PROPOSED AGENDA

The listings of matters are those reasonably anticipated by the Chair 48 hours before said meeting, which may be discussed at the meeting. Not all items listed may in fact be discussed. Items may be taken out of order and at times that differ from those listed below. Other items not listed may also be brought up for discussion to the extent permitted by law.

Present: Joe Knox Chair, Cindy Napoli Vice Chair, Paul Glavey, Chuck DeCoste
Absent: Chase Gerbig

6:35 PM Meeting opened by Joe Knox
1. Organization – Agenda read by Chair Joe Knox

   Pledge of Allegiance – Led by Cindy Napoli

   Read Mail – Asst. Town Administrator Joe Laydon – two letters received from Comcast, one regarding price increase and the second is a required annual document of complaints and outages

2. Department/Board Updates
   A. Highway Department: Foster Street 100% Design Contract

   Highway Department Director Chris Stoddard said he hoped to have MassDOT schedule the design public hearing for Foster Street within the next couple of months; the current original contract will be exhausted by then. Chris requested approval of the contract with Fuss & O’Neill which will take the department 100% through the design; anticipate completion within the next year; $176,850 for this has already been included in maintenance budget

   Chuck DeCoste made the motion that the Board vote to authorize the Town Administrator to sign the contract with Fuss & O’Neill for the proposed scope of work identified as Phase C dated January 10, 2020; Seconded by Cindy Napoli; Motion passed 4 to 0.

   B. Local Initiative Program Application for Local Action Units – Affordable Units at Jones Meadow

   Joe Laydon briefly discussed application forms from the state for towns to add subsidized housing inventory. Chuck noted that one of the residential accepted uses would be a residential house for challenged individuals, but each bedroom is counted as one unit towards the SHI; would like to have other housing such as this added to the town.

   Chuck DeCoste made the motion that the Board vote to authorize the Chair to sign the DHCD (Department of Housing and Community Development) Local Action Units Application to add two (2) affordable units at Jones Meadow to the Town’s Subsidized Housing Inventory (SHI); Seconded by Cindy Napoli; Motion passed 4 to 0.

3. Form Based Code Presentation

   Planning Board Chair Anna Hueston said that the Planning Board has been working on finalizing the Form Based Code Bylaw in preparation for Annual Town Meeting. She provided the Board with an overview of the Littleton Common revitalization as well as information detailing additional changes to the zoning bylaw; public hearing and vote scheduled with the Planning Board on 3/5/20. If approved, requesting the by-law be supported by the BOS and placed on the warrant. All information is posted on the town website under the Planning Department section.

   Town Planner Maren Toohill stated that form based by-law is actually a zoning by-law which allows the town to state which designs in a specific area will be approved for permitting. Kudos from Paul regarding the work performed by the Planning Board.
4. Public Input/Members’ Updates
Town Clerk Diane Crory wanted residents to be aware of early voting this week Monday through Thursday, 8AM to 6PM and Friday 8AM to 2PM in the Multi-purpose room of the Town office building on Shattuck Street. Absentee voting will be accepted until Monday, March 2 at noon; Tuesday, March 3 is election day from 7AM to 8PM at the Charles Forbes Kaye gymnasium at the Middle School.

Paul – Some Littleton residents living near the Groton line have been having an ongoing problem with odor and noise from the kitchen facility of the nearby Shirdi Sai Temple which is actually located in Groton, off of 119 and under the jurisdiction of the Groton Board of Health. Littleton residents are scheduled for the Groton BOH meeting on March 16 to voice their concerns; they would like to be on the March 9 Littleton BOS agenda and have a letter of support written by the BOS. Paul indicated that he would be willing to attending the March 16 meeting.

Paul mentioned that two former Littleton residents, Pam McGivern Indorado and Brent Marshall, noticed that an Ayer house was on fire with a mother and child inside; they broke down the locked door, saving the two people; hoping to have some recognition from the state via Rep. Jim Arciero.

5. Littleton Robotics High School Competition Team Presentation
Littleton STEM Education Foundation or Littleton Robotics was first established in June 2016; mission is to promote educational opportunities in Littleton and the surrounding towns in grades 4 through 12; 38 current members and 18 mentors with meetings held at Patriot Beverage in a 4200 sq. ft. area. Members discussed training and preparation for the season competitions. The High School Mechanical Advantage Team 6328 gave a demonstration of their practice robot which was able to pick up and shoot small volleyballs into the air. The BOS said they were impressed by the knowledge of the team as well both the presentation and the demonstration provided.

