

## **SELECTMEN'S MEETING**

**MARCH 3, 1998**

The Board of Selectmen held their regular meeting on Tuesday, March 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.

### **PUBLIC HEARINGS AND APPOINTMENTS**

#### **STREET ACCEPTANCE HEARING PIPER ROAD**

A portion of Piper Road from State Highway Route 2 a distance of 714 feet, more or less, in a southwesterly direction, including the acceptance of 0.235 acres of land from AB Properties LLC. This site was formerly owned by Digital who designed sidewalks and granted easements to the Town for their construction. Digital hit hard times and never constructed the sidewalk. The new owners of the property will construct the sidewalk but would prefer not to have easements on their property and would like to gift the land to the Town. **BILL MULLIN - Move to approve. NANCY TAVERNIER - Second. UNANIMOUS VOTE.**

#### **STREET ACCEPTANCE HEARING MCKINLEY DRIVE AND WASHINGTON DRIVE EXTENSION**

**WASHINGTON DRIVE EXTENSION** - from the previous limit of acceptance at the northerly sideline of a 64.50 foot radius cul-de-sac a distance of 246 feet, more or less, in a northeasterly direction to easterly sideline of a 75,000 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.

**MCKINLEY DRIVE** - from the southwesterly sideline of Newtown Road a distance of 404 feet, more or less, in a southwesterly direction to the southwesterly sideline of a 75.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.

These are routine street acceptances following completion of the road by the developer. **WILLIAM MULLIN - Move to approve. NANCY TAVERNIER - Second. UNANIMOUS VOTE.**

**KOURMET CHINESE RESTAURANT  
100 POWDERMILL ROAD  
COMMON VICTUALLER LICENSE**

Kourmet is a 60 seat chinese restaurant, everything will remain the same except for the owners of the property. WILLIAM MULLIN - Move to grant a common victualler license to Chi Ming Fung, d/b/a Kourmet Chinese Restaurant, 100 Powdermill Road. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

**NAGOG PARK SITE PLAN 11/13/97-360  
CONTINUATION**

This is a continuation of site plan 11/13/97-360. The site plan was continued by the Board due to unresolved traffic and sewage issues. Mr. Ware, developer and owner, indicated to the Board that the Sewage Treatment Plant is functioning in accordance with all existing permits that have been issued. Upon completion of the last hookup to the Treatment Plant, the D.E.P. issued a list of items that would need to be addressed prior to any new hookups and included items like, screening, fencing, removing sand levels from the filter beds, and added more maintenance man hours. These issues have been completed. Ed Gardner, traffic consultant, indicated the additional studies have been done since the last hearing. Additional studies were conducted at the intersection of Nonset Path and Rt 119 (Great Road) and the results indicate that there is a 0-1 1/2 minute delay for vehicles taking a left onto Great Road from Nonset Path with 6 vehicles experiencing over a minute of delay and an overall average of 30 seconds. The test was conducted on Tuesday, February 10, 1998 between the hours of 7:30 AM - 8:30 AM. It was also indicated that Mass Highway has adjusted the signal. The other major concern was the current entrance/exit located at Nagog Park and Rt 119 (Great Road). The new proposal included widening the road to include a two lane exit in Nagog Park just prior to entering onto Great Road and also to install a right lane turn arrow on the existing traffic lights. This should eliminate the existing dangerous situation that occurs when cars enter onto the wrong side of the road in order to exit quicker. The last change will be to reset the timing on the traffic signal which will also need approval from the Mass. Highway. The Board asked if this project would deteriorate the existing level of service. Mr. Gardner stated that currently the level of service is a D rating and by building this office building it would change the level of service to a F rating and that most unsignaled intersections on Great Road currently operate at a F level. Sara Cope, resident of Nagog Woods, stated that the residents of Nagog Woods still have concerns regarding increase noise, Sewage Treatment Plant, and noise and lighting issues. Ms. Cope has met with Mr. Ware and steps have been taken to address these issues including a reduction of speed from 45 mph to 35 mph. Michael Serese, resident of Durkee Road in Westford stated that he would like an earthen berm erected, noise barrier erected around ventilation systems, fence, traffic concerns, and an adequate drainage system. These concerns have been addressed by Mr. Ware and the Building Commissioner. Mr. Ian McPherson suggested that the ventilation system be placed on the ground instead of the roof. The Board reminded the residents that once this hearing is closed, no further correspondence can be addressed. NANCY TAVERNIER - Move to close the hearing and take Site Plan 11/13/97-360 under advisement. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

