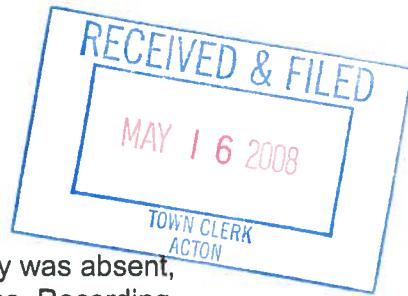


Board of Selectmen Minutes

March 31, 2008



Present: Dore' Hunter, Lauren Rosenzweig, Andrew Magee, Peter Berry was absent, Paulina Knibbe, Town Manager Ledoux was in attendance, Christine Joyce, Recording Secretary. The meeting was televised.

CITIZEN CONCERNS

None Expressed

Steve spoke about the funds voted by the Cemetery Commissioner's and suggested their budget be increased \$6,000 to reflect the money that the Commissioner's added. ANDREW MAGEE – Moved to increase the Cemetery Budget by \$6,000. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

Steve spoke about his review of the applicants for Highway Supt. He has hired Russell Robinson to serve as Interim Supt. for 6 months beginning on. May 1st. Russell will be reviewed in 6 months time prior to being elevated to Highway Supt.

Steve reported on the status of the HR position. He is reviewing the applications at this time.

PUBLIC HEARINGS

ALEXAN CONCORD, 40B PROJECT PRESENTATION

Rob Hewitt of Trammel Crow was present to give the Board an overview of the project. They had presented some preliminary plans in June of last year and wanted to update the Town on the comments and some of the changes and modifications that have been made in response to those comments and questions.

Mr. Hewitt presented their story boards on the make-up of the development team and the work that they have done as a multi-residential development company. They were awarded top builders designation.

The site is roughly an L shape and the owners have sold the site to them and they put the site under contract about a year or so ago. They have a residential neighborhood as abutters. Sudbury Road will be the access to the project.

They have applied to Mass Housing for the site eligible letter and they have received it and it was sent to the Town early in December. They have gone thorough a full MEPA review and a certification has been given to them that no more items needed to be reviewed by them.

The site is 30 acres and 26 of the acres are in a flat area. There are low areas on site down by the Assabet River. They wanted to tie those lands into Conservation land. They want the open space to be adequate and they feel that there will be enough the

way it is presented. They have 350 units in two types of structures. Three story with 28 units per building. Parking is at surface and interior. They will have a club house with fitness, pool and community uses. They propose to build them in a quad placement with some town homes that will have one, two and three bedrooms. 25% of the units will be affordable. The site plan will have amenities such as tot lot and tennis courts. They have performed studies over time in conjunction with the traffic report to make sure that single entrance will be safe and will not overload the infrastructure. Concord has been working through the process and Concord is supportive of this and feels that there is a need for affordable and market rate units to fill a need in the area. There are not many sites in Concord and feel it is a good site. Concord will get affordable units toward their affordable housing requirements.

Mr. Hewitt said they will be improving the current road. They propose to flatten the grades and noted the road sheds water across it as it goes down the hill and they propose that it be crossed into drainage. They will bring safety changes to the project. The cost is \$7,000-\$8,000 to do the roadway work to provide a safe and pleasant entrance to the development. He spoke about the warrant analysis that meets the criteria from the State for a traffic light to be installed at Powder Mill and Sudbury Road, and will pay their fair share toward the light.

Mr. Hewitt noted that at the Powder Mill Road at High Street lights will be retimed and they will pay for that also.

Mr. Hewitt spoke about where the traffic from the development will go. They have spent a great deal of time reviewing this. He gave an overview of a Trip Distribution Map. Mr. Hewitt said that residential don't tend to have peak hours. He suggested that in the morning there would be 3 cars a minute. They are looking at shuttle and car pooling to the railroad station. They will encourage people to find alternatives to get to the Rail Road lot.

Mr. Hewitt said that the site will not be on Town of Concord Sewer, but will have a treatment plant on the property. They are working with DEP to address ground water. Storm water will be handled on site with surface swales.

The have come a long way since they came to present this project to the Board last year. They have meet with Appeals Board and want to get the development functional for the Town of Acton.

Dore' asked about Fire and Police access. They have been talking to the Town of Concord and that Concord has town owned property in that area as well as access to the Thoreau Club. The emergency access will be discussed further with Concord's Power and Light Dept. that currently has parking and would provide a place into the site. The proposed access will be gated and use Opticon to open the gates. This is smaller development than Avalon. Dore' spoke about mutual aid that might be asked for by Concord.

The emergency access was discussed with the area Fire Chief's. Concord feels that there will be a handful of times that they would need to ask for help. They will use Opticom on the closed gates, and they will need to make sure they are working on the same system that we currently have in our emergency vehicles.

