



## Acton Conservation Commission

Meeting Minutes

October 19, 2022

7:00 PM

Virtual Meeting

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

**Conservation Agent/Recording Secretary/Zoom Host:** Mike Gendron

### Regular Business

7:00 The Chairman Terry Maitland opened the meeting and read the Virtual Meeting guidelines.

7:04 **Notice of Intent:** 155 Summer Street; DEP 85-13xx

Representing the applicant was Bruce Ringwall of GPR. Bruce introduced the project and explained that the Notice of Intent included a retaining wall, Cultec system and grading in the backyard to prevent pooling of water and erosion of the hill side. Bruce explained that the applicant was asking for a waiver for the 75-foot setback. Additionally, the applicant was asking permission to install a pedestrian bridge to get to the back portion of their land on the other side of inch brook. Finally, Bruce discussed the existing shed that is currently within the 75-foot structure setback; he showed other potential areas that the shed could go. He explained that there was no area on the lot that the shed could be outside the 75 setbacks.

The chairman asked what the process would be to build the retaining wall; Bruce explained that a mini excavator would come in to dig the trench and the retaining wall would be installed. Jim Colman asked the commissioners who were on the site walk what kind of condition the slope was in; Amy Green answered that it is in surprisingly good condition but it is very steep and could be an issue it starts to erode. She added that the retaining wall would probably be a benefit.

Jim stated that waivers are granted under the bylaw for applications that have public benefit, which is not the case in this scenario. He stated that if there is no sign of erosion than there is no need for a built structure. He also mentioned that there seems to be alternate ways of crossing the intermittent stream. Bruce responded that the town bylaw states that there is no setback for structures necessary for upland access where there is no reasonable alternative, and he believes if no action is taken, there will be erosion on the slope. Jim responded that it appears that there is reasonable access to the upland that the applicant has been using and if the hill hasn't eroded yet, there is no reason to think it is going to start erode any time soon.



Zywia Chadzynska stated that she was on the site walk and she believed that the slope was in poor condition and it may be worth being proactive. Zywia also mentioned that she shares some of Jim's hesitations as it relates to the foot bridge and the shed.

Amy agreed that she is not sure how the shed could stay, and also shared some concerns about the bridge being used for anything more than foot traffic. However, Amy stated that she believes that if the hill is not properly maintained it could erode quickly. Amy also mentioned that the hill is not particularly well vegetated and the organic retaining wall does not seem sufficient for the house that was constructed on the lot.

Hearing no further comments or questions the Chairman stated that there was no DEP number and the hearing would be **continued to November 2<sup>th</sup> at 7:30 PM**.

**7:38 Request for Determination: 108 Skyline Drive**

The applicant and homeowner, Phil Pratt, explained the plan to put in a patio in his backyard. The proposed patio is in the wetland buffer zone but outside of the 75-foot structure setback. Phil explained that as a part of the HOA requirements, the patio would be built by hand and dig safe would be contacted. Jim Colman mentioned that the proposed patio does not meet the definition of a structure because it is less than 200 sq. ft. Phil included that the remaining area between the fence and the patio would be gravel or mulch because the vegetation is difficult to maintain in the backyard.

Hearing no further questions/comments the chairman closed the hearing.

**Hearing closed at 7:45 PM**

**Decision**

Amy moved to issue a negative 3 determination, with the special condition that hay wattles be placed along the fence line.

Jim seconded and the roll call was unanimous

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

**7:48 Abbreviated Notice of Resource Area Delineation: 123 Quarry Road; DEP 85-1333 (continued)**

Representing the applicant was Aidan Schlotman of Stamsky & McNary. Aidan stated that since the last hearing there were 4 changes made to the plan, including 3 flags that were moved based on the recommendations at the site walks (flag 6, 8 and 51).

Additionally, the isolated wetland on the plan was labeled as a potential vernal pool.



Amy Green mentioned that DEP commented that the stream running through the property appears to be a perennial stream, which would require that the mean annual high-water mark to be delineated. Amy also stated that it is unclear what the flood zone is on the site and that would need to be determined.

Jim Colman pointed out that the stream represented on the plot plan appears to run outside of the delineated wetland and that this would need to be corrected. Amy asked for clarification if the potential vernal pool could also be classified as land subject to flooding; she requested that this be verified. Aidan mentioned that because it is not technically the applicant's property, this may be difficult to verify. Jim asked if the owner of that property knows that the applicant is asking for a delineation on their property; Aidan said abutters were notified. Jim stated that specific permission should be given by the abutter.

