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Catherine Belbin  
Town Clerk

## **SELECTMEN'S MEETING**

**AUGUST 29, 1995**

The Board of Selectmen held their regular meeting on Tuesday, August 15, 1995, at 7:30 P.M. Present were William Mullin, F. Dore' Hunter, Nancy Tavernier, Wayne Friedrichs, Herman Kabakoff, Town Manager Don Johnson, and Assistant Town Manager John Murray. {The meeting was televised by cable}.

### **CITIZENS CONCERNS**

None Expressed.

### **PUBLIC HEARINGS AND APPOINTMENTS**

#### **BOSTON EDISON ARLINGTON STREET**

F. DORE' HUNTER - Move to approve. HERMAN KABAKOFF - Second. UNANIMOUS VOTE.

#### **DECK HOUSE ABOVE GROUND STORAGE TANK 848 MAIN STREET**

Comments from various Town departments show that their concerns need to be met prior to the Selectmen issuing this permit. The Board of Health needs Deck House to apply and obtain a hazardous materials permit application and a determination needs to be obtained from the Conservation Department.

F. DORE' HUNTER - Move to grant Deck House an above ground storage tank permit conditioned upon obtaining all necessary permits from all outstanding town departments. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

#### **BOSTON EDISON CENTRAL STREET**

This request was previously approved at the August 15th meeting under special emergency hook-up. NANCY TAVERNIER - Move to approve. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

### **CONSENT CALENDAR**

HERMAN KABAKOFF - Move to approve the Consent Calendar with the exception of #15. Wayne will represent the Board for #17. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

F. DORE' HUNTER - Move to approve #15. NANCY TAVERNIER - Second. UNANIMOUS VOTE..

F. DORE' HUNTER - Move to approve extra consent item, acceptance of granite curbing gift from the Nicholson's. NANCY TAVERNIER - Second. UNANIMOUS VOTE

**SITE PLAN 7/11/95-352**  
**JUST LOAF'N BREAD COMPANY**  
**344 GREAT ROAD**

A consultant from Boston Daily Bread was present along with the Co-owners of the proposed business which will be located at 344 Great Road. The consultant stated that she had opened 22 stores throughout the country. The proposed store will bake bread daily and will consist of fat free breads, muffins, and scones. There is presently a store located in Sudbury and Brookline. The breads are made from whole grains which are milled only as needed, and no breads will be kept on site longer than 24 hours. The owners are eager to address all concerns from various departments. Any leftover bread will be donated to local charities at the end of the day.

The special permit request is needed to allow 15 seats which will make this facility a restaurant type use.

Diane Harpel an abutter to the property spoke about her concerns with this use. Ms. Harpel stated that the abutters are very concerned with the odors that will be produced, noise levels (regarding deliveries), possible rodent problems and trash problems. The consultant stated that filters can be installed which can filter approximately 95% of the odors. Deliveries will only be made every two months at approximately 5:00 AM to 6:00 AM. A pest control plan has been developed in order to eliminate the possibility of pest nuisance. No dumpsters are on site, trash control is up to the individual stores.

HERMAN KABAKOFF - Move to take special use permit 7/11/95-352 Just Loaf'n Bread Company under advisement. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

**COMMON VICTULLER LICENSE**  
**JUST LOAF'N BREAD COMPANY**  
**344 GREAT ROAD**

HERMAN KABAKOFF - Move to grant common victuller license to Just Loaf'n Bread Company contingent upon approval of special use permit. F. DORE' HUNTER - Second. UNANIMOUS VOTE.

**JOHN DUNBAR**  
**HISTORIC DISTRICT COMMITTEE INTERVIEW**  
**FULL MEMBER**

Mr. Dunbar notified staff prior to this meeting that he intends to withdraw his application and a letter will be forthcoming.

**FENCE COMPLAINT  
HEATHER HILL ROAD**

The Town Manager received a complaint from a citizen of Heather Hill Road regarding a fence his neighbor had installed that extends into the Town's right of way. The complainant stated that the fence caused poor visibility as it is situated where Heather Hill Road curves. Mr. Zizza, owner of the fence, was present before the Board of Selectmen and stated that he installed the fence to eliminate the intrusions from the neighbors which resulted in the damage to his property. Mr. Zizza also stated that he did not know that the Town owned 12 feet from the road and the reason he installed the fence that far out was to ward the snow plow off. The Board briefly discussed this problem and stated that the neighbors should work this out amongst themselves without Board involvement.