6. Littleton Community Gardeners’ Request to Use the Common
The Littleton Country Gardeners sent a letter requesting the use of Littleton Common for their annual Plant Sale on Saturday, May 9, 2020 from 8:30 AM to 2:30 PM and set up for the event on May 8, 2020.

Chuck DeCoste made the motion that the Board of Selectmen vote to approve the use of Littleton Common for the Littleton Country Gardener’s Annual Plant Sale on May 9, 2020 from 8:30 AM to 2:30 PM including set-up on Friday, May 8, 2020; seconded by Paul Glavey; Motion passed 4 to 0.

7. Municipal Building Space Needs
The Town’s Architect, Lerner Ladds Bartels (LLB) presented at the January 27th BOS meeting several different scenarios which have been developed to date through the space needs study. Cindy and Chuck are the BOS representatives and have been meeting with Town Administrator Nina Nazarian and the architects and Vertex who are the OPM (Owners’ Property Manager).

Indian Hill Music property was looked at recently with an appraiser and they felt it was a great space. Indian Hill Board of Directors would be interested in discussing sale of the property to Littleton although their move to Groton is not anticipated until 2023. It is expected that there would be an additional cost of $42K+ to add this building to the scope of work for LLB and Vertex. Value of the property by the Assessor’s is thought to be around $2.3M; approximately 24K sq. ft. including an auditorium and is handicapped accessible.

Cindy indicated that the Indian Hill property was an impressive space with an ample parking and a lot of potential; all Board members were in agreement and felt that it would be remiss not to include the property as part of the space needs review. Marge Payne, Chair of the COA Board, also agreed that it would beneficial to look at the property and get input from the architects.
Cindy Napoli made the motion to authorize the Town Administrator to work with LLB to revise the scope of work to accommodate examining the Indian Hill Music Center in the amount not to exceed $45K; Seconded by Chuck DeCoste; Motion passed 4 to 0.

7:48 PM

8. **Town Meeting – Vote to insert articles on the warrant**

A proposed list of articles for inclusion on the warrant was provided and it is anticipated the vote on articles will be at the Board’s March 9, 2020 meeting. Deadline for Boards, Committees, Commissions and Departments to submit articles in draft form as placeholders to the BOS office is Friday, March 13, 2020 at noon. Town Meeting warrant as well Citizen Petition Deadlines is Friday March 20, 2020 at Noon

8:00 PM

9. **Continuation of Public Hearing pursuant to Selectmen’s Regulations and Policies, Chapter 8, Earth Removal Regulations, Section VI.D. – 64 Spectacle Pond Road**

Chuck DeCoste made the motion that the Board vote to re-open the Soil Removal Hearing relating to 64 Spectacle Pond Road; Seconded by Paul Glavey; Motion passed 4 to 0.

Appearing before the Board were Atty. Sherrill Gould, Mr. Sean Green owner of 64 Spectacle Pond Road and Mr. Seth Donohoe, Engineer from Ducharme and Dillis Civil Design Group

Joe acknowledged the documents which were provided last Friday afternoon. Mr. Donohoe indicated that Ducharme and Dillis were hired to survey the property and to compare drainage studies prior to removal of the earth and mound behind Mr. Green’s property and after removal of the earth and mound, and to recommend a remedy for the situation. Board was provided a plan showing the estimated topography prior to removal of mound, a plan showing existing conditions when Mr. Donohoe came to the site in January and a plan depicting proposed remediation.

Joe Knox indicated that the Board wanted to make sure that the work was completed and that the drainage does not go off property. Seth said that he has also hired Steve Breitmeyer to commence on the work. Paul asked for comments from the neighbor, Mr. Dutcher of 62 Spectacle Pond Road who asked the engineer why it was necessary to go to the expense of creating a berm and a filtration trench instead of just grading the property back to the catch basin as it was before. Mr. Donohoe said that when they came to the site, the catch basin was not evident and their scope of work was just to determine how much water was coming off the hill; took a look at conditions during January survey then summarized it in the report provided; noted a slight increase in runoff and small berm was proposed to mitigate any runoff from the property which will result in less runoff going into Mr. Dutcher’s property; felt this would be an improvement in conditions which were there prior to any alterations.

Joe said the Board may want an outside engineering firm for peer review. Joe Laydon indicated that peer review would be done at the applicant’s expense; an estimate would have to be obtained first. Atty. Gould indicated that the remediation and the construction of the trench is about $2500 based on a statement from Mr. Breitmeyer; she feels that the peer review would cost two to three times that amount and felt it was excessive and overkill; that Mr. Donohoe and his firm would not propose something that would not work. Paul indicated that he did not feel the peer review was necessary; Chuck recommended using Highway Department Director Chris Stoddard as he is an engineer; the Board supported that suggestion with Chris communicating with Mr. Donohue regarding any issues; if no significant issues the Board agreed that Atty. Gould, Mr. Green and Mr. Donohue would not be required to come to the meeting tentatively scheduled for March 9, 2020.

