

Final

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

RECEIVED

**November 18, 2013
Francis Faulkner Hearing Room
7:00 p.m.**

JAN - 7 2014

**TOWN CLERK
ACTON**

Present: Ms. Adachi, Mr. Gowing, Ms. Green, Mr. Clough, Mr. Sonner, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Rob Jones – 47 Harland Way – His concern is the date of the rescheduled hearing for Use Special Permit #10/11/13-445 to January 6, 2014 based on arguments he laid out against the continuation to January as many residents of Robbins Brook will not be in Acton on that date.

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Mr. Ledoux – On November 8th Judge Woodlock held hearing on W.R. Grace's proposal to turn off the treatment pumps on their property. He ruled against us because the state and federal laws overrule our bylaw. He discussed the latest discussions at ALG. The local receipts increased \$100,000 because of increased excise tax revenue. The group did not come to a consensus on OPEB at this time. He said that the Fin Com's proposed use of reserves will be looked at further in January. He discussed movement of assets from the schools and said that the town and schools are working on that issue. Search consultants interviewed him about what he was looking for in a new Superintendent.

Ms. Adachi – She discussed Veterans Day activities including a breakfast at the Holiday Inn. She noted it was a very nice presentation and lunch. She attended a Fin Com meeting regarding their point of view document. She, Mike and Steve met to discuss the three at large citizens to be appointed to the North Acton Fire Station Task Force. They have made selections and they need to have a Fin Com representative appointed. Met with LWV regarding town meeting issues. She noted the Ethics Commission ruled on the Morrison Farm complaint and that they found no violations on the facts presented.

PUBLIC HEARINGS & APPOINTMENTS

USE SPECIAL PERMIT #10/11/13-445, 848 MAIN STREET, WOOD MANUFACTURE
Applicant wishes a continuance to January 6 at 7:40 p.m.

Mr. Clough - Moved to continue. Mr. Sonner - second UNANIMOUS VOTE.

DESIGN REVIEW BOARD REVIEW

Mr. Clough noted that they have been doing a great job. Ms. Ben-Joseph spoke about their main purpose at the meeting, which was to introduce themselves to the new members and give an overview of what they want to accomplish. She outlined several projects they have commented on and given guidance to. They are reviewing many projects that have a major impact on the town.

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Mr. Honn spoke about Roche Bros. and the work on the facade and that it did not come to them because it was not required..

Mr. Sonner thanked them for their work and said it has made an impact on the town. He asked if there is anything that would help them to be a more effective committee. They would like to be able to review projects as soon as possible before the developer has not paid for things.

Ms. Adachi noted the Post Office Crossing project and said that the 40B developer was thrilled with the help from the DRB.

Ms. Green thanked them for their work.

RED WHITE AND BREW MARKET, NEW FULL LIQUOR LICENSE AS A PACKAGE STORE 578 Massachusetts Ave.

Mr. Sonner noted that there was positive feedback from town staff on the license application.

Mr. Gowing asked about signs they have in violation of the sign by-law. The applicants said they would work with the zoning enforcement officer to come into compliance.

Mr. Clough asked some questions about the layout of the store. The applicants said they are still working out the logistics but that the product lines they currently have will still stay and they plan to add top shelf liquors.

Ms. Adachi asked about their hopes to have ethnic foods. The applicants said that they originally wanted to have Italian and Greek foods but can't do much without sewers in West Acton.

Mr. Gowing – Moved to Approve. Mr. Sonner - second - UNANIMOUS VOTE

SELECTMEN'S BUSINESS

APPROVAL OF SELECTMEN'S 2014 LICENSES AND PERMITS

Alcoholic Beverage as Common Victualler – Mr. Clough- Move to Approve – Mr. Gowing second

Retail Package Store Full Liquor – Move to Approve – Ms. Green– Mr. Clough - second

Retail Beer and Wine – Move to Approve – Mr. Sonner – Ms. Green - second

Common Victualler Beer and Wine - Mr. Gowing – Moved to approve – Mr. Clough – second

Carry in Liquor - Mr. Gowing – Moved to approve – Mr. Clough - second

Class II Used Car License – Mr. Clough – Moved to approve. Mr. Sonner - second

Class I New Car Licenses – Mr. Sonner – Moved to approve – Mr. Gowing -second

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Entertainment Licenses Mr. Clough - Move to Approve – Mr. Gowing - second

