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TOWN CLERK, ACTON

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

April 22, 2013

Francis Faulkner Hearing Room 7:00 p.m.

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

CITIZENS' CONCERNS

Ann Chang talked about a letter that was signed by a Morrison Farm critic. Ann noted that she spent time researching to find an area which includes depression era buildings. The writer needs to prove that the Depression Era is an actual historic style.

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Ms. Adachi welcomed the Board back, and welcomed Katie Green to the Board. The response to the Patriots Day marathon tragedy displayed a high level of community spirit in the aftermath. She noted that Acton had 24 registered runners and Boxborough had 8 registered. Hopefully there were no injuries to the local runners. A Moment of Silence was observed.

Ms. Adachi announced a Joint meeting with Finance Committee at 7:30 in Jr. High School to hear a presentation by the School Committee regarding the regionalization proposal.

Mr. Ledoux – He noted that Crystal Campbell, one of the persons killed in the bombing, had been a waitress at Scupper Jack's. He reported on the solar project on the landfill. The contract makes us responsible to remove the clay on site, which they may truck to the Lip project on Great Road.

The Space Needs Study cost estimates contract was awarded and will include the Town Hall, DPW and Harris Street property.

Kang Associates will begin the design plans for the permitting offices side of Town Hall.

Mr. Ledoux updated the Board on the MMA - Suffolk University local government certificate program, and believes that we will have 6 employees attending this cycle if they pass the review by MMA and Suffolk.

Mr. Ledoux discussed a possible Citizen's Petition expected for the Special Town Meeting regarding a moratorium in West Acton to review zoning in relation to land areas and which makes the zoning regulations compatible with the homes on Windsor Street.

BOARD REORGANIZATION

Mr. Clough - Moved to nominate Ms. Adachi as Chairman. Mr. Gowing – second
Ms. Adachi - Moved to nominate Mr. Gowing as Vice-Chairman. Mr. Clough – second

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Ms. Adachi, Moved to nominate Ms. Green as Clerk, Mr. Gowing – second
(All Unanimous votes)

PUBLIC HEARINGS & APPOINTMENTS

NATIONAL GRID – GAS MAIN PETITION, 742 MAIN

Mr. Gowing – Moved to approve. Mr. Sonner – second. UNANIMOUS VOTE.

Resident Bill Hall stated that he has a problem with construction taking place in North Acton and that it has affected his property. It has put water in the street and in the culvert west side of Main Street and washes his driveway out. It was noted that National Grid's potential installation is not the entity causing the issues of water experienced by the resident.

SITE PLAN CONTINUATION, #2/5/13-440, WEDGEWOOD TRUST, 20 MAIN STREET

John Anderson representing Wedgewood Realty Trust wants to bring in a new tenant. The space will house a Karate studio and there will be no major renovations needed. Mr. Anderson said parking spaces will be available and that they have had other tenants there without problems. The proposed Karate studio owner said their parents often car pool. Mr. Gowing asked about the space and if the bathrooms are shared with the entire building. They are, but the studio owner says that most parents accompany students to the rest rooms. Ms. Adachi-Moved to close the hearing. Mr. Gowing – second. UNANIMOUS VOTE.

Mr. Sonner - Moved to approve the Site Plan Decision – Mr. Clough – second UNANIMOUS VOTE

SITE PLAN, SPECIAL PERMIT #3/5/13-441, PANERA, LLC. 252 MAIN STREET

Lance Williams, Jennifer Richter representing Panera Location Office and engineers were in attendance.

They are planning to demolish the existing McDonalds. The site has water, sewer, electrical. They will be changing curb cuts and increasing landscaping islands in the parking lot. They will be tying into the existing water and sewer and electrical service. They will have it chain linked while it is being constructed. Staff has reviewed the proposal and Panera will do a traffic study if required. Planning noted the Kelley's Corner zoning guidelines with regard to the building. Materials were discussed and Panera has new renderings and made changes with existing finishes to keep with the look and feel in Acton such as using hearty plank. They will have a sloped roof. Patio was showing four to five screens with lights to separate the patio from the street.

Mr. Gowing noted issues of inclined roof and said it has to be a 9/12 roof and that part can be flat, but the current roof design is not allowed in the Bylaws. Panera would like a partially flat roof to hide the cooling equipment from the public. They designed it to accommodate the units and not place them on the ground. The Floor Area Ratio is exceeding what is allowed under current zoning with that style roof. They will modify with Mansford roof and asked if that is acceptable to the board. Mr. Gowing noted the amount of liner footage facing Main Street. They will need a 10 foot side walk and 10 foot buffer. Their intent is to work with the departments to make the suggested changes and will work with the Town Planner.

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Mr. Clough asked if they had contacted the Design Review Board for input and suggested they meet and discuss the design.

