

SELECTMEN'S MEETING  
JANUARY 4, 1994

The Board of Selectmen held their regular meeting on Tuesday, January 4, 1994. Present were F. Dore' Hunter, Anne Fanton, William Mullin, Norm Lake, Nancy Tavernier and Town Manager Johnson.

{Representatives from cable were not present}

RECEIVED & FILED

DATE 2/25/94

C-Beebin

TOWN CLERK, ACTON

CITIZENS' CONCERNS

None expressed

Anne Fanton announced that she will not seek re-election. Anne urged candidates to step forward who will dedicate themselves to the community to assist municipal government with the many challenges. Anne also thanked the other members of the Board and staff for their assistance during her term.

PUBLIC HEARINGS AND APPOINTMENTS

COMMITTEE INTERVIEW - COUNCIL ON AGING

JAMES PARKER  
ANGELENE CONN

These items were moved to the Consent Section. Staff included these on the Appointment section of the Agenda in error.

Anne had asked that the Town Clerk for copies of COA minutes which were supplied to the Town Manager since the COA has not responded to two request by the BOS for copeis.

Nancy asked that the Board clarify the issue of residents of Audubon Hill's participation on the Council on Aging. ANNE FANTON - Moved to limit residents of Audubon Hill membership on the COA to two. NANCY TAVERNIER - Second. Bill Mullin asked for a delay to review further information. 4-1 BILL MULLIN - Motion Passed.

WENDY'S SITE PLAN POWDERMILL

The continued hearing from December 14, 1993 was opened. Charles Orcutt updated the board on issues with regard to Maynard. they have completed all public hearings in Maynard. Final approvals are due from Maynard conservation and Board of Appeals. The Site Plan approval is due on January 10, 1994. The Certified Mail Receipts were turned in. (8 from Maynard, 2 from Concord) Note: None from Acton.

Wendy's personnel made a presentation to the Board.

Bill asked if it would be appropriate for there to be two left turn lanes (one for Wendy's and one for DEC). Wendy's stated they believed it was a hazard to have two Left turn lanes.

Nancy and Anne questioned the holding ponds/drainage. Anne believes that Garry's memo #3 is inconsistent with the Master Plan.

Anne questioned the number of parking stalls at the site, 22 spots in Maynard and 30 in Acton. She requests an interpretation by Counsel over the "Total Parking Stalls" as it relates to a split jurisdiction question.

Don states that there is no clear interpretation and lack of legal precedent. Anne submits that the Board consider a reduced number of parking stalls. She suggests the 7 site average as a specific number.

Wendy's contends that 52 spots are necessary for a freestanding site. They also suggest that some of the 8 sites include sites that are not free standing locations (in shopping malls)

Traffic consultant says there will be no changes in traffic patterns for DEC and Sudbury Road. It is anticipated that the High Street and 62 fair share contribution should be between 2-3 % of the current delta from total cost and current funds (expended and in hand)

Dore' asked how Wendy's determined other traffic counts for Wendy's and how the consultant determined the direction of the traffic to Wendy's. The consultant responded by text book and existing traffic flows.

Anne asked about page 10 of the traffic study and page 11 and cited them as a question towards the 2-3%.

Wendy's offered \$3-5,000 contribution of linkage fees (more than the 2-3% "Fair Share").

Anne asked for a cut sheet on lighting and staff evaluation of the intensity of lighting. She also asked for a comparison with other sites approved by the Board.

Bill questioned the lack of a guard on the retaining wall. Wendy's agreed to install one where requested by the Building Commissioner.

Bill had questions about the LOC/Cash Bond and also noted two other issues raised in the Building Commissioner's 12/28/93 memo (signs and the pole in the sidewalk).

The hearing was continued to 9:45 on January 18th.

**LMI -LIQUID METRONICS  
POST OFFICE SQ. LIGHT**

Dennis Hunt and Fred Porter, representing LMI, requested an extension of the Letter of Credit.

BILL MULLIN - Moved to exercise the credit. NANCY TAVERNIER - Second for the purpose of discussion. 2-3 Anne and Bill yes, Motion fails.

NANCY TAVERNIER - Moved to extend the LOC to May 1, 1994 Presented prior to January 14th. NORM LAKE - Second - 4-1 BILL MULLIN - NO.

**CONSENT CALENDAR**

NANCY TAVERNIER - Moved to accept the Consent Calendar as submitted holding Item 13 for discussion as well as addition of the two Council on Aging Appointments originally on the Appointment/Public Hearing section of the Agenda. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

Item 13 - After discussion the offer for paving materials was accepted with appreciation noted.

**SELECTMEN'S BUSINESS**

EAGLE SCOUT - Nancy Tavernier will attend.

BOARD OF HEALTH - MASTER PLAN ACTIONS - The Board discussed the MPCC actions as outlined by Anne. Anne will draft the Board's response.

Action 1 - Supported the discussion of Planning some concern about "Deed to town"?

