



## SELECT BOARD AND SEWER COMMISSIONERS

Meeting Minutes

Monday, March 21, 2022

7:30 PM

Room 204, Acton Town Hall, 472 Main Street with Public Remote Participation

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

**Absent:** None

Mr. Martin called the meeting to order at 7:30 PM.

### I. Regular Business

#### 1. Resident Concerns

Nijan Datar, Wyndcliff Drive – expressed concern that the Diversity Equity and Inclusion Commission did not take public comment at its last meeting and read from a prepared statement included in the meeting DocuShare link.

Alissa Nicol, School Street – concerned about material in the Select Board’s DocuShare meeting file from the Sewer Commissioners Workshop with inaccurate numbers in the slides regarding wastewater discharge and sewer expansion. Also concerned that the draft RFQ for the Great Road study has the focus as sewerage when the Select Board voted to use the ARPA money for a more general-purpose waste-water study. Also wanted to remind the Board that the last two town meeting votes to expand the sewer district did not pass.

Leo Fochtman, Wright Terrace – concerned regarding recent School Committee meeting that there was never a discussion about dropping the school mascot name, and the school committee had sent out twenty thousand emails on new mascot name suggestions, and most votes received were in favor for keeping the name and were not considered by the school committee.

Terra, West Acton – concerned about the funding of the wastewater study and the RFP for the feasibility of expansion on Great Road.

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

Mr. Mangiaratti addressed comments regarding the sewer workshop and noted that the slides served as a backup only talking point, and the draft RFQ is only a draft and a work in progress and concerns mentioned have already been addressed.

Ms. Arsenault mentioned the Historical Commission this Wednesday is hosting a community forum for the Archeology Bylaw and is virtual only.

### II. Public Hearings

#### 3. Change in Manager, The Holy Grail

Mr. Martin read the public hearing notice. Tony Mascarin introduced himself as owner of The Holy Grail. The previous manager left last year. No concerns from



Town staff or Board members. **Mr. Snyder-Grant moved, seconded by Mr. Charter to approve a change in manager for The Holy Grail from Amy Hurley to Anne Mascarin for an all alcohol license as a common victualler and voted unanimously.**

### III. Sewer Commissioners

#### 4. Sewer Privilege Fee Request, 242 Parker Street

Mr. Martin noted that, at a future Select Board meeting, there will be a broader discussion regarding sewer privilege fees. Mr. Martin suggested making an exception for this request, and allow the applicant to hook up her sewer line to her main line similar to other septic systems designed by a licensed contractor and to submit plans to town staff for review and approval. **Mr. Snyder Grant moved, seconded by Ms. Arsenault to approve the hookup for ten thousand dollars and would need a licensed contractor plan for submittal to town staff for review and approval.** Mr. Charter suggested a friendly amendment of fifteen thousand dollars. Some discussion followed to discover that an intermediate number such as \$12,500 would not meet with the Board's approval.

**Mr. Charter moved, seconded by Ms. Nagireddy an amendment on the motion under consideration the fee be fifteen thousand dollars, and voted 3-2 (nays Mr. Snyder-Grant and Ms. Arsenault). Mr. Snyder-Grant moved, seconded by Ms. Arsenault and voted unanimously that the applicant will need a licensed contractor for submittal of hookup plans be submitted to town staff for review and approval.**

### IV. New/Special Business

#### 5. Presentation on Renewable Energy, Acton-Boxborough Resource Force

Resource Force student members introduced themselves to the Select Board. The group answered questions regarding the research they performed for their presentation. The group encouraged the Select Board to consider utilizing the Acton Power Choice to 100% reusable energy as the default program for subscribers, but is sympathetic for residents that may have income challenges. Mr. Martin noted that the Board will not be taking public comment as they will be discussing and voting on the Acton Power Choice tiers at the April 25<sup>th</sup> meeting.

Comments, questions and discussion from the Board included these topics: The recent surge in prices for both wholesale electricity and Renewable Energy Certificates (RECs); the pros and cons of including any national wind recs in the default mix; the problems of changing the default by such a large amount without more public notice; and appreciation for the student's work, passion, and excellent presentation.