Ms. Adachi discussed the comments from the Water District and asked Panera to consider using plantings not requiring additional water and rain gardens at this location. Asked about their plant selection and asked if they are part of their "brand" and if they will use water tolerant plants. Irrigation will not be needed as they are not planning to irrigate the property except for roof drains.

Mr. Sonner asked about elevations and asked about North elevation. He asked about the East Elevation and location. He said the memo from the Zoning Enforcement Officer highlighted 6 areas where there are requirements from a bylaw standpoint and noted that under these there is no room for negotiations.

Ms. Green asked about the cedar screens on the plans. They said they put it in to screen customers from the busy street.

Zoning Enforcement Officer spoke about traffic study, bike racks and other issues for comments.

Bruce Green of Task Road – spoke about Panera and noted the potential for an increase in the commercial tax base and supported the area proposed for this business.

Continued to May 20 at 7:45

SELECTMEN'S BUSINESS

W.R. GRACE – SHUT DOWN NORTHEAST PLUME AREA TREATMENT PROGRAM

Mr. Halley gave an overview of the situation. Grace was making battery separators and washing those and the water from that washing went to Sinking Pond and caused contamination. EPA has treated them as a Super Fund Site. They needed to find out how to treat the ground water contamination. Contamination on north east property was escaping and Grace said it was not their responsibility, but it was determined that it was their responsibility. The levels coming out of the wells has lessened and they have requested that EPA allow them to discontinue remediation of the north east wells. Doug is concerned about closing the wells and noted there is still a high level of contaminates on Lisa Lane.

In Jim Okun's letter, he said we should not allow this and that we need a better assessment of what would happen by stopping now. He felt that we need to review the pumps when they are shut off and re-address the wells in 6 months. We need to send a letter to EPA expressing that it is not the right time to discontinue the remediation and we need to review the contaminates and ground water during different seasons. Doug suggested we have a letter drawn up to be signed by the Town Manager to EPA asking them to not allow the discontinuation of the clean up. Mr. Gowing was concerned about the nearby aquifer.

Mr. Clough was concerned about whether the contaminates were really gone, and what happens when you stop drawing from the well.

Ms. Adachi asked about the three year clean-up by EPA, it is a projection according to Doug.

Mr. Clough – Moved that the Town Manager write the letter to EPA expressing our concerns with the discontinuation of the remediation. Mr. Gowing – second. **UNANIMOUS VOTE**

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DONATION BIN DISCUSSION

Mr. Sonner wants hold off and go back to the drawing board. Mr. Gowing thinks we need to put a time limit on this to evaluate the best practices and include the bin owners in the review process.

Mr. Clough suggested we come up with a resolution and properly address concerns about enforcement. The Board needs to discuss this and to address it for next Spring Town Meeting.

Ms. Green spoke about other proposals, like having one place in town such as the Transfer Station for the Bins. Mr. Ledoux said he spoke with staff and it would not be feasible.

Ms. Adachi felt we needed more information.

Mr. Clough asked about a person to spear head this project. Mr. Ledoux noted the Planning Director said that the Planning Board will be taking this up.

Mr. Nitschelm presented the Board with a handout. He researched the bin locations in Town. It is a complicated issue and he believes we should drop this issue. During the last process the Bin owners were not contacted. He brought up the Dumpsters that can accept donations, such as schools for paper drives.

Mr. Sonner suggested that we let the Planning Board look at this and come back to us with a plan for the Board.

Mr. Sonner – Moved to ask the Town Manager to contact the Zoning Enforcement to not enforce the donation bins currently in violation of the zoning bylaw. 4-1 Mr. Gowing nay

COURT OF HONOR- DECLAN CROOKS AND DAVID QUANTRILLE – SELECTMEN TO BE ASSIGNED

Ms. Green assigned

SELECTMEN'S REPORTS

Mr. Sonner – 2020: Kelly's Corner Study was voted and now they are looking at that and other priorities. He felt we need a separate committee to address Kelley's Corner. They have a growing need for new members and several are now coming forward for 2020, they will need to select a new chair this meeting or next.

Mr. Clough – EDC and Open Space met and are discussing a parcel to bring to town meeting, but it is too soon to discuss. They discussed the developers for Kelley's Corner.

Ms. Adachi – AB Cultural Council will have art sculptures on display. They will be hosting Movie night in May, the movies are short and some will be shown at the Boxborough Library, these are all free. Spoke briefly about the ACHC items that were approved tonight.

Mr. Gowing – SATSAC and MBTA to discuss their schedule and are listening to the concerns regarding a reduction of parking spaces and other problems for commuters. There is a web site www.actontraininfo.com which will have all the construction updates listed there. They hope to have message boards about loss of spaces. Cemetery Commissioners discussed the outcome

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of Article 47 failing, and if we cannot use barn for storage of equipment, what do we do with it. Reported on civic Class he attended at the school.

