



SELECT BOARD
MEETING MINUTES
FEBRUARY 27, 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. **Regular Business**

1. **Resident Concerns**

Kim Kastens, Pope Road – spoke about PFAS at wastewater treatment plant requesting the Select Board have a public meeting on PFAS readings with several questions for the Board.

Terra Friedrichs, Mass Ave – concerned about town meeting article regarding the citizens library and urges the Select Board to not vote on documents they have not seen.

2. **Chair Update/Town Manager Update/Members Minutes**

Mr. Mangiaratti had no updates. Mr. Charter noted the League of Women Voters is sponsoring another meeting on starting a local paper tomorrow at the Memorial Library at 7 pm. No further reports from members.

II. **Public Hearings**

3. **7:10 PM Site Plan Special Permit #7/12/20232-487, 100 Discovery Way
(continued from January 23, 2023)**

Josh Laricy from Blue Wave updated the Board since the last meeting focused on the location of the site. The Board wanted to see what the Board of Health (BOH) results would be. Mr. Laricy updated the Board on the results of the BOH meeting. The BOH will be discussing at their next meeting for a potential draft decision. Mr. Martin suggests the Board take its vote tonight as the project has been continued multiple times. The BOH may also base their decision on the Select Board's vote as well. Mr. Laricy explained where the trees will be considered for removal which would be approximately 17 trees in total which were flagged. Mr. Snyder-Grant inquired about the integrity of the structure should, for example, a large tree fall on it. The company does perform puncture tests.

Mr. Snyder-Grant asked that staff explain the findings from GCG. Ms. Guichard explained that there were very little changes.

Ms. Arsenault questioned why the structure could not be moved further back to eliminate the need for clear cutting of the trees. Mr. Laricy noted the location was due to the solar on the roof and across from Rt. 2.

Marcy Hoban, Brucewood Road – residents have noted the hearing has taking a considerable amount of time and read from a statement on behalf of the residents of the Woods and are concerned about the availability of the response from the Acton Fire Department in the event of a fire, urges the Select Board to deny approval for the permit.

Angela Morrison, Brucewood Road – concerned that the presenters change their answers with each hearing and that the priority is safety and wellness of the abutters.

Rachel Wulsin, Brucewood Road – feels this is the only property that was allowed to be build the facility and mentioned the original subdivision for the tech park on Piper Road and that a warehouse is not allowed and that it will create a zoning violation.

Janice Ward, Brucewood Road – offended that there are other ESS boxes in town and are considering allowing one to abut a neighborhood and to consider the health and safety of the neighborhood.

Martin Pitwood – noted 21 trees are marked for removal and not 17 trees.

Terra, Mass Ave – questioned about what happens when there is a leak where does it go, consider building a brick containment wall to avoid cutting trees, and requests the Board to produce a draft denial and list reasons for a denial of the permit.

Michael Schulze, 24 Brucewood Road – noted the electrolytes is 6104 gallons of highly toxic chemicals that can burn and produce hazardous gas, and noted the tech is only 6 years old.

Megan Kronenwett, Brucewood Road – feels an approval on the permit would do egregious harm to the neighboring abutters and noted a Long Island politician prohibiting the placement of lithium batteries in the Long Island area questioned if the testing was conducted by Blue Wave or a third party. Mr. Laricy noted the manufacturer conducted the testing.

Mary Lynn Miller, questioned if Blue Wave has any track record in New England and was told no. Mr. Laricy noted the question had come up at a previous Board of Health meeting and that Blue Wave has four other solar projects in New England.

Tris Wendall, Laurel Court – requests a larger fire alarm system, better emergency response plans, concern about water runoff from a fire and the potentially toxic chemicals leaking into the ground water.

Dan Neal – compared to surrounding communities and noted a solar panel installation at the new Concord Middle School and to be sustainable, there needs to be a facility available to store the batteries.

Mr. Martin addressed the concerns and emails received from residents. Several audience participants vocally objected to Mr. Martin's explanations.

Ms. Nagireddy expressed her concern about allowing the facility and the health and safety of residents and voiced her opposition and would not vote to approve the permit. Mr. Snyder-Grant suggests closing the hearing and asking the Planning Division to draft a denial and look to the mandatory findings of the health and safety for the language to draft a denial decision and feels there are too many unknowns to approve the special permit.

Mr. Martin moved, seconded by Ms. Arsenault to close the public hearing and approved unanimously. Mr. Laricy made his closing comments regarding concerns of the Board and residents.

Mr. Snyder-Grant moved, seconded by Ms. Arsenault to ask the Planning Department to draft an approval and denial for later consideration at a future meeting on March 20 and approved unanimously.

