

## BOARD OF SELECTMEN MEETING

November 19, 2018

Francis Faulkner Room 204

7:00 PM

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

Present: Katie Green, Joan Gardner, Jon Benson, Janet K. Adachi, Town Manager John S. Mangiaratti, , and Recording Secretary Lisa Tomyl

Absent: Peter J. Berry

### Citizen Concerns

Representatives from South Acton Neighborhood Association (SANA) made remarks that the letter the BoS wrote to MassHousing did not represent their serious concerns regarding the proposed comprehensive 40B Development at a parcel on Piper Road. Representing SANA was David Honn. Mr. Honn made several statements regarding the property. He requested that the BoS write another letter regarding the concerns of the abutters and members of SANA with the comments from residents attached to the letter, and to have it hand delivered to Ms. Watson in hardcopy. He also requested that the BoS schedule a meeting with MassHousing.

### Operational Minutes/Chair Report

Katie Green – Voter registration deadline for the December 3 Special Town Meeting is this Friday, November 23<sup>rd</sup>. Public feedback for Strawberry Hill Road, Tanglewood marionettes

John S. Mangiaratti – Last week we introduced a new communication tool called the Municipal Monthly. It is a monthly newsletter based on the design of the popular Municipal Quarterly that goes in the tax bills. We will continue the inclusion in tax bills quarterly but we will also distribute it through the website and social media. It is meant to be a readers digest version of the news and updates from Town Hall.

### Appointments

**7:10 PM Site Plan Special Permit #10/2/2018 – 471, 530 Main Street** – Ms. Green read the hearing notice. Representing Household Goods is Greg of Duchard and Dillis. The CEO of Household Goods is seeking ways to improve the efficiency of the site for parking and delivery of goods. There is a proposal of 3 phases of changes from the lower parking area, and an improvement the ways clients come in with their trucks. Better parking and location for tractor trailers used for storage. 3<sup>rd</sup> is re-configuration in the back of the building dedicated for drop off donations only, and also creating a loading dock in the rear of the building. Better dedicated entrance and exit to improve the traffic circle. JA – praises Household Goods and their operation. Inquired about a lighting plan – doesn't seem to be any changes than what is currently there. Questions about the stormwater runoff and wetland and flood plains. JG – happy to see this plan to improve the traffic flow. KG – Questioned about the tractor trailers location between phase 1 and 2. Will stay as is with the trailers parked in the back.

JA, KG in favor of waiving sidewalk fund fee. Gregg commented on some of the comments from the Planning Department regarding landscaping suggestions – he would like to focus on saving money and guidance on the condition.

Ms. Adachi moved to approve the Site Plan Special Permit #10/2/2018-471, 530 Main Street with the conditions listed by town departments and authorize to waive contribution toward the sidewalk fund, Ms. Gardner seconds, all ayes (4-0)

### **Selectmen Business**

**Gas Leak Update and Roadway Maintenance Policy** – Mr. Mangiaratti gave an overview of the gas leak policy and roadway maintenance to coordinate street openings and the highway paving schedule. Town Engineer Paul Campbell further broadened with a draft roadway policy to coordinate fixing gas leaks in a quick and timely manner.

**Kelley's Corner Update** – Mr. Mangiaratti introduced the update on the Kelley's Corner Infrastructure project with a presentation at the Senior Center this morning. Senior Town Planner Kristen Guichard presented a power point presentation on the update on the comment resolution meeting and received support with some of the updates since the last presentation in front of the Board of Selectmen. The presentation included an announcement of a proposed tree replanting program to supplement trees that are being replaced during the Kelley's Corner project.

Ray Leclaire – thinks the plan is very thoughtful and voiced support of the project

Terra Freidrichs – questioned about some of the crosswalks, appreciates getting trees for other areas such as the playgrounds, concerned about the turning lanes and the crosswalk islands

**Parking Garage Change, Insulet Corp.** – A representative from the engineering firm representing Insulet – requested the Board's consent for some minor design changes including increased height of the garage to the previously approved plan. Ms. Adachi moves to approve amendment to the plan, Ms. Gardner seconds. All Ayes (4-0)

**2019 License Renewals** –Ms. Gardner moves to approve all 2019 licenses issued by the Board of Selectmen, Ms. Adachi seconds. All ayes (4-0)

**Discuss Press Releases on 11/9/2018 from the Town of Concord and on 11/13/2018 from Littleton Water Department Regarding Litigation of Water Rights in Nagog Pond** – Attorney Jeff Roeloffs, who represented Acton in the Concord Water Treatment Plant site plan public hearings, was in attendance. He had recently discussed this matter with Littleton and Concord representatives. Mr. Roelofs explained to the Board that Littleton has been initiating pump testing for proposed wells near Nagog Pond. Concord reportedly believes that the installation of the wells would impact the Town of Concord's water supply. Littleton put Concord on notice they were going to exercise their rights to withdraw water from Nagog Pond. The Town of Concord filed a lawsuit against the Town of Littleton seeking a declaratory judgment regarding the Nagog Pond water rights. Special Counsel is looking to see if the Board wants

the Town to intervene in the pending litigation. Several citizens commented on the urgency to protect water rights. Board will further discuss during Executive Session.

**Discussion Concerning Open Meeting Law Complaint Filed by Steve Ballard on 10/31/2018**

Mr. Manager explained the requirement when an OML complaint is received the public body is required to discuss it and send a response within 30 days. Two members of the board attended in the audience during an ALG meeting in addition to the two board members who are on the ALG. Ms. Green mentioned that a complaint does not necessarily mean a violation occurred. Attendance does not make it a quorum of a meeting. As long as no deliberation occurred between visiting member and the two members of the group, no violation occurred. Also the complaint was received later than 30 days following the alleged violation so it is not timely. Chairman Green will respond on behalf the board.

**Consent Agenda**

Ms. Green held item 11 (petitioner pulled permit). Ms. Adachi moves to approve consent items 8-10 and 12-14, Ms. Gardner seconds. All Ayes (4-0)

Ms. Green asked the Board for a motion to enter into executive session to discuss matters with respect to any role for Acton in the lawsuit between the Town of Concord and the Town of Littleton related to Nagog Pond Land Court Filing "Town of Concord vs. Littleton Water Department" Ms. Gardner moves, Ms. Adachi seconds.

Roll call:

Ms. Adachi – aye

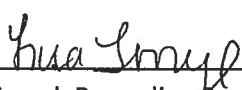
Ms. Green – aye

Ms. Gardner – aye

Mr. Benson – aye

Ms. Green noted that at the conclusion of the executive session, the Board will not reconvene in open session.

Respectfully submitted,



Lisa Tomyl, Recording Secretary



Jon Benson, Clerk