

Selectmen's Meeting
December 10, 2007

A regular meeting of the Board of Selectmen was held on Monday, December 10, 2007 at 7:30 p.m. in the Selectmen Meeting Room, Town Office Building. Chairman Krieger, Mr. Kelley, Mr. Cohen, Mr. Manz, Mr. Burnell; Mr. Valente, Town Manager; and Ms. Pease, Executive Clerk, were present.

Public Comment

Dawn McKenna, Chair of the Tourism Committee, is concerned about the path leading to Belfrey Hill and what the Town's liability is. She hopes the town can look at it to see what could be done to make it safe.

Mrs. McKenna, Chair of the former Space Building Needs Committee, asked the Selectmen to reconvene the committee to review current project priorities and update the report of the Committee.

Stormwater Bylaw

Aaron Henry, Senior Planner, and Michael Flamang, Senior Civil Engineer, came before the Selectmen to present information on Stormwater Management.

Under the National Pollution Discharge Elimination System (NPDES), the federal law requiring communities to manage stormwater run-off, the Town must apply for a general permit every five years allowing it to discharge stormwater into the waterways of the Town. One purpose of the permit is to demonstrate that the Town is actively managing its stormwater discharges. Part of the process in renewing the permit next year is to show that the Town has a bylaw, related regulations and an educational system in place to manage stormwater discharge.

The NPDES Permit which must be renewed in 2008 requires: public education and outreach, public participation/involvement; illicit discharge detection and elimination, construction site runoff control, post construction runoff control, and pollution prevention/good housekeeping.

The Bylaw would not affect most typical residential homeowners. A permit would be required if the project disturbs more than one acre of soil, involves demolition of more than 50% of the existing structure, or requires a Special Permit, Subdivision Approval or a rezoning. It is recommended that there be a day-to-day administrator to review and act on applications and provide notice to abutters.

Bylaw specifics include:

1. Prohibits connections and discharges to Town drainage without a permit;
2. Requires sediment and erosion control of job sites during construction;
3. Requires the ongoing operation and maintenance of Stormwater Management after construction;

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4. Plans and reports prepared by a PE;
5. Review by Stormwater Authority/Agent
6. Plans must discuss impact on adjacent properties;
7. Soil testing, hydrology and hydrologic computations;
8. Before and after site runoff computations;
9. Maintenance agreement and schedule
10. Work must be bonded.

Related issues for consideration: regulations; consistency between Zoning and Conservation bylaws and what the definition of “impervious surface” is; and funding (Stormwater Utility or technical review fees).

The Selectmen discussed three key issues:

1. Who should be the “Stormwater Authority” for the purpose of reviewing applications and issuing stormwater permits? The thinking at this time is that the Town Engineer should fill this role so that the permitting process is an administrative process similar to applying for a building permit. Appeals would be to the Courts.
2. What triggers a Stormwater Permit? The thinking at this time is to use the federal minimum thresholds for teardowns and large developments where we frequently get complaints regarding run-off affecting the abutters.
3. How will this program be funded? The federal requirements for stormwater management are onerous. We do not believe that the existing engineering staff will be able to manage these new regulations. It is our understanding that the law permits the Town to establish a Stormwater Utility and assess each property that is not managing its stormwater on-site a fee for the Town's stormwater system. Newton implemented such a system two years ago and we have requested information from them to determine if this model would work in Lexington.

Mr. Kelley wants to make sure this does not become too costly and a burden to homeowners. Selectmen feel that most complaints they receive are from teardowns. Selectmen agree that the engineering department should handle permitting process.

Mr. Kelley feels impervious surface needs to be certified by a civil engineer and oversight will be important.

Selectmen agreed that they want regulations that minimize appeals and should give the Town flexibility to institute a Storm Utility. Will talk about implementing when have a better idea of the costs.

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Munroe Building Discussion

The Town has been allowing the Munroe Center for the Arts to use the former Munroe School for the past 13 years. The building now needs significant energy and safety upgrades. As the building owner, the Town is responsible for making these improvements, which include the fire alarm and sprinkler system, heating system, window replacement and ADA improvements. Prior to making these improvements the Selectmen will have a public process to evaluate the long-term use options for the building. Options include but are not limited to:

1. Long-term lease to the Munroe Center for the Arts;
2. Regain use of the building for Town purposes; and
3. Sale of the building.

Selectmen do not want to be property owners and cannot take on any capital costs. Mr. Kelley suggests preparing a Request for Proposal and look for a plan that would serve the arts while selling the building with a long-term buy-back option. Also the land must be protected. Mr. Manz is concerned that selling is not enough; we need assurance that the new group can afford to support the building and demonstrate that the building code can be met in a reasonable time. A long-term lease or ownership would allow for grant applications to be pursued and would go a long way with a viable business plan and leadership.

Mr. Burnell is reluctant to go through a public process for the building that requires significant safety work.

Mrs. McKenna does not want the Selectmen to consider selling the property.

Mr. Miller, Munroe Center for the Arts, believes both parties need to maintain the building and the Town needs to be committed to the arts.

The Selectmen feel that the Town has tried many times to come to an agreement regarding a lease, but Munroe has not.

The Selectmen agree that they would like the building to continue as an arts center. The plan is to follow this process:

1. Notify Town boards and committees to determine if there is a Town need for this building;
2. Provide for community input on the long-term use of this building by way of a public meeting, information provided via correspondence, email, the Town's website, etc. The process would take place in January and February 2009; and
3. Based on 1 and 2 above, propose to Town Meeting a long-term use of this property.

The Selectmen will continue discussions at the January 7 meeting.

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The Selectmen designated Mr. Kelley and Mr. Cohen to work with staff on the process.

Resignation – Sidewalk Committee

Upon motion duly made and seconded, it was voted 5-0 to accept the resignation of Marianne Lazarus from the Sidewalk Committee, effective immediately.

Dissolve the Ad Hoc Water and Sewer Rate Study Committee

Upon motion duly made and seconded, it was voted 5-0, with gratitude to the Committee for the work it did, to dissolve the Ad Hoc Water and Sewer Rate Study Committee, effective immediately.

Consent Agenda

Appointment – Regional Transportation Advisory Council

Upon motion duly made and seconded, it was voted to appoint Francine Steiglitz to the Regional Transportation Advisory Council as an alternate for Gail Wagner.

Local Cultural Council Member Disclosure Form Approval

Upon motion duly made and seconded, it was voted 5-0 to approve the Local Cultural Council Member Disclosure Form for Myron Rosenblum.

Tax Insert – Tax Rate Information

Upon motion duly made and seconded, it was voted 5-0 to include tax information in the next tax bill.

Executive Session

Upon motion duly made and seconded, it was voted by roll call 5-0 to go into executive session for the purpose of contract negotiations, with no intent to return to open session.

Upon motion duly made and seconded, it was voted to adjourn at 9:15 p.m.

A true record; Attest:

Lynne A. Pease
Executive Clerk