

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**August 24, 2009
Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

SPECIAL EXECUTIVE SESSION AT 6:00 P.M. TO 7:00 P.M. **Room 126**

Present: Paulina Knibbe, Peter Berry, Lauren Rosenzweig, Terra Friedrichs late for Executive Session 6:40 p.m. and Mike Gowing, Asst. Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

None

CHAIRPERSON'S UPDATE

Spoke about Exchange Hall renovations and Farmer's Market

OPERATIONAL MINUTE

Steve reported on Senior Center new carpet and flooring that are now in place

PUBLIC HEARINGS & APPOINTMENTS

TRANSPORTATION ADVISORY COMMITTEE – SOUTH ACTON COMMUTER TRAIN STATION CONCERNSCANCELLED MEETING****

HISTORIC DISTRICT COMMISSION OVERSIGHT MEETING

Michaela presented a slide show of the issues HDC are addressing. Michaela would like to be able to educate a staff person at town hall to speak face-to-face with people who come into Town Hall with proposals or questions regarding properties in the Historic Districts. Peter pointed out that he is a new liaison to this committee. Peter asked about scanning of materials in DocuShare. Michaela currently scans in documents and as Administrator she can change the names of the files to better reflect the applicant's submittal. Peter spoke about the use of Town Counsel and felt they are using more in relation to other statutory boards in town. It appears to be higher or more excessive. Michaela said for years use had been less than minimal in relation to the amount of value the HDC brings to town. Peter said that HDC should have the same sort of regulations like other boards, and maybe we can look at a more efficient use of Counsel. Peter said the information meetings are helpful. Terra said that she wanted to speak as a West Acton citizen and not as a board member with feedback about the costs and misunderstandings with HDC. Lauren said she has seen a lot of improvements and they are currently addressing the issues. Michaela was asked what the HDC does if someone will not comply. She was also asked what determines if a public hearing is needed. Michaela said a

hearing is required if it is a significant change. More details about what is under their jurisdiction, and what requires a public hearing is on their HDC Website. Lauren asked about whether the Commission will be pursuing a demolition-by-neglect bylaw this year for Town Meeting. Michaela indicated that instead of a bylaw they will be doing education around issues of historic preservation and the importance of maintaining historic structures so they don't get neglected. Education will include tools available to communities in regards to "demolition by neglect".

Mike asked about meeting schedule and appeal process. If anyone is aggrieved they must file within 20 days to have review with MAPC. If not satisfied with the outcome they can go to Superior Court.

Paulina asked Michaela to please send us before and after changes in the regulations so we can see what the changes were. She was also concerned with the amount of legal monies that have been spent. With regard for need of staff and different types of help from existing staff, the Board directed the Town Manager to see what assistance could be given to them within the existing limited resources. Michaela will forward the regulations showing the changes that they made this past year.

Peter noted to the Town Manager to consider more staff help to the HDC in the FY 11 budget.

LEO BERTOLAMI, 56 & 60 POWDER MILL ROAD SITE PLAN DISCUSISON

Paulina gave an overview of what they are considering on this issue. Mr. Bertolami has been asking for amendments over the years and has had three Amendments, and noted he is out of compliance now yet still he is asking for additional amendments. He wanted to go through the decision and Paulina said he had already received their decision in the form of his site plan decision. He wanted a set of stairs between the two lots. They voted against it because of the fire issues. He felt it helped with the project. Paulina noted that the ramp be installed later in accordance with the filled Site Plan, Third Amendment, and that he will put a Historical Restriction Covenant on the Doll House property at 56 Powder Mill. Items 3.3.4., 3.3.5 and 3.3.6 are all answered in Fire Chief's letter except for 3.3.5 a portion that needs to be striped. Paulina said ramp, striping and historical restriction on the Doll House are the issues he has now. Paulina explained what he wants under 3.3.2 written covenant about the ramp. Terra said that given that the fire lanes and hydrant and doll house is moved she feels the ramp is overkill and the stairs will be fine.

Lauren asked about handicapped access—if there are stairs does another pedestrian ramp need to be provided right there for disabled persons or is the sidewalk access sufficient? No answer was available. Lauren's preference was to reserve the space for the fire ramp and in the future it will get discussed when we look at the adjusted plan for the adjacent parcel.

Peter asked if Mr. Bertolami was going to tear down the Doll House once he gets what he wants with regard to this site.

The question is now do we vote it in or out. Mike said the requirement for the ramp should be done, the Doll House notwithstanding he does not know the terms of the agreement, he felt the ramp would make it more user friendly instead of the steps. Paulina said 3 selectmen want the ramp and 2 do not want the ramp-- is the requirement now or when the adjacent property is developed. She wants it written in now.

Paulina said the ramp is about safety and the Fire Chief says we need it and will not trade off on a safety issue.

