

Final

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**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING  
January 24, 2011**

TOWN CLERK, ACTON

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

**Executive Session at 6:30 p.m. Room 124**

Ms. Rosenzweig Morton announced the opening of the meeting of the Board of Selectmen at 6:30 and said she would entertain a motion to enter into Executive Session to discuss strategy with respect to Highway Union Bargaining Strategy. Mr. Gowing – Moved to go into Executive Session Ms. Harting-Barrat – second. Roll call taken by the Clerk, all Ayes

Ms. Rosenzweig Morton stated before the roll call vote to enter Executive Session:

- a. In the Executive Session, the selectmen will discuss Highway Union Bargaining Strategy
- b. In each case, an open meeting may have a detrimental effect on the litigation position of the Town or the Board.

Roll call taken by the Clerk All ayes

Chair: At the conclusion of the Executive Session, the Board will reconvene in open session.

**CITIZENS' CONCERNS**

Carol Holley of ACES spoke about the Caouette land and thanked the Board for adding the yearly testing requirement. ACES wants to keep the sites that are being used for farming and the associated use of pesticides secure from entry by the public.

Bob Ingram asked about the minutes from October and September. Staff said that they will be on the agenda for February 14<sup>th</sup>.

**CHAIRPERSON'S UPDATE**

Ms. Rosenzweig Morton spoke about budgets and numbers from the State. She also mentioned her attendance at the MMA annual meeting.

The public meeting about Walker Realty LLC is scheduled for Feb 15<sup>th</sup> in the Public Safety Facility Operations Center. A package of information will be on the Town's web site.

On Feb 5<sup>th</sup> is the Winter Carnival and on Feb 19<sup>th</sup> is the combined celebration of the Chinese New Year and Acton's 275<sup>th</sup> Anniversary.

**OPERATIONAL MINUTE**

Mr. Ledoux said noted his attendance at the MMA meeting. The Governor's proposed funding under Chapter 70 requires additional monies but lottery aid is reduced by 65 million. Acton

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would get 1.6 million. ALG will be meeting to decide which numbers they will be using. The Governor will be filing legislation to allow municipal participation in GIC. .

## **PUBLIC HEARINGS & APPOINTMENTS**

### **SPECIAL PERMIT FOR TRANSFER OF DEVELOPMENTS RIGHTS, Lots 32, 38 and 39 QUARRY ROAD**

Engineer George Dimakarakos and Mr. White, Bentley Building Corp. were present to discuss their request to transfer development rights from and to lots on Quarry Road in connection with the proposed construction of single-family homes.

Ms. Harting-Barrat asked about the wetland on the sending parcel. The applicant will not count the wetland in the square footage. Ms. Adachi noted that the sending parcel was heavily treed in the wetlands buffer zone. She also asked if Mr. Dimakarakos had had a chance to review Planning Director Roland Bartl's memorandum and address his concerns. Mr. Dimakarakos said there currently are dense developments in the area, and the Board will have to decide whether to preserve open space.

Mr. Gowing asked about the Conservation Commission and Board of Health comments, noting that the BOH concurred with the suitability of the soils.

Mr. Gowing asked about the receiving location and the proposal of Natural Resources Director Tom Tidman to have the street snake through the development to Ledge Rock. The developer prefers to keep the 6 houses where they are proposed.

Ms. Friedrichs thanked them for preserving open space and noted that the Acton 2020 group is getting a lot of feedback about open space preservation. The 1991 Master Plan is now 20 years old, and references to creating residential growth are out of date. Yet the staff comments refer to the goal of the transfer of development rights clauses as being to encourage growth per the Master Plan. She asked about the number of bedrooms. The answer was that the number of bedrooms would be the same. But that the square footage of living area would be increased, and people could use that area for bedrooms if they want. It was noted that septic systems are required on the site.

Ms. Harting-Barrat noted the concerns from Mr. Tidman and Municipal Properties Director Dean Charter about changing the aesthetic view at NARA and the suggestion to move the houses. The applicant will preserve the trees if possible but will not leave dangerous trees in place on the site. Ms. Harting-Barrat urged them to make it look like a park area.

Mr. Gowing asked whether the applicant would consider designating one house as an affordable house. The applicant is developing a property at Quarry and Harris and in that other development, the developer is contributing to affordable housing. Perhaps they can make a cash contribution to help with affordable housing.

