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BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

June 10, 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

None

CHAIRMAN'S UPDATE & OPERATIONAL MINUTE

Ms. Adachi – Congratulations to Acton Boxborough High School Graduates. She attended the 2013 graduation ceremony and presented the scholarships to students at the annual scholarship night. On Thursday night, there is the annual Selectmen's concert at NARA and the anonymous person who donated the Selectmen's Concert has invited the Board to dinner. On June 13, there will be a Mass DOT public hearing regarding the Assabet River Rail Trail in Maynard. Purpose of the meeting is to provide Maynard and Acton with information about the project. On June 17 the Board of Selectmen will be holding their Annual Goal Setting meeting at the Public Safety Facility. Upcoming Items on the Agenda for June 24 include a Joint meeting with Acton Housing Authority to fill a vacancy, the space needs study, part two of the sewer district primer, and the town Manager's Annual review. The Acton Leadership Group schedule will be developed by the Manager.

Mr. Ledoux – The land fill solar project is moving along nicely. He noted the discovery of trash on the site and said that DEP has approved the clay material to cap the trash. They are expecting the delivery of the equipment shortly.

In January at an MMA conference, the Town of Acton gave a presentation regarding our newly established visitor code of conduct. The Town has been asked to make the presentation to the 2013 ICMA Annual meeting in Boston this September.

PUBLIC HEARINGS & APPOINTMENTS

USE SPECIAL PERMIT, 5/6/13-443, 531 MAIN STREET (GREEN)

The hearing was opened and granted an extension to June 24th at 9:15 so that abutters could be properly noticed. Ms. Green – Moved to continue to June 24th at 9:15. Mr. Clough – second. UNANIMOUS VOTE.

PANERA, LLC. SITE PLAN SPECIAL PERMIT #3/5/13-441, 252 MAIN STREET
(CONTINUED FROM APRIL 22, and May 20th, 2013 and requesting a continuance) (GOWING)

Selectmen's Minutes
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Mr. Gowing - Moved to continue the hearing to July 22nd at 7:35 in order for Panera to solidify their plans for the project. Mr. Sonner – second. UNANIMOUS VOTE

SELECTMEN'S BUSINESS

OPEN SPACE CONSERVATION RESTRICTION, CAOUETTE LAND

Karen O'Neil, Open Space Committee and Chair of the Conservation Restriction Committee for the Caouette property made a presentation to the Board. Open Space Committee asked that we consider hiring a person for 2-4 hours per week to help manage all of the Conservation Restrictions in Acton.

She discussed the project in 2011 when the first CR was before the Board. People wanted only organic farming, and it was determined that it was not appropriate for those issues within the CR and it was felt this is a town wide issue and merited town wide consideration.

They have discussed the issue for the paved parking lot and rail trail. They felt they could take it out of the CR and make it easier. They took the NE Corner out of the restriction to allow for the rail trail. This is allowed because the town used non-CPA money to supplement the purchase, therefore they could remove a proportional amount of land from the CR. The document is simpler and cleaner and has been reviewed by the two holders of the CR, Acton Conservation Trust and Sudbury Valley Trustees.

Mr. Gowing noted it was a long process but it addressed all the issues and they made it work. Karen O'Neil recognized the Committee and the Simeone's efforts in this process.

Sudbury Valley noted that they need to prepare base line documentation and need a signature from the Board Chair.

Sudbury Valley discussed the monies spent to develop this and wanted to know how the Board wanted to handle the funding.

Mr. Gowing - Moved to approve ACT's need to formalize documents, and to approve the CR as presented tonight – Mr. Clough – second. Mr. Sonner noted he lives ½ mile away for disclosure purposes. UNANIMOUS VOTE

Mr. Gowing thanked the Committee for the very good job.

MORRISON FARM REUSE COMMITTEE DISCUSSION

Ms. Adachi asked if we want it to move forward and what issues came up at town meeting that would be worth considering.

