

CONSERVATION COMMISSION

MINUTES

July 7, 2021

**7:15 PM**

Virtual Meeting

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

Selectboard Representative Dave Martin

Natural Resources Director and recording secretary: Tom Tidman

Zoom Host: Fran Portante

**Regular Business**

**7:15 Notice of Intent: 525 Mass Avenue**

Corey York, Director of Public Works for the Town of Acton, is the applicant and representative for this project.. The purpose of the project is to construct on-street parking spaces along Massachusetts Ave, between 526 and 514 Massachusetts Ave and 525 Massachusetts Ave. (Town atlas plate F2-b, within the right of way). The proposed work is within the 200 foot Riverfront Area to Fort Pond Brook and within the 100 foot Buffer Zone of a Bordering Vegetated Wetland. It includes removal of the existing grass strip and repaving to create additional parking spaces, replacement of existing concrete sidewalks, construction of curbing, construction and relocation of drainage structures and utilities, relocation of street signs, and associated grading. All work is within existing disturbed areas.

Paul Kirchner from Stamski & McNary presented for the applicant. The project objective is to provide additional public parking spaces in West Acton. On the north side of the street, 5 additional spaces will be added, and on the south side of the street 11 spaces will be added for a total of 16 new spaces. All work will be within existing disturbed areas. The project has been designed to meet all stormwater standards. A new catch basin is designed to direct the entire area to an infiltration bed for recharge. Sufficient infiltration and treatment will be created to meet stormwater requirements.

Amy asked if DEP had issued a DEP Permit number yet. It had not, and she commented that she would be interested in seeing how DEP treats the Riverfront Area. Jim noted that the grass strips were being removed to create the new spaces. Carolyn asked if this project required a waiver. Tom noted that 10 new parking spaces were planned for Gardner Field. Dave Martin noted that two handicapped parking spaces will be lost when the parking lot is finished.

Lynn Parker, a resident of the area, asked if alternatives were explored and why these parking spaces were needed. She also pointed out that parking lots in the area were underutilized and was it possible to utilize some of that space. Paul pointed out that these were private property and it would imply that the owners would be giving up rights to their own lots. He also pointed out that parking lots were sized for maximum usage, which results in lots often appearing to be underutilized.

Terra Friedrichs asked about recharge and runoff, noting Bylaw X, Stormwater Runoff, is required to remain on the property of origin. Paul pointed out the requirement is not to

increase the peak rate of runoff. The volume of discharge will be handled by the catch basins. The plan complies with both state and local requirements.

The hearing was continued to July 21, since DEP had not yet reviewed the application and assigned an ID number.

### **7:56 Request for Determination: 9 Arborwood**

Esha Gangoli, as the applicant, presented the project at 9 Arborwood Road (town plate no H-3, parcel 23). The project is the installation of a 20 by 40 foot patio over existing lawn. Work will occur within 100 feet of wetlands. Ms. Gangoli presented her project to the Commission. There is an 8 by 8 foot existing patio. The proposed expanded patio meets the 75 foot setback requirement. The patio will be composed of natural stone pavers or brick. It will be constructed on a flat area, on existing lawn.

Amy asked if haybales would be installed. Tom commented that the determination could be conditioned to include them. Tim noted that it seems to be a relatively minor structure and appropriate for a Request of Determination filing. Amy suggested 50 to 75 feet of haybales be installed around the work area.

**Decision:** Amy moved to issue a negative 3 determination, meaning work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent. She added a single condition, that 50 to 75 feet of erosion control be installed around the work area. Tim seconded the motion and the roll call vote was 5 ayes and 1 abstention.

### **7:45 Notice of Resource Area Delineation: 22 Elm Street (continued)**

Seth Donohoe of Dillis & Roy Engineering, presented for the applicant, Andrea Starr. He introduced Nicole Hayes from Goddard Consulting, the wetland scientist who delineated the site. The site is on Elm Street, directly across from the existing Douglas School. A site walk was conducted on July 7 with Commissioners. Several wetlands boundary flags were relocated, based on observations made during the site walk. Seth incorporated the changes into the Wetland Plan and reviewed the updated plan, revision 07-07-2021, with the Commission. The changes included recognition of a connection between two wetland areas, connecting flags A18 to B1. In addition Flags B6 and B7 were omitted and replaced by B6R, B7R and B8R. The site is just over 8 acres in size, but is not broken down into the amount of wetland and uplands. Jim commented on the thoroughness of the delineation. Amy agreed it was well done.

