

BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

July 6, 2015

Francis Faulkner Room 204

Regular Meeting 7:00 PM

Present: Katie Green, Peter Berry, Janet Adachi, Franny Osman, Chingsung Chang, Town Manager
Steven Ledoux, Town Counsel Nina Pickering Cook. Lisa Tomyl, Recording Secretary

Chairman Green opened the meeting at 7:05PM

Citizens' Concerns

None

Chairman's Update and Operational Update:

Ms. Green: Hope everyone is having a great summer. Had a beautiful Independence Day celebration – the Recreation Department did a great job. The Glenn Miller Orchestra is this Friday, July 10. Tickets are \$10.00.

Mr. Ledoux: The Governor signed the special house bill removing the Town of Acton from Civil Service for the Police Department. Been in bargaining with the Police Superior Union, Teamsters who represent Dispatchers, and Fire Department regarding Advanced Life Support service.

Public Hearings and Appointments

Site Plan Special Permit #5/29/15 – 454, Haartz Corporation, Building Café Addition and Increase Parking Space: Doug Seaver VP, COO, Brian Dunn Civil Engineer, and David Saltzman, corporate architect representing Haartz Corporation. Mr. Berry is the Selectmen assigned to the SPSP. Mr. Seaver gave a brief overview on what the company currently manufactures: polymer products such as auto linings and interiors. Demand for higher-end products such as seamless airbags means more chemical engineers on-site and need for more workspace and parking; some of the increased parking will be to replace spaces lost to workspace expansion. Mr. Saltzman gave an overview of the design of the building including a color rendition of the “environmentally friendly” addition with solar panels installed on the addition. The company will add parking in a currently open area partially over the septic system, and will expand the septic system The Board of Health has approved the septic work. Mr. Berry reviewed the Town Department Directors' comments and recommendations. Mr. Dunn stated that the company could easily address most all of the comments from the Department Heads Mr. Berry noted the absence of comments from the Acton Sidewalk Committee, although the Town typically requested developers to provide either sidewalks or payments in lieu of sidewalks, which in this instance could be a substantial sum. Mr. Mr. Berry also address the lighting in the parking lot, and the potential for LED lighting to be too bright. He suggested the company consult with a lighting engineer to keep the wattage

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low. Mr. Dunn or Mr. Saltzman said that key issue is not wattage but level of lumens at ground level and that the company would work with the Town to ensure the lumens level was appropriate.

Ms. Adachi asked for confirmation that the proposed work would be outside of the 100' wetlands-protection buffer zone: yes. She noted the Design Review Board's suggestion of plantings or other shading for the large windows; the company will be installing special shades.

Jim Snyder-Grant, 18 Half Moon Hill –Reminded the Board and Haartz Corporation of the zoning requirement for bicycle parking . Mr. Berry stated that the Planning Department already addressed the bicycle parking issue.

Dean Charter, Charter Road –Said The use of green space over the septic system for parking was a good solution from an environmental perspective that would leave the surrounding woods intact. Mr. Charter added that the brightest lights at the school which is exempt from the Town's bylaws.

Mr. Berry moved to approve the SPSP on condition that the applicant satisfy the comments of the Planning and Engineering, work out a contribution to the Sidewalk Fund and delegate the Chairman to sign with the conditions as outlined in the department comments/memo . Ms. Adachi second. All Ayes (5-0).

Medical Marijuana Dispensary, Mass Wellspring: Stephanie Lipton, President of Mass Wellspring gave an overview of the history of the company, and how the proposed dispensary would operate. The company will offer mostly home delivery versus walk-ins. The building will have a high degree of security. It is a cash business but there is a plan for a credit union. Offering delivery services will decrease the traffic into the facility. Patients will have access to the dispensary during normal business hours; cultivation will be a 24/7 operation inaccessible to patients and the general public. Ms. Lipton is looking for an approximately 5000 sq ft space for the cultivation, and the security will be 24/7 video in both cultivation area and dispensary. Visitors will require a medical marijuana card, which requires that a patient be in the MA Department of Public Health system, and a valid picture ID,. As where security is concerned, the cash on hand is more of an issue than the marijuana

Deputy Police Chief Burrows reported that a dispensary had opened in Salem a week earlier and the cultivation center is in Amesbury. The security is very tight, with drivers that must alter their delivery routes, notify the MA Department of Public Health if there is any diversion from security (if drivers are robbed, etc). Salem limits foot traffic, requires appointments. Ms. Lipton said Mass Wellspring also will require appointments, though that is not a requirement under the law.