Mr. Gowing said that as a result of town meeting we did not get the 2/3rds vote but we did get 50%, and he wanted to move forward with the project. He thinks the town's concerns were mostly around the building and feels we could be successful with a smaller plan.

Mr. Sonner – He supports moving forward, and agrees that the concerns were with the building – both building the new one and tearing down the barn. Felt we needed to say no to a fall STM and wait until Annual Town Meeting,

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Mr. Clough noted that taking down the barn was the piece that was the issue and if we don't tear down the barn or build a building it may move forward. He felt we need to move it forward to get the attention and felt we move it forward at the next Special Town Meeting.

Ms. Green felt that people were concerned about the building and the barn at town meeting and politically we need to address it. We need to move forward with it and talked about putting in on the STM, or next year at the Annual town meeting. We need to reaffirm our support for the project.

Ms. Adachi discussed this with Mr. Mullin and felt the board could support it moving it forward. She feels we could reach consensus to move forward with the Barn and tear down the old barn. She would like to have a voice vote to determine 2/3 Vote. She asked that any big issue be brought before the Board.

Mr. Gowing noted that the BOS needs to give direction and that we have not discussed the house. We know that it has issues to be corrected before we can use it. He also brought up the issue of having a permanent fall Town Meeting for zoning articles so they get a fair assessment. If we move forward with this idea, we can discuss the issue of whether or not to include this in the fall town meeting.

Mr. Mullin noted that it is an important project and people want it. The committee will continue to serve and they all want to continue to serve except for one. They did not win but all of us want to do what the people want. He asked about the default historical period in town and said the committee took a vote and said the default is the colonial era not the industrial and/or the depression area. If you have that discussion with others it may help. The committee will continue to address the issues and move this forward.

Walter Foster spoke about MFC and wanted the Board of Selectmen's continued support.

Ann Chang discussed the Cellar hole and the masons who said it needed to be addressed. It needs to be repaired within the next two years.

Ms. Green feels we not should exclude items as we move discussions of the project forward. She feels we need vet it through the public. Mr. Gowing said we should send the committee to work on the stuff that people can see the results of and we will have less resistance.

Bill Mullin noted he wants to understand the status of the MHCR List and what does that prohibit us from doing. He would ask to have the Town Manager research what can and want cannot be done to the barn and the house.

Mr. Clough felt we needed to have a plan for the future for the Barn and felt we needed to take it down for liability issues.

Doug Tindal spoke about the barn and house which are not historical.

Ms. Green said it is an entire property and we need to decide what to do as an entire property.

Mr. Clough said we needed to get information about what can be done.

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Mr. Gowing said we needed to review this before we move forward and find out what options we have and to inform the MFC. We need to find a function for the house.

Mr. Clough - Move to instruct the Town Manager to look into the issues of the house and barn.
Mr. Gowing – second UNANIMOUS VOTE

Mr. Clough – Moved we charge the committee to come up with a solution to address the historic parts and schedule of how we do this over the next years. Ms. Green – second.
UNANIMOUS VOTE

REQUEST FROM THE FIRE CHIEF TO FORM A STEERING COMMITTEE FOR A NORTH ACTON FIRE STATION

Mr. Ledoux noted we previously had a committee to look at this issue in 2008 and it was dissolved at the end of the task. The Chief has made some compelling arguments regarding current response times and has requested a new committee. Mr. Sonner asked about the authorization of the committee. Mr. Ledoux said if BOS wants to move forward he would come up with a proposal for the next meeting. Mr. Gowing had some concerns about the makeup of the committee; we may want to just appoint people ourselves instead of involving VCC at this time. Mr. Ledoux will look into this for the board. Mr. Sonner - Move to ask the Town Manager to come back with a proposal for the Board to discuss. Mr. Clough -second. UNANIMOUS VOTE

SELECTMEN TO ISSUE UNIQUENESS DECLARATION ON ANDERSON PROPERTY

Mr. Ledoux outlined the need to declare this a Unique property. The Chair read the motion (attached). Mr. Gowing – Moved to designate this property as Unique. Mr. Sonner – second.
UNANIMOUS VOTE

SELECTMEN'S REPORTS

Mr. Sonner – Memorial Library Trustees revised their bylaws and are looking at long range planning. Two new 2020 members are on the agenda for approval will help the committee to move forward. The Green Advisory Board is looking into community solar gardens. SATSAC is continuing to focus on facilitating communication during the train station construction.

