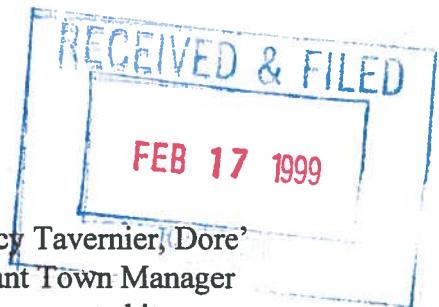


## SELECTMENS MEETING JANUARY 19, 1999



PRESENT: Wayne Friedrichs, Chairman, Herman Kabakoff, Nancy Tavernier, Dore' Hunter and Peter Ashton, Town Manager Don Johnson and Assistant Town Manager John Murray. (Meeting televised by cable but technical difficulties prevented its transmission live.

### CITIZEN CONCERNS

Gloria Jacobs, Flint Road, asked for relief from water problems on Flint Road due to a beaver situation. Ms. Jacobs indicated that the trapping season ends February 28, 1999 so time is of the essence. Don indicated that staff is researching to see if there is a public health issue. Ms. Jacobs knows where the dams are and has received the okay from the owners to go onto property. Don indicated that the dams are on private property. Don asked if we are able to get releases then would the Board want us to take action. The Board indicated yes.

Dore' indicated that he filed nomination papers for re-election today.

### PUBLIC HEARINGS AND APPOINTMENTS

### MERITORIOUS SERVICE COMMENDATION

Ptl. Mike Cogan was awarded the meritorious service commendation by the Board of Selectmen. Wayne introduced Mike's family. Wayne read the commendation to the public and letters of support to Mike. Mike received this honor from entering a wooden apartment building engulfed in flames and saved the life of the trapped resident. Mike risked his own life to save the person. Chief Robinson expressed his thanks to the support people here for Mike and also thanked Mike. Chief Robinson indicated that there were three letters of commendation to Don Palmer, Theresa and Dean Keller. Doug from the Town of Maynard Fire Department stated that he has worked closely with the Acton police department and is proud of Mike and we should be proud of the whole department.

### LAUREN ROSENWEIG

Wayne indicated that the Planning Board is facing many potential vacancies. Peter asked Ms. Rosenweig if she has been to any planning board meetings. Ms. Rosenweig indicated that she has been to a few meetings. Peter also asked Ms. Rosenweig if she has reviewed the Master Plan update and Ms. Rosenweig indicated that she was comfortable with the master plan, however, does have some questions regarding the master plan. Ms. Rosenweig indicated that she would like the Planning Board to be more proactive in helping to keep tax rate low which would help the elderly. Peter asked

Ms. Rosenwieg if she had a chance to dive into the zoning bylaws. Ms. Rosenwieg indicated that she is not up to speed on the zoning issues. Dore thanked Ms. Rosenwieg for volunteering. Dore also cautioned Ms. Rosenwieg about the laws that the Planning Board has to abide by and operate within these laws. Dore asked what her position is on having developers put in sidewalks. Ms. Rosenwieg indicated that it is a reasonable requirement and the town needs them. Herman expressed his thanks for volunteering. Nancy stated that she is delighted to see a women apply for this position and stated that she will be a fresh addition to the Planning Board. Nancy asked if there could be a win win situation on the proposed neighborhood of 120 houses on Carlisle Road. Ms. Rosenwieg indicated that she would probably need to abstain and would need to see the plans and the impact that this development would have. Wayne asked Ms. Rosenwieg if she had attended a master plan update meeting. Ms. Rosenwieg stated that she is pleased that the town is updating the master plan. Dore' also asked Ms. Rosenwieg to consider the land as conservation and/or recreation land possibility. NANCY TAVERNIER - Move to appoint Lauren Rosenwieg as an associate member to finish out a term to expire June 30, 1999. DORE' HUNTER - Second. UNANIMOUS VOTE.

