

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING
January 10, 2011**

**Acton Town Hall
Francis Faulkner Hearing Room
Meeting begins at 7:00 P.M.**

CITIZENS' CONCERNS

Mike Coppelino – 14 Isaac Davis Way asked several questions regarding the Wednesday meeting with Walker Realty Trust. He also asked if any new traffic studies had been performed. The petitioner has performed a traffic study in conjunction with this plan.

CHAIRPERSON'S UPDATE

Ms. Rosenzweig Morton updated the board on the status of the joint budget hearing on Saturday. She expressed sadness about the shootings on Saturday in Arizona.

OPERATIONAL MINUTE

Mr. Ledoux spoke about the Arizona shootings. He also wanted to report that we have been experiencing vandalism at the commuter lot. Someone is cutting the wires to the lot lighting. He noted we have also had issues with outside lighting at Town Hall.

PUBLIC HEARINGS & APPOINTMENTS

Savoury Lane, 251 Arlington Street Common Victualler License

Rose Saia explained her plans for her newly acquired business. Ms. Harting-Barrat asked about the menu. Ms. Saia said that former owner Rick Gordon will be staying on for a while to assist them.

Mr. Gowing asked about the catering service and if it will continue to be available. Ms. Saia plans to continue the catering.

Rick Gordon thanked the Board and noted that he was pleased that Ms. Saia would be taking the reins

Ms. Friedrichs – Moved to approve. Mr. Gowing – second UNANIMOUS VOTE

Savoury Lane, 251 Arlington Street – Beer and Wine Transfer

The Board asked about Ms. Saia's plans for training staff and noted how seriously the Board takes the issuing of liquor licenses. Ms. Saia will be training staff and she intends to have only one person designated as a control for liquor service and serve liquor only with meals

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Ms Friedrichs – Moved to Approve the Transfer. Mr. Gowing – second. UNANIMOUS VOTE

AMY BARNETT, CONTINUED DOG HEARING

Ms. Rosenzweig Morton explained that if Ms. Barnett followed all the suggested controls, that Dr. Dodman had described in his follow-up letter, Dr. Dodman believed that Henry was not be likely to bite another individual. Ms. Barnett needs to comply with all the requirements.

Amy Barnett expressed her understanding of the situation. She feels that she has done everything possible to control the dog,

Mr. Merdois spoke about trying to contact Ms. Barnett and she has refused contact.

The Board expressed concern about how to know that Ms. Barnett will adhere to the regulations applied. Ms Friedrichs asked for clarification from Town Counsel regarding the Town's liability, should Ms Barnett not adhere to the rules. Mr. Ledoux said that Town Counsel had told us that Ms Barnett's action or inaction does not create a liability for the Town.

Ms. Harting-Barrat wanted to know if Dog Officer Tac Palmer's comments could be folded into the other recommendations.

Ms. Friedrichs – Moved to close the hearing for deliberation. Mr. Gowing – second. UNANIMOUS VOTE

Ms. Rosenzweig Morton noted it was a serious issue for the dog and the families involved.

Ms. Friedrichs – Moved that when the dog is outside the residence, he shall be leashed and a have a bucket muzzle on. Ms. Harting-Barrat – second. UNANIMOUS VOTE

Mr. Gowing spoke about whether Ms. Barnett can adhere to the suggested conditions.

Mr. Gowing – Moved that we put the dog down for the safety of the town. No Second. Motion Fails

It was noted that the Dog Officer suggested that the dog be muzzled at all times. The Board felt that was too restrictive.

Ms. Friedrichs said it is the owner's responsibility to control the dog. And noted the Town is legally covered against any lawsuit that may be brought once the Board votes. Ms. Friedrichs – Moved that prior to Ms. Barnett's opening the door, the dog be muzzled and in a crate or behind a closed door. Mr. Gowing –second. UNANIMOUS VOTE

Ms. Harting-Barrat – Moved that when Ms. Barnett was not available to care for the dog personally, that it be boarded in a professional kennel and with notice to the kennel that he has bitten before, and the extent of the physical damage to the bite victim. Ms. Friedrichs - second. UNANIMOUS VOTE

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The Board stressed that any infractions will be reported to the Board, and will require the Board to take stronger action and possibly recommend that the dog be put down because of Ms. Barnett's inability to effectively control the dog.

Ms. Friedrichs - Moved to issue a memo with conditions that we and send to both parties and Town personnel. Mr. Gowing – second. UNANIMOUS VOTE

TD BANK NE, 408 MASSACHUSETTS AVENUE

The Chairman read the public Hearing Notice. The petitioner is asking for an amendment to the site plan decision issued.

