



Acton Conservation Commission

Meeting Minutes

June 5th, 2024

7:15 PM

Hybrid Meeting (Room 204 & Zoom)

Present: Terry Maitland (Chair), James Colman (Vice-Chair), Peter Hocknell, Kate Warwick, Amy Green, Zywia Chadzynska (remote) Jillian Peters (remote)

7:15 The Chair, Terry Maitland, opened the meeting at 7:15pm, conducted roll call and read the virtual meeting guidelines.

Regular Business

7:17 **Request for Determination of Applicability - Public Hearing- Town of Acton**

- Washington Drive – from Coolidge Drive to the end
- Hawthorne Street – Thoreau Intersection
- Main Street – from Hayward Road to Newtown Road
- Main Street – from Brook Street to Great Road
- Pope Road – from Strawberry Hill Road to Spring Hill Road
- Powder Mill Road – from Maynard town line to Concord town line
- Main Street – from Town Hall to Brook Street
- Taylor Road – from Minot Ave to Route 2
- Central Street – from Windsor Ave to the railroad tracks
- Willow Street – from Central St to Stow town line
- Central Street – from railroad tracks to Martin Street
- Concord Road – from Horseshoe Drive to Great Road
- Central Street – from Nashoba Road to Boxboro town line.
- Concord Road – from Nagog Hill Road to Horseshoe Drive.

QinRui Pang from DPW represented the Town of Acton. RDA is for the next six years of road paving on the above listed streets. Surface is replaced, road is not widened, nothing is stored on site, and if in buffer zone erosion control measures used. Terry Maitland and Amy Green noted that the RDA will have to be renewed at year three. James Colman suggested that she present only the roads paved in the calendar year.

Hearing no further comments/questions the Chair announced that the hearing is closed and asked for a motion on the RDA. James Colman moved for a negative three determination and Amy Green second the motion. Roll vote was called and all voted yes and the chair closed the hearing.

7:31 **Request for Determination of Applicability - Meeting - 72 Robbins Street**



Kate Warwick is recused from voting, as it is her house. Kate Warwick and Derek Thoresen represented household they would like to remove two existing sheds and build a new one.

The commissioners debated about current guidance on non-confirming preexisting structures. James is concerned about staying consistent with decisions. The new shed would be about 27-feet from the wetland buffer and the commission has been pushing for no structures inside the 75-foot buffer. Kristen Guichard asked for the commission to take a look at the guidance for wetland setbacks for existing structures where it states expansion or replacement of such activities and structures will not be permitted unless such expansion or replacement is no closer to the wetland or vernal pool and does not increase any existing adverse effects on the wetland or vernal pool.

Amy Green moved to issue negative 3 determination and James Colman second the motion. The Chair called for a vote and all voted yes and the chair closed the hearing.

7:48 Request for Determination of Applicability - Public Meeting- 2 Whittier Drive

Kirk Fitzpatrick represents the property owner, he proposed an upgrade to the failing septic system. The plan includes installation of a new septic tank, with erosion control measures, and a Norway maple outside of buffer zone will have to be removed. Zywia Chadzynska pointed out that there is a nice 24-in maple tree with in the work zone. Amy Green suggested putting in orange construction fencing set 10 feet away from trunk of tree. Kirk said that fencing can be provided.

Hearing no further questions or comments the Chair closed the hearing and asked for a motion for RDA. Amy Green moved to issue negative determination 3 with the condition that tree protection be provided for the maple such as orange construction fencing five (5) feet around. Peter second the motion. The Chair called for a vote and all voted yes ending the hearing.

8:00 Notice of Intent - Continued Public Hearing-9 West Road, Dep #085-1365

Chair opened the hearing at 8pm, noting that they haven't heard from the landowner. Hearing was continued to June 26th at 7:20pm.

8:01 Notice of Intent- Continued Public Hearing- 123 Quarry Road, DEP #waiting



Chair opened the hearing at 8:01pm. Nathaniel Cataldo from Stamski McNary represented the landowner. Property is in National Heritage and Endangered Species Program (NHESP), and Cataldo had to meet with Mass Wildlife. Contractor hired a wetland scientist so NHESP could sign off. The contractor moved the leach fields further from buffer zone. Conservation Commission was sent a determination letter from NHESP. Zywia Chadzynska missed more than one meeting so has to abstain from voting.

