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**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**December 18, 2006**

**Acton Memorial Library  
7:00 P.M.**

Present: Chairman Foster, Andrew Magee, Lauren Rosenzweig, Peter Ashton, Dore' Hunter. The Town Manager and Assistant Town Manager were present. The meeting was televised.

**CITIZENS' CONCERNS**

Tom Michel man – Thanked the Board for signing the contract to proceed with the Bruce Freeman Rail Trail.

Jim Monahan, 14 Arlington Street asked about Steve Anderson recusing himself regarding cell towers.

**PUBLIC HEARINGS & APPOINTMENTS**

**OPERATIONAL MINUTE** – Don reported on the updated sound system in the Library Hearing room that has been installed. COA is entering into an Alzheimer's group and has offered their services at COA.

**WATER RESOURCES ADVISORY COMMITTEE (WRAC)**

Andy spoke about the WRAC sub-committees for expansion of existing sewer system and expansion of disposing and treating waste water. The Committee needs professional assistance before they can go forward. Andy discussed the capacity and recommended that the Selectmen to put a place holder on the warrant to hire a consultant at \$52,000 to study expansion. If possible conduct a Hydro Study on the RIB portion, which will cost around \$26,000.

Ann Chang commented that she was under the impression we could get the capacity study before Town Meeting, she asked that it be done prior to town meeting. Walter said that there are issues that need to be addressed and voted on by the Selectmen.

**MARY ANN ASHTON, HERITAGE LANDSCAPE REPORT**

Mary Ann Ashton came before the Board to present the Heritage Landscape report. She asked that the report be put on the Web Site. She said that she has finished her task and needs to be released from the Committee. They worked with three consultants that have great expertise in this area. She believes that this will be helpful for land use and planning. They have found 9 priority landscapes during the review. They reviewed 66 properties during the work on the report. She suggested the land use department and Historic District Committee work together and suggested a meeting in mid-February. Lauren commented on opinions in the report such as sewers being detrimental to open lands and Historic Districts. She feels that they are not always damaging, and in some cases can help revitalize an area.

**HISTORIC DISTRICT COMMISSION, OVERSIGHT MEETING**

Brian Bendig, Chairman of the Historic District Commission, and Ann Forbes Vice Chair were present for their Oversight Meeting. They are concerned with membership. They need to have four members and maintaining quorum can become a problem. They are waiting for Board of Selectmen to interview several candidates.

Brian reported that they have been very busy. They have tried to be diplomatic with applicants. They want to update their rules and regulations. They have put up most of the Historic Boundary signs.

Walter thanked them for their service to the Town. Peter noted their working on the Exchange Hall, HDC has been very helpful and has helped them for the good of the Town. Dore' spoke about line of March signs he has seen on his trips to Billerica. Ann Forbes noted that there are only 4 markers for the Line of the March and they will look at it and include the Historical Commission in the discussion.

Andy asked about the 39 applications last year, any reason for the increase. Brian said the number this year is 5 or 6 over last year.

Lauren thanked them for their help with the Frank Chen site plan. She noted she is on the Design Review Board and may be speaking about this with HDC in the future.

**CLASS II NON-DISPLAY DEALER LICENCE, 341 GREAT ROAD (TO BE RESCHEDULLED)**

**PLANNING BOARD OVERSIGHT MEETING**

Greg Nyiemski noted that the largest request is the funding for the Master Plan Update. They estimate the cost for FY08 is \$180,000 reflecting a complete revision to the entire plan. They will be setting up a web page to allow all people to get the comments and for the Planning Board to reach out to them.

Cell Plan discussions have been on-going. Lauren felt that we did need to have an updated Master Plan. Andy noted that the Open Space report is being completed and noted that the Open Space and Master Plan fit well.

Greg noted that Roland is developing site plan changes regarding making parking lots more flexible.

Peter spoke about Cell towers in residential areas. Peter hopes it can be resolved. Greg noted they are working through the Public Hearing process.

**MIKE COPPOLINO, ATHLETIC FIELD LIGHTING**

Mike and Sanjay asked for the Board's support for the CPC funding of not more than \$155,000 for the Athletic field lighting.

Mike discussed the project, and gave a brief overview presentation.