Josh Swerling of Bohler Engineering filed the revised plans that are before the Board. The building has been moved forward as the Board preferred and the size of the building is smaller, under 3000 sq.ft. as opposed to 3800 sq.ft. originally. There will be two remote tellers. The front entrance remains the same. The retaining-wall height is lower by two feet. They were able to plant a hefty buffer to address the comments about screening the wall. They have also reduced the parking to 24 vs. 26 parking spaces.

Ms. Adachi said she was pleased with the changes, particularly the shifting of the building forward. She asked about the slope and proposed planting of the land behind the retaining wall. It is considered a gentle slope. The engineer said they plan to put a wild flower mix planted at the top of the wall.

Ms. Friedrichs noted that she thought she was looking at green in the front in former plans. She felt it was too industrial. She spoke about the character we were trying to improve and maintain. She said that three drive-up lanes seemed to be too much and that fewer would allow more of the hill to remain and a shorter retaining wall. She said that using link-blocks instead of real rocks was a huge degradation on the character of our fine village. And that developers that cared about our character had agreed to use real rocks, like Ken Sunberg at Sorrento's. She went on to say that the building is still too far away from the street for the building to attract walkers. And that there are still too many parking spaces to be in keeping with our planning efforts.

Ms. Adachi noted that a natural stone wall would be costly and might not work as a matter of engineering, that the conceptual drawing was misleading in depicting what appeared to be a gray cinderblock wall, and that the proposed conditions included one requiring the Planning Director's approval of the choice of manufactured stone product. Ms. Harting-Barrat noted she appreciated the changes but was not sure about the amount of asphalt. It was noted it has been decreased and two less parking spaces were proposed. She asked about making the drive-through more attractive with vines. Vines are not possible because solar panels will be on top.

The Board opened up for public comment. Gena Manalan asked about the original approval and conditions, and how much leeway there was for further maneuvering of the design. Ms. Adachi explained that the revised plan was an effort to settle the applicant's legal challenge in Land Court, so the Board did not have the same flexibility as with the original application. If there were no settlement, TD Bank might prevail and be able to build the original design without any of the changes and other accommodations that are

Final draft

in the revised plan. Ms. Manalan said that if the Town was not going to follow its planning documents, it should not spend money on the current Acton 2020 planning process.

Anne Sussman – spoke about Acton wanting to retain greenery and asked where the trees would be removed on the current plans. She noted the Design Review Board had worked well with the petitioner during meetings.

Ms. Friedrichs asked about requiring a one-way driveway. One-way would be more likely to mitigate traffic. She also noted that we seemed to be giving up a lot to help the applicant keep two driveways, which in effect was protecting his future development plans for the hill, which shouldn't be something that we do "for nothing". Planning Director Roland Bartl noted that a one-way access had been discussed before and the Police Chief wanted to leave the circulation two-way as it is currently.

Mr. Gowing – Moved to close the public hearing- Ms. Harting-Barrat – second. 4-1 Ms. Friedrichs Nay, Motion passes

Ms. Adachi - Moved to approve the amended decision as written. Mr. Gowing –second. 4-1 Ms. Friedrichs Nay, Motion passes

MARGARET WOOLLEY BUSSE - ACTON 2020

Ms. Woolley Busse gave a slide show and update on Acton 2020 in developing the planning document.

Ms. Harting-Barrat noted that she was concerned about Gena Manalan's comments regarding the master plan during the bank site plan discussion

Ms. Friedrichs spoke about a survey of 2,000 people that indicated a preference for slow development, maintaining character and the schools. She is concerned about the Acton 2020 workshops to "refine" the goals. She said that the workshops are small groups of people and do not represent the whole, and to water down the survey results with the opinions of a small number of people seemed a disservice to the people of Acton. Ms. Rosenzweig Morton said that the aim of the workshops is to refine "burning issues" and make them goals. Ms. Woolley Busse felt that what they are doing is not watering down the issues. They just want to come up with a list of what people really want. She mentioned that Acton 2020 needs another member for the committee.

Ms. Woolley Busse asked that each Selectman provide information to her on main projects, three main goals, burning issues, long-range plans.

Ms. FRIEDRICHS PRESENTED EXCEL AS A PLANNING TOOL.

Ms. Friedrichs gave an overview of how to use spreadsheets in evaluating issues and making decisions. Board members agreed on the value of spreadsheets as additional tools and thought that using them more was a good idea.