Several citizens called in with concerns about the impact on their septic fields. Seth pointed out that at this time he was only focused on the extent of wetlands. The Commission agreed, emphasizing that they are not commenting on the project, only the wetland boundaries, which will be used in developing the plan design of the project. This hearing was only concerned with identifying resource areas and defining boundaries.

**Decision:** Amy moved to issue an Order of Resource Area Delineation approving Bordering Vegetated Wetlands and Mean Annual High Water Line and Riverfront area but not Bordering Land Subject to Flooding or 100 year flood plain line, based on the revised plan reviewed at this meeting. Jim seconded the motion. The roll call vote was 5 ayes and 1 abstention.

## **8:35 Hybrid Farm License Agreement: 217 Nagog Hill Road**

This property is being sold, thereby voiding the unique license agreement currently in existence. The prospective buyers, Mary and Dale Taglienti, have interest in continuing to utilize some of the provisions in the license.

A meeting was held with Rita Rogers (formerly Rita Condon), Jim, Terry and Bettina Abe **DATE?** Rita agreed the fences have to be removed from the property within thirty (30) days of the license expiration date of January 15, 2022. Her request was to have time to arrange for the removal and to perform the removal in good weather. She was seeking some flexibility about when it had to be done, as long as it was completed 30 days after the license expiration date (Jan. 15, 2022). It was pointed out by Jim that the licensed “Non-Profit” Hybrid entity is not tied to the property, nor is the license. He also noted that there is a \$10,000 bond, sufficient to cover the cost to the town of removing the fence, should Rita not comply with the provision to have the fences removed. Jim suggested negotiating with Rita for when the fences would come out, and would like to come to a mutually acceptable agreement. It was also clearly stated that there were no rights granted to the new owners related to the license.

Land Steward Dale Chayes, who stewards Nagog Hill Conservation Land, reported that a contractor had left debris in the field three years ago that still remains. He made a point that any future agreements of this nature require oversight.

Mary Taglienti would like to maintain Lot B for the Town and allow it to be used for guests. She had written a letter to the Commission stating their intention. She and her husband are considering boarding horses, and using the adjacent conservation land recreationally. They are closing on the property on July 19. She particularly would like the fencing around lot B to remain, though an informal polling of the commissioners indicated agreement in complete removal of the fencing.

Discussion continued around the future of licenses should the Commission want to engage in such an opportunity. Sherry Gould, Rita’s attorney, Alisa Nicol, and Michela Mora gave input on the value of the farm as agricultural property that should remain intact. They all noted the heritage value of the property. However, licensing can become complicated and create a precedent for other operations that abut conservation property to request similar arrangements.

**Decision:** Jim moved that the licensee be required to remove all fences that are on conservation property by a mutually agreed upon date, not later than Feb. 15, 2022. Carolyn seconded the motion and the roll call vote was 5 ayes, 1 abstention.

### **Citizen Concerns**

David Spector of 94 Taylor Road, representing neighbors in the area, was working to get a sidewalk built along Taylor Road and asked the Commission for direction to undertake this effort. Tom informed him that the Highway Department, working with GPR, was in the process of filing a Notice of Intent for the project and advised him to check with the DPW for more information.

### **Consent Items: Minutes**

June 1, 2021: Amy moved to accept the minutes of June 1; Jim seconded the motion and the roll call vote was 5 ayes, 1 abstention

June 16, 2021: Amy moved to accept the minutes of June 16; Tim seconded the motion and the roll call vote was 5 ayes, 1 abstention

June 30, 2021, in process.

**The meeting was adjourned at 9:29 PM.**

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

NOI filing for 525 Mass Ave.

RDA filing for 9 Arborwood

ANRAD filing for 22 Elm Street

Hybrid Farm License Agreement (217 Nagog Hill Road)

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-13004>



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*Terrence Maitland, Chair*