4. 7:20 PM Common Victualler License, Romano Pizza & Pasta, 168 Great Road
Representing Romano Pizza & Pasta is Adson Oliveira. Mr. Oliveira purchased the existing restaurant formally known as AP Pizza. **Mr. Snyder-Grant moved, seconded by Mr. Martin to approve the common victualler license for Romano Pizza & Pasta at 168 Great Road and approved unanimously.**

III. New/Special Business

5. Introduction to the Director of Diversity, Equity and Inclusion Wanjiku Gachugi
Mr. Mangiaratti introduced Ms. Gachugi. Ms. Gachugi has been employed for 7 weeks and summarized her responsibilities, has met with different faith groups, organizations, different committees, and met the Acton-Boxborough Regional School District DEI Director about how to promote inclusivity.
6. Discuss Integrated Design for the Dog Park, Senior Park and McManus Manor
Steve Trimble and Dennis Dale presented the plans on behalf of the subcommittee of the Recreation Commission regarding the Main Campus and the timeline of activity to date and the next steps. Mr. Martin questioned if there would be benches added to the long walk or the opportunity for fundraising for benches. Mr. Snyder-Grant questioned if it was feasible to make a connection from McManus Manor and the park. Mr. Charter noted that the design concept has been completed and the sidewalk would be the best fit. **Mr. Martin moved, seconded by Mr. Snyder-Grant to ask the Town Manager to move forward with the detail of the senior park at the Main Street campus and approved unanimously.**
Terra, Mass Ave – excellent example of better planning, agree with installing benches.
7. Discuss Approving a Film Permit for Upcoming Independent Film Production

Mr. Mangiaratti briefed the Board about establishing a procedure for permitting future independent film productions to film in Acton. The Economic Development Director drafted a memo suggesting permitting and applying fees. **Mr. Martin moved, seconded by Ms. Arsenault until an established film permitting process is established to charge up to \$100 for production crews and approved unanimously.**

8. Discuss Fireworks Celebration for July 4th

The June 30th event will consist of a band followed by fireworks. The Board previously noted not wanting to charge for the event, however the Town Manager had a creative proposal to charge for VIP parking. Mr. Mangiaratti was looking for input from Board members for the June 30th date and charging for VIP parking. Mr. Charter expressed skepticism about the date and charging for parking. Mr. Martin agrees the date is not ideal, but supports charging for parking. Mr. Charter suggests looking to lock in July 4, 2026 with other celebrations. Mr. Snyder-Grant suggests taking the money out of the general fund, and doesn't support the date and charging for parking. Ms. Nagireddy concerned about spending the money for a June 30th event and recommended to table the event until a larger event could be planned. Mr. Martin noted that the full day event is well enjoyed by residents and would like to direct the Town Manager to bring it back for next year. Mr. Mangiaratti suggest keeping the funding that could be used next year. **Mr. Charter moved, seconded by Mr. Martin to not do fireworks this year and leave money in the capital budget for a future firework display and approved unanimously.**

9. Discuss Status of the River Street Dam Removal Project

Mr. Martin presented to the Board the progress on the River Street project. The project is about ready to go out to bid. The project is well-into design. The Town Manager has hired PMA Consultants as the Project Manager. Board members were in general agreement with the plans.

10. Review Town Meeting Warrant Articles and Consider Voting on Recommendations

Mr. Charter suggest at the next March meetings to invite the citizen petitioners in to present to the Board and reached out to the Finance Committee chair for a joint meeting to go over the Finance articles. Board members chose to pass over this item.

11. Discuss Timeline and Criteria for the Colonel Francis Faulkner, Sr. Exemplary Volunteer of the Year Award

Members will make their nominations by March 15th before the March 20th meeting to the Town Manager's Office and announced at the March 20th or April 3rd Select Board meeting.

12. Town Manager Evaluation Process Update

The evaluations will be sent out by the Town Manager's Office to be completed well in advance of Town Meeting. The review period is 3/1/22-5/1/2023. Mr. Charter stressed to have the evaluation done before Town Meeting with the current sitting Board members.

IV. Consent Items

Mr. Snyder-Grant held consent item 19 and requested to move the item to the March 6th meeting agenda. Mr. Martin suggests voting to not approve the refund request.

Mr. Martin moved to not approve a refund for building permit for Matthew Liebman at 27 Tuttle Drive and seconded by Ms. Arsenault.

Mr. Snyder-Grant furthered that he had paid for the building permits and should be reimbursed for the full amount and the Board had previously approved refunds request in the past. Mr. Martin requested to withdraw his motion and to place the discussion on the March 6th meeting agenda.

Ms. Arsenault moved, seconded by Mr. Snyder-Grant to approve consent items 13-18 inclusive and approved unanimously.

Mr. Martin moved, seconded by Ms. Arsenault to adjourn and approved unanimously. Meeting adjourned at 10:20 PM

Documents Used

- Agenda, Select Board, February 27, 2023
- Site Plan Special Permit #7/12/2022-487