Resident at 16 Orchard Drive asked about the lot size for the one house on the sending parcel. It is 1 ½ Acres

Resident at 50 Quarry Road wanted to preserve the trees and wanted proper landscaping. Rex Lumber still has not put up the promised buffer/fence. The resident wanted to keep trees for aesthetic reasons.

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Resident at 65 Alcott Street owns the commercial building and was concerned about how water is going to come off the property. The developer will install a fence and will be addressing the runoff design but anticipated that water would drain away from the commercial property

Jamie Norton asked about Quarry Road and plans for a sidewalk. She also asked about road marking to control parking.

Ms. Friedrichs asked the neighbors in attendance if they would be interested in purchasing part of the property to allow the developer to decrease the number of houses by one. One neighbor said that he can't afford it and that it would be nice if the Town bought it. Someone commented that if the Village Land program were in place that might be possible. Ms Friedrichs asked if the applicant would be open to talking about a potential purchase of part of the land. The applicant said yes.

Julia, a resident across the street from the proposed project, asked that they have a landscape architect design the plantings.

Ms. Rosenzweig Morton noted that the written decision will include details regarding sidewalks, and the landscaping plan to be submitted

Ms. Harting-Barrat – Moved to close the hearing and to take under advisement. Mr. Gowing – second UNANIMOUS VOTE.

#### **ALG/BUDGET DISCUSSION**

ALG discussed which numbers to use---the Governor's numbers or ALG's---which will dictate the remaining numbers and the split.

Mr. Ledoux suggested a separate meeting to discuss the budget, which must be voted before Feb 3<sup>rd</sup>, and suggested a meeting before the end of January. He e has prepared a level-service budget, which assumes the use of up to 2 million in reserves.

Mr. Gowing suggested scheduling the meeting on the 31st. Herman Kabakoff said that the School Committees will vote the budget at their next meeting.

The Schools will not be funding the Cops in Schools program. Mr. Gowing asked about the unfunded position. There will be a meeting with the Police Chief to discuss what this will mean for the Schools.

Mr. Kabakoff said that he was not speaking for the School Committee but the vast majority will take the position of ALG.

Ms. Friedrichs was concerned that the Board needs to hold firm on school requests. She also noted that "the plan" is to continue spending at a deficit of over \$2 million/year and that there is only so much left in the reserves. So we should be talking about a plan to either cut spending, or do an override. She said that we can't continue to spend at a deficit forever.

Ms. Adachi would prefer to use our conservative numbers instead of the Governor's proposed budget. Ms. Friedrichs agreed with Ms. Adachi and Mr. Gowing on being conservative.

The Board said they will keep revenues conservative at ALG.

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## **FORMATION OF A CAQUETTE/SIMEONE CONSERVATION RESTRICTIONS COMMITTEE**

Ms. Rosenzweig Morton explained the formation of the committee and noted the need for the committee to address the issue of parking at the trail head. The farm land was envisioned as having an ongoing farming business and preserving the entire farm far into the future. The Open Space Committee will need to start talking to the Stonefield Farm owners.

### **Membership proposed:**

- 1 Open space Committee member
- 1 Conservation Commission member
- 1 person with agricultural experience
- 1 South Acton resident
- 1 member of the AHC
- 1 Member of ACES
- 1 Member of Assabet River Rail Trail

It is anticipated that the project will take 4-6 Months. Staff persons will be Tom Tidman and Roland Bartl.

Ms. Friedrichs – Moved to accept this charge. Mr. Gowing – second. UNANIMOUS VOTE

## **POLICY DISCUSSION/USE OF REMAINING SEWER CAPACITY**

Ms. Rosenzweig Morton outlined the issue and then Ms. Friedrichs gave a presentation on the use of spreadsheets to assist in decision-making.. Ms. Friedrichs wanted an opinion from Counsel to see how we could control capacity and how much flexibility we have.

## **SELECTMEN' S REPORTS**

Ms. Adachi said that the CPC has heard presentations from all applicants, and hopes to have its final recommendations by early March. She has asked CPC to address the issue of CPA appropriations that have not been used and will lapse. The Water Resources Advisory Committee has met with Acton 2020 representatives and will be providing comments to Acton 2020 on draft descriptions pertaining to water-related issues. She attended the annual MMA meeting, including a session on the pending new EPA storm water permit.

Ms. Harting-Barrat noted that two of her committee meetings were cancelled,. SATSAC will be meeting and reviewing the sketch Ron Rose developed.

