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BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
February 14, 2011

TOWN CLERK, ACTON

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

Present: Ms. Rosenzweig Morton, Mr. Gowing, Ms. Friedrichs, Ms. Harting-Barrat, Ms. Adachi, Town Manager Steve Ledoux and Recording Secretary Christine Joyce. The meeting was televised

CITIZENS' CONCERNS

Thomas Michelman spoke about a meeting that the Friends of the Bruce Freeman Rail Trail would be hosting in Concord at the Town House on Thursday. He wanted a Board member to attend that meeting and asked that we circulate the notice to all to attend. Ms. Rosenzweig Morton said the Board would get the word out. Ms. Adachi, the BFRT liaison, will not be able attend, so Ms. Rosenzweig Morton will attend on behalf of the Town.

Rose Dequattro and Dia Chigas told the Board that they would be coming before the Board to discuss the application of the Farmer's Market to be licensed to offer wine for sale as well as for tastings. Staff noted that final approval is under the purview of the State ABCC.

Paul Murphy, Revolutionary Road resident, introduced himself as a candidate for the School Committee.

CHAIRPERSON'S UPDATE

Ms. Rosenzweig Morton updated the board on the litigation between the Town and Crossroads Development LLC.

The Board will be meeting tomorrow evening to discuss the settlement proposal for Walker Realty LLC,

OPERATIONAL MINUTE

Mr. Ledoux reminded everyone of the upcoming Chinese New Year and 275th Anniversary celebration and fireworks at the high school that the Town of Acton is co-sponsoring.

The Council on Aging is going to be starting new lunch menu on the third Tuesday of the month with a cost of \$3.00.

PUBLIC HEARINGS & APPOINTMENTS

SPECIAL USE PERMIT, ACTON COFFEE SHOP #1/5/11-430, 342 GREAT ROAD

Ms. Rosenzweig Morton – Recuse herself as her son performed some work for the Coffee Shop.

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Ms. Ray explained her request for zoning approval for 18 seats in her Coffee Shop. She noted that she has been approved by the Board of Health to use non-disposal coffee cups.

Ms. Friedrichs – Moved to approve. Mr. Gowing – second UNANIMOUS VOTE

WARRANT ARTICLE PRESENTATION, DISCONTINUE TICONDEROGA ROAD

Town Engineer Corey York discussed the discontinuation of Ticonderoga Road. He feels that they will not be able to develop it once we discontinue it. He said that it is a very wet parcel and the people who currently own the property are just trying to make the property easier to sell when they decide to sell. The Town Planner will respond. Ms. Friedrichs said she would like to have pictures/visuals before Town Meeting.

WARRANT ARTICLE PRESENTATION, SIDEWALK EASEMENTS

Corey York spoke about sidewalk configurations in Town. He said that Town Counsel has said that the Town needs to update the process, which is the reason for the articles on easements and land gifts on High Street and Summer Street. Ms. Rosenzweig Morton asked for drawings.

WARRANT ARTICLE PRESENTATION, ACCEPT ROBBINS MILL OPEN SPACE ACQUISITION AND ACCEPT CANTERBURY ROAD AND BLUEBERRY PASS

Corey York and Roland Bartl spoke about the articles. There are over 100 acres of Open Space for the town to accept. The Board asked for plans.

STREET ACCEPTANCE

Corey said it is the extension of Blueberry Path, extending a quarter of a mile in to Robbins Mill. Ms. Friedrichs wants to have this issue on the agenda to be discussed. She wants the Board to examine the long-term costs and explore the policy of accepting all “to spec” streets.

WARRANT ARTICLE PRESENTATION, ZONING ARTICLES, HOUSEKEEPING, GROUND WATER AND FAR SAV/WAV

Roland Bartl described the articles and noted the Planning Board will be meeting tomorrow night at the Library to hold their required public hearing. Mr. Gowing asked how gross area was calculated and suggested that FAR be based on gross area. Mr. Bartl said that gross area is very different and did not recommend that approach.

Ms. Friedrichs asked about the proposal's being under housekeeping and would expect a full presentation at Town meeting, including visuals that would describe the change. She is concerned that larger buildings would be allowed under the proposed rules. Mr. Bartl disagreed. [It was later discovered that the Board had before a different version of the proposed warrant article from the version that Mr. Bartl was discussing.] Roland explained what window signs will be allowed.

