



## BOARD OF SELECTMEN

Meeting Minutes

Monday, August 5, 2019

7:00 PM

ROOM 204, ACTON TOWN HALL, 472 MAIN STREET

**Present:** Joan Gardner, Jon Benson, Dean Charter, Peter J. Berry, David Martin, Town Manager  
John S. Mangiaratti

**Absent:** None

### I. Regular Business

#### 1. Citizen Concerns

Terra Friedrichs, West Acton – concerned that Planning is being run by staff and the website will change to say that Planning is being done by staff feels it should be done in public.

#### 2. Chair Update/Town Manager Update

Ms. Gardner – nothing to report

Mr. Mangiaratti – DHCD letter notification regarding the Avalon project and that the housing production plan is at 7.86% and our Housing Production Plan for development for 2 years as of July 19, 2019 and creates a 2 year safe harbor. PD completed an assessment for their certification status, new Municipal Monthly is out, National Night Out and open house at PSF 8/6, Cyber Security workshop 8/8 at 30 Sudbury Road, Kelley's Corner Landscape Design Workshop on 8/15, Restaurant Week this fall week of 9/16, asbestos abatement work started on the Asa Parlin house, the state budget was signed by the Governor last week - received an increase in CPA funds upwards of 30%, received \$150,000 in funding for the Miracle Field Sports Pavilion, and \$100,000 in funding for the Asa Parlin House, and \$100,000 towards the Maynard-Acton Rail Shuttle. Mr. Benson thanked Mr. Charter for the letter to the DEP regarding the Concord Water District proposed intake valve project. Need to select a gas leak liaison from the Board of Selectmen. Mr. Benson suggested the Town Manager act on behalf of the town as the gas leak contact.

### II. New/Special Business

#### 3. Nuisance Dog Hearing, "Bosco", 18 Grasshopper Way, Acton

In attendance is Town Counsel Associate Sam Dinning. Ms. Gardner read the public hearing notice. Mr. Dinning presented to the Board the procedure for the hearing. Mr. Charter read the statement for swearing in for all who will be testifying during the hearing. Mr. Tack Palmer, Animal Control Officer presented a brief synopsis regarding the complaint towards "Bosco" residing at 18 Grasshopper Lane. Mr. Palmer read a list of remedies for the Board to decide if the Board deems the dog a nuisance. Mr. Berry questioned about the licensing history of the dog. Julia and Katie Larkin explained the incident to the Board. Kathy Kennedy testified on Bosco's behavior running from the property on many occasions. Ethan Kerr, son of owner testified on behalf of Bosco.



Stated the dog is only 7 lbs. Stated there has not been any incidences involving the dog escaping a ½ mile. Matt Kerr testified on behalf of Bosco. States they have a fenced back yard. Installed another fortification within the back yard within the past year. Bosco has not escaped since the installation. Anna Kerr, owner testified that the dog has gotten excited as he has aged. Dog escaped due to digging under the fencing. Has since fortified the gate, and installed a den within the fencing. Ms. Kerr commented that she has gotten medication for Bosco to calm the dog down and hasn't had an incident since and has worked to rectify the situation.

Mr. Charter moves to close hearing, Mr. Berry seconds. All Ayes (5-0). Motion carries.

Mr. Berry moves to find Bosco a nuisance dog, Mr. Martin seconds. All Ayes (5-0). The motion carries.

Mr. Palmer noted that the Kerr's have updated the containment area. Mr. Palmer suggested that the dog should never leave the property and be under the supervision of the owners at all times and leave it up to legal counsel what the remedy would be if the dog ever leaves the property again. Ms. Gardner read the motion that the dog will be restrained by any means necessary to assure escape is not possible and if dog leaves the yard it will be on leash. Mr. Martin moves, Mr. Berry seconds. Board voted 5-0. Motion carries.

4. Bruce Freeman Rail Trail Right of Way Lease for Phase IIB

MR. Mangiaratti updated the Board regarding the rail trail ROW – needs a vote of the Board authorizing the Town Manager to sign the lease. Mr. Gardner read the motion of “To approve that certain First Amendment to Lease Agreement by and between the Town and the Massachusetts Department of Transportation, substantially in the for presented to the Board at its August 5, 2019 meeting, with final changes to be approved by the Town Manager in the Town Manager’s reasonable discretion in consultation with Town Counsel; and to authorize the Town Manager to take all actions on behalf of the Town that are reasonably necessary, in the judgement of the Town Manager in consultation with Town Counsel, to effectuate and complete the transactions contemplated by the Amendment”, Mr. Berry moves, Mr. Martin seconds. Board voted 5-0. The motion carries. Audience members asked for clarification of the boundaries of the trail and suggested using field stones on the façade of the bridge.

5. Proposed Revised Charge for Town Meeting Improvement Committee

Mr. Benson updated the Board on the proposed Town Meeting Improvement Committee Charge and membership list and added 2 associate members that would act as at large members. Mr. Benson moves to adopt revised charge and confirm appointment of 8 members, Mr. Martin seconds. The Board voted 5-0. The motion carries.