Paulina asked why the access is in Acton when it could be on Concord Light and Power property. Mr. Hewitt said that the Forrest Ridge Association owns the private road and would need to grant them the permission to do that. They also have deed restrictions and they are not willing to provide the access. Paulina asked if there was another 40B being proposed in that area and will that also be coming through Acton. To Mr. Hewitt's knowledge some one has applied for Housing approval. It is his understanding that it is the Forrest Ridge Condo owners.

Paulina asked if they would be willing to place a deed restriction on the streets in this development from also using the Sudbury Road access. Mr. Hewitt expressed a willingness to do this.

If Concord approves their plan Concord will not need to accept any other 40B's until 2010.

Paulina noted the availability of affordable rentals in Acton. Paulina spoke about the traffic speed and removal of sidewalks.

Mr. Hewitt said that there are benefits to Acton and that Acton wanted to share the affordable units. He felt that those discussions were continuing. Mr. Hewitt spoke about the reconstructed roadway and he will need to talk to the Town Engineer and Traffic Consultant. He said they are not removing sidewalks. They are committed to work with the town to put those sidewalks where they should be. As part of the permitting process they will be addressing this. He has spoken to the business owners on Route 62 and they support this development.

Paulina said that sidewalks on High Street need to be addressed and this project will have a big impact on High Street. She encouraged them to think more broadly.

Paulina noted that there are intersections already at Level F and it will continue to get worse.

Mr. Hewitt spoke about the peer review process in Concord, and that it covered everything and offered a copy to the Board.

Lauren asked about the Peer Review conducted in Concord. Lauren asked if this review was just for Concord. They offered it to the other towns to review and would look at the whole area not just Acton.

Andy said that Paulina's comments answered most of his questions. Andy said that we would have trouble approving a 40B with no housing in Acton. He said that we are being asked to make a decision and need to get to the benefits and is surprised by Concord's letter saying that they need the units to stay at their 10%. If we don't approve this 40B Concord gets zero out of this. Side walks are needed this is a large residential area and business area. We need to have a sidewalk that does not put people at risk. 19% of the traffic is up High Street. He urged them to think more broadly to get us past the fact that we would be approving a 40B with no housing. That is the answer that sticks with the people as well as traffic concerns. Andy spoke about the proposed traffic light and that it is justified now, but it is not on our radar at this time, but will probably change once this project is built. Andy asked if they will meet the code on drainage. Their engineer spoke

about the drainage and they plan on crowning the road; the drainage will lead into the catch basins.

Ian Gillespie is the Concord connection; he is a developer in Concord and was looking at the site at the same time as Trammel Crow was. His motivations were to see a project properly done in Concord. Concord only has about 400 housing lots left in town. Mr. Gillespie does not think Concord has shut the door on sharing some of the housing with Acton.

Andy noted that Concord will not support the 10% to be given to Acton. Andy feels the 10% is reasonable. Concord will still get the benefit as well. Andy thinks we can hear what a great project it is but feels we are in an odd position to be voting on a 40B with no housing in Acton. Mr. Gillespie was sure that there was still room to negotiate with Concord.

Dore' read the letter from Concord about the Sudbury Road access. Dore' spoke about traffic mitigation to get to High Street and Parker. Dore' said that we will have to consider keeping heavy traffic of High Street. He noted the tone of the letter received today and does nothing to support this project with the Town of Acton. Dore' noted he is somewhat upset with the letter. He said that there needs to be good pedestrian traffic flow in the morning up and down 62. We need to do something on the High Street/Parker Street to handle the increased traffic. He said that his opinion was that Concord offered us nothing. Dore' said that we want traffic mitigation.

Mr. Hewitt noted he has not seen the letter that we received at 4:30 today from Mr. Howes, selectman from Concord. He asked that we look at it and then have a facilitated meeting with both parties. Mr. Hewitt said that it is his understanding that it will be discussed in Concord this evening.

Paulina noted she heard that the price of the land is at different densities, and noted that they will go to the highest density. She asked if Concord would consider going smaller.

Mr. Hewitt said that 350 units fit on the site and is acceptable. Paulina asked if there were any room to drop back to the 250 vs. 350 in lieu of the 10%.

Lauren wanted to know about traffic mitigation and pedestrian safety. She felt we needed to give ZBA our comments. Mr. Wagner noted that the date of April 2nd is not a drop dead date. It was noted the ZBA will continue the hearing, giving us more time to make recommendations to them.

Dore' suggested we need all possible and reasonable traffic mitigations and we should make a laundry list of what the Board would like to see, so we can prepare for the meeting. We don't have the ability to do that tonight.

Dore' asked the Manager talk to the chair of the ZBA and tell them if they go forward we want traffic mitigation and if they can, we can provide a better set of comments to them. Dore' suggested that Steve talk to Chris Whalen to see if there is any thing else we can do to work through this.

The attorney for Trommel Crow asked that perhaps a letter that said that we heard you on this and have the manager's meet. She also noted the important traffic problems. She suggested that we have a peer review when every thing is presented.