Hearing no further questions or comments the Chair closed the hearing and asked for a motion to approve project as presented. Amy Green moved to issue standard order of conditions with either a finding or extra condition using NHESP permit number, Kate Warwick seconded. The chair called for a vote to move to issue standard order of conditions, with the condition that the NHESP permit number be included in the decision. Vote passed by roll call 6-0-1 with Zywia Chadzynska abstaining.

8:20 Request for Determination of Applicability- Continued Public Meeting- 28 Nash Rd

Volkan Yesilyurt, the homeowner gave an overview of the proposed project to build a patio at rear of house. Proposed patio is 12x34 feet, it is about 80 feet from the nearest wetland. Wetland bordering vegetated wetlands was flagged. The patio would be 68-70 feet from the closest wetland flag. The closest corner of the patio to the wetland was not measured, estimated to be 10-feet less. The proposed patio will be closer to the wetland than the existing house. It is suggested that his patio be less than 200 square feet so it is not considered a structure under “like use”.

Yesilyurt will remeasure the distances from the corner to the wetland flags “2” and “3” with Town of Acton Staff and resubmit the measurements and a new map. Hearing continued to June 26th at 7:15pm.

8:27 Notice of Intent- Continued Public Hearing- 85 Taylor Road

Chair opened the hearing at 8:27pm. Applicant requested to continue the hearing to the next meeting. Hearing continued to June 26th at 7:25pm.

8:29 Notice of Intent- Continued Public Hearing - Main Street @ Hayward Road (vote)

Chair opened the hearing at 8:29pm. Project is under local bylaw, does not have to file with the state and will not have a DEP number. Vernal pools not found onsite. James Colman moved to approve the project with Standard Order of Conditions with two special conditions, a sign explaining the value of vernal pools be located on conservation or other public property in the Town of Acton and that three (3) trees be planted on Musket Drive



provided that they are out of sight for the turn. Peter Hocknell seconded the motion. The Chair called for a roll call vote, all voted yes.

Administrative/Enforcement Updates

Discuss tree removal requests and possible hazardous tree removal policy

The Commission has an interim guideline that was voted on. The Commission needs criteria on how to decide if a tree is a hazard tree, need input from town council about liability, and if they should require replacement. Dean Charter mentioned that the cost for assessment may be a barrier, and that the town may want a letter from the arborist with details about the situation. The letter from a certified arborist is similar to a stamped plan from an engineer. Tree risk assessment forms are available through the International Society of Agriculture. Peter Hocknell suggested that the draft interim policy be made available for the public on DocUShare. Edits were made to the interim policy in effort to address backlog of tree request. James Colman moved to approve the draft interim policy and Zywia Chadzynska seconded. The Chair called for a roll vote and all voted yes.

Consent Items: Request for COC- Triangle Farm Lane

Project permitted in 2008 and never started. Amy Green moved to provide the certificate of compliance and Peter Hocknell seconded. Chair called for a roll call vote and all voted yes.

Review and Comment on Early Environmental Coordination Letter- Intersection Improvements at Route 27 and Route 2 ramps

In December 2023 the state came in to talk about Route 2 interchange, they are requesting comments on the plan. Kristen Guichard will follow up with the state asking for more information and how to best coordinate responses. Update will be provided at the June 26th meeting.

Review and Approve Meeting Minutes 2/7/24 and 3/6/24

February 7th minutes were not reviewed, they will be carried over to the next meeting. Peter Hocknell moved to approve the March 6th minutes and Amy Green seconded the motion. Chair called for a roll call vote five(5) voted yes and one(1), Zywia Chadzynska abstained from the vote, motion passed.

Hearing no further comments Amy Green moved to close the meeting and Peter Hocknell seconded. Hearing Closed at 10:01pm.



Documents and exhibits used at this meeting:

- RDA Filing for 2 Whittier Drive
- RDA Filing for 28 Nash Road
- RDA Filing for 72 Robbins
- RDA Filing for 85 Taylor Road
- NOI Filing for 9 West Road
- NOI Filing for 123 Quarry Road
- Acton Conservation Commission Early Env Coordination Letter_20240516
- Figure 1. USGS_Topo_Locus_Map-8.5X11
- Minutes 3_6_24 DRAFT
- 2024 Paving Project
- 06-05-2024 Agenda

All documents can be found at:

<https://doc.actonma.gov/dsweb/View/Collection-18180>