



SELECT BOARD  
MEETING MINUTES  
MARCH 20, 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 Mark Hald

**I. Regular Business**

1. Resident Concerns

Alissa Nicol, School Street – announced her candidacy for Select Board and asked that the election date along with other candidates be listed on the town website.

John Norton, Central Street – announced his candidacy for Select Board.

Terra, West Acton – commented about who is in charge of what goes on board and committee agendas, and staff/Select Board liaisons are not in charge of what goes on an agenda. The town website lists only one button for boards and committees, but lists all the town departments.

Martin Benson, 21 Deacon Hunt Drive – commented on a recent decision of the Supreme Judicial Court that public comment cannot be restrained, civility can be encouraged but public comments cannot be restricted, publicly elected officials can be subject to ridicule, and comments, and read from a prepared statement included in the Docushare packet under Extra Information. Commented on a response not received from Mr. Mangiaratti for a public records request from April 20, 2022.

2. Chair Update/Town Manager Update/Members Minutes

Mr. Mangiaratti noted the construction in front of Town Hall will last 12 weeks which is for roadway improvements for new traffic patterns and to make sidewalks safer.

Mr. Charter announced that on Saturday, April 1<sup>st</sup> there will be a public open house at the Public Works facility starting at 10:00 AM with town staff to conduct tours and answer questions. Entry will be from 14 Forest Road.

Mr. Snyder-Grant noted groups will be hosting Creating Sustainable laws as a Zoom meeting and can sign up through the Energize Acton website.

## **I. Public Hearings**

3. 7:10 PM Livery License, Rasheed Transportation, Inc 74 Hosmer Street  
Mr. Charter read the public hearing notice. Representing Rasheed Transport Corporation was Rasheed Sheriff. Mr. Sheriff will be operating only one vehicle. **Mr. Martin moved, seconded by Ms. Arsenault to approve a livery service license for Rasheed Transport, Inc. at 57 Hosmer Street and approved unanimously 5-0.**

## **II. New/Special Business**

4. Discuss Draft Decisions for Site Plan Special Permit #7/12/2022-487, 100 Discovery Way

Mr. Charter noted the hearing was closed at the previous Select Board meeting. There has been new information that has emerged and questioned if the Board would like to re-open the hearing and entertain brief comments. Mr. Martin questioned if it would be legal without a new notice. Town Counsel noted it would be within the scope to re-open the hearing with additional material received after the close of the hearing that was relevant to the hearing. **Mr. Martin moved to re-open the public hearing, seconded by Mr. Snyder-Grant and approved 5-0.**

Planning Director Kristen Guichard commented on three items released from the Board of Health regarding their approval of a Hazardous Materials Permit with conditions, the BOH minutes, the Attorney General paperwork from the Town of Wendell, and a subdivision decision from 1985, and discussed in a letter from the applicants after the close of the hearing. Also, additional responses were submitted by the Deputy Fire Chief. Mr. Mangiaratti summarized questions regarding the response capability of the Fire Department, which was submitted and answered recently and read to the Select Board. Josh Laricy from Blue Wave commented on the submittal of a recent letter with additional comments regarding the BOH decision and their list of conditions. Commented on the moratorium on battery storage systems in the Town of Wendell, reiterated the decision from the ZBA that is protected in Chapter 48, and the permitting and conditions granted from 1985. The property is zoned for light industrial and Blue Wave is in compliance with zoning purposes. Mr. Snyder-Grant questioned about the removal of trees and, if a tree were to fall on the storage system, what the impact would be. Mr. Laricy noted Blue Wave commented on how they define the flagging of the trees of the proposed limit of work. The batteries are enclosed in a steel cell compartment so thermal runaway would not spread if a tree were to fall on the facility, the company would respond to the site if there were potential emergencies on the site. Ms. Nagireddy commented on the Fire Department's response to questions and if Blue Wave had time to review the questions, Mr. Laricy noted they have not had the opportunity to review but have had phone conversations with the Fire Chief regarding training and safety standards on-site. Ms. Arsenault questioned about additional noise and lighting on site. Mr. Laricy will work with DEP standards that would not increase over 10 decibels above

ambient noise levels. The system produces noise from the inverters similar to the solar project. Lighting at night currently has no requirements and defer to the Board of Health and suggested not illuminating towards the neighborhood.

Town Counsel Christina Marshall commented on the two items recently brought to the Board, the Town of Wendell decision and the subdivision from 1985, but does not encourage to prohibit of an inappropriate use of the site because Select Board has restrictions for why they cannot approve permit.

Terra, West Acton – concerned about mitigating the neighbors' concerns, previous Boards' decisions, Select Board needs to decide if they believe the special permit is harmful, no limit on tree clearing and can take as many down as they want, Wendell decision is not applicable.

