

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**September 14, 2009
Acton Town Hall
Francis Faulkner Hearing Room
7:00 P.M.**

Present: Paulina Knibbe, Peter Berry, Lauren Rosenzweig, Terra Friedrichs and Mike Gowing, Asst. Town Manager, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Barry Rosen asked about Grants to remove underground storage tanks that are available

CHAIRPERSON'S UPDATE

Charlotte Sagoff Memorial is now complete and dedicated to Ms. Sagoff outside the Acton Memorial Library

OPERATIONAL MINUTE

Assistant Town Manager noted that the Department Heads will be going to the Hill for FY11 Budget Process

PUBLIC HEARINGS & APPOINTMENTS

624 MAIN STREET, COMMON VICTUALLER LICENSE TO ACTON WOODS PLAZA, PO'S BARBECUE

Steve Graham outlined the intent to open a Barbecue at the Acton Woods Plaza in the store that was most recently a Bread and Sandwich establishment. Terra asked about the external and internal grease trap. Paulina asked about the common Victualler License and noted that it is important that we protect our quality of drinking water

Peter asked about the transfer process, Mr. Graham noted that they are seeking approval for transferring location of their All Alcoholic Beverages as a common Victualler to the new location at the corner of Main Street and Great Road.

Terra asked that we get the Water Districts comments on this application. It was noted that in the future, Water District will be added to the request for comments on Common Victualler Licenses.

Carol Holley, speaking as a private citizen noted that this location was part of a site plan in 1983 and had conditions attached to it to protect the ground water.

Richard Callendrella spoke on behalf of the Business, and that restaurants were noted to be a desired use in the community. Mr. Callendrella is a member of the Economic Development Committee in Acton.

Barry Rosen spoke about his written submission. He is not speaking as part of any committee he is on, he is speaking as a citizen. He was concerned about the grease trap and service plan. He also noted that zone one is 400 ft. from the Conant well head. Zone two extends through the plaza.

Doug Halley said the clients have been working with Doug noted this was a bakery/café restaurant before this use, first as Just Loafin' and then Country Harvest Bakery.

Doug said in regard to accepted uses at that and other locations, it had been reviewed by all major boards and it was decided that Restaurants were a permitted use in a zone 2 area.

Board of Health will keep the cleansers as clean as possible to protect the aquifer, but noted they are ultimately concerned that the dishes are clean and that the establishment follows all health codes. LAUREN ROSENZWEIG – Moved to close the Hearing. MICHAEL GOWING – second. UNANIMOUS VOTE. Staff was asked to check in to the Pendergast Site Plan conditions as well as any possible amendments.

624 MAIN STREET, TRANSFER OF FULL LIQUOR LICENSE LOCATION FROM 36 GREAT ROAD TO ACTON WOODS PLAZA, PO'S BARBECUE

Lauren said she reviewed the paper work and hoped they would continue their excellent record with regard to liquor service.

Terra wanted to confirm that we are transferring the License, and that we treat the liquor licenses as a strategic item.

MICHAEL GOWING – Moved to close the hearing. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE.

PAULINA KNIBBE – Moved to Grant the Common Victualler and liquor license contingent upon the applicant satisfying the Board of Health requirements for grease trap and Waste Water discharge as well as all relevant town bylaws. TERRA FRIEDRICHS – second UNANIMOUS VOTE.

SITE PLAN SPECIAL PERMIT, 7/21/09-422 107-115 GREAT ROAD, WETHERBEE PLAZA

Terra Friedrichs outlined the Special Permit. The remaining issues are the around the driveway opening distances which we could grant relief from the bylaw in this particular case.

Interior Driveway Issues

Pedestrian connection along interior driveways marking as opposed to a raised structure for walking.

Scott Mutch commented on the four items and noted that they are a judgment call for the Board

Scott mentioned a total of 33 parking spaces under 2003 zoning, 32 are shown on the site and there are really 31 spaces. Staff suggested the two spaces be added back,

Access driveway is a selectmen's call according to Scott.

Mark Donohoe, Engineer, spoke about the comment regarding a raised sidewalk with a curb, and he felt that they could be the same level in this situation either painted or a contrasting surface.

Scott noted that the tenant's continued use that will still need to be resolved.

Mike suggested a guardrail to separate the sidewalk from the driveway and Mark said it will impede plowing.

Terra spoke about marking the walking lane, they can do that all along the walk way. They want all bit concrete as it will last a longtime. Terra wanted to have it the paint color green, Mark said they can do that.

Lauren is concerned with pedestrian connectivity for Brabrook Road and wanted input from Planning and Conservation.

