



SELECT BOARD  
MEETING MINUTES  
SEPTEMBER 23, 2024

7:00 PM

ACTON TOWN HALL, ROOM 204  
472 MAIN STREET

Present: Jim Snyder-Grant, Fran Arsenault, Dean Charter, David Martin, Alissa Nicol

Additional Attendees: Town Manager John Mangiaratti (REMOTE), Executive Assistant Lisa Tomyl

**I. Regular Business**

1. Resident Concerns

None

2. Chair Update/Town Manager Update/Members Minute

Ms. Arsenault discussed vacancies on various Town committees and boards and encouraged the community to learn more about what they do and become involved. Mr. Mangiaratti announced the following: there will be a presentation regarding the proposed design of the Public Works Building on September 26<sup>th</sup> at 7:00 PM in Room 204; sewer smoke testing in certain neighborhoods will occur shortly and invited residents to visit the Town's social media pages for schedule and updates. Ms. Nicol noted she and Ms. Arsenault will be at a table at Oktoberfest to speak with the public about town board and committee volunteer opportunities. She announced Hazardous Waste Day will take place on September 26th at the transfer station; the Friends of Acton Libraries will be hosting a book sale 10/19 and 10/20 and an apple pie contest on September 27; the Acton Woman's Club will host their fall pie and bake sale on October 19; there will be a children's event at NARA Park on September 29 from 3-6 at the Picnic Pavilion to honor children killed in Gaza, and noted that the local organization that is hosting the event is available to support residents who affected by the war in the Middle East, and contact info can be provided by board members Nicol and Martin. Mr. Charter announced that Vincent Russo Sr. passed away, a former member of the Select Board in the late 1960's and early 70's; the Community Preservation Committee will meet September 24<sup>th</sup> for approval of the Community Preservation Plan hearing at 7:30 at Town Hall.; on Wednesday, September 25<sup>th</sup> the Acton 250 Committee will be hosting Mary Fuhrer in Room 204 discussing Crown Resistance Day sponsored by the Acton Lions Club; the DPW Building Committee will be hosting a public forum in room 204 to discuss the building design plans at 7 PM on the 26th; on October 1 the Acton Lions Club and Acton 250 Committee will host a Colonial Books and Brews event with items for sale.

Mr. Snyder-Grant noted the Planning Board had a member recently resign and will request a consent item to promote a current member from Associate to Full Member at the next meeting.

## **II. Public Hearing**

### **3. 7:10 PM**

Ms. Arsenault read the public hearing notice into record. There were no questions from the Board or the public.

**Mr. Martin moved, seconded by Mr. Charter to close the public hearing and approved unanimously 5-0-0. Mr. Martin moved, seconded by Mr. Charter to approve a livery license for Yallago, LLC located at 15 Minuteman Road and approved unanimously 5-0-0.**

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

### **4. Approve Amendment #1 to the Memorandum of Agreement with Apartments at Powder Mill, LLC**

Mr. Mangiaratti discussed the MOA that was entered into in 2020 explaining that the property has recently switched owners to the Dolben Company. A change request has been received to the original MOA which necessitated an amendment. Mr. Mangiaratti explained the background of the proposed project, noting that the Dolben Company will be constructing a sewer connection on rt. 62 that will run to the site and connect to the Wastewater Treatment Plant. In addition, the Dolben Company will construct a pump station, and provide the Town with funding to create an overflow tank. The name of the entity is Powder Mill Holdings, LLC. Mr. Martin asked about the spur at Sudbury Road and Westside Drive, and what the privilege fee would have been for the updated project. Mr. Mangiaratti noted the change from the current calculations of \$14,000 for 1 bedroom, \$22,000 for two bedrooms and \$30,000 for three bedrooms at 230 units is roughly \$4.4 million, with affordable units totalling \$1.1 million. He noted the amendment removes the spur at Sudbury Road. Ms. Nicol asked if there was a current calculation of contributions to the Town from the developer.

Mr. Snyder-Grant noted discomfort that the previous Board did not require this construction to require all electric utilities and asked if there was any chance to negotiate this into the agreement and specifically eliminate gas stoves in the units.

Ms. Pickering Cook noted when the new development company bought the property they did not plan for any changes since the development was already designed, and that the state allowed the transfer of permits. John O'Connor from Dolben Company explained that gas will only be utilized for heat and hot water, and all other appliances will be electric.

