

SELECTMEN'S MINUTES

June 23, 1998

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

CITIZEN'S CONCERNS

None Expressed



PUBLIC HEARINGS AND APPOINTMENTS

RH PRODUCTS - 308 OLD HIGH STREET ABOVE GROUND STORAGE LICENSE

DORE' HUNTER - Moved to approve the license for Above Ground Storage as requested and approved by the Fire Chief contingent upon the approval of the Board of Health for a system permit prior to installation. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

WORLD CLASS GOLF SCHOOL - 50 KNOX TRAIL SITE PLAN #4/22/98-364

Ian Rubin representing World Class Golf School made a presentation to the Board. He described the plan as proposed. He said that the plan will provide parking for buses and cars. The timing and financial plan will be outlined by Mr. Kress. Dore' Hunter was the Board member assigned. Dore' explained the financial issues and earth removal that will take place in order to develop the property. He was cautious about the site being left to erode if the plan failed once the gravel was removed. He wanted to have Mr. Kress and the Treasurer describe how they would take care of the issues. Tax situation has been worked out with the Town with a letter of credit for outstanding taxes. Erosion and stabilization he has worked out with the Building Department and will be submitting a Letter of Credit which would be drawn upon to complete the work if they needed. The Bldg. Commissioner and the Treasurer said they are satisfied with the plan and letters of credit. Dore' asked where the students are coming from and how they will get there. He explained that he is involved with PGA and that it will be a real school, books, teachers and assistants. The school will provide the busing. The morning session will be 9 - 11:30 primarily for ladies and children and seniors. Afternoon session will be for children over 9. His professionals will use a text book and they will be trained on how to instruct students. This will give them an opportunity to keep it at an affordable level. The instruction people will ride the bus with the children to mentor for Golf 101 and 102. After 6:00 p.m. high school aged clients and others will use the facility. He wants to make it reasonable to

allow many people to attend. He intends to run fund raisers to help with tuition for those that cannot afford. Dore' asked about arrant balls and the control for the abutter that is concerned. Driving ranges have big fishing nets and it is common to contain balls on site. He will be using limited distance balls. These weigh half as much and will not go off site.

Dore' asked what assurance we had that the design will not be changed to affect the abutters in an harmful way. Dore' asked why are they using an air building. Mr. Kress said because they are going all year round. It is more economic and provides for more height. Herman asked about the outside 202 and pitch and putt will it be lit for night play. Oscar said no at this time. Herman asked that the lighting be limited and with the approval by the Board. He asked about the money to be gifted to the Town for the traffic light at the 62 Powdermill Road. Kress responded that it will go to the Building Dept. Herman asked about the DEP requirement for pitch and putt and asked about LOC. If the money is not paid the Treasurer will exercise the LOC in the 180 days if the taxes are not paid. Herman asked about turning radius and Garry will condition the permit to allow for a sidewalk from Knox Trail if the turning cannot be made possible. Peter asked if the Concord abutters had been notified, there was only one within the 180 feet and they have been noticed.

Bill Lawrence said he and Oscar Kress have been working cooperatively over the past 12 years. He noted that the septic system that serves his building is in the parking lot of property owned by Kress. He is concerned that they may not have room to put in a new one if it fails. An engineer has looked and they might be able to put one on his site. He felt this aspect of development has been overlooked. Dore' felt it was not a site plan issue. Mr. Lawrence wants to gain an easement to replace the system before Kress lays down a lot of asphalt. Dore' was not sure that this issue was at the proper forum for addressing it. Dore' felt the question of resolution was between he and Kress. Dore' felt the Town should not be required to address this. The system was put in before the property was subdivided. Dore' felt he had a case for an easement by necessity already. Mr. Kress has offered easement last week. Bill is to get an engineer to show where the backup bed would be located. It has never gotten done. Kress met with BOH did some calculations and Lawrence could put in a new system by using the easement. It is now up to Lawrence. Wayne asked how the decision would be written. Garry will draft it to address 101 and 202, or would they like to address in phases. Dore' wanted to have it written to address the 202 plan as well and to come back at a latter date..

