



## Selectmen's Minutes

### August 14, 2001

7:30 P.M.

Present: Peter Ashton, Trey Shupert, F. Dore' Hunter, Pamela Harting-Barrat, Walter Foster, Town Manager.  
(The meeting was televised)

## CITIZEN'S CONCERNS

None Expressed

## PUBLIC HEARINGS & APPOINTMENTS

**CONGRESSIONAL REDISTRICTING** – Representative Cory Atkins made a presentation to the Board regarding the changes made with regard to the redistricting plan. This is done every 10 years. She noted the rapid growth at the 495 belt with Boxboro doubling population. She also noted that Acton and Concord could become represented by Congressman Frank, as well as the possibility of losing Marty Meehan. She noted that this was not carved in stone by any means at this point. The Senate plans on having their plan available by September. Everything has to be done by this November.

Trey asked that status of the budget. She said that they have an informal caucus room, they met there because of the asbestos removal and doesn't see the budget at this time.

**SITE PLAN #07/26/00-372 BROOKSIDE SHOPS-** Peter went over the decision as adjusted to reflect the landscaping and outside eating. They have held to the mediation direction. This is a compromise and not everyone can be happy with the outcome. He noted benefits; the back land and no day care center 10-12 homes not being built. They have gained a 10% reduction and reduction in traffic and traffic mediation monies for town use. He did not want to include the Esterbrook Road one-way changes. He felt we should look at it after the mall is open in the future. He said he would vote to accept this. Peter said he will be especially vigilant in reviewing this plan. He wanted to commend the staff especially Garry Rhodes and he has worked very hard in addition to the Town Manager and Town Counsel.

Dore' noted he could support the plan as written. He too agreed that we would not be swayed in the future by litigation suits by developers. We will not do business this way in the future. He was concerned with the service road issues.

Trey is prepared to support the decision and noted that the civil suit actually gave us an advantage. He is concerned about traffic on 2A, but that is the Mass Highway's purview. He felt we needed to look at pedestrian and equine use of Esterbrook Road.

Walter noted his concerns about the process. He noted the litigation and other issues had begun even before he was on the Board. He had concerns about traffic and impact on the Esterbrook neighborhood. He felt that in general the draft represents a

reasonable compromise in this situation. TREY SHUPERT – Moved to approve the site plan special permit for Tashmoo Cove, Brookside Shops, 145 Great Road and that we also approve the Special Permit for the reduction in parking and the two Special Permits for the two restaurants of 120 and 20 seats as drafted. DORE' HUNTER – Second. UNANIMOUS VOTE

**KEY SPAN –HAYWARD ROAD** - Peter asked about Hayward Road and when they are planning to do this work. They want to do it as soon as possible. Dore' asked that we be notified a couple of days in advance. Pam asked how long to complete, 3-4 weeks and that would be during school. The buses will be able to use Hayward Road at all times. DORE HUNTER – Moved to approve with the conditions listed in David Abbt's memo and that the Town Manager be given oral notification 48 hours before beginning. PAM HARTING-BARRAT. Second. UNANIMOUS VOTE.

**31 POWDER MILL ROAD SITE PLAN #6/7/01-378** – The applicant has requested a continuation. Continuation to Sept. 11<sup>th</sup>. WALTER FOSTER -Moved to continue to Sept. 11 at 8:30 P.m. DORE' HUNTER – Second. UNANIMOUS VOTE.

**JEFF ROGERS – COMMITTEE INTERVIEW FOR ASSOCIATE MEMBER OF THE CONSERVATION COMMISSION** – The Board thanked him for volunteering. PAM HARTING-BARRAT - Moved to appoint Jeff Rogers as an Associate Member of the Cons Com for a term of 1 year. TREY SHUPERT – Second. UNANIMOUS VOTE

#### **CONSERVATION COMMISSION OVERSIGHT MEETING**

They informed the Board that they will have four members being sunsetted next year. Chris Starr made a presentation on the duties and goals of the Conservation Commission. They want to be included in Open Space and to promote Open Space Planning, as well as the Community Preservation Act, and asked for the Board's assistance.

Peter Berry said that we have standards and that they are consistently applied. He feels all the members are committed to the standards. They noted several current projects that they have worked out with the petitioners. He urged people to get involved and to apply now as an Associate Member so that they can be ready when the vacancies are available.

Matt Liebman outlined the Open Space and Recreation Plan. They will do an assessment of needs and environmental reviews. They got a good response from the mailing. It was last done in 1996 and is done every five years. We get funding by having this approved plan. He noted the draft is on the web site of the Land stewardship Committee that will be able to see it on the Town's Page shortly.

Peter Ashton spoke about working with the public and looking out for everyone's rights. Peter asked about setbacks and was wondering what a minimum was, 40 feet and augmented by the Conservation Commission. In the case of setbacks they want to have it better defined. He asked what other towns are doing with regard to setbacks. He felt that many towns have more stringent regulations. He wanted to talk about overlap with Cons Com and Board of Health, particularly the Fast systems. They felt these systems reduce the quality of the wet lands and land. Pollution control is needed

in these areas. These systems do not control biogens. They are trying to avoid pollution and they need the increased setbacks. Peter suggested that the Board of Health and Conscom need to get together to discuss concerns. Andy Magee felt more communication needed to be increased between the Con Com and Board of Health, as well as Planning. Trey asked if the order of conditions is issued it may have several special requirements and restrictions. He would encourage them to enforce conditions that survive past the initial decision by Cons Com.

