



## SELECT BOARD

Meeting Minutes

Monday, April 25, 2022

7:00 PM

Room 204, Acton Town Hall and Virtual

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

**Absent:** None

Remote Participation: Himaja Nagireddy

Mr. Martin called the meeting to order at 7:00 PM.

### I. Regular Business

#### 1. Resident Concerns

Peter Berry, Faulkner Hill Road – read from a prepared statement that is included in the meeting packet regarding a recent public comment made on social media regarding the use of the term “Nazi” and encouraging the Board to make a statement condemning the term.

Charlie Kadlec, Paul Revere Road – commented further on the lack of allowing him to speak at the recent Diversity, Equity and Inclusion Committee (DEIC) meeting and urged Mr. Martin to resign as the Chair of the DEIC

Martin Benson – read from a prepared statement that is included in the meeting packet regarding the comment on social media using the term “Nazi” and the lack of support from the Board condemning the term, condemned Mr. Martin for the lack of opportunity for Mr. Kadlec to speak at the previous DEIC meeting, and noted no publicity from the Town of the events taking place on Patriots Day, and the lack of representation from the Board.

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

Mr. Martin commented on comments made during the resident concerns and the role of the DEIC “policing” Facebook, commented on the School Committee retiring the Colonials as a mascot and addressed the discourse of accusations towards the School Committee, and commented on recent public record requests regarding both information on the School Committee mascot.

Mr. Mangiaratti commented on recent Earth Day celebration planned by town staff last week at NARA Park, and hosted an event with the Mass DEP Commissioner to announce a grant the town received to build a fast DC charger at Veterans Ball field. Arbor Day is this week, and the town will host an event at the Public Safty Facility planting a new tree with staff from the Memorial Library reading books.

The Acton Beacon will cease paper circulation on May 5th, which the Town had used to post legal notices, and the Town chose the Lowell Sun for now to continue listing legal notices, and also launched a public hearing/legal notice platform on the



town website homepage that residents can subscribe to receive notification by email. Recently a federal court case challenged and overruled a mask policy on public transportation giving airlines and the MBTA making wearing face masks optional. The town public transportation will be following the state's recommendations.

Mr. Snyder-Grant attended an event at Household Goods celebrating the South Acton Movers that have been moving people that cannot afford to move financially for fifty years, and encourages people to volunteer for either organization and acknowledged Mr. Berry's comment regarding the racist comment on a Facebook group post, and agreed it is not the responsibility of the Board to police such a platform.

Mr. Charter attended the grand opening and ribbon cutting of the Cooperative Elder Services located at 30 Sudbury. Mr. Charter also felt there could be a longer conversation regarding the liberty of free speech sometime after Town Meeting. Ms. Arsenault agrees with Board members on the behavior on social media and expressed the need to come together as a community.

### **Public Hearings**

#### **3. Use Special Permit #3/16/22-483, 19 Keefe Road**

Ms. Arsenault introduced the application for a request for a Change of Use from a manufacturing warehouse to a fencing studio. Representing the application of Bodie 19 LLC is Bernard Hamill. Mr. Martin questioned the time frame to open for operation, Mr. Hamill stated approximately 6-8 weeks. Mr. Snyder-Grant questioned about the accessibility for handicapped access and participation, Mr. Hamill noted it is a slab structure with a handicap access in the rear of the building but not about athletic participation. Michael Marks, owner answered that he is working on co-coaching and heading Paralympic athletes at the national level.

