

SELECTMEN'S MINUTES

September 15, 1998

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TOWN CLERK
ACTION

Present: Wayne L. Friedrichs, Herman Kabakoff, F. Dore' Hunter, Peter Ashton, Nancy Tavernier, Town Manager Don Johnson and Assistant Mgr. Murray. (The meeting was televised by cable)

CITIZEN'S CONCERNS

The Acton Memorial Library Foundation presented the Board two checks which will cover the operational expenses and the opening of the library for fourteen (14) Sundays. PETER ASHTON - Move to approve. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

PUBLIC HEARINGS AND APPOINTMENTS

TREE REMOVAL HEARING WINDSOR AVE

Dean Charter, Tree Warden is proposing that a 36" pine be removed from Windsor Ave. for the purpose of installing a sidewalk on that road. The sidewalk would be almost impossible to construct without damaging the tree to some degree since roots would need to be cut. Jim Scott, an abutter of the tree, is in favor of removing the tree for the completion of the sidewalk. HERMAN KABAKOFF - Move to authorize the removal of the trees. NANCY TAVERNIER - Second. UNANIMOUS VOTE. Mr. Charter stated that the removal will take place in the fall of 98.

LAST NATIONAL WINE LIQUOR LICENSE TRANSFER

Mr. George Dairi, A.N.D. & Sons, Inc., d/b/a Last National Wine has applied for a transfer of an All Alcoholic Beverage license as a Package Store from Thomas D. Bacon, President and Manager and also for approval of a pledge of license. George Dairi stated that he has purchased the business from Thomas Bacon. Mr. Ashton asked how he will train his employees not to sell to underage drinkers. Mr. Dairi stated that he would direct his employees to card all people under 30 and also look into TIP certification. Mr. Dairi currently is operating a business that has never had any violations in Fitchburg. Mr. Dairi also stated that he will be present during 90% of the operational hours. Wayne suggested that the person who will be present the other 10% should also be TIP certified. HERMAN KABAKOFF - Move to approve transfer and pledge. PETER ASHTON - Second. UNANIMOUS VOTE.

AMENDMENT TO TRAFFIC RULES AND ORDERS

A public hearing was scheduled for the proposed amendments to the existing traffic rules and order to install Stop signs at the following locations:

1. Intersection of Fort Pond Road and Newtown Road so as to face westbound drivers on Fort Pond Road.
2. Intersection of Arlington Street and Newtown Road so as to face eastbound drivers on Arlington Street.
3. Intersection of Forest Road and Hosmer Street so as to face eastbound drivers on Forest Road.

DORE' HUNTER - Move to approve proposed amendments. PETER ASHTON - Second. UNANIMOUS VOTE.

COLES BROOK SITE PLAN CONTINUANCE

Another continuance is needed for the traffic study. Peter stated that he was impressed with the letter from the Transportation Advisory Committee. They would like to continue this until November 3, 1998. Herman questioned the emergency access proposal since the plan only shows one exit and entrance by a curb cut stating that he would like the exit/entrance evaluated. Nancy stated that we are waiting for a traffic study from an independent consultant and that it is given that they will study the access question. It was also stated that traffic should be evaluated into and out of the site with respect to Hosmer Street. Mr. Ware was present and stated that they are working with Karen Baptists to solve long term issues. NANCY TAVERNIER - Move to continue hearing until November 3, 1998 at 8:15 PM. PETER ASHTON - Second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

SPECIAL TOWN MEETING WARRANT DISCUSSION

The Board discussed and voted on the draft warrant for the October 5, 1998 Special Town Meeting.

Article 3 Supplemental Appropriation NESWC. - DORE' HUNTER - Move to place article 3 on the warrant, recommend it and place on consent. PETER ASHTON - Second. UNANIMOUS VOTE. Herman was assigned this article.

Article 4 - Middle Fort Pond Brook Sewer District - DORE' HUNTER - Move to recommend article, place on the warrant and move behind Article 5 Sewer Assessment Bylaw. HERMAN KABAKOFF -Second. UNANIMOUS VOTE. Dore' and Nancy were assigned this article.