Action 2 - Places in Town where a replacement system can economically be replaced.

Action 3 - Establish tertiary treatment.

Action 4. Continued Education without cost.

Actions 9-15 Concur with comments as written.

Action 18 - Agree and encourage focus volunteer energies.

Action 25 - Agreed with Board of Health.

**TOWN MANAGER'S CONCERNs**

CONCORD AUTO AUCTION - Board would not reject future consideration of Concord Auto Auction's request and would reserve a space on the Warrant, pending comments by staff and assessment.

NAGOG POND - Anne Fanton suggested Staff to reserve a space on the 1994 Warrant for the Concord Water Dept., Don felt it was not necessary at this time.

ACTON BOXBORO REGIONAL SCHOOL WAIVER - Boxboro has stated they will send a letter asking the schools to rescind the activities fees. NORM LAKE - Moved to send a letter to the School Committees requesting that they refund the activities fees collected in order to comply with the Waiver condition. ANNE FANTON - Second. UNANIMOUS.

NORM LAKE MOVED - To send a letter to confirm that the School Committee shall commit \$304,000 of School Choice monies to the FY95 Budget as amended by Bill - ANNE FANTON - Second. 4-1 BILL MULLIN - NO

NANCY TAVERNIER - Moved to continue to participate in the Municipal Forum under the current composition and the next meetings agenda shall be prepared by the Forum at the close of the meeting. ANNE FANTON - Second. UNANIMOUS VOTE.

#### EXECUTIVE SESSION

Moved and Seconded to go into executive session for the purpose of discussing Legal strategies. Bill Mullin took Roll Call, All ayes.

The Board adjourned at 11:00 P.M.

Bill C. Mull  
Clerk 2/15/94  
Date

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John Murray  
Acting Recording Secty.  
cmjW11-(460)

DECEMBER 30, 1993

TO: Board of Selectmen  
FROM: F. DORE' HUNTER, Chairman  
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

7:30 P.M.

JANUARY 4, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 CHAIRMAN'S MINUTE
2. 7:38 ELECTION NOTICE
3. 7:40 JAMES PARKER - COMMITTEE INTERVIEW - Enclosed please find Mr. Parker's Citizen Resource Sheet and VCC recommendation for appointment as a full member for a one year term to the Council on Aging for Board review.
4. 7:45 WENDY'S SITE PLAN - POWDERMILL ROAD - Enclosed please find a site plan request from Wendy's International with staff comment for Board review and discussion. This hearing was continued from December 14.
5. 8:15 ANGELENE CONN - COMMITTEE INTERVIEW - Enclosed please find Ms. Conn's Citizen Resource Sheet and VCC recommendation for appointment as a full member for a one year term to the Council on Aging for Board review.
6. 8:25 LIQUID METRONICS - Please see enclosed comments from the Town Manager

III. SELECTMEN'S BUSINESS

7. BOY SCOUT COURT OF HONOR - Enclosed please find an invitation to attend the Court of Honor being given for Keith Campbell on January 9, 1994 for Selectman assignment.

8. BOARD OF HEALTH QUESTIONS RE MASTER PLAN ACTIONS - Enclosed please find materials for discussion by the Board. This item has been carried forward from your December 14 meeting.

#### IV. CONSENT AGENDA

9. ACCEPT MINUTES - Enclosed please find minutes from November 30, 1993 for Board approval.
10. ACCEPT GIFT - Enclosed please find a request for acceptance of \$25.00 from GTE Labs to the West Acton Citizens' Library for Board action.
11. ACCEPT GIFT - Enclosed please find a request for acceptance of \$100.00 from Mrs. Lucien Adams to the Acton Nursing Service for Board action.
12. DECK HOUSE - SPECIAL PERMIT AMENDMENT - Enclosed please find the Amendment voted on December 14, 1993 for Board action.
13. AERS, INC. RECYCLED SOIL - Enclosed please find correspondence regarding an offer from Mr. Robert Knowlton, AERS, Inc., seeking to give the Town a large quantity of paving materials.

#### V. TOWN MANAGER'S REPORT

14. ROUTE 27 TRAFFIC LIGHT - Enclosed please find correspondence from Roy Smith regarding the Post Office Sq. traffic light.
15. CONCORD AUTO AUCTION - Enclosed please find a memo from the Town Manager regarding the Concord Auto Auction. The Town Manager will seek direction from the Board.
16. ACTON BOXBOROUGH REGIONAL SCHOOL WAIVER - The Manager will update the Board on Tuesday evening and seek your direction.
17. ANNUAL MMA MEETING - Enclosed please find correspondence from MMA regarding designation of a voting member for the Annual Business Meeting. The Town Manager will seek the Board's direction.

#### VI. EXECUTIVE SESSION

18. An Executive Session will be required for discussion of legal strategies.

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which 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.

Jan 18, 1993

7:00 Meeting in Maynard

9:30 - Liquor and Common Victualer Transfer - Szechuan Pavilion

819 acs