

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

*Francis Faulkner Meeting Room*

*Town Hall*

July 14, 2008

7:00 PM

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

1. 7:00 **MORRISON FARM DISCUSSION, WALTER FOSTER**  
**ISSUE:** Mr. Foster will address the Board in regard to the Morrison Farm
2. 7:02 **OPERATIONAL MINUTE**  
The Town Manager will provide a brief report on topics of interest
3. 7:15 **SEWER O&M RATE SETTING**  
**ISSUE:** Setting New Rates
4. 7:25 **ECONOMIC DEVELOPMENT COMMITTEE, ANNUAL OVERSIGHT MEETING**  
**ISSUE:** The Board will discuss the EDC's activities and related topics
5. 7:40 **HISTORIC DISTRICT ANNUAL OVERSIGHT MEETING**  
**ISSUE:** The Board will discuss the HDC's activities and related topics
6. 7:55 **SPECIAL PERMIT, # 05/29/08-414, PETER PIPPOS KARATE CENTER, 452 GREAT ROAD**  
**ISSUE:** Mr. Pippas wishes approval of his Special Permit to conduct his business at 452 Great Road
7. 8:05 **PLANNING BOARD ANNUAL OVERSIGHT MEETING**  
**ISSUE:** The Board will discuss Planning Board activities and related topics
8. 8:25 **STEVE JONCUS, COMMUNITY TEAM WORK, TOWNE SCHOOL REUSE PROJECT STATUS**  
**ISSUE:** The Board will discuss the Status of the Towne School Project.

9. 8:40 **BONNIE BIOCHI, METHODS MACHINERY, FORMER SOMERVILLE LUMBER SITE, MAIN STREET**  
**ISSUE:** Ms. Biochi, Regional Director of the Mass State Office of Business Development will be attending to speak about Methods Machine Tools and incentives
10. 9:00 **COMMON VICTUALLER LICENSE, 59 GREAT ROAD, BELLA FAMIGLIA RESTAURANT, JOSEPH MOTZI, MANAGER**  
**ISSUE:** The applicant is requesting a Common Victualler License for his proposed restaurant
11. 9:10 **FULL LIQUOR LICENSE AS A COMMON VICTUALLER, 59 GREAT ROAD, BELLA FAMIGLIA RESTAURANT, JOSEPH MOTZI, MANAGER**  
**ISSUE:** The applicant is requesting a Full Liquor License for his proposed restaurant
12. 9:20 **275<sup>TH</sup> ANNIVERSARY OF THE TOWN OF ACTON**  
**ISSUE:** Public session to determine date of the Celebration

### **III. SELECTMEN'S BUSINESS**

13. **ALG UPDATE**  
(No Materials)
14. **CITIZENS PETITION DISCUSSION**  
Enclosed please find materials in the subject regard, for Board consideration
15. **OTHER BUSINESS**

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

### **V. CONSENT AGENDA**

16. **HARRIS STREET DRAINAGE EASEMENT DOCUMENTS FOR EXECUTION BY THE BOARD OF SELECTMEN**  
Enclosed please find materials in the subject regard, for Board consideration
17. **NATIONAL GRID – GAS MAIN PETITION TO INSTALL GAS MAINS ON SUMMER STREET AT SPRING FARM CIRCLE SUBDIVISION**  
Enclosed please find materials in the subject regard, for Board consideration
18. **ACTON HOUSING AUTHORITY REGULATORY AGREEMENTS FOR THE THREE HOUSING UNITS PURCHASED BY THE HOUSING AUTHORITY AT WILLOW STREET AND TWO AT SOMERSET HILLS CONDOMINIUMS**  
Enclosed please find materials in the subject regard, for Board consideration