The company needs a letter from the Town to submit with its application to the state. Town Counsel explained that the dispensary law prohibits the Town from banning or blocking the dispensary, but the Town is not obligated to furnish a letter, whether to express support or non-opposition.

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Harry Wilson - Asked if this item could be added to the Special Town Meeting.

Board members were inclined to submit a letter of non-opposition, essentially confirming what the Town's obligation was under the dispensary law. PB – moved to have the Board approve the submission of a letter of non-opposition for the Mass Wellsprng application to the MA Department of Public Health to open a medicinal marijuana facility. Ms. Adachi seconded. All Ayes. (5-0)

Common Victualler License, 7th Settlement South, LLC – Sherryl Gould, Gould Law Offices and Peter Berry representing 7th Settlement South, LLC. Ms. Adachi moved to approve the common victualler license and Mr. Chang seconded. All Ayes (5-0)

Transfer of Stock and Renovations to Existing Building, 7th Settlement South, LLC – Ms. Adachi moved to approve the transfer of stock and renovations to existing building. Mr. Chang seconds, All Ayes. (5-0)

Selectmen's Business

Request for Fee Waiver, Acton Wine and Spirits – Mr. Ledoux explained the uniform fee policy the Board established a few years back. As the Board of Health memorandum indicated, the equipment requires regular inspection and all other stores that have bottle-return machines pay the inspection fee. Mr. Chang moved to deny the waiver of fee, Mr. Berry seconded. All Ayes. (5-0)

Board to Consider Special Town Meeting: Over the past 4-5 years the Town has been involved with litigation with Walker Realty. The Board has made a tentative agreement with Walker Realty to purchase the parcel for \$1.8 million. Part of the agreement is to allow the Kennedy landscape business to remain there for the rest of the season. The high school auditorium is available on August 4th. Mr. Ledoux's recommendation is to open and close the warrant for the one article.

Barry Rosen, 5 Windemere Drive,- Asked Town Counsel if the warrant article did not pass at Town Meeting, would the matter go back to litigation. Ms. Pickering Cook stated that it would.

Ms. Adachi moved to approve the Special Town Meeting on August 4, 2015 at 7 pm with the one warrant article on the acquisition of the Walker Realty property and opening and closing of the 1 warrant article. Mr. Berry seconded. All Ayes. (5-0)

Update on Acton Leadership Group – Ms. Green gave an update on ALG. June 18th was the most recent meeting. Discussion of having a 3-board meeting with Board of Selectmen, Finance Committee, and School Committee. The School Committee suggested they are interested in having a School Finance 101 meeting with 5 Boards (Acton BOS, FinCom, Boxborough BOS and FinCom, ABSC) or just the 3 Acton boards. Ms. Osman would like to see the 3 boards meet, but would like transportation to be a discussion point. Ms. Adachi stated she was interested in 3-board meeting that included Town concerns and did not simply focus on AB, and involved discussion of specific topics that would keep the

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meeting focused. Mr. Berry in favor of 3- board meeting and would leave it to the chairs to come up with the topics. Mr. Chang would be interested in hearing about school finance. Mr. Ledoux suggested that the committees should have their goal-setting completed before a 3-board meeting.

Selectmen's Reports: The Selectmen Reports were included in the Selectmen packet and there were no questions.

Consent Agenda

Ms. Adachi held consent item 9. No Police Department feedback; applicant expects 50+ guests but does not plan to have a trained bartender, although the application expressly requires that. Event is not until August, so Board will take up at subsequent meeting.

