

## BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

January 4, 2016

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 7:00 PM

### Citizens' Concerns

None

### Chairman's Update and Operational Update:

Ms. Green: Happy New Year. Thank you to Sharon Mercurio for hosting "Noon Year's Eve" at the COA. This Saturday at 8 AM is Budget Saturday in room 204. CPR AED First Aid training at 9 AM at the Public Safety Facility this Saturday. ABRSC Budget Saturday on January 23<sup>rd</sup> starting at 8:30 AM at the RJ Grey Jr High. Forum on Changes and Challenges in Suburban Policing hosted by the Acton League of Women Voters on Wednesday, January 20<sup>th</sup> at 7:30 PM here in room 204. Acton Boxborough United Way is hosting an evening with David McCullough J., Thursday January 7<sup>th</sup> at 7 pm in the high school auditorium. Next meeting is January 25<sup>th</sup> due to the holiday on 18<sup>th</sup>.

Mr. Ledoux: Mr. Ledoux introduced the new Land Use Economic Development Director Matthew Selby, who prefers to be called "Selby". He comes from Ashland where he has been Community Development Director for a number of years and has filled other roles in Ashland in Planning, Health, and Zoning. Last Wednesday, December 30<sup>th</sup> the ladder truck caught on fire in Station 2. The fire was contained to just the engine compartment, but there was smoke damage in the station. It will take about 3 months for the ladder truck to be repaired. The Town is looking for a temporary ladder truck in the interim. House Bill 3188 to increase the Town's liquor licenses will have a hearing on Wednesday in front of the House Consumer Protection Committee, which is chaired by our State Representative Jennifer Benson. Chairman Green will be signing a letter of support tonight.

### Public Hearings and Appointments

Senior Center Study Committee Presentation – Dean Charter, Chair of SCSC and Sharon Mercurio, Council on Aging Director, gave a presentation regarding the proposed Arlington Street location and building schematics for the new Senior Center. Public forum tentatively 1/13. Building to include human services departments, which will help residents and also help staff of very small departments. Would add 4,000 sq. ft. of space. Human Services Departments would have separate entrances; have own security concerns that would have to be addressed. NARA site now too small for needs and removed from center of town; Walker parcel is in flux and in congested area, and Senior Center will be Board of Selectmen

January 4, 2016

20,000 sq. ft. facility with 100-spot parking so that would be an issue, given that the daycare center would have been similar size with similar parking. Arlington Street is 25 acres of which 5 are buildable; parcel backs up on Lincoln, is 1.8 miles from Town Hall, 1.4 miles from Post Office, 0.2 mile from Indian Village. Aim would be to pursue construction funding at 2017 Town Meeting. Estimated cost: 8-10M, construction would take ~ 3 years, done April 2020.

Ms. Osman thanked everyone on the committee and thinks this is good idea. Mr. Berry inquired about backup for the \$300,000. Mr. Charter relied on LLB architects and schematic designs, which are not construction documents. Mr. Berry is concerned that the Arlington Street location will be difficult to find, and will require driving or other forms of transportation that makes Walker seem to be a better location; he asked if the committee had thought about transportation to the location. Mr. Charter said Kelley's Corner traffic is a concern and feels that seniors will still prefer to drive their own vehicles, and perhaps in the future, the public transportation route could be adjusted to include stops at the Arlington Street location. Mr. Berry stated there was some talk about the 8 Post Office square leasing possibility for the short term until occupation of the new building. Ms. Adachi asked what the plan was in the interim, until the new building was ready: extending hours. Mr. Chang asked what the plan was for moving and supporting staff. Mr. Ledoux stated the FY 17 budget focuses on clerical assistance for human services.

Lynne Osborn, 2 Winter Street – would hope and encourage BOS accept this plan and not have seniors entering and exiting onto rt. 27. She is extremely supportive of the Arlington Street location. Ms. Osman moved to pursue Arlington Street site and pursue combining human services and senior center, seconded. All Ayes (5-0).

Common Victualler, Acton Coffee House – The business is moving to a new location at 525 Mass Ave. William Ray, owner of Acton coffee house. Ms. Adachi moved to approve a common victualler license at 525 Mass Ave, Ms. Osman second, All Ayes. (5-0)

Site Plan Special Permit #11/06/15 – 458, 267 Great Road – Applicant has requested a continuation to February 22, 2016.

Andy Beggs, 1 Gabriel Lane – wanted Board to know that there were 12 members of Acton Meadows Condominium Trust at the meeting tonight in case that was a consideration in the Board's allowing an extension of time.

#### **Selectmen's Business**

Community Preservation Act Project Application Discussion – Mr. Berry provided an update. There are 8 Town projects that Selectmen will prioritize at the next meeting. Some applications that are not being considered are Trail through Time and Historic District Commission. The CPC is not voting on the applications until February. Peter Ashton added that the Open Space Committee application is requesting \$470,00 not \$450,000. Discussion continued to January 25, 2016

Special Town Meeting – Open and Close the Warrant - Minuteman Regional District – Discussion and Vote about Proposed Regional Agreement Amendments, Proposed Special Town Meeting, District Membership. Ms. Adachi moved to call a Special Town Meeting on Tuesday, Feb 2 and open and close the warrant with 1 warrant article. Ms. Osman seconded. All Ayes (5-0) Ms. Adachi was assigned the article.

Special Selectmen Meeting to Discuss Budget, February 1, 2016 – under town charter BOS has to recommend a budget 60 days before town meeting.

Accept Gift, Jay Redmond, 3 Modular Homes, Rex Lane –Continued discussion from last meeting. Board could accept 2 homes – one at Miracle Field, other where the volleyball court is to serve BFRT. Both projects are pending with CPC and the foundations would cost a total of \$60,000. Miracle Field is raising funds, Friends of BFRT have offered funds for the design of the comfort station. Ms. Green suggested holding off a vote tonight.

Richard Kelleher – 46 Brewster Lane – any plans on keeping the facilities clean and trash picked up. Mr. Ledoux stated that the Town is looking into private services for that. Mr. Berry added that NARA pays for itself with user fees, so any outside maintenance could result in increase in user fees, parking fees, etc.

**Selectmen's Reports:**

Selectmen Reports are included in the agenda packet on docushare. There were no questions.

Ms. Osman announced upcoming meetings in January and February.

Ms. Green announced she is seeking re-election.

**Consent Agenda**

Ms. Osman move to approve consent agenda 8-13, Mr. Chang seconded. All Ayes (5-0)

Mr. Chang moved to adjourn, Mr. Berry seconded, all Ayes (5-0)

Respectfully Submitted,

---

Lisa Tomy, Recording Secretary

---

Janet K. Adachi, Clerk

Board of Selectmen  
January 4, 2016

**Board of Selectmen and Finance Committee**  
**Budget Saturday**  
**January 9, 2015**

**Selectmen Member Present:** Katie Green, Peter Berry, Janet Adachi, Franny Osman, Chingsung Chang  
**Finance Committee Members:** Mike Majors, Margaret Busse, Doug Tindal, Stephen Noone, Roland Bourdon III, Bob Evans, Shuyu Lee, Jason Cole, Dave Wellinghoff

**Town Staff Present:** Town Manager Steven Ledoux, Veterans Service Officer James MacRae, Human Resources Director Marianne Fleckner, Highway Superintendent Dick Waite, Engineering/DPW Director Corey York, Council on Aging Director Sharon Mercurio, Memorial Library Director Marcia Rich, Building Commissioner Frank Ramsbottom, Planning Director Roland Bartl, Citizen's Library Director Jennifer Friedman, Information Technology/ Emergency Management – Kristen Alexander and Matthew Frost, Police Chief Frank Widmayer & Deputy Police Chief Rich Burrows, Municipal Properties Supervisor Andrea Ristine, Natural Resources Director Tom Tidman, Recreation/Celebrations Director Cathy Fochtman, Fire Chief Pat Futterer & Deputy Fire Chief Robert Hart, Health Director Sheryl Ball, Nursing Director Heather York, Transportation Director Doug Halley, Finance Director Steve Barrett, Town Clerk Eva Szkaradek, Chief Assessor Brian McMullen.

This meeting was recorded.

Chairman Green convened the Selectman's meeting to order. Mr. Ledoux explained the Town Charter requires an appointment of an Assistant Town Manager in the absence of the Town Manager as the current Assistant Town Manager is out on medical, so Mr. Ledoux proposed to appoint the Police Chief Frank Widmayer as Assistant Town Manager in the Town Manager's absence. Ms. Adachi move to approve appointment in accordance with Town Charter, Ms. Osman seconded. All Ayes (5-0).  
Rex Lane Modular Housing – Mr. Ledoux requested to defer to the January 25, 2016 Board of Selectmen meeting.

Chairman Majors convened the Finance Committee to order.

Town Manager Ledoux and Steve Barrett, Finance Director gave a brief overview of the FY17 budget and introduced Matt Selby (prefers to be called Selby), the Land Use Economic Development Director who began on January 4, 2016. Marianne Fleckner gave an overview of the collective bargaining process and status of union contracts.

**Veteran Services**

James McRae presented his budget. Worked for town for 4 years. Only .56% change in budget. No questions from Board of Selectmen or Finance Committee

**Human Resources**

Marianne Fleckner – Town employee for 7.5 years presented her budget. Mr. Berry inquired how many employees are out on injury, Ms. Fleckner stated about 4 or 5, mostly Fire and PD.

Mr. Noone suggested that the town should put more money into tuition reimbursement than the current \$200.00. Ms. Green inquired about how much advertising is online and/or paper advertising depending on the position.

**Highway/Transfer Station/Recycling/Municipal Properties/Engineering**

Corey York 20 years, Andrea Ristine 20 years, Dick Waite 32 years

Engineering –

Highway – 98% toward salaries – increase 4.6%

Municipal Properties – down 2% overall most budget is salaries and buildings.