Bowling Alley – Mr. Gowing – Moved to Approve – Ms. Green - second

24 Hour Permit – Mr. Sonner – Moved to approve – Mr. Gowing - second

Automatic Amusement – Mr. Gowing – Moved to approve. Mr. Clough - second

Taxi Cab – Mr. Clough – Moved to approve – Mr. Gowing - second

Taxi Driver – Mr. Gowing – Moved to approve – Mr. Sonner - second

License to Tell Fortune – Mr. Gowing - Moved to approve –Ms. Green- second

Common Victualler- Mr. Sonner – Moved to approve – Mr. Gowing – second

FEE WAIVER REQUEST, AMERICAN CANCER SOCIETY'S RELAY FOR LIVE EVENT

Mr. Clough - Move to Approve. Mr. Sonner - second - UNANIMOUS VOTE

POST OFFICE CROSSING, 6 POST OFFICE SQUARE LIP

The Chair asked to pass over to allow the ACHC to fully review it prior to the Board's review and comments.

KNOX TRAIL UPDATE DISCUSSION

Ms. Adachi reported on the issues regarding the potential use of Knox Trail. Concord wants to purchase the lot for bus parking and repairs, but has said that they would not use it for a re-fueling station. Concord has been looking into outsourcing their busses but that was voted down at a previous town meeting, however they will go in that direction if they don't get the vote for purchase at their upcoming town meeting. We've heard many concerns from the Acton Water District about the proposal and the implications of doing maintenance on the site. Concord has said that their DPW representative believes the water flows away from the wells on that site and therefore won't cause problems.

Mr. Ledoux noted that the Concord Highway also will be storing their vehicles on the site.

Mr. Sonner said that WLMAC met last week and said that certain sites in Concord had been ruled out, sometimes because for concerns about the impact to the water. They said that they would be okay with storing the busses at Knox Trail but not with any maintenance work there. He also noted that Concord gets a side benefit of access to the W.R. Grace site if they purchase this property. WLMAC is recommending that the Acton Water District send a letter to Acton Board of Selectmen requesting that we go forward to ask the Concord Board of Selectmen for storage only on the site. Mr. Sonner also recommended in the future that we review our zoning in relation to the protection of our water. Mr. Sonner asked if we should wait to make comments after our meeting on the first of December as Concord's Town meeting will be on December 4th.

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Mr. Clough asked if they have to come before us for a special permit. Mr. Ledoux said they have to for anything other than residential development on the property but that if we refused a permit, they could fight it under the Dover amendment.

Mr. Gowing noted that the impetus for this discussion came from a citizen. He also asked if the Acton Water District would have any authority to prevent the use under state law. Mr. Ledoux said he did not think so.

Ms. Green felt that we needed to send a letter that this is not a "Rubber Stamp" in Acton. Ms. Adachi felt we could prepare a letter to Concord well before their Town Meeting on the 4th.

Mr. Clough said that, from an economic development perspective, this use could make it harder to develop other properties in that area.

Mr. Clough – Moved that we direct the Town Manager and Chair to write a letter to Concord expressing our concerns about the proposed use of this property for the storage of buses and associate uses. Ms. Green second. UNANIMOUS VOTE

SELECTMEN'S REPORTS

Mr. Sonner – SATSAC thought they had more time to address the panels planned for the new South Acton Commuter Rail station. MBTA is looking for us to pull things together quickly. The Long Range Planning for Memorial Library continues to meet.

Mr. Clough – Kelley's Corner selection committee\ have interviewed three applicants and have selected a finalist to forward to the Town Manager. The Open Space Committee would like to BOS to support their recommended number for the set aside. CPA funds will receive a 53 percent match from the state this year. DRB discussed 100 Discovery Way. The Planning Board has been discussing various sign permits.

Ms. Adachi – spoke about Cultural Council programs and funding. ACHC is meeting tonight to discuss their proposal for the Morrison Farm house. They are also looking at the possibility of having to amend their home rule petition submitted to the legislature to take out the section on the auditor review process, The Water District is meeting tonight. She attended the WRAC meeting on Tuesday and they met with a consultant earlier in the month to discuss a revised bylaw for storm water management. The Town Moderator will begin to use bright cards to be visible for counted votes instead of standing votes at town meeting. She also spoke with the consultants about the Superintendant Search and emphasized that the new Supt. needs to work well with the Town Manager. The Diversity Group met and came up with a list of possible projects to work on.