Ms. Green – Nothing to report at this time as it is her first meeting

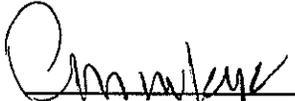
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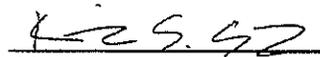
Mr. Gowing - Moved to approve the Consent agenda Minus 9 and 11 - Mr. Sonner - second.
UNANIMOUS VOTE

Ms. Green Abstained from #9 as she was not a member at the time of the minutes.
Mr. Gowing wanted to defer #11 so that he could interview Ms. Baxter, who is asking for appointment to Morrison Farm Committee

Ms. Adachi - Moved to enter in to Executive Session. Mr. Gowing - second.
Ms. Green took the Roll, All Ayes

Adjourned into Executive Session
9:30 p.m.


Christine Joyce
Recording Secty


Clerk
6/29/13
Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room

April 22, 2013

7:00 PM

Executive Session at the conclusion of the Regular Meeting to discuss potential litigation to enforce Town Bylaw Chapter R relative to imminent shutdown and removal of WR Grace Northeast Area Remedial Action

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. **7:07 BOARD REORGANIZATION**
3. **7:10 NATIONAL GRID – GAS MAIN PETITION – 742 MAIN STREET**
See enclosed materials.
4. **7:15 SITE PLAN CONTINUATION, WEDGEWOOD TRUST, 20 MAIN STREET (FROM MARCH 11TH)**
(Selectman Clough). See enclosed materials.
5. **7:30 SITE PLAN, SPECIAL PERMIT #3/5/13-441, PANERA, LLC, 252 MAIN STREET**
(Selectman Gowing). See enclosed materials.

SELECTMEN'S BUSINESS

6. **W.R. GRACE – SHUT DOWN NORTHEAST PLUME AREA TREATMENT PROGRAM**
See enclosed materials.
7. **DONATION BIN DISCUSSION**
See enclosed materials
8. **COURT OF HONOR, DECLAN CORMIER CROOKS AND DAVID JAMES QUANTRILLE, MAY 11TH - SELECTMAN TO BE ASSIGNED**
See enclosed materials.

SELECTMEN'S REPORTS

III. CONSENT AGENDA

9. **ACCEPT BOARD OF SELECTMEN'S MINUTES OF MAY 21, 2012
MARCH 11 AND 18, 2013 (REGULAR MEETINGS); APRIL 1 AND 2
(PRE-TOWN MEETING).**
See enclosed materials.
10. **REGIONAL HOUSING SERVICE PROGRAM FINAL INTER-MUNICIPAL
AGREEMENT**
See enclosed materials.
11. **COMMITTEE APPOINTMENT, LEANNE BAXTER, MORRISON FARM
COMMITTEE**
See enclosed materials.
12. **REQUEST FOR FEE WAIVER, FREE THE CHILDREN FUNDRAISING
WALK AT NARA**
See enclosed materials.
13. **REQUEST FOR FEE WAIVER, PMC - KIDS (PAN MASS CHALLENGE)
AT NARA PARK**
See enclosed materials.
14. **ONE DAY LIQUOR LICENSE AT NARA FOR A ANNIVERSARY PARTY**
See enclosed materials.
15. **ONE DAY LIQUOR LICENSE AT NARA PARK FOR ANNUAL NEW
ENGLAND RUGBY TOURNAMENT**
See enclosed materials.
16. **ONE DAY LIQUOR LICENSE AT EXCHANGE HALL, BIRTHDAY PARTY**
See enclosed materials.
17. **ONE DAY LIQUOR LICENSE AT CONGREGATION BETH ELOHIM, FUND
RAISER**
See enclosed materials.
18. **ACCEPT GIFT, CONSERVATION**
Gift of \$349.69 from Matthew Robbertz to be used by the Natural Resources
Department for future trails and maintenance
19. **ACCEPT GIFT, RECREATION**
Gift of \$3,000.00 from TD Bank to be used to support the Summer Concert
Series at NARA Park

