

SELECTMEN'S MEETING
NOVEMBER 22, 1994

T. Clark

The Board of Selectmen held its regular meeting on Tuesday, November 22, 1994 at 7:30 P.M. Present were Norman Lake, William Mullin, Nancy Tavernier, F. Dore' Hunter, Wayne Friedrichs, and Town Manager Johnson.

{Representatives from cable were present}

CITIZENS' CONCERNS

None Expressed



PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON/NEW ENGLAND TELEPHONE
Pope Road at Proctor Street

DORE' HUNTER - Moved to approve. WILLIAM MULLIN - Second.
UNANIMOUS VOTE.

BOSTON EDISON
Conant Street

DORE' HUNTER - Moved to approve. WILLIAM MULLIN - Second.
UNANIMOUS VOTE.

BAKER WHITNEY
432 MASSACHUSETTS AVENUE

Representative from Baker Whitney was present. No concerns were expressed. WILLIAM MULLIN - Move to approve. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

DORE' HUNTER - Moved to accept the Consent Calendar including additional consent items included in extra information. Bill questioned the donation of clay material from Onyx Transportation. Don stated that the fill will be used for the cemetery expansion and accepting the fill will not result in favoritism to Onyx by the Town. NANCY TAVERNIER - Second.
UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

POLE RELOCATION

There is a power pole located at the intersection of Hosmer Street and Route 2. Concord Auto Auction has paid all fees to New England Telephone to have the pole removed. All utility lines have been removed with the exception of telephone lines. New England Telephone has promised us removal of these lines since July. A letter has been drafted by Garry Rhodes for Board of Selectmen signature asking for removal of this pole. DORE' HUNTER - Move to sign letter drafted by Garry Rhodes. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

PUBLIC HEARINGS AND APPOINTMENTS (Con't)

SUNDAY HOLIDAY PACKAGE STORES OPENINGS

Area package stores have requested permission to open on all Sunday's between and including November 20, 1994 and December 18, 1994. ABCC was late in notifying Acton that alcohol could be sold on these days so area stores will be seeking permission to open November 27, 1994 to December 18, 1994. NANCY TAVERNIER - Move to approve Sunday holiday package stores openings between and including November 27, 1994 and December 18, 1994. WILLIAM MULLIN - Second. UNANIMOUS VOTE.

PACKAGE STORE AND BEER & WINE APPLICATION PCC, INC.

Lewis Sassoon, attorney for PCC, Inc., is present before the Board tonight seeking a liquor license on behalf of PCC, Inc., who will be operating a grocery store (Roche Brothers Market) located at 381 Massachusetts Avenue, Acton. Mr. Sassoon showed the Board a large scale plan showing the proposed layout of the store. The Board of Selectmen stated their concerns regarding the proposed area for alcohol storage, nondesignated registers for the purchase of alcohol, and an area that can be sealed off on days that alcohol cannot be sold. Mr. Sassoon stated that the proposed layout is exactly the way it is in their store in Randolph. The Board would like to restrict the sale of alcohol to a few registers, possibly the ones closest to the managers office. The Board also expressed their concerns regarding who will be responsible for the liquor license, Roche Bros., or PCC, Inc. Will a PCC Inc. employee be on site at all times? DORE' HUNTER - Move to continue hearing until December 20, 1994 at 8:15 PM in order for PCC, Inc. to review the Board of Selectmen's concerns. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

CONTINUED GREENE LAND HEARING
RIGHT OF FIRST REFUSAL

On the advice of Town Counsel, Don recommends that this matter been given more time so that all issues can be considered. This issue has become very complex with numerous parties involved. The Board stated that they have 120 days to exercise right of first refusal and that they owe it to the public to seek all avenues. DORE' HUNTER - Move to continue hearing to December 6, 1994 at 8:15 P.M. WILLIAM MULLIN - Second. 4-1 (Nancy voting No).

The attorney representing William Costello, the purchaser, of the land presented the Board with a plan outlining the property in question.