Mr. Gowing said Acton 2020 and TAC had met. There was a one-cent-ride promotion for the Minute Man Van shuttle; the shuttle service has sold two more spaces at the Fire Station. The arrangements for the Mt. Calvary parking lot are under discussion. There is a review underway of the feasibility of using parking meter funding for the elevator maintenance contract at the Train Station. Dr. Bob Evans of the Finance Committee made some good suggestions to the Senior Tax Committee. The Open Space Committee is contacting the Simeones at Stonefield Farms.

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CLURPA – Senator Eldridge is prepared to speak about the bill and present it to the Board, but will not engage in any debate.

Ms. Friedrichs reported that the Village Planning Committee will be meeting to work on ideas. Ms. Rosenzweig asked her to come back and report how to fold it into the Open Space planning process.

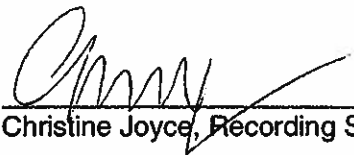
Ms. Rosenzweig Morton said that DRB will provide input to Acton 2020. She met with the Water District and the Town of Boxborough, which will change the recently proposed legislation to something that the towns and the Water District can all agree on.

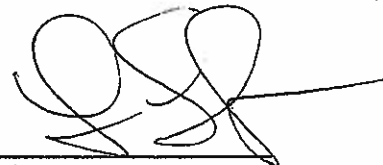
### **CONSENT**

Ms. Harting-Barrat Moved to approve the Consent Agenda. Mr. Gowing - second.  
UNANIMOUS VOTE

### **EXECUTIVE SESSION: THERE WILL BE A NEED FOR AN EXECUTIVE SESSION AT THE CONCLUSION OF THE MEETING REGARDING QUAIL RIDGE COUNTRY CLUB**

Ms. Rosenzweig Morton recused herself and left the meeting room. Ms. Harting-Barrat - Moved to go in to Executive Session. Ms. Friedrichs – second. The Clerk took the roll call, All Ayes. Vice Chair: At the conclusion of the Executive Session, the Board will reconvene in open session only to adjourn.

  
\_\_\_\_\_  
Christine Joyce, Recording Secretary

  
\_\_\_\_\_  
Clerk

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

*Francis Faulkner Hearing Room*

*January 24, 2011*

*7:00 PM*

**EXECUTIVE SESSSION – 6:30 P.M.**

Executive Session, 6:30 p.m. Room 126, Town Hall to discuss Collective Bargaining Strategy, Highway Union Contract

**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. **7:20 SPECIAL PERMIT FOR THE TRANSFER OF DEVELOPMENT RIGHTS, LOTS 32, 38 & 39 QUARRY ROAD, BENTLEY BUILDING CORP.**  
Enclosed please find materials in the subject regard

**III SELECTMEN'S BUSINESS**

4. **ALG/BUDGET DISCUSSION**
5. **FORMATION OF CAOQUETTE CONSERVATION RESTRICTION COMMITTEE**  
Enclosed please find materials in the subject regard
6. **POLICY DISCUSSION/USE OF REMAINING SEWER CAPACITY**
7. **SELECTMEN'S REPORTS**

**III. CONSENT AGENDA**

8. **ACCEPT MINUTES, BOARD OF SELECTMEN, NOVEMBER 1, 8 & 22, DECEMBER 6, 13 & 20**  
Enclosed please find materials in the subject regard