**CLASSIFICATION HEARING**

David Brown representing the Assessors outlined the process of determining the tax rate. We don't need to have open space category, since we don't have any potential in this category. .

The Shift of the Tax burden will be the main vote tonight. No shift in the residential factor would be 100%. Tax rate at no shift, \$14.62. Average tax bill will increase by 6.6 %.

We don't have a Residential Exemption or the Small Business exemption.

Open Space Exemption - DORE' HUNTER – Moved that we do not undertake any action.  
PETER ASHTON- second. UNANIMOUS VOTE

Residential Exemption - DORE' HUNTER – Moved do not undertake a residential exemption  
PETER ASHTON – second. UNANIMOUS VOTE

Small Business Exemption – DORE' HUNTER - Move we not approve the small business exemption. PETER ASHTON – second. UNANIMOUS VOTE

Residential Property - DORE' HUNTER – Moved to accept a residential factor of 100%. PETER ASHTON –second. UNANIMOUS VOTE

### **ACTON SUZUKI, 60 POWDER MILL ROAD, CLASS I LICENSE**

Mr. Bertolami and Mr. Nylen his attorney were present to discuss the outstanding issues with Mr. Bertolami's Class I license. Mr. Richard Nylen went reviewed the five items for discussion in his letter to the Board.

1. Initially they have a high count because they got a delivery.
2. Parking at any other locations by the Dealership. They will be seeking permission to store vehicles at 56 and 50. They can have a rental at 50 Powder Mill
3. Occupancy – issues were discussed. They had a lighting problem and subordinate changes to the restriction; felt they took care of those issues.
4. & 5. Comply with MGL. Class I and they have gone through the MGL and they have no violations and is not aware of alleged violations of this statute.

Walter discussed the photographs Exhibit A, 48 Powder Mill Road. Class I for 56 Powder Mill Road and 60 Powder Mill.

Photo showing a series of cars on site at 48 Powder Mill.  
Leo responded to Exhibit A. 48 Powder Mill Road. Yes they were there and now they are gone. The Police Department has counted and they are in order. They have had a small storage problem. He assured they would not be parked there again.

Exhibit B, Suzuki Storage, same response.

Exhibit G, 60 Powder Mill Road, shows that vehicles have been stored in customer parking. Leo said there were cars parked and it is limited to 19 cars plus customers and they have the front line full and Employees can take vehicles home or use as demonstrator.

Exhibit H; close up picture, same day All wheel drive for sale

Exhibit I. 60 Powder Mill Road, front line for sale vehicles

Exhibit J, Line of cars for sale shows customers and employee parking.

Leo noted that 48, 50 and 56 are on the same parcel.

Lauren spoke about customer parking, where will they park? Lauren acknowledged the other business on the 48, 50 and 56.

Andy discussed Exhibit J and asked about the car blocking the area in front of the service bay. Andy does not want this to continue.

Dore' said that he remembered the discussion that they would not be parking cars on the site. He wanted assurance that Bertolami will do what he says he will do all the time.

Peter asked if he has been abided by his license regulations. He noted that Mr. Bertolami should never be in here before the Board. Peter asked about the little signs for Customer and Employee Parking.

Class I License Reviews for 56 and 60. Walter feels he would be uncomfortable with again, allowing site for storage out of town. He feels that there is too much going on at that site. Mr. Bertolami said he has storage at the former Victory Market as well as at the former Great Road Dodge also in Maynard.

Dore' felt we limit the License for a short term renewal and solicit their cooperation in presenting the new plan that every one agrees to.

Andy suggested a 3 month license. He noted that the site plan be opened for amendments by Mr. Bertolami.

ANDREW MAGEE – Moved 3 month license for 60 Powder Mill. DORE' HUNTER – second. UNANIMOUS VOTE.

PETER ASHTON – Moved to approve the Class I License at 56 Powder Mill Road. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

DORE' HUNTER – Moved to approve the Class I Licenses with the exception of Suzuki. PETER ASHTON – Second.