Given that the sense of the Board, PAULINA KNIBBE – Moved to re-support the existing condition that says we want the covenant in recordable form as we did last year 3.3.3. TERRA FRIEDRICHS - second Terra asked if she could make a friendly amendment that the requirement for a ramp goes away if the deed restrictions are filed. Paulina said she rejects the friendly amendment. 3- 2 – Lauren, no, Terra Abstained. Motion Passes 3-2

Paulina said we want the deed covenant filed and the ramp built at a later date and suggested we add 30 days and make it to Sept 30, 2009. It was also noted that he missed the recording date with the registry and will have to have it filed. December 1, 2009.

56 Powder Mill Road, Paulina asked about a stay on the demolition of the Doll House. Mr. Bertolami agreed to additional 90 days which will bring it up to December.

Victoria Byer spoke about the doll house and she can't remember if he has filed for demolition permit. The permit was applied for and the waiting time is up late September of this year as he filed in January 09, they have not found someone to move the house at this time. Historical Commission was asked to try to find some one to move it if they could. Terra suggested we ask for private donations to move the house in lieu of demolition.

Remaining issue is the striping at the far point of the Ramp. The striping will call out the area for the potential ramp. He agreed with the lines and he will put them in.

Scott Mutch asked about the recording and it should be by September 30th for the Covenant. 3.3.3 Doll House.

LAUREN ROSENZWEIG - Moved that the BOS is willing to remove the condition in the permit that required him to have a historic perseveration Covenant placed on 56 Powder Mill if he signs letter that the he will postpone demolition for 90 days. No second.

LAUREN ROSENZWEIG - Move that we remove the condition that we have a Restrictive Historic covenant on the doll house and that he is to extend the demolition permit for 90 day to December 13, 2009, If an agreement is reached to extend the Demo for 90 days MICHAEL GOWING - .second – UNANIMOUS VOTE

Lauren suggested he go to the Design Review Board voluntarily in regard to the properties at 50, 56, and 60.

40B LIP FILING, 99 PARKER STREET

Mr. Dyer asked for the Board's support in this project. Peter asked about his application and wanted to know where the wetlands were on the project.

Lauren thanked them for being community friendly. She also thanked them for a win -win situation under the LIP filing. She however wanted them to buffer the site to protect the neighbors.

Terra wanted to be more conscious about the tax burden on existing residents when these are proposed

Mike thanked him for his veteran contribution—that he is planning to build one of the units for a returning disabled veteran. Paulina noted that as long as 40B exists we need to provide it and this project is more appropriately sized and styled. She is concerned about the wetlands, but if ConsCom is comfortable with what has been worked out, she is. Mr. Dyer said that they will continue to work with the Conservation Commission.

Rodger Klopff an abutter was concerned about the closeness to his property, and possible blasting of ledge. Mark Starr said they did not plan on blasting, but if needed they would go through the regulations for blasting, doing an existing house survey etc.

Looking for the Board to accept and send to the application to DCHD. PETER BERRY Moved to sign the LIP application for 99 Parker Street LAUREN ROSENZWEIG – second. 4-1 Terra NO, motion passes

670 MASSACHUSETTS AVE. DISPOSITION AGREEMENT

Steve gave an overview of the issue. Peter said he feels we not sign and we don't take title. It was noted we have to get in there to see how much will be needed to fix it. We will need to get Bank permission to go in. Peter said we need to take ACHC recommendation.

Mike said he agrees with ACHC recommendation.

Paulina said this was just about an inspection at this time. Nancy Tavernier noted the difficulty in getting the utilities turned on. ACHC said we can't do an adequate review unless we have water. If it goes to auction the deed restriction is lost. It remains affordable only if another qualified family buys it.

Paulina was concerned with moving houses out of affordable stock. Steve said he needs to come back with information. Lauren wanted to get an idea what the bank might do for us.

SELECTMEN'S REPORTS

Terra spoke about the Commission on Disability and that they want to do a town a survey of population to find out the needs of disabled persons in town. She has spoken to staff and it would cost \$1,600 to fund this as they cannot be put in the Census envelope and asked for potential turn back monies to fund this. Paulina asked that the COD come in and speak to this request.

Peter spoke about SA Commuter Train Station
HIT (Health Insurance Trust) is in holding pattern and they are analyzing data for next year,

Peter also spoke about the condition of the newly repaired Exchange Hall building on School Street and commented on the use of CPC funds to make this rehab possible.

Lauren attended Regional Transportation and MAGIC meeting and they have put our projects such as rail trails on the TIP list and the rotary will get money if there are any left over monies available. They had the wrap-up meeting of the Sewer Advisory Committee for Spencer Tuttle Flint. She presented the DRAFT charge for the new Committee and received feed back from members of the neighborhood as to suggested additions and changes. She will be bringing a

recommendation for the make up and charge for the new committee to a Board of Selectmen meeting in the near future.

Paulina gave an update on sidewalks and it looks like the High Street to Senior Center will proceed.

