

## BOARD OF SELECTMEN AND SEWER COMMISIONER'S MEETING

April 23, 2018

Room 204

7:00 PM

Present: Janet K. Adachi, Peter Berry, Katie Green, Joan Gardner, Jon Benson, Steve Ledoux, Town Manager, Lisa Tomyl, Recording Secretary.

### Citizens' Concerns

Carolyn Dennis – Tuttle Drive – concerned about the proposed 31 apartment units on Mass Ave and concerned about the wetlands and was told there would not be development because of the wetlands. Neighbors bought house and now have flooding issues and looking to sue the developer.

Maureen Ryan – Tuttle Drive – commented on 446 Mass Ave development. Good to have affordable housing for elderly and disabled but feels it is a bad location in front of the Jr. High School. Feels there needs to be more communication regarding these developments.

Acton resident – did not understand name – made concern about the development at 446 Mass Ave and concern on the location and the amount of traffic that will increase and encroachment to the wetlands and concerned about privacy

Kim Kastens – comment on Nagog Pond in favor of sharing the rights of Nagog Pond met with Littleton Water Department this afternoon. Impressed with the long term plan for 20-30 years into the future. October 2017 Littleton sent a letter to Acton Water which was forwarded to BOS to have a discussion about water rights that has not happened. Bringing a message to BOS from LWD to suggest having this discussion to open up the possibility of sharing the water between Acton and Littleton.

Chris Starr – Kelley's Corner Improvement – spoke about article 9 at Town Meeting on April 2<sup>nd</sup> and the article failed. Feels the public wasn't fully informed. Plan didn't protect local businesses. Doesn't properly consider pedestrian safety. Doesn't feel it is in the best interest for the town. Read from a prepared statement comparing updates in Belmont.

Did not get name - resident on Prospect Street – concerned about the sewage drain and some flooding there possibly from construction at 146 Prospect Street. Concerned flooding will get worse with the proposed development on Mass Ave since he is downstream. Would like the Board to consider to not approve the project. Ms. Adachi corrected the sewage drain is a stormwater drain.

Terra Friedrichs, West Acton – understands that the Board can write a letter of support for the project at 446 Mass Ave and would hope that the Board has it on a future agenda a discussion to rescind the letter of support. Would like another public meeting on Kelley's Corner Infrastructure. Something about a water talk in a public forum. Mentioned about flood maps.

### Chairman's Update/ Operational Updates

#### Ms. Adachi – Chairman Update

- Welcome Jon B (again). 1<sup>st</sup> regular BOS meeting since 3/27 local election and 2018 ATM. He has joined us for several extra meetings since ATM.

Town Manager search: BOS interviewed 4 excellent finalist candidates for the Town's next Town Manager on Sat, 4/7 and on Mon, 4/9 voted unanimously to offer the position to John Mangiaratti, currently Deputy Town Manager in Andover, previously Deputy Town Manager in Westford, where he started out in GIS and overlapped with Steve Ledoux who was Westford Town Manager at the time and whom he will be succeeding. Detailed background check and employment agreement negotiations ongoing. BOS is delighted. Thanks again to TMSC whose 8-month effort resulted in the 4 finalists.

Patriots Day, Mon, 4/16: Cold, rainy, temp in 30s, Concord cancelled battle reenactment and parade. But Acton Minutemen, led by Captain Steve Crosby marched, swathed in ponchos and carrying muskets in special plastic sleeves. And in being so intrepid, they helped to make a dream come true, through the Make-A-Wish-Foundation for 14-year-old John McConnell of Anchorage, who has muscular dystrophy and traveled with his parents to join the march from Barretts Mill Farm in Concord to North Bridge where there was a special reenactment for John's benefit involving Acton, Stow, Sudbury and Lexington Minutemen companies plus two British regiments. A great illustration of reaching across the aisle: any change Congress will take heed?

Acton Cleanup Week, Sat, 4/21 – Sun, 4/29. Go to [actoncleanup.info](http://actoncleanup.info) to sign up for a street section and get more info about where to get bags, leave full bags.

ABCC annual film series starting Fri, 4/27 for 3 more Fridays at 7:00 pm, Rm 204. Free admission:

4/27: Short films by MA filmmakers, including students in the various film schools.

5/4: "Tampopo" (Japanese "noodle western" comedy, featuring widow and ramen noodle-shop)

5/11: "Chocolat" (UK film, set in France: featuring woman, her daughter and their chocolate shop in small French village)

5/18: "Yellow Submarine" (British animated feature, 50<sup>th</sup> anniversary)

AA-LWV speaker series, Role of the Press in Our Democracy, continues next Weds, 5/2, and Tues, 5/8, 7:00 pm, Blanchard Library, Boxborough:

5/2: Dorothy Kramer, professional librarian, will provide her perspective on issues such as fake news, net neutrality and how to provide the tools for informed consumers and purveyors of news.

5/8: Dan Kennedy, Northeastern journalist prof. and longstanding regular on WGBH's Greater Beat the Press.

Next meetings: BOS reopened hearing on Nagog Pond Water Treatment Plant, Thurs, 4/26, 7:00 pm, Room 204, to consider proposed changes to BOS's 3/2017 decision—different from the one for which BOS held reopened hearing in 11/2017.

Mr. Ledoux – no report

#### **Public Hearings**

Request for Pole Installation, Eversource – Ms. Adachi read the public hearing notice. Representing Eversource is Chris Cosby. Ms. Green moves to approve the request for pole installation on Martin Street, Ms. Gardner seconded. All Ayes.

#### **Selectmen Business**

##### Board Reorganization

Ms. Adachi moves to nominate Ms. Green as Chair

Ms. Green nominates Ms. Gardner as Vice Chair and Jon Benson as Clerk

##### Volunteer Recognition Award

Mr. Berry briefed the Board about the May 11<sup>th</sup> reception. Janet feels that not only notifying the recipients but also the Chair of committees they are nominated from.

