

BOARD OF SELECTMEN AND SEWER COMMISSIONER'S MEETING

February 5, 2018

Francis Faulkner Room 204

Special Meeting 7:00 PM

To view the full meeting, please [click here](#)

Present: Janet K. Adachi, Katie Green, Joan Gardner, Peter J. Berry, Chingsung Chang, Town Manager
Steve Ledoux, Lisa Tomyl, Recording Secretary

Citizen Concerns

Terra Friedrichs, West Acton – announced her candidacy for Selectmen, listed many factors in town that are important – Nagog Pond Water Treatment Plant, Kmart Parking lot purchase, affordable housing

Chairman's Update/Operational Update

Ms. Adachi – Dore Hunter – Former long-time Acton resident and Board of Selectmen member, passed away on 12/26/2017 in East Windsor, NJ. Served in Coast Guard, practiced law, member of School Committee for 6 years. Served on BOS for 25 years, first joining in 1980s just after Ms. Gardner had stepped down, and leaving in 2008 when Mr. Berry was in his 1st term. Services in his memory will take place this spring in NJ, and his ashes will be scattered in Lake George, where he sailed during the summer. Obituary in the Beacon closed with Dore's own words: "I would hope that I would be remembered for my love of my family, service to the community, Coast Guard service, and lawyering, in that order of importance." Circulating a card among Board members and Town Manager to send to his widow, Vanetta, and family, probably include separate letter/tribute.

Recreational marijuana – Will be meeting with Planning and Health Directors plus maybe Planning Board chairman later this month to discuss possible local regulations. Concord's newly released annual Town Meeting warrant has several proposals on recreational MJ, sponsored by different Town committees: proposed general bylaw amendment by Board of Health to ban non-medical MJ establishments; proposed zoning amendment by Finance Committee to adopt local 3% sales tax on MJ products; proposed zoning amendment by Planning Board to extend existing moratorium from 7/31/2018 to 12/31/2018.

Acton Chinese Language School 15th Chinese New Year celebration, Sunay, 2/11, 2-8:30 pm. Schedule typically activities, in afternoon, buffet dinner early evening, entertainment in auditorium at end. Please respond if you haven't already.

Discovery Museum invitation to Board members to attend event on 3/3 to see new expanded facility. RSVP deadline 2/16.

Meeting room file-storage – Looking into whether need more security for committee and other files stored in file cabinets in Town Hall meeting rooms, given that certain members of public have been observed looking through the files without permission.

Mr. Ledoux – Went over OPEB valuation for 2 years ending 2016 – the red delineates last evaluation, and the blue is the new – in 2 years have lowered unfunded liability by 4 million and payoff has gone from 2036 to 2032.

Public Hearings

LIP 40B Application, 146 Prospect Street, Joe Levine – Mr. Levine gave a power point presentation outlining his proposed 40B development of 4 single family homes with one affordable unit. ACHC supports the small project. KG – demolishing existing house wanted to be sure it is not on the list for Acton Historical Society – Mr. Levine stated it was not. Mentioned about utilizing the heat pumps instead of natural gas – Mr. Levine stated he was familiar with them. Ms. Green mentioned about the gas leaks study and that Prospect Street has the largest leaks in town. Likes the small proposal and that it fits in with the Acton 2020 plan. Mr. Berry asked if there were 4 total parking spaces – Mr. Levine stated 2 parking in garage and two parking in driveway. Mr. Berry questioned about encroaching wetlands. Requesting for waiver of appraisal. Mr. Berry supports project. Ms. Adachi questioned about working with the DRB – but this is just a preliminary site approval.

Terra Friedrichs, West Acton – commented on 40B projects, thanked the developer for the location, also thanked Ms. Green on commenting on the heat alternative with the heat pumps, likes the size of the homes. Inquired if material purchased will be more sustainable – Mr. Levine stated no. Mentioned about a tree takedown bylaw similar to Concord, and charging a tree preservation fee for future developments.

Danny Factor, 11 Davis Road – reiterated Ms. Green’s comment and choosing heating pumps vs. natural gas.

ACHC met with Mr. Levine and supports the project.

Ms. Green moves to approve the chair to sign the LIP application for 146 Prospect Street and send a letter from the Board with comments from tonight to DHCD, Ms. Gardner seconds - all ayes.

Senator Eldridge Budget Update – Senator Eldridge brought the Board up to speed on what is on the table for the FY19 budget.

Ms. Green inquired if there was anything you can do to push the need for new taxes that you have proposed. Thanked for many of the proposals including regional transportation (prevent mid-year cuts), also the foundation budget review commission budget, etc. No further questions. Ms. Gardner inquired regarding veterans’ benefits – is that determined by the number of veterans in town – yes. Mr. Berry commented that the town pays out ahead of time (veteran’s services and benefits) and the state

reimburses the town, also encouraged Senator Eldridge to do whatever he can do to keep funding the environmental grants in town.

Senator Eldridge commented on that gas leaks (National Grid) will hire utilities to seal the high leaks and prevent the utilities to charge us (municipalities) for paying for the sealing.

Ms. Adachi questioned if anything you can do to work with the governor on transportation/mass transit to make it more efficient and have a first class mass transit system as a first class system in Metro Boston. Zoning Reform Law –

Ms. Adachi asked about the Sanctuary City proposal stand, the Senator stated that the bill was sent to the senate today, some challenge in the house as a house bill, police chiefs will have the option to carve out any changes. Acton's policy with police is really a stand out outline for the state.