## **SELECTMEN'S BUSINESS**

### **CITIZEN PETITON, SIDE WALK CONSTRUCTION, HIGH STREET**

Don was asked to update the Board on the High Street Sidewalk request. Don said that Ms. Elkhoury and he had a good meeting. The first phase would be entered into some preliminary planning. He noted that retaining walls would need to be 6 to 8 feet high and noted the other conditions on High Street. They will need to go at least 15 feet into the yards. Don wanted to work with her and the neighbors to see if they can put together some fairly comprehensive issues. He hopes to have this done over the next 9 months. Walter discussed the need and requests for sidewalks in town. The funding is a concern. The Town sidewalk fund only has \$200,000 in it currently. Walter wanted to proceed with this feasibility study. Dore' was concerned that the town does not have the manpower to construct these sidewalks. He noted that we have a priority plan and he thinks we need to reach a policy statement of how much we

can build in a certain time frame. Dore' noted the cost per foot will go up if a contractor does the work instead of using our Highway crew.

Peter agreed with Dore', Peter asked about the other issues such a speed traps and reconstruction of intersections. Don said that they did touch on this and they implied that they want a truck exclusion. Peter felt we should explain the studies that have been done in the past to assure them we have really looked at this project.

Andy agreed with Dore' and that we need to look at this for a broader feasibility study done by a Traffic Engineer for a traffic study. Andy felt we need to develop a standard to ranking these requests for sidewalks.

Walter asked the Town Manager to continue with his work with this group and the Board would like to see something for the next meeting with regard to looking at priority and cost issues.

**AMERICAN HOUSE CONDOMINIUM, REQUEST FOR A CHANGE OF NAME AND A REQUEST FOR RELIEF FROM SITE PLAN CONDITION, 19 RAILROAD STREET**

PETER ASHTON - Moved to approve the site plan amendment to change the name from American House Condominiums to Village Crossing Condominiums and to relieve the applicant from the Garage Door color condition in the site plan approval. DORE' HUNTER – second. UNANIMOUS VOTE

**TOWNE BUILDING LEASE DOCUMENTS**

Walter gave an overview of the process. It is an extensive lease and governs the ability for the project to move forward. Walter noted that they have agreed to a 70 foot buffer between them and the Parker Damon School play area. Walter wanted to have the parking on the side or front and he would ask that they look at a plan that would not have the parking on that side of the building towards the school or propose protective measures.

Lauren has no questions at this time and is pleased that this is going forward and put to re-use for affordable housing.

Andy agreed with Lauren and the message to the Developer about the 70 feet be adhered to. Dore' noted that he was glad this has come forward.

Peter noted that the project has been on-going for five years and noted that this is a good developer who is maximizing the historic nature of the building.

PETER ASHTON – Moved to Sign the Lease with Common Ground. DORE' HUNTER – second. UNANIMOUS VOTE.

**SITE PLAN SPECIAL PERMIT #10/09/03-394, 1 & 19 MAPLE STREET, MONTUORI REALTY TRUST, EXTEND SITE PLAN SPECIAL PERMIT THAT HAS LAPSED.**

DORE' HUNTER - Moved to grant the extension to one year. With a letter that we expect the project going forward in that year. ANDREW MAGEE – second. UNANIMOUS VOTE.

Walter noted that this site plan lapsed in May and the petitioner missed the one month request for an extension that should have been made one month before expiration.

**CENTRAL STREET, EASEMENT OPTION EXTENSION**

Walter outlined the option extension, first amendment to allow the extension of the easement  
DORE' HUNTER – Moved to Sign the Central Street Easement Option. PETER ASHTON –  
second. UNANIMOUS VOTE

**2007 LICENSES**

DORE' HUNTER – Moved to approve all the Liquor Licenses as Common Victualler License  
according to the Memo dated 12/18/06. PETER ASHTON – second. UNANIMOUS VOTE.  
Lauren Recused herself from voting licenses for Quail Ridge as she is a member at the Quail  
Ridge Country Club.

DORE' HUNTER – Moved to approve the two liquor licenses at Quail Ridge Country Club.  
PETER ASHTON – second. 4 Yea, one recusal by Selectman Rosenzweig.

