions. They were concerned that these changes were taken on by one selectmen instead of a committee. The types of issues such as parking require more study. They think the diagram is typical in the districts and felt that they should have a committee look at the lots. They do want to work through in a cooperative manner to come to town meeting. He does not think this satisfactorily resolves the parking lot issue. He thinks this requires a joint committee dealing with this issue. They are prepared to endorse a number of the changes but are not prepared to support others.

Dore' felt disappointed with their process and noted he did not receive a detailed response until tonight. They felt they did give a detail comment and noted that they were dumped with a voluminous bylaw for review. They too noted that they did not get all of the written comments from the open hearings. They noted that felt that more discussion would get them to the resolution. They offered to hold special meetings within their meetings to discuss this issue.

Anne Fanton thanked Dore' for version 5. She felt that it would be easier to have a copy with strikes-through and suggested if it goes to Town Meeting we should have a copy available. She felt one item, which needed more give and take, was the change in the view of the historic property. She also felt changes to residential parking and handicapped ramps would be reviewed during this review. She additionally felt that non-traditional materials needed more review. She feels that it is not appropriate for one Selectmen or the Board to revise the entire bylaw. She thinks it should be by a committee.

Dore' answered several of her questions and clarified other issues in his proposal such as view from the street.

Lauren Rozenwig – Noted that Mr. Hunter is working toward making this easier for the residents. She also noted that HDC has a very valuable purpose. She felt that they are doing a good job and it gives a range of opinions. She wanted to see more control of paint color and at grade changes.

Sandra Whaley – She spoke about her experience with removal of buildings and additions and other changes as an owner of a home in the District. She found it only a bit cumbersome and that they need to be nitpickers and found that they are not unreasonable. She had gone to the CONS COM and they are just as picky. She was concerned that we are handling this differently than other bylaw revisions.

Mr. McCall stated that there is currently a hardship and public safety exclusion included.

Pam suggested a study committee, go over his work. She has not looked in to this. She feels that it should go to a full study committee before we move ahead. Dore' noted that perhaps we should as it has not proceeded the way he felt it should/would.

Trey wanted to make clarification comments. This was put on our goals list in 1999 and Dore' began the work. Trey said that when the split up our goals they all have committee assignments. This has been long process and they have had an oversight meeting with both HDC and HC and their combining as well as other issues. He feels the Board does have a good communication on his issue. He did however want to move this ahead this year.

Dore' felt that a study committee would be ok. He wanted a few days to extract items from HDC response, which could go forward. He assured them that this review was not taken up in dissatisfaction with anyone.

Peter suggested a two step process to reach agreement on what can go forward to Town meeting with direction that the study committee conclude the process before next town meeting.

MINUTEMAN REGIONAL HIGH SCHOOL DISCUSSION

Acton's Minuteman Representative Charles Olmstead and Supt. Fitzgerald were present to discuss several items and gain the Board's support. They discussed the issues around Chapter 74 and recruitment purposes of ninth grade students. They noted that Acton has been supportive.

PETER ASHTON – Moved that the Board of Selectmen for the Town of Acton hereby endorses House Bill 266, "An Act Providing for Expanded Access to Vocational Education, and requests that the State Legislature and the Governor promptly support the bill and secure its passage on or before July 1, 2001. TREY SHUPERT – Second. UNANIMOUS VOTE.

Dore felt that a couple of years assessment by agreement and we might be able to save Minuteman. We need to figure out how we can fund them. Herman wanted to know more info before he could support. Fitzgerald noted that the best he can do now is to support the Assessment by Agreement. Our enrollment went up and contribution went down. He has to wait for the State's numbers and growth calculation.

Peter felt we needed to support this school the same way we support our schools. He felt we should go forward eyes wide open. PETER ASHTON - Moved to Endorse Assessment by Agreement. TREY SHUPERT – Second. UNANIMOUS VOTE

ESTIMATED SEWER BETTERMENTS

Doug Halley said we have taken a very close look at assessments and it has affected the number of units. The remaining 1399 units which will take on half of the commitments. They want to talk about non-profit properties and they would use the Board of Assessors records to determine what would be at that property address.

He asked that the Board adopt a plan for Commercial properties and recommend Floor Area Ratio be used on the Burke property and on Grace use the FAR for technology and send the betterment under the bylaw.

Doug asked the Board to certify the Order for Construction for all the properties within the sewer project.

PETER ASHTON - Moved we approve the calculation for betterment assessments for non-profit uses in accordance with D10-2-b-(v) of the Town bylaws. TREY SHUPERT-Second. Three voting and 2 non-participating. UNANIMOUS VOTE

TREY SHUPERT - Moved we approve the calculation of betterment units for land used or zoned for industrial use, (Burke and W. R. Grace) in accordance with D10-2-b-(iv) of the Town Bylaws. PETER ASHTON – Second. UNANIMOUS VOTE.

TREY SHUPERT - Moved to vote the order of construction for all betterment units within the sewer area, in accordance with Chapter 83 Section 15B of the General Laws. HERMAN KABAKOFF - Second. UNANIMOUS VOTE

Debbie Gilpin Discovery Museum says that they made a commitment to maintain a small operation and not build additional buildings. They request that their assessment not include build out.

Brewster Conant – He asked if they are non-profit are they exempt from betterment's. It was replied no.

Michlea Moran asked about their house museums and they are not really like a house they are open only 16 hours per year. They are mainly not heated and asked that they be calculated as a condo. They are completely non-profit.

Trey noted that we needed to put a notice in the paper, municipal quarterly or with the bill and a handout at town meeting so that change if any, be processed before the final numbers are prepared.

W.R Grace wanted to go on record as disputing their new assessment. They want more time to review this. They wanted to come to the Town to work this methodology and calculation. They did not feel basing it on build out would be appropriate. They request to defer the assessment until the land is developed under State law. They again, noted that they just wanted to go on record with their comments. The Board urged them to meet with Doug Halley.

SELECTMEN'S BUSINESS

STREET ACCEPTANCE

HERMAN KABAKOFF -Moved to go forward with procedure to have the streets mentioned made in to public ways at the next Town Meeting – TREY SHUPERT – Second - UNANIMOUS VOTE

BROOK SIDE SHOPS

Herman asked about the changes in the latest version. The only substantive change is the earthen berm northeast side of service bldg. and Esterbrook Road. Herman asked about the effect on the playing fields.

Trey said he would be more comfortable to put it on the Feb 6 meeting after Mike has a chance to review it and get his final comments in.

Peter has a problem with para 15 ECID and would like it in more general language. He would like it increased to 75,000. He further discussed the DEP and the neighbor hood's filing to not approve the Conservation's Commissions action.

CONSENT AGENDA

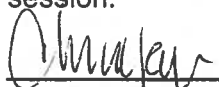
PETER ASHTON – Moved to approve. TREY SHUPERT – Second. UNANIMOUS VOTE.


TOWN MANAGER'S REPORT

Request for Special 27th meeting for refinancing of sewers and local school project. John said they are looking for Boards direction. They agreed on 6:30 a.m. on the 27th of February.

EXECUTIVE SESSION

TREY SHUPERT Moved to go into Executive for matters of litigation and collective bargaining. Roll Call was taken, ALL AYES. They will adjourn at the conclusion of this session.


Christine Joyce


Trey Shupert, Clerk
Peter K. Ashton Acting
Date: _____