Mr. Bartl provided an update on the status of sign-by-law enforcement. The Economic Development Committee wanted a friendly approach to businesses. Mr. Bartl noted that the village districts have their own requirements to enforce.

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Mr. Bartl addressed the issue of building area as it relates to non-conforming buildings.

Mr. Bartl discussed FAR in the South Acton and West Acton Villages. And explained his interpretation of the density bonus. He felt that Town Meeting needed to determine whether any change in his interpretation is desired.

On the proposed changes in the Groundwater District. Mr. Bartl explained that the zones protect the groundwater for the Town of Acton. The overlays were created for the wells in Zone 2. Zone 1 does not change.

Ms. Friedrichs asked if this will allow more building. Mr. Bartl said the purpose of the regulation and zoning is to protect the groundwater, and he did not believe that the proposed regulation would allow more building.

REVIEW DRAFT DECISION, TRANSFER OF DEVELOPMENT RIGHTS, LOTS 32, 38, 39 QUARRY ROAD

Ms. Rosenzweig Morton described the transfer requested. It will preserve the trees and tree line. There will be six units and the developer will try to keep the trees and allow a meandering sidewalk. There will be a landscaping component approved by the Tree Warden.

Mr. Bartl said that trees on the sending lot and receiving lot are written into the decision. And that the bond will be used if the trees die or are damaged. He would defer the issue of the amount of the bond to the Tree Warden.

Ms. Adachi asked about the hours when work will be done, it could have an impact the use of NARA Park concerts and activities.

Ms. Friedrichs said that she would vote for the proposal because the neighbors seemed in favor. She likes the "meandering" sidewalk plan (as opposed to a straight sidewalk). She wants staff to figure out a way for us to be specific about how trees will be replaced via some sort of metric.

Ms. Harting-Barrat - Moved to approve this decision with the changes. Mr. Gowing – second.
UNANIMOUS VOTE

SELECTMEN'S BUSINESS

DISCUSSION OF LAPSING CPA APPLICATIONS

Ms. Adachi spoke about a number of CPA appropriations for recreational projects where use of the funds has been on hold for different reasons. Counsel has determined that two of appropriations are void. CPC had a discussion about it and they want to know what the Selectmen wish to do.

The Board may ask the CPC to seek re-appropriation of the funds, conditioned on the amendment of the CPA to fix the problem. Or the Board may take no action.

Ms. Friedrichs - Moved to have Ms. Adachi report back to the CPC. Ms. Harting-Barrat – second. UNANIMOUS VOTE

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The NARA pavilion and Elm Street playground awards cannot be spent for the purposes for which they were appropriated. The Board can let them lapse or have Town Meeting vote a re-appropriation. The legislature must fix the problem that has affected these projects.

Kathy Fochtman, Recreation Director, urged the Board to hold the two projects open. They need investment in the Recreation Facilities. Ms. Harting-Barrat – Move to recommend to CPC that they bring these two projects back to Town Meeting for continuation until such time as the legislation may change. Mr. Gowing – second. UNANIMOUS VOTE

School Street Fields –Mr. Ledoux is working on the long-term, 10-year lease but the Town has been signing a lease from year to year. It is in DCAM now and Town Counsel has been working with the State.

Ms. Friedrichs – Moved to wait as we are working on this and it should be re-evaluated next year. Ms. Harting-Barrat – second. UNANIMOUS VOTE

TOWN MANAGER'S EVALUTION

The Board discussed the evaluation. Board members' comments generally were very positive.

SELECTMEN'S REPORTS

Ms. Rosenzweig Morton spoke about the South Acton Train Station. We received notice that the Massachusetts Historic Commission is satisfied that the required conditions have been met. Ms. Rosenzweig Morton thanked all the boards and committees and staff that worked so hard to get this project on track.

Ms. Rosenzweig Morton reported on her meeting with Health Department and Ms. Friedrichs to discuss sewer capacity. Ms. Friedrichs will be developing questions for discussion.

Ms. Rosenzweig reported on efforts of the Town, the Water District and Boxborough to come up with joint legislation to protect our water rights. She will continue to monitor the discussion and bring information back to the Board.