A question arose as to whether this small piece of land was recorded properly with the registry of deeds. The asking price was also discussed, questioning whether \$700,00 for 3/4 acre in Acton constitutes a "Bona Fide" offer.

ROSEN ASSOCIATES
CONCORD AUTO AUCTION (PROPOSED MALL)

Cliff Rosen, president of Rosen Associates, seeks to have the Concord Auto Auction site, located at 77 Hosmer Street rezoned for retail space. Since meeting with the Planning Board Rosen Associates has changed their position regarding some major issues. Mr. Rosen stated that he would build a 170,000 gpd sewage treatment plant with 25,000 gpd needed for the mall. The remaining 145,000 gpd would be given as a gift to the Town. Mr. Rosen also stated that he would provide funds for the Town to hire an independent contractor to do a much needed traffic study. Mr. Rosen went on to say that realistically they would not come before the Town for Town Meeting approval until the 1996 town meeting.

The Board stated their concern regarding the gift of sewage treatment plant. The Board questioned who will be responsible for maintenance, where will the sewer lines go, who will be responsible for installing them, etc..

The public questioned Mr. Costello regarding his projected tax figures, Dunn and Bradstreet credidation, and what benefit to the public would his mall bring. A representative from Data Instruments expressed their concerns with the rezoning of the land. Others questioned keeping open space, and stated that they did not want a mini Route 9 (Framingham) in Acton.

The Board took no action regarding this issue.

CONTINUED CLASSIFICATION HEARING

Don stated that Acton received final certification from the Department of Revenue on November 21, 1994.

William Lawrence, Acton Chamber of Commerce stated to the Board that a split tax rate is unfair to the local businesses. William stated that he thought that the shift should be lowered from 10% to 5%.

DORE' HUNTER - Move to retain present 10% tax shift. WILLIAM MULLIN - Second. 3-2 Vote.

DORE' HUNTER - Move not to have different tax rate for small business versus large business. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

NANCY TAVERNIER - Move not to accept residential exceptions. DORE' HUNTER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

OUTREACH PROGRAM - Mr. Mullin presented to the Board a draft letter regarding improvement of the Boards outreach to new and existing businesses. Dore' stated that he would sit down with Bill over the next few weeks and draft a mutual "contract" to be presented to the Board at the January 10, 1994 meeting.

TOWN MANAGER'S CONCERNs

SIDEWALK ISSUES - Don spoke with Ms. Sifleet regarding the use of Chapter 90 monies for installation of sidewalks on School Street. Don stated to Ms. Sifleet that he was afraid of losing these monies by acting too quickly. Presently the MAPC and Mass Highway are not agreeing with each other and he hopes a solution to this will be reached in approximately 6 months and perhaps chapter 90 monies could be used easier after this.

WEST ACTON VILLAGE PLAN RECOMMENDATION - Trey Shupert of the Planning Board presented his recommendations to the Board regarding the West Acton Village Plan. The Board questioned what could be done in respect to this plan without causing budget impacts.

BANNER - COLONIAL CLUB - The Colonial Club seeks permission to hang a banner across Route 111 in the vicinity of Kelley's Corner. The Board discussed this request and decided that hanging the banner on the tennis courts as has been done in the past is sufficient.

Don briefly updated that Board regarding the budget. Don stated that Isa is preparing a draft as to what the figure for DOR should be for next year regarding the library monies.

DORE' HUNTER - Move to close the warrant December 22, 1994.
WILLIAM MULLIN - Second. UNANIMOUS VOTE.

WILLIAM MULLIN - MOVED to go into Executive Session for the purpose of discussing negotiations. NANCY TAVERNIER - Second. Roll Call Taken, All Ayes, UNANIMOUS VOTE. The Board adjourned into Executive Session at 10:45 P.M.