Jamie Lawazo owns 1-13 Keefe Road and the gymnastic academy and an abutter to the location and thinks it would be a great addition to Acton. **Mr. Snyder-Grant moved, seconded by Mr., Charter to close the public hearing, and approved unanimously by roll call vote. Mr. Snyder-Grant moved, seconded by Mr. Charter to approve Use Special Permit #03/16/22-483 and approved unanimously by roll call vote.**

#### **4. All Alcoholic Beverage License and Common Victualler, Santa Fe Burrito Grill Acton, LLC, 297 Main Street**

Representing Santa Fe Burrito Grill Acton, LLC is Carlos Echavarria. The restaurant will feature Mexican food similar to Chipotle and operates in several locations in Massachusetts. Mr. Snyder-Grant questioned the energy source utilized for operation – Mr. Echarvarria commented the utilization of both gas and electricity for food preparation. Mr. Snyder-Grant encouraged that for future locations to consider alternative non-gas fuel sources. Mr. Martin questioned the number of seats, Mr. Echavarria said no more than 40. Hours of operation will be 10:00AM to 10:00PM. Terra, West Acton – questioned if the owner will use plastic utensils or silverware to wash, the owner will use plastic to go, Terra does not support the restaurant for granting the the permit on the basis of reducing the use of disposable utensils.



**Mr. Charter moved, seconded by Ms. Arsenault to close the public hearing and approved unanimously by roll call vote. Mr. Charter moved, seconded by MS. Arsenault to approve an all alcoholic beverage license□□□□□□□□□□□ and Common Victualer license for Santa Fe Burrito Acton, LLC located at 297 Main Street, Acton, MA and approved unanimously by roll call vote.**

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

### **5. Discus and Vote to Recommend Acton Power Choice Rate Structure**

Paul Gromer, President of Peregrine Energy presented the pricing within the industry pricing information publicly available. Mr. Snyder-Grant noted receiving a letter from the Green Advisory Board. Mr. Charter reiterated whatever the combination of rates available, that it is important to be very transparent to the general public on what the choices will be available for residents. Mr. Martin questioned where the supply would come, Mr. Gromer stated all the energy will come from New England. The Basic plan has the system mix and additional renewable Renewable Energy Certificates beyond the state requirement. Ms. Nagireddy questioned numbers and the projection of price options, and asked about Mr. Gromer's recommendation. Mr. Gromer stressed that it is about the town's own energy goals. Mr. Snyder-Grant noted some towns only offer one or two price options, and Acton has three price options. People will be faced with higher energy prices no matter what we do. Customers will decide what works for them, and the Town should continue offering a basic rate, and a 100% renewable product, and feels that it should be the eventual goal to make the option of 100% renewal the default, but feels now is not the time and suggests having a default that is half-way between the 20%, and the 100%: 60%. He further recommended staying with Class 1 REQs. Ms. Nagirreddy suggests changing the default option each year during the three year contract.

Terra, West Acton – request stop calling it natural gas, the town made a declaration of a climate emergency, urges the highest possible default, and to assist people who are income secure.

Charlie Kadlec, Paul Revere Road – purpose was to provide the lowest cost possible to the customers, the encourages the default rate be the lowest possible cost choice. Nathan Wolf, student ABRHS – would establish a baseline that climate change is active and encourages the electrification of vehicles and opt up to 100% green renewable option.

Alex, student ABRHS – encourages the default of 60% Class 1 REQs

Several other ABRHS students spoke in support of the Board to choose the default at 60% renewable energy for Class 1 REQs.

Debra Simes, Concord Road – questioned if the program was made not as a cost saving program but giving municipalities more control on the cost of their services in Acton.

Jude Aronstien, Gregory Lane- feels the arguments from the suggestions of the ABRHS students for 60% Class 1 REQs are acceptable.



Charlie Kadlec, Paul Revere Road – the more that people convert to electricity for energy, the more the demand will be for electricity and will increase the cost (of energy delivery per kilowatt/hour). No further comments from the public.

Mr. Martin commented if the remaining power would come from coal products, but Mr. Gromer commented that the rest is generated in New England, and not coal for the National REQs, Ms. Nagireddy commented suggesting a one year contract, and suggested that the Board direct the Town Manager to enter into a one year contract, and Mr. Snyder-Grant's suggestion of a 40% increment in prices. Mr. Charter mentioned on the suggestion from the Green Advisory Board to offer the opt up or opt down option, and keep the basic price at the legal minimum rate, and keep the contract as short as possible. He also noted that people with low income can also apply to Eversource for a subsidized rate. Ms. Nagireddy suggested increasing the rates by 5%. The Board will give the Town Manager to work with a one to two year contract and a 20%-60%-100% rate, or with a 25%-65%-100% rate. Mr. Charter agrees with the suggestion from Mr. Snyder-Grant and Green Advisory Board's recommendation on rates.