- 19. DRAFT THANK YOU LETTER TO THE SPONSOR OF THE SELECTMEN'S CONCERT AT NARA PARK**  
Enclosed please find materials in the subject regard, for Board consideration
- 20. DRAFT LETTER TO THE MBTA REGARDING PEDESTRIAN GATES AT RAILROAD CROSSINGS**  
Enclosed please find materials in the subject regard, for Board consideration
- 21. DRAFT LETTER TO LEGISLATORS REGARDING MBTA FUNDING**  
Enclosed please find materials in the subject regard, for Board consideration
- 22. DRAFT SIDEWALK COMMITTEE CHARTER AND PROPOSED WEB PAGE**  
Enclosed please find materials in the subject regard, for Board consideration
- 23. COMMITTEE APPOINTMENT, RAY YACOUBY, ASSOCIATE MEMBER, PLANNING BOARD, TERM TO EXPIRE 6/30/09**  
Enclosed please find materials in the subject regard, for Board consideration
- 24. COMMITTEE APPOINTMENT, LEIGH DAVIS HONN, ASSOCIATE MEMBER OF THE PLANNING BOARD, TERM TO EXPIRE 6/30/09**  
Enclosed please find materials in the subject regard, for Board consideration
- 25. CONFIDENTIAL REQUEST FOR A FEE WAIVER AT NARA BEACH**  
Enclosed please find Confidential materials in the subject regard, for Board consideration
- 26. CONFIDENTIAL REQUEST FOR A REDUCED FEE AT NARA'S YOUTH PROGRAM**  
Enclosed please find Confidential materials in the subject regard, for Board consideration
- 27. ACTON FAMILY NETWORK SEPTEMBER 20, 2008 TAG SALE**  
Enclosed please find materials in the subject regard, for Board consideration
- 28. LION'S ANNUAL TOWN FAIR AUGUST 13 - 17**  
Enclosed please find materials in the subject regard, for Board consideration
- 29. ONE DAY LIQUOR LICENSE REQUEST AT NARA PARK FOR TSOIL, KOBUS & ASSOCIATES COMPANY SUMMER OUTING**  
Enclosed please find materials in the subject regard, for Board consideration
- 30. ONE DAY LIQUOR LICENSE REQUEST AT NARA PARK, CIENA CORPORATION, COMPANY OUTING**  
Enclosed please find materials in the subject regard, for Board consideration

**31. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**

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

**32. ACCEPT GIFT, FRIENDS OF THE ACTON ARBORETUM**

Enclosed please find a gift of a Tulip Tree valued at \$260.00 from the Friends of the Acton Arboretum in memory of Carol Lopiccolo, for Board consideration

**33. ACCEPT GIFT, CITIZENS' LIBRARY**

Enclosed please find a gift of \$462.00 from the Citizens Library Auxiliary, to fund Tot-Time expenses, for Board consideration

**34. ACCEPT GIFTS, PLANNING DEPARTMENT**

Enclosed please find donations to the second Town Wide Visioning Session in the amounts listed in the attached Memorandum, for Board consideration

**VI. EXECUTIVE SESSION**

**ADDITIONAL INFORMATION**

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

**FUTURE AGENDAS**

August 11, September 8 & 22

**FUTURE AGENDA ITEMS**

**August 11<sup>th</sup>**

Historical Commission Oversight Meeting, Clean-Up Day resident request, Cable Advisory Committee Oversight Meeting, Resident request re: Water bottle use.

**MINUTES PENDING VOTES**

May 12 & 19, and June 9 & 23 – Clerk has reviewed and the minutes are in the unnumbered Mail packet for the July 14 meeting for review and will be voted at the August Meeting

**PENDING COMMITTEE APPOINTMENTS**

*Jeff Clymer, Planning Board Associate (Application returned to VCC for future committee consideration)*

# **BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**July 14, 2008  
Acton Town Hall, Faulkner Hearing Room  
7:00 P.M.**

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

## **CITIZENS' CONCERNS**

Ann Chang, Billings Street would like the Selectmen to let people know the status and what is going on at the Exchange Hall, and the status of this CPC funded project. Steve reported that he has not resolved the lease for the parking lot associated with Exchange Hall. Counsel has written a lease agreement. Steve thinks they had mutual agreements with the contract for the parking lot. Steve noted that Mr. Berger cannot prove to the banks that he can go forward until the lease is worked out. Andy noted that he needs to finish the entire project within a 3 years time. He has to finish before he gets any money. Ann asked that the Board report on this project on a quarterly basis to update the citizens.

## **OPERATIONAL MINUTE**

Steve announced that Frank Ramsbottom has been appointed Building Commissioner.

Scott Morse is filling a Lieutaneet's vacancy within the Fire Department.

Police Chief Widmayer and he attended a meeting for House Bill 4870 which would remove our Deputy Chief from Civil Service.

Steve announced that he received one Proposal to Study the Transportation issues.