Article 5- Sewer Assessment Bylaw – Dore' stated that Town Counsel is still working on the details of this article. DORE' HUNTER - Move to recommend Article 5, place on warrant with changes from counsel and ask counsel about definitions in this article. PETER ASHTON - Second. UNANIMOUS VOTE. Dore' and Nancy were assigned to this article.

Article 6 - Sewer Betterment Assessment Home Rule Warrant Petition - DORE' HUNTER - Move to put Article 6 on the warrant and recommend it. The Board made some minor changes to the article. HERMAN KABAKOFF - Second. UNANIMOUS VOTE. Dore' and Nancy were assigned to this article.

Article 7 - Zoning Exemption for Public Sewer Facilities - Dore' stated that there is a need for this article so that a whole building lot would not be needed for a Treatment Plant. This article has been modified by the Planning Board. DORE' HUNTER - Move to place article 7 on the warrant as modified by the Planning Board and recommend it. NANCY TAVERNIER - Second. UNANIMOUS VOTE. Peter Ashton was assigned this article.

Article 8 - Great Road Sidewalk Easement - DORE' HUNTER - Move to put article 8 on the warrant, place on consent, and recommend it. PETER ASHTON - Second. UNANIMOUS VOTE. Peter was assigned this article.

Article 9 - Arboretum Access Parcel from Concord Road - HERMAN KABAKOFF - Move to place article 9 on the warrant, recommend it and place on consent. PETER ASHTON - Second. UNANIMOUS VOTE. Peter was assigned this article.

Article 10 - Emergency Access Easement - HERMAN KABAKOFF - Move to place article 10 on the warrant, recommend it and place on consent. PETER ASHTON - Second. UNANIMOUS VOTE. Herman was assigned this article.

SPECIAL TOWN MEETING REQUEST

The school department has asked for a Special Town Meeting on December 1, 1998. If this town meeting is called and the warrant article is approved then a proposition 2 1/2 override would also be needed. The Town Manager stated that a Special Town Meeting in this time frame would make it difficult to get the tax bills out on time which could create a cash flow problem. It was stated that the March 31, 1999 tax bills could be for the last two quarters. John stated that if we can get the Commissioner of the Dept. of Revenue to set our rate then we can send out preliminary tax bills. The school department along with Senator Durand will ask the Commissioner to set our rate as soon as possible. John Murray stated that he feels there is only a 50 50 chance that the Commissioner will set our tax rate early and emphasized that the cash situation is tight at the end of the quarter. John cautioned the Board that if the bills go out late then the assessors will be behind in abatements and this will delay the new growth assessment. The Town Manager also indicated that Mr. MacKenzie, Town Moderator will not be available for a December 1,

1998 Special Town Meeting and has suggested the we use the moderator of the water district. Lees Stuntz stated that in order to get plans drawn, the schools would need the architects to start drawing the plans for the Junior High so it would not drag out over three years. Lees emphasized that the kindergarten and second grades are severely overcrowded. The schools would also like the override to take place within 1 week of the Special Town Meeting. Wayne stated that if the tax bills did not get out on time then having a large 4th quarter tax bill concerns him and also with losing money due to tax overlay. Wayne stated that he would support these dates the school committee is asking for. Nancy Tavernier asked if the tax classification hearing could be scheduled for November 17 at which time the Board could take under advisement. It was stated that the Board could hold a meeting on December 8, 1998 as soon as the results are in from the override. John stated his concern that last year we made it by the skin of our teeth and this year we are losing 6 days. John also emphasized that we would not be asking the DOR for any favors, however, we would like to ask that the paperwork be turned around in a timely manner. Nancy Tavernier stated that she would want to take the risk. Dore' suggested that if two bills are sent together then the citizens of Acton should be told of the possibility. It was also stated that the Special Town Meeting could be held on December 8, 1998 when Don MacKenzie will be back with an override on December 9, 1998. This concerned the Board because if Boxborough does not approve at their special town meeting then we will have the expense of the override election. If we don't push forward then the losses are greater. Operating overrides needed. Don was asked to contact the Town Manager in Boxboro to schedule them on the September 28, 1998 meeting with a 7:00 start time.