- 9. COMMITTEE APPOINTMENT, WILLIAM JASTROMB, ASSOCIATE MEMBER, GREEN ADVISORY BOARD**  
Enclosed please find materials in the subject regard, Mr. Jastromb originally was appointed as a full member of GAB, however there was not an opening for a full member, this will move Mr. Jastromb to the open Associate Member vacancy
- 10. 10 YEAR LEASE FOR 15 ACRES OF LAND FROM THE STATE, SOUTH EAST SIDE OF ROUTE 2 AT THE INTERSECTION OF ROUTE 2 AND SCHOOL STREET**  
Enclosed please find materials in the subject regard
- 11. ONE DAY LIQUOR LICENSE REQUEST, LE LYONNAIS RESTAURANT, FEBRAURY 7 AND 14, 2011**  
Enclosed please find materials in the subject regard
- 12. ACCEPT GIFT, PLANNING DEPARTMENT**  
Enclosed please find a gift in the amount of \$20,100.00 from Capizzi & Company, 820 Main Street in lieu of their Company constructing the sidewalk required by Site Plan Decision Approval
- 13. ACCEPT GIFT, SERVE OIL FUND**  
Enclosed please find a gift of \$200.00 from Carol Margraf-Toomey, to be used to help fund the SERVE Oil Fund
- 14. ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$6,000.00 from Atlas Fireworks to be used at the February 19, 2011, 275 Celebration and Chinese New Year activities
- 15. ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$1,500.00 from Sorrento's Pizza, to be used to support the T.J. O'Grady Skate Park Anniversary Event
- 16. ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$100.00 from David and Cheryl Getsick, to be used for Winter Carnival Event costs
- 17. ACCEPT GIFT, RECREATION DEPARTMENT**  
Enclosed please find a gift of \$500.00 and product valued at \$2,500.00 from (Big Fish Promotions, LLC.) on behalf of Dunkin Donut's to be used at Winter Carnival.
- 18. ACTON GARDEN CLUB PLANT SALE, REQUEST TO USE THE COMMON AND 468 MAIN STREET FOR THE ANNUAL PLANT SALE, MAY 14, 2011**  
Enclosed please find materials in the subject regard

**19. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**

Enclosed please find materials in the subject regard

**IV. EXECUTIVE SESSION**

There will be a need for an Executive Session at the conclusion of the Regular Meeting to consider the purchase, exchange, lease or value of Real Estate, with regard to Quail Ridge Country Club

**ADDITIONAL INFORMATION**

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

**February 14**

**February 15**

Acton Coffee House, 342 Great Road  
Special Permit, #1/5/11-430 (Ms. Friedrichs)  
Warrant Article proponents

Public Hearing, Walker Realty LLC.  
Next Generation Child Care Center

**February 28**

**DOGSTAR ACTIVITY CENTER**

Special Permit #1/18/11-431 310B School Street (Ms. Adachi)

**MINUTES PENDING VOTES**

September 13, October 25, Jan 8 and 10

**PENDING COMMITTEE APPOINTMENTS**

David Keene – Green Advisory Committee – sent to VCC 9/28 (out with Selectmen Liaison JA)  
Brad Friedman – Green Advisory committee Sent to VCC (out with Selectmen Liaison JA)  
Pam Lynn – Historic District Commission– sent to VCC 9/16 (out with Selectmen liaison MG)  
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, Application sent to VCC






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
















































































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<input type="checkbox"/>		<a href="#">020 (3) Special Permit to Transfer of Development Rights, Quarry Road</a>	admin	01/21/11	1 MB	    ▼
<input type="checkbox"/>		<a href="#">022 (3) Staff Comments, Bentley Builders Development</a>	admin	01/23/11	359 KB	    ▼
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<input type="checkbox"/>		<a href="#">028 (3) Conceptual Plan "B", Bentley Builders</a>	admin	01/23/11	610 KB	    ▼
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<input type="checkbox"/>		<a href="#">040 (5) Massachusetts Conservation Restriction Handbook</a>	admin	01/21/11	3 MB	    ▼
<input type="checkbox"/>		<a href="#">050 (8) Selectmen's Minutes</a>	admin	01/21/11	4 MB	    ▼
<input type="checkbox"/>		<a href="#">060 (10) Record of Vote, School Street Play Fields</a>	admin	01/21/11	204 KB	    ▼
<input type="checkbox"/>		<a href="#">070 (11) One Day Liquor License, Le Lyonnais Restaurant</a>	admin	01/21/11	40 KB	    ▼
<input type="checkbox"/>		<a href="#">090 (12) Accept Gift, Planning Department</a>	admin	01/21/11	149 KB	    ▼
<input type="checkbox"/>		<a href="#">110 (13) Accept Gift, Acton Community Services</a>	admin	01/21/11	58 KB	    ▼
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<input type="checkbox"/>		<a href="#">150 (17) Accept Gift, Recreation</a>	admin	01/21/11	38 KB	    ▼
<input type="checkbox"/>		<a href="#">160 (18) Acton Garden Club, Request</a>	admin	01/21/11	140	    ▼

<input type="checkbox"/>		<a href="#"><u>to use the Town Common</u></a>			KB					
<input type="checkbox"/>		<a href="#"><u>170 (19) Disposal of Obsolete Materials, Memorial Library</u></a>	admin	01/21/11	39 KB					

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