



## Acton Conservation Commission

Meeting Minutes

June 19, 2019

7:15 PM

Acton Town Hall, 472 Main Street

Acton, MA 01720

Room 204

**Present:** Terry Maitland, Amy Green, Jim Colman, Tim McKinnon, Jennifer Stolz, Zywia Chadzynska

**Absent:** Suzanne Flint

Natural Resources Director and recording secretary: Tom Tidman

### Regular Business

#### 7:15 Request for Determination: 102 Charter Road

*Applicant William Hart for a project at 102 Charter Road, town atlas plate E2, parcel 151-4. The project is the installation of a fence along the edge of wetlands.*

Mr. Hart presented the project to the Commission. He would like to install a 6 foot high, solid wood privacy fence along the edge of the lawn and a wood chipped area. Posts will be set using a posthole auger. The installation will provide for a 6 inch clearance underneath the fence for amphibian travel.

24 feet of fencing would extend northwesterly along the edge of the delineated wetlands. The other 24 feet would extend north along the property line of the adjacent property at 78 Arlington Street for a total of 48 feet of fencing.

**Decision:** Mr. McKinnon moved to issue a negative 3 determination, meaning the 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. Mr. Colman seconded the motion and it passed unanimously.

#### 7:30 Abbreviated notice of Wetland Delineation: 2-4 Powder Mill Road

*Abbreviated Notice of Resource Area Delineation for property located at 2-4, Powder Mill Road (town atlas plate J3, parcels 38, 39, 42, 43, 44, 45) filed by "Apartments at Powder Mill, LLC", 205 Willow Street, Waltham, MA 02453.*

Brian Butler, from Oxbow Associates, presented for the applicant. He noted that the only resource area is "mean annual high water," and riverfront. There is no BVW resource area or isolated wetland on the subject property. The Riverfront Area delineation includes portions that are regulated under 310 CMR 10.58 (4) [conventional RFA] and 10.58 (5) [degraded RFA]. The degraded area includes a warehouse and iron foundry, with an asphalt parking lot.



Ms. Green asked if there was floodplain. Mr. Butler responded that no 100 foot floodplain extended onto the site above the high water mark within the impoundment. She then said the Commission should exclude any findings about floodplain.

The hearing closed at 7:40PM.

**Decision:** Mr. Colman moved to accept the delineation as presented, noting that no determination was made about floodplain. Ms. Green seconded the motion and it passed unanimously.

**7:40 Request for Determination: 2 Heron View**

*Applicants Christopher Brandon & Joann Berry for a project at 2 Heron View, (town atlas plate H2, parcel15). The Project is the replacement of a failed septic system.*

Ted Doucette, of Doucette Engineering, presented the project for the applicants. The applicants have a failing septic system. They are modifying the house from a 3 bedroom to a 4 bedroom dwelling. A new septic system is being installed with the capacity to accommodate the additional bedroom. The plan has been approved by the Board of Health.

Mr. Maitland pointed out that the Request (RDA) was being heard under the Wetlands Protection Act only, not the Town of Acton Bylaw.

**Decision:** Mr. Colman moved to issue a negative 3 determination, meaning the 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. Ms. Green seconded the motion and it passed unanimously.

**7:45 Notice of Intent: Bruce Freeman Rail Trail Phase 2B, continuance**

Sam Campbell from GPI and Melissa Lenker from Mass. DOT presented. There is 72 linear feet of permanent bank disturbance. 100 feet of silt fence will be added for turtle protection during construction. The Commission discussed the culvert cross-section and streambed material. A dewatering provision is included in the plans as is control of invasives.

Ms. Green said she would like to see an environmental monitor on-site during culvert installation.

**Decision:** Mr. McKinnon moved to issue a standard Order of Conditions with a special condition that an environmental monitor, with at least 5 years of experience, be on site during the culvert installation. Ms. Stoltz seconded the motion and it passed unanimously.



**Special Business:**

**7:50 Open Meeting Law Complaint: discussion and follow up**

A citizen complaint was filed with the Office of the Attorney General regarding posting of agendas and meeting minutes (included with document list below). The Commission discussed the draft response, drawn up by administrative staff with input from Town Management, for their consideration. Their discussion included speculation that the minutes should be revised. They also agreed to delegate the authority to respond to the complaint to the Town Manager.

