

ADVISORY COMMITTEE MEETING

Thursday, March 15, 2018

7:00 PM

Town Hall – Selectmen’s Meeting Room

Members present: Connie Benjamin, Ann Hurd, Ted Kirchner, Joe Myerson
and Brian Boyle

Members absent: None

Call to order: Town Accountant Ninotchka Rogers called the meeting to order at 7:03 PM.
The entire meeting can be viewed by going to:

http://new.townhallstreams.com/stream.php?location_id=75&id=16020

Agenda Item #1: Vote to reorganize as a Committee

- Town Accountant Ninotchka Rogers asked for nominations for an interim Chairperson for the Advisory Committee. This person will serve as Chair until a full six-member Advisory Committee re-organizes in June or July 2018. **MOTION:** Connie Benjamin moved to nominate Brian Boyle as the interim Chairperson; seconded by Joe Myerson. **VOTING IN FAVOR:** Connie Benjamin, Ann Hurd, Ted Kirchner, Joe Myerson, and Brian Boyle. **VOTED AND PASSED. UNANIMOUS (5-0).**
- Brian thanked former Chairman Brad Cote for his service and said his advice would always be welcomed.

Agenda Item #2: Meet with a Conservation Commission representative regarding any potential financial implications of the river protection warrant article

- Our Conservation Agent Rebecca Longvall discussed the purpose and effect of the proposed warrant article. The article seeks to designate the Nashua, Squannacook, and Nissitissit Rivers as “Wild and Scenic Rivers” under federal law. Rebecca explained that one potential financial implication of the designation would be to make us eligible for federal funds in the future.
- Selectman Stan Wysocki noted that the proponents of the article spoke with the Board of Selectmen last year, and there appears to be no financial downside.
- Ted Kirchner asked which entities would be responsible for paying the costs of implementing the elements of the stewardship plan. Rebecca said that most costs will be borne by the federal park service. She also noted that, in terms of indirect costs, she would continue to spend time collaborating with the other towns that accept the designation. Rebecca also clarified that all of the recommendations in the stewardship plan are voluntary and aspirational.

Agenda Item #3: Meet with a Public Ways Safety Committee representative regarding the Route 117 Pedestrian Crossing Safety Improvements

- Mary Ciummo, Leslie Breeze, and Holly Lauer explained that the PWSC is committed to making Bolton a more walkable community. The PWSC is sponsoring an article to

install pedestrian crosswalk signals at the intersection of Main Street and Mechanic Street, for an estimated cost of \$22,000. The purpose of their FY19 article is to improve the safety of the crosswalk at Main and Mechanic Streets. Within a half-mile of the crosswalk, there are several public destinations, including municipal and school buildings, churches, senior housing, commercial establishments, and an office park. Mary also explained that the proposed upgrades would make the crosswalk ADA compliant.

- We noted that the Town Roads Strategic Planning Committee is advocating for a “master plan” for all of Main Street, and we asked whether the PWSC’s proposed crosswalk could be rendered obsolete by that eventual master plan. The PWSC said that that was very unlikely.

Agenda Item #4: Meet with the Planning Board to discuss all of the Planning Board articles

- Planning Board Chair Erik Neyland discussed each of the Planning Board’s FY19 warrant articles. He noted that all of the proposed articles were unanimously approved by the Planning Board.
- *Cottage Overlay District Bylaw*
 - This bylaw would give developers a “density bonus” to incentivize the construction of dwellings for people aged 55 and older. The purpose of this bylaw is to help alleviate the residential tax burden and to add diversity of housing stock within Bolton. The Cottage Overlay District would apply to parcels that are 10 acres or greater.
 - As Erik previously explained in our January 17, 2018 meeting, on average across Bolton, we currently have a ratio of 0.61 children per household. However, in some of the newer single-family home developments, the ratio is 1.12 children per household. After consulting with the school district, Erik determined that the average net annual revenue (through taxation) of a typical 10-house subdivision is about \$55,000. By contrast, the proposed Cottage Overlay District bylaw creates a “density bonus” for developments that have an age 55 restriction. If all the units were age-restricted, the developer would receive a “4x” density bonus and would be able to create 40 units instead of 10. For such a 40-unit development, the average net annual revenue would be about \$340,000 (vs. \$55,000 for a normal 10-unit development).
 - With regard to affordable housing requirements, there is no requirement for age-restricted units. For non-age-restricted units, 10% of those would be required to be affordable.
- *Amend Driveways and Parking*
 - Our current bylaw takes a formulaic approach (based purely on an establishment’s square footage) that sometimes leads to greater parking requirements than an establishment actually needs. The purpose of the proposed bylaw is to reduce the impervious area that is currently required for parking, and to more closely align parking requirements with the nature of the business. The Planning Board researched a number of other towns’