Peter had no comments

Paulina noted a wind turbine issue that was in the plan; she felt the residents in the area would not want a wind turbine.

Leo said that he would like it taken off the table for tonight. Allow him to address this later and he wants to use Bituminous Concrete vs. pavers.

Paulina would like to see a different material besides paint if there is no curb
Paulina asked about the number of parking spaces.

Terra recommended that the walking area be designated from vehicle areas. Mr. Donohoe agreed to mark a crosswalk at the entry point along Great Road to go across the driveway.

Terra spoke about the interior driveway to have it remain gravel instead of pavement. Mark said that he wanted pavement to control run off. She wants the driveway addressed in the decision. She could support the at grade if he uses pervious surfaces.

Franny Osman spoke about TAC comments and thinks we need connectively that would be of the same level in the winter. She noted that the sidewalk would be covered with a snow bank and that you would be losing that sidewalk and that it be a separate and agreement about plowing.

LAUREN ROSENZWEIG – Moved to close the hearing until individual issues can be addressed.
PETER BERRY – second. UNANIMOUS VOTE

Scott asked about the judgment issues. Terra: Access driveway she was ok, in favor of two way interior driveway to connect to car wash, Board walk build or feasible connection. She is in favor of walking easement, and to have staff come up with item to designate the walking trail.

Peter agreed, as well as Paulina but was concerned with the wind power use at Windmill site.

Terra wanted to know if he still would have gravel for the driveway. Scott said you need to pave it under the bylaw. Curb cut is allowed because of the unique situation of this location. Mass Highway built the sidewalk with larger driveway. Lauren requested that the Planning Department send Mass Highway our regulations regarding driveway size so this doesn't happen again.

Mike said he agreed that if connected by a path to Brabrook Road, it be easily plow able. He does not want to see an impact on the wetland.

Terra wanted to give the tenant a reasonable extension. Paulina said the board could look at that on the 5th.

TRANSPORTATION ADVISORY COMMITTEE – ANNUAL OVERSIGHT MEETING

Lauren introduced the TAC. They have been reviewing the site plans as they come to them. They spoke about the consultants comments regarding vans for COA owned by LRTA. Additionally we need to look at what we are charging and the use of these lots. They have submitted the Suburban Mobility Applications. Acton was awarded the funding in June of 09 and RFP's have been bid and will move forward with the awarding of these RFP's. They have had two data processing parties to compile survey data.

They need to develop financial plans for transportation. They would like to have funds available in the Town budget to move faster on grant opportunities.

They want the Boards guidance and assurances to attend a regional suburban transit meeting. TAC wants to send other people to the class. The Board of Selectmen should be urged to have David Sharfarz to get additional vans.

Install new meters at the rail station. It will give an incentive to use the shuttle.

Lauren wanted staff to look into the fee structure at the lot, we need to be competitive and improve revenue while keeping it affordable for residents.

Peter noted that Boxboro may be using a shuttle to get people to the train and supports a regional approach.

Paulina asked about MBTA assessment funds and are they used for capital or service, Franny said both.

Paulina wanted to have access to the Parking funds discussed at the budget meeting on the hill.

Staff and TAC to work to choose a meter system and to determine the cost of the meters. Jim Yarin asked to see if we need to wait to install the meters.

John Murray said we need to advertise the increase and that getting the meters is the easy part. Jim Yarin urged them to have a meeting as soon as possible. He said that he is affected by the lack of spaces.

Mike spoke about the meeting in October and the need to discuss this at this time.

Renee Robins spoke about the use of the train station and designated spots at Jones field being empty and urged the Board to not do the same thing at the main lot.

VOLUNTEER COORDINATING COMMITTEE – ANNUAL OVERSIGHT MEETING

Bonnie Geithner introduced the members of the Volunteer Board. This year has been very productive and organized. They have processed 27 people for committees. She said they got a lot of people from the League committee night, they got 8 solid applications. They are looking for another member for VCC. They have been advertising. They need to know about resignations and vacancies. She suggested that we put committee opportunities on the web site and start posting current openings. Bonnie asked about the Committee Volunteer handbook and wanted to give their input and support-- she felt it was a very helpful and useful.

TULIP TREE, ARLINGTON STREET

Paulina opened the meeting about the proposals that have come forward. Bruce Stamski spoke about the location of the street and the tree. He reviewed each solution that has been received. He continues to not support the alternatives presented. He feels we have two options, take down the tree or re-locate the road toward the Post Office. This involves re-aligning and re-grading the street and would have a cost of \$16-17,000. Other alternative is for the homeowner to relocate the sidewalk on their property.