Steve let the Board know that we have entered into a Larger Visiting Nurses Group that Tuft's Medical will accept

Transfer station hump area work will be completed by the weekend

Steve noted that Bob Mallard's wife passed away. Bob works in the Highway Department. Condolences were offered to the family

## **PUBLIC HEARINGS & APPOINTMENTS**

### **MORRISON FARM DISCUSSION**

Walter reported on the Morrison Farm recommendations. Walter spoke about a time table to implement some of the items. Walter wanted to get the trails established around Morrison Property and Ice House Pond. They are looking forward to the connection of the historical

wooden bridge behind Powers Gallery. The Power's gave the town an easement. Andy reported that he is now the liaison and he wants to sit down and look at the proposals. Andy wants to create 24 or 36 garden spots for community gardens. The lots were gone in two hours for farming as well as the ones in North Acton. They will look at opportunities with Tom Tidman and Dean Charter.

Walter said the deadline for filing potential town projects is November 10<sup>th</sup>.

Peter asked if there was a Conservation Restriction on the wooded lot.

Terra urged that the project go forward as it was noted at the Community outreach meetings how important it was to the community.

ANDREW MAGEE - Moved to approve the Plans for Morrison Farm as prepared by the committee for passive and active recreation. Paulina second. She is concerned about cemetery land and parking. Paulina asked that we not vote on this tonight, and to table it until the Board can review the plan again. Paulina said she is general support of it as things come forward. Andy withdrew his motion. Walter said that the report talks about recreation fields and open space and that it will be shared with active recreation on some of the property, and it mentions those uses in the upper meadow. They want to preserve the wooded area and basically say if you could find recreational space elsewhere we should look into that. It was suggested it be put on an agenda in the near future. Consensus of the Board that they go ahead with the projects called out for 2008.

Lauren thanked the committee for their great work. The board will look at this at the August Meeting.

## **SEWER O & M RATE SETTING**

Steve Barrett, Director of Finance was present to update the Board on Sewer Rates. They propose to set residential rates at 1.63 cents per gallon and commercial at 2.32 per gallon. They have been using this format for 3 years. Steve said that the water use is down due to the citizens conservation of water. PAULINA KNIBBE - Moved to accept the proposed rate increases. Peter Berry - second Unanimous Vote

## **ECONOMIC DEVELOPMENT COMMITTEE OVERSIGHT MEETING**

Ed Starz reported on the Economic Development yearly report. They have served an advocacy roll for the business community. They rezoned a parcel at Post Office Square that needed zoning relief with an increase in FAR. They worked with the Methods Machinery to advocate for zoning change in 2007. They reviewed commercial building projects as well.

The new committee is just getting started and Terra said that they are looking for public and private partnerships for friendly development. They spoke about installing sewers in areas that are needed. She asked if sewers could increase commercial growth. Lauren talked about education for businesses regarding the Bylaw to help them understand that it is for the attractiveness of town.

Ann spoke about the uniform tax rate and has been successful and wishes to continue with that Uniform Tax Rate.

Paulina thanked them for their work and asked who would be the Chairman since Ed has left town. Ed said it would be decided at their next meeting.

Peter thanked him for his good work and wished him good luck in Belmont

## **HISTORIC DISTRICT ANNUAL OVERSIGHT MEETING**

Brian Bendig, Chairman presented the update from last year. They are a busy commission and have experienced an increase in the number of hearings. They are dealing with many complex subjects. Brian noted Anne Forbes and Tom Peterman have resigned. They will struggle on and hope that Ms. Moran will continue on. They want to make their web presentation more user friendly and want to make the process even more understandable and available. They will want to move forward with regulations that are clearer and user friendly. They are looking at expanding the size of the current district areas or adding one or more new areas. They may want to increase the membership on the committee to be able to work through the many reviews and projects. They are looking at a bylaw for minimal repairs regulations so that structures don't get too far down the path and become unable to save. They want the Exchange Hall to take action to stop the deterioration. They want to let people know what they do. They need to have new members. Katherine will be elevated to Full member, and it was noted that in two months they will be losing another full member and will elevate another alternate to the full member position. Most likely it will be filled by David Honn, their newest Alternate member. They will have Alternate openings to fill.

Lauren thanked Anne Forbes and Tom Peterman for their service to the Town. They have done a wonderful job and they were instrumental in the way Acton looks today.