#### SITE PLAN SPECIAL PERMIT

1/19/99 - 366

Will Lopes, Rt 27 Realty Corp., specializing in assisted living facilities was present along with other technical support people. The site is on Route 27 across from Carlisle Road at the former Wicks Lumber Site. This site has been vacant for the last seven years. It was stated that six months have been spent reviewing data and generated an analysis. The proposed facility will have 80 units with sixteen dementia units. There is also units for conceptual care and 31 village homes. The proposed design will look similar to a country lane. The area will also be pedestrian friendly with services inside of a community including a hair salon and cafe. There will be a large field which will house the septic system. Bruce Stamski indicated this is a unique project due to the different village scales. Peter stated that he is concerned with long term viability and mixed ownership's. It was stated that the units will be a condominium type ownership with rentals and owner occupied units. The developers are asking for conditions and phasing in the conditions of the special permit. Peter also asked whether a waste water treatment facility would be needed. The design structure of these units does not require a waste water facility based on the flow structure. Peter asked which order the structures would be built stressing that levels of mixed use needs to be built first with the stand alone buildings built last. The developer indicated that the first phase would be for the assisted living structure. Peter asked about financing and affordable units. The developer indicated that some structures will be built under tax exempt financing. The developer indicated that they are working with Mass Development and 25% will need to be low income or affordable housing. Peter stated that he would not want to see this facility turned into an apartment type facility instead of a retirement community. Peter also asked if staffs comments have been incorporated and when would those revised plan be done. The developers are hoping for the end of the week. Peter also asked about the fiscal impact analysis and asked if this would be incorporated. The developer indicated

that they hope to have it by the end of the week. Peter also asked to see a market analysis and would like to see the impact to town services this type of facility would have. The developer indicated that the nature of this development would require police and fire, however, there are other aspects of this development that would be provided in house for example library, community spaces, and transportation which they feel would balance out the cost for fire and police services. Peter stated that a anticipated tax benefit to the town would be approximately \$160,000. Peter also stressed that he would like assurances that this remain a tax base not tax exempt. The developers would accept a condition of the facility that this facility would never be tax exempt facility. Peter also asked about potential for sidewalk from the site to NARA and asked if this would be an acceptable condition. The developer indicated that they would be agreeable, however, they will address this issue. Peter also asked if there is a proposed connection to the bike path. There will be a few public accesses to the bike path from the community and also for someone coming from Carlisle Road. Peter asked about market analysis and projections. Peter stated that he feels the projections for the over 65 population are high and also over 75 population increase in annual income. The developers indicate that they received their information from a marketing group and the analysis has not been done by the developers. The developer indicated that overall people are living longer and the date they receive from the marketing group has been acceptable working with other communities. Dore' asked what the projected fees would be. The monthly fees are in line with similar facilities. Assisted living facilities will start in \$2200 range and work upwards. In the conjuration apartments would be \$1700 -\$1800 a month. Buy ins have not be projected. Dore' stated that he would be concerned with getting fire safety vehicle on site. The plowing services will be done by a private contractor. Dore' stated that he is concerned with the high condominium fees associated with the town plowing the private roads and that these conditions are usually in small print on condo docks. Dore' asked for clear understandable condo docks and requested a sample to be sent to the Board. Dore' also wants to see the bikeway on the dock.. The developer stated that it would be costly to send the condo docks and asked if a consumer information fact sheet would be sufficient. Herman asked the radius of the demographic area used to compile data. The developer indicated that they used a 10 mile radius to create the proposed population growth. Herman asked if a able 75 year old bought a live alone unit and then became disabled would a spot for a different unit be guaranteed. The developers indicated that it would not be a guarantee, however, services are provided to all regardless of which type of home you live in. Herman asked if this community will be gated. It is not planned. Wayne asked about stand alone homed with individual septic systems. The developer indicated that based on phasing the waste water system could be phased. The developer indicated that the 31 homes would be able to support the infrastructure. Wayne asked what the highest monthly cost could be including, three meals, could be in the Alzheimer's units. The total amount could be \$3,900/month. The small units will be 350 to 450 square foot range. The Board asked about Council on Aging concerns. The Council on Aging would like time to review this. Charlie Kadlec asked if this site has been checked for contamination. A full scale 21E site assessment has been conducted with no contamination reported. Anthony, Nashoba Sportsman Club, personally concerned with noise levels and impacts on quality of life for the existing facilities and

the people purchasing in the facility. Expressing noise related concerns with commercial businesses and asked if these businesses would be listed on the fact sheet. The developer indicated that he cannot manage the neighbors. Wayne stated that a condition could be placed on the special permit requiring disclosure. The developer indicated that they would look into these quality of life issues. PETER ASHTON - Move to continue hearing until 8:30 on February 16, 1999. HERMAN KABAKOFF - SECOND. Herman expressed concern that the information be forwarded to the Board by February 5th.