Ms. Adachi moved to approve consent agenda items 8, and 10-24, Mr. Chang seconded, All Ayes (5-0)

Ms. Green requested to add another consent item 26 for the Town Boards and Committee Re-Appointments, Ms. Osman moved, Mr. Berry seconded. All Ayes (5-0)

Mr. Chang moved to adjourn, Ms. Adachi seconded. Meeting Adjourned at 9:30 PM

Respectfully Submitted,

Lisa Tomyl, Recording Secretary

Janet K. Adachi, Clerk

BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

July 20, 2015

Francis Faulkner Room 204

Regular Meeting 7:00 PM

Present: Katie Green, Peter Berry, Janet Adachi, Chingsung Chang, Town Manager Steven Ledoux, Town Counsel Nina Pickering Cook, Lisa Tomyl, Recording Secretary

Selectman Franny Osman participating remotely by conference telephone.

Planning Board Members present: Jeff Clymer, Chair, Ray Yacouby, Michael Dube, Derrick Chin

Chairman Green opened the meeting at 7:00 PM.

Citizens' Concerns

Boris Protopopov, 45 Agawam Rd - Said he did not have enough time to review the Housing Production Plan prior to tonight's meeting. Ms. Green explained that the Plan wasn't available until the previous Thursday and was placed in the public folder on DocuShare. Terra Friedrichs, 2 Wright Terrace – Reported on effort to get proposed MA Constitution amendment on statewide ballot to get big money out of state elections; former Selectman Mike Gowing is the Regional Coordinator. Lisa Jensen-Fellows 44 Nashoba Road – Said residents are concerned about the proposed 40B project at 34 Elm Street, mostly respecting traffic. Ruth Thatcher, 124 Prospect Street – Agreed with comments from previous speaker. Margaret Gardiner, 103 Summer Street – Brought up the history of the Wheeler property at 34 Elm Street. Orissa Lawrence, 6 Algonquin Road – Concerned about the proposed 40B development at 34 Elm Street, given the potential density and the history of the property, specifically the barn. Joseph Brennan, 43 Agawam Road – Agreed with previous speakers regarding the proposed 40B development at 34 Elm Street; in the past 17 years, 9 affordable housing projects were built in areas deemed residential, but none in a single-family neighborhood; concerned about setting a precedent for future developments. Terra Friedrichs, 2 Wright Terrace – Believes a group home would be good, and that the old barn should be preserved. Suggested holding a public meeting to show plans and have a discussion and input from citizens.

Chairman's Update and Operational Update:

Ms. Green: Selectmen had the annual goal-setting meeting on July 8. Couple of free concerts coming up. Also, Walden Shakespeare will have its first performance of A Midsummer Night's Dream July 24 at NARA Park. Selectmen's only August meeting is August 3, except for the Special Town Meeting on August 4th.

Mr. Ledoux: Warrant article not on current agenda, will be on the August 3rd agenda. New Executive Director of Acton TV – Marc Duci, comes from Lowell public-access TV, and has a lot of energy and good ideas, and will be attending one of the Department Head staff meetings to discuss some ideas with

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them. Town of Wayland requesting to withdraw from the Minuteman School District. Meeting in August of all District Town Managers with the Minuteman Technical School Board.

Public Hearings and Appointments

Alleged Over Service, Order to Show Cause, Makaha Restaurant: Representing Makaha was Carolyn Conway, Counsel for Makaha and Kenneth Tam, Bartender. All were sworn in. Representing PD was Detective Fred Rentchsler, Deputy Chief Rich Burrows, and Dan Holway. Patrolman Holway summarized the incident that occurred on April 19, 2015. Attorney Conway asked the patrolman if he had any knowledge of the subject's condition prior to his arrest. Kenneth Tam was the bartender on duty at the time. Mr. Tam stated the subject ordered a drink (Hawaiian Punch – 1 shot of rum, dash of triple sec, fruit juice and ice), and a glass of water. After Mr. Tam served a second drink, the customer left to go outside to smoke, then finished his drink, paid his bill and left. Mr. Tam stated the customer did not appear to be intoxicated. Ms. Pickering Cook asked if the customer were served any beers; Mr. Tam stated no. Ms. Pickering Cook asked if Mr. Tam were trained in TIPS. Mr. Tam affirmed, said he was retrained earlier this year. Ms. Pickering Cook asked how the customer paid. Mr. Tam stated by credit card and added that the customer pointed out that the pen used to sign the bill was not working. Makaha will provide a copy of the credit card slip. The Board adjourned into Executive Session and reconvened in open session at 8:00 PM. Mr. (Chingsung) Chang asked if there were any bottles of beer in the subject's car. – Officer Holway stated no.