Bill Klauer, Piper Road – questioned about the size of the Fire Department with what an event would require for such a response and the evacuation of the buildings and to consider this with the Board's decision on the Site Plan Special Permit.

Charlie Kadlec, Paul Revere Road – concerned about the additional equipment and personnel the Fire Department may require and if there was any additional revenue to come (to the town) as a result of the project. Mr. Mangiaratti noted that the Assessor's Office is aware of the project and has received a request for a PILOT. There would be revenue, however, the amount has not been determined. Angela Morrison, Brucewood Road – questioned about large trees abutting the project would be considered to be removed if they posed a potential threat and if the Fire Department has discussed with other Fire Departments what their emergency plans were.

**Mr. Martin moved, seconded by Ms. Arsenault to close the hearing, and approved 5-0.**

The Board began its deliberation by reviewing specific findings and conclusions. Both Ms. Nagireddy and Mr. Snyder-Grant requested additional time to review the material recently submitted and to compare it with the 2020 Master Plan. Mr. Martin noted that the facility is more than 250 feet from the residential neighborhood, and there are two other facilities in town that did not require a special permit.

**Mr. Martin moved, seconded by Mr. Charter to (findings and conclusions section) 2.18 provides for convenient and safe vehicular access and voted 2-2-1; the motion fails.**

Mr. Snyder-Grant is concerned about emergency vehicle access to the facility for 2.18. Ms. Guichard noted no concerns from the fire department regarding the access. Mr. Martin suggested three additional requirements in addition to the conditions in the draft decisions as drafted by the Planning Division. Mr. Snyder-Grant suggested a requirement for communication within 10 minutes with the Fire Department and a representative on-site within 30 minutes. Mr. Charter questioned the Board if they were satisfied with conditions 2.16-2.22 in relation to the seven additional proposed conditions as discussed. Mr. Martin read the seven additional conditions requested to add to the draft decision. Ms. Nagireddy

suggests postponing the decision until the updated draft decision is before the Board. The Board will review the revised draft decision at the next Select Board meeting on April 3, 2023.

5. Acton Dog Park Committee Final Design for Main Street Campus

Tom Gillispie presented a brief update on the Dog Park design. Mr. Gillispie is looking for approval to seek the Stanton Foundation construction grant. Mr. Charter questions what type of impervious material is being considered – the material will be a fine ground wood chip that is ADA compliant.

Alissa Nicol, School Street – questioned about the cost of the wood fiber, Mr. Gillispie noted that for other dog parks, it is feasible in the municipal budget, and should fall within the additional \$4000 allocation from the increase of the cost of annual dog licensing.

Clare Siska – 14 School Street – the additional cost of the wood fibers saves on putting in impervious walkways, considering starting a membership to assist in any additional costs, or posting a QR code to assist with donations.

James Fucione – suggests adding benches throughout the park and room for a transportation van to drop people off since it is connected to the senior park.

**Mr. Charter moved, seconded by Mr. Martin to approve the plan and authorize the Acton Dog Park Committee to proceed with the Stanton Foundation grant application and approved unanimously 5-0.**

6. Discuss Acton Power Choice Contract Renewal

Mr. Mangiaratti introduced Sustainability Director Andrea Becerra and Mr. Paul Gromer regarding what is next for the Acton Power Choice program as the current contract will expire at the end of December. Peregrine went into a one-year contract due to price volatility at the time with the thought that the price would go down. Mr. Gromer is looking for a vote to authorize the Town Manager to sign a new contract. Board members were in favor of a three-year contract depending on the results of the bids and hoping to sign in late summer.

Terra, West Acton – questioned if energy purchased is all solar, Mr. Snyder-Grant noted it is more wind and encouraged the Board to choose the highest amount of renewable energy as people can always opt down.

Debra Simes – standard option was 40% renewable energy and suggested in the next contract to have a step increase of percent of renewable energy with each year of the contract.

Mr. Martin suggests an increase of 5% of renewable energy. Mr. Snyder-Grant questioned how many customers opted down, Mr. Gromer noted 5%.

**Mr. Charter moved, seconded by Ms. Arsenault to authorize the Town Manager to sign a 2-3-year contract with emphasis on a longer contract and increase the renewable by 5% as the standard plan and decision as to the timing of the contract is at the discretion of the Town Manager and approved unanimously 5-0.**

**7. Discuss and Vote on Warrant Articles**

Mark Hald updated the Board on articles that still need votes for recommendations. Mr. Martin noted 13.4 FTE (all teachers) with the ABRSD, and the goal was to keep the budget increase under 3 % (2.4% total). The total with both towns is \$86 million, of which Acton's assessment is \$71 million. The Board passed over articles 3 (Budget Transfer), Article 8 (Disposition of Remaining Balance – Douglas-Gates School Building Project), Article 9 (Minuteman Regional School District Assessment), Article 10 (Community Preservation Program), Article 11 (Placeholder – Library), article 12 (Placeholder – Conservation restriction).