**Mr. Snyder-Grant moved, seconded by Ms. Arsenault to authorize the Town Manager to enter into an Acton Power Choice contract for one to two years with the goal of Class 1 RECs at the Basic level for a total of 20%, the Standard level at 60%, and Green at 100% Class 1 RECs, and approved unanimously by roll call vote.**

#### **6. Presentations from Citizen Petition Sponsors**

Mr. Martin noted that each petitioner presentation be only 5 minutes.

- Terra Friedrichs, Article 41 - Elected Planning Board  
Mr. Snyder-Grant noted this petition was brought up at past town meetings, Mr. Martin noted that a citizen petition should circumvent the committee reviews process, Mr. Snyder-Grant does not support switching to an elected Board, but supports sending the petition to Town meeting
- Terra Freidrichs, Articles 42 and 43 - PCRC 9.6.2.3 Number of Dwelling Units  
Rick Heinrych, Newtown Road presented the citizen petition urging removing the wetlands to the PCRC from the total area available for development
- John and Stacey Durkin, Article 44 - 32 Wetherbee Street - R2 to EAV2  
Representing the petitioners is Attorney Thomas Falwell requesting a zoning change to the address to allow for a current structure on the property to be utilized as office space.
- Amber Klauer, Article 50 Woodlawn Mortuary Chapel  
Ms. Klauer is opposed to the proposed alteration of the Mortuary Chapel at Woodlawn Cemetery, but supports making the chapel accessible using money from the chapel trust fund. Mr. Charter noted the CPC did not vote to support the Woodland Chapel CPA funding application.
- Denise Conley, Article 51 - Electric Vehicle Charging for Residents of Multi-Family



Recommends having charging stations installed at multi-family housing units.  
No further questions from Board members

- Terra Friedrichs, Article 52 - Economic Feasibility Analysis of Affordable Housing Trust  
Alissa Nicol and Charles Kadlec presented the citizen petition requesting a feasibility analysis for an affordable housing trust and set aside \$2500 for such analysis. Mr. Martin questioned what entity would manage the apartment rentals, AHA or Housing Trust. The petitioners would weigh on the suggestion of Town Counsel. The \$2500 amount was a suggestion of a colleague and consultant from the Town of Ayer who does this sort of analysis.
- Terra Friedrichs, Article 53 - Protecting Acton's Potable Water  
The petitioner is requesting that protecting drinking water be prioritized over new projects that use drinking water. Mr. Martin questioned if the petitioner worked with any other Board or Committee, petitioner spoke with water experts from WRAC and Green Acton Water Committee, no further questions from Board members
- Terra Friedrichs, Article 54 - Land and/or Tree Clearing Limits Bylaw  
The petitioner requested support for a land and/or tree clearing limit bylaw. No further questions
- Terra Friedrichs, Article 55 - Limiting Negative Impacts of Unaffordable Growth  
The petitioner listed suggestions regarding the Planning Board by studying the needs..such as of maximizing open space and minimize developed land, reduce the amount of land destroyed, minimize the burden on town infrastructure reduce the carbon impact of new construction and protect the built and natural environment. No further questions.
- Debra Simes, Article 56 - Mobilizing Acton's Climate Action Plan  
Petitioner presented to the Board a summarization of the brief history of the declaration of a climate emergency that passed at the 2020 Town Meeting, and developing a climate action plan. Mr. Snyder-Grant confirmed the Green Advisory Board had sent a letter of support for the warrant article.
- Linsey Hurley, Article 57 - Changing the State Flag and Seal  
Petitioner requesting support for changing the state flag and seal after the state passed a resolution.