Mr. Gowing – MPO – The Massachusetts Department of Transportation will be closing the Callahan Tunnel to traffic for nearly three months - from December 27 through mid- March (and night closures through August afterwards) —while the 52-year old tunnel beneath Boston Harbor undergoes a complete rehabilitation.

HDC – I was unable to make the HDC meeting as it conflicted with another meeting.

CAB – the Cable Advisory Board discussed a recent equipment failure that took the selectmen's meeting off the air. Comcast, who is responsible for the equipment according to our contract, is looking into alternative equipment as what we have is no longer supported.

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MFC – the MFC debated and finally agreed on the final submission to the CPC. A copy was forwarded to the BOS. Their submission will include the third portion of the Boardwalk. They will be asking for a little over \$400,000 for the project. They also reported on Acton Housing Authorities walk through result.

MAGIC - Mark Draisen, MAPC Executive Director, visited to discuss some of the global MA PC goals and how they affect the MAGIC sub-region. He talked about the latest zoning reform legislation (the new CLURPA). The various towns in the region gave an update, the following are the highlights: **Bedford** – has the highest level of homeless housing in the state. They have no input to this as it is negotiated between the states and housing contractors directly. **Boxborough** – they are considering 25 to 30 affordable units on town owned land (not age restricted). **Lexington** – after rigorous discussion at a special town meeting decided not to install a digester at the landfill. They bought the Scottish Mason building and are looking to convert it into a community center. They are looking for a building inspector. **Littleton** – a special town meeting voted to roll free cash into the CPA fund. They filed a home rule petition on subsidized housing (similar to Norton and North Andover). Their position is: community should be able to count them as long as building permits exist. Housing production plan currently can't be counted if the project stalls. Wants to build recreation into the housing plan. **Stow** – held a special town meeting regarding medical marijuana cultivation plan. **Sudbury** – recently voted \$57,000 to be used on the BFRT design phase.

Veterans Day – on Veterans Day, the high school sponsored and served a breakfast at the Holiday Inn in Boxborough inviting all of the veterans in town. About 200 (and guests) showed up and had a wonderful time. The servicemen ranged from World War II to Afghanistan. This was followed by the flag ceremony on the common with periodic musket fire from the Minutemen.

RTAC – the Regional Transportation Advisory Council met to discuss the upcoming year and the timelines that we have to submit position papers to the MPO on various transportation projects. A new slate of speakers was set (including Sec. Davies in February) on a variety of transportation related topics.

Ms. Green– Reported on the search for new Superintendent. She attended the forum for community members, and while there wasn't a large turn out, there were lots of comment of what we would like to see in the new Superintendent. The school committees voted in their 2014/2015 calendar after much discussion. They will observe both Good Friday and Rosh Hashanah next year. They also discussed the budget in very general terms. She attended the Veteran's day activities/breakfast and said it was a great event. The Historical Commission met with members of SATSAC to discuss the content for the proposed panels for the new commuter rail station. The Recreation Commission met and appointed Joe Will as the new CPC liaison. They also discussed progress on the Goward playground installation. The equipment should be installed by the end of the month. She also participated in a video on how to run for office produced by the League of Women Voters. Look for that on ActonTV in the near future.

CONSENT

Mr. Gowing - Moved to approve the Consent Items - Mr. Sonner - second. UNANIMOUS VOTE

Final

CJM
Christine Joyce
Recording Secty

K-i.g.g.z
Clerk
1/6/14
Date

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA**

Francis Faulkner Hearing Room

NOVEMBER 18, 2013

7:00 P.M.

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

- 1. 7:05 CHAIRMAN'S UPDATE/OPERATIONAL MINUTE**
The Chairman will briefly update the Board. The Town Manager will provide a brief report.
- 2. 7:10 USE SPECIAL PERMIT #10/11/13-445, 848 MAIN STREET – FIRE WOOD MANUFACTURE**
Applicant wishes a continuation to 7:40 on January 6, 2014
- 3. 7:35 DESIGN REVIEW BOARD OVERVIEW**
See enclosed materials
- 4. 7:55 RED WHITE AND BREW MARKET, NEW FULL LIQUOR LICENSE AS A PACKAGE STORE, 578 MASS AVE.**
See enclosed materials