Ms. Adachi asked the Senator what was his stand on recreational marijuana and state tax reform with the pre-pay of taxes.

Senator Eldridge commented that he was a strong supporter of question 4. Concerned if a lot of communities prohibit the sale or limit sale of recreational marijuana. Tax proposal ideas see billions of dollars cuts at the state level will limit funds toward education/roads, etc.

Danny Factor, 11 Davis Road – funding for homelessness and low income housing – concerned about poverty in wealthy communities.

Terra Friedrichs, West Acton – hopes the bond bill is not just a subsidy for developers, questioned about the environmental funding, likes idea of section 8 getting more funding, questioned about mosquito funding and the materials used for mosquito control, percentage growth that Acton is experiencing is greater than that of the state.

Ann Chang – would like to see library budget returned to their former glory – will fight to keep libraries safe and sound. Questioned about the state sales tax cut and if it has gone to the senate – Senator Eldridge commented that it was still being brought to the legislature.

Selectmen's Business

Kelley's Corner Infrastructure Discussion - Representatives from Winstanley , Howard Stein Hudson, and Kelley's Corner Steering Committee

Barbara Green, Winstanley Executive – explained the history of the company and their projects they have worked on in the past. Updated the Board on where the property owned by Stop and Shop is in means of lease termination, also what the company's plans were for providing information for the surrounding community via public hearings and utilizing social media to keep all informed. Need a change in the zoning. Looking to have an article on a special fall town meeting regarding zoning changes.

Katie Enright, Howard Stein Hudson– working in collaboration with the Kelley's Corner Steering Committee and Winstanley Executive as the contracted engineering firm. Have a draft plan layout for the property that includes mixed use housing/commercial space.

Ms. Adachi summarized that the bottom line is that you are looking for a special fall town meeting for a warrant article.

Ms. Green inquired if the zoning is just for the Kmart parcel of all aspects of the Kelley's Corner – it is zoning for all parcels of Kelley's Corner.

Mr. Berry wanted to reiterate that if the zoning doesn't pass, control will go to any future developers of the sites and the Kmart site shuts down. The zoning changes will help control what will develop on that site and bring life back to the neighborhood with combined commercial/residential. Encourages the Board to call for a special fall town meeting for this design and the zoning changes.

Mr. Chang commented that you (Winstanley) developed a particular vision on how the town center should look and thinks that not everyone would agree how it should look – would suggest that you (Winstanley) come up with different versions/options for the site to have alternative options. Ms. Gardner agreed.

Ms. Adachi would ask the Board to vote to approve a special town meeting for zoning changes. Ann Chang spoke, then Terra Friedrichs spoke about buying the Kmart property so that the town could control what goes there such as a community center. She spoke to the manager of Kmart and she was told (by the store manager) that the Acton location was one of the top performing Kmart's and they won't leave the property.

Ms. Green moves to authorize Town Manager to look for dates for a town meeting in the fall, Ms. Gardner second. All Ayes.

Kelley's Corner Infrastructure Improvement Project - Proposed Comments to MassDOT –

Board to provide comments to MassDOT regarding Kelley's Corner Intersection Improvements.

Questions regarding the Charter Road intersection with Mass Ave and the main intersection of 27 and 111. Also a new traffic light down by CVS on 111. Ms. Green asked if there was a letter of support to MassDOT and has the letter from the engineering company gone to the Historical Commission as well. Terra Freidrichs, West Acton– rampant about taking easements and about voting no on the design and something about using the term eminent domain

Ms. Green moves to authorize the Chair to sign a letter of support to the MassDOT , Ms. Gardner second. All Ayes.

Ms. Adachi brought up for discussion regarding an email that was circulated earlier in the day regarding the use of the Kelley's Corner Infrastructure project as an example for the MMA Policy Committee meeting the next day from the Deputy Chief of Staff to Governor Baker's office. The proposed zoning changes at the 2016 annual town meeting did not pass as it required a supermajority vote. PB – doesn't want the Board to seem that the town is supporting plans/zoning changes and changing the majority vote change from 2/3 to majority vote. Ms. Green commented that as long it is clear it is not Acton supporting the Governor's proposed change for the zoning reform bill by using the plan for Kelley's Corner.

Ms. Adachi suggested that we are not endorsing the proposed bill and if the Board is comfortable she will speak to the Governor's Chief staff person it is OK to discuss the project as an example.

Update on Acton Leadership Group – Ms. Green gave the update from the last ALG meeting and the update FY19 budget – bottom line is that they have met all the Finance Committee’s point of view request for the budget.

Terra Friedrichs, West Acton – how is the Boxborough/Acton students spit – Ms. Green commented it is about 80/20.

Consent Agenda

Mr. Berry held item 6. Ms. Gardner held item 15. Ms. Green moved to approve consent items 7-14, 16-17. Ms. Gardner second, all ayes. Mr. Berry moved to move Louis York to an Associate Member, Ms. Green seconded. All Ayes. Ms. Gardner moves to have Lucy Kirshner as a Full Member, Ms. Green seconded. All Ayes.

Ms. Green moved to adjourn, Ms. Gardner second. All Ayes

Meeting adjourned at 9:40 PM

Respectfully submitted,



Lisa Tomyl, Recording Secretary



Joan Gardner, Clerk