ACHC REGULATORY

NANCY TAVERNIER - Move to approve regulatory agreement. PETER ASHTON - Second. UNANIMOUS VOTE.

ROUTE 2 SPILLOVER

Dore' Hunter stated that the Board should pressure the State to do something about the traffic situation regarding Route 2/Piper, Route 2/School, and Route 2/Hosmer. Dore suggested a right turn restriction onto Hosmer Street, Piper and School. The Board discussed limiting right hand access onto Piper, School and Hosmer Street. It was stated that there would be numerous cars making the right hand turn onto Piper since there are a lot of businesses there and that it would be difficult to restrict. The Board stated that the Mass Highway and TAC needs to be involved. Don will approach the Mass Highway to see what is involved with these restrictions. DORE' HUNTER - Move to initiate looking into limiting right turns inbound on Hosmer and School Street during the morning commute. PETER ASHTON - Second. UNANIMOUS VOTE.

RULES AND REGULATIONS

Donna Jacobs and Garry Rhodes have developed rules and regulations for Assisted Living and Full Service Retirement Living facilities which need to be adopted by the

Board. These facilities will also need site plan special permit and special use permits. A provision to allow the Selectmen to make changes to these rules and regulations have been placed in the document. Nancy questioned whether these facilities would pay taxes. Garry Rhodes stated that it is assumed that they pay taxes. Donna stated that financial impact changes have been made and there is currently a new version that the Board needs to adopt when passing these regulations. Peter Ashton asked if there are any inconsistencies with these rules and regulations with the site plan rules and regulations. Garry stated that there are no apparent inconsistencies. It was stated that these rules and regulations are simple and straight forward. HERMAN KABAKOFF - Move to adopt the proposed rules and regulations for Assisted Living and Full Service Retirement Living facilities, including the updated financial analysis. NANCY TAVERNIER- Second. UNANIMOUS VOTE.

BOARD OF REGISTRARS

NANCY TAVERNIER - Move to appoint Katherine Arnold as a Temporary Member of the Board of Registrars. - HERMAN KABAKOFF -Second. UNANIMOUS VOTE.

BALLOT RESULTS

Wayne announced that over 3,000 people voted in the primaries.

BOARD OF APPEALS HEARING 98-17 CONVERSION OF A SINGLE FAMILY DWELLING

Wayne expressed concern because this house is listed as a single family home and it really is a multi family. Wayne questioned what the mechanism was to allow the Board of Appeals request to convert a single family home to a existing multi-family home. Garry Rhodes stated that a single family residential home can be converted to up to four apartments if built prior to 1991 as long as it is owner occupied. Nancy Tavernier stated that she likes the diversity that this type of house would bring and the existing law allows for non relatives. Peter stated that this is a good way to lend diversity to our housing and would support this mechanism. Herman has a problem with the timing since they are going through the appeals permit after the work was done. Dore' stated that he agrees with this request.

CROWN RESISTANCE DAY

Herman to represent the Board. PETER ASHTON - Move to adopt proclamation. DORE' HUNTER - Second. UNANIMOUS VOTE.

SCHEDULE SET NEW MEETING DATES

The Board set future meeting dates for Sept 28, 1998, October 13, 1998, November 3, 1998 at 8:00 PM, November 17, December 8th, budget presentation on December 22, 1998, January 5 and Jan. 9th, Budget session, January 19th, Feb. 2 and 16th, March 2 , 16, and 30th.

CABLE

Herman stated that he has received two complaints regarding the Cable transmissions of the Board of Selectmen meetings. Christy, from Cablevision stated that she watches the tape whiling filming and has not noticed any problems, however, there was a minor problem when the Town Hall was hit with lightning which has been fixed.

LUPINE PATH ABUTTERS CONCERN

Herman is concerned with the Lupine Path development stating that the proposed lots promised privacy to the abutters and there has been many changes made which include septic system location change and tree removal. Herman feels that the abutters have reasonable complaints and are unhappy. Herman stated that this is a Planning Board issue, however, he was wondering if the Board had any suggestions for solutions to these existing problems. Wayne stated that Lupine Path has been a repetitive problem and ideas have previously been discussed to prevent these problems from happening again and also stating that the owners have a right to develop there property. Wayne suggested that the abutters try to work out their concerns with Mr. White. The abutters concerns unfortunately are based on the developers intent which has nothing to do with the law. Don indicated that he had spoken with the developer who indicated that he would offer the abutters additional trees for their privacy, however, the developer made it clear that he will not relocate the septic system. Nancy stated that the need to relocate the septic system from the proposed location could happen on any lot, new or existing.

