

## *SELECTMENS MEETING*

### *MAY 25, 1999*

PRESENT: Herman Kabakoff, Chairman, Wayne Friedrichs, Dore' Hunter, Peter Ashton and Trey Shupert. Town Manager Don Johnson and Assistant Town Manager John Murray were also present (The meeting was televised by cable)

### *CITIZEN CONCERNS*

None Expressed.

### *PUBLIC HEARINGS AND APPOINTMENTS*

#### *CONSERVATION TRUST PRESENTATION*

David Hardt from the Acton Conservation Trust stated that they are happy to have the chance to speak with the Selectmen.. Mr. Hardt stated that the Trust has just completed the second educational forum on the Topic of Neighborhood Advocacy. The forum was designed to extend public awareness of existing open space. An awareness checklist was distributed to approximately 40 people that were in attendance. Mr. Hardt also indicated that the Sudbury Valley trustees have joined together to work with the Conservation Trust and the Trust for Public Land to perform a partnership which helps with funding. Tracy Hines, representative of the Sudbury Valley Trustees updated the Board on the negotiations regarding the Carlisle Road land. It is anticipated that if this land were purchased through the Trusts the Town would also have to supplement the budget. This parcel that is being looked at is the Dexter property on Carlisle Road and is currently under Chapter 61A and would need to be offered to the town under the right of first refusal. If this lot was not purchased to preserve open space then a developer could fit approximately 120 house lots on the property. The owner, Mr. Dexter, has been cooperative with the Trust in their efforts to purchase the land. Ms. Hines also indicated that the goal of the Sudbury Valley Trustees is to protect the wildlife, brooks and streams and this property is high on the list for purchase of open space. Ms. Hines would not say what the purchase price is since it is still being negotiated. An appraiser has surveyed the land and the results should be forwarded next week. They would like to work with the town and keep us updated on the property. Peter asked what the timeline is. Ms. Hines indicated that the fall should be the timeline for purchase. Trey asked if an archeological study has been done. This land has not had a study yet but will be done soon.

Hal Reeves, 94 Arlington Street, asked whether a developer could step up and start the process of house lots while we are waiting. Ms. Hines indicated that the owner has indicated that he would sell to the Trust for the preservation of open space.

Mr. Hardt also spoke about the zoning issues with respect to PCRC's stating that the issues regarding the issuance of PCRC's needs to be looked at very carefully with respect to current development. Mr. Hardt feels that there is too much flexibility with the Carlisle Road lot stating that a single site sewage disposal site could be utilized for a development. The Trust recommends strict enforcement of the bylaw. Mr. Hardt stated some reasons the Board should not grant a special permit to this lot. Mr. Hardt indicated that the biggest flaw in the PCRC is that there is no test, each property is too different. Mr. Hardt stated that his observation of the PCRC process is that there is pressure to develop lots for houses, more residential than commercial development. The trust believes that development alienates seniors and causes sewage disposal problems. Trey stated that the Planning Board started off with a PCRC about 10 years ago to stop commercial development and sought to preserve open space. Trey indicated that there are some PCRC's that are good and some marginal PCRC's. One of the last Planning Board items that Trey worked on was to look at PCRC developments for the open space concept. Peter stated that some comments made tonight should be made to the Planning Board also. Mr. Hardt indicated that they will do that. Peter stated that he recalls seeing a letter stating that these issues will be looked at. Dore stated that he would be nervous to change the interpretation of the bylaw without a change in regulations since this issue does not hold up well in court. Mr. Hardt indicated that the most important item is that the master plan has changed which allows for new interpretation by the Planning Board.

Al Reeves asked the Selectmen's roles in interpreting the PCRC. The Board encouraged Mr. Hardt to take his issue to the Planning Board. The Planning Board would need to bring any changes to the Bylaw to the Selectmen. Mr. Reeves stated that a developer asked for a PCRC at last night's Planning Board meeting and stated that the question at the hearing was not whether the PCRC would be approved but rather keeping the residents happy.

CONCORD ACTON SQUASH CLUB  
29 KNOX TRAIL  
COMMON VICTUALER LICENSE

The applicant has withdrawn this request.

CONCORD ACTON SQUASH CLUB  
29 KNOX TRAIL  
WINE AND MALT LICENSE

The applicant has withdrawn this request at this time.

SITE PLAN 3/8/99 -369  
3 EASTERN ROAD  
CONTINUANCE FROM MAY 11, 1999 BOARD OF SELECTMEN MEETING

George, representative of Stamski and McNary was present representing the owner of the property. The lot is currently vacant, barren, has little vegetation, is flat

land and the soil consists of sand and gravel. The owner proposes a 7500 square foot building with recording studio. Town water is not readily available so a well is proposed. George also indicated that this site will create minimal traffic. If sidewalks were a condition they could be placed around the building and possibly even tie into the assisted living facility or constructed at another needed site. Roland's concerns have been addressed. The Engineering Department had concerns which will be addressed during the Boards question and answer period. Herman stated that it does not make sense to place a sidewalk along the frontage and that a contribution might be better served. The Board asked the owner if a contribution was acceptable. The owner of the building stated that a contribution of \$30/foot is high and he could build the sidewalk for cheaper and would be willing to contribute an amount equal to the costs that the sidewalks would cost him. Peter stated that he would like to see a contribution for sidewalks. Peter stated that he was concerned with the well. The owner currently has a piano tuning shop located at 200 Baker Avenue in Concord for the last six years. Dore stated that he would like to see a sidewalk along the applicants frontage. Herman stated that there would be a sidewalk on both sides of the street if the applicant constructed sidewalks in front of his property. Wayne asked if there is an agreement with regards to the Engineering Departments concern with the drainage problems. The Engineering Department asked to see some modifications with the catch basins. The bylaw sets the standards for the engineering designs. The development of this site complies with the zoning bylaws, however, the Engineering Department has asked for higher standards. Trey asked if there was a way to construct a sidewalk through to Nara. No. HERMAN KABAKOFF – Move to take site plan 3/8/99-369 under advisement. PETER ASHTON – Second. UNANIMOUS VOTE.

