

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

**February 25, 2008  
Acton Town Hall, Faulkner Hearing Room  
7:00 P.M.**

Present: Dore' Hunter, Lauren Rosenzweig, Andrew Magee, Paulina Knibbe and Peter Berry were present, Town Manager Ledoux was present. Recording Secretary; Christine Joyce. The meeting was televised.

## **CITIZENS' CONCERNS**

None

## **OPERATIONAL MINUTE**

Steve said he was happy to be here and offered to speak with anyone who may have concerns.

## **PUBLIC HEARINGS & APPOINTMENTS**

### **COMPREHENSIVE COMMUNITY PLAN, MEMBERSHIP INTRODUCTION**

Lauren introduced Dauphine, the Municipal Planners Collaborate consultant. Lauren urged all those that received a questionnaire to help by returning them with their comments. Dauphine explained the plan of action that she will be taking in regard to implementing this plan. The survey should be on the web and also people will get calls at home. They will be conducting a visioning meeting on Saturday March 29 at 1:30 in the afternoon in order to allow people time to get done with their activities. This will be held at the Parker Damon School. The committee has been busy making sure this plan is reviewed by citizens.

### **SITE PLAN 2/19/03-388, 56-60 POWDER MILL ROAD**

Steve said that they have no issue with 56 Powder Mill Road and the Board can issue the Class I License to expire January 1, 2009 for Acton Rent-A-Car.

The ramp was discussed with regard to giving a 60 day extension to work out the ramp situation. DORE' HUNTER – Moved to continue the grant of the license at 56 Powder Mill Road, and that we extend the license for 60 days at 60 Powder Mill Road hoping to have the Fire Dept. access ramp situation worked out. PETER BERRY – second. UNANIMOUS VOTE.

### **HAZARDOUS MITIGATION PLAN COORDINATION**

The MAPC representatives outlined the plan they are working on. This plan is under a vision of the Federal Disaster Mitigation Act if 2000, planning with a pro-active approach. FEMA will be given the plans and we will be able to get funding. What actions are we currently taking to increase our protection from natural hazards? These are Regional in approach with our neighbors. They looked at the areas that could be affected such as our critical facilities that may require additional protection.

They wanted to find out what the town was already doing to mitigate hazards. In general mostly flooding and other nuisance issues such as under sized piping and beavers. What would be impacted down river at several dams in Acton?

The Town has ongoing plans for replacement of pipes and beaver trapping. The town has moved away from using sand and it helps prevent clogging of the catch basins. Fire related issues such as brush fires and earthquakes were addressed. They noted a lot of cross over's within the town of plans already on the books. We have several backup generators already.

Potential future mitigation measures were discussed. It is not required that they be done, and FEMA likes to see them on the books, and grants could be possible from FEMA.

We need to look at the flooding caused by beaver activities. We need to look at long-term mitigations such as flooding in Boxboro condos, expand the MIT Low-impact Pilot Project, and conduct an assessment of options for fire water service if we have an earthquake.

The Town has to forward our plan to the State and FEMA for it to be adopted, and we would notify in writing stating that the Town has adopted the Plan. In turn, plans submitted to the State Hazard Mitigation Officer (SHMO) for initial review and then SHMO will forward to FEMA Region I for final review and approval.

This plan needs to be resubmitted to FEMA every 5 years to remain be eligible for funds.

Lauren thanked staff for the time they spent with them to prepare these plans. Lauren asked about beaver mitigation and the trade off between the protection and the damage done by them; what are the regulations to do this without harming the animals. A permit needs to be obtained from the Board of Health and trappers are hired and there needs to be a balance. The State regulates this and the Board of Health issues the permits.

Andy asked if the grants were matching grants. They said State provides 75% and a 25% local funds match is required. Andy asked if there were any costs for the plan. It was noted that 75% by the State and locally through a planning grant for the 25% local match, which was covered by MAGIC Sub-Group.

Terra Friedrichs asked about what percentage of mitigation funds were available. There are only three grants under this program. FEMA Funds are used. There could be other plans out there but they have not addressed them here.

Carol Holley representing ACES asked about areas that are particularly prone to damage.

## **ROUTE 27/MAIN STREET @ HAYWARD ROAD TRAFFIC PRESENTATION**

The consultant Kerry Pike of Howard Stein Hudson, went over the goals of the study and to answer questions. Safety was noted as the first concern; this concern was taken away from the October 10<sup>th</sup> meeting as important to the neighborhood.

