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BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

**TOWN CLERK
ACTON**

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

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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.

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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: .

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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