

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Meeting Room

Town Hall

August 11, 2008

7:00 PM

(Revised to add #20)

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. **7:02 OPERATIONAL MINUTE**
The Town Manager will provide a brief report on topics of interest
2. **7:10 ALEXAN CONCORD 40B**
ISSUE: Discuss Mitigation
3. **7:40 TOWNE SCHOOL PROJECT, COMMON GROUND DEVELOPMENT**
ISSUE: Project Lease Extension Request
4. **8:25 SITE PLAN SPECIAL PERMIT, #7/3/08-415, MINI-WAREHOUSE REALTY, LLC, 133 GREAT ROAD**
ISSUE: Site Plan Request for Approval
5. **8:50 NSTAR ELECTRIC/VERIZON, JOINT REQUEST FOR INSTALLATION OF ONE POLE, 387 FT. NORTHEAST OF MASS AVE.**
ISSUE: Request permission to remove one pole and to install one pole at different location
6. **9:00 MBTA PARKING, PLATFORM AND TRACK PROPOSALS, SOUTH ACTON TRAIN STATION**
ISSUE: Representatives from MBTA will be in to discuss possible changes at the South Acton Train Station

III. SELECTMEN'S BUSINESS

7. **ALG UPDATE**
Enclosed please find materials in the subject regard, for Board consideration)
8. **MORRISON FARM PLAN APPROVAL VOTE**
Enclosed please find materials in the subject regard, for Board consideration

9. EXCHANGE HALL PARKING LEASE

Enclosed please find materials in the subject regard, for Board consideration

10. TRANSFER STATION FEE INCREASE

Enclosed please find materials in the subject regard, for Board consideration

11. SIDE WALK EASEMENTS, PARKER STREET, CENTRAL STREET, GREAT ROAD AND CHARTER ROAD

Enclosed please find materials in the subject regard, for Board consideration

12. OTHER BUSINESS – SELECTMEN REPORTS AND UPDATES

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

13. SELECTMEN MINUTES OF MAY 12 & 19, JUNE 9 & 23, JULY 14 & 31 FOR BOARD CONSIDERATION

Enclosed please find materials in the subject regard, for Board consideration

14. ENTERPRISE BANK – DRIVE THROUGH WINDOW 340-344 GREAT ROAD, SITE PLAN DECISION

Enclosed please find materials in the subject regard, for Board consideration

15. PRESERVATION RESTRICTION AGREEMENT, ACTON COMMUNITY CENTER, INC.

Enclosed please find materials in the subject regard, for Board consideration

16. QUAIL RIDGE COUNTRY CLUB TRAIL EASEMENT

Enclosed please find materials in the subject regard, for Board consideration

17. NATIONAL GRID – GAS MAIN PETITION – MAIN STREET

Enclosed please find materials in the subject regard, for Board consideration

18. GRANT OF DRAINAGE EASEMENTS, 689 AND 705 MAIN STREET

Enclosed please find materials in the subject regard, for Board consideration

19. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY

Enclosed please find materials in the subject regard, for Board consideration

20. HABITAT FOR HUMANITY AFFORDABLE HOME, 82 RIVER STREET

Enclosed please find materials in the subject regard, for Board consideration

VI. EXECUTIVE SESSION

There will be a need for Executive Session (amend Executive Session Minutes and discuss litigation)

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

September 8 & 22

FUTURE AGENDA ITEMS

Sept. 8: WRAC Oversight Meeting, CPA Oversight Meeting. Cable TV Oversight Meeting

Sept. 22: ACHC Oversight Meeting, Board of Health Oversight Meeting

MINUTES PENDING VOTES

May 12 & 19, & June 9 & 23 & July 14, July 31

PENDING COMMITTEE APPOINTMENTS

Mr. Toros L. Maksoudian, Conservation Commission (One Associate position open) and the Board of Health, there are no openings on the BOH at this time. His materials are at VCC for interviewing.