Mr. Snyder-Grant explained and summarized article 13 (Amend General Bylaws – Municipal Opt-In Specialized Stretch Energy Code) and Article 14 (Amend General Bylaw – Regulating Fossil Fuel Infrastructure in Buildings).

Tom Beals, 171 Willow Street – expressed concern about the power grid by an attack on substations which could take power out for months, or the possibility of an electromagnetic pulse event. Natural gas is an independent energy supply or source and would like to see people have the option to retain an independent energy source. Mr. Charter noted to take the articles up at the next meeting.

Tom Beals, Willow Street – commented on the citizen petition on composting making it the responsibility of the landlords, and would like to see a better definition of the problem and a better idea.

**Mr. Martin moved, seconded by Mr. Snyder-Grant to recommend Article 4 (Town Operating Budget) and approved unanimously 5-0**

**Mr. Snyder-Grant moved, seconded by Mr. Martin to recommend Article 5 as written (Town Capital – Public Works, Public Safety and Public Celebrations) and approved unanimously 5-0**

**Mr. Martin moved, seconded by Ms. Arsenault to recommend Article 6 as written (Town Capital, Infrastructure, Design and Construction) and approved unanimously 5-0**

**Mr. Martin moved, seconded by Ms. Arsenault to recommend Article 7 (Acton-Boxborough Regional School District Assessment) and approved unanimously 5-0**

**8. Colonel Francis Faulkner, Sr. Exemplary Volunteer of the Year Award Announcements**

All members have submitted nominations for the Volunteer of the Year Award.

Mr. Charter nominated Stephen Trimble, Mr. Snyder-Grant nominated Peter Berry, Ms. Nagireddy nominated Madeline Cruz, Ms. Arsenault nominated Catherine Usoff, Mr. Martin nominated Andy Magee. The award ceremony will be on April 26, 2023.

**III. Consent Items**

**Mr. Snyder-Grant moved, seconded by Mr. Martin to approve consent items 9-25 inclusive and approved unanimously 5-0**

**Mr. Martin moved, seconded by Ms. Arsenault to adjourn and approved unanimously 5-0. Meeting adjourned at 10:50 PM**

**Documents Used**

- Agenda, Select Board, March 20, 2023
- Livery Service License Application, Rasheed Transport, Inc
- Memo from the Board of Health Dated March 7, 2023
- Draft Meeting Minutes from the Board of Health from March 7, 2023
- Letter from the Office of the Attorney General to Anna Wetherby, Town Clerk of Wendell Dated March 1, 2023
- Letter from Foley Hoag to Chair Dean Charter Dated March 16, 2023
- Chart of Acton Board of Health Conditions Approved March 7, 2023
- Combined Emails to the Select Board Post March 6, 2023
- Draft Decision for SPSP #7/12/2022-487, 100 Discovery Way
- Acton Dog Park Main Street Plan
- Acton Dog Park Presentation
- Acton Power Choice Presentation
- Meeting Minutes from February 27 and March 6, 2023
- One Day Alcoholic Beverage License Application, South Acton Congregational Church
- One Day Alcoholic Beverage License Application, Carole Barron
- One Day Alcoholic Beverage License Application, Julie Verduzco
- Memo from Maura Haberman for Donation Acceptance from 421 Gas Inc. Date March 6, 2023
- Memo from Melissa Settipani-Rufo for Donation Acceptance from St. Matthew's United Methodist Church Dated March 6, 2023
- Memo from Maura Haberman for Donation Acceptance from Insulet Corporation Dated March 1, 2023
- Memo from Maura Haberman for Donation Acceptance from Pro Tech Towing & Recovery Inc. Dated March 6, 2023
- 2023 Arbor Day Proclamation
- Email from Fran Arsenault for Committee Recommendations Dated March 10, 2023
- Email from David Martin for a Committee Recommendation Dated March 15, 2023
- Email from Dean Charter for Committee Recommendations Dated March 15, 2023
- Letter from Tom Moses Dated March 1, 2023
- Memo from Julie Pierce for Donation Acceptance from Eve & Murray's Dated March 13, 2023
- Memo from Julie Pierce for Donation Acceptance from KJ's Café Dated March 13, 2023
- Memo from Maura Haberman for Donation Acceptance from Middlesex Savings Bank Dated March 10, 2023

