



SELECT BOARD  
MEETING AGENDA  
JUNE 26, 2023

7:00 PM

ACTON TOWN HALL, ROOM 204  
472 MAIN STREET

REMOTE PARTICIPATION: **From a computer**, use the link to join the public meeting: [www.actonma.gov/meeting/sb](http://www.actonma.gov/meeting/sb) or **from a telephone**, dial (646) 876-9923 and enter Webinar ID: 503-918-785. Telephone users may dial \*9 to request to speak. Computer and app users may use the “raise hand” feature to request to speak.

**I. Regular Business**

1. Resident Concerns

Madeline Cruz, Sachem Way – Housing and Climate Justice expressed concern about the possible eviction at 92 Willow Street and feels that no town board or committee has the right to evict tenants and condemn buildings and encourages the Board to enforce the Board of Health to enforce the health and safety codes for the tenants and to continue the eviction hearings so a judge can hear both sides.

Kimberly Hurwicz, Minot Ave – want emails submitted to the Select Board regarding the public hearing for the auto dealer to be counted towards the public record

Jean Thompson, 92 Willow Street – read from an email sent to Health Director Sheryl Ball regarding pending eviction and the findings from a past health inspections regarding the humidity level in the dwelling and feels the vote of the Board of Health should be reconsidered since they didn’t know it was an illegal apartment, and the many violations that still have not been addressed, and the house being owned by a member of the Planning Board.

Terra, Mass Ave – commented on the previous speaker and agrees with her statement feels the town should help them find new housing and the landlord should pay for their housing during the eviction process

2. Chair Update/Town Manager Update/Members Minute

Mr. Snyder-Grant noted the plan for the Stop and Shop site is a new Stop and Shop grocery store with 2 additional retail spaces located on either side of the complex, and will include additional internal sidewalk addition. Received emails about fireworks and not hosting fireworks for July 4<sup>th</sup>, but have set aside money for future fireworks and celebrations. Mr. Mangiaratti noted the 53 River Street

Dam removal will be moving forward shortly. Town Center Road project is almost complete. Held the first pride festival and was a big success with a drag performance that 400 people attended. Bruce Freeman Rail Trail Phase 2B ribbon cutting has been postponed. Deputy Jim Cogan has been appointed as Police Chief, Fire Chief Robert Hart retired on June 25th, and Deputy Chief Anita Arnum has been appointed as Acting Fire Chief.

Mr. Charter noted the Lions Club's annual Town Fair took place this past weekend with the help of multiple town departments.

Ms. Arsenault attended the pride festival and was happy to see so many entities involved, attended an event at Robbins House in Concord for the celebration of the Juneteenth holiday.

Ms. Nicol scheduled office hours in the solarium at the Memorial Library on June 28<sup>th</sup> from 10-12.

## **II. Public Hearings**

### **3. 7:10 PM Site Plan Special Permit #2/27/2023-490, 1 & 5 Nagog Park and 599 Great Road, MAG RE Holdings-Acton, LLC (continued from May 22, 2023)**

Mr. Snyder-Grant read the public hearing notice. Planning Director Kristen Guichard gave a brief explanation of what Site Plan reviews are and why they are required. Mr. Charter briefed the Board and met with Planning staff on the recent submission of the updated plans. Representing MAG RE Holdings-Acton, LLC is Mark Brobowski, attorney for McGovern Auto Group. Met with abutters and the Town Manager explaining the original site plan and after the meetings understood the concerns and decided to change the original plans to only develop on one side of the plaza for the dealership and keep the remaining building to retain the current restaurants and existing shops.

David Kelly, Kelly Engineering Group presented to the Board the most current concept. The current proposal is to retain the portion of the plaza that houses the current operating restaurants and retail stores. The proposed auto dealership will be a modern structure with the reconstruction of the adjacent parking lot; the parking count is reduced while providing a larger buffer with the abutters. Pavement will be removed closer to the wetland area. A new stormwater development system that will conform to the DEP and Town of Acton requirements will be drafted and installed. Lighting will be down facing LED fixtures. Mr. Charter requests a full plan set, verify the developable site area, address access easements onto the property, extend sidewalk from the entrance driveway to the entrance to Nagog Village and extend on the west side of the site; questioned about upgrades to the parking lot on the west side of the site.

