



## Acton Conservation Commission

Meeting Minutes

June 21<sup>st</sup>, 2023

7:15 PM

Hybrid Meeting

**Present:** Terry Maitland (Chair), Jim Colman, Kate Warwick, Amy Green, Jillian Peters

**Absent:** Zywia Chadzynska, Peter Hocknell

**Conservation Agent:** Mike Gendron

7:15 The Chairman, Terry Maitland opened the meeting and read virtual meeting guidelines.

### Regular Business

7:15 **Notice of Intent:** 72 Quarry Road (Bylaw Only)

Representing the applicant was Nathaniel Cataldo. Nathaniel explained the scope of the project to construct a new house. All the new construction would be out of the buffer zone but approximately 8-12 feet of grading would occur in the buffer zone of a potential vernal pool. This work is only jurisdictional under the Town Bylaw and not the Wetland's Protection Act. All of the grading work would be loamed and seeded, and left as lawn.

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

**Hearing closed at 7:23 PM**

### Decision

Kate Warwick moved to issue a standard Order of Conditions.

Jillian Peters seconded the motion; the vote unanimously upheld the motion.

7:24 **Request for Determination:** 8 Wingate Lane

The applicant Mehdi Vahab was representing himself. Mehdi showed a picture of the yard and where the fence would be proposed. The closest point to the wetlands was 80 feet to the fence. Jim asked if the fence could be 6-10 inches off the ground; the applicant agreed.

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

**Hearing closed at 7:28 PM.**

### Decision

Jillian Peters moved to issue a negative 3 determination.



Jim Colman seconded with the condition that the fence must be 10 in off the ground; the vote unanimously upheld the motion.

**7:30 Request for Determination: 9 Foster Street**

Representing the applicant was Kevin Richie from Civic Solutions. Kevin explained that the proposed septic system is outside of the buffer zone however the current plumbing exists inside the buffer zone. The new tank is proposed 72 feet from the wetland. The project already has Board of Health approval.

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

**Hearing closed at 7:35 PM.**

**Decision**

Jillian Peters moved to issue a negative 3 determination.

Kate Warwick seconded; a unanimous vote upheld the motion.

**7:36 Amy Green arrived at the meeting**

**7:36 Order of Conditions Extension: 2,4,12 Powder Mill Rd; DEP 85-1283**

Representing the applicant was Nick Dewhurst of Bohler Engineering. Nick explained that an Order of Conditions was issued for the 230-unit 40B in June 2020. The OOC is set to expire in June of 2024. Due to project constraints the project would not be complete before the OOC expires. Nick also explained there are small changes proposed to the project; the commission stated they must come back for an amended OOC; the applicant agreed and stated they would only be asking for an extension at this hearing.

Hearing no further questions, the chairman closed the hearing.

**Hearing closed at 7:50 PM**

Jim moved to issue an extension of 3 years to the Order of Conditions.

Jillian seconded and the unanimous vote upheld the motion.

**7:51 Request for Determination: Willow Street Sidewalks**

Representing the Town of Acton was Qin Rui Pan, Town Engineer. Qin explained the proposed project to add sidewalks to willow street and move a headwall at the corner of homestead and willow street. The headwall would need to be extended approximately 5 feet. Qin explained that there are hay bales proposed along the limit of work. Jim Colman pointed out that it was hard to follow where the work was happening and he would like to have a site walk conducted; Qin agreed.



Hearing no further questions, the chairman stated that the hearing would be continued to the July 19<sup>th</sup> meeting.

8:03 **Notice of Intent:** 12 Spring Hill Road; DEP 85-1347

Representing the applicant was Scott Goddard and Mark Arnold of Goddard Consulting, LLC. Scott explained that since the most recent hearing a site walk had been conducted and an email was sent by the conservation agent describing all of the outstanding comments and questions from the Commission. Scott stated that in response to this a report was submitted addressing all of the Commission's comments/concerns and plans were updated including the stream crossing plan, alternatives analysis, construction sequence, invasive management plan, tree survey, etc.

Scott went through each alternative described in the alternatives analysis and gave an explanation why each was a less optimal option than the proposed plan. As part of this, Scott stated that he doesn't believe the development of Spring Hill Road caused a hardship because either way wetlands what need to be crossed to access this lot. Scott also pointed out that the proposed box culvert meets the MA stream crossing standards (1.25x bankful width) and that a bridge would have the same environmental impact as a culvert at a much higher economic cost. Scott stated that in his opinion all of the information requested by the Commission has been submitted, the impacts to the bylaw setbacks have been minimized and the plan is ready for approval.

Jim Colman stated that he does not believe the data has fully been provided. MA stream crossing says that a bridge is optimal. He explained that the alternatives analysis does not prove that a culvert would have same impact on the resource area and that there was no analysis that shows the impact of the least intrusive bridge. Additionally, Jim pointed out that Scott's argument of economic impact is only backed by the state law in the section for riverfront area; this project is not in the riverfront area. Scott responded by stating that the riverfront standards are more stringent than the applicable regulations for this project. Jim followed up by stating that the riverfront standards are not applicable and the burden to prove the impact of a bridge is on the applicant.

Amy Green explained that 400-500 ft of driveway was proposed within 50 feet of the wetland. She stated that she is not convinced that's not going to alter wetland. Additionally, she pointed out that getting rid of 70+ trees will also impact that wetland. Finally, she pointed out that the well is proposed outside of the limit of work and the erosion controls could be pulled closer to the work in certain locations to limit the number of trees impacted.

Abutters expressed concerns regarding the increase water runoff, complicated O&M, clear cutting of trees and damage to downhill impacts on wetlands. Jim Colman agreed that the O&M does seem to be a lot of work for a single homeowner.



Kate Warwick asked why a shared driveway wasn't considered in the alternatives analysis; Scott admitted he wasn't sure if this was possible, but it would require permission from home owner. Kate also asked who would carry out 3 year monitoring of replication area; Scott said it would likely be Goddard Consulting.

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

**Hearing closed at 9:00 PM**

**Decision:**

Jim Colman moved to deny the project.

Amy Green seconded and the roll call vote unanimously upheld the motion.

9:02 Amy Green left the meeting

**Consent Items**

**Meeting Minutes of May 3 and May 17 (as amended)**

Jillian Peters moved to approve the May 3 and May 17, as amended.

Kate Warwick seconded the motion and the roll call vote unanimously upheld the motion.

**Certificate of Compliance: 110-112 Central Street DEP 85-1343**

Jillian Peters made a motion to issue a Certificate of Compliance

Jim Colman seconded the motion and the roll call vote unanimously upheld the motion

**Certificate of Compliance: 68 Central Street DEP 85-764**

Jim Colman moved to issue a Certificate of Compliance

Jillian Peters seconded the motion and the roll call vote unanimously upheld the motion

9:21 Meeting Adjourned

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

NOI Filing for 72 Quarry Road  
RDA Filing for 8 Wingate Lane  
RDA Filing for 9 Foster Street  
OOC ext. Request for 2,4,12 Powder Mill Road DEP 85-1283  
RDA Filing for 45 Willow Street  
NOI Filing for 12 Spring Hill Road; DEP 85-1347  
Request for COC 110-112 Central Street DEP 85-1343  
Request for COC 68 Central Street DEP 85-764



**All documents can be found at: <http://doc.acton-ma.gov/dsweb/View/Collection-16812>**