DORE' HUNTER - Moved to take under advisement. - HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

**HAARTZ CORPORATION - 87 HAYWARD ROAD
SITE PLAN #5/5/98-365**

Doug Seaver vice president of Haartz, Dick Hatfield Director of Environment were present. The Haartz Corp. has been in business for over 75 years. They began in Acton in 1967. They make coated fabrics for automotive and marine uses. They have expanded over the past years. 45 million per year and now they have expanded into the European markets in the mid nineties doing over 100 million dollars. The Town has been proactive working with them during their development. Their largest sales market is coated foam and they have difficulty storing the items. Their clients have now begun to store only a days worth of inventory on site. They maintain the stock for them as tier one

and two suppliers. This need has led to building a new building to be used for finish good products and inspection. The space currently used today will be converted to R&D facility. They are one of the four major suppliers. They currently have 80% of the market for tops. They need to expand R&D and this will accommodate this. The firm is privately owned and has always been good neighbors. They feel they have designed a visual friendly site. They think the truck traffic will be only 1 to 2 additional per day. He does not want to have to store off site as this will raise their costs in a very competitive market. They plan to address all staff comments. They hope for a mid-winter occupancy.

Herman commented on staff comments and he wanted assurances that they would take care of all the issues stated by staff. Herman asked about the variance for time truck traffic when it would be used. They run a 24 hour day. They do not do shipping at night. They have to truck off hour materials at times and usually go toward Hanscom to carrier out. Herman noted that it did not look like a detriment to the area. The truck traffic amendment is due to a condition on a former site plan, and a modification to the old site plan will be needed to address the additional truck traffic. He felt that it would be occasional occurrence if they have a customer that needs to get supplies and to have their trucks go between the Craig Road and Hayward facility.

Wayne noted that Haartz has been a good neighbor. Wayne asked how many employees they have right now. He said they have 315 employees. Eric Haartz wants to be a good neighbor and community participant. Herman asked about the sidewalk contribution, and the need to address the property at the intersection of Main Street and Hayward Road. We plan to make the intersection better and currently now we do not have the ownership of the property to affect these improvements. Herman wants to earmark the monies to perform this modification to the intersection. If we fail to do it within a time specified we will use it to build sidewalks in another area town or address another troublesome intersection. Garry was asked to incorporate this into the decision with the intersection work to be completed within two years.

Peter agreed with Herman about need to address this intersection. Anything to make the area safer.

Wayne asked about comments in the Planning comments.

Julie Cotter Charter Road resident agreed they have been good visual neighbors but the smell is a concern in the neighborhood. They have been working to have a high efficiency system to solve the problem. They are well within the DEP guidelines for emission. But they are looking to resolve the odor all together. The Ventilation system will not be emitting anything since there are no processing systems in the proposed building, just product storage.

Gorden Richards - He asked about the water table and the sections of the new areas and asked if it would raise the water level. Mark Donouhoe said no. Mr. Richards felt they needed to look at it again. He feels that the heights are taken at a dry time. Garry Rhodes was asked to look at the numbers submitted to resolve Mr. Richards concerns.

HERMAN KABAKOFF - Moved to take under advisement. - DORE' HUNTER - Second. UNANIMOUS VOTE.

**COLES BROOK CORPORATE CENTER
SITE PLAN #1/30/98-362**

DORE' HUNTER - Moved to continue the hearing to July 21, 1998 at 7:45. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

**LEES STUNTZ
REGIONAL AGREEMENT DISCUSSION**

Dore' explained the RAG discussion outline that would take place tonight. It is an exchange and noted that it is attended by some members of the Finance Committee. The School Committee will issue their report and may require a special town meeting in both towns, or require some changes.