#### FULL SERVICE RETIREMENT

#### AUDUBON HILL TRUSTEES

Mr. Perkins, Atty. for Audubon Hill, stated that the Town has an agreement to lease the Senior Center for 99 years with the condominium responsible for the outside. The association has asked that we take this property by eminent domain. Mr. Perkins indicated that the fiscal responsibility should be taken off the seniors since this is a clearly a municipal use. A large group of seniors were present to express support. Dore' questioned if we owned the facility could we use it for department of public works. Mr. Perkins indicated that this was received as a gift and excepted at town meeting and could be used however, the town sees fit. Dore' indicated that the comprehensive permit was clearly read by the selectmen and many hours were spent on this document. Dore' asked what Mr. Perkins would seek for damages. Mr. Perkins indicated that damages would not be sought after and he would be willing to work with town counsel. Nancy asked if any of the sixteen unit owners are present. Nancy stated that she hoped the original owners know what the Selectmen went through to protect the original owners. Nancy stated that we have spent approximately \$100,000 in legal fees. Nancy stressed that we acted initially to help them from a facility going under to a create and maintain a viable community. Nancy would like to see financial impacts to the Town. Don indicated that there is no septic system for the facility which would need to be looked at. Peter asked what the financial savings to the condo association would be. The information that we received shows that it is approximately \$55/year. Nancy stated that this was devastating to us to lose the affordable housing when the initial deal was agreed on. There were also four affordable units that were supposed to go to Housing Authority. There is a question of road ownership. Don indicated that there are a series of spin-off questions that need to be addressed by staff. The Board asked Don to provide plot plans to the Board. Dore' indicated that this is clearly going onto Town Meeting. Mr. Perkins stated that he would answer questions and present anything that we needed.

#### CONSERVATION TRUST

David Hardt, representative from the trust stated that the trust has been around since 1962. Many years ago stated that they would like to be a more active in land trust issues. The membership stands at about 250 households. The goals are to achieve conservation properties. The trust can work with private land owners and it is one of the most important functions. The trust is also working to educate themselves and others.

Land acquisitions are extremely important which can be through town funds with matching grants from the state, and also partnerships that are available at the state level. One option is always limited development. The trust also feels that obtaining Chapter 61A properties are also important suggesting that a policy be implemented. The trust has reached the conclusion that the cluster zoning has helped with open space, however, it allows for multiple unit facilities. The trust would like to assist the town boards and educate the town and owners and also work partnerships for acquisition. The Trust also indicated that land acquisition could one day be supported by the State. Wayne thanked the trust for putting cohesive information on one sheet of paper. The trust has also worked with the Concord Land Trust. Peter asked about preservation of land. Wayne indicated that staff advises us of upcoming land sales. Nancy and Peter both expressed support of the Carlisle Road facility and volunteered her support. The trust members are getting out more information packets.

#### RECREATION DEPARTMENT

Tom Tidman and Nancy McShea were present to brief the Board on some accomplishments the Recreation Department has achieved. Nancy stated that they have meet with youth leagues in town and discussed needs and they have prioritized crucial areas that need to be addressed. One of the areas needing help is the Rt 2A and 27 playing field, which is currently being used for soccer. The soil is not really conducive for soccer. The soccer leagues will be able to use NARA which will free up the Rt2A/27 area for baseball. Another important issue will be to create parking at the Gardner Field Playground. Nancy indicated that she comes from Keene State College, and her education is in teaching and has a masters from Smith and has been in college coach. Nancy stated that this has been the most rewarding job. Nancy Tavernier stated that it is wonderful to see that this is working and the accomplishment already is tremendous. Nancy Tavernier asked about the proposed parking at Gardner Field. Tom showed the board a proposed plan which would include 10 car parking spaces. The current parking areas on the street and a danger. It would be hopeful that this would eliminate on street parking. Peter asked about NARA grand opening. NARA is tentatively planned to open in September. A day long event is planned ending with fireworks. Peter also asked about adult recreation plans. Nancy indicated that it is the process along with adult softball, cross country skiing, etc.

#### SELECTMEN'S BUSINESS

MARVIN POPE  
COUNCIL ON AGING  
FULL MEMBER

NANCY TAVERNIER - Move to approve Marvin Pope as a regular member of the Council on Aging with a term to expire on June 30, 1999. PETER ASHTON - Second. UNANMIOUS VOTE.

KEN COOPerman  
RECREATION COMMISSION  
ASSOCIATE MEMBER

NANCY TAVERNIER - Move to appoint Ken Cooperman as an associate member of the Recreation Commission with a term to expire on June 30, 1999.  
HERMAN KABAKOFF - Second. UNANMIOUS VOTE.