DORE' HUNTER – Moved to approve as presented the Retail Package Store License as listed  
on page three of the agenda memorandum. PETER ASHTON – second. UNANIMOUS VOTE

DORE' HUNTER -Move approve Retail Package sales and Wines and Malt as listed on page 3  
agenda memorandum. PETER ASHTON – second. UNANIMOUS VOTE

DORE' HUNTER - Move to renew the Common Victualler license Beer and Wine as listed on  
page 4. PETER ASHTON – Second. UNANIMOUS VOTE

DORE' HUNTER - Move to approve Class II Used car Licenses as listed on page 4 and 5  
agenda memorandum. Amend to exclude Auto Brokers Inc. for reason of leaving town. PETER  
ASHTON – second. UNANIMOUS VOTE.

Class I License Reviews for 56 and 60 Powder Mill Road. Walter feels he would be  
uncomfortable with again, allowing site for storage out of town. He feels that there is too much  
going on at that site. Mr. Bertolami said he has storage at the former Victory Market as well as  
at the former Great Road Dodge also in Maynard.

Dore' felt we limit the License for a short term renewal and solicit their cooperation in presenting  
the new plan that every one agrees to.

Andy suggested a 3 month license. He noted that the site plan be opened for amendments by  
Mr. Bertolami.

ANDREW MAGEE – Moved 3 month license for 60 Powder Mill. DORE' HUNTER – second.  
UNANIMOUS VOTE.

PETER ASHTON – Moved to approve the Class I License at 56 Powder Mill Road. LAUREN  
ROSENZWEIG – second. UNANIMOUS VOTE

DORE' HUNTER - Moved to approve the Entertainment licenses as listed on page 6 of  
memorandum. PETER ASHTON – second. UNANIMOUS VOTE.

DORE' HUNTER – Moved to approve the Bowling License, 24 hour on page 6. PETER  
ASHTON – second. UNANIMOUS VOTE

DORE' HUNTER - Moved approve taxi cab license, license to Tell Fortunes and Common Victualler Licenses as noted on 7, 8 and 9, 4 Yea, one recusal by Lauren  
Lauren recused herself as she is a member of the Quail Ridge Country Club.

The Entire list is approved pending the collection of any outstanding due the Town.

DORE' Hunter – Moved to approve the two Quail Ridge County Club Common Victualler's License on page 9. PETER ASHTON – second. 4 yeas, one recusal by Lauren.

**OTHER BUSINESS**

Dore' reported on Route 2 meeting.

Lauren spoke about Town Meeting and holiday observances.  
TAC does need people to be interviewed  
Design committee will be meeting and will wrap it up.

Andy spoke about the WRAC Meeting. The next one is January 10<sup>th</sup>

CPC is making progress reviewing the requests.

Chinese School, developing a sister city in China program

ALG Meeting he hopes to bring positive news back the Board

Walter was concerned about the Faulkner Room ceiling.

**CONSENT AGENDA**

DORE' HUNTER – Moved to approve, ANDREW MAGEE. second. UNANIMOUS VOTE

**TOWN MANAGER'S REPORT**

None

**EXECUTIVE SESSION**

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Recording Secty

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Clerk, Board of Selectmen

\_\_\_\_\_  
Date

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**

*Memorial Library Meeting Room*  
*December 18, 2006*  
*7:00 PM*

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

1. 7:01 OPERATIONAL MINUTE
2. 7:02 WATER RESOURCES ADVISORY COMMITTEE (WRAC) RECOMMENDATIONS  
Enclosed please find materials in the subject regard, for Board consideration.
3. 7:05 MARY ANN ASHTON, HERITAGE LANDSCAPE REPORT  
Enclosed please find Materials in the subject regard, for Board consideration.
4. 7:15 HISTORIC DISTRICT COMMISSION, OVERSIGHT MEETING  
No materials enclosed.
5. 7:40 CLASS II NON-DISPLAY DEALERS LICENSE, 341 GREAT ROAD, ACTON GAS AND SERVICE  
Enclosed please find materials in the subject regard, for Board consideration.
6. 8:00 PLANNING BOARD OVERSIGHT MEETING  
No materials enclosed.
7. 8:20 MIKE COPPOLINO, ATHLETIC FIELD LIGHTING  
No materials enclosed.
8. 8:30 CLASSIFICATION HEARING  
Enclosed please find materials in the subject regard, for Board consideration.
9. 9:00 ACTON SUZUKI, 60 POWDER MILL ROAD, CLASS 1 LICENSE (CONTINUED FROM 12/11/06)  
Enclosed please find materials in the subject regard, for Board consideration.