Ms. Pike presented the recommended alternative which required widening to accommodate the traffic. The neighbors were concerned about the truck apron and any potential noise. The sidewalks should be moved back to establish a minimum 3ft grass strip next to the road way. The crosswalk on Main Street was a safety hazard and doesn't feel safe. This could be worked out in the plan to relocate the sidewalk. The cost will be around \$150,000.00. Dore' asked

about the little island which periodically has signs placed on it and it restricts drivers view. Dore' asked her opinion. The plan does not show it being removed, but what gets put on the island at that location impedes sight if you are not driving a SUV. Ms. Pike suggested we not allow anything on the islands. In the final plan they may be able to find a space for the signs. Ms. Pike spoke about other troublesome intersections that were not part of this report. She urged enforcement of existing traffic rules such as speeding and people not yielding to pedestrians in crosswalks.

Paulina spoke about pedestrian issues. She asked about the removal of the cross walks. Ms. Pike said it is currently there at the island location and would like to move closer to Main Street. Paulina also spoke about the easements and takings, and Ms. Pike said that all the property to provide the grass strips were town owned. Paulina asked about moving stone walls. They will be moving some. Paulina asked about funding from the State for roundabouts. Ms. Pike said it is 100% Federal funding; you need to have proof of air quality measures. Paulina asked about roundabouts and their calming aspects. Ms. Pike said that they are considered calming and if accidents do occur, they are less serious.

Lauren asked about the trucking apron. It will be an area that is flush but a different type of pavement segregated from sidewalk and green space.

Andy asked about the signs being placed on the island; he suggested that the signs are placed without permission. Andy is concerned that roads are in transition to what they are to what they have become. Andy spoke about the "Scooch" lane use. Andy said that according to the Highway Supt. three feet of grass is not wide enough to facilitate snow removal; they would like 6 feet. Ms. Pike said we could do 5 feet at additional cost. Andy suggested that moving the roadway two feet over within the right-of-way would allow for additional sidewalk separation on the other side of the street. Andy also suggested that the crosswalk across Hayward Road should be of a different and distinctive material as this will now be a four-lane crossing.

Residents thanked the Town and the consultant for their work, and urged the board to address the Brook Street intersection.

## **COMMUTER PARKING**

Dore' updated the Board on the complaint's/comments received. Dore' noted that we need to see if we can get expansion to add 98 spaces. Conservation was asked to review this toward possible expansion. We have parking at the South Acton Fire Station which could be restricted to Acton residents with a sticker as well as the lot across from the Exchange Hall. We also offer a private space on Martin Street for a fee. Dore' noted the possible creation of a shuttle being investigated by Lauren and Franny Osman. We have been asked why not build a three-tier structure. Answer is because it was not well received and it is in the Historic District, and we don't have the money to build the structure.

Lauren added that she has been working on this since she came on board, and has had meetings with the community and commuters. We now have higher gas prices and the trains are offering free Wifi; the cost savings would entice commuters to use the train vs. autos.

Paulina spoke about the train and that we cannot solve the regional problem within Acton. She feels that if we expand even more out of town people will use it. She feels that we should restrict more spaces for Acton residents and hopefully there will be a regional solution. She feels we need to make more spaces available to Acton residents.

Dore' said he thinks we do need to keep some out of town parking. The Littleton solution looked good but it was environmentally unsafe due to the Heron's which are no longer there. Littleton has a commercial lot at that location.

Steve noted the conversation he had with IBM and partnering with Westford and Littleton to make rail use easier for their employees.

1. Ask the staff to take to Con Com to see if it can be expand that lot
2. Restrict the "out of town" parking and how far do we want to reduce non-resident spaces at the main lot.

Andy said that the parking at the fire station should be for residents only, and we have parking at Jones field, but it will cost them. Paulina proposed a reduced fee for \$25 for Acton residents at Jone's Field. Paulina moved to offer those spaces at Jones field for purchase

Lauren asked that we approach it in a tiered manner. Dore' said that we need to notify those parking behind the Fire Station that they can buy a space at Jones Field.

LAUREN ROSENZWEIG – Moved that with much advanced notice to the commuters that we restrict the parking area behind the South Acton Fire Station to resident parking with stickers and to notify the "out of town commuters" of the available spaces at Jones field. ANDREW MAGEE – second UNANIMOUS VOTE.

