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FEB 28 2017

**BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING** TOWN CLERK  
ACTON

**September 26, 2016**  
**Francis Faulkner Room 204**  
**Regular Meeting 7:00 PM**

Present: Peter J. Berry, Janet K. Adachi, Franny Osman, Katie Green, Chingsung Chang, Assistant Town Manager Mark Hald, and Lisa Tomyl, Recording Secretary

Mr. Berry opened the meeting at 7:00 PM and led the Pledge of Allegiance

**Citizen's Concerns**

None

**Chairman's Update/ Operational Update**

Mr. Berry - Judge Leila Kern of Middlesex Superior Court ruled in favor of the Town in the Town Meeting vote to grant funds to two churches in town with Community Preservation Committee funds. Ruled favorably with the Town's decision. Town received a grant for \$400,000 for complete streets from MassDOT. Accolades to Corey York, Director of the Department of Public Works. Last week we had Employee Development Day. Planning on a reception to thank all volunteers of the town in the spring. If interested in serving as a volunteer, fill out a volunteer application.

Mr. Hald - Town Manager's Office attended a training called ALICE (active shooting training) with about 30 other employees. Will be making it mandatory for all Town employees and opening it up for Boards and committees as well. Warrant for Special Town Meeting is going out and posted in various locations. Highway Department is starting a paving project on Wednesday from Main Street at Kelly's Corner to Maynard town line.

**Public Hearings and Appointments**

Change in Manager, Ixtapa Mexican Grill and Cantina - Mr. Berry read the public hearing notice. Representing Ixtapa is Nicholas Felici, counsel for Alejandro Brambilla/ Guacamole, Inc. Ms. Adachi moved to approve the application for a change in manager, Ms. Green seconded. Mr. Berry inquired about the TIPS training and alcoholic service policy. Mr. Felici said all employees are fully trained and must be certified prior to serving customers. Ms. Osman stated that with past over service hearings, a customer had not been drunk before the last drink but did appear intoxicated after it. Requests that the owners play it safe and to call the Police Department if a customer leaving appears intoxicated, they are willing to be called. Ms. Adachi moved to approve the application, Ms. Green seconded. All Ayes (5-0).

Change in Manager, Not Your Average Joe's - Mr. Berry read the public hearing notice. Mr. LaBlue represented himself. Ms. Green moved to approve the application of a change in manager for Not Your Average Joes, Ms. Adachi seconded. All Ayes. (5-0)

Update on Early Voting, Acton Town Clerk – Eva Szkaradek gave a brief overview regarding the new early voting policy that will make it easier for all voters to cast their ballot. Ms. Green asked if all the early voting dates are being staffed by volunteers or town staff – Ms. Szkaradek stated they are being staffed by election workers. If people come in to vote early then they will not be able to vote on the actual Presidential Election on November 8<sup>th</sup>. Ms. Osman wondered about providing transportation on the weekend dates if people with disabilities require it and can only make the weekend for early voting.

Acton Nursing Services (ANS) Final Report - Acton Nursing Services Task Force (ANSTF) Chair Charlie Kadlec presented the final report of the ANSTF. Recommendation is to create a permanent standing committee to support ANS and to increase awareness of ANS and to continue to provide accurate factual information about ANS. Upon acceptance of the Board of Selectmen, if task is complete the recommendation is to disband. Ms. Adachi thanked the ANSTF for all their hard work and questioned about what the admissions were from - hospitals or to ANS. Mr. Kadlec stated to ANS. Ms. Green had no questions but wanted to thank the ANSTF for all their work. Mr. Berry wondered if there was a way to track patient information without violating patient privacy laws. Mr. Kadlec has had conversations before about it and the short answer was no. Mr. Berry stated affirmative support from all Board members. Ms. Green moved to accept final report from ANSTF, Mr. Chang second. All Ayes (5-0). ANSTF is recognized as dissolved.

Comprehensive 40B Plan, Martin Street – Mr. Mark Gallagher representing the development Seal Harbor, LLC gave a brief presentation of the plans for the location known as 31-39-45 Martin Street. Ms. Green questioned about the 3 historic homes currently there and keeping them where they are. Mr. Gallagher stated that he currently plans on keeping them however there is water damage and mold on the inside (of one of the homes) and not in stable condition to move. The other two homes are in pretty good shape and one has a barn with it which would be moved as well. Concerns about flooding in the area – a flood study has not been done yet, but is having a company coming out in about 4 days for a flood plain study. Some part of the Martin St. sidewalk is from the original development and neighbors are requesting to keep part of the historic stone sidewalk. Mr. Chang had no questions. Ms. Osman appreciative of 8 more affordable units, but disappointed that it seems they squeezed in as many as possible. Wanted to know if there is comment from the Fire Department regarding the driveways. Mr. Gallagher just met with staff for a second time. Ms. Adachi thanked Mr. Gallagher for going through this process and commented on the percentage of wetland and has concerns with storm water runoff and flooding. Likes suggestion of Acton Community Housing Comm. requesting hiring an engineer. Moving the existing homes to the front is a good compromise. Ms. Adachi to draft a letter with questions and comments for the developer.

Shuyu Lee - Skyline Drive – With affordable Housing increases in town, do the 40B affordable units get offered to Town employees? Nancy Tavernier explained about the process with Mass Housing to give preference to residents and offer to town employees.

Ann Forbes – Martin Street – The neighborhood is concerned about what happens to the three existing houses. That is what makes the difference between something having a hope of fitting into the

neighborhood and something that just “landed.” If you move the (northernmost), yellow house at 31, where will you move it now? Mr. Gallagher showed location on map, near front. Ms. Forbes says she hears that they want to save three houses with caveat that they might not be able to save the third one. If they rehab it in place it might address the problem of the house that they think maybe can’t be moved. Asking them to try. Possibly leave it in place so don’t have to subject it to moving.

Tim White – Robbins Street – Wanted to know how the “neighbors” are defined. His property is located on the southerly side corner of the property. Concerned about the flooding especially on Stow Street and having that much paving done.

John Sonner - 38 Maple Street – Nancy Tavernier reached out to him to cover the Stow Street Martin Street Maple Street abutters.

Nancy Tavernier - Board of Selectmen have the opportunity to send a letter to Mass Housing – there is no vote as there is in a Local Initiative Plan (LIP) – this is the first time we have a project from Mass Housing. The Zoning Board of Appeals is the granting party for Mass Housing.

Katie Green – recommend commenting that we would like to have the peer review of the stormwater - encourage to have all three homes saved and moved and know there is some question about the 3<sup>rd</sup> one – encourage all efforts to preserve and save them. Some concerns about the density – but does support increasing affordable housing.

Discussion on Municipal Elections to the Boston Region Metropolitan Planning Organization – Ms. Osman does not feel ready at this time to nominate Acton at this time. Bedford has been on the Board for 1-2 terms and is running again.


#### **Consent Agenda**

Mr. Berry held item 7 to clarify where the signs would go. Ms. Adachi moved to approve consent items 7-9, Ms. Green seconded. All Ayes (5-0)

Ms. Osman moved to adjourn, Ms. Adachi seconded. All Ayes (5-0). Meeting adjourned at 9:00 PM.

Respectfully Submitted,

  
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Lisa Tomyl, Recording Secretary

  
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Franny Osman, Clerk