Peter asked about Exchange Hall and how they are involved. The HDC will be heavily involved in the project, compliance with the CPA regulations and to insure compliance through the whole renovation process.

## **SITE PLAN #5/29/08-414, PETER PIPPOS KARATE CENTER, 452 GREAT ROAD**

The proponents want to open a Karate Center because he likes to teach and has been involved since he was 13. ANDREW MAGEE- Moved to close the hearing, and to take it under advisement. PAULINA KNIBBE - second. UNANIMOUS VOTE. ANDREW MAGEE – Moved to Approve the Site Plan application for Peter Pippas Karate Center. PAULINA KNIBBE – second. UNANIMOUS VOTE

## **PLANNING BOARD ANNUAL OVER SIGHT MEETING**

Greg Niemyski, Planning Board Chairman hopes to fill the vacancies on the Board this evening. Accomplishments this year were, they gave flexible parking lot regulations, are promoting green projects. They made recommendation to the cell tower meeting. Crafted an out door seating bylaw for restaurants, Will look at wind turbines, looking for updating the Master Plan and thanked staff.

Terra asked about stakeholders and did not understand how much the developers would have as a stakeholder. Greg asked for a stakeholder example. Terra said a developer.

Paulina felt that there is a strong desire in town to manage the residential growth; we are limited by State Law and town bylaws. She feels that the town would be receptive to this. Paulina asked that they continue to look toward regulations.

### **STEVE JONCUS, COMMUNITY TEAM WORK, TOWNE SCHOOL REUSE PROJECT STATUS**

They have filed with the ZBA. They have their own vision of affordable housing. They have undertaken the planning and engineering that was needed to file with the ZBA. They have had to look at refinancing for this project. They will use historic tax credits and other funding programs that would be coming from DCHD. They have not been successful in getting the funds and now hope they will get funds now that they have filed. They hope to get into the program in October for funding. They have assembled their team and have completed some preliminary site work and engineering and site work required by ZBA. It will meet an affordable housing need. It will have studios and one two and three bedroom units. They are pricing 14 a lower rate and the remaining a market rate.

Peter asked about tax credits. Steve said there are two kinds coupled with tax exempt ones. The market has changed and the value of the credits has decreased. Steve noted that Yes, it is more competitive but we are in a good position to get the funding.

They will require relief of some zoning regulations due to the tight configuration of the lot.

Terra offered the support of HDC, BOS to write letters to assist them in getting and funds they may be eligible for, and to work with the Town as it is a historical building.

Paulina noted the time it is taking to bring this together. Paulina wanted to alert them to the concern about this schedule. They too wish they could have it move faster and they think it will be successful in the end. Steve said that they appreciate the Board's patience. Lauren said we need to support the Project. PAULINA KNIBBE - Move we write letter to ZBA to support this Project. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

Steve Ledoux was asked to draft a letter for Board signature in support of this project.

### **BONNIE BIOCHI, METHODS MACHINERY, STATE INCENTIVE PROGRAMS**

Bonnie discussed Economic Target Areas. She spoke about Methods Machinery. They wanted to take advantage of the funding incentives, but the expansion they planned did not fit on the property, so they are looking at a smaller expansion. The Town needs to be an economic target area in order to participate. It works very well and 1,200 business in Mass communities have been helped throughout the State. The Board would need to adopt the ETA designation if they wished to participate. Bonnie suggested that Acton partner with a contiguous community.

Terra asked why she was here. Bonnie said originally because of Method Machinery was asking and wanting relief. And went to the state to find out about programs with incentives to keep business and employers in our towns.

Paulina made a quick comment that it gives us choices and encouraged EDC to look into this.



## **COMMON VICTUALLER LICENSE, BELLA FAMIGLIA RESTAURANT, 59 GREAT ROAD**

Mr. Motzi owns the Metro Deli in Westford, and had a Metro Deli in Acton years back. He has been in the food business for many years. This proposed restaurant will be a family friendly restaurant.

Paulina encouraged and hoped it was successful and also thanked him for providing an outdoor café.

Daniel Wagner 54 Great Road stated that he objects.

ANDREW MAGEE – Moved to grant a Common Victualler – PAULINA KNIBBE- second - UNANIMOUS VOTE

## **LIQUOR LICENSE, BELLA FAMIGLIA RESTAURANT, 59 GREAT ROAD**

Mr. Motzi has had a beer and wine in Chelmsford, he has run restaurants with liquor licenses. He has been General Manager for 12 restaurants. His people will be all tipped trained.