7. Review and Consider Voting on Recommendations for Warrant Articles

Mr. Martin listed the consent items first. Mr. Snyder-Grant held consent item 15, Mr. Martin held item 37. Mr. Snyder-Grant asked Board members regarding any questions or concerns regarding article 15 since he is the Board member assigned, and will research maps of the flood plain overlay. **Mr Charter moved, seconded by Mr. Snyder-Grant, to recommend article 15 and approved unanimously by roll call vote. Mr. Martin moved, seconded Ms. Arsenault to remove article 37 from the warrant and approved unanimously by roll call vote.** It was noted that Mr. Hald



will not be renumbering the articles, but will note that the article number was intentionally left blank. Board members agreed to pass over consent articles 23-26, collective bargaining.

- Mr. Snyder-Grant moved, seconded by Mr. Charter, to recommend article 4 and approved unanimously by rollcall vote
- Mr. Charter moved,seconded by Mr. Snyder-Grant, to recommend article 5 and approved unanimously by roll call vote
- Mr. Charter moved, seconded by Ms. Arsenault, to recommend article 6 and approved unanimously by roll call vote
- Mr. Charter moved, seconded by Mr. Snyder-Grant, to recommend article 7 and approved ananumously by roll call vote
- Mr. Snyder-Grant moved, seconded by Ms. Arsenault, to recommend article 8 and approved unanimously by roll call vote
- Mr. Charter moved, seconded by Ms. Arsenault, to recommend article 9 and approved unanimously by roll call vote
- Ms. Arsenault moved, seconded by Mr. Snyder-Grant, to recommend article 10 and approved unanimously by roll call vote
- Mr. Charter moved, seconded by Mr. Snyder-Grant, to recommend article 11 and approved unanimously by roll call vote
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- Mr. Martin noted that the contents of Article 41 were voted on last year, and was not in favor of having Town Meeting members vote for the same item year over year. Mr Charter moved, and Mr. Martin seconded, to not recommend this article. Motion was defeated 2-3. Mr. Snyder-Grant moved, seconded by Ms. Nagireddy to make no recommendation on citizen petition article 41 and approved unanimously by roll call vote.
- Mr. Charter suggested to hold off any recommendation for articles 42 and 43 until Planning Board review and Mr. Martin recommends to defer both articles 42 and 43, so no vote taken. Mr. Snyder-Grant will represent the Board's opinion at Town Meeting.
- Mr. Snyder-Grant suggested to wait for comment from the Planning Board. Mr. Charter moved, seconded by Ms. Arsenault, to recommend citizen petition article 44, and approved 3-1 by roll call vote with one abstention (Nagireddy). Mr. Snyder-Grant will represent the Board's opinion at Town Meeting.
- Mr. Snyder-Grant moved, seconded by Ms. Arsenault, to recommend Article 45 and approved unanimously by roll call vote. Ms. Arsenault will represent the Board's opinion at Town Meeting.
- Mr. Snyder-Grant moved, seconded by Mr. Charter, to recommend Article 46, and approved unanimously by roll call vote. Mr. Snyder-Grant will represent the Board's opinion at Town Meeting.



