

**BOARD OF SELECTMEN
NOVEMBER 14, 2005
REGULAR SESSION MINUTES
“APPROVED”**

Present: George F. Dillon, Jr., Chair; John L. Saball, Vice Chair; Robert W. Nordblom, Clerk; Peter S. Cunningham, Member; Mihran Keoseian, Member; Administrative Officer Jean E. Kitchen; and Kathleen Newell, Office Assistant

The meeting opened at 7:03P.M.

Public Hearing RE: Tax Classification

The public hearing was conducted and a record of proceedings is enclosed herein.

Mr. Saball moved that the deadline for filing an exemption for the Community Preservation Act with the Board Assessors be April 1st of each year. Seconded by Mr. Nordblom. Unanimous vote.

Historical Commission RE: Demolition By-law

Mr. Alvin Collins and Ms. Michelle Collette were present for this portion of the meeting.

Mr. Collins stated the Commission would like the blessing of the Board to proceed with discussions with other departments. Mr. Collins stated the by-law was not intended to stop demolition but to explore alternatives to demolition of significant structures. Mr. Saball stated that he had reviewed the by-law and questioned whether a burden was placed on the property owner to seek people or groups to show an interest in the property. Mr. Collins stated that that would be too much to ask of the property owner. Mr. Saball referenced 3.8 II which stated the owner needs to seek a source. Mr. Collins stated that six months worth of effort needed to be documented. Mr. Dillon noted that it would be incumbent upon the owner to document.

Mr. Keoseian stated that he is in favor of preserving historic homes and markers, but he was concerned that there would be a cost to homeowners should a dispute arise. Mr. Keoseian asked what precipitated the by-law. Mr. Collins stated it seemed like the right time, all the good lots are starting to be eaten up and developers are tearing down older homes to build other structures. Mr. Collins further stated that the Commission was hoping to get a window of opportunity to delay the demolition to remove the structure or at the very least document the structure through pictures.

Mr. Collins stated they had been working with the Building Department and had asked them to come up with a list of structures with historical significance, using a 75 year window that would be a red flag. Mr. Cunningham stated he would encourage the Historical Society to proceed with the process. Mr. Nordblom stated that he was more reserved, but would keep an open mind.

Mr. Keoseian stated that he would like to see full disclosure of the content of the meeting and to see more information when advertising the meeting so there is a deeper understanding of what will be discussed.

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Damon Irby, 25 Sawtell Drive RE: Drainage Easement

Ms. Michelle Collette, Planning Administrator; Mr. Tom Delaney, Highway Surveyor were also present for this portion of the meeting.

Mr. Irby stated that he was trying to have an in ground pool installed, but there is a drainage easement on his property. Mr. Irby stated that he was requesting that he be allowed to build a pool. Mr. Dillon asked is Mr. Irby had been aware of the easement when he purchased the property. Mr. Irby stated that he was not. Mr. Dillon noted that Ms. Collette and Mr. Delaney had viewed the property. Mr. Delaney stated that there was supposed to be a 9-foot deep hole retention basin on the property, but it had been filled in at some point during the construction. Ms. Collette reviewed a site plan from 1980's stating that the area had a lot of natural topography with a number of natural kettle holes which were not intended to be constructed as they were natural places to drain. Ms. Collette stated that the site was leveled and the natural depression filled and no longer exists, but does not seem to have an adverse affect on the property. Ms. Collette stated that the Planning Board would not agree to rescind the easement but would not have a problem with the homeowner building a pool, and replacing the easement at some other location on the property and having it registered with the registry of deeds. Mr. Cunningham asked why they town would want to retain the structure. Ms. Collette stated

that in order to relinquish the easement it would require a town meeting vote as the easements were accepted when the road was accepted at town meeting. Mr. Cunningham asked if the surveying and relocation of the easement would require registration. Ms. Collette stated that any change to the plan would require town meeting vote.

Mr. Dillon asked what portion of the easement needed to be relocated. Mr. Irby stated that the easement was approximately 55 feet from the property line and the pool would be roughly 10 to 15 feet on into the easement. Mr. Saball asked Mr. Irby if he had any comment after hearing what Ms. Collette had said. Mr. Irby stated that as Mr. Delaney had pointed out the easement did not exist and having the property surveyed and registering the deed would be a big expense to his family. Ms. Kitchen stated that the pool could be relocated. Mr. Irby stated that he would lose the sun after 2:00 p.m. if the pool were to be moved closer to the house. Mr. Dillon asked if there were a swap of land would there be a need for having the property surveyed. Ms. Collette confirmed it would.

