



SELECT BOARD  
MEETING MINUTES  
SEPTEMBER 9, 2024

7:00 PM

ACTON TOWN HALL, ROOM 204  
472 MAIN STREET

Present: Fran Arsenault, Dean Charter, Alissa Nicol, David Martin, Jim Snyder-Grant,  
Additional Attendees: Town Manager John Mangiaratti, Assistant Town Manager Thom Begin,  
Executive Assistant Lisa Tomy, Town Counsel Nina Pickering-Cook

**I. Regular Business**

1. Resident Concerns

Danielle Piscadlo, Mohegan Drive – raised the issue of increased air traffic noise in West Acton and asked the Board if this topic had been discussed during a prior meeting.

Terra, Mass Ave –voiced concern about installing a traffic light at Main Street and Hayward Street indicating the neighbors do not want one installed and requested the town involve more discussions with neighbors

2. Chair Update/Town Manager Update/Members Minute

Ms. Arsenault announced the annual 9/11 ceremony on Wednesday at the Public Safety Facility and invited residents to join. Mr. Mangiaratti noted the EEE status of the Town is currently considered high risk, noting that the Board of Health met on Friday to review state guidance and next steps. The Board of Health issued guidance suggesting residents not hold outdoor evening activities until the risk has decreased and take a number of precautions to avoid bite exposure. Townwide spraying began on Sunday night, starting at school fields, and will continue this evening at 7:30pm beginning with municipal properties. Once completed, spraying will continue throughout the town except for properties that have opted out of the spraying program. He noted the town – sent out a reverse 911 on Friday with this information and encouraged residents to register on the town website to subscribe for similar emergency notifications. Mr. Mangiaratti announced that town offices, including the libraries and transfer station, will be closed for an employee professional development day this Friday. However, emergency services will continue to operate as usual. Mr. Begin announced the senior center will be hosting an ice cream social at the Heath and Human Services Building on October 11th, which is open to all seniors. He also announced the Recreation Department will be hosting a free kids concert at NARA amphitheater on September 29th, and noted the town is hosting a national drug take back event on October 26th at the PSF.

Ms. Nicol noted the Board of Health met last week and encouraged Town Staff to consider providing funding for health promotions when considering the FY26 budget process. She announced the public comment period for the Hazard Mitigation Plan (HMP) draft is due this Thursday, noting that the HMP is required for FEMA grant eligibility; the Memorial Library will host a Fix-It Clinic with expert coaches available to the public this Saturday; a talk about the history of the Nashobah Praying Indians will be held on September 17<sup>th</sup> at the Church of the Good Shepherd, and noted registration is required via the Sudbury Valley Trustees website. Ms. Nicol announced that on September 24<sup>th</sup> the DPW facility will be hosting the second hazardous waste day of the year; there will be a water chestnut pull at Ice House Pond on September 28<sup>th</sup>, noting additional information can be found on the town website. She discussed the recent Friends of the Acton Libraries annual meeting and reported that the total number of funding given to school and town libraries over the past 10 years has totaled \$250,000. Mr. Charter discussed numerous upcoming events planned by the Acton 250 committee, noting that on October 1st the Library will host a beer tasting event for the Isaac Davis Brown Ale which has been brewed specifically for Acton 250 in partnership with Drigible Brewery. He discussed the upcoming speaker series hosted by Acton 250 and funded through a generous donation from the Acton Lions Club. Mr. Martin noted the Finance Committee is putting together a cost-cutting task force following the recent operational override. Mr. Snyder-Grant discussed his work with the Municipal Vulnerability Program, specifically focusing on responding to the potential impacts of climate change and the availability for public comment. He indicated he would take note of the resident comment regarding air traffic noise and will respond to the concern at a later time.

## **II. Public Hearings**

### **3. 7:10 PM Entertainment License, Silver Girl, 251 Arlington Street**

Ms. Arsenault read the public hearing notice. Representing Silver Girl were Dawn Agular and Tamara Deluzio. The owners plan on providing entertainment Thursday through Sunday with acoustic music, and occasionally hosting a jazz trio during dinner service and brunch on Sundays. Mr. Martin asked about their plans for outside seating, which Ms. Agular indicated there were currently no plans to have entertainment outside. Mr. Charter questioned if there will be amplified music; Ms. Agular noted it would be slightly amplified with guitar use. Mary Price Maddox, Arlington St – questioned when the music would end during these days– Ms. Agular noted 10 PM.