## **SELECTMEN'S BUSINESS**

### **ALG/BUDGET DISCUSSION**

Dore' reported on the ALG meeting. FinCom noted the economy and felt we needed to keep our reserves. They asked the Board to bond the Fire apparatus. The Board said they could do that out of NESWC this year but look what happens in 2010; we will have to reduce something else to cover that. They agreed to come back and reevaluate the debt next year. Dore' noted that we were to take \$700K out of free cash. The fincom said we should swap the NESWC monies. Dore' said we need to say what needs to be said and move forward. Lauren said we are in good shape in regards to our reserves. We have a good position now, but did not know how it will be later with the economy. She noted that NESWC is to be used for capital. The FinCom is comfortable with free cash not being used. Steve noted they are trying to preserve NESWC Balance.

Peter asked about Free Cash vs. NESWC Monies. Andy would like to see this in the package as relates to our Capital Improvements; are they still viable and are we going forward with them.

Pauline asked for explanation of the monies and their uses. She was concerned that we would not be using NESWC for capital items, after we told the citizens that we would be using NESWC funds for only capital. She further spoke about the 1/3 to 2/3 split and we not spend down in this economic climate. Dore' said he would take this board's issues back to the next ALG meeting.

Andy spoke about ALG and his frustration with the process. Lauren said that we went in for the shift, but they said you have all this money available to use. Dore' and Lauren asked if our

needs be met, can they happen. Lauren spoke about economic down turns and the FinCom was concerned with this situation. Lauren wanted to be sure we are as sustainable as possible. We need more room in our budgets for recurring items. Lauren noted that after town meeting a committee of financial folks be organized to address our financial situation going forward. The revenue projections can only go so far and we need the assumptions. We need to negotiate and she feels the school can give more as their needs have lessened. We can look at this but the Schools do not want to have it appear in their budget and would like it funded outside through bonding.

Dore' noted they will take back to ALG the consensus is we are not happy with all of the ALG items. We need to buy the things this year.

### **ALEXAN CONCORD PROJECT**

Peter reported on the meeting with counsel and noted we need to have comments to ZBA. Peter asked if a 40B application to Acton was appropriate for this Concord project. They say it probably does fall under 40B as a regional plan, even if the driveway is just to get in it make it regional. Peter has problems with it being a private way.

Peter's recommendation was to ask why 40B and whether we think it is legally sustainable; why can't we have the same controls over the units? Why do they need to build so many units? What is their incentive to build 350 units?

Dore' asked what they were looking for. Roland said to allow multi family in the Powder Mill Road. The driveway is in Acton and it is opaque as what the status is of this road is, and it is probably private as it is part of the use of the multi-family.

Peter said ask a lot of questions at the ZBA meeting that needed to be asked. Dore' suggested we write ZBA with questions and why we should consider this at all. Dore' said that he spoke about this with Peggy Briggs and about the other plan in the pipe line and it would possibly stop this. Roland suspected the same. Lauren and Dore' met with Concord but did not address us getting any units.

Lauren said that we are the neighbors and we do want sidewalks, etc. to prevent impacts on our residents. Residents of West Side Drive want sidewalks for safety. We need to put together what we want in exchange.

Andy said that the developer doesn't have an issue with Acton getting some units. If we did get the 35 units, Concord will still be at their 10%. He feels that when we asked for 100 units in our letter to them they were put off and that they think we'll have a similar project on the W.R. Grace Property that will empty into Concord on Route 62. Concord does want this development and will not pull out for the 35 units. He feels we can get the roadway improvement and side walk and 35 units. Peter asked if it was worth fighting the road.

Dore' said we are taking a hard line but not too hard. Roland will draft the response, we want to review it like it was in Acton, and we have things we want.

### **COMPREHENSIVE COMMUNITY PLAN, GRANT APPLICATION FOR FUTURE OUTREACH**

Roland explained the possible grant opportunity to include public planning alternatives. Roland said it is a great match to what we are doing now in Acton. This grant will give us tools to

enhance discussion. He hoped for the Board's approval. ANDREW MAGEE – Moved to issue the letter as written and call out the credit to Anne Sussman and Jim on the work they have done on this. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE.

