



## SELECT BOARD

Meeting Minutes

Monday, October 18, 2021

7:30 PM

Town Hall Room 204 with In-Person and Virtual Public Participation

**Present:** David Martin, Dean Charter, Jim Snyder-Grant, Fran Arsenault, Himaja Nagireddy, and Town Manager John S. Mangiaratti,

**Absent:** None

Mr. Martin called the meeting to order at 7:30 PM.

### I. Regular Business

#### 1. Resident Concerns

Leo Fochtman, 18 Wright Terrace – concerned about improving communications with the Select Board. Stated that community comments expressed to the Board have been ignored, particularly comments that were expressed at the October 4<sup>th</sup> meeting regarding the Diversity, Equity and Inclusion Commission (DEIC) report. Stated that he wanted to learn more about a statement by Board Member Nagireddy about harmful statements made at the 10/4 meeting. Stated that these topics need continued discussion at future Board meetings. Mr. Fochtman read from a prepared statement that is included in the Docushare packet for this meeting in the Extra Information folder.

Charlie Kadlec, Paul Revere Road – commented on comments made by the Chair at the October 4th meeting regarding the required membership for the DEIC, and expressing concern about references by the Chair that white people do not have experiences of racial discrimination.

Franny Osman, Half Moon Hill – Notes that there have been no change with how Select Board (hybrid) meetings are conducted online: The public participating remotely cannot see who is in the hearing room or who is participating virtually and feels there should be better participation with the public. Would strongly prefer the online portion be run as a meeting and not a webinar, or that other changes be implemented to more closely resemble the way that people attending in person can see each other.

Terra Friedrichs, West Acton – inquired whether comments will be allowed during the ARPA discussion.

Sarah Webber, 9 Tupelo Way – would like to find out how to get the Elm Street tennis courts repaired and converted into pickle ball courts. There has been a great turnout for pickleball on Wednesday nights.

Stella Ko, 11 Guswood Road – appreciated support for the DEIC at the last meeting, feels the DEIC represents voices that are not heard from much in Acton.



Linda Vieira, North Acton – would like to see an informational mailing sent to all voters about the candidates running; some money from ARPA could be applied toward the cost of the mailings to increase voter participation.

Madeline Cruz, 2 Townhouse Lane –expressed concern regarding how she is being treated by the Acton Housing Authority, the conditions of her affordable housing unit and allegations that she is being discriminated against. The chair asked that Ms. Cruz leave her contact info with the Town Manager so that staff could be in touch to follow-up.

There was a statement by a neighbor at Townhouse Lane in support of Madeline Cruz.

David Fair, 495 Great Road – encourages people to listen to Madeline Cruz.

Chair Update/Town Manager Update/Members Minutes [this item was taken out of schedule, between items 5 and 6 below]

Mr. Mangiaratti advised that there will be a public hearing regarding the proposed intersection of Main Street and Hayward Road at the Select Board's November 1, 2021 meeting. Sustainability Director Andrea Becerra and the team from Metropolitan Area Planning Council held a successful open house event for the Climate Action Plan at NARA Park on Saturday. Approximately 150 people attended the community event and looking forward to sharing the results. COVID cases are currently down to eight in isolation. Mr. Mangiaratti identified the work that Town staff has provided on the Town Services Hotline, created at the beginning of the pandemic to help inform and direct callers with COVID-related inquiries. The Hotline has since evolved into a general customer service line that has processed a cumulative total of 2500 calls. Town staff that operate the Hotline were thanked by name. The hotline number is 978-929-6600

Mr. Charter commented that on Saturday, in addition to being at the Climate Action Plan event at NARA Park, Sustainability Director Andrea Becerra was also at the Transfer Station and Recycling Center breaking up Styrofoam boxes and thanked her for all of her work. The Design Review Board will be reviewing design plans for the Asa Parlin House this Thursday in Town Hall Room 204. The Acton Conservation Trust presented the Carol Holley Environmental Stewardship award to Bruce Rachman on Saturday.

Mr. Snyder-Grant responded to Mr. Fochtman's comment about a statement of Board member Nagireddy noting harmful statements made at the 10/4 meeting, and offered to have a discussion outside of a meeting. He also acknowledged the statement made by Ms. Cruz, and his difficulty transitioning from Ms. Cruz's statement about difficult conditions to a public hearing about indoor golf simulation.

Ms. Nagireddy empathized with Ms. Cruz's statement and acknowledged the issue of discrimination in Acton.

Mr. Martin, in response to earlier comments by Mr. Kadlec, noted that it was not inherently racist to use the descriptors black and white for people, and that people raised as white in this culture do not have the same direct experience of racial discrimination as those raised as Black.



Mr Charter asked how the Select Board could be involved in the housing issues raised by Ms. Cruz, given that the Acton Housing Authority (AHA) owns the unit, and that the AHA is an independent body not reporting to the Town or the Select Board. Mr. Martin noted that the issues raised by Ms. Cruz included areas that would be the responsibility of the Board of Health and the Fire Department, which do report to the Town. Mr. Mangiaratti noted that he can investigate any issues that the Board directs him to.