Sheryl Ball
Sheryl Ball
Recording Secty.
sabW11- (573)

Nancy E. Tavernier
Clerk
1/10/95

Date

November 18, 1994

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

November 22, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:30 BOSTON EDISON/NEW ENGLAND TELEPHONE - POPE at PROCTOR ST. - Enclosed please find petition and staff comment for Board action.
2. 7:32 BOSTON EDISON - CONANT STREET - Enclosed please find the formal follow-up paperwork for a petition the Board previously approved by Emergency Hook-up for Board action.
3. 7:35 BAKER WHITNEY OIL- 432 MASS AVE. - UNDERGROUND STORAGE PERMIT - Enclosed please find application and staff comment for Board review and action.
4. 7:40 SUNDAY HOLIDAY PACKAGE STORE OPENINGS - Enclosed please find requests from package store owners for permission to open on the Sundays immediately preceding Christmas Day and New Year's Day. This public hearing and vote are required by ABCC according to MGL. Chapter 653, Section 181 for Board vote.
5. 7:45 PACKAGE STORE BEER AND WINE APPLICATION - PCC. Inc., 381 Massachusetts Ave. (Roche Bros. Market) - Enclosed please find application and supporting documents along with staff comment for Board review and action.
6. 8:00 CONTINUED GREENE LAND 61A RIGHT OF FIRST REFUSAL - Enclosed please find additional information submitted for Board review.
7. 8:15 ROSEN ASSOCIATES - Representatives from Rosen Associates have requested this time on the Agenda to make a presentation to the Board regarding their plans for the Concord Auto Auction property located on Hosmer Street.

8.. 8:45 CONTINUED CLASSIFICATION HEARING - Enclosed please find additional information submitted for board review.

III. SELECTMEN'S BUSINESS

9. OUTREACH PROGRAM - Enclosed please find correspondence from Selectman Mullin for Board discussion.

IV. CONSENT AGENDA

10. AMENDMENT TO SITE PLAN - CONCORD ACTON SQUASH CLUB, 29 KNOX TRAIL - Enclosed please find a request from staff for amendment to Site Plan #5/3/78-152 for Board review and action.

11. COMMITTEE APPOINTMENTS - Enclosed please find citizen resource sheets and VCC recommendations for Board action on the following individuals and committees: Rosalie DeQuattro and Janet Thrope to Acton/Boxboro Arts Council to expire 6/96, Peter Berry to appointed to find an unexpired term (6/96) on the Board of Appeals and Margaret McGinty to the Council on Aging for a one-year term for Board action.

12. ACCEPT GIFT - Enclosed please find a gift of money (\$25.00) to be used by Civil Defense for Board acceptance.

13. ACCEPT GIFT - Enclosed please find a gift of the proceeds (\$649) from the Sidewalk Cafe to be used for School Street sidewalks for Board acceptance.

14. TREE LIGHTING - Enclosed please find a request from staff to permit the tree lighting as part of the Festival of Trees on Sunday, December 11th at 5:00 P.M.

15. SHELL OIL SIDEWALK GIFT - Enclosed please find a request from staff to accept \$9,000.00 under site plan conditions.

16. WEST ACTON CITIZEN'S LIBRARY - Enclosed please find a request to appoint Mr. Robert Loomis until the 1995 Town Meeting at which time he can be elected to fill the unexpired open until 1996.

17. MCGOVERN ESTATES SUBDIVISION - Enclosed please find a request from staff for Board approval of work as outlined in the attached memo for Board action.

V. TOWN MANAGER'S REPORT

18. SCHOOL STREET SIDEWALK FUND - The Town Manager will discuss the issues and questions contained in Mrs. Sifleet's November 14th Letter.

19. WEST ACTON VILLAGE PLAN RECOMMENDATION - Enclosed please find Mr. Shupert's memo to clarify WAP recommendations for discussion.

20. POLE RELOCATION - Enclosed please find staff request for action regarding a power pole relocation. The Manager will have draft letter from Board signature for Tuesday night.

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which 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.

Dec. 6 - Common Vict. 358 Great Road
 Special Permit Site Plan - 358 Great Road
 South Acton Village District Plan
 License Renewal Reviews

Dec. 20- Site Plan Special Permit - McDonalds

Jan 10
Jan 24
Feb 7

859 acs