MORRISON FARM IMPLEMENTATION COMMITTEE

Mr. Gowing suggested that we reconsider going back to a 9-position committee. Mr. Gowing - Moved to that we vote to reconsider our original vote allowing up to 11 and change it back to seven full members and two associates Ms. Harting-Barrat – second. UNANIMOUS VOTE

The Board will move to appoint people to the committee and discuss how to structure this committee. The Board will conduct a joint meeting to explain how we would like the new committee to proceed.

PRELIMINARY DISCUSSION OF TRANSFERRING SITE PLANS TO PLANNING BOARD

Ms. Rosenzweig outlined her thoughts on having the Planning Board review site plans to free the Board up for more policy work. Most towns' process is for the Planning Board to have all the planning, zoning and permit responsibilities.

Ms. Adachi said it would be helpful to find out the downside of shifting site plans to the Planning Board. Ms. Friedrichs noted that the Planning Board does not have a lot of design experience and that we may want to see if we can beef up the board's design experience, to include architects, designers, and people with education/experience in art. Further, she said that if we made such a change, that we should make sure that their meetings are televised so that people can see the process and there is a record of what was said, as is the case with the Board's site plan hearings. She also said that the further we remove the design experience from elected officials, the more critical it is to have better design review, as was requested in the survey. She wants the Design Review Board to have more teeth.

Mr. Gowing said that reviewing plans limits our time to do strategic things we need to do and we could use the time to do real planning as a board. But if we are going to relinquish site plans to the Planning Board, there needs to be a process and checks and balances in case things go awry, and a clear sense of review standards and what's expected of them. This Board has no training in site-plan review. Ms. Adachi noted that she did have experience, as a former Conservation Commissioner. Ms. Harting-Barrat would like to see an elected planning board to handle planning issues.

LETTER TO FEDERAL TRANSPORTATION AUTHORITY ABOUT SOUTH ACTON TRAIN STATION

The Board's letter to the Federal Transportation Authority would be similar to the Board's bulleted comments to the MBTA: the Board wants the project to be fully funded and move forward; continued discussions on the station-design issue; and a timetable of deliverables. Mr. Gowing asked to remove "to that end..." Ms. Harting-Barrat – Moved to send the revised letter. Ms. Friedrichs – second. UNANIMOUS VOTE

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ALG

The Board discussed funding for the Cops In Schools program. Ms. Harting-Barrat said she did not want to see the police removed. Board members felt that the program was valuable and the schools should be willing to pay their share.

Mr. Ledoux reminded the Board that the budget needs to be voted by the Selectmen at a future meeting.

CONSENT AGENDA

Street Acceptance for Robbins Brook – Held by Ms. Friedrichs she wanted to discuss the policy for accepting streets.

Ms. Rosenzweig Morton noted that she would have to recuse herself on the street-acceptance item. Ms. Adachi –Moved to accept the Consent Agenda except for Item 14. Mr. Gowing – second. UNANIMOUS VOTE

Ms. Rosenzweig Morton – recused herself regarding Item 14 and left the meeting


Ms. Friedrichs said that she would like to know what the Town's rights are regarding acceptance of roads and whether it may decline to do so. Ms. Adachi asked that Town Planner Roland Bartl provide the Board with an outline on the process and Board's authority in this regard.

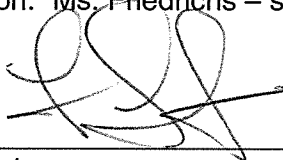
Ms. Harting-Barrat - Move to accept the Initial Street Acceptance documents. 3-1 Motion Passes. Ms. Friedrichs Nay.

Ms. Rosenzweig Morton recused herself and left the meeting.

EXECUTIVE SESSION: THERE WILL BE A NEED FOR AN EXECUTIVE SESSION AT THE CONCLUSION OF THE MEETING REGARDING Crossroads Development

Ms. Harting-Barrat - Moved to go in to Executive Session. Ms. Friedrichs – second. took Roll Call, All Ayes


Christine Joyce, Recording Secty


Clerk

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room
January 10, 2011
7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:05 **CHAIRMAN'S UPDATE**
The Chair will briefly update the Board
2. 7:10 **OPERATIONAL MINUTE**
The Town Manager will provide a brief report
3. 7:15 **SAVOURY LANE, 251 ARLINGTON STREET, COMMON VICTUALLER LICENSE APPLICATION**
Enclosed please find materials in the subject regard
4. 7:20 **SAVOURY LANE, 251 ARLINGTON STREET, TRANSFER OF A BEER AND WINE AS A COMMON VICTUALLER, FROM RICHARD GORDON TO ROSE SAIA.**
Enclosed please find materials in the subject regard
5. 7:25 **AMY BARNETT, CONTINUED DOG HEARING**
Enclosed please find materials in the subject regard
6. 8:05 **TD BANK SITE PLAN AMENDMENT SETTLEMENT, 408 MASS AVE**
Enclosed please find materials in the subject regard
7. 8:35 **MARGARET WOOLLEY BUSSE WILL PRESENT AN OVERVIEW OF ACTON 2020**

