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TOWN CLERK
ACTON

BOARD OF SELECTMEN AND SEWER COMMISIONER'S MEETING

June 5, 2017

Francis Faulkner Room 204

Regular Meeting 7:00 PM

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

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

Absent: Chingsung Chang

Citizen Concerns

Paul Malchodi – concerned about the NARA Parking Fee – feels it was hastily addressed that needed more public input. Concerned about use of the Bruce Freemen Rail Trail and will escalate issues with towns who will allow outside usage for non-residents. Ms. Green noted that selected spaces will be used for the rail trail and will not be charged – the charges are for people that use the beach and non-residents (if they do not have a beach permit).

David Honn, 105 School Street – concerned about Chapter N – demolition of historical homes. House on 184 Main Street for the development of a 40B development. Feels as though the developer is going around following Chapter N. Concerned that the Planning Department is ignoring Chapter N. Would like to see a 6 month delay for demolition. Ms. Adachi was at the informational session and commented that ACHC has not reviewed the project.

Barry Rosen – wondering when the WRAC charge will be on the next meeting agenda – Ms. Adachi is hoping by next meeting – trying to get a search committee together for the Town Manager's upcoming retirement, but will work to get it on a future agenda.

Terra Friedrichs – West Acton – concerned about the address regarding the comment above and the Planning Department ignoring the Chapter N. Looking to have the WRAC charge on an upcoming agenda – suggested to have a new liaison for WRAC that would have more time to spend on it. Concerned about mosquito spraying. Would like to have a tree clearing bylaw as a Selectmen Goal. Subdivision bylaw by Planning Department. Thinks a mistake to promote and sell to developers.

Chairman Update/Operational Update

Ms. Adachi – AA-LWV, Mon, 6/12: annual meeting in Littleton.

ABUW, Tues, 6/13: annual meeting at W Acton Villageworks

BOS, Weds, 6/14: BOS annual goalsetting

Fair housing compliance workshop by RHO, Thurs, 6/15, Rm 204

Father's Day, Sun, 6/18

Classical concert at NARA, Thurs, 6/22, featuring A Far Cry. BOS members please remember to respond to dinner invitation no later than 6/15

Selectmen's reports: reminder to submit them to Lisa Tomyl for inclusion in meeting packets. Part of responsibility to keep public as well as each other informed, also in each Selectman's own interest to show that providing value. Also more efficient approach than practice when Chairman joined BOS in 2010, and Selectmen took up meeting time for oral reports of their liaison activities.

Future agenda items:

- 6/19: Possible Executive Session to revisit Town Manager contract for coming year, along with vote to approve in public session; Chairman outline of Town Manager search process; overhauled WRAC charge (Chairman has discussed with Joan Gardner the possibility of her assuming liaison role because Chairman has too many other tasks that must be done in coming year); hearing on possible revocation of Rapscallion entertainment license, either on 6/19 or at another future meeting.

Mr. Ledoux –

Public Hearings

All Alcohol License Cancellation, Guacamole, Inc. Ms. Adachi read the hearing notice. In attendance is Jessica Wall, from Anderson & Krieger. Ms. Wall gave legal guidance regarding pursuing a revocation and a history of the company leading to the decision to revoke. Vote to determine the license is forfeited and void, and/or a vote to cancel the license for non-use. Counsel would recommend if the license is cancelled, that the holder be given a grace period of 1-2 months.

Mr. Berry moved that Guacamole, Inc d/b/a Ixtapa Mexican Grill and Cantina at 5 Nagog Park has forfeited their license that the Board issued on November 21, 2016 for non-payment of fees pursuant to statute to which counsel referenced to GL 138 section 70, Ms. Green seconded. All Ayes

Use Special Permit #04/21/2017 – 315 Central Street – Ms. Adachi read the public hearing notice. In attendance was James Generri from New Garage, LLC. The 5 cars for sale would be parked closest to the road near the dumpster area. This is only a small part of the business – the main is auto repair.