bylaws, as well as the Commonwealth's Smart Parking Bylaw, when it drafted this updated parking bylaw.

- *Amend Dimensional Schedule*
 - The purpose of this proposed bylaw is to attempt to make the Limited Business, Business, and Industrial Districts more attractive to businesses by giving them the ability to expand their footprints in those districts.
 - Erik's research has shown that 82% of Bolton's total tax revenue comes from the residential tax base. He wondered how the town could increase revenue from the business tax base without altering the town's character. This bylaw attempts to address this challenge by making our current business zones more attractive to businesses and developers.
 - Under the current bylaw, Bolton allows up to a maximum of 8% lot coverage. The proposed bylaw would expand that to 20% in the Limited Business and Business Districts, and to 30% in the Industrial District. Property owners in the Industrial District would also be required to maintain 33% of a lot as open space.
- *Maximum Lot Coverage in Mixed Use Village Overlay*
 - Like the Dimensional Schedule bylaw, the purpose of this proposed bylaw is to attempt to make the Village Overlay District more attractive to developers by giving them the ability to expand building footprints in those districts from 10% to 25%. This bylaw is a logical accompaniment to the proposed Dimensional Schedule bylaw.
- *Recreational Marijuana Establishments*
 - Under state law, marijuana is not considered to be part of the "right to farm," so it is not automatically eligible to be cultivated in residential zones. The purpose of the proposed bylaw is to allow marijuana establishments to do business in the Limited Business, Business, and Industrial Districts. Under the bylaw, the Special Permit and site plan approval process would apply to all marijuana establishments.
 - In drafting this bylaw, the Planning Board sought to reasonably regulate marijuana establishments while minimizing adverse impacts on adjacent properties, residential neighborhoods, and places where children congregate. The Planning Board was also cognizant of the fact that the town's original marijuana referendum vote was nearly evenly divided, so it tried to draft a bylaw that could garner support from those who were originally opposed to recreational marijuana.
 - Under the bylaw, marijuana cultivators, testing labs, and manufacturers would be permitted in the Industrial District only. Marijuana retailers would be permitted in the Limited Business, Business, and Industrial Districts. In all cases, marijuana establishments would have to be 500 feet from a residential dwelling or areas where children congregate.
 - Under state law, only retail sales of marijuana are subject to a local sales tax of up to 3.0%.
 - Resident Kate Buyuk is the author and proponent of a Citizen's Petition to allow Small Scale Cultivation in all zoning districts, including Residential. She

expressed concern that the Planning Board's bylaw was too restrictive with respect to the locations available for retail sales.

- Later in the meeting, Kate Buyuk offered to present information regarding her Citizen's Petition on Small Scale Cultivation. We accepted a copy of her handout regarding revenue projections, but we deferred substantive discussion of the Citizen's Petition until it could be properly noticed on a meeting agenda. As of our meeting date, the Citizen's Petition had not been certified or added to the warrant.