**Mr. Martin moved, seconded by Ms. Nicol to close the public hearing and approved unanimously 5-0-0. MR. Martin moved, seconded by Ms. Nicol to approve an entertainment license for Silver girl located at 251 Arlington Street and approved unanimously 5-0-0.**

### **4. 7:20 PM Common Victualler License, Silver Girl, 251 Arlington Street**

Ms. Arsenault read the public hearing notice. Mr. Snyder-Grant discussed the need for universal access and asked if the site would be ADA compliant. Ms. Agular noted the main entrance is ADA accessible and they are making all

arrangements to ensure the space is fully accessible. **Mr. Martin moved, seconded by MS. Nicol to close the public hearing and approved unanimously 5-0-0. MR. Martin moved, seconded by Mr. Snyder-Grant to approve a common victualler license for Silver Girl located at 251 Main Street and approved unanimously 5-0-0.**

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

5. Appoint Leo Mercado as Town Clerk

Mr. Mangiaratti reviewed the recruitment process taken by the Town for this position, discussing the various interview rounds and inclusion of the Chair and Vice Chair in the second round. Mr. Mangiaratti is formally recommending the appointment of Leo Mercado as the next Town Clerk. He noted this position is a Select Board appointment for 3 years effective September 26<sup>, 2024</sup>. **Mr. Martin moved, seconded by Mr. Snyder-Grant to appoint Leo Mercado as Town Clerk effective September 26, 2024 and approved unanimously 5-0-0.**

6. Approve Request from Seal Harbor, LLC to Contribute to Tree Fund in Lieu of Plantings Following Bumble Bee Way Tree Hearing

Town Counsel Nina Pickering-Cook reviewed the current status of this issue, specifically the recent request from the developer to waive the requirement of planting trees along High Street and instead contribute to the tree fund. The developer's counsel reviewed prior mitigation regarding the tree planting agreement with the Town Manager and Select Board. They discussed previous conversations with the Tree Warden that focused on removal of two public shade trees, which was previously approved by the tree warden. However, following an appeal opposing the tree removal, during Select Board review, the decision was made not to remove them. When construction was completed, the new homeowners voiced concern with sight-line issues at the end of the driveway intersecting with High Street. At that time, the Board voted to have the trees removed and replaced with 6 new plantings with the location decision directed to the Town Manager and Tree Warden. The town requested planting 6 new trees in front of the Audubon Hill subdivision. Additionally, the developer was required to contribute \$5,000 to the tree fund in case of possible tree failure due to construction. Neither the Town nor developer have been able to find evidence this contribution occurred. The developer is requesting in lieu of planting 6 new trees, the Town retain \$5,000 that they are claiming was paid. Mr. Charter feels that \$5,000 is a low amount relative to the diameter of the 2 oak trees that were removed and suggests withholding a decision to allow more research in a more accurate cost estimate for suitable substitutions. Ms. Nicol asked why the proposed location for the 6 trees had been objected to by the Audubon Condo Association.

Mr. Martin noted the sight lines were discussed at the original tree hearing and counsel for Seal Harbor, Jonathan Silverstein noted sending a detailed timeline to the Town Manager and Town Counsel, and provided a summary of the timeline to the Board.

Board members were in consensus to have the Town Manager return to negotiations with the developer and to find out the status of the funds the developer is claiming was previously contributed to the town. .

Katrina Buck, Faulkner Hill Road – explained she is concerned about the length of the timeline while the trees remain unplanted, and voiced concern about the future as Acton ramps up its development of housing and wondered how, in the future, the Town can hold developers accountable.

Terra, Mass Ave – explained that the developer hired a consultant to show the sight lines were acceptable.

Peter Babcock, High Street – expressed disappointment at how long completion of the development has taken, and would like the 6 trees to be planted along the roadway, noting that trees add a traffic calming effect.

