

BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

**March 21, 2016
Francis Faulkner Room 204
Regular Meeting 7:00 PM**

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**TOWN CLERK
ACTON**

Present: Katie Green, Peter J. Berry, Janet K. Adachi, Franny Osman, Chingsung Chang, Town Manager
Steven Ledoux, and Lisa Tomyl, Recording Secretary
Absent: Peter J. Berry

Chairman Green opened the meeting at 7:00 PM

Citizens' Concerns

Carolyn Kiely, 11 Parkland Lane, Quail Ridge. Hearing on Concord's proposed Nagog Pond water-treatment facility resumes on April 11 She wants to express concern that Concord is bypassing proper zoning process in pursuing this special permit. Concord is hiring special zoning counsel for this this. The present variance needs to be amended before Concord seeks a special permit from Board. Board should consider requiring that before the 4/11 hearing. Ms. Green will share this information with the Town's special counsel for the special permit.

Chairman's Update and Operational Update:

Ms. Green: Town Meeting is coming up April 4 at the Acton-Boxborough Regional High School auditorium, 3/29 is local elections, polls open 7 am – 7 pm, next Monday night League of Women Voters will have a candidates forum t and pre-Town Meeting meeting is next Thursday. 3/22 solar energy forum, 3/16 poetry-reading.

Mr. Ledoux - Getting ready for Town Meeting and staff is busy working on presentations – taping 4 TV shows tomorrow at ActonTV: town budget, Kelley's Corner proposals, Minuteman Regional District debt issuance for new building, Senior Center proposal. Met with Associated Environmental Systems a week ago and have tentative terms for a memorandum of understanding that will come to Selectmen after Town Meeting; proposed terms include Town right of first refusal regarding the 20K of lease-space, and there could be contribution to Crosstown Connect later if and when company is interested in participating. The 2 houses gifted by Redmond Construction have been moved to their new locations.

Public Hearings and Appointments

Senator Eldridge, Representative Cory Atkins and Representative Jennifer Benson, Budgetary and Legislative Updates – Senator Eldridge presented a letter outlining his FY17 budget priorities, including review of MA foundation budget used to calculate local educational aid; support for the proposed transfer to the Town of the Division of Fisheries and Wildlife property at 61 Harris Street.

Representative Atkins together with Representative Benson hosted the recent public forum about solar Board of Selectmen

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energy and net metering at the Public Safety Facility; Rep. Atkins also is a sponsor for proposed legislation to require hands-free driving, to call on Congress to call a constitutional convention to amend the U.S. Constitution in response to the U.S. Supreme Court's Citizens United decision, and to protect transgender individuals in public accommodations. Representative Benson supports increased per-pupil local aid and is working on House Bill 3448 to increase Town of Acton liquor licenses. Acton has 27 licenses and is seeking an additional 22, which is a significant increase so will require phased release of the additional licenses. Rep. Benson said the solar forum was well-attended with lots of stakeholders and diverse perspectives.

Ms. Osman noted with respect to the Concord proposed treatment plant at Nagog Pond that Senator Eldridge suggested that the 2 towns discuss the special permit; Senator Eldridge is researching the 1884 law and will be doing a walkthrough of the property. Ms. Osman asked about funding for Senior Centers, and also homeless housing Bill 1111. Senator Eldridge stated that the sale of state land to produce housing still in draft form. Ms. Osman noted that Maynard was having Representative Kate Hogan earmark a fixed route for transportation to Emerson hospital, and asked what is an earmark and can the Town of Acton get one. Representative Benson explained..

Mr. Chang asked what Senator Eldridge thought about education testing standards. Senator Eldridge feels there should be a moratorium regarding testing.

Package Store Transfer of License, Acton Market, Inc. to Chaki Corporation – Ms. Green read the public hearing notice. Representing Chaki Corporation was Brian Akasian, Esquire. Hours are 6AM – 10 PM. Ms. Adachi moved to approve transfer of malt and Wine Acton Market, Mr. Chang seconded. All Ayes (4-0).