Mr. Brendan Cotter, Recreation Commission Associate position. His materials are at VCC for interviewing

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**August 11, 2008
Acton Town Hall, Faulkner Hearing Room
7:00 P.M.**

Present: Lauren Rosenzweig, Paulina Knibbe, and Terra Friedrichs, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

OPERATIONAL MINUTE

Steve reported on the blasting incident on August 2; fly rock did leave the site and did do damage to the school. The State Fire Marshall's Office is investigating. The blasting has been terminated at this time at the Edward Bravo site on Main Street.

Steve announced our Free Cash has been certified. We are the first in the State to get certification. Free Cash General Fund is \$2,454,644.

Steve reported on the Wednesday staff meeting. The Department Heads are going to be participating in an ICMA Teleconference to discuss such items as how to come up with diagnostic ideas.

PUBLIC HEARINGS & APPOINTMENTS

ALEXAN CONCORD 40B PROJECT

Attorney Gregor McGregor of McGregor and Associates reported on the status of the mitigation offer from Alexan. He spoke about the proposal to the Town from Alexan. Mr. McGregor asked if the overture was in the ballpark of what the Board felt was acceptable or does it need more mitigation for the Town to get what it wants to offset the project effects on Acton.

Paulina asked about the information outlining the proposal. It was noted that it was located in the Executive Session materials.

Lauren asked if this Memo could be released. He felt it is a private client communication that could be released by the client.

Alexan has offered \$800,000, \$500,000 of those monies are to be ear marked for affordable housing. ACHC would prefer to use mitigation to fund Acton Housing. \$200,000 side walks on High Street. They will have to meet all acceptable access and egress issues related to the site. They will make improvements on Sudbury Road to the supermarket at Powder Mill Plaza. They have offered right and left hand lanes; there is an outstanding issue of a traffic light being needed. Lauren stated that the ZBA

reviewed the plan and the Board offered their comments. They spoke with developers and they will build sidewalks if we get the easements up to \$200,000 amount. \$100,000 for unanticipated situations once the project gets built. Lauren asked the other members present if \$800,000 was in the ball park as mitigation for this project,

Paulina said we were in the ball park and she feels it is reasonable. She had a concern about the bulk of money for housing. She felt that more of the mitigation monies should go into sidewalks and lights. Paulina said that there is a need for sidewalks and would like to address this if we have enough money. She felt that more of the mitigation funds be put in to sidewalks. Paulina asked if the Traffic Light will be necessary and is there or will there be additional funds when it is required. Mr. McGregor said he can not interpret what they would be willing to offer; he will present it to them. Mr. McGregor urged them not to fight about who gets what portion of the funds at this time; he said the amount is a starting point at \$500,000. Paulina said the sidewalk funds are not adequate and she feels we need wording about the traffic light.

Terra said she was not happy with the package. She felt \$900,000 was needed for sidewalks, and did not see anything about a shuttle bus to the train station. Mr. McGregor said this was over and above a development agreement. Terra asked about what the Zoning Board of Appeals was requiring. Mr. McGregor said that every piece of mitigation be in writing in the permit agreements. The actual binding paragraphs will be included and stated in a document. The Board is responsible for the financial mitigations. Mr. McGregor said that the Board of Selectmen can persuade the ZBA and recommend actions they would like to see the ZBA take.

Terra spoke about getting all we can get from mitigation. She mentioned traffic mitigation, sidewalks and fire stations and other things that Acton will have to do to support the project.

Paulina said we need to give clear direction with a bounded request. She asked Terra about the big picture that she is asking us to consider. Terra said \$1-2 million is what she thinks we should request.