**Decision:** Ms. Green moved that the Conservation Commission delegate the authority to respond to Mr. Ballard's complaint to the Acton Town Manager, Mr. John Mangiaratti. Mr. Colman seconded the motion and it passed unanimously.

**Certificate of Compliance:**

Bruce Freeman Rail Trail Phase I: DEP #85-1449: the Commission determined the project was not ready. Stone dust erosion at the Rt. 2A bridge is being addressed by the highway Department.

122 School Street: DEP #85-1223: Ms. Green moved to issue a Certificate of Compliance to 122 School Street. Mr. Colman seconded the motion and it passed unanimously.

**Approval of Minutes:**

The meeting minutes from the Conservation Committee meeting of June 5, 2019 were reviewed and approved by a vote of 6 to 0.

**Adjournment**

At 8:30 p.m., it was moved and seconded to adjourn the meeting.  
The motion was approved unanimously.

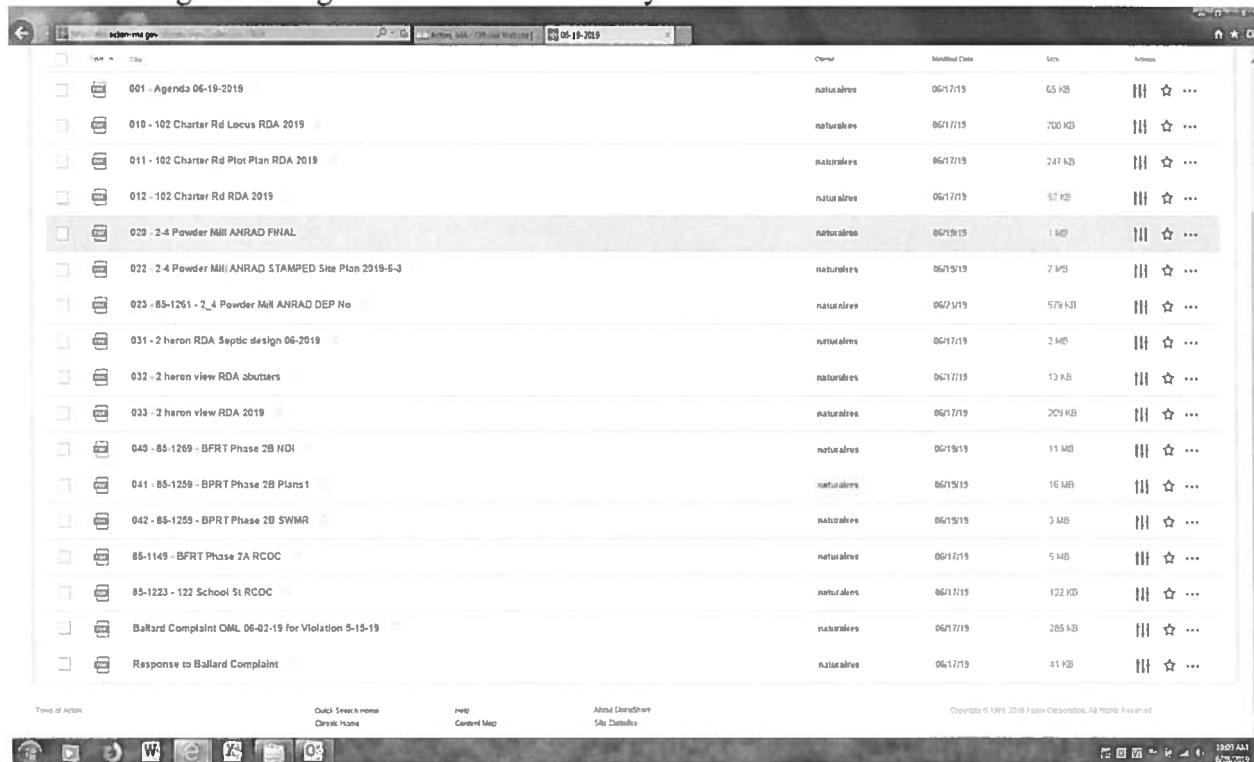
*Terry Maitland*  
\_\_\_\_\_  
Terry Maitland  
Chairperson