Allen Nitschelm, 9 Marian Road, asked how many over-service hearings the Police Chief had requested that resulted in public hearings and how many did not. Ms. Adachi said that there was an hour unaccounted for, from the time the customer left Makaha until he was stopped. The fact there was a plastic bag in the vehicle but the Makaha take-out bag was brown paper suggests the customer stopped somewhere after Makaha; the video was inconclusive. Mr. Berry agreed that the video did not show an over-service violation. . But there is a concern for the safety of the residents of Acton when impaired drivers are involved. The arresting officer had probable cause. Ms. Adachi agreed that the police acted appropriately. Mr. (Chingsung) Chang agreed with Mr. Berry and Ms. Adachi that there was insufficient evidence of an over-service incident; he person was not arrested until an hour after he left the restaurant. Ms. Green agreed that Makaha was not in violation of the liquor service law.

Ms. Adachi moved to find no violation of the liquor control law, Mr. Berry seconded. Roll call:4 Ayes, 1 abstention (Ms. Osman, who was unable to view the video during the Executive Session.)

Acton Community Housing Corporation Housing Production Plan: The Planning Board called its meeting to order. The Metropolitan Area Planning Commission (MAPC) provided a slide presentation about the ACHC Housing Production Plan, with 6 goals and strategies.

In response to a query from Mr. Chang about the areas identified in the map for affordable housing development – Kelly's Corner, Great Road, West and South Acton (from Acton 2020 Plan)—MAPC explained that the areas were the same ones identified in the Acton 2020 master plan. Mr. Chang asked

if there had been any discussion with current land owners regarding development or planned developments. Nancy Tavernier, chairman of the Acton Community Housing Corporation, said that ACHC's efforts had not gotten to that level yet. Mr. Berry asked about the legal purpose of the HPP: it is a requirement of communities that have not achieved the required 10% minimum in affordable housing. Mr. Berry suggested that language be built into the HPP regarding zoning in residential neighborhoods for affordable housing (40B) and also for housing dedicated for senior residents.

There were numerous audience comments, including from citizens residing in the vicinity of the proposed 40B and/or group home development on a historical farm property at Elm and Arlington. Residents said the HPP should protect and/or address historical districts, historical properties, school zones; focus on housing for current citizens as opposed to residents coming from elsewhere, address housing for people with disabilities, consider assisted living facilities. Some residents challenged the projections in the HPP. Other residents addressed the 10% minimum requirement, expressing concern about Acton's incremental approach, and asking about the possibility of converting existing units to deed-restricted units. Ms. Tavernier said that one-third of Acton housing units were multi-family, many built in the 1960s before Chapter 40B became law, and she wished the Town could get credit for those units in the affordable housing inventory. She once asked Senator Eldridge's office to pursue an amendment of Chapter 40B that would allow that multi-family housing be credited toward the 10% requirement but the proposed amendment met with some resistance on Beacon Hill. Converting existing units to deed-restricted affordable units requires funding to assist with the purchases.

Bob Van Meter, an ACHC member, endorsed the HPP projections, based on his professional experience working with the MAPC and understanding of how the projections were derived based on available data. Andy Brockway, Chairman of the Acton 2020 Committee, noted that the HPP was not a referendum about Chapter 40B and that the 2020 Committee supported the HPP because it would provide the Town with more control respecting affordable housing development.

