

CONSERVATION COMMISSION
MINUTES
February 17, 2021
7:15 PM
Virtual Meeting

Present: Terry Maitland, Amy Green, Tim McKinnon, Carolyn Kiely, Zywia Chadzynska, Jim Colman

Absent: Suzanne Flint

Natural Resources Director and recording secretary: Tom Tidman

Zoom Host: Fran Portante

Guest attendees: Mark Costa, Brian Kopperl (REM), Paul Bucens (WR Grace), Annie Chang (Syncarpha).

Regular Business

Mr. Maitland read the virtual meeting protocol to meeting attendees.

7:20 Request for Determination: 50 Independence Road

Beals Associates on behalf of Syncarpha Solar, for a project at 50 Independence Road (town atlas plate 14, parcel 5) Acton. The applicant seeks to confirm that there are no wetland resource areas within the proposed project area. The proposed project includes site preparation and the installation of approximately 20,000 solar panels, to occupy an area of approximately 30 acres, with an additional 10.7 acres surrounding the panels being allocated as a maintenance area.

Larry Beals, with Beals Associates, introduced the project to the Commission, introducing representatives from REM and Syncarpha who will be leasing the property from WR Grace. There is a proposal to install a solar array field within a portion of the WR Grace super fund site in Acton. Old aerial photographs of the area where the solar panels will be installed show a wetlands (pond). Mr. Beals noted that the pond, shown on old USGS maps and subsequently on the Town of Acton GIS maps, was in fact an old waste processing lagoon associated with WR Grace activities on the site, (1954 – 1991). The lagoon was removed during super fund cleanup; contaminated soils were transported from the site and replaced with clean fill. The area where the lagoon was located is now an uplands meadow with no wetlands indicator plants or standing water. Mr. Beals noted that there is a paved swale running through the middle of the meadow transporting runoff from an adjacent parking lot to a storm drain system south of the meadow.

Larry Beals addressed the Commission and said they are asking the Commission to agree with their findings that no wetlands are present on the site where work will occur and/or within 100 feet of the work area. Mr. Beals noted that a site visit with town staff had occurred on December 3, 2020 and that Mr. Tidman had attended the site walk.

When asked by Commissioners, Mr. Beals asserted that no work related to the solar installation would occur within Riverfront Area of the Assabet River, and that work related to this project would have no impact on Sinking Pond. Mr. Beals also mentioned that the project before the Commission tonight is also before the Planning Board as a Special Permit request.

Mr. Maitland closed the meeting at 7:45 pm.

Decision: Jim moved a Negative 1, that is, the area described in the Request is not an area subject to protection under the Act or the Buffer Zone. Amy seconded the motion and the roll call vote was unanimous.

Mr. Maitland announced that due to winter weather conditions and the need for site visits by the Commission, the 7:30 pm ANRAD hearing for 3-11 Fort Pond Road has been opened and continued to March 17th at 7:15 pm, and that the 12 Spring Hill Road NOI hearing will also be heard on March 17th starting at 7:25 pm.

Resource Area Delineation: 3 and 11 Fort Pond Road: continued to March 17 meeting, at 7:15PM.

Notice of Intent: 12 Spring Hill Road: continued to the March 17 meeting at 7:24.

7:50 Discussion: Accessory Structures

Mr. Colman began the continuing discussion by reminding the Commission that consistency is important, and this guidance is for applicants to better understand how the Commission interprets the bylaw. If modified, an accessory use goes with the residential use of the property; and his argument says that this is a like activity. His intent was to be more flexible in the Commission's approach for utilizing such accessory structures as pools, barbeques, fire pits, etc.

The Commissioners discussed the accessory use concept, but were not unanimous in their view of how accessory structures could be allowed, particularly in the case of pool installations. They did agree that more discussion is necessary before making any changes in the treatment of accessory structures. Jim agreed to refine his guidance language and the Commission agreed to continue the discussion at the March 3rd meeting.

Consent Items

Minutes: February 3, 2021 in process

Additional materials can be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-12995>

**At 8:50 p.m., it was moved and seconded to adjourn the meeting.
The motion was approved unanimously.**

Documents and Exhibits Used During this Meeting:

Request for Determination (WPA Form 1) for 50 Independence Road, Filing and supporting documents
Jim Colman's Draft document for Accessory Use Structures

Terry Maitland

Terrance Maitland, Chair