Finance Committee questioned a budget line item regarding Morrison Farm capital budget to approve for \$110,000? Ms. Green explained that it is not in the budget but potentially renovating the house using Habitat for Humanity and working with Morrison Farm Committee. Finance Committee member noted that there was already \$125,000.00 into the house for renovation. What is the need for additional money for renovations. Mr. Ledoux pointed there is an asbestos issue that needs to be cleaned up before continuing renovations. Habitat (for Humanity) is very interested in the house. Meeting with Morrison Farm Committee next week regarding the house and with Habitat (for Humanity). Electricity and plumbing not up to code. Finance Committee noted that it seems that for \$200,000 you could build a new house. Ms. Ristine stated that the Historical District Commission/Historical Commission will not let us knock it down. Mr. Ledoux added that once the purchase of Harris Street property is completed, the shed will be moved to that location.

Roland Bourdon – reduction of trash to 40% - why is the budget up for it? Mr. York explained the need to get a full year of PAYT under the belt to see what the total amount will be and not to cut the budget too much to get a full assessment.

Mr. Bourdon inquired if the swap shed is going to be re-opened. Mr. York explained that the swap shed is closed in the winter – volunteers operate it.

Ms. Adachi noted that it still seems to be misunderstanding with people on who pays for the cost of the transfer station. Users need to understand that it's the users that do.

Ms. Adachi inquired about the Windsor building and if the Citizen Library is still being used for storage as well – Ms. Ristine affirmed it was.

Ms. Adachi inquired to Ms. Ristine if someone has filled your previous position – there is a temporary employee for now.

Ms. Osman inquired to Mr. York if he considered having an electronic application to report potholes, etc. Is that something you would consider (public view of requests).

Mr. Bourdon noted that Town Hall has full flush toilets vs. less water toilets and how about the Asa Parlin house for a Habitat for Humanity project? Ms. Ristine noted that the Town Hall has the lowest of water bills, and the Asa Parlin house is an unsafe structure to enter.

Sewer – 1.7 million budget – increase of 1.2% have some capital items – bike lane safety study looking to set up a feasibility study, second South Acton commuter lot landscaping, third Prospect and Main traffic study, new utility truck, parker street bridge, painting of Town Hall, street lighting – out of energy efficiency fund, yard tractor for transfer station, sewers – ongoing capital replacement program going on there (equipment replacement, pumping and storage)

Mr. Wellinghoff – train station – termination of the rail trail on the south side would be cost saving for the landscaping

Ms. Woolley Busse – re train station landscaping, what is the total parking lot fund and is it going toward the transportation fund? Mr. York - not sure what the fund is but looking at 5 year plan re potential . MB --what is the amount. Mr. Barrett – we will look into what the exact balance. MB there are limited uses to the parking lot fund.

Town Hall painting –at some point there was suggestion cwas that gift source would cover cost – what is a gift source? Ms. Ristine – it was not a gift source ,it was CPC funding. Mr. Ledoux - There was a gift source of about \$3000.

Mr. Bourdon – how much to paint the historical colors vs. white

Mr. Evans –previously purchased police cruisers from the parking lot fund – can we still do that? – Mr. Ledoux – no, there are specific laws that indicate how to use the money to purchase items.

Ms. Adachi – Parker St bridge – hope to do it dry weather, so during the summer? – Mr. York - yes.

Ms. Green – Prospect and Main study – what happened to the Acton center study? – waiting for more public comment, looking to make a presentation in late fall. The tool trucks – are they being turned in? – Mr. Waite – yes and will be keeping them locked down

### **Council on Aging**

Sharon Mercurio – 5-year employee.

Ms. Wooley Busse – total number of seniors? – SM – 4489

Capital Items – SCSC asking for \$300,000 design funds for new Senior Center

Mr. Noone – last time we asked for \$\$ for design, it was declined. Why are we bonding now – requires 2/3 this time? Mr. Barrett –we can legally bond cost over 5 years and there are other proposals on the table as well. It is legal to bond design costs. SN – what if that fails? SB – valid point why you wouldn't consider bonding.

Mr. Wellinghoff – where do you draw the line on what is bonded and what is not? SB – lot that goes on – sit with a spending total that we want to hit. Every year we look at capital projects that are bought before – this project is ready to move forward. Mr. Evans – surprised the cost has doubled in a year. Combining 3 services at the facility. Abandoning the Audubon location. Ms. Green – if Town Meeting 2017 approves the building it won't happen overnight, the current location is being considered for the Recreation Department in the future. Mr. Tindal would like to see some sort of business plan with the projection of senior usage in the future. Consider renting a space for ten years then see if usership and location works, then renew the lease.

### **Acton Memorial Library**

Marcia Rich –

### **Building**

Frank Ramsbottom – 9 year employee. General fund – purchasing notebooks (electronic tablets). Slight increase in office supplies. Revolving funds – same as last year.

### **Planning/Zoning Board of Appeals**

Roland Bartl presented his capital project of the Kelly's Corner Design Project. Mr. Noone – expect rest of the funding will be paid for federal and state – Mr. Bartl stated that that is the expectation. Mr. Noone asked how long on the waiting period on the TIP – Mr. Bartl - rail trail took longer than expected. Goal is to have design completed in roughly 5 years and construction to begin immediately after as soon as the TIP funding comes through. Project does not include underground utilities – it would substantially increase the cost, likely double the cost.

Operating budget – no change

-

### **Citizen's Library**

Jennifer Friedman – 9 years – budget not changing. Ms. Osman inquired how Citizen's Library uses Windsor Building. – Ms. Friedman stated that the library uses the first floor of the Windsor building for book sales.

### **Town Manager**

Steve Ledoux – 8 years – Salary budget consists of Town Manager and Assistant Town Manager, moved Community Service to Manager budget due to her location next door and better involvement with her services.

Mr. Tindal noted that the Manager Department has spent \$175,000.00 on legal fees with regard to the Walker property – Mr. Ledoux would have to confirm total. Mr. Tindal inquired if there was anything in the works that will drive up legal fees in the future. Mr. Ledoux stated possible land purchases in the future – it is a guess. Nothing we anticipate at this point. Ms. Adachi noted that Board member salaries remain the same.

### **Information Technology/Emergency Management**

Kristen Alexander – 15 years – increase in encumbrances due to the nature of IT services. Many projects require a purchase order up front and spend as invoices come in. Mr. Tindal – when will the IT update committees on the website? Matt Frost – will make a note to have the committees updated on the Town website

Matt Frost – 3 years - increase in MIS equipment, telephone line Emergency Management budget

### **Police/Dispatch/Animal Control Officer**

Frank Widmayer – 39 years

Rich Burrows – 3 years – presented the police budget – call volume up 3900 from 2014 (26,700). 91% of budget is personnel. Overall budget reduced by 1.6%.

Ms. Wooley Busee – what is driving the increase in call and the nature – Mr. Burrows stated 250000 calls coming in for assistance and staff in the field that come across during a shift, increase in substance abuse – 12 drug overdoses and 2 deaths and 7 saves with narcan. Received a grant for a jail diversion program and works with the town of Acton. Increase in domestic violence.

Ms. Green inquired if the school detail officers are funded by school or through police, Mr. Widmayer stated it is funded by PD

### **Natural Resources/Cemetery**

Tom Tidman – 27 years – presented the budget for Natural Resources – increase in water due to installation of new community garden in South Acton, a onetime increase for a plow to put on their tractor to plow the walking path at NARA, and a purchase of a F350 truck for cemetery to replace aging vehicle

Mr. Berry inquired if the new community garden will be open in Spring – Mr. Tidman stated no.

Mr. Majors inquired if there has been a request for a dog park , Ms. Fochtman stated that we (Natural Resources) have had 2, there is an unofficial one at Great Hill not run by the town. Mr. Tidman noted that he is open for discussion on logistics of location of one and who will oversee it.

Cathy Fochtman – 9 years – presented the Celebration budget. No further questions.

### **Fire**

Pat Futterer – 3 years –presented his budget General Fund / Capital Fund Items

Robert Hart – 28 years

Mr. Majors ask if based on businesses in Actonthe Fire Department/Police Department were equipped to handle emergencies? Mr. Futterer stated yes, but not for Hazardous Materials and that thay have to call the state team, but do have 1 employee that is trained in special HazMat conditions.

Mr. Bourdon asked the age of the truck and the ambulance. Mr. Futterer stated that Engine is 16, but can't remember the age of the ambulance.

Mr. Bourdon inquired if the Fire Chief wanted to replace the command vehicle with the same size vehicle?

Ms. Wooley Busse inquired about how many fires the Fire Department responded to. Mr. Futterer stated approximately 5000 calls per year, 1500 ambulance, 90 were fire calls, 8 were full fires.

Mr. Noone asked what percent of calls are for North Acton , Mr. Futterer responded 45%

Ms. Green noted that ALS services haven't happened, and Mr. Ledoux responded that Town commenced bargaining with fire union in 2013 and reached an agreement in fall of 2014, and the ratification did not pass. They recently changed counsel.

### **Health**

Sheryl Ball – 27 years

### **Nursing**

Heather York – 11 years. Mr. Noone noted that revenue from patient visits is under \$200,000 per year – down from where it was a couple years ago and wondered if the marketing effort was having any impact. Ms. York stated that personnel increase line is to coverage for the weekends. And running at \$144,000 for revenue currently. Ms. Wooley Busse questioned if the marketing is having an effect. Ms. York stated that the marketing taskforce began this past February and has published a 3 page FAQ published on the website. Can't really comment if the marketing is working since it just began earlier this fall. Our referrals are increasing.

Mr. Tindal stated that it is premature to pass judgment this early.