Several Selectmen mentioned that 2 previous public forums were held in December 2014 and again in May 2015 to allow citizens give their suggestions in regards to creating the HPP, and an online survey invited additional input, with approximately 80 people participating. Ms. Osman moved to adopt the Acton Housing Production Plan, Ms. Adachi seconded. Roll call: 4 ayes, 1 abstention (Mr. Chang)

Planning Board members noted that the HPP is not something that will be executed right away, but a framework to go by, and recommended modifying the language regarding properties within the historic districts in town but overall supported the plan. Mr. Yacoby moved to amend the plan to incorporate language regarding collaboration with the Historic District Commission. Mr. Dube seconded. All Ayes (4-0)

Selectmen's Business

FY16 Sewer Operation and Maintenance Rates : Finance Director Steve Barrett presented the FY16 sewer operation and maintenance rates. The FY16 residential and commercial rates will decrease slightly. Operating costs are very stable.

Mr. Chang moved to approve the FY16 sewer and maintenance rates. Roll call: All Ayes (5-0)

Discussion of Morrison Farmhouse Use: The Board had a tour of the farmhouse a few weeks back and previously had received the Municipal Properties Director's estimate of the cost of additional work to make the house habitable, and the recommendations of the Morrison Farm Committee and Acton Community Housing Corporation. The Board discussed various options: affordable housing, caretaker-tenant, fix up building to a point and have the tenant do the work,, "goatscaping" options, a limited-time rental that would provide leeway for other, longer-term usage, possible municipal usage. A housing agreement would be for the house only – the barn does not come with it and needs to be brought to code. Town Manager Ledoux will draft a proposal for the Board at the next meeting on August 3, 2015.

Discussion on South Acton Train Station Advisory Committee for Town to Fund Landscaping – Mr. Berry wanted to introduce this issue to the Board. MBTA is doing minimal landscaping. The proposal would be for an article on the Fall Town Meeting warrant for Town funding of the majority of the landscaping. Ms. Adachi inquired if the proponents would be discussing the possibility of private gifts to assist with the additional landscaping and asked who would maintain the landscaping. The town would have to maintain the landscaping once in place.

Request for Waiver of Fees, Food Inspection, Acton Boxborough Regional School System

Mr. Ledoux explained that the Town waived charges at the elementary schools while they were part of the Town, but with full regionalization, the elementary schools now are part of the Regional District. The 3rd party whom the Town contracts with for inspection services inspected the cafeterias but the Regional District apparently did not expect to be charged or budget for the inspections. Ms. Adachi said the total inspection fee was very small relative to the total District budget, the Superintendent is asking for a complete waiver for the entire District and not just a waiver for the elementary schools and the Town should be reimbursed for the costs it incurs in providing the services . Mr. Berry suggested that if the District wanted the Town to waive the fees, then perhaps the District could waive the janitorial staff charges for Town Meetings. Mr. Chang asked why the Town had waived the fees before; Mr. Ledoux stated that it had been a historical practice. Mr. Berry moved to not waive fees for inspections at the schools for this year and that the Town Manager talk with the Superintendent about future arrangements, Mr. Chang seconded. Roll call: All Ayes (5-0)

Selectmen's Reports: The Selectmen Reports were included in the Selectmen packet on DocuShare and there were no questions. Ms. Adachi added 2 reports:

Water Resources Advisory Committee – Aiming to have a second public information meeting on Wednesday, 9/9, 7:00 PM, Public Safety Facility

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Community Center – Ms. Adachi is part of a small group starting to explore options for a community center that would serve a broader spectrum of residents than the proposed new senior center.

Consent Agenda

Mr. Berry held item 8 and moved to amend charge to change from 6 to 7 members, from 3 to 2 citizens at large. Mr. Chang seconded. Roll call: All Ayes (5-0)

Mr. Chang moved to approve consent agenda, Mr. Berry seconded. Roll call: All Ayes (5-0)

Mr. Chang moved to adjourn, Ms. Adachi seconded. Meeting adjourned at 11:15 PM

Respectfully Submitted,

Lisa Tomyl, Recording Secretary

Janet K. Adachi, Clerk