The RAG modifications are to be a compromise and that both sides will go away unhappy. He noted that they have produced a cover letter that every one has received. Dore' had given an earlier document and he suspected that Lees would present a more polished version. The 95/5 ratio formula will be changed to a three year average. The three year averaging is better for communities that are expanding at a high rate and this would be good for Boxboro. John Fallon has done numbers for Boxboro presentation and in the years that we are not building anything they may pay less.

Lees Stuntz commented that they got together as a group because Acton and Boxboro have been together for 43 years, they have worked together quite well. They were looking at it as building projects before them and it has made the 95/ 5 not workable..

They are discussing the version dated 6/16/98. The Regional School Committee needs to vote on it and to answer questions. John Fallon wanted to note that the State Law provides 60 day veto for school debt. The agreement notes that it has to be an affirmative vote by both towns. The process first uncovered the non-financial items and then worked at the financial issues. They took one night and talked about perceptions of what communities face and they have. This is not an agreement that everyone is happy with. They hope that this will allow them to get a 51% vote in each town to move forward to provide building space at the region. He noted that a majority of members of the committee do not have children in the system. Herman asked when to address the final version and whom to address the questions to. He was told tonight would be a good time to begin but ultimately, the School Committee for the presentation planned for July 2nd.

Herman said that he would commit his questions in writing but he did not see anything about building a new building in Boxboro. Dore' said they did not feel it was appropriate at this time to address. They did not change the grades involved and perhaps a 6-8 might occur in the future for a middle school and it would be handled by the building committee. Herman noted that he has received much correspondence and asked if we had run numbers like John Fallon prepared in a three year non-construction year average. Herman's interest is what extra money we are to absorb in a no build scenario. John

Fallon explained that the practical approach is 5% and goes to 18 to 20% and capital expenses. The educational reform in FY99 and after 2000 depends on what the State does. The third piece was to look back 10 years and what would have happened, assuming no Ed reform would be \$40,000 per year. The population has bounced up and down over the past 10 years and would have paid more in some cases under the three year averaging.

Asked why they took out the secret ballot vote. They felt that the Town Meetings could adopt it if they wanted, Dore' felt that it would be probably left in the final document. Herman said he would put his remaining questions in writing. He asked about the payments. Dore' said they have not stuck to the schedule for over 15 years. He felt it is wide open and was concerned. John Fallon felt we could address it in restricting the payment schedule.

Peter Ashton wanted to applaud the work of the committee. He hoped that both towns would agree and we could move forward to plan for the future. He asked about enrollment figures rationale as to the three year averaging. Dore' said that in reaching the fixed figure with Boxboro it was necessary to still provide Boxboro with an advantage. The three year averaging smoothes the impact and large swings, which would be beneficial to Boxboro.

Don commented on the outstanding draft response to be prepared by he and Isa. Dore' again noted that they have not followed it for years but this would be addressed by them.

Peter Ashton asked about the School Building status. Lees commented that the Building Committee had consensus that there not be a building project on fall town meeting. They felt that the sewer issue and other factors of short time constraints looked to be too much. The Building Committee has not decided if they want to come into a November STM or come in April.

Wayne outlined the history of the regional agreement and he is positive and they have done a great job, it is the fastest he has seen anything come together.

Tom Mackay wanted to comment and complimented them on their job. He said that as a member of the Fincom and an individual of the Committee he hoped they would have an underlying analysis, why 5% ? He wanted to talk about the 5%, he said going back 2 1/2 months and his presentation of 47 million with staff that 95/5 was a potential problem for Acton. Each 1% represents 800,000 to Acton over 20 years. He wanted this put on the table. As Chairman of Fincom he is charged to interact with the various committees. He was concerned that the Fincom was not notified until the last minute and learned about it in the Beacon. He thinks they need a time line of how we get from here to Town Meeting. FinCom feels it is a political issue.

Dore' noted that they got the same notice that everyone got. It was decision of the committee to notify all at the same time in both towns. The matter is being formally presented to the School Committee on July 2nd and urged him to give his comments to the School Committee. John Fallon noted that not everyone would be happy but that is compromise.