## **II. Public Hearings**

### **2. 7:40 PM Use Special Permit #08/31/2021-482, 145 Great Road**

Mr. Martin read the public hearing notice. Representing the applicant is Alicia Busconi and Chris Serrano from Key Point Partners as property managers, and business owner Rob Granahan. Ms. Busconi updated the Board members on the history of Brookside Shops as a retail center. After it was rezoned, it could re-tenant itself to attract new tenants. During COVID it lost two dry good tenants. Tenants that are re-emerging are family oriented. The tenant moving into the space is X-Golf, a golf simulation business. There are no issues with the Land Use Departments and the requirements. Mr. Rob Granahan, who currently is the owner of X-Golf in Wayland, presented an overview of what the business would provide to the location involving golf simulations, food and drinks.

Mr. Snyder-Grant queried the septic capacity – Ms. Busconi commented that the property was designed to have a restaurant so there is a wet use capacity to operate with this use and any future use. Ms. Nagireddy questioned on the total number of parking spaces allotted for X-Golf; approximately 330 spaces in plaza, with a surplus of 102 spaces. Due to the uniqueness of the applicant's proposed business (commercial recreation), he requires a special use permit, and the adjacent proposed restaurant Boston Market is allowed by right. Boston Market and X-Golf would together take up the space that was used by Pier 1 Imports.

**Mr. Charter moved, seconded by Mr. Snyder-Grant to close the public hearing and voted unanimously 5-0.**

**Mr. Charter moved, seconded by Ms. Arsenault to approve the Use Special Permit #08/31/2021-482 and voted unanimously 5-0.**

### **3. 8:00 PM Class II Auto Dealers License – Internet Sales Only, Garage Hail, LLC, 465 Great Road**

Sheel Patel represented as owner of Garage Hail, LLC. The business is internet only sales and no vehicles will be physically on the property; similar to commercial online auto sales. A class II license is for used cars only.

**Mr. Charter moved, seconded by Mr. Snyder-Grant to close the public hearing and voted unanimously 5-0. Mr. Charter moved, seconded by Ms. Nagireddy to approve the Class II Auto Dealer License for Garage Hail LLC at 465 Great Road and voted unanimously 5-0.**



4. 8:10 PM Section 12 All Alcoholic Beverages Pouring License, RFG Golf, LLC, 145 Great Road

Representing the applicant is Attorney Liz Lashway. The comments and explanation of the proposed business was accepted from the Use Special Permit hearing.

**Mr. Charter moved and seconded by Ms. Arsenault to close the public hearing and voted unanimously 5-0. Mr. Charter moved and seconded by Ms. Arsenault to approve the Section 12 All Alcoholic Beverage Pouring License for RFG Golf, LLC at 145 Great Road and voted unanimously 5-0.**

5. 8:20 PM Common Victualler License, RFG Golf, LLC, 145 Great Road

Representing the applicant is Attorney Liz Lashway. The comments and explanation of the proposed business and proposed menu and seating was accepted from the previous public hearing for the Use Special Permit and liquor license hearing.

**Mr. Charter moved and seconded by Ms. Arsenault to close the public hearing and approved unanimously 5-0.**

**Mr. Charter moved and seconded by Ms. Arsenault to approve a common victualler license for RFG Golf, LLC at 145 Great Road and voted unanimously 5-0.**

### **III. New/Special Business**

6. Discuss New Voting Precincts

Town Clerk Eva Szkaradek updated the Board on the proposed new precinct map for Acton. State law sets limits and ranges on the size of precincts, and Acton's population growth requires the addition of a seventh precinct, and the redrawing of precinct boundaries to create approximately equal precinct sizes.

Linda Vieira, North Acton, questioned how many voters are in Acton and how many per precinct. Ms. Szkaradek commented there are 16,000 voters and approx. 3430 voters per precinct, including the new seventh precinct.

**Mr. Charter moved and seconded by Ms. Arsenault to accept the new voting precincts and approved unanimously 5-0. The map is available at [http://doc.actonma.gov/dsweb/Get/Document-78950/060%20\(7\)%20%202020%20Re-Precincting.pdf](http://doc.actonma.gov/dsweb/Get/Document-78950/060%20(7)%20%202020%20Re-Precincting.pdf)**

It was clarified that these new precincts will be used for Town elections, but that new 2021 state senate and representative districts will be drawn using the old precinct map.

7. American Rescue Plan Act (ARPA) Funding Recommendations

Mr. Mangiaratti updated the Board with the recommendation on the ARPA investment plan to allocate portions of the money for FY22 and FY23 and the remaining years to be held in reserve. Mr. Mangiaratti recommends an allocation of five million dollars out of the seven million dollars the town is receiving. The Board agreed to allocate two million dollars the School District has requested, one million available this fiscal year, five hundred thousand in FY23, and the remaining five hundred thousand held in reserve for future years.



Mr. Snyder-Grant noted that the description of the School spending included some incorrect references to items. It was agreed to remove those. He also brought up a proposed spending item that came up late in the previous comments period that was only supported by him about transportation and proposed adding it back in as a reserve item. The Board generally supported adding a line for reserve for \$450,000 towards transportation programs.