### **Transportation**

Doug Halley – 38 years. Mr. Halley gave his budget presentation. Ms Wooley Busse – parking fund and uses – only can be used for the rail shuttle – Mr. Halley - transport that goes to train station. MB - \$116,000 from parking fund, rail shuttle is \$100,000, assuming rail shuttle bring in most fees. Mr. Halley – yes. MB - Rail shuttle is popular does it make sense to raise fees? Mr. Halley - after the fees are raised we would have to assess if charging the right fees. MB - What is the ridership of CAT – Mr. Halley– 40 riders a week. We haven't push it too much just wanted establish a route now moving forward with more publicity. Mr. Evans stated that the MBTA covers 50% and Transportation is covering less than 5% - where is this going be in 5-10 years? Ms. Green noted there is hope for increase in ridership – not anticipating it to get to 50%.

Revolving fund – Ms. Busse inquired on what Acton money is paying for in the \$325,000. Mr. Halley responded that Acton pays \$15,000.

Ms. Osman clarified that for years the Town has been spending money on door-to-door services – the improvements is now we have dispatch available from 8:30 – 4. Transportation is now available for not just seniors and people with disabilities.

### **Finance (Accounting, Town Clerk/Elections, Assessors, Collector, Finance Director)**

Eva Szkaradek – 21 years – Most of the budget has shifted to the Finance Department budget, so overall budget has decreased. Election budget has decreased – budgeted for 5 nights for TM so dropped to 3 nights.

Lisa Krauss – 22 years – no real changes – only increase is 4 FTE increase in steps and COLA.

Brian McMullen – 24 years

=

Steve Barrett – 16 years – collector budget 1.05% increase, 2.5 FTE, Finance Director budget – 40% of spending is in Finance, lot of costs are housed there – budget up 3.5%

Mr. Noone inquired about the Middlesex Retirement Board pension and if it is still correct . Mr. Barrett stated that it was moving along at a 6.5% funding level.

Steve Ledoux– Capital Planning Committee Charge – looking for something that incorporated regional schools into the charge – put together a draft charge. In volume 2 of electronic budget, page 304.

Ms. Busse questioning why you would need the school Superintendent included. School was looking to do the same type of committee. Does like the charge the way that it is.

Mr. Noone likes the charge – need to give people the opportunity to make decisions on the large capital projects coming through the best way to spend the money.

Mr. Berry mentioned that putting school finance director on committee is a good idea.

Mr. Ledoux stated that the committee would make the recommendations what capital projects (that are over \$100,000) would be funded each Fiscal Year.

Ms. Adachi moved to adjourn, Ms. Osman seconded. All Ayes (5-0)

Respectfully submitted,

---

Lisa Tomy, Recording Secretary

---

Janet K. Adachi, Clerk

**BOARD OF SELECTMEN AND SEWER COMMISIONER'S MEETING**

**February 1, 2016  
Francis Faulkner Room 204  
Regular Meeting 6:30 PM**

Present: Katie Green, Peter Berry, Janet Adachi, Town Manager Steven Ledoux, Lisa Tomy, Recording Secretary

Absent: Franny Osman, Chingsung Chang

Chairman Green opened the meeting at 6:30 p.m.

**Citizens' Concerns**

None

**Chairman's Update and Operational Update:**

Ms. Green – None

Mr. Ledoux – None

**Public Hearings and Appointments**

Community Preservation Act Town Project Application Overview –Mr. Berry did a brief overview of the CPA Application spreadsheet and Community Preservation Committee recommendations: ACHC Community Housing Program Funds at \$60,000, Open Space Committee Open Space Set-Aside (\$450,000) and Preservation and Acquisition (\$20,000), Recreation Commission NARA Parking Control (\$30,000), Miracle Field Sports Area (\$400,000), TJ O'Grady Skate Park Phase 2 (\$135,000).

Dave Clough – brought forward the CPA application for the Acton Congregational Church and wanted to verify that the Board was ranking only the Town applications. Mr. Berry confirmed that only the Town projects will be voted on at next Selectmen meeting.

6:35 p.m. – **Vote of FY17 Budget** – Mr. Ledoux presented an overview of the FY 17 municipal budget with 4 options for the Board of Selectmen to vote on. Recommendations from the Town Manager included a total spending of \$32,856,604.00. Subsidies recommended were transportation at \$245,000 and Cultural Council at \$2,000.00 (total of \$247,000). Capital recommendations were bike lane rail trail study at \$60,000, painting town hall at \$162,000, and FY17 interest cost (bond) at \$20,055 (total \$242,055). Bond interest will go towards several projects – Senior Center Design, Kelly's Corner Design, Town Train Station Improvements. All 4 options included funding for Senior Center Design of \$300,000 without borrowing.

Option 1: Add 300K to FY17 budget; budget up 3.76%

Option 2: Reduce operating by 300K, add 300K for Senior Center; budget up 1.9%

Board of Selectmen

February 1, 2016

Option 3: Bond Town Hall painting, reduce spending by 138K; budget up 2.42%

Option 4: Add to budget 125K healthcare savings due to modified assumption of 4% rather than 8% increase, and draw on gift accounts: 75K from Audubon Hill and 100K from Concord Mews (of 900K, of which use of 150K at Selectmen's discretion; 50K used previously toward cost of acquiring Assabet River Rail Trail easements). Ms. Adachi and Ms. Green both voiced opposition to options 1 and 2. Ms. Adachi moved to recommend FY17 municipal budget at 32,856,604 and option 4, Mr. Berry seconded. All Ayes (3-0).

**Selectmen's Business**

None

**Selectmen's Reports:**

None

**Consent Agenda**

None

Ms. Adachi moved to adjourn, Mr. Berry seconded, All Ayes (3-0)

Meeting Adjourned at 7:15 PM

Respectfully Submitted,

---

Lisa Tomyl, Recording Secretary

---

Janet Adachi, Clerk

## BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

February 11, 2016

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 6:30 PM

This meeting was not recorded.

### Citizens' Concerns

MaryLou Miller – Patrick Henry Circle - concerned about the proposal for Senior Center on the town site on Arlington Street – mostly the environmental impact but also potential impact on taxes. Other people have similar concerns. The environmental impact should be brought up at Town meeting as well. Thinks special interest group and Director are behind proposal. Currently uses senior center and feels that it is adequate and meets her needs. Only inadequacy is that staff rooms are small. Vested interest in trying to keep taxes on her house as low as possible. Feels the proposed use of 300K out of general fund is a waste. Feels the Walker site is more suitable.

### Chairman's Update and Operational Update:

Ms. Green: Town offices closed 2/5, CPR AED training on 2/24 and 26 5-9 PM PSF, film at Memorial Library next Weds, 2/17, "Ed Wood," at 7 PM, and new food waste collection at transfer station,

Mr. Ledoux: Fire Department Chief will be retiring 3/4 - 27 years in Fire service and wish him well, Deputy Chief Hart will be acting chief and there will be a recruitment process for the Fire Chief's replacement. Mr. Ledoux is looking into the possibility of electrical aggregation for the Town. 2 union contracts, Patrol and Dispatch, settled, mirroring terms of Superiors contract last fall; only Fire union contract remains, current contract expires 2016.

### Public Hearings and Appointments

Site Plan Special Permit/Use Special Permit #12/14/15 – 460 – Ms. Green read the public hearing notice. Ms. Adachi gave a project overview and introduced the applicant's engineer, George Dimakarakos. Mr. Dimakarakos introduced the project and the applicant, Cynthia First.

Ms. Adachi asked if the applicant could provide a profile/side view of the proposed terracing. Mr. Dimakarakos said he could get such a plan and also confirmed that the applicant was hoping to have Concord water hook-up. –Ms. Osman expressed concern about the size of the houses and the closeness to each other and the lack of sidewalks, noted the comments from the Design Review Board about Board of Selectmen

February 11, 2016

attached rather than detached homes. Mr. Dimakarakos explained that detached homes were necessary to be financially feasible, as there is a significant difference between what you can get for single-family vs. attached housing. There also is a demand for these types of houses.

Ms. Green agrees that there would be a benefit on having sidewalks rather than residents walking in the road in the development. Mr. Dimakarakos said there could be some expansion of sidewalk at the end of Wetherbee Road. Ms. Green said generally we ask that a portion of sidewalk to be built or for a contribution to the Sidewalk Fund. Happy to see a project like this proposed for East Acton Village. Mr. Bartl explained that that the existing sidewalks already in front of the project meet the requirements of the zoning bylaw; Town typically requires contributions to Sidewalk Fund if requirements not met on-site. But where applicant is open to installing sidewalks off-site, putting sidewalk on Wetherbee could be challenging. Sidewalks in the pocket neighborhood are not necessary because of the small, contained size of the neighborhood. Mr. Berry asked if the sidewalks in a residential neighborhood have to be ADA compliant; Mr. Dimakarakos said not in residential section but he would have to check the requirements for the connection from the residential neighborhood to the commercial/retail area.

Mary Lou Miller – the traffic on 2A keeps increasing. Does Acton have a right of way? Mr. Bartl explained that 2A is a state road and the town does not have control. Traffic regionally has declined by 10%.

Motion to close hearing, Ms. Osman seconded – All Ayes

Motion to approve site plan with the condition to address town staff comments except Engineering comment about sidewalk, Ms. Osman seconded, All Ayes.

Grant of Pole Location, Eversource – CC – move to approve grant of pole location, JA second all ayes. (5-0)

#### **Selectmen's Business**

Site Plan Special Permit Study Committee Presentation – Mr. Berry presented to the board findings from the SPSPSC. Purpose was to review whether SPSP should continue to be reviewed by BOS or should be moved to the Planning Board. Acton is the only town among its comparators that has the Selectmen review site plans, and is the only town that uses "special permit" label; also e one of only 3 Boards n the Commonwealth that review them. Zoning bylaw makes the BOS the review and approval board. Back when the Zoning Bylaw was passed it was mostly residential development and now it has reversed and more commercial development. The committee focused first on proposed zoning amendments for Kelly's Corner under which the master plan permitting would be a much more negotiated process. Mr. Berry recommends that Selectmen the proposal to have the Planning Board be the KC master plan site plan review board.. Do not need to take position now but will when the warrant article comes out. MaryLou Miller – asked whether, given positions of boards are all volunteer, town government is still viable situation. Ms. Green explained that the topic was not on agenda, so Board cannot discuss tonight.