#### 6. Discussion on MBTA Housing Requirements

Kristen Guichard, Planning Director presented with James Fuccione from Mass Healthy Aging Collaborative, and Bob Van Meter. Ms. Guichard presented an overview of the housing requirements for MBTA communities to allow multi-family housing by-right. Acton is currently not in compliance with the proposed MBTA requirements. The town must answer a brief survey and send it in to Department of



Housing and Community Development by May 2, 2022 along with a plan describing how we could comply with the new requirements. Zoning adoption would allow up to one thousand three hundred units of housing with at least one of the districts within ½ mile of the South Acton Commuter station or station parking. 1,300 units represents 15% of our existing housing units in Acton as of the 2020 census. There is no requirement that these 1,300 units are built, just that they are allowed to be built without requiring a special permit. Other Town permitting process would still apply, such as wetlands permits, building permits, etc. No bedroom count restrictions or age restrictions would be allowed. The overall target for the new zoning areas would be 15 units per acre. The new zoning could be implemented as a change in an existing zoning area, or a new zoning type, and the zoning could be implemented as an overlay district over the existing zoning map, so that the new requirements would be added to the requirements of the underlying zoning. To meet the targets laid out in the new regulations, at least 50 acres would need to be zoned to allow multifamily housing by right, but it could be broken up into smaller districts, with at least one district of at least 25 acres, and the other districts of at least 5 acres. Ms Guichard reviewed the \$3.5 million dollars in grants we have received in the last 3 years from programs that we would no longer be eligible for if we did not create the zoning called for in the new regulations. Public comment to the state from the online survey is due by March 31<sup>st</sup>. In preparing to answer this questionnaire, Town staff has developed a series of queries to be included, such as verifying if Historic District review is still part of projects within the new districts, how our existing or future transit programs impact the requirements, and how the lack of sewerage or good land for septic systems impacts the requirements. The Town is also applying for technical assistance grant from the MAPC to help understand what it would take to comply with these regulations without compromising the goals set in the Acton 2020 plan, the Housing Production Plan, and the Climate Action Plan. A draft of this grant request was in the DocuShare link for this meeting.

Mr. Fuccione discussed how age-friendly communities benefit with the new MBTA housing guidelines. Mr. Van Meter presented a discussion on the history of housing discrimination describing the many factors that led to few Black families living in towns like Acton, and has left the average Black family with significantly lower resources to pay for housing. The zoning in Acton is 90% single family homes. Because of the wealth gap, making a significant positive change in the number of Black families in Acton will require additional low-cost housing options, and multi-family housing is inherently less expensive.

Mr. Snyder-Grant asked if this should be thought about as a requirement, or as an option, with the loss of certain grant programs if we don't take the option. Ms. Guichard stated that it is not technically a requirement, but that the town would not be eligible for Housing Choice grants and other grants if it does not comply by 2024. Mr. Snyder-Grant questioned if wetland bylaws would be in effect regarding the total parcel, Ms. Guichard answered that local wetland bylaws such as Acton's minimum of seventy-five feet would still stand. Mr. Snyder-Grant questioned if the areas that are served by our town transit system could be considered as part of the areas that



would could count towards compliance. Mr. Snyder-Grant noted that our implementation of this requirement must not overburden the already crowded South Acton area, but instead should do what it can to change some multi-acre zoning in other parts of Town that are served by our transit system to allow multi-family development by right. Mr. Snyder-Grant questioned about the memo mentioning forming an advisory committee and asked if that would be an advisory committee to the Select Board or to staff. Mr. Mangiaratti commented that he would need guidance on that question from the Board.

Alissa Nicol, School Street – questioned what the state defines as multi-family is three units per structure, questioned the MBTA not requiring affordable housing, encourages to consider smaller parcels to contain larger and taller buildings to meet the requirements.

Adam Nolde, South Acton – questioned when, if passed, how quickly development could occur, Ms. Guichard stated it would be up to the private developers.

Michela Moran, School Street – asked how many total acres are possibly impacted for development. Ms. Guichard does not have that information at this point, any minimum or maximum size of units, and stated that limits cannot be set at this time Barry Rosen, questioned if a there would be a minimum number of bedrooms required – no, questioned if by-right overrides Chapter 40B; Ms. Guichard commented that they must comply with the town zoning bylaw.

Terra, West Acton – concerned about racial equity and affordability of the units, parking issues, more work is needed for public comments on Housing Choice grants.

David Honn, School Street – requested more clarification on the Historic District permitting process viewed as by-right and asked the Board to ask Committees that have anything to do with developments to solicit comments to submit to the state.

Mr. Charter doesn't want to deny the process so as to continue receiving the grants and supports sending out the memo to the Metropolitan Area Planning Council (MAPC), and suggests creating an advisory committee involving many different current standing committees such as Finance, Planning, and Design Review Board.

Mr. Snyder-Grant requested to add an inclusionary component for affordable housing.