- Mr. Snyder-Grant moved, seconded by Mr. Charter, to recommend Article 47, and approved unanimously by roll call vote. Ms. Nagireddy will represent the Board's opinion at Town Meeting.
- Ms. Nagireddy moved, seconded by Mr. Snyder-Grant, to recommend Article 48, and approved unanimously by roll call vote. Ms. Nagireddy will represent the Board's opinion at Town Meeting.
- With respect to Article 49, Mr. Charter noted the Board's receipt of a letter from the EDC recommending against this article on the grounds of extra inconvenience for retailers, and competitive disadvantages with other Towns. Mr. Martin noted that fees like this have been very effective in other cities and towns in increasing reusable bag use. Mr. Charter moved to not recommend, with no second. Mr. Snyder-Grant moved, seconded by Ms. Arsenault, to recommend Article 49, and approved 4-1 by roll call vote. Ms. Nagireddy will represent the Board's opinion at Town Meeting.
- Ms. Nagireddy briefly reviewed the history of the proposed chapel work, and opposition to it, and noted that getting a reading form Town Meeting on this issue would be of help with the Cemetery Commission and Town Staff in finding a design that would meet more widespread acceptance. Mr. Snyder-Grant moved, seconded by Ms. Arsenault to make no recommendation on citizen petition article 50 and approved unanimously by roll call vote.
- Ms. Arsenault moved, seconded by Mr. Charter, to recommend citizen petition article 51 and approved unanimously by roll call vote. Mr. Snyder-Grant will represent the Board's opinion at Town Meeting.
- Mr. Snyder-Grant moved, seconded by Ms. Arsenault, to recommend citizen petition article 52 and approved unanimously by roll call vote. Ms. Arsenault will represent the Board's opinion at Town Meeting.
- For article 53, Mr. Charter noted that the petition set up a false dichotomy between protecting water quality and approving new developments that use water. Mr. Snyder-Grant noted that the language was benign and that initial comments at the Finance committee were favorable. Mr. Snyder-Grant moved to make no recommendation on Article 53, with no second. Mr. Charter moved seconded by Mr. Charter, to not recommend citizen petition article 53, failed 2-3 by roll call vote. Finally, after a statement from Ms. Nagireddy noting that she had missed the first motion, Mr. Snyder-Grant again moved to make no recommendation, seconded by Ms. Nagireddy, and approved unanimously by roll call vote. Mr. Martin will represent the Board's opinion at Town Meeting.
- Mr. Snyder-Grant noted that the DRB has been looking into this question already, and so recommending it would be supportive of this effort. Mr. Charter noted that we should hear from the planning board first, and recommended no vote at this time. No action was taken and so this will be



listed as deferred on the printed warrant. Mr. Martin will represent the Board's opinion at Town Meeting.

- Mr. Martin noted that the assumptions in the article don't seem to be proven or true, and that specifics that might come out of this are so under-specified that Town Meeting will be unable to evaluate it. Mr. Snyder-Grant noted that he agreed with the intent of the article to get more planning done, but argued that the Select Board should work directly with planning staff and the planning board to move planning forward, and not act via Town Meeting. Ms. Nagireddy needs more information before she would want to support it. Mr. Charter moved, seconded by Mr. Martin to not recommend citizen petition article 55 and voted unanimously by roll call vote. Mr. Snyder-Grant will represent the Board's opinion at Town Meeting.
- Ms. Arsenault moved, seconded by Mr. Snyder-Grant, to recommend citizen petition article 56 and approved unanimously by roll call vote. Mr. Snyder-Grant will represent the Board's opinion at Town Meeting.
- Ms. Arsenault moved, seconded by Mr. Snyder-Grant, to recommend citizen petition article 57 and approved unanimously by roll call vote. Ms. Nagireddy will represent the Board's opinion at Town Meeting.

**Mr. Charter moved, seconded by Ms. Nagireddy to approve the draft warrant including the Board's ecommendations and changes, Mr. Snyder-Grant added an amendment and moved, seconded by Mr. Charter having town staff filling in the remaining yellow items in the way it seems wisest and approved unaninmously by roll call vote**

8. Discuss Annual Town Meeting

Mr. Mangiaratti is potentially reintroducing it iClickers to Town Meeting. Mr. Charter supports the use, noted that the Commission on Disabilities voted to recommend their use, and appreciates bringing this back to Town Meeting. **Mr. Charter moved, seconded by Ms. Arsenault for the use of iClickers at Town Meeting and approved unanimously by roll call vote.** Pre-Town Meeting meeting with Town Moderator will be on May 11<sup>th</sup> at 7 PM at the Emergency Operation Center (371 Main Street)

9. Consider Approving an Intermunicipal Agreement with the Town of Concord for Wayfinding Signage and other grant approvals

Mr. Mangiaratti updated the Board regarding a large grant that will be shared with Concord through an Intermunicipal Agreement, and the money needs to be sent within the next few weeks and is looking for the Board to authorize the Town Manager to sign the agreement. The working group is working with the Friends of the Bruce Freement Rail Tral on the designs of the signs.