- 20. REQUEST TO PLACE SIGNS FOR ACTON CLEAN-UP DAY, GREEN ACTON AT VARIOUS LOCATIONS THROUGHOUT ACTON**
See enclosed materials.
- 21. ACCEPT GIFT, RECREATION**
Gift of \$3,000.00 from Dunkin Donuts to be used for the July 4th Celebration
- 22. ACCEPT GIFT, RECREATION**
Gift of \$3,015.54 from Friends of Goward Field to be used for the Goward Field Playground Project
- 23. ACCEPT GIFT, RECREATION**
Gift of \$230.00 from various donors to be used for the Goward Field Playground Project
- 24. ACCEPT GIFT, RECREATION**
Gifts totaling \$700.00 from various donors to be used for the Goward Field Playground Project
- 25. ACCEPT GIFT, RECREATION**
Gift of \$500.00 from various donors to be used for the Goward Field Playground Project
- 26. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**
See enclosed materials.
- 27. ACTON BOXBOROUGH FARMERS MARKET LICENSE AGREEMENT FOR 2013**
See enclosed materials.
- 28. REQUEST FROM TURTLE CREEK WINERY TO SELL WINE AT THE A/B FARMER'S MARKET**
See enclosed materials.
- 29. REQUEST FOR RESALE OF LIP UNIT, ROBBINS BROOK**
See enclosed materials.
- 30. ACTON MEMORIAL LIBRARY PROCLAMATION - VOLUNTEER APPRECIATION WEEK**
See enclosed materials

IV. EXECUTIVE SESSION

Executive Session to discuss potential litigation to enforce Town Bylaw Chapter R relative to imminent shutdown and removal of W.R. Grace Northeast Area Remedial Action

See enclosed materials.

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

PENDING MINUTES

NONE

PENDING COMMITTEE APPOINTMENTS

Padmaja Kuchimanchi, Green Advisory
Eric Solomon – 2020, TAC
Sharon Schifer 2020 or VCC
Pamela Harting-Barrat BOH Assoc. to VCC

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Type	Title ↑	Owner	Edited	Size	Actions	
	010 BoS Meeting Agenda - April 22, 2013	manager	04/19/13	85 KB		
	020 (3) National Grid - Gas Main Petition - 742 Main Street	manager	04/19/13	82 KB		
	030 (4) Site Plan Continuation, Wedgewood Trust, 20 Main Street (from March 11th)	manager	04/19/13	300 KB		
	040 (5) Site Plan, Special Permit #3-5-13-441, Panera, LLC, 252 Main Street - Legal Ad	manager	04/19/13	50 KB		
	041 (5) Site Plan, Special Permit #3-5-13-441, Panera, LLC, 252 Main Street - Link to all Related Planning Department Documents	admin	04/19/13	0		
	050 (6) W.R. Grace - Shutdown Northeast Plume Area Treatment Program	manager	04/19/13	977 KB		
	060 (7) Donation Bin Discussion	manager	04/19/13	25 KB		
	070 (8) Court of Honor, Declan Cormier Crooks and David James Quantrille, May 11th - Selectmen to be Assigned	manager	04/19/13	39 KB		
	080 (9) Accept BoS Minutes of May 21, 2012; March 11 and 18, 2013 (Regular Meetings); April 1 and 2 (Pre-Town Meetings)	manager	04/19/13	375 KB		
	090 (10) Regional Housing Service Program, Final Intermunicipal Agreement	manager	04/19/13	79 KB		

		100 (11) Committee Appointment, Leanne Baxter, Morrison Farm Committee	manager	04/19/13	79 KB	
		110 (12) Request for Fee Waiver, Free The Children Fundraising Walk at NARA	manager	04/19/13	235 KB	
		120 (13) Request for Fee Waiver, PMC-Kids (Pan Mass Challenge) at NARA Park	manager	04/19/13	221 KB	
		130 (14) One Day Liquor License at NARA Park for an Anniversary Party	manager	04/19/13	47 KB	
		140 (15) One Day Liquor License at NARA Park for Annual New England Rugby Tournament	manager	04/19/13	69 KB	
		150 (16) One Day Liquor License at Exchange Hall, Birthday Party	manager	04/19/13	73 KB	
		160 (17) One Day Liquor License at Congregation Beth Elohim, Fund Raiser	manager	04/19/13	63 KB	
		170 (18) Accept Gift, Conservation	manager	04/19/13	23 KB	
		180 (19) Accept Gift, Recreation	manager	04/19/13	21 KB	
		190 (20) Request to Place Signs for Acton Clean-up Day, Green Acton at Various Locations Throughout Acton	manager	04/19/13	21 KB	
		200 (21) Accept Gift, Recreation	manager	04/19/13	26 KB	
		210 (22) Accept Gift, Recreation	manager	04/19/13	71 KB	
		220 (23) Accept Gift, Recreation	manager	04/19/13	22 KB	
		230 (24) Accept Gift, Recreation	manager	04/19/13	22 KB	
		240 (25) Accept Gift, Recreation	manager	04/19/13	43 KB	
		250 (26) Disposal of Obsolete Materials, Memorial Library	manager	04/19/13	21 KB	
		260 (27) Acton Boxborough Farmers Market License Agreement for 2013	manager	04/19/13	68 KB	
		270 (28) Request from Turtle Creek Winery to Sell Wine at the A/B Farmer's Market	manager	04/19/13	58 KB	
		280 (29) Request for Resale of LIP Unit, Robbins Brook	manager	04/19/13	137 KB	