**CHAMBER OF COMMERCE  
DISCUSSION  
AMENDMENTS TO THE NO-SMOKING PETITION**

Jan Spealman, Chamber of Commerce, along with representatives from Crossroads, Chez Claude, Scupper Jacks, and Kelley's Corner Kitchen were present to discuss their concerns regarding this proposed petition. Ms. Spealman has collected information from the Town of Lexington who have gone completely nonsmoking, and restaurants in Acton that have chosen to go nonsmoking and also stated that it is physically impossible to implement this proposed bylaw by July 1, 1998. Jack Mendosa, Scupper Jacks, stated that two years a similar warrant article was defeated, and this warrant article is far more severe. Mr. Mendosa stated that he is looking for a compromise prior to Town meeting. Mr. Mendosa stated that 86% of all seats in all restaurants are currently non-smoking and 53% of restaurants are all non-smoking. The restaurants are concerned with having to spend excessive monies on a ventilation system. Approximately 6-8 restaurants will be forced to install ventilation systems if they wish to keep a smoking section. Kelley's Korner Kitchen surveyed her smokers and asked them what they would do if she went nonsmoking. The people surveyed told her they would go elsewhere. Mr. Hunter stated that the two sides should try to work out a compromise prior to Town Meeting.

***SELECTMEN'S BUSINESS***

**EDFAB HISTORY BEE**

Bill asked the Board if they would like to contribute to the fund-raiser.

**WARRANT DISCUSSION**

Richard Crosswell, Planning Board, gave a brief summation of the Zoning articles. The Planning Board has voted to remove the two zoning articles regarding the Office Park 2 districts since their last meeting with the Board of Selectmen. Some of the other changes included reductions in FAR's, street setbacks, dimensions and height restrictions. The Board of Selectmen thanked the Planning Board for incorporating their comments from the previous public hearing.

**ARTICLE 0 -PLOWING OF PRIVATE WAYS - DORE' HUNTER - Move to place article O in the budget and make a separate warrant article - Plowing of Private Ways. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.**

The Board also discussed the ALG numbers. A more accurate figure will be voted by the School Committee on Thursday night.

Dore' recommended that article PP - Police Awareness trailer be included in Article R - Capital Improvements - Vehicle Replacements.

**ARTICLE ZZ- AART LAND PURCHASES - WILLIAM MULLIN** - Move to place this article in with Article J-Budget Transfer Article. **NANCY TAVERNIER** - Second. **UNANIMOUS VOTE.**

**ARTICLE BB- CITIZEN PETITION - SMOKING RESTRICTIONS - HERMAN KABAKOFF** - Move to defer recommendation on Article BB - Citizens Petition - Smoking Restrictions. **WILLIAM MULLIN** - Second. **UNANIMOUS VOTE.**

**ARTICLE NN - LOCAL SCHOOL CONSTRUCTION** - The Board discussed the loss of the override vote for the local school construction. The Board stated that they remain committed to helping the students and have proposed to go forward with a 16 section new school building. The money needed for the proposed school is approximately 12,325,000. The Town will not be on an approved list for reimbursement of state monies until 1999. The school has indicated that they will not go forward until they get the preliminary okay for state reimbursement. **HERMAN KABAKOFF**- Move to defer recommendation due to the late hour that this warrant article was submitted. **WAYNE FRIEDRICHS** - Second. 2-3 (Bill, Nancy, Dore' voted no) **MOTION FAILS.** Nancy asked what corrections Herman needed since the last meeting when he unanimously voted along with the rest of the Board to support the override. Herman stated that the environment has changed and he is looking for an explanation from the schools. Herman asked why the Merriam School wasn't being renovated. Micki Williams, School Committee member offered to sit down with Herman and answer any questions he might have. Wayne stated that he has seen a lot of information come and go and would like to see the summary again.

Charlie Kadlec stated that the voters will not vote for anything to increase taxes plus increase capital costs and he is also concerned with all the other projects in the horizon.