Pam asked about sunset regulation and asked if the members going off would serve again for addition term. Dore' said that if no one was waiting in line they could serve again. Andy Magee said he would serve again. Dore' asked about proposed setbacks. They have not made a specific proposal at this time. He urged them to get it before the Board as soon as they could. Dore' asked that we not change the ground rules until the sewer district until we assess final betterment's. Language could be added that it not take effect until the final betterments are approved.

Walter thanked them for serving on the Board; he would like to see people remain on to establish an information flow. He noted that if they needed more help from the Board of Selectmen to ask.

## BOARD OF HEALTH OVERSIGHT MEETING

They updated the Board on the West Nile Virus; they are on top of this issue. We have joined the Central Mass Control program to respond to a possible outbreak.

They discussed the Nursing Service and its operation. We had to raise our payments. Medicare establishes how much will be reimbursed to the Service. The impact is that it is now neutral. Acton never turns anyone away and sometimes patients need more care than is reimbursed. They are currently at break even. Our nursing service is JACO certified and we are about to be re-certified.

Beaver Permits- The State gave them certain rights to trap and such only if the problem will affect public health. The permits are only good for 10 days. They have had two cases where the problem is in Acton but beavers were in another town.

At some time in the future the beavers will be on Town Land and permission must be obtained from people that we cross/enter to get to the problem. They wanted to know if the Board of Health issued a permit that access to Town of Acton land is granted by the Board of Selectmen. The Board did not have a problem with that and deferred to the Town Manager.

Hazardous Waste Disposal Days – They have had it since 1985. They always have a good response.

They spoke about their smoking programs. They noted the number of septic systems that have to be reviewed and action taken. They feel the alternative systems are beneficial.

Rita Dolan spoke about the Nursing Service and their case loads and programs.

Dore' spoke about the sludge in the Assabet and asked if there was any concern about the materials at the Dam emanating from Maynard's Plant. They thought Maynard may get pressure from the State to remove that material and it is likely to be cleaned up in the next year. They said they could contact DEP.

Christopher Starr asked about what specific biogens can be transferred by a septic system through a flooding incident and beaver problems. Bill said at least ecoli and backup of the system and they consider it a public health emergency. Mark Benedict noted we still use very stringent setbacks. He noted that there are no systems built in flood plain areas.

## SELECTMEN'S BUSINESS

**Community Development Plan-** Pete outlined the plan and procedure and Roland has recommended that we go forward with this with a focus on affordable housing. The Board felt we should move forward. DORE' HUNTER - Move we execute the application to pursue the community development plan process. TREY SHUPERT- Second. UNANIMOUS VOTE.

**Douglas at Dawn Revolving Account** – Increase level of funding. Peter will be abstaining. They want to raise the amount of funds as revenues and spending. Dore' noted his daughter worked on this program. TREY SHUPERT – Moved to approve the request to increase the fund from \$35,000 to \$50,000. PAM HARTING-BARRAT – Second. Peter Abstaining. 4-1 Motion Passes.

**Maynard Country Club** They have asked for a fee waiver – TREY SHUPERT – Moved to grant the fee waiver request in the amount of \$1,750. PAM HARTING-BARRAT – Second. UNANIMOUS VOTE.

**Route 2 Corridor Study-** Dore' spoke about his request to authorize the chairman sign a letter which is in mail addressed to Ken Miller, Deputy Director. He has been in contact with Concord's chairman noting our displeasure with the potential alternatives for traffic. They were interested in our letter and spoke about their interests. They decided that they would write separate letters and keeping all informed. He saw their letter prior to signature that Concord wrote and they supported us and has flatly rejected #1 and they need to understand better the problems that came with each alternative. They could not select until the problems are addressed and asked for 20/30 numbers. Dore' has prepared essentially the same document with deletion of Alternative 5 acceptance per Concord's suggestion. He noted that none of the alternatives were acceptable, and we need to address the traffic on local roads. Neither met at all in the latest paperwork. None of what we saw in June was satisfactory and that they come back to us in September or subsequently modeling out to 20/30 based on alternative five, not that that is the one that will go. He felt we need to stay on the same model, they should find better schemes that benefit Acton. Authorize the Chairman to sign the letter. TREY SHUPERT – Moved to authorize the Chairman to sign the letter. PAM HARTING-BARRAT. Second. UNANIMOUS VOTE. Walter asked about the Piper/Taylor

reconnect. Dore' felt it was an important point and it speaks to the documents that propose a cul de sac not crossing or connection. He felt the emergency vehicle flow is forced up and down Main Street. Dore' asked that Sally Schitnzer of Concord be forwarded a copy as well as Lincoln.

## OTHER BUSINESS

Peter spoke about the Fax Cover Sheets that have been distributed to all staff.