Board of Selectmen

February 11, 2016

Selectmen Vote on Special Permit #09/11/15 – 459, 110 Grill, 252-256 Main Street- Ms. Adachi moved to approve Use Special Permit under existing zoning laws with a condition that permit is contingent on an approved site plan special permit, or such other permit that may be required under the proposed zoning, and condition to pay whatever sewer fees may be due, if any, at the time of building permit (engineering would have the number estimate), and standard boiler plate conditions and limitations regarding future amendments, compliance with all applicable laws and regulations, expiry date, appeals period, etc. – Mr. Chang seconded, All Ayes (5-0).

Ms. Adachi move to approve Use Special Permit under the proposed zoning for Kelly's Corner District as advertised laws with a condition that permit is contingent on an approved site plan special permit, or such other permit that may be required under the proposed zoning, and condition to pay whatever sewer fees may be due, if any, at the time of building permit (engineering would have the number estimate), and standard boiler plate conditions and limitations regarding future amendments, compliance with all applicable laws and regulations, expiry date, appeals period, etc. – Mr. Chang second, All Ayes (5-0).

Board to Accept Gift of 2 Modular Houses, Jay Redmond, Rex Lane – Jay Redmond offered 3 ranch houses, BOS felt comfortable with 2. Miracle League has raised funds for pouring foundations and moving the houses. Ms. Adachi moved to accept 2 of 3 houses, Mr. Berry seconded. All Ayes (5-0)

Selectmen to Discuss Sending Letter to Legislative Delegation Regarding Nagog Pond – with all the letters from abutters and also residents of Acton, Ms. Green wanted to reach out to the Board as to whether a letter should be drafted to out legislative delegation regarding the use of the Nagog Pond to get more information and to express the general concerns of the town getting the rights back to the pond from the 1884 law. Board members agreed with proposal. Mr. Ledoux and Ms. Green to work on it.

Selectmen to Discuss House Bill 3884 Additional Liquor Licenses – Town Meeting approved article authorizing Town's pursuit of special legislation seeking 16 additional all alcohol licenses and 6 beer and wine. Draft bill proposes a phased release of the licenses and allocation to specific areas of town. Less than half available in January 2018. Math was not right and end up giving us more than requested. Not concerned with splitting up the licenses by area of town but if licenses are assigned to particular licensing zones, then a license relinquished by an establishment that closes must stay in the same zone and does not go back into general license pool. Ms. Green said MA House counsel most likely drafted the bill. Board not in agreement with the legislative proposal to split the licenses among different zones.

Community Preservation Act Town Project Applications Vote of Priority – Board went through the Town applications and voted its priorities: .

Board of Selectmen  
February 11, 2016

1. Recreation department – Miracle Field Sports Pavilion
2. Open Space Committee – Open Space Set Aside
3. Recreation Department – Skate Park Expansion Phase 2, Skate Plaza }  
3. Historic District Consultant }
4. Recreation Department – NARA Parking Control

**Selectmen's Reports:**

Selectmen Reports are included in the agenda packet on DocuShare. There were no questions.

**Consent Agenda**

Ms. Adachi moved to approve consent agenda items, Mr. Chang second. All Ayes (5-0)

Ms. Osman moved to adjourn, Mr. Chang seconded, all Ayes (5-0)

Respectfully Submitted,

---

Lisa Tomyl, Recording Secretary

---

Janet K. Adachi, Clerk

## BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

February 22, 2016

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 7:00 PM

### Citizens' Concerns

Ms. Osman reported that Crosstown Connect was applying for a state grant and wanted to know if the Board could write a letter of support. Ms. Green recommended that it be put on the next meeting agenda.

### Chairman's Update and Operational Update:

Ms. Green: Mass. Presidential Primary coming up on March 21<sup>st</sup> – make sure to get out and vote. League of Woman's Voter Civics Bee on 3/13 at 1:00, still looking for adult participants. Special Board meeting on April 11 for the continued hearing on Town of Concord site plan and use special permit applications for Nagog Pond water treatment facility.

Mr. Ledoux - No report

### Public Hearings and Appointments

Site Plan Special Permit/Use Special Permit #11/06/15 – 458 – Ms. Green read the public hearing notice. Steve Steinberg is the applicant, George Dimakarakos and colleague representing applicant's engineer, Stamski & McNarry. Mr. Steinberg presented the proposal for 267 Great Road. Noted that the development is not part of the Meadows development on the abutting property. The neighboring office building is complete and occupied by a longtime Acton firm. The only shared facility, covered by an easement agreement and with shared maintenance, is the end of Gabriel Lane providing access to and from 2A.

Mr. Steinberg explained plan updates and revisions in response to recommendations and requests of various town departments. House 1 is of reduced size in response to the Conservation Commission's request that the construction be outside of the 100' wetlands-protection buffer zone. Mr. Steinberg feels that the project will have minimal traffic impact at the intersection at the end of the Meadows development entrance. Mr. Dimakarakos presented and explained plans depicting the proposed Project. The Fire Department is satisfied with the access to and from the property. Traffic impact is minimal based on the traffic study done during an 8 hour period during a school week. Parents from the Meadows complex sometimes park to wait for the school bus at the end of Gabriel, which can cause a traffic backup, but the addition of a new access serving the new development could help to alleviate Board of Selectmen

February 22, 2016

that problem. The hope is that Concord will provide water service; the former house on the property had Concord water service.

Ms. Osman asked how many of the Meadows houses are affordable. –Mr. Steinberg responded 7 out of 26.

Ms. Adachi expressed concern about the fact that the houses so close together and offered other comments regarding the overall design and plantings. Ms. Green said she always was surprised that people liked such density. Design fits in with the zoning bylaw. Ms. Osman would like to include in the decision a condition that there be a path kept up for entry into the Willow Books plaza, but not paved.

Resident, 17 Gabriel Lane –Would like shared maintenance of the shared portion of the road; also would like widening of the road to allow 2-way traffic near where the mailboxes are; and the 2 houses nearest Great Road, including the Begguses, would like to ensure that storm water doesn't flow from the new development over Gabriel Lane to their homes. Mr. Dimakarakos said 2 catch basins at the end of the new road would address the storm water issue; widening the road would entail a lot of work and expense, and could be difficult due to the limits on the opening onto Great Road.

Ms. Adachi asked if there were alternatives to road-widening; Mr. Dimakarakos said a narrower road would help to slow traffic, as would the addition of the new business and residences plus the vertical granite curbing that a car can't drive over easily. Resident, 11 Gabriel Lane, expressed concerns about the road width and alleged low traffic. Motion to close hearing, Mr. Berry seconded. All Ayes (5-0).

Mr. Berry moved to approve the application with conditions that the Sylvia Lane documents require shared maintenance of the easement area, such as snow removal, a natural path be maintained or constructed to provide access to the abutters, and a 10 foot landscape buffer as required by the Planning Department between the business and residential abutment. Ms. Osman seconded. All Ayes (5-0).

#### Concord Municipal Light and Power Electric and Telecommunication Duct Bank Installation, 37 Knox Trail

–The Director (Dave) and Assistant Director (Chris) from CMLP introduced themselves and provided a project overview. Concord plans to install 5 MW solar array on Concord-owned portion of former W.R. Grace land and needs to provide underground electrical and broadband connections. Standard construction to provide a duct installation that will be built along the property at 37 Knox Trail in both Acton and Concord.

Ms. Adachi asked if CMLP had run the project by Eversource to be sure there was no encroachment that might have an impact on Eversource's service agreement in Acton. CMLP conferred with its counsel, who assured it that the project was legal. Mr. Berry asked if CMLP was a broadband provider. Yes, fiber optic for the residents and businesses in Concord. Mr. Berry asked if CMLP had been before Concord Conservation Commission. Will meet with them tomorrow. They currently are not in violations of any zoning.

Ms. Green asked if the duct bank was going to be providing service where the bus parking will be. Yes, we designed the duct banks for future plans as well.

Ms. Osman moved to approve the plan at 37 Knox Trail, Mr. Berry seconded. All Ayes (5-0).

Community Preservation Act Study Report – Mr. Berry presented the CPA study committee report and the Committee's findings. The study committee considered and rejected a "blended" system, such as Littleton's which uses cell-tower revenues, or increasing the minimum 10% annual allocations for community housing, historic preservation and open space, which adversely affect bonding. The study committee ultimately decided to recommend that the Town consider for a future Town Meeting, possibly in fall 2016, increasing the current 1.5% surcharge to 3%; the surcharge increase would require not only Town Meeting approval but a ballot vote approval, and advocacy probably would have to be by citizens who weren't public officials. With the increase to 3%, Acton would be eligible for additional state matching funds in the 2<sup>nd</sup> and 3<sup>rd</sup> rounds, though those rounds are geared toward poorer, smaller communities, which Acton is not. But still could mean 30% state match and a good return on Acton's funds .

Walter Foster – commended Mr. Berry as committee chairman for the hard work and support. This is the best program for the Town largely to promote to protect open space, and affordable housing. Ms. Green also thanked Mr. Berry for all his hard work with the CPC Committee.

#### **Selectmen's Business**

Green Advisory Board Charge Restructure - Mr. Berry has been GAB liaison for 2 years and encouraged the committee to broaden its charge. He read the proposed revised charge . The changes are in the first 2 sentences. – Ms. Adachi moved to approve the amended charge, Ms. Osman seconded. All Ayes (5-0).