**F. DORE' HUNTER - Move to defer this matter to see if neighbors can confer and resolve this issue. If not the Board will address this matter at a future meeting. WAYNE FRIEDRICHES - Second.  
UNANIMOUS VOTE.**

**CHRISTOPHER TOLLEY  
PLANNING BOARD  
ASSOCIATE MEMBER**

The Board asked Mr. Tolley what his interest is in wanting to be an associate member of the Planning Board. Mr. Tolley stated he enjoyed politics and had become involved with Town government as a South Acton village committee member. Mr. Tolley's experience in real estate as an attorney will be beneficial to the Planning Board.

Mr. Tolley is also president of the Board of Governors at Mill Corner and has been very involved with the agreement reached between Mill Corner and the Town regarding the proposed installation of sewers in South Acton.

**F. DORE' HUNTER - Move to appoint Christopher Tolley as an associate member of the Planning Board for a one year term expiring June 30, 1996. NANCY TAVERNIER - Second.  
UNANIMOUS VOTE.**

**RITA DOLAN  
BOARD OF HEALTH  
ASSOCIATE MEMBER**

Bill Mullin expressed his gratitude with Ms. Dolan as to all of her volunteerism throughout the Town of Acton. Ms. Dolan is actively involved with Friends of the Acton Nursing Service. Ms. Dolan would like to bring her knowledge to the Board of Health.

**F. DORE' HUNTER - Move to appoint Rita Dolan as an associate member of the Board of Health for a one year term expiring 6/30/96. NANCY TAVERNIER - Second. UNANIMOUS VOTE.**

## **MUNICIPAL POWER STUDY COMMITTEE DISCUSSION**

Members of the Municipal Power Study Committee were present to discuss their final report with the Board. The report outlined three major concerns that the Power Study Committee had regarding the proposed creation of Acton's own electric power plant. The Board stated that the committee should discuss this with Boston Edison prior to submitting a report to the Townspeople. The committee stated that \$25,000 is needed for a feasibility study. The Board discussed in depth whether or not we should wait to make sure there is interest with the Townspeople regarding this conversion. The committee stated that it would cost roughly \$9,000,000 to operate a power plant to serve all of Acton. The Board suggested that the committee obtain a copy of a study that was conducted by the Boston Globe approximately 7 years ago which shows Boston Edison power outages for surrounding towns. The Board asked if this conversion takes place will it be as reliable as Boston Edison, will there be longer outages, how many employees will be needed, how would a natural disaster be handled (i.e. hurricane)? The Board also asked if there are opponents to this, and could we hear their concerns?

The committee stated that they would like this scheduled on the next town meeting whether that be a special or annual town meeting. The committee stated that if the Board does not endorse this they will put this on the warrant by citizen petition.

Bill Mullin stated that he would be against this conversion due to the risk factor, and the bonding capacity required. All of the Board members stated that feedback from Edison would be a factor prior to a decision being made.

## **ICE HOUSE POND PRESENTATION BY TOM TIDMAN AND RICHARD HOWE**

Tom Tidman and Richard Howe were present before the Board with an update to the status of the dredging of Ice House Pond. Tom outlined the extensive permitting process that needed to take place prior to work beginning. Pictures were presented to the Board showing the start of the dredging to the end. Tom outlined the work done and stated the conditions that were found. Approximately five feet of material was excavated and a sand layer was found at the bottom. The excavated material which is approximately 18,000 cubic feet will be reused by the Town for various projects in Acton. Richard Howe stated that the new bulldozer was a lifesaver and helped the Town tremendously in dredging the pond.

The Board thanked Tom and Dick for a job well-done.

## **EAGLE SCOUT COURT OF HONOR JOHN PATRICK CONDON**

Dore' will represent the Board.

## **POLICY REVIEW**

Dore' stated that he has reviewed the existing policies that are currently expired. Dore' stated that for most of the policies he extended the expiration date and also made some minor changes. The Board reviewed these changes and stated that they were satisfied with these changes.

NANCY TAVERNIER - Move to adopt the policies as amended. WAYNE FRIEDRICH - Second. UNANIMOUS VOTE.

### **REQUEST TO ADOPT A LEASH LAW**

Nancy stated that a Leash Law is a valid issue for Town meeting to adopt, however, it has been hashed out previously resulting in Town Meeting voting it down. The Board stated that this would need to be added to the warrant by citizens petition and that Town meeting would need to vote on this.

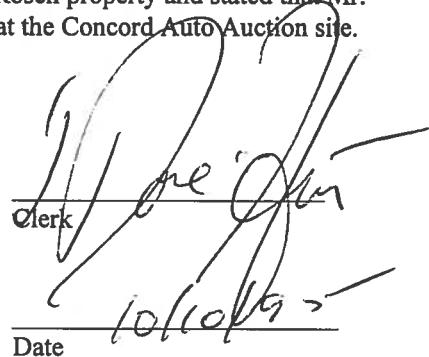
### **TOWN MANAGERS REPORT**

Don stated that the meeting regarding train whistle bans with Senator Kennedy's Office had gone well and that Garry Rhodes presented an outstanding packet that the Federal Railroad Administration was impressed by. Nancy asked if the Board would mind if she wrote letters to surrounding towns regarding the support of this ban on Board of Selectmen letterhead. F. DORE' HUNTER - Move to authorize Nancy to send letters on behalf of the Board of Selectmen. BILL MULLIN - Second. UNANIMOUS VOTE.