John McGovern, McGovern Auto Group explained the separate building will be separated at Mayruri restaurant all the way to Crossroads to accommodate the tenants.

Mr. Martin questioned if deliveries would be occurring at night. Mr. McGovern noted no deliveries between 10 PM-5:30 AM. Mr. Martin would sanction a walkway from Nagog Village onto the Nagog Park property. Mr. Kelly noted that would be the intention of the new plans. Mr. Martin expressed concern with the

number of proposed lights to be installed, questioned about the number of EV charging stations to be installed.

Ms. Nicol noted the lot needs to be brought into design standards, and questioned if dumpsters could be relocated behind the building, crosswalks by the business office, Frolic & Detour, Mr. Kelly noted there are 5 parking spaces in front of the office building. Encouraged MAG RE Holdings to return to the Design Review Board with their requests for full drawings of the building, Concord Water District requested a further stormwater plan regarding Nagog Pond and little Nagog Pond due to the concern of possible hydraulic fluid release on the impervious surface – Mr. Kelly noted there is no direct connection from the Little Nagog Pond and Nagog Pond.

Carla Hailar, Old Stonebrook – concerned about an engineering firm hired for the master plan for Great Road and suggests communicating with engineering firm, concerned about the continuation of the sidewalks on Great Road, concerned Great Road will turn into an auto mile.

Miles Fidelman, Old Stonebrook Road – noted Select Board may grant a SPSP and not must grant, should be consistent with the master plan, feels it will have a negative effect on abutters in terms of property values.

Carolyn Kiely, Skyline Drive – suggests a moratorium on changing the use of permits Great Road, and allow the Select Board to decide how Great Road should look

Kimberly Hurwitz, Minot Ave – questioned how long will the left side of the property owned by McGovern will stay is it is currently, noted the Toyota dealership in Littleton on Great Road's parking lot is completely empty and if the total number of planned parking spaces in Nagog Park is necessary

Alan owns 125 Nagog Park – questioned why the Select Board cannot deny a site plan, traffic study should be required to be addressed regarding the area, how current tenants will be accommodated, concern on wastewater treatment, questioned about terms of conditions that could be placed on phase two that it cannot be developed as another car dealership

Sarah Mlezevia, Old Beaverbrook – thanked McGovern regarding listening to the neighboring community

Alice McNeil – appreciates the restaurants and to not allow a dealership

Tom, Sawmill Road – appreciate the better plan, concerns about current businesses, plans for tenants that will be out of their location, need assurance the businesses are being treated fairly

Kate Chung – feels making the development more walkable and family-friendly, concerns about vehicle inspections

Hashi Tackavarti – questioned how many tenants will be staying in their current location, and who will need to be relocated

Liz Reinheart, 150 Splitrock Drive – appreciated the change in the plan from McGovern, concerned about the next phase in development on the second parcel and plans for maintenance

Leslie Johnson, Brook Street – concerned 2A turning into an automobile, likes the features Acton has to offer

Terra, West Acton – believes the Board can say no and can work with Town Counsel, like moratorium on new dealerships, appreciates sidewalks installed in front of the building, install shade trees in the parking lot and install solar canopies

Dan Klein, Old Stonebrook Road – mall provides a multitude of opportunities, and devastated in the long term they would have to move out, hopes the dealership becomes a good neighbor.

**Mr. Martin moved, seconded by Ms. Arsenault to continue the hearing on September 11, 2023 at 7:10 PM and approved unanimously.**

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

#### **4. Approve FY24 Short and Long Term Goals**

Mr. Snyder-Grant summarized that there was a large number of short term goals voted on by the Board.