ALG Update – Mr. Ledoux presented the ALG update regarding the FY17 Budget. The earlier ALG plan provided for the use of 2.7M in reserves. The schools then lowered their budget by 300K, representing savings due to the Health Insurance Trust reduction in projected increases from 8% to 4%. Finance Committee representatives proposed 1M in free cash, 500K reduction in tax levy and 1.3M in cuts from the municipal and schools budgets combined; representatives of the 2 entities balked. The School Committee voted its budget, with the Acton assessment unchanged at 55.5M from earlier numbers. The Finance Committee chairman then emailed Ms. Green, proposing that if the Town cut \$200,000, that would satisfy FinComm. Then the proposal was pulled back. In the meantime, Mr. Ledoux is looking at options to cut \$200,000 in budget. The Board agreed that cutting Town Hall painting and the bike trail study, together 222K, would be the best option. Board members also noted that the Town's share of the cuts should be 125K reflecting the Town's 1/3 of the budget and in proper proportion to the 300K the schools are cutting from 2/3 of the budget.

Selectmen to take positions on Warrant Articles – Selectmen voted on consent items and will take up positions at the March 7, 2016 meeting. Mr. Berry moved to recommend consent items K-R, Ms. Osman seconded. All Ayes (5-0). Ms. Green moved to approve consent items ZE – ZJ, Mr. Berry seconded. All Ayes (5-0).

Board of Selectmen  
February 22, 2016

**Selectmen's Reports:**

Selectmen Reports are included in the agenda packet on docushare. There were no questions.

**Consent Agenda**

Ms. Osman moved to approve consent agenda items 7-18, Mr. Chang second. All Ayes (5-0)

Ms. Adachi moved to adjourn, Ms. Osman seconded, all Ayes (5-0).

Respectfully Submitted,

---

Lisa Tomyl, Recording Secretary

---

Janet K. Adachi, Clerk

## **BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING**

**January 25, 2016**

**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 Katelyn Huffman, Recording Secretary

Chairman Green opened the meeting at 7:02 PM

### **Citizens' Concerns**

None.

### **Chairman's Update and Operational Update:**

Ms. Green: As a reminder, there will be a Special Town meeting next Tuesday, February 2nd starting at 7pm in the ABRHS auditorium. There is one warrant article dealing with the Minuteman Regional Vocational Technical High School Regional Agreement. There will be an informational session on the warrant article on Wednesday night, 1/27, at 7pm at the Public Safety Facility. The Cross Acton Transit ribbon cutting is set for Friday, 1/29 at 10:30am in Town Hall. There will also be a ribbon cutting ceremony for the new South Acton Commuter Rail Station on Saturday, 1/30 at 10 am at the train station, followed by coffee and snacks at the South Acton Congregational Church at 11. The Recreation Department is holding their Winter Carnival on Saturday, 2/6 from 4-7pm at NARA. There will be activities planned for both snow and no-snow conditions. The Acton Memorial Library is holding their book sale this weekend and the next two movies in their winter movie series are The Bad and the Beautiful on Wednesday, 1/27, and Day for Night on Wednesday, 2/3. Both movies start at 7pm in the library. Finally, there will be a special Board of Selectmen meeting next Monday night, 2/1 at 7pm in this room to take a vote on the FY17 budget.

Mr. Ledoux: Franny, Peter, Janet, and I attended the annual Massachusetts Municipal Association meeting. Governor spoke and indicated that the Governor's budget will have a 4.3% increase in unrestricted local aid. Also more Chapter 70 aid for local schools and funding for regional vocational education. Labor law update and capital planning update courses. Green Advisory Board met with consultant about electric aggregation to help save money for residents.

### **Public Hearings and Appointments**

Site Plan Special Permit/Use Special Permit #11/20/2015 – 459, Nagog Pond Water Treatment Plant –

Ms. Green read the public hearing notice. Applicant would like to make improvements to the existing facility and site. Emails and correspondence from citizens. Ms. Green asked that public limit comments

Board of Selectmen

January 25, 2016

Page 1 of 16

to two minutes, remain civil, and refrain from applause. Mr. Ledoux introduced Jeff Roelofs, an environmental attorney whom Town previously used in connection with Concord's proposals to purchase Knox Trail property, and who is here to answer questions and help support the Board.

Ms. Osman (assigned Selectman): Concord owns 80 acres in Littleton and Acton with water rights conferred in 1884 on Concord by MA legislature. Has a treatment plant at site and required by law to improve the treatment plant. Application is to improve treatment plant and parking around the plant. Would like to implement a solar array as an accessory to main purpose. Project is coming to the Board because it is a special permit and because it is more than 1500 square feet in size.

Alan Cathcart – Water sewer superintendent for the Town of Concord. Introduced Concord officials present. Chris Whalen (Town Manager) a few Selectmen, Public Works commissioners and director present. Melissa Simoncini, environmental and energy coordinator, Steve Olsen who is a consultant involved in the design of the facility, John Shea from McKay and Shea LLC for technical and legal advice. Have had two hearings previously before Acton Conservation Commission with abutters present. Drinking water supply is in near and long-term interest of all of Concord residents and some Acton residents. Aware that there will be construction impacts. Aware that there are water supply, wetlands, scheduling, wildlife impacts. Would like to provide clarification.

Mr. Cathcart provided a slide-presentation overview of the property and project. Nagog Pond is where there is a treatment facility and where the filtration plant will be added. Small watershed, only about a mile and a quarter in size. Pond is about 275 acres. Able to purchase and procure over 100 acres over the years to help protect water area. Very important to protect the water in the pond – top priority. Zone A – acute or critical area around supply. State has 400 foot offset to protect surface water. Although it is a regulatory buffer it does not mean no building can occur.

Project is not a new initiative for the Town of Concord, which has been there all along. Concord acquired filtration plant site in 1932 explicitly for filtration center. 1955: Palmers bought 180 acres. 1989: Surface water law. 2005: Development of Quail Ridge golf course left 170 acres untouched, with 100 acres used for golf course and a portion redeveloped for newly added housing. In 1996, Concord designed and constructed a treatment facility for ozone disinfection. Had to show that they could control water quality around the watershed. Regulations are getting more stringent. Number of parcels were taken but they are all considered one lot.

Mr. Olsen continued the slide presentation, explaining the design process. Project manager with Partners Group. Began in 2013 with a comprehensive watershed study. Did a year of piloting and looked at treatment options for Nagog Pond and technologies for design. Vision all about green technology and sustainability. Goals: reliability, resiliency, minimize footprint, natural lighting.

Board of Selectmen

January 25, 2016

Page 2 of 16

Here for Site Plan Special Permit, application for use special permit. Requests for waivers for traffic and outdoor lighting plan. Met previously with Design Review Board. Section 3.4.7 of zoning bylaw allows water treatment plant as principal use; Section 3.8.4.10 allows solar array as accessory use.

In order to maximize underground structures and align them under the treatment plant, it requires the treatment plant to be five feet closer to the wetland boundary. Building rotated slightly to conform with Conservation Commission 100' setback. Does not line up exactly but still allows use of pre-existing underground structures.

Two story building. Ozone contactor, liquid oxygen system, generator for power. Flow goes to the building, pumped left to right. Filters, chemical storage, dewatering system. Second floor has a control room, laboratory, restrooms, conference/meeting room, electrical rooms.

Concrete blocks proposed originally for exterior, but now metal panels to save money. Concrete more durable, metal more maintenance.

Solar array evaluation began in 2013. Sub -consultant Epsilon Associates looked at alternative sites and sites for wind energy. Want to minimize disturbances. Want something that gets to power grid easily. Proposing to put solar array near building so easier to power. Site considerations: screening, glare, noise and traffic (before and after construction).

Steven Strong explained proposed solar array. Will produce around 27-28% of total annual requirements of electricity. There will be no surplus power. All energy and then some will be used on site. Solar array will produce around 390,000 kWh AC while treatment center will use 1,372,000 kWh AC annually, so 982 kWh deficit. Did a glare study and found that there will be some glare that will go away just like the sun as it rises and sets.

Mr. Olsen continued explanation of plant design. Water will move to plant via intake pipe. Existing pipe has reached the limit of its useful life, is corroded and needs to be replaced. Working on permitting for the replacement of this pipe. Need numerous other permits, including from MA Department of Environmental Protection and US Army Corps of Engineers. Filed under MEPA for project and waiver for environmental impact and have filed for Army Corps of Engineers permit, and Acton Conservation Commission permit. Did some overlap permitting to make sure everything is covered. See presentation for more information. Provided brief overview of Notice of Intent filing with Conservation, and dam-related issues.

Have tried to address issues. Construction impacts – trying to maximize what has been cleared and developed. Duration of construction will be about 24 months and will come in phases. Traffic due to deliveries during construction and personnel. Phases of people that will come and go. Noise will follow

Board of Selectmen

January 25, 2016

Page 3 of 16

construction sequencing. Environmental controls: silt sock, turbidity curtains set up. Site security will be shared by general contractor and Town of Concord.

Provided overview of other issues: operations and maintenance proposed security, exterior lighting.

Mr. Cathcart said there would be an enormous public benefit to customers in Concord and Acton (along 2A in Acton), with filtration providing reliable supply of clean drinking water 24/7 with minimal upsets and disturbances to customers. Able to plan for catastrophic events, assure greater resiliency. Will have stored amounts of water and will be able to have water if there is a drought. Consistent with FEMA planning. For Service to Acton: 14-20 million gallons of water per year. Fire protection along Route 2A. Mutual aid and emergency water supply with 2 water system interconnections. Surface water supply, as opposed to groundwater, so available as fallback. Acton Water District has approached Concord Water District about possible collaboration for up to 500K gallons.

Mr. Olsen said an archeological study had been done of a quarry pit. Concord would have someone look into that area to be sure there are no potential artifacts overlooked.

Mr. Cathcart referred to MA Constitution Article 97, said Counsel and technical support would provide guidance. .

Ms. Adachi noted substantial feedback from abutters, Conservation Commission proceeding, history of development of land.. Principal concern is with proposed solar array: how much power the panels will generate, there will still be a deficit, is there currently power at the site, where is it coming from, and what would the cost be from going from the grid to the panels, and could it be possible to put the solar panels on the new building instead.