**Mr. Snyder-Grant moved, seconded by Ms. Arsenault, to authorize the Town Manager to sign the intermunicipal agreement with Concord for wayfinding signage and approved unanimously by roll call vote**



Three related grant projects initiated by the Economic Development Director are for public art, a business directory, and a business incubator program and would be receiving over \$80,000 for the three efforts. Mr. Mangiaratti is looking for an expedited authority from the Board. **Ms. Arsenault moved, seconded by Mr. Charter, to authorize the Town Manager to complete the agreement for the grants for public art, a business directory, and business incubator and approved unanimously by roll call vote.**

**10. Approve Revisions to Revised Building Permit Fees**

Mr. Manager updated the Board on making the permitting process less expensive for energy star windows and solar panels for residential construction, to encourage sustainable choices. Mr. Snyder-Grant requested to defer on a decision until hearing back from Town Counsel regarding some questions about building fees. Mr. Charter mentioned a note the Board received from Mr. Barry Rosen on this matter, and also asked to return to this topic in a couple of weeks. The Board took no action.

**11. Authorize Chair to Sign Letter of Support for Vacant Storefront Application**

Voters had approved \$25,000 for matching funds for a vacant storefront program at Town Meeting and now the manager is looking to go get the state funding to match that \$25,000. The next step for receiving funding is to get the state to accept Acton's proposed vacant storefront district. Mr. Mangiaratti is looking for the members to authorize the Chair to sign a letter of support for the vacant storefront application. Mr. Snyder-Grant suggests adding a mention of the state-certified Economic Justice census block that are adjacent to Great Road to the letter and application. **Mr. Charter moved, seconded by Ms. Arsenault, to authorize the Chair to sign a letter of support for the vacant storefront application and approved unanimously by roll call vote.**

**III. Consent Items**

**Mr. Snyder-Grant moved, seconded by Mr. Charter to approve consent items 12-22 inclusive and approved unanimously by roll call vote.**

**Ms. Arsenault moved, seconded by Mr. Charter to adjourn and approved unanimously by roll call vote. Meeting adjourned at 11:30 PM.**

**Documents and Exhibits Used During this Meeting**

- Agenda, April 25, 2022
- Use Special Permit, #03/16/22-483, 19 Keefe Road
- Acton Power Choice Presentaiton
- Citizen Petition Sponsors Presentations
  - Elected Planning Board Members
  - PCRC 9.6.2.3 Number of Dwelling Units
  - 32 Wetherbee Street – R2-EAV2
  - Electric Vehicle Charging for Residents of Multi-Family Housing



- Economic Feasability Analysis of Affordable Housing Trust
- Land and/or Tree Clearing Limits Bylaw
- Limited Negative Imacts on Unaffordable Growth
- Mobilizing Acton's Climate Action Plan
- Draft 2022 Town Meeting Warrant
- List of Town Meeting Articles
- BRFT Wayfinding Memo Dated April 22, 2022
- Building Permit Fees Recommendations Memo Dated April 11, 2022
- Letter from Barry Rosen to Select Board on building fees
- Letter of Support for Vacant Storefront Application
- Map of Great Road Vacant Storefronts
- Accept Gift Memo, Recreation Department from 421 Gas, Inc. Dated April 5, 2022
- Accept Gift Memo, Recreation Department from Insulet Corporation Dated March 31, 2022
- Accept Gift Memo, Recreation Department from Prestigious Tree & Landscaping Dated April 6, 2022
- Accept Gift Memo, Recreation Department from Pro Tech Towing & Recovery Dated April 5, 2022
- One Day Alcoholic Beverage License, Leigh Loder
- One Day Alcoholic Beverage Licesne, St. Elizabeth of Hungary
- One Day Alcoholic Beverage License, Mark A. diCicco
- One Day Alcoholic Beverage License, Sheeri Cetin