Acton Community Housing Corporation - 12 Powder Mill Road, Chapter 40B Project Presentation – ACHC chairman Nancy Tavernier introduced the Chapter 40B applications that have been presented to the ACHC. A Local Initial Program project, or so-called friendly 40B, allows decisions and suggestions to be negotiated between the Town and the developer; in the alternative, developers may file directly with MassHousing (the state affordable housing financing arm). The 12 Powder Mill development is not a LIP project. Architect Peter Conant, Representing the developer, explained his concern about the recent retirement-related turnover at the MA Department of Housing and Community Development, which oversees LIP projects, and also said that he had a better connection with MassHousing. The development almost fronts on the Assabet, with a 60 foot-wide strip running between the proposed site and the river. The curved configuration of the attached residences enables the development to stay outside of the protective 200' riverfront buffer. Ms. Tavernier noted the preservation of vast open space, layout, small, efficient units of 1600 ft, with market price under 400K. She said ACHC voted to recommend the development and recommended that the Selectmen also support the project. Ms. Adachi noted that the Design Review Board provided written comments and really like the concept. Ms. Adachi moved that the Board of Selectmen expresses support for the project and submit a letter to MassHousing. Ms. Osman second, All Ayes (4-0)

ACHC - 248 High Street 40B Project Presentation – This is a LIP project. Representing the developer were Joe Levine and his father, attorney Lou Levine, who previously were involved in the 69-87 River Street project. Nancy Tavernier noted that the site is one-half mile to the Stop & Shop plaza on Powder Mill Road, the houses will be arts-and-crafts bungalows, the developers are known and Town-owned open space of 4.6 acres is at the rear of the development site. She said that ACHC voted to recommend the application and recommends the Board of Selectmen also recommend and sign the application as well. The ACHC held a public forum regarding designs of houses and the bungalow design that the developer is proposing was the #1 choice. Ms. Adachi requested clarification of the status of the existing house and delayed demolition. Ms. Osman inquired about the possibility of building rental units; Mr. Levine had no real interest because of the economics. Ms. Green said she generally was supportive of the development, but disappointed that the historical house was in such poor shape that it could not be saved. She asked if there had been any offers on the house: no.

Fran Arsenault, Mohegan Drive - stated she is a Real Estate agent in town and there was some interest in purchasing the parcel.

Susan Bierwagen, Dunham Lane - working with Tom Tidman and Natural Resources Department, and said that small body of water on the property may be considered a vernal pool.

Ms. Osman moved to authorize the Chair to sign the application and sign a letter of support to DHCD, Ms. Adachi seconded. All Ayes (4-0)

Selectmen's Business

Acton Leadership Group Update - Mr. Ledoux reviewed the consensus reached during the ALG meeting last Tuesday. 1.6M reserves use in FY18, 1.3M in FY19.

Selectmen to Take Positions on Warrant Articles – At Ms. Adachi's recommendation, given insufficient financial information, Board deferred, until first night of Town Meeting, taking position on Article 10, pertaining to proposed debt issuance for Minuteman new building.

Petition to Accept 313 & 315 Main Street as Part of Acton Sewer District – Ms. Adachi moved to approve and grant the petition, Ms. Osman seconded, all ayes (4-0).

Selectmen's Reports:

Selectmen Reports are included in the agenda packet on DocuShare. Ms. Osman announced that there would be a public information session about the North-South Rail Link on 4/12, Room 204, with former Governor Mike Dukakis being a featured speaker.

Consent Agenda

Ms. Green request to withdraw item 21 due to donators pulled their donation to submit a full donation and purchase of the Wildlife camera. Ms. Green moved to hold #10, Ms. Adachi moved to approve with

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the understanding applicant will receive only 50% of application moved to approve consent agenda items 10-22 noting that the committee appointment is for an Associates Position, Ms. Osman second. All Ayes (4-0)

Ms. Osman moved to adjourn, Ms. Adachi seconded, all Ayes (4-0).

Respectfully Submitted,



Lisa Tomyl, Recording Secretary



Janet K. Adachi, Clerk