Agenda Item #5: Meet with an Economic Development Committee representative regarding the 0.75% Local Meals Tax article

- Selectman Stan Wysocki first provided some background regarding previous attempts to implement the 0.75% local option meals tax. He believes that 64% of municipalities in Massachusetts have already implemented this tax. This tax has to be approved by the voters at town meeting; it cannot be implemented by the Board of Selectmen on their own.
- Erik explained that the Economic Development Committee (EDC) was initially in favor of the meals tax when it first came to their attention in January. However, after later receiving feedback from some restaurant establishments, the EDC might reconsider their support for the tax. According to Erik, the EDC is trying to reform the town's anti-business reputation. He is concerned that the meals tax would negatively affect the town's relationship with local restaurateurs.
- Erik read a letter from Rich Pelletier, the owner of Nashoba Valley Winery. In Mr. Pelletier's view, the 0.75% meals tax would put Bolton restaurants at a disadvantage compared to restaurants in nearby towns that do not have the tax. He is also concerned about the possibility of an additional administrative burden related to compliance.
- Selectman Bob Czekanski noted that he is skeptical about the so-called deterrence effect. He does not believe that consumers are price-sensitive when it comes to a 0.75% meals tax.
- Erik said that the EDC would also be interested in whether the new revenue could be earmarked in ways that would benefit the affected establishments.
- Travis Patterson from the Bolton Bean expressed concerns about the tax's impact on his business. He noted that, unlike some of the other establishments in town, the Bolton Bean depends on selling a high volume of low-priced items.
- We noted that we would like to invite the affected establishments to a public meeting – perhaps during April when we discuss the overall budget and warrant – so that their views and concerns can be expressed.

Agenda Item #6: Advisory Committee business

- Review and discuss warrant articles
 - We discussed a number of articles that might end up being removed from the warrant, based on information and advice from the Capital Planning Committee and/or Town Administrator Don Lowe. Those articles include: the skid-steer loader (Bobcat); the water supply compliance upgrades; the

carpet replacement and interior painting at Florence Sawyer School; the mechanicals at Florence Sawyer School; the Main Street master plan; and the Engine 4 replacement for the Fire Department.

- Review operating budget and discuss potential revisions
 - Earlier in the week, we and Don Lowe had sent a request to all department heads asking them to identify potential budget cuts. While awaiting responses, we asked Town Accountant Ninotchka Rogers to identify some potential budgetary levers that could be adjusted in order to produce a balanced budget for FY19. (As of the meeting date, we were facing a \$360,000 deficit.)
 - Ninotchka asked the Assessors to revisit their “new growth” number. She also thinks that we could consider taking \$200,000 from the Cell Tower Fund. We are taking \$75,000 from Ambulance Receipts Reserved.
 - Selectman Czekanski asked about the possibility of revisiting our motor vehicle excise tax projections. Ninotchka noted that she was comfortable with our current projection and would not want to overestimate our Local Receipts.
 - Ninotchka mentioned that there might be some potential for reduction in the Conservation Commission budget, the Fire Department’s staffing, and the OPEB line item.
 - We also discussed our general sense of mystery and frustration regarding the formula for Unrestricted General Government Aid (UGGA), also known as “Local Aid.” In comparison to many of our peer towns, the amount of UGGA that Bolton receives is incredibly low. Town Administrator Don Lowe has said that he will discuss this issue with Representative Kate Hogan.
- Approve meeting minutes
 - Meeting minutes were circulated via email and reviewed prior to the meeting.
 - **MOTION:** Ann Hurd moved to approve the following minutes: January 16, 2018; January 17, 2018; January 30, 2018; February 13, 2018; and March 6, 2018; seconded by Joe Myerson. **VOTING IN FAVOR:** Connie Benjamin, Ann Hurd, Ted Kirchner, Joe Myerson, and Brian Boyle. **VOTED AND PASSED. UNANIMOUS (5-0).**

Adjourn: **MOTION:** Joe Myerson moved to adjourn at 9:26 PM; seconded by Ann Hurd. **VOTING IN FAVOR:** Connie Benjamin, Ann Hurd, Ted Kirchner, Joe Myerson, and Brian Boyle. **VOTED AND PASSED. UNANIMOUS (5-0).**

Documents Referenced

Latest draft of total FY19 budget

Latest draft of 2018 Annual Town Meeting warrant

Handout from Kate Buyuk with revenue estimates from Small Scale Marijuana Cultivation

Approved by the Advisory Committee