6. Board to Take Action on 30 Day Letter Review Period Regarding Powdermill Place



Mr. Mangiaratti updated the Board in response to the recent letter from DHCD acknowledging the receipt of the Powdermill Place LLC proposed 40B comprehensive permit and notifying the Board has a 30 day time period to submit comments to DHCD. Mr. Benson would like to add a short note affirming the support of the project. Mr. Mangiaratti will have a letter drafted for the Chair. Member of audience questioned about the result of the traffic study. Mr. Mangiaratti stated that it will be part of the comprehensive permit and will be reviewed by engineers.

7. Review Comprehensive Plant Evaluation – Woodard and Curran  
Representing Woodard & Curran is Jack Troidl. Mr. Troidl gave a power point presentation regarding the wastewater treatment plant evaluation. There is a source to borrow from – Mr. Mangiaratti will make a rate presentation to the Board at a later date. West Acton will need to be part of the rate consideration within the next 5 – 10 years.
8. Review Proposed MassWorks Grant Application  
Mr. Mangiaratti gave the Board an overview of the MassWorks Grant Program and is looking for permission from the Board to apply to provide wastewater infrastructure improvements up to 5 million. The driving force is the proposed private development of Powdermill Place. Mr. Martin moves to support the towns effort to apply for the MassWork Grant to be used for wastewater treatment in cooperation for the Powdermill Place development, Mr. Charter seconds. Audience member asked for clarification of what the grant will be used for specifically. Board voted 5-0. Motion carries
9. Board Discussion on Proposed Piper Lane, LLC 40B Comprehensive Permit Application and Board's Position  
Mr. Charter requested to have this item on the Board's agenda to reiterate the Board's position on the proposed 40B comprehensive permit and read from a prepared statement that was handed out to the Board members at the meeting. Mr. Charter moves the Board of Selectmen formally note their continuing opposition to the proposed housing project at Piper Lane (Piper Lane LLC) Mr. Benson seconds. Board's vote to be forwarded to the ZBA. Several suggested edits were requested to Mr. Charter. Board voted 5-0. Motion carries.
10. Update on Acton Leadership Group  
Mr. Mangiaratti updated the Board on recent meetings of the Acton Leadership Group. Request from a member that all members of 3 Boards meet to discuss the budget (Finance, School Committee, and Board of Selectmen). Wants to know if the Board is comfortable with that type of meeting. Mr. Berry suggests utilizing a moderator to help facilitate the future meeting. Board is in favor of holding meeting.
11. Discussion Regarding Surplus Property, 3 School Street  
Mr. Mangiaratti presented to the Board regarding the future of the civil defense building at 3 School Street. Currently used for storage. Looking for support for declaring it for surplus. Board must declare the property as surplus, then must go on a s a warrant article



at town meeting which would require a 2/3 vote. Mr. Charter favors it being declared surplus and put out an RFP, but should maintain some control with the RFP process. Several audience members spoke regarding the history of the property, property ownership, the ability to withdraw from the vote if the Board declares it surplus. Mr. Martin moves to declare the property surplus, Mr. Charter seconds. The Board voted 5-0. The motion carries

### **III. Consent Items**

Mr. Benson held consent item 13 and 14, Ms. Gardner held consent item 19, Mr. Berry held consent item 20. Consent item 13 will be discussed further at the September 9<sup>th</sup> meeting. Item 14 was held to explain the correcting actions of the July 1<sup>st</sup> meeting regarding the refund request and that the Board had no authority to approve the request because the applicant pulled out of the application, and the policy of the Building Department list that no refunds or transfers were allowed or permitted. Mr. Mangiaratti will look into it for the next BoS meeting and revisit. Item 19 – Ms. Gardner commented that the Commission on Disability will take care of the current membership changes at their next scheduled meeting and any new appointments will take place at the next BoS meeting. Item 20 – Mr. Berry questioned if it was from a past litigation, Mr. Mangiaratti explained it was to protect from development and preserve it as conservation land. Mr. Berry moves to approve items 14, 19 and 20, Mr. Martin seconds. Board voted 5-0. The motion carries.

Mr. Martin moves to adjourn, Mr. Benson seconds. Board voted 5-0. Motion carries. Meeting adjourned at 9:30 PM.

### **Documents and Exhibits Used During this Meeting**

- Nuisance Dog Material
- Bruce Freeman Rail Trail ROW Lease for Phase 2B
- Town Meeting Improvement Committee Revised Charge
- 30 Day Letter Review Period for Powdermill Place
- 3 School Street Parcel
- Statement from Dean Charter Regarding Board's Position
- Meeting Minutes
- Executive Session Minutes
- Refund Request, Hossein Jowkar, Building Permit Application
- Committee Appointment, Lori Cooney
- Committee Appointment, Ronald Parenti
- Committee Appointment, Julia Day
- Committee Appointment, Jeff Bergart
- Committee Appointment, Jim Snyder-Grant
- Conservation Restriction, Laws Brook Road
- Historical Commission Sign Request
- One Day Alcoholic Beverage License, Daniel Holm



- Sidewalk Contribution, Anthem Village
- Sidewalk Contribution, 110 Nagog Hill Road
- Accept Gift, Planning Department, Acton Bike Share Sponsors
- Accept Gift, Recreation Department, Miscellaneous Donors, Acton Dog Park
- Accept Gifts, Recreation Department, Miscellaneous Donors, New Recreation Facility and Playground at Jones Field
- Request to Dispose of Obsolete Items, Acton Memorial Library