Mr. Snyder-Grant noted that the issues raised in the staff draft seemed important, but that they should be stated as suggestions that would increase our ability to comply, not as questions. Ms. Guichard noted that anyone can submit a public comment to the state website. Mr. Martin requested the link be cross-posted on the town website. Members will send the Town Manager their comments and concern that should be included in the letter. The Chair will work with the Town Manager on drafting the letter.

7. Board to Vote on Increase for Community Preservation Act Surcharge and Next Steps  
Mr. Martin updated the Board about the number of responses regarding the topic with many towards no increase and a small number that support the increase. The Finance Committee and the Community Preservation Committee not supporting an increase at this time due to the short time frame to educate the public before Town Meeting. The Land Stewardship Committee voted to support the 3% increase. Mr. Snyder-Grant



- noted the strongest support for the surcharge increase is open space preservation and affordable housing. Members declined to make a motion on the surcharge , and so it will stay at 1.5% for now. Mr. Snyder-Grant noted that upcoming possible open space purchases will strain the ability of the Community Preservation funds to pay for them, and so the town should be ready to potentially support debt overrides for these purchases.
8. Pole Petition, Eversource Energy and Verizon New England, Inc., Newtown Road at Genevieve Lane  
The petition did not require a public hearing. Board members had no questions. It was noted that this was to move a single pole that was needed to accommodate an already approved development at 180 Newtown Road. **Mr. Charter moved, seconded by Ms. Nagireddy, and voted unanimously to approve the pole petition for Eversource Energy and Verizon Inc at Newtown Road and Genevieve Lane.**
  9. Approve MassDOT Traffic Control Agreement, Kelley's Corner  
Mr. Charter noted if it was a town project would have to be approved for all the changes individually for traffic rules and supports the agreement as did all members. **Ms. Arsenault moved, seconded by Mr. Charter, and voted unanimously to approve the MassDOT Traffic Control Agreement for Kelley's Corner.**
  10. Discuss Deadline for Submitting Nominations for Colonel Francis Faulkner, Exemplary Volunteer Service Award, and Date When Awards will be Publicly Announced  
Mr. Martin suggested that members submit their nominations to Lisa Tomyl by April 1<sup>st</sup> to announce at the April 4<sup>th</sup> meeting. Mr. Snyder-Grant noted that nominations should generally be from Boards or Committees members are liaisons. Lisa will let members know if nominations overlap. Previous winners were listed in a document at the meeting's Docushare link.

#### V. Consent Items

Mr. Snyder-Grant held consent item 22. **Mr. Snyder-Grant moved, seconded by Mr. Charter, and voted unanimously to approve consent items 11-21 inclusive with gratitude for the donations to support Recreation programs.** Mr. Snyder-Grant suggested updating a paragraph in the Arbor Day proclamation to match the latest language on the Arbor Day website that includes fighting climate change as a reason to support the planting and protection of trees.  
**Mr. Charter moved, seconded by Ms. Arsenault and voted unanimously to approve consent item 22 with amendment.**

**Mr. Snyder-Grant moved, seconded by Mr. Charter and voted unanimously to adjourn at 10:40 PM**

#### **Documents and Exhibits Used During this Meeting**

- Agenda, March 21, 2022
- Change in Manager Application, The Holy Grail



- Sewer Privilege Fee Request Memo from Engineering Division Dated February 24, 2022
- Resource Force Letter on Acton Power Choice (no date listed)
- MAPC Technical Assistance Request – Acton Multifamily Zoning for MBTA Communities
- Pole Petition, Eversource Energy
- Mass DOT Traffic Control Agreement
- Past Recipients of Colonel Francis Faulkner, Sr. Exemplary Volunteer Service Award
- One Day Alcoholic Beverage License Application, Maura Kelleher
- One Day Alcoholic Beverage License Application, Linda Vieira
- One Day Alcoholic Beverage License Application, Household Goods, Inc.
- Request for Use of 486 Main Street for Garden Club Annual Plant Sale Email Dated March 3, 2022
- Memo from Recreation Department to Accept Gift from Workers Credit Union Dated March 10, 2022
- Memo from Recreation Department to Accept Gift from Roche Brothers Dated March 4, 2022
- Memo from Recreation Department to Accept Gift from Eckel Hoag and O'Connor Dated March 4, 2022
- Memo from Recreation Department to Accept Gift from Concord Teacakes Dated March 4, 2022
- Memo from Recreation Department to Accept Gift from Sechrest and Bloom Dated March 4, 2022
- Letter of Intent for Hazardous Mitigation Plan Grant Dated March 22, 2022
- Arbor Day Proclamation