POLLUTION PREVENTION WEEK

Wayne made the Board aware that Pollution Prevention Week is the week of Sept. 21-27. The Board asked staff to do a news brief.

BEAVER PROBLEMS

Wayne indicated that the Board received a letter from Mr. Allison stating that he is pleased with the Conservation Department and Tom Tidman regarding the beaver problem near his property.

CONSENT AGENDA

DORE HUNTER - Move to approve Consent Calendar as printed. HERMAN KABAKOFF - Second- UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

Don reminded the Board that there is an ALG meeting Thursday night and also a Sewer Action Committee meeting on the same night.

Don also reminded the Board that there is a 2001 meeting on September 22, 1998.

NANCY TAVERNIER - Move to go into Executive Session for the purpose of discussing potential litigation. DORE HUNTER - Second. Roll call taken, All Ayes

HERMAN KABAKOFF - Move to adjourn at 9:45 PM. PETER ASHTON - Second. UNANIMOUS VOTE.

Nancy E. Tavernier
Clerk
11/3/98
Date

Sheryl Ball

Sheryl Ball
Recording Secty.
Doc:Min9/15/98

September 10, 1998

TO: Board of Selectmen
FROM: Wayne Friedrichs, Chairman
SUBJECT: Selectmen's Report

AGENDA
Room 204
September 15, 1998
7:30 P.M.

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

- 1. 7:31 TREE REMOVAL HEARING ,WINDSOR AVE** - Enclosed please find a recommendation from the Tree Warden regarding the removal of a tree on Windsor Ave for Board action.
- 2. 7:33 LAST NATIONAL WINE LIQUOR LICENSE TRANSFER, POWDERMILL RD** - Enclosed please find an application for Liquor License Transfer and approval of a "Pledge of the License" for Board action.
- 3. 7:35 AMENDMENT TO TRAFFIC RULES AND ORDERS** - Enclosed please find back up materials and staff recommendation for the installation of traffic control signs for Board action.
- 4. 7:45 COLES BROOK SITE PLAN CONTINUANCE** - Enclosed please find staff recommendation for a further continuance of this hearing, along with TAC traffic comments, for Board action.

III. SELECTMEN'S BUSINESS

- 5. SPECIAL TOWN MEETING WARRANT DISCUSSION** - Enclosed please find a draft warrant with backup materials for Board discussion and action.
- 6. SPECIAL TOWN MEETING REQUEST** - Enclosed please find a request from the School System for a Special Town Meeting and Override Election in December, with staff comments, for Board action.
- 7. ACHC REGULATORY AGREEMENTS** - Enclosed please find three agreements which the ACHC recommends the Selectmen sign with respect to the Bellows Farm LIP project.
- 8. ROUTE 2 SPILLOVER** - Enclosed please find a request from Selectman Hunter regarding signage on Route 2.

9. RULES AND REGULATIONS - Enclosed please find proposed Special Permit Rules and Regulations for Assisted Living Facilities for adoption by the Board.

10. BOARD OF REGISTRARS - Enclosed please find a recommendation from the Board of Registrars for a temporary appointment.

11. CROWN RESISTANCE DAY - Enclosed please find a proposed proclamation for Board signature.

12. OTHER

IV. CONSENT AGENDA

13. ONE DAY LIQUOR LICENSE - Enclosed please find a request from Chez Claude Restaurant for a one day liquor license for Board action.

14. ACCEPTANCE OF GIFT - Enclosed please find a contribution from MDT Advisors, Inc. to assist with the Powdermill traffic light for Board acceptance.

15. ACCEPTANCE OF GIFT - Enclosed please find a request from the Health Director that the Board accept a gift of a copier from the Friends of the Acton Nursing Service.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

16. Enclosed please find correspondence from staff which requires executive session.
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.

September 28 -

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October 13