Mr. Wagner 54 Great Road – asked about the bar how many seats 12. Mr. Motzi said the bar is more for holding area until tables open up. Mr. Wagner asked how many seats it would have. Mr. Motzi replied 60 – 80 people.

ANDREW MAGEE - Moved to approve the Full Liquor license for Bella Famiglia Restaurant, Joseph Motzi, Manager. PETER BERRY - second. UNANIMOUS VOTE

## **275<sup>TH</sup> ANNIVERSARY OF THE TOWN OF ACTON**

The Board discussed the time of year to schedule the celebration. The Board is looking for help and ideas for when it will be scheduled.

Ann Forbes suggested we do it on Crown Resistance Day.

Kimberly Hughes – spoke about having it on the 3<sup>rd</sup>

Larry from the Historical Society also thought Crown Resistance Day might work.

Sean Hughes Acton Minuteman wanted to express they have several things going on in September and they need a lot of advance notice so they don't have any scheduling conflicts.

## **SELECTMEN'S BUSINESS**

### **ALG UPDATE**

Lauren outlined the Budget point of view materials and the summary of all the BOS members input.

Andy was pleased to hear the comment that we have an ironic case of the use of funds for New Growth. Most of the new residential growth is more expensive than the money we get in. We have heard loudly that citizens want to see control over town growth or slow it in town. We need

to wean ourselves off by not taking the portion of new growth. We should put money aside to purchase land etc.

Paulina was concerned that we have not looked at our budget situation, and asked that we not tie it to a percentage.

Lauren spoke about misconceptions of New Growth. Lauren said we need to discuss land purchase and Smart Growth.

Lauren read through the other selectmen's comments and tried to summarize everyone's opinions. Lauren will make changes to the Consensus Memo she prepared.

### **CITIZEN PETITION DISCUSSION**

Lauren discussed the petition and it calls for a special town meeting. Lauren asked if they had spoken to the proponents. Steve updated the Board on the need to certify Free Cash by the Dept. of Revenue. Steve wanted to have the Free Cash and returned earnings certified early and his goal was to submit the paperwork for Dept. of Revenue for August 1<sup>st</sup>.

### **OTHER BUSINESS**

Terra updated the Board on her Outreach meeting

Peter attended CPC meeting and updated the board on the rewrite of the committee documents

Shuttle Proposal, Lauren attended

Lauren thanked ACHC for work on Willow Central

Sidewalk Committee is meeting and reworked their Charter

Andy received notice from Mass Highway he had been selected to serve on BFRT committee.

Lauren informed the Board that we have been approached by the State to site a parking deck at the South Acton Train Station.

### **CONSENT**

ANDREW MAGEE – Moved to accept the Consent Agenda and to hold Items 16 and 22.

PAULINA KNIBBE – second. UNANIMOUS VOTE. ANDREW MAGEE – Moved to approve item 16. TERRA FRIEDRICHS – second.

Terra asked that #22 be pulled and written to have the criteria changed to reflect prioritization criteria.

ANDREW MAGEE – Moved to reinstate Terra Friedrichs to the Historic District Commission as an Alternate, Term to expire 6/30/11. PAULINA KNIBBE – second. UNANIMOUS VOTE

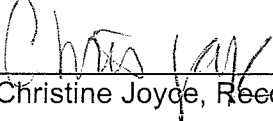
**ENTERPRISE BANK** - Paulina asked if we need a public hearing to approve the drive-up window which is allowed. The Board can review as a change to the special permit to the mall as a whole. Paulina felt we did not need a public meeting, it is an allowed use.

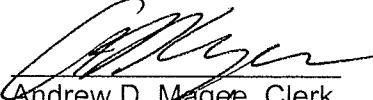
Peter questioned the traffic off of 27. TERRA FRIEDRICHS – Moved that they would like to review it as a Board and have the bank people meet with the DRB without the need of a public hearing. PAULINA KNIBBE – second. UNANIMOUS VOTE

**TOWN MANAGER'S REPORT**

**EXECUTIVE SESSION**

**ANDREW MAGEE** – Moved to into Executive Session for the purpose of discussing litigation resolution and collective bargaining, 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