### **TOWNE SCHOOL BUILDING SITE APPROVAL**

Staff will sit with Steve Jocus. We are asked for "a what do you think" letter from BOS. ANDREW MAGEE – Moved to issue letter of approval that takes into consideration staff comments as included in our packets. PETER BERRY – second. UNANIMOUS VOTE

### **WILLOW/CENTRAL STREET PROJECT, REGULATORY AGREEMENT**

ANDREW MAGEE – Moved to sign the Regulatory Agreement. LAUREN ROSENZWEIG - second. UNANIMOUS VOTE

### **2009 TOWN MEETING WARRANT**

Andy asked about the Police Deputy Chief position being removed from the Civil Service. Steve spoke about the assessment center model that actually puts the candidate through a variety of problem solving situations

ANDREW MAGEE – Moved to recommend Articles 3-16. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

ANDREW MAGEE – Moved to recommend Articles AA-AC LAUREN ROSENZWEIG second. UNANIMOUS VOTE

ANDREW MAGEE – Moved to Defer AC1. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

ANDRE MAGEE – Moved to recommend AD – LAUREN ROSENZWEIG – second UNANIMOUS VOTE

PAULINA KNIBBE – Moved to recommend AE – ANDRE MAGEE – second. UNANIMOUS VOTE

ANDREW MAGEE – Moved to Recommend AF – LAUREN ROSENZWEIG- second. UNANIMOUS VOTE

ANDREW MAGEE – Moved to Recommended AG, (title and \$ change) LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

ANDREW MAGEE – Moved to recommend AH – BC, LAUREN ROSENZWEIG – second UNANIMOUS VOTE

ANDREW MAGEE – Moved to Recommend DB, LAUREN ROSENZWEIG – second. Paulina Knibbe wants it Deferred

ANDREW MAGEE – Moved to Defer BF – LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

ANDREW MAGEE – Moved to Recommend CA-DJ. LAUREN ROSENZWEIG – second.  
UNANIMOUS VOTE

**UPDATE ON ZONING ARTICLES BASED ON THE PLANNING BOARD’S PUBLIC HEARING**

No materials

**HEALTH INSURANCE TRUST UPDATE**

Peter updated the Board about the increased cost in Blue Cross which will have a 3% surcharge, and we will come in under budget.

**SENIOR CITIZENS EXPANSION**

Paulina gave an overview of the Committee and we have included the funds.

**EAGLE SCOUT COURT OF HONOR, DOUGLAS RANDOLPH**

Peter will be attending

**OTHER BUSINESS**

WRAC meeting postponed to March 12 at 7:00 – Room to be determined and placed on the Web Site

Lauren reported on her meeting with the Chinese Language School

**TOWN MANAGER’S REPORT**

**CONSENT AGENDA**

LAUREN ROSENZWEIG - Moved to approve with the exception of #34 Faulkner Hill, 4 High Street, and to add to consent, the appointment of John J. teDuits as a Cemetery Commissioner.  
PAULINA KNIBBE – second. UNANIMOUS VOTE

**EXECUTIVE SESSION**

NONE

  
Christine Joyce, Recording Secty

  
Clerk, Board of Selectmen  
Date 31 March 08

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

*Francis Faulkner Meeting Room*

*Town Hall*

February 25

7:00 PM

**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. **7:03 COMPREHENSIVE COMMUNITY PLAN, MEMBERSHIP INTRODUCTION**  
Enclosed please find materials in the subject regard, for Board consideration
3. **7:10 SITE PLAN #2/19/03-388, 56-60 POWDER MILL ROAD, AUTOPLEX REALTY, LLC (CONTINUATION FROM JANUARY 28, 2008)**  
Enclosed please find materials in the subject regard, for Board consideration.
4. **7:25 HAZARDOUS MITIGATION PLAN COORDINATION**  
Enclosed please find materials in the subject regard, for Board consideration
5. **8:00 ROUTE 27/MAIN STREET AND HAYWARD ROAD TRAFFIC PRESENTATION**  
Enclosed please find materials in the subject regard, for Board consideration.
6. **8:45 COMMUTER PARKING DISCUSSION**  
Enclosed please find materials in the subject regard, for Board consideration.

**III. SELECTMEN'S BUSINESS**

7. **ALG/BUDGET DISCUSSION**  
No materials enclosed
8. **ALEXAN CONCORD PROJECT**  
Enclosed please find materials in the subject regard, for Board consideration.