Mr. Strong said current power comes from Eversource. If Concord were to move forward without solar then over one million dollars of electric cost would occur. About 50,000 dollars in savings would occur from solar array. Somewhere in the neighborhood of 250,000 a year if solely reliant on Eversource. If you add solar array then 180,000-190,000 per year cost at today rates. Looking to make sure the roof is solar friendly. Would like to look at adding panels to the roof of the proposed building in the future. Decided not to move forward until later on because building construction would follow after solar panels. Ms. Adachi confirmed that Concord still would rely on Eversource for some energy and reiterated her concern that the solar panels will be butting right against people's houses.

Mr. Berry asked about the proposed dewatering. Dewatering would be temporary for about 4 months. Have you applied for Acton Water District for their permitting? No. Received AWD comments about project? No. Draw water from Concord wells? Yes.

Board of Selectmen

January 25, 2016

Page 4 of 16

Mr. Berry asked about lead pipes. Mr. Cathcart responded that system is 100 years old so there are remnants. Conditioned water, so it is not corrosive. The presence of lead is not the be-all, end-all. Have a program regarding testing of the water that monitors levels of lead and water make-up.

Mr. Berry said he previously was on Conservation Commission when Quail Ridge golf course was first approved. Many trees cut down for golf course and residential communities. Have to make certain findings for special permit. If project has detrimental or offensive use then there would be a concern but does not feel that the use is detrimental or offensive. What facts can you articulate to us that clear-cutting 2 acres of trees and putting up a solar array is not adverse to the environment? Mr. Cathcart responded: 1.3 acres or 2 acres out of 100 acres. Hoping the history is sufficient. Mr. Berry: Does this 1.3 acres of Solar array offset the environmental friendliness of the trees you have to cut down in terms of capturing carbon dioxide and oxygen? Mr. Stone responded that Solar Array will displace more carbon-based fuels than the 1.3 acres by a substantial amount. Mr. Berry: Could you put the solar array along the access road above it? Mr. Stone: It would not be practical, the road is narrow. Would like to add solar array to roof later and help reduce carbon.

Mr. Berry asked about stormwater runoff. Mr. Stone responded there will be no more runoff on the site. Mr. Olsen added that no significant impact of runoff due to the panels but there is an impact under the panels. Proposing grass underneath to prevent runoff and a buffer strip so there is no negative impact.

Mr. Stone referred to report showing benefit of reduced carbon impact and greenhouse gas footprint with using solar. Mr. Berry noted that comments about that study say that deforesting is not helpful. What has been explained regarding that study by you that that is not the case. It would be helpful to further view that material.

Ms. Osman asked whether Concord was eligible for a grant for using solar energy to power the water treatment plant and the effect of choosing a different site in Concord. Mr. Strong explained that project eligible for SREC credits. Traded and have a value. They are usually managed through a third-party developer. Not sure if putting solar array elsewhere would affect credits, but that was not a factor in decision to build in Acton. Mr. Strong confirmed that Concord has other projects in Concord.

Ms. Osman asked if the grass put under the solar panels had to be treated. Mr. Strong said low maintenance grass, only has to be mowed, no fertilizer. Ms. Osman asked what percentage of Concord's water comes from Nagog. Mr. Cathcart responded historically as much as 100%. In the 1950's pond and groundwater. 1996 when ozone facility went online, reduced volume and only used during the summer. In summer it can provide up to 50% of the supply on any given day. It fluctuates on any given day and is used sparingly. Do not want to violate and trip a consent order. 10 million dollar investment would need to happen if it came to that and it is a long-term plan to do so. Don't know how

Board of Selectmen

January 25, 2016

Page 5 of 16

long groundwater sources will be viable: surface water is tried and true. Can be anywhere between 0% in winter and 50% in summer.

Ms. Osman noted that Acton had option of using Quabbin water. Mr. Cathcart noted a number of considerations: not just cost. but water quality is a challenge. Tying into a main line and other complications. Generally done as a last resort. Significantly reduces control.

Ms. Osman asked about the ability of the proposed plant to meet requirements without expanding so much, and expressed concern about the potential drawdown of millions of gallons from the pond. Mr. Cathcart said reservoir exists only with dam that provides water supply that is reliable. Intent of Nagog, Wachusett, Quabbin is to use for water supply and the reservoir level will fluctuate with use. Historically supplied over 2 million gallons a day for extended periods of time. Ms. Osman said under Zoning Bylaw, have to decide if detrimental or offensive to the neighborhood. Problematic. Has to be appropriate for site in question.

Mr. Chang said he understands that Concord can't tell us what the water consumption will look like in the future, but he was curious what the timeframe of the past 5 years or so would indicate about the average total water consumption from Nagog Pond as compared to the total water supply of Concord. Mr. Cathcart responded that the average goal is 1M gallons per day over course of year, and in the last few years limited withdrawal somewhere around ½ million to 7,000 gallons a day when in operation during the summer for two to three months. During the summer the system demand is somewhere in the order of 3 million gallons a day.

Mr. Chang asked how much power could you generate form solar panels on the roofing and what is the latent capacity? Mr. Strong: It would provide about 65 Kwh. Roughly one fifth additional to what's proposed on ground mount and would get a total of 1/3 total output.

Ms. Green asked whether with the tax-credit deadline extended, Concord considered doing the solar array on the roof. Mr. Stone: Timeline is because of the credits and agreement with Eversource. Do not want to miss deadline and incentive. Ms. Green: Is the power being supplied directly to the building or is it part of a net-metering agreement with Eversource? Mr. Stone said Concord still working out arrangements. Ms. Green noted that state law provides for use of land directly supporting your water plant. A solar array involving a net metering agreement is not as direct as a connection. Concord has other options for solar arrays to power its buildings, not just this one.

Ms. Green noted how close the proposed array is to the neighbors and the amount of deforestation. How far away is the array from the closest house? Mr. Olsen: 45-50 feet with fencing and set back. Ms. Green: When you spoke about the resiliency of your system, in Acton we have a water restriction with signs that go up. Do you have that in Concord as well or no restrictions? Mr. Cathcart: Concord a

Board of Selectmen

January 25, 2016

Page 6 of 16

leader in water conservation. Yes we have seasonal restrictions and conservation restrictions as well. Sustainability is the big picture, allows them to be more reliable. Ms. Green: Can you show me on the Site Plan Slide where the archaeological area is covered. Mr. Olsen: The walk-through is up the access road. Digging is at corner of access road. Ms. Green: There is an indication from the Historical Commission that due to increased size and increased land being disturbed, need for another archeological survey for the artifacts of the area. Mr. Olsen: Survey comprehensive. Area along access road has been disturbed. A walk- through of the whole area. Mass Historical Society was consulted.

Ms. Adachi asked if it were true that Concord has a policy against adding anymore Acton customers. Mr. Cathcart: Policy has been in place since 1971, is the conservation and resource-management challenge of expanding the system.. Along Route 2A rights have been maintained and there has been some fire-protection expansion. Concord could consider expanding supply to Acton. The statement of the current policy is accurate but the policy can be reviewed. Ms. Adachi expressed hope that Concord will continue to collaborate with the Acton Water District on water resource issue.

Ms. Adachi requested clarification about the location and elevations of proposed solar panels relative to the closest residences . Mr. Olsen: 40-45 feet to the fence line, 15-20 feet from fence to panels. 60 feet total. Mr. Cathcart: It goes uphill. Goes up about 5-10 feet. One part drops off a little bit. Ms. Adachi: So panels are a little bit uphill from the houses? Mr. Cathcart: Yes.

Barry Elkin, 57 Skyline Drive, Acton MA - Next to Quail Ridge. Here to speak out against solar panels. Not a "not in my backyard issue," live over a half mile away from them. During December 2<sup>nd</sup> hearing, Conservation Commission asked Concord why the solar panels couldn't be placed in Concord instead of Acton? Response was because they could not get the credits unless they were in an Eversource community. Can buy power from many other sources. Why do they have to use Acton?

Concord applying for Special Use Permit, Acton Zoning Bylaw talks about 2 kinds of solar arrays, residential/neighborhood and industrial. Ground-mounted array ordinarily cannot be larger than one acre in size. But Concord can get approval to build a solar array larger than 1 acre in size, as an accessory array. But Section 3.11.3. 3.8.3 only applies to village and business districts not residential districts like site of Concord treatment plant. Proposed solar array supposedly about 1.4 acres which may only be the photocell arrays themselves. The zoning bylaw gives specific rules as how surface area is measured including area in between panels. The parcel is almost 4 acres with proposed array much of that. MA General Laws Chapter 40A prohibits unreasonable regulation of solar installations but regulations permissible to protect public welfare. Section 7.9.6.2 of Concord Zoning Bylaw says clearing of natural vegetation should be limited to what is necessary. Feasibility study said towns may impose reasonable regulations. No basis in Acton Bylaws for allowing an accessory solar panel array greater than 1 acre in a residential zone. No protection from solar glare for adjacent 2-story homes. Landscaping required by zoning bylaw; if Concord is allowed to proceed it should replace and maintain

Board of Selectmen

January 25, 2016

Page 7 of 16

trees. Cannot grant permit unless it is not detrimental or offensive to the community. Also has to be in harmony and within purpose and intent of the Acton bylaw. Has to comply with all applicable requirements with the Acton bylaw.

Carolyn Kiely, environmental attorney and resident of Quail Ridge - Concord has two town meetings scheduled: Special Town Meeting on February 4<sup>th</sup> to vote on a 20-year lease for the proposed solar array; and proposal for Annual Town Meeting on proposed \$ 16.5 million debt authorization for this project. Concord putting political pressure on this to get it approved. Ms. Kiely set forth several objections to the Concord project:

(1) Concord went to Zoning Board of Appeals for a variance for original ozone facility. But instead of pursuing amendments to variance, went straight to Selectmen, bypassing ZBA. . See MA General Laws Chapter 40A, Section 11.

(2) Permits and variances need to be filed with the Registry of Deeds in order to be valid. Unclear if that was done.

