



SELECT BOARD
MEETING MINUTES
JANUARY 23, 2023

7:00 PM

ACTON TOWN HALL, ROOM 204
472 MAIN STREET AND VIRTUAL MEETING

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

I. 1. Resident Concerns

Terra Friedrichs, Wright Terrace – questioned if public comment will be allowed during the Morrison Farm topic, thanked the two Citizens' Library Trustees for their service and requested that the Trustees be treated with more respect. Wants people to work in collaboration.

Martin Benson, Deacon Hunt Drive – addressed the Select Board's actions removing Dave Lunger from the 250 Committee and read from a prepared statement included in the meeting packet.

Nancy Lenicheck, 9 Parkland Lane – concerned about the Citizens' Library, treatment of the Trustees, and removing their autonomy.

2. Chair Update/Town Manager Update/Members Minutes

Mr. Mangiaratti had no updates for the Board. Mr. Charter attend the Lunar New Year with the American Chinese Language School hosting an event at the RJ Grey Junior High School. Ms. Nagireddy thanked the two Citizens' Library Trustees, Tara Leuci and Dot Curtis, for their service and will update when there will be an agenda item to fill the unexpired positions at an upcoming Select Board meeting. Mr. Martin attended a memorial service for Tom Kelleher; Acton-Boxborough School Committee had to make cuts to their budget to meet the requirements of the ALG budget, eliminating administration positions and teachers. Mr. Snyder-Grant noted that the Open Space Recreation Plan liaisons met to present their feedback to address and amended their set of goals and made some sub-goals; still a way to go and next steps to prioritize; events coming up is the South Acton Planning to learn about plans and the results of the surveys at the Acton Memorial Library, February 4 at 2 PM; League of Women Voters are sponsoring a meeting in Room 204 about starting a local newspaper on February 4th at 2 PM; a Fix It Clinic will be held at the Memorial Library on February 11th at 10 AM to fix small appliances, toys, etc. Green Acton is sponsoring.

II. Public Hearings

3. 7:10 PM Site Plan Special Permit #7/12/20232-487, 100 Discovery Way
(continued from December 5, 2022)

Mr. Martin read the public hearing notice. Mr. Martin announced the proposed updated application. Mr. Josh Lariscy presented the updated proposal from WSD Engineering. Mr. Lariscy updated site plan proposal from the last meeting to increase the distance from the previous location of the warehouse; increased the distance to 269 feet from the southern portion of the boundary. The current proposed square footage is decreased to 12,000 with a cut into the slope with no need for an additional entry point. Mr. Charter noted that the landlord had to go through extensive landscaping plan when the location was going through a site plan special permit, and any removal of vegetation and plantings would be a violation of the approved original site plan special permit and should be considered for the buffer planting. Mr. Martin addressed concern from residents regarding the potential for a fire event and assuring that lithium batteries do not require oxygen for a significant fire event, lithium batteries are safer than fossil fuels and are utilized in many everyday usage such as ear buds and watches.

Storage warehouses have built-in safety measures to detect any possible smoldering event and to contain them quickly. Mr. Snyder-Grant questioned the 10-foot landscape buffer and requested more information about the trees being removed and planted. Planning Director Kristen Guichard explained that parking lot plans require a 10-foot landscape buffer, and the proposed facility would directly abut the current 10-foot landscape buffer and would be within the zoning bylaw requirement. Mr. Martin inquired if the Board could impose a condition regarding requiring the applicant plant the same number of trees that are proposed to be cleared. Ms. Guichard affirmed that it could be part of a condition for the site plan special permit approval. Ms. Nagireddy requested GCG updates and Ms. Guichard noted that there have been no updates from GCG yet since sending the revised plan, they said they would get back to us last week and have not yet.

John Norton, Central Street – noted a recent fire of an electric vehicle that took 3 hours and 20,000 gallons of water to extinguish, concerned about hazardous waste within 10 years.

John Richardson, 8 Arborwood Road – questioned about approval from the Board of Health, Mr. Martin noted if either Board does not grant approval the site plan special permit application would not be approved.