STREET ACCEPTANCE  
FOR 1999 ANNUAL TOWN MEETING

NANCY TAVERNIER - Move to approve. .HERMAN KABAKOFF Second.  
UNANIMOUS VOTE

SANFORD SALES  
317 CENTRAL STREET  
CLASS II LICENSE HEARING

Scott Sanford stated that he is unprepared since he was notified at 5:00 PM. Mr. Sanford indicated that Acton Survey is working on site plan modification forms. Mr. Sanford is also seeking other property locations at Stow Sand and Gravel which will house 50% of the vehicles currently on site at 317 Central Street. Wayne stated that the Board was hoping that Mr. Sanford would have complied by tonight. Wayne indicated that weekly checks have shown non compliance. Mr. Sanford indicated that he would sell the vehicles out of both properties. Nancy stated that she thought satellite operations were illegal. Wayne indicated that he would remove himself from discussion since he uses Mr. Sanford services for oil changes. Herman stated that based on noncompliance it leaves us with no choice not to renew Mr. Sanford's Class II license. Mr. Sanford asked for a continuation until Feb 2 at which time he thought his lease would be secured at the new facility. The extension of the current license expires on January 31, 1999. DORE' HUNTER - Move to extend Class II license until the end of the Selectmen's meeting on February 2, 1999. HERMAN KABAKOFF - Second. Vote 4-1 with Wayne abstaining. Motion passes.

SEWER ACTION COMMITTEE REPORT

Dore' expressed concern if sewers were still viable. Dore and Nancy would like to go to the EPA and let them know we are in trouble and ask them to look at the river again. Dore and Nancy are acting as delegates on this project and unless they are asked otherwise by the SAC, they would like to send draft to EPA. There will be a emergency meeting tomorrow night with the school committee asking them what the schools are planning to do and that they should consider alternatives. The schools could need as much as 4 acres to build a subsurface sewage disposal system. Dore' asked if the Board would support sending letter to EPA after SAC meeting. The Board indicated that they

would support this. Dore indicated that the school has an existing expansion area to work with however, we previously have asked them to wait to get designs.

Charlie Kadlec stated that in order to proceed with reimbursement the schools will need to submit application for reimbursement in order to grant money. Charlie asked how the Board of Health could issue a permit for the septic not knowing about town sewers. Dore indicated that a separate document could be filed explaining circumstances.

Dore' indicated at the School Building Committee last night the town would need to do a McCarthy Town reuse plan. Dore' would like to see if town can come up with a reuse plan for the McCarthy Towne. Dore' volunteered.

Budget schedule Nancy asked if there should be a special meeting in February 3 for budget only. Don indicated that if there are questions please submit ahead of time.

#### CONSENT AGENDA

DORE' HUNTER - Move to approve consent calendar as printed. PETER ASHTON - Second. UANIMOUS VOTE.

#### TOWN MANAGER'S REPORT

None

NANCY TAVERNIER - Move to go into Executive session for purposes of discussing potential litigation's. DORE' HUNTER - Second. Roll call taken. All ayes.

Nancy F. Tavernier  
Clerk

Sheryl Ball  
Sheryl Ball  
Recording Secty.

EXECUTIVE SESSION  
JANUARY 19, 1999

NESWC - John indicated that there is a less of a chance to negotiate a deal and expects litigation shortly.

CONCORD AUTO AUCTION - Concord Auto Auction has indicated that they would like to go back to the site. Auction is making a pitch, the facility is not doing well in Framingham and they would like to come back to Acton. Don indicated the last time they operated in Acton was February 1997. The Auction has already filed a class two license application. There application was not received in time to place an ad in the Beacon so the hearing will be delayed. The auction's attorney has questioned the need for the advertisement. Don indicated that an advertisement is our custom and Town Counsel has indicated that if it is a custom and then they need to comply with our custom. This could be a flip of a coin, forgetting about litigation costs. Counsel and Garry are willing to fight. Dore' thought that the judge would rule in their favor and that potential litigation will not be that expensive. Herman asked about Kirk Wares chances. It was stated that he has asked for his money back and has not received it. Dore indicated that we should take the hard line at the moment to buy some time. Don asked if we are inclined to standstill agreement. Dore' stated that we should hold off and play it out.

Nancy E. Jarchins  
Clerk

Sheryl Ball  
Sheryl Ball  
Recording Secy.