7. Discuss Flag Policy

Ms. Nicol indicated she requested this discussion after a Littleton Select Board member, who is conducting a review of Littleton policies, requested info on Acton policies. She noted that the Select Board flag policy can be found only in the meeting minutes as an approved motion from August 20, 2020, and would like the Board to create a formal policy for posting on the Select Board page of the Town website. Town Counsel reviewed their experience with supporting other municipalities with development of their flag policies, noting crafting flag policies with other municipalities they represent. Town Counsel explained the key is to maintain control of the use of the flagpole vs. the flagpole being a public forum, and it being up to the Board how much control they want to enforce as far as what would be allowed to be flown. Mr. Charter suggested leaning toward the conservative side of only the Commonwealth and US flag being permitted to fly on Town flag poles. Mr. Snyder-Grant suggested drafting a formal policy, adding in 2 key clauses referencing government speech and a formal step for Select Board approval of requests. Ms. Nicol offered to draft a formal policy and would like the board to consider Mr. Charter's suggestion of an alternative location for installing an additional flag pole, possibly by the 17 Woodbury Lane property.

8. Approve Revised Town Hall Campus Parking Lot Plan

Corey York, DPW Director presented an update on the proposed Town Hall and Memorial Library Parking Design. He indicated the Library Trustees suggested more parking spots, changes in traffic flow, removal of traffic islands, adding different surface pattern in front of the library entrance, and utilizing the parcel space at the “Red House” to allow for more parking. However, the internal working group for the Red House communicated the working vision for a living example of community and climate resilience after being awarded a grant for landscaping updates, which was ongoing. He discussed the possibility of expanding the driveway at the Red House to allow for additional parking as a future option.

Mr. Charter noted that the tree islands don't fare well with seasonal plowing and salt use and suggested utilizing the landscape design at 17 Woodbury for adding

greenscape. He indicated he does not support adding parking behind the Red House. Mr. Martin supported keeping the curbing between the 2 sections in front of Town Hall and removing the tree islands. He is not supportive of paving behind the Red House for parking, and also commented that the highest cause of vehicle traffic is from cars picking up and dropping off people in front of the library. Mr. Snyder-Grant encourages the use of the Central Fire Station for additional parking, and asked about the plan for management of stormwater runoff. Mr. York noted it would be included in the next phase of the parking plan. Mr. Snyder-Grant asked whether permeable paving was a viable option. Mr. Charter suggested adding more EV Charging Stations at the Central Fire Station parking lot to accommodate residents, staff and town-owned EV vehicles, freeing up space at the Town Hall parking lot.

Ann Chang, Library Trustee – noted that the DPW Director met with the Acton Memorial Library Trustees and listened to their concerns and suggestions for improving the plan. She provided the following suggestions to the current plans: alternative one-way directions in front of the library, extend the sidewalk from 17 Woodbury to beyond the entrance to the library, creating safer pedestrian routes; requested to have town employees park behind the Central Fire Station; requested adding parking restrictions by the playground indicating those spaces are designated for caregivers with small children.

Tom Lemire, Library Trustee – noted the plan currently shows 3 accessible spots being paved in the plan and suggested keeping the small tree island in the upper parking lot

Debra Simes, Concord Road – likes the expansion of the parking lot and plan to remove invasive plants; agreed there is more parking behind Central Fire Station, agreed with adding more charging stations at the Central Fire location and Town Hall parking lots, and suggested adding parking on parts of Woodbury Lane.

**Mr. Martin moved, seconded by Ms. Nicol to ask the Town Manager to move forward with the plan, and approved unanimously 5-0-0.**

9. Update on Ongoing Projects from Department of Public Works Director Corey York Including:

Mr. York provided a presentation that included the following updates:

- Hayward and Main Intersection – a design was created to improve the intersection by adding a signalized intersection and adding bike lanes
- Prospect at Main Intersection – the design will lessen the size of the current intersection with a one way entrance from Main Street next to the gas station and relocate the other entrance further down Main Street to create a safer travel corridor. .
- Great Road Improvements – the proposal is for an 11 ft travel lane and 4 ft buffer on each side, with a 5 ft grass strip and sidewalk on one side and a shared use path on the other. There is a current sidewalk gap of approximately 1900 ft of the total project length of 6,250 ft. Additionally, plans to improve the intersection at Harris Street by either aligning Harris

with Acorn Park Dr. or adding a roundabout option are underway. At Meyer Hill Road, the conceptual plan is to add a raised crossing, new landscape space, create a shared space path and add a new crossing with a beacon flashing sign by Great Road Condominium entrance. Work would continue to the Main Street intersection and add a shared use path crossing by Veterans Field, and continue the shared path to Davis Road

- River Street – the two projects currently in progress are the River Street one-way, temporary sidewalk from School Street to Chadwick, and the ongoing 53 River Street Park and Dam removal. A new pedestrian bridge is required for the Fort Pond Bridge, the preliminary assessment is complete; however, the design has not started, but DPW is working on next steps to keep the project moving.

