



## Acton Conservation Commission

Meeting Minutes

September 7, 2022

7:15 PM

Virtual Meeting

**Present:** Terry Maitland, Jim Colman, Amy Green, Zywia Chadzynska, Peter Hocknell, Kate Warwick

Conservation Agent and recording secretary: Mike Gendron

Zoom Host: Kim Clark

### Regular Business

7:15 Chairman Terry Maitland opened the meeting and read the Virtual Meeting guidelines.

#### **7:15 53 River Street Dam Project; DEP 85-1321**

Bettina Abe spoke on behalf of the Town of Acton to give an update on the 53 River Street Dam Project. She stated that the latest dam inspection showed the need to remove more of the debris that was blocking two culverts that go through the base of the dam. Bettina explained the current plan is to hire a contractor to bring a mini excavator into the area via River Street, and would dig out the debris in the two locations. The material would be put off to the side but not removed from the area. The contractor would use rubber mats to prevent sinking and would have a spill kit on site. Bettina also mentioned that despite the recent rain the soil in the work area was still fairly dry.

#### **7:23 Notice of Intent: 63 Washington Street; DEP 85-1329**

Representing the applicant was Matt Marro of MSMEC. Matt showed the plan to replace the existing septic system at a single-family house. He mentioned that a few of the commissioners and the agent walked the site earlier that day. Matt stated that there is limited area to work at the site other than the proposed area. Erosion controls would be used between the proposed work and the 50-foot buffer and stock piling would be located in the driveway. The plan has been approved by the Board of Health.

**Hearing closed at 7:29 PM**

### Decision

Amy moved to issue an order of condition, with the 75-foot structure setback condition waived.

Jim seconded and the roll call was unanimous.

**Jim Colman – Aye; Amy Green – Aye; Zywia Chadzynska – Aye; Peter Hocknell – Aye; Kate Warwick – Aye; Terry Maitland - Aye**



7:32 **Notice of Intent: 28 Brucewood Road; DEP 85-1330**

Representing the applicant was Matt Marro of MSMEC. Matt explained that the new system would be almost entirely outside of the 100-foot buffer zone, however two of the tanks are proposed in the 100-foot buffer zone. One of the tanks is inside of the 75-foot setback and is proposed in the same spot as the existing tank. Erosion control would be placed inside the 50-foot setback and stock piling would be in front of the erosion control. The plan has been approved by the Board of Health.

**Hearing closed at 7:37 PM**

**Decision**

Amy moved to issue an order of condition, with the 75-foot structure setback condition waived.

Jim seconded and the roll call was unanimous.

Jim Colman – **Aye**; Amy Green – **Aye**; Zywia Chadzynska – **Aye**; Peter Hocknell – **Aye**; Kate Warwick – **Aye**; Terry Maitland - **Aye**

7:38 **Request for Determination: 16 Nash Road**

Representing the applicant was Matt Marro of MSMEC. Matt showed the plan for a replacement septic system for a single-family home. He explained that the system is proposed outside of the 100-foot buffer, however a new 1000-GAL tank is being proposed inside the 75-foot setback in line with the old tank. Matt explained that this was filed as an RDA because there is less square footage being proposed inside the buffer zone. The plan has been approved by the Board of Health.

**Hearing closed at 7:44 PM**

**Decision**

Amy moved to issue a negative 3 determination.

Jim seconded and the roll call was unanimous.

Jim Colman – **Aye**; Amy Green – **Aye**; Zywia Chadzynska – **Aye**; Peter Hocknell – **Aye**; Kate Warwick – **Aye**; Terry Maitland - **Aye**

7:45 **Notice of Intent: 7 Horseshoe Drive; DEP 85-1326 (continuance)**

Mike Gendron explained that the applicant needed more time to collect data in order to show why the gas pipeline needed to be installed adjacent to the driveway as opposed to underneath the driveway. The applicant notified the commission prior to the meeting that they would be requesting a continuation.

The Chairman continued the hearing to **September 21<sup>st</sup> at 7:30 PM** and stated that the hearing would be held virtually.



7:48 **Notice of Intent: 225 Newtown Road; DEP 85-1331 (continuance)**

Representing the applicant was Mark Arnold of Goddard Consulting. Mark showed the revised planting plan that had been requested by the commission. Jim Colman noted that in the planting plan the area was represented as unvegetated, however the stormwater report states that the area was 81.3% wooded; Jim asked for clarification on this discrepancy. Mark clarified that the stormwater report was written using the 81.3% wooded area and that the planting plan should have stated “undeveloped”. Ian Rubin, the engineer for the project, also explained that the stormwater report was conducted as if the property had not yet been developed.

