

## **BOARD OF SELECTMEN**

**November 5, 2018**

**Francis Faulkner Room 204**

**7:00 PM**

**To view the video, please [click here](#)**

Present: Katie Green, Joan Gardner, Jon Benson, Peter J. Berry, Janet K. Adachi, Town Manager John S. Mangiaratti, Assistant Town Manager Mark Hald, and Recording Secretary Lisa Tomyl

### **Citizen Concerns**

Terra Friedrichs, West Acton – mentioned a possible flyer policy and would like permission to stand in foot traffic to hand out flyers and petitions at Town Meeting, concerned the Board is not pursuing purchasing the Kmart parcel and if a 40B developer purchases the property it would be the town's fault for not pursuing it, feels the town should take it by eminent domain. Thanks Steve Ballard for initiating the OML complaints against the Board of Selectmen and happy he is a watchdog for the Open Meeting Law.

### **Operational Minutes/Chair Report**

Katie Green – Election day tomorrow – many voters voted early, 2 ballots. Veteran's Day ceremony on November 11 at the Town Common across from Town Hall, in the event of inclement weather it will be held in room 204 at Town Hall. Library will be closed on Sunday and all town buildings will be closed on Monday to observe Veteran's Day.

John S. Mangiaratti – Community conversation presented by AB Cares at the Boxborough Library on 11/7. Some of Acton's police officers are participating on "No Shave November" and have donated to [homebase.org](http://homebase.org), and wanted to inform the Board and the public that there may be some "scruffy" officers in uniform, but it is for a good cause. 11 days of early voting and just under 4000 people that took advantage of it.

### **Appointments**

#### **7:10 PM Use Special Permit, #09/05/2018-470, 930 Main Street**

Ms. Green read the public hearing notice. Representing Edge Fencing is Arianna Klinkoff to have a space to teach the sport of fencing. No questions from the Board. Ms. Gardner motions to approve Use Special Permit #09/05/2018-470, Ms. Adachi seconds, all ayes (5-0).

#### **7:20 PM Use Special Permit, #07/31/2018-469, 930 Main Street (continued from September 17, 2018)**

Ms. Green read the public hearing notice. Representing Cross Fit Reach is Robby Blanchard. Hearing continued from September 17 due to one complaint regarding noise. Mr. Blanchard stated the only communication with Mr. Daigle since last hearing on September 17, 2018 is an email. Mr. Benson inquired if there has been any conversation. Ms. Adachi inquired about operating hours. Mr. Blanchard addressed the noise complaint by running decibel testing from the direction of the address of the complaint. Mr. Benson inquired to Kevin Daigle regarding communication and if it has been resolved. Mr. Daigle states the noise is the same especially the 5:30 AM class. Explains that it is a constant

vibration from the gym (from his mother's residence). Mr. Benson inquired about specific times that the noise is intolerable – Mr. Daigle stated that is in the morning, but you can hear it all day long. Mr. Daigle states this has been an issue since 2014, feels there is some animosity from the past (no face-to-face conversation). Would like to find a way to mitigate the noise (noise barrier). Mr. Daigle would like the board if the permit is granted that the board would reconsider at a later date if the noise continues. Mr. Blanchard and Mr. Daigle expressed a willingness to meet with Town Staff to see if the noise issue could be resolved before the next scheduled hearing.

Terra Friedrichs, West Acton – concerned that noise is a health issue

Ms. Gardner moves to continue the hearing to December 17, 2018, Ms. Adachi seconds, all ayes (5-0)

### **7:30 PM Comprehensive 40B Permit, 4 Piper Road**

Ms. Green outlined the guidelines on how the hearing would proceed and how comments would be addressed. Mr. Benson noted that he has filed a disclosure of appearance of conflict of interest statement with the Town Clerk as he previously represented the parcel owner as a retained attorney in a separate matter. Mr. Lou Levine spoke on behalf of the developer to explain the process and purpose of the hearing in front of the Board. He will address the many comments and concerns regarding the proposed project. Bruce Ringwall, engineer from GPR illustrated the preliminary proposed plans for 4 Piper Lane for 40 townhouse units.

Members of the Board each made individual comments regarding the proposal of the project. Mr. Berry brought up the point that the initial letter in the application packet that was sent to the Board of Selectmen and to Mass Housing referred the parcel to be in the Town of Bolton (and the address listed on the letter was for the Bolton Town Hall and not Acton Town Hall). Many additional points of concern from Board members included current traffic issues that would be exacerbated with the proposed 40 townhomes, the turning ratios of fire ladder trucks, the potential need for additional fire apparatus and the availability of access and egress in case of an emergency, the access to the Great Road conservation land, noting that the conservation paths on the project traverse on the property as planned.