Mr. Donohoe explained on the conference room monitor what existed before soil removal of a 7’ high hill and what exists now including a 2’ high berm; Mr. Donohoe agreed that he would review the work when completed if it was made a condition of the permit. Mr. Green agreed; also stating this his property would be landscaped, that he would be moving his shed for which the original application was applied for and that he would be installing a 6’ fence in the backyard on the property line.
Mr. Dutcher asked about the catch basin that had been covered and indicated that a berm was left causing flooding. Atty. Gould stated that the basin had been uncovered and that the situation has little or nothing to do with the violation that the Board is reviewing; she intends to approach the problem indicating there may never have been an easement for the catch basin during initial development construction. However, the situation needs to be resolved; which she believes is a civil matter. Mrs. Dutcher indicated that there was a small berm near the drain which is still causing flooding; Mr. Green said he would remove it within the next day or so. Mrs. Dutcher asked if Mr. Green had applied for and paid for the soil removal permit, to which he said he had. Mrs. Dutcher asked about a timeline for the work that will be done. Mr. Green responded that because of frost in the ground, work would not be started until the week of April 13, weather permitting.

Chuck DeCoste made the motion that the Board move to continue the Soil Removal Public Hearing relating to 64 Spectacle Pond Road to Monday, March 9, 2020 at 8:00 PM to be held in Room 103 of 37 Shattuck Street, Littleton; Seconded by Paul Glavey; Motion passed 4 to 0.

8:30 PM
10. Approval of Host Community Agreement Certification Form – G7
The Board of Selectmen voted at their February 10, 2020 meeting to execute the host community agreement with G7 Lab. Assistant Town Administrator Joseph Laydon provided the Board with the final version of the HCA which incorporated the changes that were requested by the Board. As part of G7 Lab’s application to the Cannabis Control Commission, they must submit a Host Community Agreement Certification Form that includes the signature of the Town or authorized representative certifying the execution of the HCA.

Cindy Napoli made the motion that the Board vote to authorize the Town Administrator/Assistant Town Administrator to sign the Host Community Agreement Certification Form certifying G7 Lab and the Town of Littleton Board of Selectmen had executed a host community agreement; Seconded by Chuck DeCoste; Motion passed 4 to 0.

8:35 PM
11. Host Community Agreement (HCA) Negotiations with proposed Community Care Collective
A revised HCA for Community Care Collective was provided to the Board which included changes requested by the Board at their February 10, 2020 meeting. Hours of operation were added as a condition from 10AM to 10 PM Sunday through Thursday and 10AM to 11PM on Friday and Saturday nights. Atty. Chris Heep indicated that some minor editorial changes were made in an attempt to create more of a legal boilerplate agreement, incorporating agreement for CCC and Littleton Apothecary HCA to resemble each other as much as possible. Mr. Giannetta agreed to all changes which were made.

Paul expressed appreciation in trying to keep the HCAs as close as possible and thanked Atty. Heep for his work. In discussion of operating hours, Atty. Heep indicated that operating hours could be changed by either the BOS or Planning Board, if required. Mr. Nadeau of Robinson Road expressed concern about the operating hours, giving examples of nearby retail dispensaries; he requested a closing of 8PM or 9PM at the latest because of the proximity to a residential neighborhood. Mr. Giannetta said the he would agree to the change in hours from 9AM to 9PM, seven days a week.

Lorin Borba of Robinson Road asked if any language was written in the HCA regarding potential disturbances that might occur within a specific time period. Atty. Heep stated that there was no language in the HCA regarding disturbances, however, there were several other protective measures including a security plan approved by Littleton Police Chief, an obligation to work with the police to address any complaints; scheduled or unscheduled inspections of the facility which can be performed by police or town official. There is also a requirement in place for a minimum of two week reservation only once the business is open. Mr. Giannetta will meet with Chief Pinard a month prior to the opening of the business to discuss whether this timeframe should be longer, based on demand at other local establishments. It will only get lifted once demand does not require it; however, it can be put into effect any time. Ms. Borba requested that the requirement not be lifted because she felt that a two week period would not give
sufficient baseline information; wants to take a conservative approach for 9 months as a reservation only business then proceed if there have been no issues.