Amy Green asked if a calculation had been conducted to find out the disturbance that has already occurred in the buffer zone; Mark estimated that 30%-40% of the buffer zone was previously wooded and has since been cleared but did not have exact square footage. Jim added that regardless of the number of trees, clearing was done without a permit which is a violation of the law and the current plan does not include proper mitigation for the damage already done. Amy asked that prior to any future hearings, the applicant provide an updated calculation of the amount of the original buffer zone that has been disturbed and how that will be mitigated; Mark agreed to provide this information.

Amy brought to the commission’s attention that the infiltration basin is proposed inside of the 75-foot no structure setback; Jim explained that an infiltration basin is considered a structure according to conservation commission guidance. Ian explained that Newtown Road runs between the wetlands and the proposed infiltration basin, which he believes negates the impact of the basin on the buffer zone. Amy agreed that the road does create some level of barrier to the wetland, however wetland wildlife crosses Newtown Road and that area of buffer zone serves other purposes. Jim asked to see an alternative plan where the infiltration basin is moved outside of the 75-foot setback; Mark agreed to take a look at an alternative.

Jim asked that at the next hearing the commission discuss the possibility of an enforcement order and fine for work done without a permit; the chairman agreed.

The chairman announced that the hearing would be continued to **September 21<sup>st</sup> at 7:35 PM** and would be held virtually.

8:19 **ANRAD: Public Hearing 247 Pope Road; Dep 85-13xx (continuance)**

Representing the applicant was Robert Melvin of Stamski & McNary Inc. Robert explained that at the last hearing it was identified that one of the flags was not represented on the plan; Robert showed the corrections made to the plan. There was still no DEP number for the filing so the hearing needed to be continued.

The chairman announced that the hearing would be continued to **September 21<sup>st</sup> at 7:40 PM** and would be held virtually.



**8:23 Amended Order of Conditions: Nashoba & Great Road; DEP 85-1291**

Representing the applicant was Eric Kelley of Environmental Partners. Eric explained the scope of the original plan that required dewatering of the pond and replacement of an intake pipe at Nagog pond. As an amendment to that plan, the proposed work would consist of cleaning and relining the existing pipe. Eric stated that this plan would not require the use of a temporary cofferdam or dewatering of the pond. Barge access in the pond would still be required.

Jim asked for clarification on whether or not the stationary barge used in the previous stage would still be necessary; Eric stated that they are being told only the access barge will be used and no stationary barge will be used. Jim stated that since this isn't known for sure, the original conditions should still be considered applicable. Eric confirmed that the old conditions are written into the new contract regardless.

Amy asked if additional clearing would be necessary to get to the frack tank; Eric explained that hoses would go along the access road to the frack tank.

**Hearing closed at 8:42 PM**

**Decision**

Jim moved to issue an amended order of condition, maintaining the original special conditions.

Zywia seconded and the roll call upheld the motion.

Jim Colman – **Aye**; Amy Green – **Abstain**; Zywia Chadzynska – **Aye**; Peter Hocknell – **Aye**; Kate Warwick – **Aye**; Terry Maitland – **Aye**

**8:47 Notice of Intent: 12 Spring Hill Road; DEP 85-1292 (continued)**

Representing the applicant was Mark Arnold of Goddard Consulting. Mark stated that he would like to focus on getting the stormwater peer review set up and readdress the additional wetland concerns at a later hearing. Mike explained that one proposal had been received and another one is expected to come in by the end of the week. Mark stated that he is comfortable with both companies and would ask the commission to allow Mike to decide on behalf of the commission.

Amy moved to allow Mike with the guidance of Jim to select a peer reviewer to hire. Jim seconded and the roll call was unanimous.

The chairman took a moment to address the back taxes on the property that were still unpaid, and informed the representative that the commission will not vote one way or another until the unpaid taxes are resolved.

The chairman announced that the hearing would be continued to **October 5th at 7:15 PM** and would be held virtually.



### **Consent Items**

#### **Minutes of August 17, 2022**

Amy moves to approve the minutes of August 17<sup>th</sup>, Jim seconded and the roll call upheld the motion. (Peter abstained)

#### **Certificate of Compliance, 26 Central Street DEP 85-1301**

Amy moved to issue a Certificate of Compliance. Zywia seconded the motion and the roll call was unanimous.

#### **Documents and exhibits used at this meeting:**

Notice of Intent Filing for 63 Washington Drive DEP 85-1329

Notice of Intent Filing for 28 Brucewood Drive DEP 85-1330

Request for Determination filing for 16 Nash Road

Notice of Intent Filing for 225 Newtown Road DEP 85-1331

ANRAD Filing for 247 Pope Road DEP 85-13xx

Amended Order of Condition Filing for Great Rd & Nashoba Rd DEP 85-1291

Notice of Intent Filing for 12 Spring Hill Road DEP 85-1292

**All documents can be found at: <http://doc.acton-ma.gov/dsweb/View/Collection-15488>**

**The meeting was adjourned at 9:04 PM.**