9. **COMPREHENSIVE COMMUNITY PLAN, GRANT APPLICATION FOR FUTURE OUTREACH**  
Enclosed please find materials in the subject regard, for Board consideration.
10. **TOWNE SCHOOL BUILDING SITE APPROVAL**  
Enclosed please find materials in the subject regard, for Board consideration.
11. **WILLOW/CENTRAL STREET PROJECT, REGULATORY AGREEMENT**  
Enclosed please find materials in the subject regard, for Board consideration.
12. **2009 TOWN MEETING WARRANT**  
Enclosed please find materials in the subject regard, for Board consideration.
13. **UPDATE ON ZONING ARTICLES BASED ON THE PLANNING BOARD'S PUBLIC HEARING**  
No materials enclosed
14. **HEALTH INSURANCE TRUST UPDATE**  
No materials enclosed
15. **SENIOR CENTER EXPANSION ADVISORY COMMITTEE UPDATE**  
No materials enclosed
16. **EAGLE SCOUT COURT OF HONOR, DOUGLAS RANDOLPH, APRIL 2, 2008**  
Enclosed please find materials in the subject regard, for Board assignment.
17. **OTHER BUSINESS**

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

#### **V. CONSENT AGENDA**

18. **ACCEPT MINUTES, BOARD OF SELECTMEN**  
Enclosed please find Minutes of December 5, 2007, January 7, 2008 (Regular and Executive Session), January 19, 2008, January 25, 2008, January 26, 2008, January 28, 2008, February 4, 2008, for Board consideration
19. **REQUEST FOR COMMUNITY PRESERVATION FUNDS, ACTON COMMUNITY HOUSING CORPORATION**  
Enclosed please find materials in the subject regard, for Board consideration
20. **COMMUNITY PRESERVATION COMMITTEE COALITION DUES**  
Enclosed please find materials in the subject regard, for Board consideration

- 21. AMERICAN CANCER SOCIETY'S RELAY FOR LIFE, REQUEST TO WAIVE FEES AT NARA PARK**  
Enclosed please find materials in the subject regard, for Board consideration.
- 22. ACTON FAMILY NETWORK SPRING TAG SALE**  
Enclosed please find materials in the subject regard, for Board consideration
- 23. COMMITTEE APPOINTMENT, RESHMA G. SINGH, ACTON BOXBORO CULTURAL COUNCIL, TO FILL THE UNEXPIRED TERM OF ELAINE SISLER, TO 6/30/09**  
Enclosed please find materials in the subject regard, for Board consideration
- 24. COMMITTEE APPOINTMENT, SUMAN ADISEHU, ACTON BOXBORO CULTURAL COUNCIL (ABCC), TO FILL THE UNEXPIRED TERM OF RIXIN LI, TO 6/30/09**  
No materials enclosed
- 25. COMMITTEE APPOINTMENT, BARBARA ESTABROOK, ACTON BOXBORO CULTURAL COUNCIL, TO 6/30/11**  
Enclosed please find materials in the subject regard, for Board consideration
- 26. COMMITTEE APPOINTMENT, LAWRENCE POWERS, (REPRESENTING BUSINESS COMMUNITY/ACTON RESIDENT) COMPREHENSIVE COMMUNITY PLAN**  
No materials enclosed
- 27. COMMITTEE APPOINTMENT, ROBERT WHITTLESLEY (REPRESENTING THE ACTON HOUSING AUTHORITY) COMPREHENSIVE COMMUNITY PLAN**  
No materials enclosed
- 28. COMMITTEE APPOINTMENT, JOSEPH IANELLI (REPRESENTING THE BOARD OF HEALTH, COMPREHENSIVE COMMUNITY PLAN**  
No materials enclosed
- 29. COMMITTEE APPOINTMENT, MICHAEL KREUZE, (ACTON RESIDENT), COMPREHENSIVE COMMUNITY PLAN**  
No materials enclosed
- 30. COMPREHENSIVE COMMUNITY PLAN MEMBER, SPECIAL MUNICIPAL EMPLOYEE DESIGNATION**  
Enclosed please find materials in the subject regard, for Board consideration.
- 31. ONE DAY LIQUOR LICENSE, SAINT ELIZABETH'S FUND RAISER FOR THE YOUTH MINISTRY**  
Enclosed please find materials in the subject regard, for Board consideration.