Mr. Clough – Attended the Board of Assessors and Planning Board and Design Review Board meetings, noted that there is not a lot going on at this time.

Ms. Adachi –ABCC will be discussing a sculpture donation for NARA and will evaluate the potential sites. They will review the sculptures. They are also talking about funding a summer concert. ACHC - There will be a ceremony on Wednesday honoring Nancy Tavernier as a Partnership Housing Hero. Bruce Freeman and Assabet River Rail Trail are on the TIP List. Bruce Freeman Trail was discussed and finalizing the design and bid soliciting. It was decided to have the COD speak with Steve and Katie to address their concerns about Town Meeting accessibility issues. Noted that all the Board attended the Memorial Day events. She also presented scholarships at the annual scholarship night. There was a presentation of the annual

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Youth Risk Behavior Survey which showed a small decline in risky behaviors and highlighted a small problem with homelessness among students.

Mr. Gowing – **MAGIC** – Presentation by the MAPC staff on the current TIP plan (public comments until 6/18). Four new projects were added (none in our area) due to changes in funding. Election of officers next month. Spoke with MAPC staff regarding traffic light sequencing on Route 2 during construction.

LRTA – The LRTA was awarded four grants totaling over \$2M dollars. They increased the hours (in the form of increased funding) by \$4,965 to Acton for the Roadrunner.

MAPC – Annual Council meeting held in Quincy. Dr. Scott, MBTA Director, was the keynote speaker. The officers and executive committee were elected. 5 cities, 5 towns, 5 gubernatorial positions on the Exec. Committee. The towns are represented by: Keith Bergman, Littleton; Rich Canale, Lexington; Lou Gitto, Stoughton; Joan Meschino, Hull & Sharon Wason, Foxborough.

COA – Elected new officers. Discussed what the future plan is for a new senior center. Still developing goals.

RTAC – Approved an advisory letter to MAPC regarding the TIP projects that exist in the universe of projects.

Cross Town Connect – Would like to come before the BOS in July to review where they are in the roll out of the CIC grant from the Governor

Ms. Green – She attended the AB United Way Community Forum with a presentation from Reverend Matt Crebbin of Newtown, CT. She said COD held two variance hearings on accessibility for the Windsor Building and the Sorrento's Plaza. They also discussed ideas for making the special town meeting more accessible and would like to potentially come before the board in the future to discuss this issue. She and Ms. Adachi attended the 90's luncheon at the COA and noted it was the first one held in Acton.

She attended the AB Regional School Committee where they said goodbye to the High School principal and introduced the new leadership team. The School Committee also voted to refinance \$14 million in bonds over 10 years. They discussed the year end funds and noted they were \$620,000 under budget. The Superintendent would like to use some of the money for installing security cameras and furniture for science labs, leaving \$247,000 to go back into the E&D fund. She also attended the No Place for Hate meeting where they discussed plans for the upcoming year.

Mr. Sonner explained the need for support for the Assabet River Rail Trail and also the Bruce Freeman Trail.

Mr. Sonner – Moved to approve signing the letter of support for ARRT. Mr. Gowing – second. UNANIMOUS VOTE

Mr. Sonner – Moved to approve the signing of the letter of support for the Bruce Freeman Trail. Mr. Clough – second. 4-1 Motion passes, Mr. Gowing Abstained.