**Ms. Nicol moved, seconded by Mr. Charter to approve amendment #1 to the Memorandum of Agreement with Apartments at Powder Mill, LLC and approved unanimously 5-0-0**

### **Approve Recruitment Process for Town Accountant**

Mr. Mangiaratti introduced the proposed outline for the recruitment process for hiring a new Town Accountant as the current Town Accountant, Joanne Norton will be retiring on December 20th.

**Mr. Snyder-Grant moved, seconded by Mr. Martin to approve the proposed process for recruiting and appointing a Town Accountant as outlined by the Town Manager and approved unanimously 5-0-0.**

5. Discussion on 2024 Indigenous Peoples' Day

Ms. Nicol and Mr. Snyder-Grant updated the Board on their efforts, working alongside with DEI Director Wanjiku Gachugi, taking the time to build relations with the Nashobah Praying Indians tribe. They noted some noteworthy success with the Land Blessing Ceremony at the East Acton Green, and attending the Strawberry Moon Pow Wow on June 24<sup>th</sup> in Littleton.

Mr. Snyder-Grant noted that after the listening session with Strong Bear on the history of how their tribe was treated and how it has left a reluctance to bind themselves into written agreements, there was a lot of work needed to develop a working relationship and to understand what is important to the Tribe. Mr. Snyder-Grant indicated that they will be meeting with the landowner of a parcel in Acton where a portion of the original Nashobah Praying Indian Village was located to discuss how to be respectful of the stone monument and work towards allowing the Nashobah Praying Tribe access to the site.

Ms. Nicol noted that, for the past few years, the Board has designated the second Monday in October as Indigenous Peoples' Day for each particular year, and a permanent calendar change should wait for sometime in the future when an accompanying meaningful action can also be taken.

**Mr. Martin moved, seconded by Ms. Nicol to declare October 14, 2024 as Indigenous Peoples' Day and approved unanimously 5-0-0.**

6. Water Resources Advisory Committee (WRAC) Stormwater Management Presentation

Joseph Robb, Chair of the Water Resources Advisory Committee presented a stormwater management presentation in response to a request from the Select Board for an independent assessment on the topic. WRAC recommends the Department of Public Works continue to manage compliance with stormwater regulations and infrastructure, and suggests conducting a stormwater management feasibility study. Mr. Martin asked about the fixed fee option for stormwater management, Mr. Robb noted in some Massachusetts towns there is a fixed fee for both residential and commercial, however he noted there are equity issues for residential and commercial properties that are not affected by stormwater runoff. Ms. Nicol noted a current investigation through multiple departments utilizing the contractor of the wastewater treatment plan about stormwater utility, noting concern about another fee imposed on taxpayers following the recent budget override.

Mr. Martin suggests a future agenda item with the Town Manager to discuss how to move forward with a professional feasibility study in time for Town Meeting.

Michael Biales— suggested using photos of home flooding, in addition to street flooding, for the public to understand the importance of stormwater management.

#### 7. Public Input on Proposed Gas-Powered Leaf Blower Ban

Mr. Martin showed a brief presentation of where the Board stands currently with this bylaw, pointing out several differences between the original citizen petition and the board’s version, noting that the petitioner’s lacked certain feedback from various committees, would have required several amendments to be made from the Town Meeting floor; and that Town Meeting referred the proposed bylaw back to the Select Board for further consideration. Several questions to be resolved include the date the bylaw would go into effect, what the financial penalties should be, the effect on homeowners and landscapers, and enforcement practices.

Alan Bunce, Blackhorse Drive – appreciated and supported the Select Board on a ban for gas power leaf blowers.

Caroline Davis, 1 Brewster Lane – contacted 27 landscapers who work in towns with restrictions and indicated their goal is to come up with 5 landscapers willing to take on clients in Acton who want only electric blowers used during seasonal cleanup.

Mike Biales, Willow Street – supports the changes to the draft bylaw and noted he felt it is cheaper for commercial companies to use electric-powered equipment however the upfront cost is larger than using gas-powered equipment, and the noise pollution from gas leaf blowers is distracting for remote workers.

Cleomar Venez – expressed concern about disposal of batteries, landscapers selling their gas-powered equipment, and the cost to the town for disposal at landfills.

Ms. Nicol indicated that some other communities have resolved the leaf blower issue by rolling it into existing noise ordinances and perhaps creating a noise pollution bylaw would be an easier pathway for Acton.