Ms. Nicol suggested elaborating on how the goals were suggested and constructing some background for each goals and update the list at a future Board meeting. Mr. Charter agreed with the motion and reasonable consideration since town staff will be doing the background work.

**Mr. Snyder-Grant moved, seconded by Ms. Nicol that the Select Board adopt the FY2024 short and long term goals as printed with the understanding there are a larger number of short term goals than in previous years the Board understands there may be too many goals to accomplish in one year and we are committed to periodically reviewing the list as the level of resources required for each goal is better understood we may remove some goals from the short term list or reduce their scope and approved 5-0**

#### **5. Approve Board and Committee Reappointments**

Mr. Snyder-Grant noted Dana Snyder-Grant requested to be reappointed to the Cemetery Commission. Mr. Martin requests that liaisons forward reappointments for a final list to be considered in the Select Board packet for future meetings to see if there are people waiting to be considered for appointment to any Board or Committee. Ms. Nicol suggests that the Volunteer Coordinating Committee reach out to the Select Board liaison to see if members of their Boards or Committees to are interested in continuing membership rather than the Volunteer Coordinating Committee following up. Mr. Charter suggests at a future meeting to discuss terms of volunteers serving on committees.

**Mr. Martin moved, seconded by Ms. Nicol to reappoint all people on the list in the packet that have expressed interest in reappointment or have responded positively by individual contact as noted in the list, and approved unanimously.**

#### **6. Presentation of FY24 Health Insurance Trust Updates**

Ms. Nicol explained the HIT's purpose is to provide health insurance to employees and retirees, and the trustees solicited a new consultant, A.J. Gallagher

& Company effective July 1<sup>st</sup> contracted a part-time consultant from Cook & Company as a service representative and also contracted with Bugatti and Harrison for treasury and accounting services.

7. Accept Donation from the Acton Garden Club Valued at \$2,000 Towards the Renovation of the Oval Garden in Front of Town Hall

Mr. Mangiaratti noted the Garden Club has been responsible for maintaining the garden in front of Town Hall and will be going through some permitting process to install a pump for a Victorian fountain that has been donated originally owned by the Jenks family. The water used for the fountain will be recycled due to the current water restrictions in town.

**Mr. Charter moved, seconded by Ms. Arsenault to accept the donation from the Acton Garden Club and design as shown and authorize to proceed with getting any other approvals from the Historic District Commission to install said garden and approved unanimously.**

8. Authorize Chair to Send Letters to State Delegation to Request Approval of the Voting Related Home Rule Petition Warrant Articles

**Mr. Martin moved, seconded by Ms. Nicol to authorize the Chair to send letters to state delegation to request approval of the voting related home rule petition warrant article and approved 4-0-1 (Charter).**

9. Consent Items

IV. Meeting Evaluation

Mr. Snyder-Grant felt the hearing went well and mentioned having a 2-minute timer for future meetings to keep track of comment sessions, good discussion on Board and committee reappointments, and questioned what type of conditions can the Board impose on (site plan special permit ) hearings.

Ms. Nicol felt the hearing went well and introduced to the public the condition of limiting time with public comment, and not repeating previous speakers. Mr. Martin commented on the difficulty of how much background information to give to the public regarding public hearings. Ms. Arsenault noted how difficult it can be to make decisions on site plan hearings and appreciated the updated plans. Mr. Charter felt the hearing went well, appreciated the Planning Director in attendance, noted the public may not understand that the Select Board has limited capabilities on what can be allowed with the Site Plan Special Permit, and noted during resident comments that emails received by the Select Board are not necessary to be read to the board during that time allotment.

**Mr. Martin moved, seconded by Ms. Arsenault to adjourn and approved unanimously. Meeting adjourned at 10:08 PM.**

*The listed agenda items are those reasonably anticipated by the Chair. Not all items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail*

*as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an e-mail to **manager@actonma.gov** or call Town Manager's Office **(978)929-6611***

For more information about the Select Board contact [manager@actonma.gov](mailto:manager@actonma.gov) or 978-929-6611