Mr. Gowing spoke about the TAC meeting on 24th. Mr. Gowing noted that HIT had a split vote on changing the split

Ms. Harting-Barrat reported on the sidewalk committee activities. Ms. Harting-Barrat asked how much was expended this year and what is proposed for next year

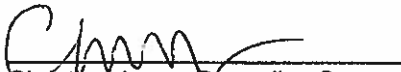
Ms. Adachi noted CPC had had its first discussion about proposed funding amounts for projects, with funding for all projects ending up in the 1.3 - 1.4 million range.


CONSENT AGENDA

Mr. Gowing – Moved to accept the Consent Agenda. Ms. Friedrichs – second. UNANIMOUS VOTE

Final

Ms. Harting-Barrat - Moved to go Adjourn. Ms. Friedrichs -- second. took Roll Call, All Ayes


Christine Joyce, Recording Secty


Clerk

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room
February 14, 2011
7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. **7:05 CHAIRMAN'S UPDATE**
The Chair will briefly update the Board
2. **7:10 OPERATIONAL MINUTE**
The Town Manager will provide a brief report
3. **7:30 SPECIAL USE PERMIT, ACTON COFFEE HOUSE, #1/5/11-430,
342 GREAT ROAD, STORE #10**
Enclosed please find materials in the subject regard
4. **7:45 WARRANT ARTICLE PRESENTATION, DISCONTINUE
EASEMENT, TICONDEROGA ROAD (COREY YORK, TOWN
ENGINEER)**
5. **7:55 WARRANT ARTICLE PRESENTATION, SIDEWALK EASEMENTS
AND LAND GIFTS, HIGH STREET, SUMMER STREET, AND
MARTIN STREET (COREY YORK, TOWN ENGINEER)**
6. **8:00 WARRANT ARTICLE PRESENTATION, MASSACHUSETTS
AVENUE, ACCEPT AS A PUBLIC WAY (COREY YORK, TOWN
ENGINEER AND ROLAND BARTL, TOWN PLANNER)**
7. **8:05 WARRANT ARTICLE PRESENTATION, ROBBINS MILL ACCEPT
OPEN SPACE ACQUISITION, ACCEPT AS PUBLIC WAYS,
CATERBURY ROAD AND BLUEBERRY PASS (ROLAND BARTL,
TOWN PLANNER)**
8. **8:15 WARRANT ARTICLE PRESENTATION, ZONING ARTICLES,
HOUSEKEEPING, GROUND WATER AND FAR SAVWAV
(PLANNING BOARD)**

9. **8:30 REVIEW DRAFT DECISION FOR TRANSFER OF DEVELOPMENT RIGHTS, LOTS 32, 38, 39 QUARRY ROAD, BENTLEY BUILDING CORPORATION**

III. SELECTMEN'S BUSINESS

10. **DISCUSSION OF LAPSING CPA APPLICATIONS**
Enclosed please find materials in the subject regard
11. **TOWN MANAGER'S EVALUATION**
Enclosed please find materials in the subject regard.
12. **SELECTMEN'S REPORTS**

IV. CONSENT AGENDA

13. **ONE DAY ALL LIQUOR LICENSE, SPRIGS RESTAURANT, FEBRUARY 14, 2011**
Enclosed please find materials in the subject regard
14. **ACCEPT MINUTES, SEPTEMBER 13 AND OCTOBER 25, 2010**
Enclosed please find materials in the subject regard
15. **COMMITTEE APPOINTMENT, PLANNING BOARD, MR. CHIN TO BE MOVED FROM ASSOCIATE TO FULL MEMBER TO FILL THE UNEXPIRED TERM OF MS. HONN TO 6/30/14**
Enclosed please find materials in the subject regard
16. **REQUEST FOR SUPPORT FROM LIBRARY TRUSTEE DENNIS AHERN TO CELEBRATE THE 150 ANNIVERSARY OF THE RETURN OF THE DAVIS GUARDS MILITIA COMPANY ON AUGUST ~~12-14~~, 2011**
Enclosed please find materials in the subject regard 26-28
17. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$500.00 from The ACTON BOXBORO CULTURAL COUNCIL to be used to help fund the Bluegrass Festival at NARA Park
18. **ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$400.00 from the Cambridge Savings Bank to be used to help fund Winter Carnival at NARA Park