Mike Klinger said we had several options to consider. He described his ideas as outlined in his e-mail to the Board.

Aiden Smith spoke about not getting feedback from the town on his idea. He said he is not convinced that this is a safety issue, and that his crosswalk plan is unsafe.

Renee Robbins spoke about minimum width of the street. Bruce noted it is a crowded street with a great deal activity.

Mike Gowing said that while looking at the location, witnessed a kid dumping his bike in front of him. The speed on the street-- he was not witness to speed. The buses have been using the service access road which helps with traffic. Safety issues are his concern.

Terra was concerned with the cross walk and backing out of the Post office, she says we can wait a year and look at it again.

Peter said that health and safety is the Board's purview and the issue raises both questions and is concerned about the safety issues here. Peter asked that the Police department to ticket the cars and vehicles parking on the sidewalk at the body shop.

Lauren is familiar with the traffic flow and issues, and wants to save trees, but the safety issue is important and felt that all possible alternatives have been reviewed; she feels it needs to be removed. She doesn't think the other solutions are possible.

Paulina said safety is an issue and we need to address this and how do we do address it. She thinks the safety trumps it for her

LAUREN ROSENZWEIG - Move that we schedule a date to remove the tree and replace it with a similar tree, unless the homeowner would be agreeable to the have the side walk be relocated to his property

PAULINA KNIBBE – second. 3- 2 Motion passes, Mike and Terra no

Terra expressed her disappointment in the vote.

ALG DISCUSSION

Paulina spoke about not needing a special town meeting and we need to adjust the revenues in the budget to be just the same as budgeted expenses. We will under spend the budget this year by not hiring approved positions, and holding off capital expenditures. These measures already have been put into place by the Town Manager. When added up they are even more restricted than the 3% recommended by the FinCom. We have set aside even more than 3%.

SELECTMEN'S REPORTS

Lauren noted the interview process she is using to put the Committee together to move forward on Spencer Tuttle area.

WRAC is off and running on the Storm Water

Comprehensive Community Plan, they are trying to narrow the scope to save money. How do they prioritize what areas of planning should receive consultant services? Much of the decision making will be determined by the data collected by the Outreach committee and the Outreach report. Most of the work will need to be done by volunteers and our in-house staff.

Lauren wants time on a future agenda to discuss and summarize the Acton Outreach with the Board.

Peter reported they cancelled the meeting of the Train Station Advisory Committee and moved it to September 24th

Health Insurance – They will be making decision on what percentages to fund for FY10

Terra spoke about EDC, they are ramping up quickly.

Commission on Disabilities will put the survey it in the census envelopes with conditions.

Terra spoke about presenting 2-3 locations to move forward for the Doll House relocation.

Mike spoke about the Senior Center flooring—everyone is very pleased with the improvements. There is a need for a representative to Minuteman Home services since our Representative has resigned

Mike spoke about Cable Committee.

Paulina noted that Sidewalk Committee will be in next week for their Oversight Meeting.

670 MASS AVE DISPOSITION AGREEMENT

Peter outlined the situation with regard to this home. PETER BERRY – Moved to authorize the signing of the Disposition agreement as presented by Town Counsel. LAUREN ROSENZWEIG – second. 4-1 Motion Passes, Terra Abstain

GREEN COMMUNITIES UPDATE

Paulina will put this on for the September 21st meeting

CLIMATE PROTECTION AGREEMENT, US CONFERENCE OF MAYORS

Paulina will sign off if the board wishes. Paulina will sign the agreement.

FRIENDS OF THE BRUCE FREEMAN RAIL TRAIL ELECTRONIC PETITION TO SUPPORT PHASE 2

PETER BERRY - Moved that we do everything possible to bring it forward. LAUREN ROSENZWEIG – second. 4-1 Terra, no. Motion passes. Terra would like to have a carbon impact review done on this project.

OTHER BUSINESS

None

CONSENT

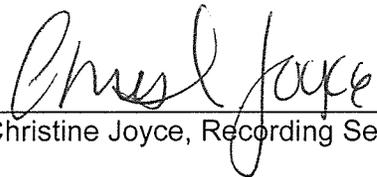
Terra held the minutes of August 5th for a correction regarding meeting of the 20th.

TERRA FRIEDDRICHS – Moved to approve #15 with corrections. MICHAEL GOWING – second. VOTE?

LAUREN ROSENZWEIG – Moved to approve the Agenda minus item #15, Board of Selectmen minutes of August 5th. MICHAEL GOWING– second UNANIMOUS VOTE.

EXECUTIVE SESSION

None Required


Christine Joyce, Recording Secty


Clerk
Date: October 19, 2009