**III. SELECTMEN'S BUSINESS**

10. CITIZENS' PETITION, SIDEWALK CONSTRUCTION, HIGH STREET  
Enclosed please find Materials in the subject regard, for Board consideration.

- 11. AMERICAN HOUSE CONDOMINIUM, REQUEST FOR A CHANGE OF NAME AND A REQUEST FOR RELIEF FROM SITE PLAN CONDITION, 19 RAILROAD STREET**  
Enclosed please find materials in the subject regard, for Board consideration.
- 12. TOWNE BUILDING LEASE DOCUMENTS**  
Enclosed please find materials in the subject regard, for Board consideration.
- 13. SITE PLAN SPECIAL PERMIT #10/09/03-394, 1 & 19 MAPLE STREET, MONTUORI REALTY TRUST, EXTEND SITE PLAN SPECIAL PERMIT THAT HAS LAPSED (SHUPERT)**  
Enclosed please find Materials in the subject regard, for Board consideration.
- 14. CENTRAL STREET, EASEMENT OPTION EXTENSION**  
Enclosed please find materials in the subject regard, for Board consideration.
- 15. 2007 LICENSE RENEWALS**  
Enclosed please find materials in the subject regard, for Board consideration.
- 16. OTHER BUSINESS**

#### **IV. CONSENT AGENDA**

- 17. ACCEPT GIFT, RECREATION COMMISSION**  
Enclosed please find a gift of \$500 plus complimentary products (total value,\$3,000) from Big Fish Promotions, marketing company for Dunkin Donuts Inc., for Board consideration.
- 18. ACCEPT GIFT, RECREATION COMMISSION**  
Enclosed please find a gift of tubing tickets valued at \$240.00 from Nashoba Valley Ski Area for use at Winterfest, for Board consideration.
- 19. ACCEPT GIFT, RECREATION COMMISSION**  
Enclosed please find a gift of ski tickets valued at \$80.00 from Nashoba Valley Ski Area to be used by the Teen Repertory Theatre group for drawings, for Board consideration.
- 20. ACCEPT GIFT, RECREATION COMMISSION**  
Enclosed please find a gift of theater tickets valued at \$100.00 from the North Shore Music Theatre to be used by the Teen Repertory Theatre Group for drawings, for Board consideration.
- 21. ACCEPT GIFT, RECREATION COMMISSION**  
Enclosed please find a gift of donut products valued at \$83.86 from Dunkin Donuts for the Teen Repertory Theatre Group performances, for Board consideration.

**22. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of a product donation valued at \$75.00 from Edible Arrangements for a door prize for the Teen Repertory Theatre Group, for Board consideration.

**23. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of \$100.00 from the Middlesex Bank to offset production costs for the Teen Repertory Theatre Group, for Board consideration.

**24. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of \$300.00 from Pro Tech Gas Company to offset costs of Winterfest, for Board consideration.

**25. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of \$100.00 from Joseph G. Perry Plumbing and Heating, to help fund Winterfest, for Board consideration.

**26. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of \$300.00 from the Cambridge Savings Bank to offset costs of Winterfest, for Board consideration.

**27. ACCEPT GIFT, FIRE DEPARTMENT**

Enclosed please find a gift to provide for a second GPS unit in the Fire Department, valued at \$800.00, from Mrs. Valarie Malinowski, for Board consideration.

**V. TOWN MANAGER'S REPORT**

**VI. EXECUTIVE SESSION**

There will be a need for Executive Session.

**ADDITIONAL INFORMATION**

Enclosed please find additional 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.

January 6, 2007 Budget Meeting January 8 & 22 2007

**GOALS 2006-2007**

1. Morrison Farm Development Recommendation (Foster)
2. Monitor Labor Negotiations (Ashton)
3. Policy Review/Improve Inter-Board Communication (Foster)
4. ALG process to be used for purpose of Budget Planning for FY08 (Foster/Magee)
5. Middlesex Pension Alternatives (Ashton)