Lauren opened the floor to Nancy Tavernier for ACHC. Nancy speaking on behalf of ACHC was pleased that the \$500,000 has been honored. She is happy with the minimum and how they would anticipate the use of the funds. The next ZBA meeting is this week to continue the hearing. ACHC would like a financial contribution to use for various methods of housing people. Nancy said she compared this to the Woodland's at Laurel Hill mitigation. She urged that they not push too far as the proponent could take it to Housing Court. ACHC would like to use the \$500,000 to include the Housing Authority as they are a key housing provider in this community. ACHC would like to purchase a condo unit for the Housing Authority for \$150,000; funds are needed for capital \$40,000, \$5,000 for education First Home Buyer course, and ACHC would like to set up a capital program for elderly to stay in their homes and estimated that cost of \$30,000. ACHC also would like to have down payment assistance \$20,000 and to fill out the \$500,000; \$255,000 for condo buy down.

Lauren spoke about what we need to relay to the ZBA. We want more money for sidewalks and reoccurring expenses and to consider we are coming forward with a proposal that is paid out over time and the cost of the money and issues with that. Lauren proposed \$150,000 for sidewalks and a way to divide up the funds and ask that ZBA review is structured in a way that we are comfortable.

Mr. McGregor said he would ask for \$800,000 to \$1 million if the Board wanted to have him negotiate that. It was noted that payments of permits and money value changing over time.

PAULINA KNIBBE - Moved that we direct Counsel to seek mitigation payments as possible under the circumstances, of \$800,000 to \$1 million, net present value, to satisfy the needs of increasing affordable housing, traffic lights, sidewalks and other unanticipated impacts. LAUREN ROSENZWEIG - second. Terra said we would do a better job in reviewing these needs. She asked that we look at this carefully and sharpen our pencils. Vote 2-1. Terra Nay. Motion Passes

STEVE JONCUS, COMMON GROUND DEVELOPMENT, TOWNE SCHOOL REUSE PROJECT STATUS

Common Ground Development asked to work out of the outstanding issues with the lease so they can get their funding from the State. Steve Joncus said that this is a follow-up to the initial meeting and to discuss the timeline to move forward. They have met with ZBA and have met with the Town Manager and Counsel. They need to show that they have funding sources. They wish to compete in three rounds of funding that are upcoming. The State has two funding rounds and they will find out about March's awards in August. The October round will get a decision before January. They hope to be successful and are still planning on moving forward with the project. They would like to bring it to completion in 2010. They have drafted up a lease in this regard. They would like to have an affirmative vote on the lease amendment to present to ZBA. They are redefining the term of the lease commencing on loan closing or initial period of minimum start date. They asked that it be a 50 year lease and the date of the loan closing be March 1, 2010. The 2010 date will be changed if they do not get funding and will need to go for the three funding rounds. They will also amend the commencement date following no later August 2010. They will set a drop dead date in case they have to come back for more funding.

Lauren noted that these funds from the State are very competitive and they will be used to restore some of the features that have been lost. This location will allow tenants to walk to stores.

Terra asked about the lease payment. TERRA FREIDRICHES – Moved to accept this schedule. PAULINA KNIBBE – second. UNANIMOUS VOTE.

Paulina is concerned that if this project does not happen we might have to cut bait and is not in favor of another extension.

Steve Joncus discussed the providing of funds on the initial payment for the lease; the payments will commence on the funding award. They would like to use the money to pay third party phasing and permitting, as well as design, to get the feasibility study to the State. They feel the roof needs to be replaced or repaired as it is in dire need before winter, and the use of the lease monies to repair the roof (\$97,000) instead of paying the lease monthly. Steve suggested that they try to get gift funds to repair the roof and pay back the money borrowed.

Lauren asked for good faith payment of \$5,000 as commitment and the lease funds go to the roof and offer as much as we can to get this project completed. Paulina said she felt it would be better to ask for \$10,000. LAUREN ROSENZWEIG - Moved that we require a good faith payment of \$5,000 and remainder used to fund roof repairs. PAULINA KNIBBE. UNANIMOUS

They have asked that the Building Department. fees be waived for this project. They felt the money could be put in a bond and then return the fees at the completion. Paulina was okay with forgiving the fees because it is a non-profit. She likes the idea of it being in a bond.