Mr. Snyder-Grant spoke with a landscaper who made the transition to electric equipment and noted fall and spring cleanups took more time to complete supplementing with hand raking; Mr. Snyder-Grant also noted that the industry is not manufacturing gas-powered equipment and planning for the transition to all-electric equipment. He recommends lower fines for violations, and noted the revised bylaw includes extra municipal requirements compared to the original citizen petition. Mr. Charter suggested giving landscapers and homeowners enough time to transition to electric equipment.

Mr. Martin will update the draft bylaw and bring it back to a future Select Board meeting.

#### 8. Public Input on Existing Sign Bylaws

Mr. Martin noted the Economic Development Committee mentioned restrictions that were affecting local businesses and asked the Board to look into the current sign bylaw. Examples of problems included: plazas having a single sign for 10 businesses that are difficult to read, leading some businesses to put out large flags advertising their business, and businesses that abut the rail trail currently are not

allowed advertising on the back of their building. Mr. Martin suggests that a Select Board member work with the Planning Division for outreach and to bring an amendment to the Sign Bylaw to Town Meeting. Mr. Snyder-Grant noted that some business owners mentioned that bylaws are difficult to understand, and experienced former Planning/Zoning staff approaching them aggressively and imposing fines. Mr. Charter noted the last time the sign bylaw was passed there were no rail trails in existence and noted the gaudy flags and A-Frame signs along rt 2A, signs blocking intersections including non-profits and the need to protect the town's character. Noted some town sign bylaws fall under the purview of the Design Review Board. Ms. Nicol suggests simplifying what is allowed for signs in a guide for businesses; and suggests bringing in former members of the Planning Board, DRB, and EDC to give a visual of what signs are allowed.

9. Review Draft Sustainability Policy

Mr. Snyder-Grant introduced a draft updated Environmental Sustainability Policy. The overall structure is similar with some adjustments: pulling out “climate mitigation” and enforcement under the 4<sup>th</sup> “whereas”, replacing “protection or restoration of local and regional ecosystems” with “remediation of local and regional ecosystems, especially water systems,” an addition under the “therefore” section for the Town Manager to present an annual progress report on climate goals, and added tracking progress toward town-wide net zero greenhouse gas emissions with a target date of 2030. Mr. Snyder-Grant noted that the policy is specifically broad as there are specific sustainability policies in place such as zero-emission vehicles first and building with clean energy. Mr. Charter confirmed that these changes fit with the board’s feedback and feels it is a good document. Ms. Nicol noted that it is an improved version and suggested adding in the first “therefore” the decision-making entity, and asked for a specific time frame for the annual progress report. Mr. Snyder-Grant and Mr. Martin will work on the edits and bring the policy back to the Board at a future meeting.

**IV. Consent Items**

Mr. Charter held consent item 11 until the next meeting to correct a comment listed in the minutes. **Mr. Martin moved, seconded by Ms. Nicol to approve consent items 12-21 inclusive and approved unanimously 5-0-0.**

**Mr. Charter moved, seconded by Ms. Nicol to adjourn, and approved unanimously 5-0-0. Meeting adjourned at 10:00 PM.**

**Documents Used**

- September 23, 2024 Agenda
- Livery License Application, Yallago, LLC, 15 Minuteman Road
- Memorandum of Agreement Amendment #1, Apartments and Powder Mill, LLC
- Memo from John Mangiaratti on Recruitment Process for Town Accountant Dated September 18, 2024
- Water Resources Advisory Committee Presentation
- Draft Sustainability Policy
- Meeting Minutes, August 26, 2024

- Private Way Plowing Agreement
- One Day Wine and Malt License Application, Household Goods
- One Day Wine and Malt License Application, Sisterhood of Congregation Beth Elohim
- One Day Wine and Malt License Application, Apple Valley Catholic Community
- One Day Wine and Malt License Application, Boston Events
- Memo from Lisa Tomyl Requesting Accepting a Donation to the Acton 250 Committee
- Memo from Chief Anita Arnum Requesting Accepting a Donation from DCU Dated September 22, 2024
- Recommendation of Committee Appointment from Volunteer Coordinating Committee Dated
- Recommendation of Committee Appointment from Volunteer Coordinating Committee Dated
- Memo from Janet Adachi, Acton Community Coordinating Committee for an Expenditure Request Dated