Public Comment:

Alissa Nicol, School Street – concerned that item #P9 only received three thumbs up from Board members and it is on the final draft of the ARPA funding plan. Would like the Board to consider that the AHA would not have to pay the sewer betterment fee, but will have to pay a sewer usage fee and noted that her neighbor, after connecting to sewer, saw her wastewater bill triple.

Tom Gillespie, Acton Dog Park Committee - supports item #P9 (construct sewer extension to AHA site at 364 Main Street, and provide opportunities to connect nearby commercial properties)

Terra Friedrichs, West Acton – concerned that item #P9 received only three "thumbs up" and still made it on the final draft of the ARPA plan. Urged that if the Board decides to give the ARPA money to the AHA development, the developer should give more than 30% income or return money received from the town and from grants if they don't have to pay for the septic; item P11 received only two "thumbs up" and is still in the plan. Supports rent relief and transportation funding.

Stella Ko, 11 Guswood Road – suggests the Board consider the ARPA spending rubric by Senator Sonia Chang Diaz to rate its decisions against a racial equity scorecard.

Kim Kastens, Pope Road – spoke in favor of item P44, support design costs and partial construction costs for Acton Water District PFAS mitigation measures for the North Acton Water Treatment Plant.

Erika Amir-Lin, Nagog Treatment Facility – requested clarity on the legal implications regarding the request of the use of ARPA funding towards the Nagog Treatment Facility. Mr. Martin explained there is a cap on the total percentage of funding allowed.

Mr. Snyder-Grant noted and appreciated that the description for P11 had been changed from sewers for Great Road to waste water treatment for Great Road, which allows for a wider variety of solutions to be explored, and changed his sense of whether this was a good use of ARPA money from no to yes.

**Ms. Nagireddy moved and seconded by Mr. Charter to adopt the plan as presented by the Town Manager with the addition of adding funding to Transportation as discussed and change to the School District description as discussed and voted unanimously 5-0.**

8. Street Trees Discussion

Mr. Snyder-Grant felt that the Board missed some steps resulting in the removal of two trees on High Street for a new subdivision. Mr. Snyder-Grant presented the



history of the two trees that were originally approved to be removed by the Tree Warden in 2020. A public shade tree hearing was held by the Board in August 2020. An agreement was made with the developer to not remove the trees but to relocate a planned common driveway. There was concern that the stress of the new location of the driveway would cause damage to the trees. The developer agreed to pay into the tree fund, and would pay for the removal of the trees if the trees failed before 2025. In 2021, a new resident complained to the Board that the trees were creating a sight line issue and had safety concerns and to revisit removing the trees. The Board agreed to have the Town Manager work with town staff and the developer to return to the Board at a later date with a resolution. The Town Manager announced at the September 13 meeting that an agreement was made by both parties to remove the trees, as the Police Department confirmed the hazardous condition. The Town Manager indicated that the decision to remove the trees on High Street was made in the interest of public safety. The developer agreed to plant six significant trees at locations to be approved by the Tree Warden. Mr. Snyder-Grant further commented that there should have been a discussion on the resolution so that the Board could further discuss and also to allow for public comment and formal vote. Mr. Charter commented that as more subdivisions emerge, there will be more street tree removals, and the Board has a tree removal policy to guide members in the decision making process. Mr. Martin commented that the Board directed the Town Manager to negotiate with the developer for a solution regarding the trees. Mr. Snyder-Grant summarized suggestions moving forward that decisions regarding tree removal should be conducted in a public meeting.

#### **IV. Consent Items**

Ms. Arsenault held consent item 13. **Mr. Charter moved and seconded by Ms. Arsenault to approve consent items 10-12 inclusive and consent items 14-16 inclusive and voted unanimously 5-0.** Ms. Arsenault requested the committee appointment membership on consent item 13 be changed from full member to associate member. **Mr. Snyder-Grant moved and seconded by Ms. Arsenault to approve consent item 13 with amended changes and voted unanimously 5-0.**

**Mr. Snyder-Grant moved and seconded by Mr. Charter to adjourn and approved unanimously 5-0. Meeting adjourned at 11:10 PM.**

#### **Documents and Exhibits Used During this Meeting**

- Agenda, October 18, 2021
- Use Special Permit #08/31/2021-482 Application
- Class II Auto Dealers License, Garage Hail, LLC, 465 Great Road
- Section 12 All Alcoholic Beverage Pouring License, RFG Golf, LLC, 145 Great Road
- Common Victualler Licenser, RFG Golf, LLC, 145 Great Road
- Voting Precincts
- ARPA Funding Recommendations



- Meeting Minutes
- Executive Session Minutes
- Letter of Support for ARPA Funding from MAGIC
- Memo from Town Clerk for Reappointing Member of the Board of Registrars Dated October 12, 2021
- Memo from Melissa Rier Requesting Accepting Recreation Commission Charge Update Dated October 6, 2021
- Grants of Easements, 288 Main Street