HISTORIC DISTRICT COMMISSION APPOINTMENTS

TERRA FRIEDRICHS – Moved to appoint Maya Minkin as full member and David Barrat as an Alternate. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

ALG MATERIALS

Paulina spoke about the issues of ALG, first is we have less revenue than predicted. The Town has been holding back on spending to build up and protect ourselves against a shortfall and the Town Manager has held expenditures, yet the revenues may not be sufficient for FY 10. They are looking at a way to address it. Do we have a special town meeting to reconcile the numbers, or reduce the regional assessment with funds that have come in, and we may not have to go to Town Meeting? Steve noted that the Schools could provide some monies and there are other questions out there as to how the AARA (federal stimulus) funds can be used at the schools to help their budget. Tax recap sheets must go the DOR to set the tax rate and it must balance, we need to have this done by early November. Lauren only wanted a fall meeting if necessary and asked that we meet with the school to see how we can meet the shortfall. Peter agreed with Lauren and Mike and Terra also agreed.

WRAC DISCUSSION OF MISSION TO ADDRESS STORM WATER ISSUES

Lauren spoke about the issue. Doug Halley said that each year the DEP looks to have communities closer to compliance. We have been working toward complying with all the requirements, but we do not yet have a town bylaw regulating Storm water Management. Nearby towns have been fined. We need to address this as soon as possible. The Water Resources Advisory Committee has high interest in water recharge and other storm water issues and they would be a good committee to bring this forward. Sample bylaws and regulations are available. Paulina also felt WRAC is capable to address this issue. Ron Beck asked how they would move this forward. He was directed to look over the sample bylaws and other Town's bylaws to and adjust them to find the best fit for Acton. He was asked to report back to the BOS. It was suggested he meet with Doug Halley the Health Director to get the details. LAUREN ROSENZWEIG – Moved that we change the charge of WRAC until April Town Meeting 4/10 to address storm water compliance, rules regulations and bylaws. PETER BERRY - second UNANIMOUS VOTE

DRAFT AGENDA, SEWER POLICY MEETING

Paulina asked the Board to review it and e-mail her any comments.

40B MARSH VIEW, RICHARDSON CROSSING, REQUEST FOR BOARD LETTERS TO BOARD OF APPEALS

Peter noted that this application goes to the BOA and they have a hearing on Sept. 18th. We have been asked to submit a letter to BOA in support the project. Board members expressed that they had not read the materials or seen the plans. Lauren said she had looked at the plans in the Building Department.

Lauren encouraged them to come through the Local LIP process in the future, and asked that the neighbors be shielded from impacts that might come from the new development. TERRA FRIEDRICHS – Moved to have them go to Design Board. No second, motion failed.

LAUREN ROSENZWEIG - Move to send letter to BOA that they take into consideration the neighborhood and that the back of the houses are screened from the street and maintain as many trees on the site, and that they address concerns as noted. 3-2 motion fails we will not write letter

SPENCER TUTTLE FLINT WASTEWATER TASK FORCE

Paulina noted she wanted to have it read differently to emphasize that they are addressing wastewater, and solutions to protect the environment regarding wastewater. Lauren said that they are trying to get a way from the term Wastewater and the DEP is stressing that they want the emphasis to be on protecting our water resources. Lauren is comfortable as it stands.

PETER BERRY – Moved to accept charge as noted with Change to “Wastewater” rather than Water Resources in the name of the Committee. TERRA FRIEDRICHS – second.

UNANIMOUS VOTE

OTHER BUSINESS

None

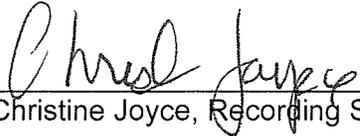
CONSENT

Terra held #15; felt that the meeting on July 27th was conducted inappropriately. She said that before the meeting was called to order in a loud enough fashion that the public could hear, two votes were taken. [Note: the first vote was to postpone an item of business until a regularly scheduled BoS meeting where the public could participate; the second was a routine matter that needed to be handled in a timely way]. Once those two votes were taken, the chair walked to the podium and began the Policy Workshop on Health Insurance by welcoming everyone loudly enough for everyone in the room to hear. The chair then started the Policy Workshop. Terra feels that the two votes were held in an “illegal” meeting. The minutes were changed to state Terra objected to the start of the July 27th meeting. Her objection is noted and we need to vote on the minutes of the July 27, and tonight’s minutes will again reflect her concern about those minutes. Terra wanted it also noted that Mr. Ingram, a member of the audience was not allowed to speak about this issue. He was in attendance at the July 27th meeting as a member of the public.

LAUREN ROSENZWEIG – Moved to approve the Agenda items 16-24 PETER BERRY– second UNANIMOUS VOTE. The minutes of July 27th number 15 were voted. – 4-1 Terra No

EXECUTIVE SESSION

LAUREN ROSENZWEIG – Moved to open the Public Meeting go into Executive Session for the purpose of discussing Litigation and Collective Bargaining. Roll Call was taken, All Ayes and to adjourn to go into Regular Session at 7:00 in room 204


Christine Joyce, Recording Secty


Clerk
Date: October 19, 2009