The Chairman point out that there is no DEP number and the hearing would be **continued to November 2 at 7:40 PM.**

**8:06 Request for Determination: 2 Taylor Road**

Presenting on behalf of the Town of Acton was Mike Gendron with the Conservation Department. Mike explained the proposed plan to conduct maintenance on the existing trail at the Arboretum. Mike explained that this particular section of the trail floods easily and can become very muddy making the trail less accessible. The proposed plan would be to dig out and remove a portion of the dirt trail using a low impact power buggy and remove it from the site. Wooden rails would be installed at the sides of the trail and the trail would be filled with gravel and a stone dust finish.

Jim Colman asked how much dirt would need to be removed; Mike explained that the contractor would dig approximately 1 foot deep. Zywia asked about the plastic pipe that was proposed as part of the plan; Mike explained that this would be installed to help assist with drainage of the trail, but did not know the exact location of the pipe.

Amy Green asked if a site walk could be arranged to get a better look at the trail and the surrounding wetlands; Mike stated that he would make that happen.

Hearing no further comments or questions the Chairman stated that the hearing would be **continued to November 2 at 7:45 PM.**

**8:16 Notice of Intent: 225 Newtown Road; DEP 85-1331 (continued)**

Representing the applicant was Mark Arnold of Goddard Consulting and Ian Rubin of Markey & Rubin. Mark presented the revised plan which showed the infiltration basin moved further outside of the 75-foot setback. Mark stated that remaining portion of the infiltration basin would require a waiver and provides a public benefit because it is



capturing runoff and preventing it from entering the wetland. Ian Rubin added that approximately 98% of runoff from the driveway would be captured and treated by the infiltration basin.

Mark also showed the updated planting and restoration plan. Amy Green asked for clarification that the infiltration basin would be seeded; Mark agreed that they would use a native conservation seed mix.

Jim Colman pointed out that a portion of the planting plan appeared to be outside of the applicant's property and in the town's right of way; Mark confirmed that is the case and stated that they would be planted strategically to avoid conflict with town mowing. Jim mentioned that permission should be given by DPW before planting trees in the right of way. Zywna Chadzynska stated that the trees may be affected by salt in the winter when planted that close to the road; Mark said that there is a 2-year monitoring period for the restoration area but they can make that longer if necessary. The applicant, Steve Marsh, addressed the commissioner's concerns and stated that they will plan to keep all of the plantings and restoration area out of the public right of way.

Hearing no further questions/comments the chairman closed the hearing.

### **Hearing closed at 8:45 PM**

#### **Decision**

Amy moved to issue a standard order of conditions, with conditions 18 & 19 of the bylaw waived, including the following special conditions:

1. The conservation agent shall be notified 2 weeks in advance of planting in the Buffer Zone Enhancement area.
2. Infiltration basin and sediment forebay shall be seeded with a native seed mix.
3. Enhancement monitoring reports shall include discussion about invasive species and the removal of invasive species.
4. All trees planted in the Buffer Zone Enhancement area shall be on the applicant's property.

Jim seconded and the roll call was unanimous

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

#### **8:49 Request for Determination: 46 Seminole Road**

Representing the applicant was Aidan Schlotman of Stamski & McNary. Aidan explained that proposed project was for the replacement of a failing septic system. Aidan stated that the only work being propped inside of the 75-foot setback was the connection of a pipe to the existing pump chamber. The proposed location of the new system would be in the



same spot as the old system and the plan has already been approved by the board of health. Aidan added that stockpiling would be in the driveway or a parked truck.

Hearing no further questions/comments the chairman closed the hearing.

**Hearing closed at 8:55 PM**

**Decision**

Jim moved to issue a negative 3 determination.

Amy seconded and the roll call was unanimous

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

**8:56 Notice of Intent: 252-256 Main Street; DEP 85-13xx**

Representing the applicant was Brian Butler and Ron Strohsahl of Oxbow Associates and Ken Staffier of VHB. Brian discussed the plan which includes demolition of the garden center, parking lot modifications, extension of a ramp and installation of electrical transformers.

Amy Green asked how the parking lot gets plowed; Ken Staffier said he was unsure but would be willing to put signage to stop any snow from being dumped into the wetland. Amy also asked if there are currently any dumpsters behind the building; Ken stated that there is an existing compactor pad but no dumpsters.