III. SELECTMEN'S BUSINESS

8. **SELECTMAN FRIEDRICHS WILL DISCUSS USING EXCEL TO MAKE STRATEGIC TOWN DECISIONS**
9. **MORRISON FARM IMPLEMENTATION COMMITTEE**

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10. PRELIMINARY DISCUSSION – TRANSFERRING THE BOS SITE PLAN PERMITTING AUTHORITY TO THE PLANNING BOARD

Enclosed please find materials in the subject regard

**11. DISCUSSION OF A PROPOSED LETTER FROM THE BOARD OF SELECTMEN TO THE FEDERAL TRANSPORTATION ADMINISTRATION
RE: SOUTH ACTON TRAIN STATION**

Enclosed please find materials in the subject regard

12. BUDGET/ALG DISCUSSION

13. SELECTMEN'S REPORTS

IV. CONSENT AGENDA

14. INITIAL STREET ACCEPTANCE DOCUMENTS

Enclosed please find materials in the subject regard

15. ONE DAY LIQUOR LICENSE, CONGREGATION BETH ELOHIM IN CONJUNCTION WITH FUND RAISER

Enclosed please find materials in the subject regard

16. ACCEPT GIFT, PLANNING DEPARTMENT

Enclosed please find a gift of \$9,150.00 from Parker Street, LLC, in lieu of constructing a sidewalk, under their Comprehensive Permit decision #10-07

17. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$6,000.00 from Donelan's to be used to fund the 4th of July Fire Works at NARA Park

18. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$6,000.00 from Gould's Clothing to be used to fund the 4th of July Fire Works at NARA Park

19. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$50.00 from Acton Medical to be used to support the Summer Concert Series at NARA Park

20. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please a gift of \$100.00 from AAA Southern NE, to be used to support the Summer Concert Series at NARA Park

21. ACCEPT GIFT, ACTON COMMUNITY SERVICES

Enclosed please find a gift of \$150.00 from Susan Ohlidal and Vicki Litzinger to the SERVE Food Assistance Program

22. ACCEPT GIFT, ACTON COMMUNITY SERVICES

Enclosed please find gift of \$1,000.00 from St. Matthew's Church to be used to respond to Human Services, with no restrictions

23. ACCEPT GIFT, COUNCIL ON AGING

Enclosed please find a gift of \$10.00 from the Middlesex West Chamber of Commerce, to be used toward office supplies

24. DISPOSAL OF OBSOLUTE MATERIALS, MEMORIAL LIBRARY

Enclosed please materials in the subject regard

V. EXECUTIVE SESSION

There will be a need for an Executive Session to discuss Crossroad's Development litigation at the conclusion of the regular meeting

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

JAN 8, BUDGET SATURDAY 8:00 a.m.

JANUARY 12, 2011 7:00 P.M. PUBLIC SAFETY BUILDING, 371 MAIN ST.

Walker Realty - legal settlement hearing - Next Generation Child care Facility

JANUARY 24, 2011

Request for Transfer of Development Rights, Quarry Road

MINUTES PENDING VOTES

September 13, October 25, November 1, 8 and 22, December 6, 13 & 20

PENDING COMMITTEE APPOINTMENTS

David Keene – Green Advisory Committee – sent to VCC 9/28 (out with Selectmen Liaison JA)

Brad Friedman – Green Advisory committee Sent to VCC (out with Selectmen Liaison JA)

Pam Lynn – Historic District Commission– sent to VCC 9/16 (out with Selectmen liaison MG)

Remo Politano – Several Committees will come back to VCC with decision 11/8/10

Steven P. Leo – Recreation Commission sent to VCC 11/19/10




Michael A. Luongo - Board of Appeals, Board of Health, Application sent to VCC

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<input type="checkbox"/>		055 (6) Draft Decision, T.D. Bank Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	01/07/11	520 KB	    
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<input type="checkbox"/>		070 (16) Accept Gift, Planning Department, payment in Lieu of Building Side Walk, 99 Parker Street	admin	01/07/11	185 KB	    

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<input type="checkbox"/>		140 (23) Accept Gift, Council on Aging Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	01/07/11	117 KB					
<input type="checkbox"/>		150 (24) Disposal of Obsolete Materials, Memorial Library Scanned with FlowPort '2011 Meeting Week Cover Sheet' Cover Sheet	admin	01/07/11	29 KB					

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