Atty. Heep indicated that this particular facility is not expected to be open for another year and because other marijuana establishments will be opening up, traffic may not be what is anticipated. Chuck expressed his appreciation of the comments from Ms. Borba, but said they have reviewed other facilities in MA and there had been no disturbances as the operations are run very tightly and the owners take a lot of pride in their businesses. Chuck felt that the Board has been very mindful of the Town’s and the resident’s safety. Mr. Nadeau expressed his agreement with Ms. Borba on the two week reservation only policy being extended to at least 9 months. Joe Knox said he had visited Gage dispensary in Ayer which is next to a residential area; after speaking with the manager he felt comfortable with what Littleton is doing and also indicated the two week timeframe could be extended if necessary.

Paul felt the concerns of Ms. Borba and Mr. Nadeau were appropriate but he is comfortable with the process in place knowing that Chief Pinard has the ability to address situations virtually the same day if necessary; asked Atty. Heep to discuss general layers of authority. Atty. Heep indicated that there are multiple layers for marijuana establishments, both town and state; they have to comply with Cannabis Control Commission regarding securing plans, operation plans, signage, etc. – very heavily regulated by state; once the HCA is received from the BOS, licensing with state begins, and a zoning permit has to be applied for from the Planning Board which requires a special permit and a public hearing process.

Ms. Borba made the request again to add language regarding specific number occurrences within a specific timeframe; Paul felt that adding that type of language would not make anything safer in light of what was already written in the HCA. Chuck said the state would be the enforcer to close any business if there was any problem and that Ms. Borba would be able to express her view at the Planning Board hearings.

Chuck made the motion that the Board sign the Host Community Agreement with Community Care Collective as amended and to authorize the Town Administrator/Assistant Town Administrator to sign the Host Community Agreement certification form certifying Community Care Collective and the Town of Littleton Board of Selectmen executed the Host Community Agreement; Seconded by Paul Glavey; Motion passed 3 to 0. Cindy Napoli had recused herself from this discussion and vote.

8:45 PM
12. Host Community Agreement (HCA) Negotiations with proposed Littleton Apothecary
Atty. Chris Heep is continuing to work with the applicant; hoping to have a final agreement soon. He produced a new draft with substantial revisions from the previous version which was reviewed two weeks ago; the applicants responded with significant changes of their own; Chuck, Nina, Chris and the applicant had a conversation today to discuss the changes; will continue to work with applicant. Chuck indicated that there were some items in the HCA that needed more discussion and the applicant was very accommodating and offered suggestions to finalize the HCA as soon as possible. Ms. Nordhaus indicated that she agreed to almost all of the changes she suggested; she felt things were moving forward and she will be following up with a few items with Chief Pinard; hoping all will be finalized in two weeks.

9:00 PM (taken out of order)
13. Board of Selectmen Retreat
Joe suggested that the Board should go off location to discuss issues, particularly communication between the Board and the Town Administrator and Assistant Town Administrator. All were in favor of a retreat as well as having a professional facilitator to organize the meeting; date to be determined.
9:10 PM (taken out of order)
14. Town Administrator
   A. Accept Gift Donation from Middlesex Savings Charitable Foundation for Police Department in the amount of $10,000
      Cindy Napoli made the motion that the Board vote to accept Middlesex Savings Charitable Foundation’s gift to the Police Departments in the amount of $10,000; Seconded by Paul Glavey: Motion passed 4 to 0.

   B. Approval of Facilities Director Job Description
      A final draft of the job description was provided to the Board; it’s been reviewed by School Department, PMBC Chair, Building Commissioner, and HR. Following Board approval it will be sent to the Personnel Board for grading and then will be advertised. In addition, the Board will need to appoint one member to serve on the screening committee. Because Board had just received the description, they requested more time to review the job description; any action was postponed to the March 9, 2020 BOS meeting.

   C. Church Meadows Contract
      Both Nina and Town Counsel had reviewed the insurance coverage and felt it was sufficient. Paul Glavey made the motion that the Board vote to accept the insurance coverage limits proposed by Frank Matheson, Jr. of Spring Brook Farm and waive the remaining insurance requirements; Seconded by Cindy Napoli; Motion passed 4 to 0.

   D. Presidential Primary Warrant - allows the town of Littleton to have a primary on March 3, 2020
      Cindy Napoli made the motion that the Selectmen sign the warrant for the March 3, 2020 Presidential Primary; Seconded by Paul Glavey; Motion passed 4 to 0.

9:15 PM
15. Minutes
   Paul Glavey made the motion to accept the minutes of February 10, 2020; Seconded by Chuck DeCoste; Motion passed 4 to 0.

9:05 PM Adjournment
   Paul Glavey made the motion to adjourn the meeting; Seconded by Chuck DeCoste; Motion passed 4 to 0.

Respectfully submitted,

Sue Raymond