CONSENT

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

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Ms. Adachi Moved to adjourn. Mr. Clough – second. UNANIMOUS VOTE


Christine Joyce
Recording Secty


Clerk
6/24/13
Date

RECORD OF VOTE OF THE ACTON BOARD OF SELECTMEN
June 10, 2013

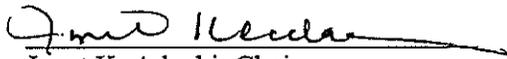
At a duly called public meeting of the Acton Board of Selectmen on June 10, 2013 the Board voted as follows:

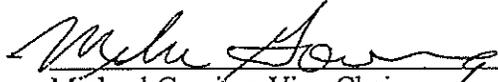
That the Board has determined that advertising under General Laws Chapter 30B for the Town's acquisition of the following parcel of real property will not benefit the governmental body's interest due to the unique qualities of the property:

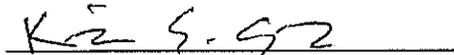
Land consisting of approximately 20.68 acres shown on the Town of Acton Assessor's Map D-3 as Parcel 10 (the "Property"), constituting a portion of the property described in that certain deed dated July 19, 1955 recorded with the Middlesex South Registry of Deeds in Book 8525, Page 541.

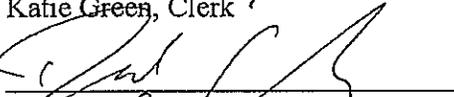
Specifically, the Property is being offered to the Town pursuant to General Laws Chapter 61, Section 8, and the Property is a top priority parcel for open space acquisition by the Town. The Property contains attractive, scenic, high quality land that is uniquely situated to be used by the Town of Acton for open space and passive recreation. The Property is adjacent to other conservation land owned by the Town to the west and is across the street from other Town-owned conservation land. The Property consists of a mature pine forest that is ecologically diverse and is also the home to various endangered species.

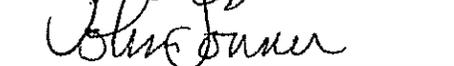
ACTON BOARD OF SELECTMEN


Janet K. Adachi, Chair


Michael Gowing, Vice-Chair


Katie Green, Clerk


David Clough


John Sonner

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Hearing Room

June 10, 2013

7:00 PM

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. 7:25 **USE SPECIAL PERMIT #5/6/13-443, 531 MAIN STREET, PETER PIPPOS KARATE CENTER (GREEN)**
See enclosed materials. (continue – applicant did not notify abutting towns)
3. 7:45 **PANERA, LLC. SITE PLAN SPECIAL PERMIT #3/5/13-441, 252 MAIN STREET CONTINUED FROM MAY 20, 2013 (GOWING)**
See enclosed materials. (continue to future meeting in June – to be determined)

SELECTMEN'S BUSINESS

4. **OPEN SPACE CONSERVATION RESTRICTION, CAQUETTE LAND**
See enclosed materials.
5. **MORRISON FARM REUSE COMMITTEE DISCUSSION**
See enclosed materials
6. **REQUEST FROM THE FIRE CHIEF TO HAVE THE BOARD FORM A STEERING COMMITTEE TO REVIEW THE NEED FOR A NORTH ACTON FIRE STATION**
See enclosed materials.
7. **BOARD OF SELECTMEN TO ISSUE UNIQUENESS DECLARATION ON THE ANDERSON PROPERTY"**
See enclosed materials.