Angela Morrison, Brucewood Road – expressed concern comparing watch batteries to industrial lithium batteries, sound study once trees are cut down, requested marking trees that would be removed, concerned about response from safety specialists

Rachel Wulsin, 12 Brucewood Road – requests the proponents flag the treeline area for the trees that would be removed, consider not allowing a motion detector light on the facility

Martin Pitwood, 13 Arborwood Road – worried about the safety of the proposal, comparing cell phone batteries with the lithium batteries to be stored as inappropriate, concerned about the batteries breaking down and causing a thermal

runway and the after-effect with toxic gas emissions and the response of the Fire Department being equipped to handle such emergency

Michael Schulze, Brucewood Road – echoed the previous speakers, urged the Board to not make a decision tonight, sees no difference with 100 feet or 200 feet away from a neighborhood, concerned of businesses at 100 Discovery Way without an addition of a sound barrier, concerned about the storage of explosive material

Alma Sandman – questioned if the property owner is controlling the location of the facility to ensure it abuts the neighborhood than the current building and if he has a concern about the battery storage affecting the current tenants and possibly losing tenants as a result, request waiting until the Board of Health meets and makes their determination before making a decision on the application

Terra Friedrichs – West Acton – requests the Board prepare a draft approval with conditions and a draft denial for the public to be able to view before a vote from the Board

Alissa Nicol, School Street – questioned if the three other storage facilities are coupled with a solar array, encouraged to not make a decision tonight and wait for the determination from the Board of Health, and GCG's review, concerned about the tree flagging for removal, requests that any future plans require a solar array be tagged to it, create a procedure to have the Planning Department identify properties suitable for a similar facility and connect property owners with developers.

Ms. Arsenault requests waiting for a review from GCG and Board of Health. Mr. Snyder-Grant suggests waiting to hear about a tree removal and planting plan, and GCG review. Ms. Nagireddy requested to see an emergency preparedness plan, suggests waiting for approval from Board of Health and to see the tree markings, and an approval from GCG. Mr. Martin felt that the Select Board should not wait for decisions from the Board of Health since we are making a Zoning decision, and that the Select Board could decide on an approval with conditions resulting from the decisions of the Board of Health.

Mr. Charter noted that the Board would like to see the trees removals flagged, the peer review from GCG from the Planning Division, and the Board of Health HazMat Permit recommendation, Mr. Snyder-Grant added to have a plan for no additional tree removals and a proposal to add additional trees in the plan.

Mr. Martin read his conditions for lighting on the north side of the facility adhering to the lighting bylaw, a fire hydrant be located at the satisfaction of the Fire Department, adherence to the recommendations of the GCG peer review, adherence to the conditions of the Board of Health, and planting of trees to replace those removed.

Mr. Martin moved to continue the hearing to February 27, 2023 at 7:10 PM in Room 204, seconded by Ms. Arsenault and approved unanimously.

III. New/Special Business

4. Consider Request from the Agricultural Commission to Place a Conservation Restriction on the Morrison Farm Parcel at 116 Concord Street

Pat Hearn, Agricultural Commission presented a proposal requesting a conservation restriction on the Morrison Farm property. The Agricultural Commission met with the Planning Division and DPW Corey York for input on placing a conservation restriction on the property. It would allow for passive recreation only. It would also include the single car garage, and barn that would not be open to the public – would be for DPW equipment storage. Letters of support were provided by the Historic Commission, Open Space and Recreation, Historic District Commission, and Land Stewards, Members Charter and Martin in favor of a CR, however not including the buildings and expressed concern about the urgency to place on the upcoming Town Meeting warrant. Mr. Ahern noted that the separate buildings from the house are currently being used for equipment storage for the DPW. Ms. Arsenault noted her support for the proposed CR being brought to Town Meeting. Ms. Nagireddy questioned if the proposed CR has been reviewed by Town Counsel, Mr. Mangiaratti noted that due to the complexity of the CR, he did not send to Town Counsel at this time without the direction of the Board. Mr. Snyder-Grant suggested working with the Recreation Commission as well, and noted the difference between a CR on private vs. municipal owned land, and that the town already owns the property, and hesitant to pursue for Town Meeting.

Ann Forbes, 25 Martin Street – complimented the Agricultural Commission on their work, appreciated the Historical Commission was involved with the draft, discussed the past studies and recommendations for the property, consider filing with the Massachusetts Historical Society to list the house on the National Registry for eligibility for additional funding programs or local programs

Alissa Nicol, School Street – read the Acton 2020 Comprehensive Community Plan statement, and disappointed Board members are not inclined to bring the CR article to Town Meeting and feels there needs to be a protection on the property and suggested doing public outreach for support; compared the buildings to similar properties in surrounding towns; encouraged creative solutions for the properties and encouraged creative solutions

Madeline Cruz, 3 Sachem Way – encourages preserving and protecting the existing house, supports bringing the CR to Town Meeting