## *SELECTMEN'S BUSINESS*

### GOALS AND OBJECTIVES

The Board assigned the list of Goals and Objectives to various Selectmen. The Board discussed forming a joint task force to investigate ways of achieving greater coordination between the schools and the town and forming a computer advisory committee but decided to wait awhile.

### BOARD ASSIGNMENTS

WAYNE FRIEDRICH – Move to accept the Board assignment list. HERMAN KABAKOFF – Second. UNANIMOUS VOTE.

BOY SCOUT EAGLE COURT OF HONOR  
CHARLES DOUGLAS CAREY

Peter Ashton to represent the Board.

MEMORIAL DAY OBSERVANCE PARADE – It was stated that Herman and Peter will walk and the others will ride.

SENIOR TAX RELIEF - Peter stated that earlier today he presented testimony regarding senior tax relief at the State House. Peter stated that there is coherent tax relief around the corner for seniors. Peter also stated that thirty (30) seniors were present for the hearing today and he appreciated the support. Wayne feels that this is a step in the right direction. Peter also stated that Senate President Birmingham was very receptive to the idea.

LEAGUE OF WOMEN VOTERS - Dore indicated that the League of Women voters has a conflict with our June 8<sup>th</sup> meeting regarding Ed Reform issues. Dore suggested that we write something to them by staff.

MPO ELECTION – Herman expressed his concern with having a designee at the MPO election. WAYNE FRIEDRICHES - Move to appoint Donna Jacobs as a designee of the Board to vote at the MPO Election. DORE' HUNTER -Second. UNANIMOUS VOTE.

MR. TINSETH – BOSTON EDISON POLE – Mr. Tinseth has written expressing his displeasure with the double pole location located in front of his house. The problem with the pole removal is that Cablevision needs to move their wires onto the new pole before the old pole can be removed. The Board asked staff to resolve Mr. Tinseth's problem expediently. The Board also asked staff to call Cablevision to ask that they remove their wires so Edison can remove the old pole.

SCHOOL COMMITTEE – Herman indicated that he received a phone call from Mary Ann Ashton, Chairman of the School Committee asking for the Board's opinion on two subjects in regards to 2020 meeting last night. One area being the joint effort problem with the three chairman and they are moving forward to finalize it.

Herman stated that School Committee Chairman, Mary Ann Ashton asked him to poll the Board in regards to the Board's opinion regarding the possibility of establishing a voluntary contribution system to possibly fund staffing. It is anticipated that a \$400 contribution per family is needed from approximately the same amount of people who voted yes at the override election. The thought is to create a means to accept volunteer contributions into some type of generic account.

Trey Shupert stated that the School Committee is facing a tough dilemma in regards to anticipated shortfalls. Trey is concerned with the way that the school committee would spend these monies. Trey expressed concern with using the contributions to fund permanent staff since the next year's budget could be impacted. Trey questioned the legality of receiving private contributions, however the Town has previously received gifts for NARA for capital improvements. Trey stated that we should move forward stating that it is a good idea that needs to be explored some more. Trey also mentioned that that the group of people that voted for the override may not want to give contributions.

Wayne Friedrichs would support that we pursue it since funding from any kind is appreciated. Wayne stated that additional funds can be handled if given.

Dore' Hunter stated that it is not a novel idea, however, he is concerned with private funding and indicated that contributions can be tax deductible. Dore' also stated that he does not want to see the school committee as the arbitrator for the contributions. Dore' would like to see the fund set up as a separate corporation. Dore' would like to see this contribution fund set up for the Local schools only, however would not want to see money turned away either. Dore' stated that the school has previously been supported by off budget choice monies, we need to keep this spending from donations in sight.

Peter stated that these amounted to user fees which he was concerned about, but glad to see a group has come forward and offered some contributions . Peter has concerns where the money should go and suggested that maybe the money go to the PTO's. It would be useful to see the school budgets report out how much money they receive in contribution, so the amounts are known.

Herman stated that this may result in going down a very slippery slope when the public needs will occur year after year. Concerned with using the contributions to hiring since one year they may be funded and the next year they might not. Herman stated that the schools may find themselves with programs that they cannot fund. Herman stated that he would rather see the contributions go towards one time capital projects. Herman stated that public education should be funded publicly. Herman stated that contributions should be funded through a PTO type organization and not through the School Committee.

## *CONSENT AGENDA*

WAYNE FRIEDRICHES - Move to approve consent calendar as printed. TREY SHUPERT FRIEDRICHES - Second. UNANIMOUS VOTE.

## *TOWN MANAGER'S REPORT*

None.

  
Clerk  
Sheryl Ball  
Recording Secretary

10. **COMMITTEE APPOINTMENT** – Enclosed please find VCC's recommendation to appoint Fran S. Addison as a full member of the ABCC for a term to expire June 30, 2002 for Board action.
11. **RECREATION DEPARTMENT** – Enclosed please find donations to be used for NARA Park for Board approval.
12. **FENCE CONSTRUCTION – 588 Main Street** – Enclosed please find a request from Mr. Bonnar for construction of a fence at 588 Main Street within the right of way for Board action.

## **V. TOWN MANAGER'S REPORT**

### **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.

**June 8**  
**June 22**  
**July 20**  
**August 17**  
**Sept. 14**  
**Sept. 28**