Micki Williams, School Committee, stated that the School Committee came to the consensus that the voters feel that a K-12 plan is needed.

**NANCY TAVERNIER** - Move to recommend Article NN - LOCAL SCHOOL CONSTRUCTION. **WILLIAM MULLIN** - SECOND. 3-2(Herman & Wayne voting No). Motion Passes.

**ARTICLE OO - CIVIL SERVICE/QUINN BILL** - Don stated that the Police Union is in the process of signing a Memorandum of Agreement and a signature needs to be done prior to Friday. **HERMAN KABAKOFF** - Move to place Article 00 -Civil Service/Quinn Bill on the warrant and the Town Manager is to write the summary and also vote to recommend contingent on a final signature on the Memorandum of Agreement. **NANCY TAVERNIER** - Second. **UNANIMOUS VOTE.**

**ARTICLE YY - REKEYING APS FINANCIAL DATA** - The Board stated that this article should be held. The Board stated that this article is still being discussed and it should not be listed as an article pending discussion.

**ARTICLE XX - LANDFILL CLOSURE** - Bill Mullin stated that he has significant questions which include the expected value, risk factors, and probability of receiving the clay from the big dig project. Bill stated that he would like to get the clay and then create a plan.

**ARTICLE RR - RECREATION IMPLEMENTATION** - Bill stated that he is anxious to start the recreation commission and has been thinking about small programs such as ice skating rinks and would like to get funds for these small projects. **BILL MULLIN** - Move to amend operating budget to give Natural Resources \$10,000 to be used for recreation programs and miscellaneous items. **NANCY TAVERNIER** - Second. **UNANIMOUS VOTE.**

**ARTICLE UU - WATERSHED TRADING PROGRAM** - Nancy stated that this should be done in phases which means this article can be cut in half with the other half included on next years warrant. **NANCY TAVERNIER** - Move to reduce **ARTICLE UU** from \$200,000 to \$100,000. **WILLIAM MULLIN** - Second. **UNANIMOUS VOTE.**

**ZONING ARTICLES - ARTICLES DD-II - WAYNE FRIEDRICHS** - Move to defer recommendation on Articles DD-II. **WILLIAM MULLIN** - Second. **UNANIMOUS VOTE.** The Board stated that they are not quite comfortable with these articles at this point and they would like more time. The Board agreed to try to work out these issues by Friday when the warrant goes to print.

**ARTICLE E - SEPTAGE ENTERPRISE BUDGET - WILLIAM MULLIN** - Move to add wastewater tank(\$25,000) into Septage Enterprise Budget contingent upon receiving grant. **NANCY TAVERNIER** - Second. **UNANIMOUS VOTE.**

**ARTICLE MM - AMEND REGIONAL SCHOOLS AGREEMENT - WILLIAM MULLIN** - Move to recommend subject to Dore's recommendation. **NANCY TAVERNIER** - Second. **UNANIMOUS VOTE.**

**ARTICLE K ACTON BOXBOROUGH REGIONAL SCHOOL ASSESSMENT- NANCY TAVERNIER-** Move to defer. **WILLIAM MULLIN** -Second. **UNANIMOUS VOTE.**

**ARTICLE I - ACTON PUBLIC SCHOOL BUDGET - NANCY TAVERNIER** - Move to recommend. **WILLIAM MULLIN** - Second. **UNANIMOUS VOTE.**

**NANCY TAVERNIER** - Move to recommend all other articles with the exception of the ones that were previously voted to defer. **WAYNE FRIEDRICHS** - Second. **UNANIMOUS VOTE.**

## **ORDER OF WARRANT**

Dore' stated that he recognized targets for each town meeting night when he drafted the order of the articles. The Board felt it was important to have set time targets and article targets for each night.

## **FINANCE COMMITTEE HEARING**

Nancy reminded the Board that there will be a Finance Committee hearing on March 24, 1998 at 7:30 PM in Room 204 at the Town Hall.