Ms. Nicol asked if the Acorn Park Drive intersection will require a traffic signal.

Mr. York noted that the design is in the preliminary phase and they have not finalized any further requirements. Mr. Charter encouraged work to continue on the Main and Hayward intersection. Ms. Arsenault asked if a crosswalk would be added for bikers trying to enter the Bruce Freeman Rail Trail on the westbound side of route 2. Mr. York noted plans for a shared-use path is included in the design. Ms. Arsenault asked about the Hayward and Main intersection and the effect on traffic a possible roundabout created at Main Street at route 2 will have.

Mr. York noted that the design is in preliminary stages, and the Town will evaluate the impacts of design when there is an initial draft available. Mr. Martin discussed the Main and Hayward intersection and his desire for improvements that will not cause increased traffic for Patriot Hill residents. He voiced support for the Main Street and Prospect intersection plans. He voiced appreciation for the proposed improvements along Great Road and suggested adding HAWK crossing signals for crosswalks. Mr. Snyder-Grant asked whether the sharrows (shared lane markings) on Prospect Street met the criteria for removing the center line. Mr. York noted he could explore the option, but noted concerns from people requesting a centerline on Piper Road. He also discussed concerns from residents with night blindness and the narrow width of the road.

Terra, Mass. Ave – suggested that the Hayward and Main project is not a priority and only a couple of people are in favor of it and would prefer to see other options for the design

#### 10. Update on Department of Public Works Building Project

Mr. Charter noted that the project is continuing to advance, and a DPW Building Committee public forum will be held on September 26<sup>th</sup> at 7 PM in room 204.

This meeting will highlight design and efforts to date and include a presentation from the project designer, Weston & Sampson. He also discussed outreach efforts which have included connecting with other Boards and Committees for comments and encouraged all members of the Board to attend the presentations.

Mr. York gave a brief presentation of the design and the proposed construction phasing.

11. Approve New Street Light Installation at the Nash Road/Downey Road Intersection

Mr. York updated the Board about the request for installation of a street light at this intersection from a resident. He discussed the process for review, which includes review by the Police and Fire Departments for public safety concerns. He reported that neither department had any concerns with this request. Additionally, DPW sent mailings to abutters in this area and did not receive any comments. However, DPW has recently received emails from residents of this area both in support and against a street light installation at this location. Mr York discussed potential costs associated with the installation, which totaled roughly \$1,000 since there is currently a pole at this location.

Jim Coleman, Nash Road – expressed opposition to the installation of a new light, felt that the road is safe and does not need a new light installed.

Carlos Ramirez, Downey Road – explained he is the original petitioner for the new light, provided the Board with additional background of his requests, discussed his outreach to neighbors who have been supportive of this request.

Ms. Nicol viewed the neighborhood at night and didn't feel any issue with visibility. She expressed concern with the location abutting 130 acres of woodland and wetlands areas, noting that light in this location would negatively impact wildlife that live in the area. She felt residents walking after dark would be served well by wearing a headlamp or carrying a flashlight. She indicated that this would set a precedent for future requests and was not supportive of the request.

Mr. Charter noted the neighborhood does not have a lot of traffic and does not feel it requires the addition of a new streetlight.

Mr. Martin felt there is was not a strong case to add an additional streetlight, Mr. Snyder-Grant agreed with Board members.

**Mr. Martin moved to approve a new street light installation at the Nash Road/Downey Road Intersection and was voted 0-5-0. Motion fails.**

12. Approve Final Design for 17 Woodbury Lane Project

Mr. Mangiaratti updated the Board on progress to date, which has included reviews and approvals by various Boards and Commissions. Mr. Mangiaratti provided the Board with a presentation of the final design, reviewing the renovation and improvements to the building. Mr. Charter requested to salvage the large beams from the portion of the building slated for demolition. Mr. Martin asked if the kitchen and bathrooms would be heated during colder months.