##### Cable Licensing Renewal Negotiations, Cable Advisory Committee

Oleg Volesky – working on cable licensing negotiations both Verizon and Comcast. Committee recommends to retain and attorney to William H. Solomon to retain his services. He has been involved in previous licensing, so involved with town in the past. Get on board early will help build strategy. TM reached out to negotiate terms of his services.

Mr. Ledoux stated that he emailed him this AM and Mr. Solomon had been on vacation – reason for lack of response. He is available and looking forward for working with the town on the contract negotiations.

Terra Friedrichs – mentioned she was on the Board when we had the last negotiation and deemed best in the state.

Ms. Adachi moves to retain the service of William H. Solomon for cable licensing renewal negotiations, Ms. Gardner seconds, all ayes.

##### Application for Housing Choice Designation Under the Governor's Housing Choice Initiative

Ms. Adachi mentioned that the BOS received an inquiry about the Governor's Legislative proposal – this is a program the Governor is setting up to regard communities with sustainable housing. Acton is already doing what this program is intensifying and should apply to get grant money for something the town is already doing.

Terra Friedrichs – mentioned about a letter from the Governor's office – the bill specifically says a housing designation – feels that it (the town) is heading towards a "smart growth target". Feels the Board should reconsider sending in the application right away and needs to have more discussion regarding potential buildups and increase on water demand.

Danny Factor, Davis Road – clarified that the "we" Terra was referring to is regarding Green Acton Land Use Committee – feels it is premature to go forward to ask for this designation. Feels that is should be tabled until to see what bills are passed through.

Kim Kastens, Pope Road – attend to the work the WRAC is doing for the future water needs for the town.

Gerry Lee, Tuttle Drive – wants to know how the Board knows what the town wants for a high development town.

Terra Friedrichs, West Acton – corrected her definition of housing crisis. Deed restriction – “we” are currently looking for a proposal from something.

Ms. Gardner commented that the application is due April 30<sup>th</sup> and we don’t know about the bill yet. Ms. Green explained that it is a complete separate application and program.

Ms. Adachi moves to approve the application for Housing Choice Designation under the Governor’s Housing Choice initiative, Mr. Berry seconds. All Ayes.

#### Recreational Marijuana Ballot Question and Host Agreement with Mass Wellspring

Ms. Adachi gave an overview regarding the potential ballot question and allowing recreational marijuana sales in Acton. Ms. Adachi included Concord’s warrant questions from their town meeting which did pass a ban on recreational marijuana. The Board has the option of banning all recreational marijuana, restrict the amount of establishments below 20% (maximum of 2). Ms. Pickering Cook presented the Board with what rights and restrictions Mass Wellspring has. Received provisional licenses as a RMD, and now perusing a recreational marijuana licensing. The laws pertaining to this is not incredibly clear. A moratorium would apply to a RMD converting to include adult use recreational sales.

Ms. Gardner the HCA position Mass Wellspring to convert to adult use establishment – yes (Ms. Pickering Cook)

Mr. Benson - safe to say with the moratorium in place until the end of the year (the Board should) take no action on the HCA ; Ms. Pickering Cook confirmed that there is no law on regulation or guidance on the length of signing the agreement

Mr. Benson suggested that the Board take no action on the agreement and favor going to the 2 step process for the ban with exception of medical marijuana

Mr. Berry would lean to putting a ballot on November elections (of a ban) and then have a special town meeting for a vote.

Ms. Adachi mentioned that the Concord has a map at their Town Meeting that showed the potential locations where adult use sales could take place, also perhaps in the HCA some restrictions added into it. Ms. Green is inclined having a ban on the November ballot, but have some backup options for Town Meeting. Suggests Janet work with Planning about backup options. No need to move forward with the HCA until we hold November elections.

Mr. Ledoux mentioned that it is a federal election, so early voting kicks in, so could be an item for early voting.

Bill Beebee – interesting briefing about the drug problem in Acton.

Angie Tso – thanks for putting hold on HCA and what the timeline is. Ms. Green explained the timeline to have the language by September for the ballot and Town Meeting, including alternative warrant articles.

Dr. Stefanie Lipton – made statements regarding the choice in Massachusetts and twice the vote passed in Acton for medical and recreational marijuana. Feels as though there is a small population of residents that are pushing for a ban on recreational marijuana. Mentioned that Concord did vote to not allow recreational marijuana for retail.

Anping Lui – brought up the result of the vote in April

Missed name of next speaker – mentioned that Concord was a “yes” town for medicinal and recreational marijuana

Jill Schaeffer, Mass Wellspring – asking the board to please consider allowing Mass Wellspring to complete their application process.

Terra Friedrichs – is in favor of pot shops – here to defend the petition (town meeting article) asked questions all about everything that has already been discussed.

Dr. Stefanie Lipton – products have no difference between medical and recreational marijuana. They would be separated in the store, and the difference is one is listed on a registry and one that is open to the public. The setup in the dispensary is very specific. Focus will be on delivery services for medical purposes – focus on the indigent and the poor.

Ms. Green would like to come back in June or July meeting with a draft ballot for a discussion and a vote to move forward with special town meeting in November.

#### **Consent Agenda**

Ms. Adachi moves to approve consent items 7-29, Ms. Gardner seconds. All Ayes

Ms. Adachi moves to adjourn, Ms. Gardner seconds. All Ayes. Meeting adjourned at 9:45 PM

Respectfully Submitted,

Lisa Tomyl  
Lisa Tomyl, Recording Secretary

Jon Benson  
Jon Benson, Clerk