19. ACCEPT GIFT, POLICE DEPARTMENT

Enclosed please find a gift of \$100.00 from the Wong family for the Youth Services Fund

20. ACCEPT GIFT, POLICE DEPARTMENT

Enclosed please find a gift of \$100.00 from Capizzi & Company, Inc. to be used for Youth Services Program at the Acton Police Department

21. REQUEST TO USE TOWN HALL PARKING LOT ON APRIL 18, 2011

Enclosed please find materials in the subject regard

22. BETSY BALL, 2011-12 YEAR, EDUCATIONAL SCHOLARSHIPS

Enclosed please find materials in the subject regard

23. APPROVAL OF \$1,000.00 FROM THE WHITNEY MEMORIAL FUND TO HELP FUND THE 2011 ROBERT CREELY AWARD

Enclosed please find materials in subject regard

24. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY

Enclosed please find materials in 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 list

MINUTES PENDING VOTES



January 10 & 24, 31

PENDING COMMITTEE APPOINTMENTS




Anita L. Rogers – Historic District Commission, Alternate Member sent to VCC 1/29/11
Remo Politano – Several Committees will come back to VCC with decision 11/8/10
Steven P. Leo – Recreation Commission sent to VCC 11/19/10
Michael A. Luongo - Board of Appeals, Board of Health, and Application sent to VCC




















































































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











Agenda

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<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		<u>010 Agenda, February 14, 2011, Board of Selectmen</u>	admin	02/11/11	130 KB	    
<input type="checkbox"/>		020 (3) Special Permit, Acton Coffee House, 340 Great Road	admin	02/11/11	401 KB	    
<input type="checkbox"/>		<u>025 (4) Draft Organization of 2011 Annual Town Meeting Warrant Articles</u>	admin	02/11/11	56 KB	    
<input type="checkbox"/>		026 (8) Planning Board Articles Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	02/11/11	2 MB	    
<input type="checkbox"/>		030 (9) Draft Decision, Transfer of Development Rights, 39 Quarry Road	admin	02/11/11	646 KB	    
<input type="checkbox"/>		040 (10) CPA Materials, Projects, Lapsing Appropriations, Charter Excerpt as well as Counsel's Recommendation	admin	02/11/11	864 KB	    
<input type="checkbox"/>		050 (11) Town Manager's Evaluation	admin	02/11/11	1 MB	    
<input type="checkbox"/>		060 (13) One Day Liquor License, Sprig's	admin	02/11/11	108 KB	    
<input type="checkbox"/>		070 (14) Minutes, September 13 and October 25, 2010, Board of Selectmen	admin	02/11/11	944 KB	    
<input type="checkbox"/>		080 (15) Planning Board Appointment, Derrick Chin	admin	02/11/11	264 KB	    
<input type="checkbox"/>		090 (16) Request for Support re: 150 Anniversary of the Return of the Davis Guards Militia	admin	02/11/11	60 KB	    
<input type="checkbox"/>		100 (17) Accept Gift, Recreation Department	admin	02/11/11	109 KB	    
<input type="checkbox"/>		110 (18) Accept Gift, Recreation Department	admin	02/11/11	36 KB	    
<input type="checkbox"/>		120 (19) Accept Gift, Police Department	admin	02/11/11	20 KB	    
<input type="checkbox"/>		130 (20) Accept Gift, Police Department	admin	02/11/11	39 KB	    

<input type="checkbox"/>		140 (21) Use of Town Hall Parking Lot and Facilities, Acton Historical Society, Inc. for Patriot's Day	admin	02/11/11	147 KB	    ▾
<input type="checkbox"/>		150 (22) Betsy Ball Scholarship Notice	admin	02/11/11	53 KB	    ▾
<input type="checkbox"/>		160 (23) Georgia Whitney Memorial Fund, Request for Financial Support for Robert Creeley Award Activities	admin	02/11/11	194 KB	    ▾
<input type="checkbox"/>		170 (24) Disposal of Obsolete Materials, Memorial Library	admin	02/11/11	38 KB	    ▾

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