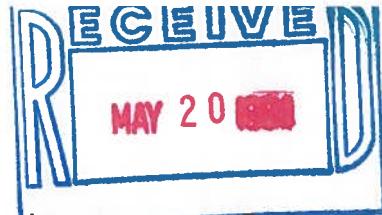


SELECTMEN'S MEETING
MARCH 15, 1994



The Board of Selectmen held its regular meeting on Tuesday, March 15, 1994 at 7:30 P.M. Present were F. Dore' Hunter, Anne Fanton, William Mullin, Nancy Tavernier, Norman Lake and Town Manager Johnson.
{Representatives from cable were present}

CITIZENS' CONCERNS

NONE EXPRESSED

CHAIRMAN'S MINUTE

Chairman Hunter announced that the Senior Center dedication ceremonies would be held on April 10th, beginning with the ribbon cutting ceremony at 2:00 and invited those interested to attend.

Chairman Hunter announced the Joint Budget Meeting which has been scheduled for March 23, 1994 and invited all to attend.

The Acton Boxborough Regional High School has been selected to host the New England Drama Festival to be held on April 21, 23 and 24. Chairman Hunter noted what a honor it was to have the high school chosen to host this Festival and asked the Board to attend and welcome the participants.

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON GAS
GREAT ROAD

NANCY TAVERNIE - Moved to approve. ANNE FANTON - Second.
UNANIMOUS VOTE.

SICHUAN PAVILION, INC.
LIQUOR LICENSE TRANSFER - NAGOG SQUARE

The Board noted staff comment that was a re-submittal required after ABCC review of the original submittal.

NANCY TAVERNER - Moved to approve the Liquor License as re-submitted. ANNE FANTON - Second. UNANIMOUS VOTE.

SPECIAL USE PERMIT #1/12/94-342
METROPOLITAN DELI
208B MAIN STREET

Joseph Motzi outlined his proposal to open a satellite deli in Acton. No cooking will be done at the Acton store. The

Landlord will be handling any outstanding issues with regard to the septic system as required by the Board of Health.

NANCY TAVERNIER - Moved to approve. ANNE FANTON - Second.
UNANIMOUS VOTE

SPECIAL USE PERMIT #1/14/94-343
COSTA DONUTS, TWO
295-307 MAIN STREET

Attorney Alex Para representing the Dunkin Donuts franchisee outlined the proposed plan for this store. They will not be cooking on site. There will be no exterior changes. They will have 18 seats and will be open from 5:00 A.M. to 11:00 P.M. They plan on having three employees on site. No additional traffic is anticipated. A small cargo van will make delivery to the store. Anne asked about the contribution to the future traffic study in that area. Staff felt that it could be addressed later as the area is still owned by one person and to require contributions in the mall in a piece meal fashion would not be feasible. The Board reminded them that they would require a 24 hour permit if they intended to open before 6:00 A.M.

NORM LAKE - Moved to approve conditioned that they be open 6:00A.M. - 11:00 P.M.. NANCY TAVERNIER - Second. UNANIMOUS VOTE

NORTH ACTON RECREATION AREA
RECREATION COMMISSION PRESENTATION

Bruce Stamski, and representatives of the Recreation Commission, said the \$15,000 has been set aside and the study for the feasibility for the pond has been done. The neighbors were notified that a public meeting would be held to address questions with regard to traffic and other issues of importance. The Town owns most of the property and they would hope to have hiking, swimming pond on the 10 acres, the balance would be playing fields, picnic and possible bandstand area. They want to address traffic and listen to what abutters have to say. They have the conservation permits, Board of Appeals and Army Corps of Engineers permits. They are looking toward phase II and have a few ideas toward this. They felt the gravel will generate funds to stabilize the area and grade. They felt we could fund raise to build bath houses, etc. They would want to see what the value of the gravel is on site.

Dore' asked about build out? Newly created village zone with both entrances coming through. They felt they could have a one way traffic flow.

Nancy thanks them for their work. The Board needs to give direction and to prioritize the plan. They might set up a revolving fund. There was concern about the potential for good water quality and quantity for flushing cycle. Dore' said he was happy with the report. Bruce said he had checked the water level

pipes and they were good after a very dry summer which gave him confidence in the report. He said the worst case could be it would have to closed at times as they do at other sites.

The RFP for gravel had been prepared and there were questions and perhaps issues have not been resolved. Don felt they were held until EPA and the project got back on track. It is anticipate that there is 230,00 yards of gravel and the price would be at market value.

Nancy asked about phasing in the construction and asked what they would choose to have, Bruce responded the swimming area.

Anne would support priorities as set forth by Bruce as substantiated by the Master Plan feed back. Anne wanted the options and cost and real projection need to be brought forward to Town Meeting. She noted the on-way concept was for safety and urged its retention.

Bill asked about the well that was mentioned and wanted clarification on the use of the Pond. Bruce though we should not second guess the report, they said you can build and its will be good for a swimming area, perhaps not 100% of the time.

Leo Gano, representative of Rex Lumber read a prepared statement opposing the project. Messrs., Robert Niland and Palmer thought it was a good idea. Ian McPherson urged that it be patrolled and that a fence be installed and that it needed more study. Gorden Priest spoke about the financial situation of the Town and felt the Town should look at the financial impact at this time.

It was the consensus of the board to go ahead with the RFP to frame the cost. Dore' felt we needed to gather questions and to find out what degree they need to be addressed. The sense of the Board was to go to town meeting and the key is timing.

Bill wanted questions from staff and Rex Lumber answered point by point and presentation back before the Board.