Michaela Moran, 80 School Street – supports the CR, noted the Iron Works Farm has two tenants in the building and any funding for the property comes from the rent of the tenants; suggested leasing to Acton Community Housing Commission or Acton Housing Authority to act as a landlord

David Honn - Agricultural Commission attended the Historic District Commission meetings, and the HDC wrote a letter of support and supports the CR being brought to Town Meeting

Mr. Snyder-Grant suggested using a 501(c)(3) charity to utilize fundraising for the house and the process starting immediately for protecting the house, or think of a fall town meeting zoning change, and complimented the Agricultural

Commission's work. Mr. Martin feels it needs more due diligence in order to consider bring the CR to Town Meeting; consider non-profit to handle the house. Mr. Charter does not think there is an urgency to bring the CR to Town Meeting, the town owns the property, if the town were to sell, there would be prolonged procedure process which there is no current thought to do so.

Ms. Arsenault moved, seconded by Ms. Nagireddy to place an article on the Annual Town Meeting Warrant. The Board voted 1 Aye (Arsenault) - 4 (Charter, Martin, Nagireddy, and Snyder-Grant), the motion failed.

5. Discuss Proposed Economic Development Resolution for Town Meeting
Mr. Mangiaratti noted the agenda item was going to be passed over and discussed at the February 6, 2023 meeting.
6. Discuss Request for Additional Street Lighting in West Acton
Mr. Mangiaratti updated the Board on the request for additional street lighting after a previous Board meeting. The Board requested additional information and responses from business owners, with additional material delivered to Board members. It was recommended to install additional street lighting at specific locations on Mass Ave, but overall would be a long-term project to study the need in West Acton. Mr. Snyder-Grant noted that the response from the West Acton Business Association is that lighting should be extended up to Central Street and not just in front of Village Works, and possibility of adding a timer on the lighting. Mr. Martin voiced concern on the limitation of lighting in some areas of West Acton regarding parking, walking, and crossing Mass Ave. He noted the lights would be downward-focused and the need to take pedestrian safety seriously and tie in any future streetscape plans to include more lighting. Mr. Mangiaratti requested to continue topic to the next Board meeting to include more documents and information for additional lighting needs in West Acton for the Board to review and discuss further.
7. Assign Warrant Articles for Annual Town Meeting
Mr. Charter listed the proposed Select Board member article assignments, which were agreed to by all Board members.

IV. Consent Items

Ms. Nagireddy held consent item 8. Mr. Snyder-Grant moved, seconded by Mr. Martin to approve consent items 9-13 inclusive and approved unanimously.

Ms. Nagireddy requested to amend the language in the December 19, 2023 meeting minutes from "Mr. Snyder-Grant voiced a concern about skipping over an associate position as the last associate position moved to a full member, Michaela Moran, and questioned about not skipping over a current, open associate position. Mr. Snyder-Grant continued to comment on Mr. Fuccione's current employment with Smart Growth Alliance, but felt that he sees it a more building reform vs. promoting more building." to "Mr. Snyder-Grant addressed concerns

about skipping over an associate member by noting that Michaela Moran, previously an associate member, had already been promoted to a full member, and that the Planning Board needed a full complement of full members before taking on associate members. Mr. Snyder-Grant addressed concerns about Mr. Fuccione's previous involvement with the Smart Growth Alliance, by noting that he sees the SGA as a building reform group rather than as a building promotion group.”

Ms. Nagireddy moved, seconded by Mr. Martin to approve contingent upon Mr. Snyder-Grant's amendment and approved unanimously.

Mr. Martin moved, seconded by Ms. Arsenault to adjourn and approved unanimously. Meeting adjourned at 10:17 PM

Documents Used

- Agenda, Select Board, January 23, 2023
- Site Plan Special Permit #7/12/2022-487
- Presentation from the Agricultural Commission on a Request for a Conservation Restriction on the Morrison Farm Parcel
- Email from Andrea Ristine Regarding Request for Streetlights in West Acton Dated 12/27/2022
- Draft Warrant Articles
- Meeting Minutes from December 19, 30, 2022 and January 9, 2023
- Executive Session Minutes, January 9, 2023
- Email from Dean Charter Requesting Appointment to 250 Committee Dated January 13, 2023
- Email from Dean Charter Requesting Approval of a New Council on Aging Mission Dated January 16, 2023
- Memo for the Community Services Office Requesting Accepting a Donations Toward the SERVE Program and Fuel Assistance Gift Accounts Dated January 10, 2023