## CONSENT AGENDA

DORE' HUNTER – Moved to approve. TREY SHUPERT - Second. UNANIMOUS VOTE.

## TOWN MANAGER'S REPORT

**Police Motorcycle** – Don updated the Board about the temporary leasing of the motorcycle under the Grant. The chief has changed his mind they find patrols have assisted in the community policing program. They will enter into a lease to run until the end of the year, and not funded from budgetary monies. Peter asked why we got rid of the former one. Interest dwindled and it was not off road capable. Trey noted that it was a pilot program and will get reviewed at the end of the year. Dore' asked about training and he wanted to be sure someone had experience in the department. **TREY SHUPERT** – Moved that the Town Manager and Police Chief to lease the motorcycle for the purpose of piloting a police motorcycle patrol program funds for the Community Police Grant. Dore' asked about a report back about how it went and Peter thought we would hear about it in January. **PETER ASHTON** – Second. UNANIMOUS

## EXECUTIVE SESSION

None Required

Christine Joyce  
Christine Joyce

Paula Hartney Barray  
Clerk

August 10, 2001

**TO:** Board of Selectmen  
**FROM:** Peter Ashton, Chairman  
**SUBJECT:** Selectmen's Report

**AUGUST 14, 2001**  
**NOTE START TIME OF 7:00 P.M.**

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. 7:00 **REPRESENTATIVE CORY ATKINS WILL BE PRESENT TO DISCUSS REDISTRICTING.**
2. 7:20 **SITE PLAN #07/26/00-372 BROOKSIDE SHOPS** – Enclosed please find a revised draft decision for Board consideration.
3. 7:32 **KEYSPAN – HAYWARD ROAD** – Enclosed please find Keyspan's application and Staff comment, for installation of 650' of gas line in Hayward Road. Staff comments have been forwarded to the applicant.
4. 7:34 **SITE PLAN #6/7/01-378 – 31 POWDER MILL ROAD** – The petitioner has asked for continuance until the next meeting.
5. 7:36 **JEFF ROGERS – COMMITTEE INTERVIEW FOR ASSOCIATE MEMBER OF THE CONSERVATION COMMISSION** – Enclosed please find Mr. Roger's VCC paper work for board review.
6. 8:00 **CONSERVATION COMMISSION OVERSIGHT MEETING** – Members of the Commission will be present for an oversight meeting.
7. 8:30 **BOARD OF HEALTH OVERSIGHT MEETING** – Members of the Board will be present for an oversight meeting.

**III. SELECTMEN'S BUSINESS**

8. **COMMUNITY DEVELOPMENT PLAN** – Enclosed please find an "Initial Agreement" form, signifying the Town's intent to participate in the Community Development Plan process, for Board consideration.
9. **DOUGLAS AT DAWN REVOLVING ACCOUNT** – Enclosed please find a request to increase the authorized level of spending for FY01 & FY02, for Board consideration.
10. **MAYNARD COUNTRY CLUB** – Enclosed please find a request from the Maynard Country Club's attorney for fee waiver of substantially all of the flat fee of \$3,500 required for such filings, as well as staff comment, for Board consideration.

11. **ROUTE 2 CORRIDOR ADVISORY COMMITTEE** – Enclosed please find Concord's position on the Route 2 alternatives that have been presented by the State for Board discussion.

## 12. OTHER BUSINESS

## IV CONSENT AGENDA

13. **ACCEPT MINUTES** – Enclosed please find Minutes of June 5 and 19, 2001 for Board acceptance.

14. **ONE-DAY LIQUOR LICENSE** – Enclosed please find an application for a One-Day Liquor license from the Recreation Commission for Acton Day.

15. **ONE-DAY LIQUOR LICENSE** – Enclosed please find an application for a One-Day Liquor license from the Inspectron Corporation for a company picnic at NARA.

## V. TOWN MANAGER'S REPORT

16. **POLICE MOTORCYCLE** – Enclosed please find a request/recommendation from the Police Chief for board discussion and consideration.

## VI EXECUTIVE SESSION

**An Executive Session will be required**

### ADDITIONAL INFORMATION

Enclosed 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 Agenda.

Sept. 11 - Historical Commission Oversight

Sept. 25 - HDC Oversight

Oct. 9 – Oversight meeting with Assessors and Private Way Plowing final vote.

Oct. 23 – Oversight Meeting with Planning

### GOALS 2001-2002

1. Resolution of on-going Labor Negotiations (Peter/Trey)
2. Improve Communication with Town Boards (Peter)
3. Towne Building Reuse (Walter/Dore')
4. ALG process be used for purpose of Budget Planning for FY '02 (Peter/Trey)
5. Residential and Commercial Growth (Walter/Trey/Pam)
6. Open Space and Recreation Plan (Peter/Walter)
7. Health Insurance Trust Agreement (Peter)
8. HDC Bylaw Review (Dore'/Peter)
9. Decision on Pentamation Accounting System (Dore'/Pam)
10. Process Planning for "Life after NESWC" (Pam)

### FY 2000 GOALS carried forward

11. Public Safety Facility (Dore'/Trey)
12. Determine future of Vallencourt House - 17 Woodbury Lane.