PLANNING BOARD CLARIFICATION/PRESENTATION OF WARRANT ARTICLES

The Planning Board made expanded presentations on the articles on the Town Meeting Warrant. Anne Fanton stressed her concern with the increase of Associate members. Nancy felt they should let the Planning Board decide since they are the ones that deal with these issues.

NANCY TAVERNIER - Moved to Recommend Article 54. NORM LAKE - Second. 4-1 Anne Fanton, No. Norm was reassigned to represent the board on this article. Anne further expanded on the issues of extra members, she felt that attendance was the issue as well as the large size of the Board.

Article 56 - The Planning Board voted not to recommend because of the spot zoning being illegal and next to East Acton Village.

NANCY TAVERNIER - Moved to not recommend. NORM LAKE - Second. UNANIMOUS VOTE.

CONSENT CALENDAR

NANCY TAVERNIER - Moved to accept the Consent Calendar as printed. - ANNE FANTON - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

Eagle Scout Court of Honor - Nancy to represent the Board.

Water Ban - Nancy noted the collection of the fine by our police department. Dore' was concerned this appeared to be a permanent ban and suggested the growth of the Town could be controlled by the available water supply. Nancy felt it was a bylaw to formalize the action taken to comply with DEP regulations. Don Johnson was concerned with the police as enforcing agent.

JENK'S FUND APPLICATIONS - The Board discussed the requests and the available funds to fund them. Nancy and Anne felt that ADAPT request could be addressed by the Nursing programs.

NORM LAKE - Moved to award the available Jenk's Fund to the following: \$600 to the Memorial Library Summer reading, \$300.00 for 1/2 Summer Intern to the Children's Discovery Museum, Acton Housing Authority and the balance of \$367 to the Playground Committee. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

MARSHALL PROPERTY - 61A Right of First Refusal - NORM LAKE - Moved to take no action on the Right of First Refusal - NANCY TAVERNIER - Second. UNANIMOUS VOTE.

MAPC Representative - It was noted that the Acton's Representative to MAPC had not attended the winter meeting. Anne urged the Board to have a back-up person perhaps from Planning as our Representative.

MMA - Dore' stated that while he was sympathetic he felt the Board could simply advertise these matters at the board meeting and publicly address.

CAC- Anne expressed her interest in continuing and urged a alternate be assigned. She is still willing to coordinate future meetings. She also wanted to have a representative appointed to MAGIC, Bill is will to take a stab at it.

DRAMA FESTIVAL - Nancy will speak on behalf of the Board.

TOWN MANAGER'S CONCERNS

AC CHEVROLET - Don updated the Board on the issue of the driveway on Esterbrook Road. It was decided to let the neighborhood know that a request had been received and hold a public hearing. It was noted that moving the gate may be a viable suggestion.

NESWC - Staff updated the Board on the issues that they have been dealing with in regard to the suspected over charging at NESWC and the partial settlement that has been worked out.

EXECUTIVE SESSION

The Board voted to go into Executive Session for the purpose of discussing potential litigation.

Roll Call was taken all ayes.

The Board adjourned at 11:35 P.M.

Nancy E. Taverne

Clerk 5/17/94

Date

Christine Joyce

Recording Secty.
cmjW11-(468)

March 11, 1994

TO: Board of Selectmen
FROM: F. DORE' HUNTER, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

MARCH 15, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 CHAIRMAN'S MINUTE
2. 7:32 BOSTON GAS - GREAT ROAD - Enclosed please find petition information and staff comment for Board action.
3. 7:45 SICHUAN PAVILION, INC. - Liquor License Hearing - Enclosed please find revised documents for Board review and Action. The Board previously approved this application, however, after ABCC review it was determined that the Corporate Officers and Corporation name had changed necessitating this re-submittal.
4. 8:00 SPECIAL USE PERMIT # 1/12/94-342 - METROPOLITAN DELI - 208B MAIN STREET - Enclosed please find an application and staff comment for Board review.
5. 8:15 SPECIAL USE PERMIT # 1/14/94-343 - COSTA DONUTS TWO, INC. - 295-307 MAIN STREET - Enclosed please find an application and staff comment for Board review.
6. 8:30 NARA - Enclosed please find materials and comments developed by the Recreation Commission and staff for Board review.
7. 8:45 PLANNING BOARD - The Planning Board will be in to discuss the articles on the 1994 Annual Warrant.

III. SELECTMEN'S BUSINESS

8. WATER DISTRICT WATER BAN - Enclosed please find a copy of the proposed Water Ban Article on the 1994 Annual Water District Warrant for Board discussion.
9. JENK'S FUND APPLICATIONS - Enclosed please find the requests received for allocations from the Jenk's Fund for Board review.
10. 31 CARLISLE ROAD - MARSHALL LAND - Enclosed please find a request from the Mary Marshall Trust and staff comment relative to the Board's Right of First Refusal for review and action.

IV. CONSENT AGENDA

11. MINUTES - Enclosed please find minutes of February 1, 15, 22, 1994 for Board approval.
12. ONE DAY LIQUOR LICENSE - Enclosed please find a request from Chez Claude for a One Day Liquor License for Easter Sunday.
13. ACCEPT GIFT - CIVIL DEFENSE - Enclosed please find a request to accept a donation on behalf of the Civil Defense Agency for Board action.

V. TOWN MANAGER'S REPORT

14. AC CHEVROLET - The Town Manager will seek the Board's direction on enclosed memo.
15. NESWC - Staff will provide a presentation on the budget for this Enterprise Fund, as requested by the Board.

VI. EXECUTIVE SESSION

MEETINGS

- JOINT FIN COM/SCHOOL COMMITTEE MEETING - MARCH 23, 1994
- April 10, 1994 2-4 P.M. - Open House Senior Center

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.

MARCH 29 - 1994
Beginning at 8:00 P.M.

829 acs