

## BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

November 2, 2015

Francis Faulkner Room 204

Regular Meeting 7:00 PM

Present: Katie Green, Peter J. Berry, Janet K. Adachi, Franny Osman, Chingsung Chang, Town Manager Steven Ledoux, and Lisa Tomyl, Recording Secretary

Chairman Green opened the meeting at 7:00PM

### Citizens' Concerns

None

### Chairman's Update and Operational Update:

Ms. Green: Still 3 more chances to see ABRHS production, "Into the Woods." Veterans' Day commemoration on 11/11, starting with Rotary Club breakfast for all Acton and Boxborough veterans.

Mr. Ledoux: Preparations for upcoming Special Town Meeting on 11/10 include several several mini-videos about Articles 2, 6, 9.

### Public Hearings and Appointments

7:10 PM Use Special Permit #09/08/2015 – 456, 5 Strawberry Hill Road, Additional Seating:

Peter Daniel, Manager/Owner representing Rapsallion, is requesting the Board's authorization of 15 additional seats, from 75 seats to 90. Mr. Daniel said he had assumed the 90-seat capacity was what was allowed. He has been working with various departments to bring him to compliance levels. Ms. Adachi was hesitant to increase the seating capacity without a Health Department-approved increase in the 75-seat septic capacity, and identified other concerns, including about the overflow parking across the street and on the street. Mr. Daniel explained that restaurant staff parks behind Donelan's Supermarket back lot across the street to open up additional parking. He acknowledges some parking difficulties involving one or two tenants across the street. The restaurant reciprocates by allowing the Veterinary Service to use the restaurant lot on Mondays and Tuesdays. Mr. Berry was concerned with the potential septic overload. Mr. Daniel explained that the restaurant was working on increasing capacity: Phase One is already done the restaurant has a design for an upgraded system and has made a \$20,000 down payment for the upgrade and the hope is to have the work done next March. Mr. Bartl confirmed that the 90-seat capacity includes outdoor and indoor seating.

Mr. Norman Abend – owns property at 4 Strawberry Hill Road. When the restaurant first opened, there was an issue with overflow parking on his property. Mr. Daniel was responsive and the placement of parking signs in the 4 Strawberry Hill lot has helped to alleviate the parking issues for tenant(s) with no problems in the past 2 months. Mr. Berry noted that the counseling office had submitted a letter about Board of Selectmen

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ongoing parking issues, which surprised Mr. Abend, who has received no calls since the addition of the signs. Ms. Adachi moved to approve the draft decision, with a condition requiring an engineering evaluation of the building structure, Mr. Berry seconded. All Ayes (5-0).

7:45 PM Entertainment License, 5 Strawberry Hill Road, Mr. Daniel representing RapsCALLION for the application for an Entertainment license for acoustic music one night a week on Thursday, 9:00-11:30 PM. Mr. Berry moved to approve an Entertainment Music on Thursday night, 9:00 – 11:30, Ms. Adachi seconded. All Ayes (5-0).

8:00 PM Site Plan Special Permit, #09/11/2015 – 457, 252-256 Main Street, Ryan Development: Representing Ryan Development was Kevin Erickson. The proponents are proposing a 110 Grill restaurant at the site of the now-closed McDonald's in Kelley's Corner. The other 110 Grill locations are in Chelmsford and Nashua, and 2 more restaurants will be opening in the metro-west area before the one proposed for Acton. Mr. Erickson noted that the proponent had submitted a 10/30 letter addressing the issues that Town departments had raised in their comments. Katie Enright from Howard Stein Hudson Architects explained the restaurant layout with the updates responding to Town comments: awning roofline and patio in front to be parallel to Main Street; water line improvements; improvements to parking in the area touching the proposed drainage swale in front; pedestrian plaza; landscaping plan.