(3) Archaeologist reports. Very limited study, focusing on 2 areas: proposed disinfection facility site; and proposed access road. Rest of the area is not surveyed. One historic feature was identified on initial walk-through. It was only walked over not studied. Other areas did not get a detailed study and it is needed.

(4) MEPA (MA Environmental Policy Act) certificate required to confirm that plan appears to be compliant with environmental requirements. State was supposed to release decision Friday, then Concord requested extension and timeline changed. State leaning towards strict environmental scrutiny, might need Environmental Impact Statement. State's decision due February 12<sup>th</sup>. Acton should wait for State decision.

(5) Feasibility study – prepared July 17, 2013. By Epsilon Associates, concluding that Article 97 of MA Constitution applies to solar array installation because alteration of land requires evaluation of impact on natural resources. Under Article 97, no change in use of public lands without 2/3 vote of town, and vote of state legislature. Part of Concord's solar report recommended that solar panels go on top of Concord's well fields. But Concord Department of Public Works objected.

(6) Concord has had a policy that no more hookups to Acton. Concord has other water treatment facilities, why not upgrade the ones in Concord? Building will be 530% increase in size. 1700 square feet to 9000 square feet. 275% increase lot. Buildings and solar arrays complete and total change in use.

Robert Sekuler, 17 Parkland Lane – Lives far enough away that won't ever see them.

(1) Fact that land once was undeveloped does not give license to further diminish site. Would like to see conditions that minimize proposed clear-cutting.

(2) Water treatment okay but not new process. Originally was ozone-treatment. New treatment could be done downstream or in another area.

(3) Stormwater could create channels into the land from runoff that would go into Nagog Brook which is an environmental issue.

Board of Selectmen

January 25, 2016

Page 8 of 16

(4) If project goes forward, need to limit the times during the day that deliveries could be made to the plant since they have to go through Acorn Park. Rules with permit about noise should be implemented because distance of 50-60 feet of nearest houses. Need contact person for noise complaints.

(5) Project is large compared to modest existing building. This would be very intrusive on the environment and the neighborhood. Clear-cutting will affect wildlife and habitat.

(6) Galling that Concord's Special Town Meeting warrant article seeking permission to negotiate with solar panel provider for a 20-year lease arrangement for project designed to enhance Concord's sustainability at a cost to Acton.

Lynn Kibblehouse, 166 Skyline – Third home, in blue. Purchased November 6<sup>th</sup>, 2015 without being aware of project. Have not received a formal letter about project. Encourage Board not to approve for this project.

James Engell, 14 Breezy Point Road – Thought there was a commonality of attorneys. Ms. Osman explained that both towns have hired special Town Counsels for this matter. He hopes that various bodies in town will not prejudge what might be actions of other bodies in Town governments. Has easement on property that goes down to dam. Estimate of 10 trips a day for this project is not realistic given past experience with other projects. Breezy Point resident for 23 years. In 2004 Alan Cathcart wrote a letter to neighborhood saying residents were co-stewards of vital natural resources and requesting their awareness and help in protecting Nagog Pond. Have done that for 23 years. Have notified Concord about encroachments on dam area: campers, swimmers, ice skaters, rafters, kayakers, fishing, gasoline. Picked up mounds of litter. Protected stone from bulldozers. Proposed plan would block residents from access to area of which they have been stewards and to neighboring Acton conservation land. Don't want to prevent upgrading a water facility if necessary. Want Concord to recognize that it ought to give neighbors the right to access land of which they are co-stewards. Where security is concerned, let humans, not fences, protect land. He has solar panels on his roof, nothing against them. But Concord wants the panels for net-metering and not to connect directly to the new plant.

Matt Onken, 2 Hazelnut Street (Acorn Park) – Echo concerns of other residents. Increased traffic and wear and tear on Acorn Park neighborhood. Have four daughters who play outside. Do not want to worry about hazardous chemicals shipped through neighborhoods. 30-plus children that live along chemical truck path. Not viable street for trucks. 18 feet wide. Many people park on the street. Typical minivan about 6.5 feet wide. Parking on curb takes up about 7.5 feet. Leaves about 10.5 feet of egress for a truck to get through. In winter it becomes about a one-way street, very narrow and dangerous. Big trucks won't fit down it. "Let Concord treat Concord water in Concord".

Noor Roomi, 170 Skyline – New resident, house backs up to panels. Concerned about the amount of glare and how long it will last and possible eye damage

Board of Selectmen

January 25, 2016

Page 9 of 16

John Richards, 72 Skyline Drive – 18 years previously at 18 Hazelnut street. Wonders if waiver needed for outdoor lighting, how about panel glare? How tall are the actual solar panels when in place? If they are between 16 and 20 feet high, it is equivalent to about the height of a movie screen.

Alissa Weiss, 6 Breezy Point Road – Concerned about fencing and cutoff of wildlife corridor. Would like a wildlife impact study done if possible. Concerned that access through the dam and Pond area will go away.

Bernard Dennis, 42 Greenside Lane - Acton Conservation Commission kicked issue down road to Selectmen. Have not heard if this is inconsistent with the Acton bylaws. Numerous alternatives available to Concord within Concord. Why doesn't Concord use another parcel for a water treatment plant? What about the supposed need for a zoning variance? Is there merit to this?

Sharon Pugatch, 35 Greenside Lane – Lived here for 2.5 years. Won't see panels but has walked land. Lived in Bedford on conservation land previously. Bedford protected conservation land. Have any of the Selectmen visited the site to get an appreciation of the destruction that will take place based on this building going from the small footprint to the 275% larger and the solar panels and the fences? Conservation Commissioners did not do their due diligence.

Linda Rhen, 168 Skyline Drive – Closest to the solar panels. Purchased November 24, 2015. Wished she had known this would be happening before purchase. Would 8- foot fence obscure the panels? Going to be a lot of glare. Concerned about the amount of glare. Does it throw off heat? Houses have vinyl siding. Clear-cutting will ruin the beauty of the land. Will this be two years of cutting, grinding, installing? Would there be someone to go to about the noise and complain. What is going to grow there? Who will care for the trees and shrubs and water them? Why hasn't a variance been sought? Concerned about home investment.

Jim Cutler, 171 Skyline – Surprised at lack of gain to Concord from solar panels. Would like Selectmen to do pain-gain evaluation. Subjectively, this is truly detrimental to the neighborhood.

Bill Klauer, Acton Historical Commission – got involved in December. Little notice, lack of time to study proposal. Want environmental and archaeological survey to be done especially for the area that has not been studied. Acorn Park Drive narrow road. What kind of chemicals are going through the neighborhood, if there is a problem can residents get out of there, what happens if there is a reaction, what do the chemicals react with?

Ed Root, 40 Greenside - Why wouldn't the Concord Water Department be considered as acting as a business? Charter is providing water, not electricity. Main reason for proposal is to get tax credits and

Board of Selectmen

January 25, 2016

Page 10 of 16

net metering. Net metering will allow to sell excess solar power back to grid at retail price of 19 cents per kWh AC. Concord said they will draw down less water eventually which would result in more solar energy excess to be sold back to grid. Applicant should be considered partly as a business corporation, a private utility. Should pay personal property tax to Acton for each solar panel. Why rush this through with all the questions and unsolved issues?

Ainslie Brennan, 14 Breezy Point – Bought land at first on the other side of Acton, but then bought at Breezy Point due to conservation land. 12 families of Breezy Point have had right of access to get to conservation land. Historical use over 20 years, prescriptive easement. Loss of access will affect property values.

Marty Petraitis, 1 Hazelnut Street - Here during construction of Acorn Park in 1995, then Quail Ridge Country Club. Walk daily. Same issues: clear-cutting, traffic . Have access to the conservation land. concern about impact of clear-cutting on wildlife.

Ms. Green asked for answer to resident's question about height of solar panels. Mr. Olsen: Seven feet above existing grade.

Ms. Green recommends continuing the hearing to February 22, 2016 at 8:30PM Ms. Osman moved, Mr. Berry seconded, All Ayes.

Site Plan Special Permit #09/11/2015 – 457, Ryan Development, 110 Grill –

Ms. Green read the hearing notice at 8:03PM. Board took up discussion at 10:33 PM, after conclusion of 7:10 PM hearing on Nagog Pond Water Treatment Plant.

Attorney Kevin Erickson and Attorney Mark Johnson, Katie Enwright, Robert Walker present for applicant.

Mr. Erickson summarized the application, and reviewed the outstanding issues. December 11, 2015 application for site plan special permit at 252-256 Main Street property, the Kmart/former McDonalds parcel. Wants to put upscale 110 Grill Restaurant. Have been two public hearings, this is the third. Asks that the Board vote on this tonight. Applicant has received various comments: Revised engineering memorandum, Planning staff memorandum from January 4<sup>th</sup>, email from Sidewalk Committee. Has addressed numerous issues. Will agree to proposed privilege fee for sewer service, to cover additional outdoor seating; Sidewalk committee requested landscape strip, but applicant has agreed to widen sidewalks from 6 to 10 feet at Planning staff request, so not proposing landscape strip for that reason. Other revisions have been made in response to Planning staff memorandum, including amendment of building design to meet the 40 -ft setback requirement. Corrected pedestrian plaza so it is not in Town

Board of Selectmen

January 25, 2016

Page 11 of 16

right of way. Revised plans to provide 10- foot buffer for parking cells. Replaced flat-roof component with slope roof as bylaw requires. No prohibition against sign in the pedestrian area. Sign is for pedestrian traffic as well as vehicular. Two outstanding issues: whether pedestrian plaza meets zoning bylaw requirements; and whether previously non-conforming access drives needs to be closed. Applicant thinks revised plan meets bylaw requirements, disagrees with Planning staff.