LAUREN ROSENZWEIG – Moved to send a memo to ZBA that we are recommending fees to be put into an escrow account to secure the site if the building is not be completed. PAULINA KNIBBE – second. UNANIMOUS VOTE.

SITE PLAN SPECIAL PERMIT #7/3/08-415, MINI-WAREHOUSE REALTY, LLC. 133 GREAT ROAD

LAUREN ROSENZWEIG – Moved to open the hearing and continue to September 8th at 8:30 pm. PAULINA KNIBBE- second UNANIMOUS.

NSTAR ELECTRIC AND VERIZON JOINT REQUESTS FOR INSTALLATION OF ONE POLE, 387 FEET NORTHEAST OF MASS AVE

Bruce updated the Board on removal of the poles in front of Redstone Condo's further down at the intersection at Mass Ave. They are working in good faith with them. The removal of the pole and the continuing negotiation with them to move the poles in front of Redstone Condos is on-going. It was decided to keep a contingency and to adopt original memo. No second. PAULINA KNIBBE– Moved to recommend petition approval conditional upon the two poles in front of Redstone being relocated. TERRA FRIEDRICHS – second. UNANIMOUS VOTE.

MBTA PARKING, PLATFORM AND TRACK PROPOSALS, SOUTH ACTON TRAIN STATION.

Paul Hadley MBTA Project Manager is working on the Fitchburg line improvements presented the proposal. There is money from a mitigation fund from the Big Dig to look into the feasibility to add a deck of parking at the South Acton train station. He thought it will work with the area

because it is like a bowl and the deck would be 12 feet high. They met with the Town and offered us money to build this parking deck. This is being fast tracked and will not affect Fitchburg Main line improvements. They felt a deck would add 120 spaces.

Paulina talked about funding being 100 percent from the State and had ownership questions of running and maintaining the station. Is there a limit on who could park there?

Senator Resor, member of Fitchburg line Study Committee and Acton resident spoke about this subject. The money was set aside with the decision on crossing the Charles and Big Dig and a lot of money for offsetting travel in to the city. Pam started the Fitchburg line five years ago and they have gotten monies funded in the Transportation Bond Bill. They have Express train and to continue to receive funds we need to increase parking in Acton. We need to address this and the funding offer.

Michaela Moran, School Street - If Fitchburg line is to be doubled tracked how this affects the usage of the train station.

Jim Citro Candia Lane – He was speaking on behalf of the Transportation Advisory Committee. They met to discuss the adding of the deck. They want to see a shuttle and a regional lot at 495 at Route 2.

Jim Yarin – West Acton – Transportation Advisory Committee member, commented on ownership and maintenance and hoped that the Board retrans control and ownership of that property. Integrating the Rail Trail and handicapped access is important. Parking fees at the Lot - the BOS was asked 2 years ago to raise the fees for Resident Stickers.

Marge Eckardt – Has serious concerns and supports the platform and handicapped upgrades.

Bettina Abe – Extra traffic and urbanizing their neighborhood. They appreciate the train service and asked if they have a project add sidewalks to access train station.

Katrina of Faulkner Hill Road spoke about an impact study and that it should be revised.

Todd of 50 River Street – asked if they had spoken to other towns and why South Acton was being considered.

Maple Street resident felt that it was not needed and wanted to know what it looks like.

Leigh Honn spoke about the concern of the neighborhood.

Stew at 37 Central Street noted that we are talking about design when we should be planning.

197 Arlington Street – spoke about capacity and double tracking.

Claire Siska – asked about the Maple Street side of the tracks and the rumor about Richard's property being taken over.

David Honn 105 School Street asked about how much money would be allocated for the deck. It is unknown at this time.

Steve Ledoux was asked to give thought to the next steps, timelines and what we should be considering as a Board.

Lauren noted that there will be no votes taken at this time and would like to have another meeting with residents to further discuss this offer from the State.

