

# EDC Minutes – 1 November 2012

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These are the meeting minutes from the Economic Development Committee (EDC) of the Town of Acton, Massachusetts. The meeting took place on 1 November 2012 at the Acton Town Hall.

The meeting was called to order at 7:30 by Nancy Dinkel.

Present: Allan Gulliver, Ann Chang, Dave Clough, Derrick Chin, Dick Calandrella, Doug Tindal, Larry Kenah, Nancy Dinkel

Missing: Chris Pappas, David Didriksen, Jeoff Hall

## Preliminaries

- There were no members of the public in attendance.
- The meetings from the 18 October 2012 meeting were approved.

## Tea Distribution

The tea company called Hartley S Johnson & Son, Inc, located on Craig Road, was represented by Elliot Johnson and Hartley Johnson. They were joined by Holly Johnson. The issue that they brought to the committee was that the company was in violation of zoning bylaws that restrict distribution in an area zoned for light industrial.

The committee received a letter from Elliot Johnson that described in some detail what his company does at the Craig Road facility. The committee also received a note from Roland Bartl that offered opinions on zoning definitions contained in ZBL sections 3.6.1 – 3.6.4. He described these restrictions as unrealistic and too narrowly focused.

The company believes that its primary activity is manufacturing. They receive many varieties of raw tea in bulk, mix several varieties together, and package the blended teas into smaller packages suitable for retail sale. The completed packages are then moved elsewhere for sale. Some companies refer to this final activity as *shipping*. Others call it *distribution*. The Johnsons unfortunately chose the latter word to describe an activity that every manufacturer must engage in.

Doug Tindal provided a simple distinction between manufacturing and the type of distribution that was the real intent of zoning bylaws against distribution.

- Manufacturing is a labor intensive activity that takes in “raw materials”, adds value, repackages the processed materials, and delivers its results.
- Distribution does not involve added value but, instead, is in the business of receiving bulk deliveries, resizing, and ultimately redistributing the goods. In this sense, a distributor delivers the same goods that it receives. Typically, warehousing and distribution operations are transportation intensive, and the labor which occurs on site is basically taken up by receiving and reshipping.

It is important to note that, from a zoning perspective, the primary differences are

- parking and circulation space required by distributors and warehouses
- the processes to which raw materials are put during manufacturing

Each type is using its land differently. The one is potentially busy and the other is potentially messy.

These are the key points from the discussion.

- The tea company activities clearly qualify as manufacturing and should be allowed in an area zoned for light industrial activity.
- The attorney engaged by the Johnsons was pleased with Roland Bartl's response.
- The company will be "held harmless" until town meeting.

This last point assumes that a zoning bylaw change is required. The committee felt that, in fact, there is no zoning bylaw issue. Instead, the company was incorrectly classified as a distribution company rather than a manufacturer. The EDC will follow up on this conclusion

**Action:** The EDC (Nancy Dinkel, Chair) will write a letter that will argue that Hartley S Johnson & Sons was incorrectly categorized.

The letter will be sent to the Planning Board.

Copies will be sent to:

- Planning Department
- Elliott Johnson and Hartley Johnson
- Board of Selectmen
- Town Manager

## Goals (for EDC)

There was a brief review of earlier material on goals. Nancy Dinkel pointed to two ongoing committee activities that came from these goals.

- Business directory
- Marketing survey

The committee agreed to read through this earlier work and use it as a starting point for further discussions. Here are some links to this earlier work.

## Public Documents

From the town Web site, follow the Public Documents link.

- Public Meetings
  - Economic Development Committee
    - 2008-2009 EDC Information
      - Meeting Packets
        - 3-19-09

These documents include meeting minutes and document templates.

## Doug Tindal Package

Doug Tindal prepared a set of documents for Harry Mink when Harry joined the EDC. Here is Doug's description of the document package.

Kristin had the complete file of all docs and correspondence. When Harry came on board, I prepared the attached for him. It was presented to him as being incomplete, and I directed him to Planning/Kristin to recover any other stuff he was interested in. FWIW, I think that Terra had pretty good files also.

Doug sent this ZIP file containing approximately 35 documents to the rest of the committee. We agreed to read this material before the next EDC meeting.

## Ease of Doing Business

Derrick Chin distributed the latest draft of his Process for Obtaining a Business Sign. There was quite a bit of discussion on two separate points.

- Is the order of steps correct? For example, is structural safety really examined before a permit is issued?
- Are the steps that appear in the two charts consistent with the text description of the process?

Derrick pointed out that the steps that he describes in his summary are exactly the steps that are followed. He pointed out that signs are governed by both the building department (for safety) and the planning department (via zoning bylaws).

Derrick will review his notes and charts to ensure that they are internally consistent.

The sign bylaws for the Historical District Commission are being rewritten.

## Items from Earlier Meetings

There were no updates on two agenda items.

- Marketing Survey/Process
- Electronic Business Directory

## Other Committee Business

Dave Clough talked about some discussions that he has had with the group that would like to move CVS across Massachusetts Avenue from its current location in the Roche Brothers shopping plaza. The committee needs to be up to date on options for different parts of Kelley's Corner. Dave asked whether the EDC would like to hear from these folks.

- **Motion:** The EDC will invite the developer of the proposed CVS to attend a future EDC meeting to discuss plans.

- The motion passed unanimously.

The meeting adjourned at 9:50.

The meeting dates through the end of the calendar year are 15 November, 6 December, and 20 December.