Mark Johnson did slide presentation on 2 outstanding issues, and expressed concern about recurring delays in Town's consideration of project. Zoning bylaw requires that only 60% of the lot face the street. Applicant asserts that "lot" under the bylaw can mean the lease area. Prior Planning staff in decision on another project agreed that the lease area was considered the lot area for the purpose of this section of the bylaw. Applicant's proposal:

- 1) Proposed building would occupy over 69% of lease-area frontage; would occupy 22% of total property frontage, but together with proposed pedestrian plaza (which would occupy 87% of lease- area frontage), the total property frontage would be 57%. Definition of "lot" and what it means in certain circumstances is what is in question.
- 2) No dispute that the northerly access drive is preexisting and nonconforming. Staff would like to have that closed but applicant does not possess the ability to close it. Provided letter to owner of property (included in slide presentation).

Ms. Adachi thinks, based on the bylaw definition of "lot," that the frontage should be based on full lot. One of the problems is that the lot is enormous, and challenging to build in front of Kmart structure. Would like to see something replace McDonalds building. The problem with adding the pedestrian plaza near the street to help satisfy frontage requirement than it is an awkward location that may not serve the purpose of a pedestrian plaza. Mr. Erickson: Bylaw should be read as plain language, definition is getting too technical. Ms. Adachi asked Kristin Guichard, Assistant Town Planner, if there is anything else that the applicant can do to conform with the frontage requirement without the awkward plaza? Ms. Guichard said the aim is to require them to come into compliance with today's zoning bylaw because that is why it exists. The first Planning staff memorandum mentioned that Board could look at 50% instead of 60% for frontage requirement, provided that the Board also found that the alternative design features were consistent with the purposes of the special zoning requirements for Kelley's Corner.

Mr. Chang asked if Planning's perspective was that the pedestrian plaza is too far away distance-wise from the edge of the existing building, and if the building was extended to be within a certain distance of the pedestrian plaza it would comply with the frontage requirement. Ms. Guichard responded that the applicant could extend the building horizontally so it covers more frontage or bring the pedestrian plaza closer to the building to comply. Mr. Chang asked if the applicant was counting the access drive in the frontage calculation. Mr. Erickson: No. Mr. Chang asked why, If the applicant's calculation includes

pedestrian plaza and building without access and it gets up to 57%, does the applicant need additional building to bring it into compliance with the bylaw?

Ms. Green asked if the issue was the interpretation of what the pedestrian plaza provision meant by on the "side" of the building. Mr. Chang asked if a pedestrian plaza met the requirement for "additional building." Ms. Green: If it does then they would be at 57% lot coverage. Mr. Chang: Which is above the 50% necessary we need to improve it, correct? Ms. Guichard: If the Board finds the structure complies with the bylaw 5.6.1

Mr. Erickson said the applicant was willing to meet up to 60% if need be. Ms. Adachi noted that pedestrian plaza "on" the side and "to" the side are two different things.

Mr. Berry said that the lot is the entire lot not just the leased area and the pedestrian plaza would not comply with the bylaw and the whole design does not conceptually comply with the bylaw. Disagree with both points. Mr. Erickson: Mr. Berry, what does on the side mean to you? Mr. Berry: Adjacent to the building. Mr. Erickson: Which is not possible. The access cannot be closed.

Ms. Osman said she wants to make things work, want to see a restaurant go there. Disagree with "on the side" definition. The island is unwelcoming. Maybe a discussion with Kmart and the restaurant owners. Concerned with fake windows. Would like them to provide real light. Sidewalk berm, where would it go? Does that come out of the 10 feet? Mr. Erickson: No landscaping strip, but the berm will be there. Ms. Guichard: A berm is like a vertical curb. Ms. Osman: Would prefer to see a landscaped space to protect pedestrians.

Mr. Chang asked about the distance between the building and the edge of the pedestrian plaza and how much of that distance is taken up by the preexisting nonconforming access point. Ms. Enwright: about 55 feet. Mr. Chang agreed that "on the side" leaves some space and distance that the pedestrian walkway can be separated from the building. As written the definition of "lot" includes the entire lot, but he also believe the applicant has been doing a good job complying and making adjustments. Would like to approve this without the pedestrian plaza. Would like to use the 2013 interpretation of the bylaw but believe that is wrong. As is, believes the plan complies with the bylaw.

Ms. Green said she agreed that Board would make a decision tonight but disagree with definition of "lot." Don't think that the pedestrian plaza is "on the side" or that it meets the spirit of the bylaw.

Bill Mullin, 9 Wilson Lane - Trying to improve commercial base in Acton. Selectmen need to make a decision for the greater good instead of getting into the weeds. If I were on that side I'd vote in favor of this. The parkway isn't the best but it is a solution. Help taxes, Kelley's Corner, and get some traffic in there.

Board of Selectmen

January 25, 2016

Page 13 of 16

Robert Walker , Walker Realty LLC and property owner - concur with Bill Mullin. Understands Ms. Osman's comments. Staff has made sure every point in the bylaw is complied with. Agree that not all of it is something they agree with but they are trying to comply with the bylaw. Feel like unfair to the applicant. Much time and energy has been put into this. Believe in patience and there could be a catalyst to the change for the opening. Going to invest 3.5 million dollars and give to the Town and help the Town and invest in the Town.

Mr. Berry: Moved to close the hearing. Ms. Osman seconded, All Ayes (5-0).

Ms. Osman recommends the decision for the permit. Town Counsel Nina Pickering-Cook advised that the decision required a super-majority , or 4 votes.

Mr. Chang: In favor of the plan. Mr. Berry: A no-vote, do not believe complies with the bylaw. Ms. Green: No-vote, do not believe complies with the bylaw. Ms. Adachi: Believes problem is lease agreement, yes-vote.

Mr. Chang moved that we approve the site plan special permit, with the condition that if the access drive is ever closed that the pedestrian plaza be extended to cover that area, Ms. Adachi seconded. Vote: Ayes 3, Nays 2. Vote fails.

### **Selectmen's Business**

Acton Leadership Group Update – Mr. Ledoux: Copy of latest spreadsheet. Net positive position of \$501,000 based on utilizing almost 2.7 million dollars in reserves. If we have a \$501,000 net positive should we lower use of free cash or use it to reduce tax levy? Ms. Green added that ALG plan shows \$200,000 of school E&D, and taxing to full capacity which includes about 985,000 from previous years. Ms. Green: Are people more inclined to put that money in to lowering use of reserves and or lowering use of tax levy. Board agreed generally that the net positive should apply toward reducing taxes.

Vote of Priority, CPA Project Applications – Ms. Green: Move CPA Project Application Discussion to February 1<sup>st</sup> in which it will be voted on for rank.

Selectmen to Take Position on Special Town Meeting Article –Ms. Adachi moved to recommend Minuteman warrant article, Mr. Chang seconded, All Ayes (5-0).

### Discussion of Morrison Farmhouse

Mr. Ledoux reported that the Morrison Farm Committee voted to recommend not moving forward with the proposed sale and instead to proceed with demolition/deconstruction. Do not want private ownership that might impose on plans for Morrison Farm.

Mary Ann Ashton , Morrison Farm Committee – Committee was disturbed by prospect of sell the house and taking away important frontage and interfering with plans for the parcel, to open it up to the public.

Bill Klauer, Historical Commission - As an advisory board to the Selectmen, the Historical Commission should be approached about this. This is the first that the Commission heard of it. Mr. Klauer confirmed that the house is historic.

Anne Forbes, 25 Martin Street – the emphasis on ownership seems besides the point. If the Town and its staff has come up with a way to keep the farmstead as it is, I think it is extremely commendable, especially when the Morrison Farm Committee wants to demolish it. Why would the Town want to demolish it? The farmstead is the last depression-era in tact farmstead in town. Should save it.

Dean Charter, 81 Charter Road – Agree with Morrison Farm Committee that selling frontage of parcel is a bad idea. Contradicts land preservation the Town has done. The house itself has cost a lot of money and he reluctantly agrees that it should be demolished but the land should not be sold.

Ms. Osman agreed on the need to consult with the Historical Commission. Feel like preservation of the building would cost too much for the Town. Habitat option would be best option to keep and preserve the house but Morrison Farm Committee expressed a lot of concern and if it is sold to a family we eliminate ability to access the land. Lease option would be more money to the town. Taking it down seems like best option.

Ms. Adachi said the house will need to be rebuilt if it is ever going to be useful. Need more input from Historical Commission.

Mr. Berry agreed that more boards should meet regarding this.

Ms. Osman would like to know if the house can be moved. Mr. Ledoux thinks there will be a meeting about it involving Planning.

Mr. Chang thinks the matter should be left until next Town Meeting. Getting rid of the property seems to be the most viable option.

Ms. Adachi asked about Habitat for Humanity's schedule. Mr. Ledoux said the Town would have to put out request for proposal. Habitat Regional Director likes the project but not sure about timetable. Ms. Adachi was concerned about wasting money Town already has put into it.

Bill Mullin – The house has always been a problem. Issue is selling the land that is the front door of the property.

Ms. Green said the Board will continue discussion regarding Morrison Farm. Will vote with a clear path forward.

Ms. Ashton – Want to clarify that no one has looked at what to do with the house. Have been told not to do anything. If something is to be done with the house, would like to include Morrison Farm Committee in the conversation. Would like to have a vote on not selling the land tonight. Ms. Green said the Board will need more time before deciding what happens.

Bill Mullin - It's unfair to other boards that could be involved in this to not have information ahead of time. If the Town is proposing to sell something it should be in the agenda. Ms. Green said the topic would be on a future agenda and more committees would be involved.

**Selectmen's Reports:**

Selectmen Reports are included in the agenda packet on DocuShare. There were no questions.

**Consent Agenda**

Ms. Adachi moved to approve consent agenda items, Ms. Osman seconded, All Ayes (5-0)

Mr. Chang moved to adjourn, Ms. Osman seconded, all Ayes (5-0)

Respectfully Submitted,

---

Katelyn Huffman, Recording Secretary

---

Janet K. Adachi, Clerk