SELECTMEN'S BUSINESS

ALG UPDATE

Lauren updated the Board on the questions to bring comparable towns to do a study. Peter Ashton will find out how other communities do revenue sharing. They have agreed upon 10 Towns and are asking that the Board accept these towns.

They discussed a three Board Joint meeting to discuss the budget drivers and Staff will let us know what goes into budgeting. First week of October is being considered. Point of View documents that were individually submitted by the Selectmen were reviewed.

MORRISON FARM PLAN APPROVAL VOTE

Lauren stated that the Board has had time to review the report and the uses for this property. We need to find out if it can fit together and what are the constraints on the property. The cemetery has some very real issues about impact on the cemetery land. Lauren asked that the plan be approved so that they can go forward on the uses for this significant Community resource. The Commissioners have a concern with use of cemetery land. They are concerned about the use of cemetery land and that we must be accepting that they respect the original use as burial. They want to make sure that no trees are cut and widening paths take place without permission from the Cemetery Commissioners.

Terra asked that use of cemetery land be approved by Cemetery Commissioners on their terms. She asked that we accept the Morrison Report contingent on recommendation on and contingent upon implementing portions of cemetery land, and must be approved by the Cemetery Commissioners, as noted on Page 24 New Recreation Field parking. TERRA FRIEDRICHS – Move to approve the Plan with comments made above regarding the Cemetery Commissioners review and approval. PAULINA KNIBBE – second. UNANIMOUS VOTE.

EXCHANGE HALL PARKING LEASE

Steve updated the process on meeting with Mr. Berger and Town Counsel to go over some of the terms of the lease of the parking lot. They worked out lease payments and bigger issues will need to be worked out. LAUREN ROSENZWEIG – Moved that it be voted as prepared by counsel and further that we wait until September 8, 2008 to execute the Lease upon receipt of materials from Mr. Berger. PAULINA KNIBBE – second. UNANIMOUS VOTE.

TRANSFER STATION FEE INCREASE

Bruce Stamski was in to discuss transfer station fee adjustments. They plan to raise the fees for full sticker to \$190, a five dollar increase. Coupon fees need no updating. Terra asked about capital projects. PAULINA KNIBBE - Move to accept the fee increases as outlined in the memo. LAUREN ROSENZWEIG – second. Vote 2-1. Terra - nay. Motion passes.

SIDEWALK EASEMENTS, PARKER STREET, CENTRAL STREET, GREAT ROAD AND CHARTER ROAD

Bruce Stamski outlined the easements that were approved at the last Annual Town Meeting. The paper work has been reviewed by Counsel and they are ready for Board of Selectmen acceptance. PAULINA KNIBBE - Moved to approve the easements as approved at the 2008 Annual Town Meeting. LAUREN ROSENZWEIG – second. UNANIMOUS.

OTHER BUSINESS

CONSENT

Terra Hold Items 13 and 14 – Lauren Hold Item 16, Quail Ridge, as she is a member. This Trail Easement will be addressed when the Board has quorum present. Items 15, 17, 18, 19, 17 and 20 to be approved

LAUREN ROSENZWEIG– Moved to accept the Consent Agenda with items 13, 14, 16 held. PAULINA KNIBBE – second. UNANIMOUS VOTE.

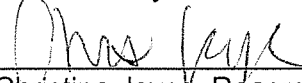
PAULINA KNIBBE – Moved to approve items 15, 17, 18, 19 and 20. TERRA FRIEDRICHS – second. UNANIMOUS VOTE.

Terra will forward her proposed changes to the Minutes to the Chair to review and give instruction on the amendments to staff.


TOWN MANAGER’S REPORT

EXECUTIVE SESSION

PAULINA KNIBBE – Moved to into Executive Session for the purpose of discussing Executive Session Minute amendment only to adjourn into regular session to close the meeting, Roll call taken. All Ayes



Christine Joyce, Recording Secty



Andrew D. Magee, Clerk
8 Sept 2008
Date