SELECTMEN'S REPORTS

III. CONSENT AGENDA

8. **ACCEPT MINUTES, BOARD OF SELECTMEN, MAY 7, 2013**
See enclosed materials.
9. **ACCEPT GIFT OF A RED BUD TREE TO THE WOODLAWN CEMETERY FROM JUDY WERNER IN MEMORY OF HER LATE HUSBAND**
See enclosed materials.
10. **ONE DAY LIQUOR LICENSE, NARA PARK BIRTHDAY PARTY**
See enclosed materials.
11. **REQUEST TO ALLOW MULTIPLE SCLEROSIS SOCIETY TO BIKE RIDE THROUGH ACTON IN SUPPORT OF MS FUND RAISING ACTIVITIES**
See enclosed materials.
12. **COMMITTEE APPOINTMENT, MORRISON FARM COMMITTEE, LEANNE BAXTER**
See enclosed materials.
13. **COMMITTEE APPOINTMENT, MORRISON FARM COMMITTEE, MARY ANN ASHTON**
See enclosed materials.
14. **COMMITTEE APPOINTMENT, ACTON 2020, BRUCE FORMAN**
See enclosed materials.
15. **COMMITTEE APPOINTMENT, ACTON 2020, ERIC SOLOMON**
See enclosed materials.
16. **COMMITTEE APPOINTMENT, HISTORIC DISTRICT COMMISSION, ALTERNATE POSITION, DAVID SHOEMAKER**
See enclosed materials.
17. **COMMITTEE APPOINTMENT, COMMISSION ON DISABILITY, JOY KOHOUT, FROM FULL MEMBER TO ASSOCIATE MEMBER**
See enclosed materials.
18. **COMMITTEE APPOINTMENT, COMMISSION ON DISABILITY, WEN LI, FROM FULL MEMBER TO ASSOCIATE MEMBER**
See enclosed materials.

- 19. COMMITTEE APPOINTMENT, LAND STEWARD SHIP COMMITTEE,
JOE WILL**
See enclosed materials.
- 20. RESIGNATION PROCESS OF COMMITTEE MEMBER, COA DUE TO
ATTENDANCE**
See enclosed materials.
- 21. COMMITTEE APPOINTMENT, BOARD OF HEALTH, ASSOCIATE POSITION,
PAMELA HARTING-BARRAT**
See enclosed materials.
- 22. ACCEPT GIFT, PLANNING DEPARTMENT**
Accept Gift of \$2,000.00 from Robbins Brook Housing Element Construction to support Community Housing Program
See enclosed materials.
- 23. ACCEPT GIFT, PLANNING DEPARTMENT**
Accept Gift of \$2,000.00 from Robbins Brook Housing Element Construction to support Community Housing Program
See enclosed materials.
- 24. ACCEPT GIFT, FIRE DEPARTMENT**
Accept a gift of \$100.00 from the Rosenman Family as a Thank You for allowing their 3 year old to tour the West Acton Fire Station as part of his birthday
- 25. ACCEPT GIFT, RECREATION**
Accept gift of \$500.00 from Harvard Pilgrim Health Care to be used to support Acton's Independence Day Celebration
- 26. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**
See enclosed materials.
- 27. SITE PLAN AMENDMENT #7/26/10-428, 232 ARLINGTON STREET**
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

JUNE 24

Acton Housing Authority to fill unexpired vacancy
Second in the series of three Sewer Presentations to the Sewer Commissioner's by the Health Director
Reappointment Process of Boards and Committees, Space Study Report Discussion

July 8

Final session in the series of three Sewer Presentations to the Sewer Commissioner's by the Health Director
Senator Eldridge, Representatives Benson and Atkin's – update the Board and answer any questions the Board may have.