**SELINA OPPENHEIM
ETHAN ALLEN DRIVE STOW DEVELOPMENTS**

They wanted to share information they have developed. She read a letter sent to the Planning Board. They are currently cooperating with Stow residents to stop this.

Wayne noted that they have looked into the legal issues and the planning and standards used and the town line issue. There is a sliver of land at the end of Ethan Allen Drive and it is owned by someone and felt that maybe the developer was working toward this purchase. He noted that the town's hands are tied at this time but we would be willing to try to help.

Peter felt we need more ways to be proactive maybe through MAGIC. He noted that Stow subdivision plans do not require traffic mitigation.

Dore' suggested we look at traffic calming as a way to mitigate the traffic and reduce the drive through. Stow's objections are at West Acton Road, Wetlands and Conservation land and largest parcel undeveloped. It was noted that the sliver of land had been sold. Dore' suggested that they check at the registry of deeds and probably was purchased by the developer. Dore' said it is hard to stop development if everything is in place. He asked them to make the West Acton Road plan undesirable to through traffic at the Stow Meeting.

Hirsch spoke about the water problems and potential water pollution. He asked that if the street goes through does he get his easement back. It was decided that abandonment could be looked at. Dore' suggested they visit the Water District and let them know of the problem.

51 Ethan Drive resident said it has always looked like a cul-de-sac and asked that the eminent domain angle be investigated.

SELECTMEN'S BUSINESS

Dore' had a request for a temporary volunteer to serve on the Recreation Commission. Bea Perkins wanted to be appointed associate member. HERMAN KABAKOFF moved to appoint her to a term to end at the end of November. PETER ASHTON - Second. UNANIMOUS VOTE.

CABLEVISION SHORT TERM RENEWAL LICENSE PETER ASHTON - Moved to approve. HERMAN KABAKOFF Second. UNANIMOUS VOTE

MINUTEMAN TEC- The Tec School is trying to push legislation to have the school become a Charter School. Dore' felt that would be a good idea for the school.

SPECIAL TOWN MEETING DATES DORE' HUNTER - Move to set Special Town Meeting for October 5th 7:00 at high school with plans for carry over nights, and to further

Close the warrant the last business day of July at 5:00 P.M. HERMAN KABAKOFF.
Second. UNIMOUS VOTE

POLICIES - Wayne would like to see all comments submitted for next meeting and discuss revisions and changes at that time.

COMMITTEE REAPPOINTMENTS - Wayne wanted to hold back until they could work on review of the list. DORE' HUNTER - Moved to appoint the COA to a term to expire June 30, 1999. It was further discussed that the Board would like to see the information submitted by VCC earlier in the year so that they would not have to rush on reappointment.

HANSCOM AIR FORCE BASE INVITATION -Wayne will attend this if the Board liked. He asked for comments for selection of young person. Dore' felt Wayne could select the individual.

OTHER- Peter spoke about the legislation in Sudbury and the override as well as the article voted for a non-binding question to have Assessors review clause 18 to set guidelines on how to define financial hardship guidelines. They determined if you pay more than 12% of earnings in property taxes you would qualify. He said that FinCom should look at it to determine impact.

CONSENT AGENDA

DORE' HUNTER - Moved to approve. PETER ASHTON - Second- UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

John discussed the energy program he has been working out with Lexington and asked that the Board appoint the firm of Bernstein, Cushner and Kimmell as Special Council for electricity Deregulation to facilitate these discussions. DORE' HUNTER - Moved to approve Bernstein, Cushner and Kimmell as Special Council for Electricity Deregulation. PETER ASHTON - Second. UNANIMOUS

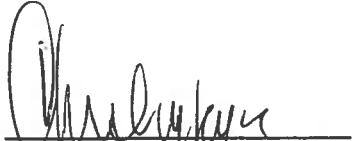
The Board adjourned at 11:15 P.M.

Tracy E. Janes

Clerk

7/21/98

Date


Christine M. Joyce
Recording Secty.
Doc:Min6/23/98