Terra Friedrichs – West Acton – would like a condition of not selling at night and not using big floppy advertisements and not allowing additional signs. Ms. Adachi added that the zoning is changed to WAV the signage would be what is currently allowed. Ms. Guichard moving signs are not allowed and WAV has signs different from rt 2. Town just amended the lighting to LED. Mr. Berry is comfortable with restricting operation to daylight hours. Ms. Green moved to close hearing, Mr. Berry second. All Ayes. Mr. Berry move grant the USP and that it meets the criteria set forth in ZBL 10.3.5 with the condition to operate during daylight hours. Ms. Green second. All Ayes

Class II Auto Dealer License, Import Domestic Auto Center, 317 Central Street – Ms. Adachi read the public hearing notice. Mr. Berry move to grant the application of New Garage, LLC d/b/a Import Domestic Auto Center, Ms. Green second. All Ayes

Common Victualler License, Blackbird Café, Inc, 340 Great Road – Ms. Adachi read the public hearing notice. Ms. Green moved to approve the common victualler license, Mr. Berry seconded. All Ayes

Selectmen Business

Open Space Committee Charge Update – Ms. Green presented the update to the current charge. Current has 7 members, and have a lot of work to do and need more help and have the BOS member be a liaison instead and have a full time member to help with the workload. Also would like to add 2 associate members.

Terra Friedrichs, West Acton – consider adding something about protecting the West Acton Village due to the pressure of building.

Charlie Aaronson – delete the “up to 7” to “7” to avoid quorum problems. Ms. Green moved to approve the OPC charge and replace the “up to 7”, Mr. Berry second. All Ayes.

53 River Street Master Plan Committee Draft Charge – Drafted by the Land Use Director and submitted to the Town Manager. Ms. Green felt it was listing too much direction vs. the previous version, but genuinely supported it.

Dave Honn – 105 School Street – wanted to know if it (the charge) was publicly posted and if it listed the membership. Asked if there was a neighborhood representative listed, and if the committee member representation comes from other committees or from where we can get them. All members considered will be chosen as applications come in. Ms. Green recommended to add a member of the neighborhood. Charlie Aaronson recommends not putting it in as sometimes there can be a conflict of interest.

Ms. Green move to approve charge as is, Mr. Berry second. All Ayes.

Anti-Gas Leak Bylaw Discussion – KG would volunteer from the Board to work on drafting a bylaw and appreciated the work that Green Acton and Mothers out Front to have it ready for December for Annual Town Meeting.

Jim Snyder Grant – very comfortable the way the discussion is going regarding this topic. Mothers Out front can provide other bylaws that are out there.

Mr. Berry requests that GAB be kept in the loop as well. Debra Symes, Green Acton requested that Acton 2020 be kept informed as well.

Discussion on Possible One Day Entertainment License – keep receiving requests from one particular restaurant to fill a gap with their current approved license. Ms. Adachi feels that if it is something the Board is going to pursue, it would be for just a one day, not to cover a current license that is approved year round to cover gaps or to expand on their original approval.

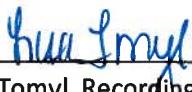
KG – we don’t give a one day liquor license to someone who has a year round license. Feels that it is a good process to have.

Consent Agenda

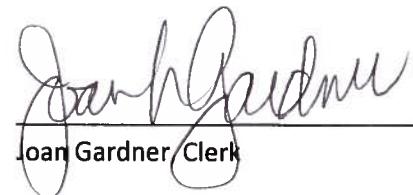
Mr. Aaronson held item 13 and 15. Ms. Green moved to approve items 9-12, 14, 16-19. Mr. Berry seconded. All Ayes.

Ms. Green moved to adjourn, Mr. Berry second. All Ayes

Respectfully Submitted,



Lisa Tomyl, Recording Secretary



Joan Gardner Clerk