## **NYNEX SIDEWALK MONIES**

Nynex previously requested that they give money instead of the sidewalks. The Board considered using the monies for sidewalks at NARA. WILLIAM MULLIN - Move to use Nynex funds for construction of sidewalks at NARA. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

## **CONSENT AGENDA**

WILLIAM MULLIN - Move to approve consent calendar as printed. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

## **TOWN MANAGERS REPORT**

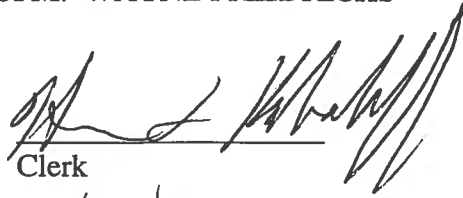
### **BOCA's MASTER CODE OFFICIAL STATUS GARY JAROSKI**

The Board asked that staff extend the Board's congratulations to Mr. Jaroski for this fine achievement.

### **MASS HISTORICAL COMMISSION PRESERVATION AWARD FOR SOUTH ACTON BRIDGE**

Don asked the Board if they would consider nominating the Norman D. Lake Memorial Bridge for the preservation award. The Board is grateful to the Mass Highway for their cooperation in creating a structure that compliments the neighborhood and our efforts to revitalize this important historic area. The location of the bridge, located in the heart of the Historic District presented the Town and Mass. Highway with unique problems. HERMAN KABAKOFF - Move to nominate the Norman D. Lake Memorial Bridge. NANCY TAVERNIER - Second. UNANIMOUS VOTE. Dore' to write draft nomination with Don.

HERMAN KABAKOFF - Move to adjourn at 11:05PM. WAYNE FRIEDRICHS -  
Second. UNANIMOUS VOTE.



Clerk

4/28/98

Date



Sheryl Ball  
Recording Secretary  
3\_3\_98.DOC

February 27, 1998

**TO** Board of Selectmen

**FROM:** F. Dore' Hunter, Chairman

**SUBJECT:** Selectmen's Report

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**AGENDA**  
**Room 204**  
**March 3, 1998**  
**7:30 P.M.**

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. 7:35 **STREET ACCEPTANCE HEARING PIPER ROAD**
2. 7:40 **STREET ACCEPTANCE HEARING MCKINLEY DRIVE**
3. 7:45 **KOURMET CHINESE RESTAURANT 100 POWDERMILL ROAD - COMMON VICTULLER'S LICENSE** - Enclosed please find a request and staff comment regarding the proposed new owner for Board action.
4. 8:00 **NAGOG SITE PLAN #11/13/97-360 CONTINUATION-** Enclosed please find materials regarding this Site Plan for Board review.
5. 8:15 **CHAMBER OF COMMERCE** - The Chamber will be in to discuss the proposed changes to the No Smoking Bylaw.

**III. SELECTMEN'S BUSINESS**

6. **WARRANT DISCUSSION** - Enclosed please find information for discussion.
7. **EDFAB SPELLING BEE** - Enclosed please find request from Selectmen Mullin for Board contributions.
8. **OTHER**

**IV. CONSENT AGENDA**

9. **GARDEN CLUB REQUEST** - Enclosed please find a request and staff recommendation for permission to hold the Annual Garden Club Plant Sale on the Common for Board action.
10. **ACTON HOUSING AUTHORITY** - Enclosed please find the Housing Authority Section 8 Annual Contributions Contract submitted for Board signature.
11. **BOSTON EDISON PETITION** - Enclosed please find a request for Conduit installation and Staff Comment for Board signature.



**12. BICYCLE LOCKER FEES** - Enclosed please find a fee recommendation for the bicycle lockers at the train station.

**13. ACCEPTANCE OF GIFT** - Enclosed please find a donation of a PC and printer to the Fire Department from Haartz Corporation.

## **V. TOWN MANAGER'S REPORT**

**14. BOCA's MASTER CODE OFFICIAL STATUS** - Enclosed please find letter informing the Town that Gary Jarobski has received BOCA Certification as Master Code Official.

## **VI. EXECUTIVE SESSION**

**There will be a need for Executive Session to discuss the Enclosed Materials.**

### **MEETINGS**

### **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.

**March 17**  
**Commuter Parking Lot**  
**Site Plan 1/22/98-361 Westford Lane**  
**Pcc./ Mar398.doc.**

**March 31**  
**Site Plan 1/30/98-362 Coles Brook Site Plan**  
**Jenks Fund award**