Peter Hocknell pointed out that there is no DEP number; Amy asked that since the meeting needed to be continued anyways can the no dumping signs for snow be added to the plan; Ken agreed.

Hearing no further questions, the Chairman stated that the hearing would be continued to **November 2<sup>nd</sup> at 7:35 PM**.

**Consent Items**

**9:17 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.

**9:18 Minutes of September 21, 2022**

Amy moves to approve the minutes of September 21st, Zywia seconded and the roll call was unanimous.

**Administrative Updates**

**9:20 OSRP Public Forum Discussion**



Mike Gendron explained that an OSRP public survey was sent out in the spring, and the data was currently being compiled by staff members. Mike explained that a public forum is being planned to present on the data collected and gather feedback from the public to start the process of creating goals for the plan. Mike stated that in the past the conservation commission has been involved in hosting these forums and wanted to open the discussion to see if the commission would be willing to host the November 10<sup>th</sup> forum.

Jim Colman explained that he believed that it seemed more appropriate for the recreation commission to host the forum based on their current involvement. Mike explained that since the survey went out in the spring, progress on the OSRP was put on hold and it is still in the very beginning stages of the process. Jim explained that since the recreation director is the project manager, the town should stick with one department as the lead.

At the conclusion of the discussion, the commission asked Mike to relay this information back to the working group and consider alternate solutions to the conservation commission hosting the forum.

#### **Regular Business (continued)**

The Chairman, Terry Maitland, recused himself for the final two hearings; The Vice-Chairman, Jim Colman took over as acting chair.

#### **9:37 Amended Order of Conditions: 7 Red Hawk Trail; DEP 85-1319**

Representing the applicant was Nathaniel Cataldo of Stamski and McNary and Mark Gallagher, the owner of the property. Nathaniel explained that an Order of Conditions exists for the construction of this house, however since the plan was approved a couple changes have been made to the plan which will move the house approximately 3 feet closer to the wetland; the house is still being proposed outside the 75-foot setback.

Mark Gallagher explained that the change was made because of an error on the original plan; the original garage was 3 feet too small on the plan. Mark also stated that the house is proposed as close to the property line as possible, so the correction needed to be made to the wetland side of the house.

Hearing no further questions, the vice chairman closed the hearing.

#### **Hearing closed at 9:48 PM**

#### **Decision**

Amy moved to issue an amended order of conditions with the same special conditions as the original order of conditions.

Jillian seconded and the roll call was unanimous.



Peter Hocknell – **Aye**; Amy Green – **Aye**; Zywia Chadzynska – **Aye**; Kate Warwick – **Aye**; Jillian Peters - **Aye**; Jim Colman – **Aye**;

9:49 **Notice of Intent:** 8 Fletcher Court; DEP 85-13xx

Representing the applicant was Nathaniel Cataldo of Stamski and McNary and Mark Gallagher. Nathaniel explained that the first stage of the plan was to remove the existing house, shed and concrete pad. A single-family home is proposed in the same location as the old house and would be outside of the 75-foot no build setback. Nathaniel also explained that runoff generated by this home was part of the comprehensive drainage design for the subdivision.

Nathaniel mentioned that permanent markers would be placed along the 50-foot no disturb setback; Jim asked for clarification on what the markers would be. Nathaniel explained that it would be engraved FENO stakes. Jim asked if boulders would be appropriate for the site; Mark stated that boulders could be placed where the slope wasn't too steep.

Amy asked that the English ivy be removed from the restoration area and that a native shade mix is used; Mark agreed.

Having no DEP number and hearing no further questions, the vice chairman stated that the hearing would be continued to **November 2<sup>nd</sup> at 7:25 PM**.

**The meeting was adjourned at 10:08 PM.**

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

Notice of Intent filing for 155 Summer Street; DEP 85-13xx  
Request for Determination filing for 108 Skyline Drive  
ANRAD Filing for 123 Quarry Road DEP 85-13xx  
Request for Determination filing for 2 Taylor Road  
Notice of Intent filing for 225 Newtown Road; DEP 85-1331  
Request for Determination filing for 46 Seminole Road  
Notice of Intent for 252-256 Main Street; DEP 85-13xx  
AOOC filing for 7 Red Hawk Trail; DEP 85-1319  
Notice of Intent Filing for 8 Fletcher Court; DEP 85-13xx  
Request for Certificate of Compliance for 530 Main Street; DEP 85-1247  
Minutes of September 21, 2022

**All documents can be found at:** <http://doc.acton-ma.gov/dsweb/View/Collection-15703>