July 22

PENDING MINUTES

PENDING COMMITTEE APPOINTMENTS

April 22

~~May 6, May 13~~

~~May 20, June 3~~

~~Eric Solomon – 2020, TAC 6/10~~

~~Leanne Baxter – Morrison Farm Reuse Committee 6/10~~

~~Pamela Harting-Barrat - BOH Assoc 6/10.~~

~~David Shoemaker – HDC 6/10~~

~~Mary-Ann Ashton – Morrison Farm Reuse Committee 6/10~~

Eileen Lucey – COA

~~Bruce Forman – 2020 6/10~~

Padmaja Kuchimanchi, Green Advisory

~~Joe Will – Land Steward, 6/10~~

Joe Will - Cemetery Commission

Franny Osman – COA

AWAITING VCC REVIEW AND RECOMMENDATION

Vickie Wallin - 2020 sent to VCC

✓ Andrew Brockway – 2020 –sent to VCC

Ronald Regan – HDC – Sent to VCC

✓ Madeleine Harvey – COD – Sent to VCC

✓ Cindy Patton – COD – sent to VCC

✓ Jon Benson – Morrison Farm Reuse Committee – Sent to VCC

✓ Theresa Portante-Lyle - Conservation Commission –Sent To VCC

✓ Bonny Nothern- Acton 2020 – Sent to VCC

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Agenda

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<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		010 Agenda, Board of Selectmen, June 10, 2013	manager	06/07/13	64 KB	
<input type="checkbox"/>		015 (2) Peter Pappas Site Plan	manager	06/07/13	180 KB	
<input type="checkbox"/>		020 (3) Panera Site Plan Materials	manager	06/07/13	22 KB	
<input type="checkbox"/>		025 (4) Conservation Restriction Caouette Land	manager	06/07/13	263 KB	
<input type="checkbox"/>		030 (5) Morrison Farm Materials	manager	06/07/13	49 KB	
<input type="checkbox"/>		031 (5) Morrison Farm Town Meeting Presentation Version 03 29 13	admin	06/07/13	2 MB	
<input type="checkbox"/>		040 (6) Fire Chief's Request to Study N, Acton Fire Station Site	manager	06/07/13	26 KB	
<input type="checkbox"/>		050 (7) Vote for Anderson Land	manager	06/07/13	15 KB	
<input type="checkbox"/>		060 (8) Selectmen's Minutes, May 7, 2013	manager	06/07/13	17 KB	
<input type="checkbox"/>		070 (9) Accept Gift, Cemetery Commission	manager	06/07/13	57 KB	
<input type="checkbox"/>		080 (10) One Day Liquor License, NARA Park	manager	06/07/13	34 KB	
<input type="checkbox"/>		090 (11) MS Event Passing through Acton	manager	06/07/13	174 KB	
<input type="checkbox"/>		100 (12) Committee Appointment, Leanne Baxter, MFC	manager	06/07/13	54 KB	
<input type="checkbox"/>		120 (13) Committee Appointment, Mary Ann	manager	06/07/13	66 KB	

Ashton, MFC						
<input type="checkbox"/>		130 (14) Committee Appointment, Bruce Forman, 2020 Committee	manager	06/07/13	87 KB	
<input type="checkbox"/>		140 (15) Committee Appointment, Eric Solomon, 2020 Committee	manager	06/07/13	83 KB	
<input type="checkbox"/>		150 (8) Committee Appointment, David Shoemaker, HDC	manager	06/07/13	35 KB	
<input type="checkbox"/>		160 (17) Committee Appointment, Joy B. Kohout, COD	manager	06/07/13	24 KB	
<input type="checkbox"/>		170 (18) Committee Appointment, Wen Li, COD	manager	06/07/13	19 KB	
<input type="checkbox"/>		180 (19) Committee Appointment, Joe Will, Land Stewardship Committee	manager	06/07/13	48 KB	
<input type="checkbox"/>		190 (20) Committee Resignation, COA	manager	06/07/13	17 KB	
<input type="checkbox"/>		200 (21) Committee Appointment, Ms. Harting-Barrat, Board of Health	manager	06/07/13	62 KB	
<input type="checkbox"/>		210 (22) Accept Gift, Planning Dept	manager	06/07/13	23 KB	
<input type="checkbox"/>		220 (23) Accept Gift, Planning Dept	manager	06/07/13	21 KB	
<input type="checkbox"/>		230 (24) Accept Gift, Fire Department	manager	06/07/13	215 KB	
<input type="checkbox"/>		240 (25) Accept Gift, Recreation Department	manager	06/07/13	127 KB	
<input type="checkbox"/>		250 (26) Declare Obsolete Materials, Memorial Library	manager	06/07/13	14 KB	
<input type="checkbox"/>		260 (27) Site Plan Special Permit # 07.26.10-428, First Amendment, 232 Arlington Street	manager	06/07/13	72 KB	

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