## Documents and Exhibits Used During this Meeting

- Meeting minutes of June 5, 2019
- Request for Determination for 102 Charter Road
- Abbreviated Notice of Wetland Deliniation for 2-4 Powder Mill Road
- Request for Determination for 2 Heron View
- Notice of Intent for Bruce Freeman Rail Trail Phase 2B
- Request for Certificate of Compliance: Bruce Freeman Rail Trail Phase 2A :DEP Project #85-1149
- Request for Certificate of Compliance: 122 School Street, DEP Project #85-1223
- Open Meeting Law complaint dated May 15, 2019
- Proposed response to complaint

The following is a listing of the documents as they exist on docushare:

A screenshot of a computer screen showing a list of documents in a Docushare interface. The list is organized into columns: Name, Modified Date, Size, and Actions. The documents are as follows:

Name	Modified Date	Size	Actions
001 - Agenda 06-19-2019	06/17/19	65 KB	More
010 - 102 Charter Rd Locus RDA 2019	06/17/19	200 KB	More
011 - 102 Charter Rd Plot Plan RDA 2019	06/17/19	247 KB	More
012 - 102 Charter Rd RDA 2019	06/17/19	57 KB	More
020 - 2-4 Powder Mill ANRAD FINAL	06/19/19	1 MB	More
022 - 2-4 Powder Mill ANRAD STAMPED Site Plan 2019-6-3	06/19/19	7 MB	More
023 - 85-1261 - 2_4 Powder Mill ANRAD DEP No	06/19/19	579 KB	More
031 - 2 heron RDA Septic design 06-2019	06/17/19	2 MB	More
032 - 2 heron view RDA abutters	06/17/19	13 KB	More
033 - 2 heron view RDA 2019	06/17/19	209 KB	More
049 - 85-1269 - BFRT Phase 2B NOI	06/19/19	11 MB	More
041 - 85-1259 - BPRT Phase 2B Plans1	06/19/19	16 MB	More
042 - 85-1259 - BPRT Phase 2B SWMR	06/19/19	3 MB	More
85-1149 - BFRT Phase 2A RDOC	06/17/19	5 MB	More
85-1223 - 122 School St RDOC	06/17/19	122 KB	More
Ballard Complaint OML 06-02-19 for Violation 5-15-19	06/17/19	265 KB	More
Response to Ballard Complaint	06/17/19	41 KB	More

This is the link to the collection: <http://doc.acton-ma.gov/dsweb/View/Collection-10609>



## CONSERVATION COMMISSION AGENDA

June 19, 2019

7:15 PM

Acton Town Hall, 472 Main St.

Acton, MA 01720

Room 204

### **Regular Business**

7:15 Request for Determination: 102 Charter Road

*Applicant William Hart for a project at 102 Charter Road, town atlas plate E2, parcel 151-4. The project is the installation of a fence along the edge of wetlands.*

7:30 Abbreviated notice of Wetland Delineation: 2-4 Powder Mill Road

*Abbreviated Notice of Resource Area Delineation for property located at 2\_4, Powdermill Road (town atlas plate J3, parcels 38, 39, 42, 43, 44, 45) filed by "Apartments at Powder Mill, LLC", 205 Willow Street, Waltham, MA 02453.*

7:40 Request for Determination: 2 Heron View

*Christopher Brandon & Joann Berry for a project at 2 Heron View, (town atlas plate H2,15). The Project is the replacement of a failed septic system.*

7:45 Notice of Intent: Bruce Freeman Rail Trail Phase 2B, continuance

### **Special Business:**

7:50 Open Meeting Law Complaint: discussion and follow up

### **Consent Items**

Certificate of Compliance: Bruce Freeman Rail Trail Phase I: 85-1449

122 School Street: 85-1223

Minutes: June 5, 2019: Reviewed by TM, TMc

Additional materials can be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-10609>