**Mrs. Nicol moved, seconded by Mr. Martin to approve the final design for 17 Woodbury Lane and approved unanimously 5-0-0.**

13. Approve Additional American Rescue Plan Act (ARPA) Funding for Acton Rides Taxi Service Pilot Program

Mr. Mangiaratti noted the pilot taxi program's purpose was to supplement transportation needs to cover the hours that the shuttle service was not available. Since April, the program restrictions were lifted to provide more rides to residents in need. Unfortunately, the increased usage has depleted appropriated funding.

Mr. Mangiaratti announced the return to ride restrictions as of September 1<sup>st</sup> to limit 4 one-way trips with a 20-mile radius, with the exception of medical appointments in Boston, per registered user. He indicated the Town was requesting additional funding to continue the pilot program for the next few months. Mr. Mangiaratti noted the request is for a reallocation of \$20,000 in ARPA funding from the Senior Café towards funding the taxi pilot program. Mr. Snyder-Grant heard from people who have requested the Town allow residents to visit relatives outside of the 20 mile limit and consider increasing the medical visits to 4 round trips per month. Mr. Mangiaratti indicated he is not aware of how fast increasing trips would deplete the funds, noting that this is a pilot program and wanted to set realistic expectations on extension of this program. Mr. Martin suggested that the Town Manager might replace one type of allowed trip with another that is more requested. Ms. Nicol noted agreement that determining which types of trips are most requested might inform a replacement of one type for another.

**Ms. Nicol moved, seconded by Mr. Charter to approve additional ARPA funding for Acton Rides taxi service pilot program and approved unanimously 5-0-0.**

14. Approve the Amended and Restated Lease and Amended and Restated Recognition Agreement with Syncarpha for W.R. Grace Solar Project

Mr. Mangiaratti updated the Board on the legal change of ownership which needed to be updated after the Board originally signed the agreement. Mr. Mangiaratti indicated legal representation for the Town and W.R. Grace have agreed on the proposed updates.

**Mr. Snyder-Grant moved, seconded by Mr. Martin to approve the amended and restated lease and amended and restated recognition agreement with Syncarpha for W.R. Grace solar project and approved unanimously 5-0-0.**

15. Approve Revision to Apartments at Powder Mill Road Memorandum of Agreement

Board passed on this agenda item.

16. Consent Items

Mr. Martin held consent item 17. **Mr. Snyder-Grant moved, seconded by Ms. Nicol to approve consent item 16 and approved unanimously 5-0-0.** Mr. Martin questioned who would be serving and selling the beer, Ms. Nicol confirmed with Ms. Tomyl that True West would be the vendor, and the email confirming the vendor had recently been added to the packet. **Mr. Martin moved, seconded by Ms. Nicol to approve consent item 17 and approved unanimously 5-0-0.**

**Mr. Martin moved, seconded by Ms. Nicol to adjourn and approved unanimously 5-0-0. Meeting adjourned at 11:35 PM**

### **Documents Used**



- September 9, 2024 Agenda
- Entertainment License application, Eve & Murray's, LLC D/B/A Silver Girl
- Common Victualler License Application, Eve & Murray's, LLC, D/B/A Silver Girl
- Email from John Mangiaratti Dated September 5, 2024
- Email from Corey York Regarding Bumble Bee Way Dated September 6, 2024
- Email from Thom Begin Regarding Bee Way Dated September 6, 2024
- Flag Policy Vote of the Select Board
- Revised Draft Town Hall Campus Parking Lot Plan
- Street Light Installation Request
- Email from John Mangiaratti Regarding Reuse of 17 Woodbury Lane Dated September 5, 2024
- Memo from John Mangiaratti Regarding ARPA Funding Reallocation Towards Acton Rides Taxi Service Pilot Program Dated September 6, 2024
- Amended and Restated Lease and Agreement with Syncarpha for W.R. Grace Solar Project
- Email from Fran Arsenault Requesting Committee Appointment for Sharon Tchou Gruet Dated August 22, 2024
- One Day Alcoholic Beverage License, West Acton Village Merchants Association