Ms. Green noted that the Board just received the information about the updates today and could not issue a decision on the SPSP tonight. Mr. Berry asked why the proponents were retaining the second curb cut; Mr. Erickson said K-Mart controlled that area, so the proponents' aim was to make minor improvements now and not close the curb cut, with any further changes to be part of a future redevelopment plan. Mr. Berry also commented that the Design Review Board submitted a memo that Ryan Development had not addressed. Mr. Berry requested to have the DRB review the landscaping plan. Ms. Adachi expressed the hope that the proponents would be more proactive in managing stormwater on the site, and not simply let most stormwater continue to run untreated into existing drains; she noted the proposed Town bylaw regulating construction-site stormwater that would be on the warrant for the 11/10 Special Town Meeting, and that would apply to the proposed project if the bylaw were in effect. Ms. Osman shared Mr. Berry's concern about the second curb cut. Ms. Green asked about the proposed pedestrian plaza and the proponents' control over that area; Mr. Erickson said that the plaza was required for frontage compliance under the zoning bylaw but would require the owner's approval. Assistant Town Planner Kristen Guichard said that the proponents should provide a letter from the owner, confirming that the pedestrian plaza, which was a substantial change, would be acceptable. Ms. Green referred to the proponents' request for a reduction of the proposed sewer privilege fee to omit the partial-year charge for the outdoor seating. Mr. Erickson said in the restaurant's experience, the indoor seating was unlikely to be filled to capacity, so the privilege fee for the proposed 189 indoor seating would be sufficient to cover any outdoor seating usage.

Rob Jackson 236-248 Main Street, President of Crossroads Condominium Association – Concerned about the razing of the existing building, and also the noise and hours of operations, impact on human health, and stormwater drainage; the Crossroads project required Conservation Commission review, so he is very concerned about stormwater and would prefer as much infiltration as possible.

Ms. Green recommended a one-month continuation for the hearing. Ms. Adachi moved to continue to the hearing to December 7 at 7:30 PM, Mr. Chang seconded. All Ayes (5-0).

8:30 PM Community Preservation Act Application Presentation Mr. Ledoux introduced presentations by Town Departments about their respective applications for CPA funding: Natural Resources (45K for boardwalk at Old High Street, along Assabet River; 20K for meadow-management plan); Open Space Committee (450K for CPA open-space set-aside fund); Planning Department (47K for Regional Housing Services Office 2-year services fee); Recreation (150K for parking/security controls; 150K for Jones Playground improvements; NARA comfort stations for Bruce Freeman Rail and Miracle Field, involving re-purposing nearby modular houses; O'Grady Skate Park, Phase 2). Other Town applications for CPA funds: 30K for Trail Through Time, 35K for Historic District Commission. Ms. Osman moved to recommend all applications be considered for CPA funding, Mr. Chang seconded. All Ayes (5-0)

### **Selectmen's Business**

Discussion of Board Nomination, ActonTV: Charlie Aaronson, who is Vice President of the ActonTV Board, explained that the Memorandum of Understanding does not require but allows a Selectman to be an Acton TV Board member. Mr. Chang, who is the Selectmen-liaison to ActonTV, was willing to be nominated for a position on the Acton TV Board. Mr. Aaronson recommended Mr. Chang attend the next ActonTV Board meeting to see if it would be a good fit for him.

Update on Special Town Meeting Warrant Articles Discussion: Mr. Ledoux said the Board needed to revisit its recommendation on the Article 7 Kelley's Corner funding and also the Article 1 citizens' petition in light of the recently submitted redlined change. Ms. Green thought the Board should not take a position on Article 1. Ms. Adachi agreed, noting that the issue was the purview of the School Committee. Ms. Adachi moved to take no position, Mr. Berry seconded. All Ayes (5-0)

Mr. Ledoux said the AFSCME collective bargaining agreement was signed and ratified on October 27<sup>th</sup>. Mr. Berry moved to recommend Article 5 pertaining to the CBA for AFSME, Ms. Adachi seconded. All Ayes (5-0).

Article 7: Mr. Berry explained that the Kelley's Corner Steering Committee did not vote on this article prior to the Board of Selectmen vote and since had voted not to move forward with the article at Special Town Meeting. The KCSC will pursue 100% funding for the Kelley's Corner proposal at 2016 Annual Town Meeting. Mr. Berry recommended and moved to rescind the Board's original recommendation, and recommend to take no action at the special Town Meeting. Mr. Chang seconded. All Ayes (5-0). Mr. Ledoux added that Mr. Berry will make the motion at the special Town Meeting.

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

**Consent Agenda**

Ms. Osman moved to approved consent items 7-14, Mr. Chang seconded. All Ayes (5-0)

Ms. Adachi moved to adjourn, Mr. Berry seconded. All Ayes (5-0). Meeting adjourned at 10:00

Respectfully Submitted,

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Lisa Tomyl, Recording Secretary

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Janet K. Adachi, Clerk