OPERATIONAL MINUTE

Steve reported on the Municipal Supplement received today and will be available at Election tomorrow.

SELECTMEN'S BUSINESS

TOWN MEETING DISCUSSION, COMMUNITY SERVICES COORDINATOR POSITION

Dore' said we need to make a recommendation on this and what will be presented as our recommendation. Dore' thinks we should vote a No Recommendation on this and is prepared to make a statement of that the group brought this forward and they did a good job in this short amount of time. This would be a good time to let the town meeting know about the need now and going forward and expected it to come back at the next Annual Town Meeting.

Lauren complimented them on the good work they did preparing this proposal. She wanted to see what kind of questions would come from Town Meeting members, and if it does not get approved to refer them to the Town Manager and the new HR Person. If voted at town meeting the money will come from free cash.

Andy said the taxpayers came to us as residents with the need for the Community Services Coordinator Position. He will vote for this on town meeting floor as a citizen, but because of the questions he will vote as a Selectman to not recommend this Article.

Paulina would like to do something of this sort, and if town meeting should vote to accept it we will find the money if the Town says they want it. She is concerned that a message might be sent that if you want a new employee, you take it to town meeting.

Dore' said that we need to network this and hopes that no one will be denied services if they are not a resident.

LAUREN ROSENZWEIG - Move that we do not recommend funding of this position this year but that we do express at town meeting the need to explore this position in our town. ANDREW MAGEE - second UNANIMOUS VOTE

EMPLOYEE OF THE YEAR NOMINATION

Steve outlined the nominees for Employees of the year. Steve spoke about Susan Paju of the Library and Daryl Powell in the Assessors office. He recommends both for Employee's of the year. LAUREN ROSENZWEIG – Moved to approve. ANDREW MAGEE – second. UNANIMOUS VOTE

COMMUNITY PRESERVATION COMMITTEE (FILING OF AMICUS BRIEF)

Walter Foster spoke about the need to file the Brief and offered to help prepare it. Dore' said we need to file this and the problem is on the narrow issue they might make a ruling that applies to everybody.

Lauren noted she is not up to speed on the Newton Case. There is compromise to be presented by MAPC.

Paulina asked who was filing the Suit. A gentleman from Newton got the required 10 taxpayers needed to bring the case forward. Newton's project was a rehabilitation of a park with field refurbishment.

The filing of the Amicus is due April 21st.

ANDREW MAGEE - Moved to go forward to file the Amicus Brief as outlined in the memo from Town Counsel. LAUREN ROSENZWEIG - second. UNANIMOUS VOTE.

OTHER BUSINESS

Lauren spoke about the 2008 Wellness University

Lauren spoke about the TAC SURVEY for the Shuttle and asked that it be put on the Web to find out what the patterns of traffic are in Acton.

Paulina noted the Sidewalk Committee meeting in April. They will be discussing the main arteries in town, such as Routes 27, 111 and 62.

Paulina also noted the one page Survey that will be at town meeting to determine what activities the residents would like to see at an expanded Senior Center.

Lauren spoke about the Community Visioning Session held last week. It was well attended and useful.

TOWN MANAGER'S REPORT

None

CONSENT AGENDA

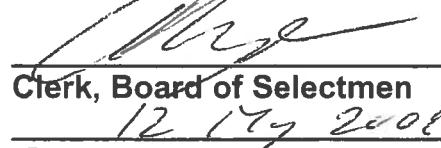
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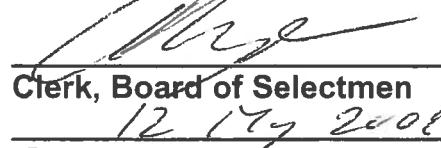
EXECUTIVE SESSION

ANDREW MAGEE – Moved to enter into Executive session to discuss Real estate transaction of sidewalks on Main Street, only to return to Public session to adjourn. ALL

AYES


Recording Secy


Clerk, Board of Selectmen


Date

**BOARD OF SELECTMEN
MEETING AGENDA**

*Francis Faulkner Meeting Room
Town Hall
March 31, 2008
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 ALEXAN CONCORD, 40B PROJECT PRESENTATION

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

III. SELECTMEN'S BUSINESS

3. TOWN MEETING DISCUSSION, COMMUNITY SERVICES COORDINATOR POSITION

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

4. EMPLOYEE OF THE YEAR NOMINATION

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

5. COMMUNITY PRESERVATION COMMITTEE, (CPC) FILING OF AN AMICUS BRIEF

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

6. OTHER BUSINESS

IV. TOWN MANAGER'S REPORT

V. CONSENT AGENDA

VI. EXECUTIVE SESSION

7. There will be a need for an Executive Session to discuss Real Estate Negotiations.

ADDITIONAL INFORMATION

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

MINUTES PENDING VOTES

March 3, 13, 17, 2008

PENDING COMMITTEE APPOINTMENTS

Antoinette Hershey, Cons Com