Mr. Cunningham stated he would be willing to go to town meeting to rescind the easement. Mr. Keoseian asked if the Board granted a variance, would the easement be voided. Ms. Kitchen stated that any change would require a plan at town meeting. Mr. Dillon asked Ms. Kitchen to research the options. Ms. Kitchen stated a survey would be required and suggest Mr. Irby request a quote. Ms. Kitchen noted the town would incur the cost of the wording for the town meeting. Ms. Kitchen informed Mr. Irby he would be responsible for getting the verbiage for a warrant article.

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Public Hearing RE: Change of Traffic Pattern at Martins Pond Road and Hollis Street

The public hearing was conducted and a record of the proceedings is enclosed herein.

Historic Districts Commission Special Municipal Status and Appointment – Shelia Harrington

Ms. Kitchen stated that the members of a committee may in their professional positions need to appear before other boards/committees and special municipal status allows people to volunteer yet continue in their professional pursuits. *Mr. Saball moved the designation of "Special Municipal Employee" status for the position of Historic District Commissioner. Seconded by Mr. Nordblom. Unanimous vote.*

Mr. Saball moved to appoint Sheila Harrington to the Historic District Commission for the vacant three (3) year term, term to expire June 30, 2007. Seconded by Mr. Nordblom. Unanimous vote.

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Reappointment of Town Accountant

Mr. Dillon stated that the Town Accountant had moved to another community and was seen by law to vacate the position and would need to be reappointed.

Mr. Saball moved to reappoint Valerie Jenkins as Town Accountant effective November 18, 2005, term to expire June 30, 2006.

Common Victualler License – 3 Forge Village Road, Dunkin' Donuts

Mr. Steve Catalano was present for this portion of the meeting.

Mr. Saball moved to approve a Common Victualler License for Courtney's Donuts LLC d/b/a Dunkin' Donuts, 3 Forge Village Road, license to expire December 31, 2005. Seconded by Mr. Nordblom. Unanimous vote.

OTHER BUSINESS

Appointment – Conductor Lab Oversight Committee – Robert Hanninen

Mr. Saball moved to appoint Robert Hanninen to the Conductor Lab Oversight Committee for the vacant one- year term, term to expire June 30, 2006. Seconded by Mr. Nordblom. Unanimous vote.

Appointment – Insurance Advisory Committee – Jeff Gigliotti

Mr. Saball moved to appoint Jeff Gigliotti, as Police Representative to the Insurance Advisory Committee for the vacant one- year term, term to expire June 30, 2006. Seconded by Mr. Nordblom. Unanimous vote.

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Minutes

Mr. Saball moved to approve the Regular Session Minutes of September 26, 2005, as amended. Seconded by Nordblom. Unanimous vote.

Mr. Saball moved to approve the Emergency Session Minutes of October 20, 2005. Seconded by Mr. Nordblom. Unanimous vote.

ADMINISTRATIVE OFFICER REPORT

Ms. Kitchen reviewed the following:

- Mr. Dillon, Mr. Delaney and she had viewed the intersection of Route 40 and Main Street for improvements.
- Mr. Keoseian, Ms. Jenkins and she were working on the personnel manager position.
- She had attended an 111F Seminar dealing with injured on duty police and fire fighters.

SELECTMEN LIAISON UPDATE

Mr. Saball noted that there was water seepage on Route 119 by the bridge at Arlington Street and asked it that could be followed up on. Ms. Kitchen stated that there a plan to remedy that and she believed that DEP had been contacted.

Mr. Dillon stated that he had attended an awards ceremony at which Frank Belitsky had been given the Robert Lewis volunteerism award by Nashoba Valley Chamber of Commerce.

Mr. Dillon stated that he had attended a session on Chapter 40B basics, guidelines and Smart Growth on 40B.

Mr. Dillon stated that the kick off meeting with the newly formed SEIU 888 would be the following evening.

Mr. Saball moved to adjourn at 8:45 p.m. Seconded by Mr. Nordblom. Unanimous vote.

Approved: _____
Robert W. Nordblom, Clerk

respectfully *submitted*,
Kathleen Newell
Office Assistant

Attachments (2): Tax Classification Public Hearing Checklist; Modification of Traffic Pattern Martins Pond Road at Hollis Street Public Hearing Check List

Date Approved: December 19, 2005