Bill stated that he would represent the Board in the dedication of the First Parish Church in Stow.

Dore' stated that he had spoke with Mr. Jutton regarding the Rosen property and stated that Mr. Jutton feels he will not get the Town Meeting vote to construct a mall at the Concord Auto Auction site.

The meeting adjourned at 10:40 PM.



Wayne O'Brien  
Clerk  
10/10/09

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Sheryl Ball  
Recording Secretary  
Min 8\_29.Doc

August 25, 1995

**TO:** Board of Selectmen

**FROM:** William C. Mullin, Chairman

**SUBJECT:** Selectmen's Report

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**AGENDA**  
**Room 204**  
**August 29, 1995**

**I. CITIZEN'S CONCERNS**

**II. PUBLIC HEARINGS & APPOINTMENTS**

1. 7:31 **BOSTON EDISON - ARLINGTON STREET** - Enclosed please find a request to perform work on Arlington Street and staff comment for Board action.
2. 7:32 **DECK HOUSE. - ABOVE GROUND STORAGE** - 848 Main Street - Enclosed please find application and staff comment for Board action.
3. 7:33 **BOSTON EDISON - CENTRAL STREET** - Enclosed please find two requests to perform work on Central Street. This was approved under consent for emergency hookup at the August 15, 1995 meeting.
4. 7:45 **SPECIAL PERMIT 7/11/95-352 - JUST LOAF'N BREAD COMPANY** - Enclosed please find staff comment regarding Special Permit Application for Board action.
5. 8:00 **COMMON VICTULLER LICENSE - JUST LOAF'N BREAD COMPANY** - Enclosed please find application and staff comment regarding the application of Just Loaf'N Bread Company for a common victullers license at 344 Great Road for Board action.
6. 8:10 **JOHN DUNBAR - HISTORIC DISTRICT COMMITTEE INTERVIEW** - Enclosed please find Mr. Dunbar's Citizen Resource Sheet and VCC recommendation of appointment as a full member of the HDC for Board action.
7. 8:20 **FENCE COMPLAINT - HEATHER HILL ROAD** - Enclosed please find staff comment regarding complaint of fence installation.
8. 8:30 **CHRISTOPHER TOLLEY - PLANNING BOARD INTERVIEW** - Enclosed please find Mr. Tolley's Citizen Resource Sheet and VCC recommendation of appointment as a full member of the Planning Board for Board action.
9. 8:40 **RITA DOLAN - BOARD OF HEALTH INTERVIEW** - Enclosed please find Ms. Dolan's Citizen Resource Sheet and VCC recommendation of appointment as an associate member of the Board of Health for Board action.

10. 8:50 **MUNICIPAL POWER STUDY COMMITTEE** - Members of the committee will be in to discuss the status of the committee
11. 9:00 **ICE HOUSE POND STATUS REPORT** - Tom Tidman and Dick Howe will provide a brief overview of the status of this report.

### **III. SELECTMEN'S BUSINESS**

12. **EAGLE SCOUT COURT OF HONOR** - Enclosed please find an invitation to a Court of Honor to be held on September 23, 1995 for John Patrick Condon for Board assignment.
13. **POLICY REVIEW** - Enclosed please find revised policies for Board action.
14. **REQUEST TO ADOPT A LEASH LAW** - Enclosed please find a request from a citizen requesting the Town adopt a leash law.

### **IV. CONSENT AGENDA**

15. **ACCEPT MINUTES** - Enclosed please find Board minutes from July 11 for Board acceptance.
16. **OFFICE OF THE INSPECTOR GENERAL** - Enclosed please find a request from the Inspector General's office requesting permission to display their "Hot Line" poster for Board action.
17. **ACTON MINUTEMAN CROWN RESISTANCE DAY PROCLAMATION** - Enclosed please find a proclamation for Board signature.
18. **MINI WAREHOUSE REAL ESTATE TRUST - SITE PLAN 6/29/95 -351** - Enclosed please find a draft decision for Board action.

### **V. TOWN MANAGER'S REPORT**

### **VI. EXECUTIVE SESSION**

#### **MEETINGS**

#### **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.

**September - 12** - Glenn Berger - Exchange Hall Entertainment Permit  
Jean Schoch - Committee Interview for VCC Membership  
Exxon - continued site plan hearing  
**September -26** - Boston Edison Introduction overview appointment new Representatives