Approximately 8 members of the South Acton Neighborhood Association (SANA) presented concerns regarding the impact on the neighborhood and abutting conservation land at Great Hill from the proposed project. Historical aspects on the history of the area, a review of the Acton 2020 Master Plan 7 goals, comments on current affordable housing in South Acton, suggestion of more affordable senior housing, and traffic and safety concerns were amongst the presentation. Dan Hill from Hill Law represents the SANA group and briefed the Board on 3 issues; Safe Harbor cool down period, intersection safety with a traffic study and speed study conducted by an independent company, and applicability of the project. General consensus from many of the speakers is to urge the Board to not support the project in their letter and comments to Mass Housing.

Clare Siska – commented that the South Acton Fire Department has a difficult time trying to get out to the station during rush hour and is blocked at times.

Terra Friedrichs – commented on the needs of the 40B projects (currently planned in town) and people that cannot afford the “affordable” housing

Lee Davis Honn – concerned about the speeding on School Street and distracted drivers causing property damage to their property

Bill Klauer – concerned about traffic accidents and the inability of the Fire Department to respond to vehicular accidents

Ms. Adachi listed her concerns and comments and to not support the project in its current form with several examples of speeding, traffic, and density, along with the “cut and paste” job on the application. Mr. Berry added to write to Mass Housing suggesting to deny the application based on the omissions and the inaccuracy in the application; Mr. Benson and Ms. Gardner would approve a letter to request to deny the project to Mass Housing. Ms. Adachi motions to authorize the Town Manager to work with Town Staff and Town Counsel to draft a response to MassHousing regarding the proposed project at 4 Piper Lane and to urge to deny the proposed project application, Mr. Berry seconds, all ayes (5-0).

### **8:00 PM Traffic Rules and Orders**

DPW Director Corey York presented proposed amendments to the traffic rules and order specifically related to Maple Street on street parking, electric charge station parking spaces at Town Hall and Memorial Library parking lot

Franny Osman, Half Moon Hill – thanks the board for the updated parking availability, suggested looking at the intersection of Liberty, Stow and Martin/Maple

Clare Siska – questioned about the reserved parking at Jones Field

Sean Hanley – feels there is conflicting signage on Maple Street, concerned about the bike lane and the need for residential parking for the residents on Maple Street

Ms. Adachi moves to approve the proposed updates to the Traffic Rules and Orders with exception to the Maple Street parking ban, Ms. Gardner seconds, Mr. Berry stated some concerns that will be worked out at a later date, all ayes (5-0)

### **Selectmen Business**

#### **Board to Discuss and Take Position on Special Town Meeting Articles**

Article 1 – Ms. Adachi moves to take no action, Mr. Berry seconds 3 ayes, 2 nays (Ms. Gardner, Mr. Benson

Article 2 – Mr. Berry moves to recommend, Ms. Gardner seconds, all ayes (5-0)

Article 3 – Mr. Berry moves to recommend, Ms. Adachi seconds, 4 ayes, 1 nay (Ms. Gardner)

Article 4 – will only take action if Article 1 and the special town ballot passes. Ms. Adachi moves to recommend, Mr. Benson seconds, all ayes (5-0)

#### **Board to Review CPA Applications**

Ms. Green suggested deferring the CPA application for funding for construction of a dog park to 2020.

Ms. Adachi, Mr. Berry, Ms. Green and Mr. Benson support deferring the Dog Park Construction application for the next cycle of applications. Ms. Gardner supports all 6 applications. Ms. Adachi moves to approve Jones Field Playground, Stabilization of the Asa Parlin House, 53 River Street Historic Park, Acton Arboretum China Trail and Plantings, Acton Arboretum ADA Compliant Entrance, Mr. Benson seconds. 4 ayes, 1 nay (Ms. Gardner).

#### **Adopt a Road, Acton Newcomers Club**

The Town Manager presented an overview of the proposal from Acton Newcomers Club for an Adopt a Road program. Mr. York drafted some rules and responsibilities for the program, sign a liability waiver,

and watch a safety video. Ms. Adachi likes the program. The group is looking for the town to purchase a sign with their name on both ends of the road.

Ms. Adachi moves to approve Adopt a Road Program, Mr. Benson seconds. All Ayes (5-0)

**Discuss October 29, 2018 OML Complaint**

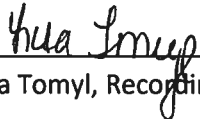
Board received a complaint on 10/29 did not approve minutes from May 7th, and additional complaint of not following procedure. Board realized that minutes had not been approved in a timely manner. There was a transition between Town Managers at the time. Does not believe a violation has occurred. Ms. Adachi - the complaint was sent via email on October 29<sup>th</sup>. This is 6<sup>th</sup> complaint. Ms. Adachi moves to authorize Chair to draft response with Town Manager and Town Counsel to the latest complaint for October 15, 2018 received on October 29, 2018. Ms. Gardner seconds. All Ayes (5-0).

**Consent Agenda**

Ms. Adachi moves to approve consent items 9-20, Ms. Gardner seconds. All Ayes (5-0)

Mr. Benson moves to adjourn, Ms. Adachi seconds, all ayes (5-0)

Respectfully submitted,

  
\_\_\_\_\_  
Lisa Tomyl, Recording Secretary

  
\_\_\_\_\_  
Jon Benson, Clerk