SELECTMEN'S BUSINESS

- 5. APPROVAL OF SELECTMEN ISSUED PERMITS AND LICENSES FOR 2014**
See enclosed materials
- 6. FEE WAIVER REQUEST– AMERICAN CANCER SOCIETY'S RELAY FOR LIFE EVENT**
See enclosed materials
- 7. POST OFFICE CROSSING, 6 POST OFFICE SQUARE - LOCAL INITIATIVE PROJECT, DRAFT SUPPORT LETTER TO ZONING BOARD OF APPEALS**
See enclosed materials
- 8. KNOX TRAIL UPDATE**

SELECTMEN'S REPORTS

III. CONSENT AGENDA

9. ACCEPT MINUTES, BOARD OF SELECTMEN, OCTOBER 21, 2013

See enclosed materials

10. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY

See enclosed materials

11. COMMITTEE DISCLOSURES OF APPEARANCE OF CONFLICT OF INTEREST, ACTON BOXBOROUGH CULTURAL COUNCIL- MGL c. 268A 23(B)(3)

See enclosed materials

12. DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST, WATER RESOURCES ADVISORY COMMITTEE , ASSOCIATE MEMBER, ROB BUKOWSKI, MGL c. 268A 23(B)(3)

See enclosed materials

13. COMMITTEE APPOINTMENT – STEPHAN BARAN, FULL MEMBER OF THE COMMISSION ON DISABILITY, TERM TO EXPIRE 6/30/15

14. ACCEPT GIFT, PLANNING BOARD

Please find a gift of \$2,000.00 from the Robbins Brook Housing Element to be used for affordable housing within the Town

See enclosed materials

EXECUTIVE SESSION

ADDITIONAL INFORMATION

See enclosed 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

DECEMBER 2

Town Wide Survey Results Presentation
Acton Memorial Library Long Range Plan
Annual Tax Classification Hearing

DECEMBER 16

Panara Site Plan continuation from 9/9/13
Vote to Close Annual Town Meeting Warrant
Town Manager to Present Budget
Green Acton Zero Waste presentation

PENDING minutes

PENDING COMMITTEE APPOINTMENTS

November 4

**AWAITING VCC REVIEW AND RECOMMENDATION
Mr. Chris Hamilton – Senior Center Study Committee**

**Vandana Sharma – Interested in Sustainable Housing
– applicant will sit in on Committee's to see what she
feels would be appropriate for her interests**

AWAITING BOS REVIEW AND RECOMMENDATION

**H.W. Flood – NA Fire Station Task Force
Robert Puffer – NA Fire Station Task Force
Robert Ingram – NA Fire Station Task Force
Dale Chayes – NA Fire Station Task Force
Peter Balkus - NA Fire Station Task Force
Garry McCarthy – NA Fire Station Task Force
Maura Harrington – NA Fire Station Task Force
Malcolm MacGregor – NA Fire Station Task Force**

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<input type="checkbox"/>		<u>020 (2) Site Plan, 848 Main Street</u>	manager	11/15/13	103 KB	<input type="button" value="v"/>
<input type="checkbox"/>		<u>030 (3) Design Review Board e-Mail</u>	manager	11/15/13	35 KB	<input type="button" value="v"/>
<input type="checkbox"/>		<u>040 (4) Full Liquor Application as a Package Store, Red White and Brew, 578 Mass Ave</u>	manager	11/15/13	312 KB	<input type="button" value="v"/>
<input type="checkbox"/>		<u>050 (5) License Renewal Documents, 2014</u>	manager	11/15/13	387 KB	<input type="button" value="v"/>
<input type="checkbox"/>		<u>060 (6) Fee Waiver Request, American Cancer Society</u>	manager	11/15/13	293 KB	<input type="button" value="v"/>
<input type="checkbox"/>		<u>080 (9) Selectmen's Minutes, October 21, 1013</u>	manager	11/15/13	435 KB	<input type="button" value="v"/>
<input type="checkbox"/>		<u>090 (10) Disposal of Obsolete Materials, Memorial Library</u>	manager	11/15/13	15 KB	<input type="button" value="v"/>
<input type="checkbox"/>		<u>100 (11) Disclosure of Appearance of Conflict of Interest, ABCC</u>	manager	11/15/13	503 KB	<input type="button" value="v"/>
<input type="checkbox"/>		<u>110 12 Disclosure of Potential Conflict of Interest WRAAC</u>	manager	11/15/13	30 KB	<input type="button" value="v"/>

 **120 (14) Accept Gift, Planning** 

manager 11/15/13 30 KB



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<input type="checkbox"/>		<u>010 Open Meeting Law Decision- Isabella Choate Morrison Farm</u>	manager	11/15/13	101 KB	▾