



Acton Conservation Commission

Meeting Minutes

November 2, 2022

7:15 PM

Virtual Meeting

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

Conservation Agent/Recording Secretary/Zoom Host: Mike Gendron

7:15 The Vice Chairman, Jim Colman, opened the meeting and read virtual meeting guidelines. The Vice Chairman also announced that the ANRAD at 123 Quarry Road would be continued to **November 16th at 7:15 PM** and the NOI for 12 Spring Hill Road would be continued to **November 16th at 7:30 PM**.

Regular Business

7:20 **Request for Determination:** 5 Sandy Drive

Representing the applicant was Nathaniel Cataldo of Stamski & McNary. Nathaniel explained that the proposed plan was to replace a failing septic system. The new system is proposed in the same location as the old system and has already been approved by the Board of Health. Nathaniel explained that a portion of the septic and the leach field are proposed inside of the 100-foot buffer zone (less than 1000 sq. ft.) Siltation barriers were proposed on either side of the house to prevent runoff to the pond at the bottom of the hill and stockpiling would be in the lawn outside of the buffer zone.

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

Hearing closed at 7:23 PM

Amy moved to issue a negative 3 determination.

Peter 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**

7:23 **Notice of Intent:** 110-112 Central Street; DEP 85-13xx

Representing the applicant was Nick Pauling of GPR. Nick explained that the proposed project is to resolve some grading issues that occurred after the foundation was repaired when a car struck the house. Nick also explained that the foundation is exposed in a way that is not up to building code. The project would include regrading, as well as paver walkways on either side of the house and a paver patio underneath the deck in the back of the house.



Nick addressed that on the site walk some of the commissioners noticed that clearing had been done in the landscaped area of the yard. Nick stated that this was mostly junk and debris, but this area would be restored as part of the project scope (approximately 1200 sq ft).

There was a discussion about the history of filings on the property to try to determine how the current plan related to previous plans. After putting together, a relative timeline, the Vice Chairman suggested that the Commission focus on the proposed plan.

Zyvia Chadzynska expressed concern about the amount of work proposed inside of the 50-foot setback and the proximity to the septic system. Amy Green echoed that she had some concern with the amount of semi-impervious structure being added.

Nick explained that some of the improvements are proposed to get the building up to code; The vice chairman pointed out that it appears a Certificate of Occupancy has been issued. Amy stated that she would like to know what the building department actually believes needs to be done. The Vice Chairman opened the discussion about whether or not the patio/sidewalks are considered like activities or like structures under the bylaw. Amy stated that the non-conformance should refer back to what existed prior to the house was reconstructed and not the current state; some backtracking would need to be done to figure out what existed previously.

Amy mentioned that there probably needs to be restoration done on the landscaped area and possibly signs or boulders to stop people from dumping.

Prior to the next hearing, the Commission asked for the following items to be clarified:

1. What was the footprint of the building prior to the car accident?
2. What does the Building Department require to be done on this property to meet code?

Hearing no further comments/questions, the Vice Chairman announced that the hearing would be continued to **November 16th at 7:20 PM**.

8:05 **Notice of Intent:** 8 Fletcher Court; DEP 85-13xx (continued)

Representing the applicant was Nathaniel Cataldo of Stamski & McNary. Nathaniel explained the updates to the plan since the last hearing including the removal of the English Ivy and the row of boulders on the 50-foot setback. The Vice Chairman pointed out that the boulders should be placed until the slope gets too steep; Nathaniel agreed to fix that on the plan. Amy mentioned that she would recommend a special condition that if the property transfers ownership, the new owner must come before the commission to ensure they are aware of the dumping requirements and another that the boulders stay in place.



Public Comment - Terra (Mass Ave): "It doesn't seem to me in the public interest to allow building in the hundred-foot buffer zone... I'd like to understand what this setback is for."

The Vice Chairman explained that the 100-buffer zone represents the jurisdictional boundary of the Conservation Commission and that the town bylaw puts in place additional setbacks. The Vice Chairman added that projects can be approved in the buffer zone if the commission does not believe they have a significant impact on the interests of the Act.

Hearing no further comments/questions, the Vice Chairman announced that the hearing would be continued to **November 16th at 7:25 PM**.

8:19 Notice of Intent: 155 Summer Street; DEP 85-1335 (continued)

Representing the applicant was Bruce Ringwall of GPR. Bruce gave a brief explanation of the plan and showed the updates that had been made including the newly proposed location for the shed outside of the 50-foot setback.

Amy Green explained that she does see the retaining wall as a necessary improvement and that she does believe that the footbridge meets the intent of the bylaw, however she stated that she has an issue with the placement of the shed.

The Vice Chairman addressed a concern that there may be more foot traffic up and down the hill side, and this could cause increased erosion. Bruce mentioned that water bars could be used to prevent erosion.

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

Hearing closed at 8:29 PM

Decision

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

1. The shed must be at least 75 feet away from the wetland
2. There shall be a sign at the bridge prohibiting motorized vehicles and a chain with a lock.
3. On the slope on the west side of the property, water bars shall be placed at intervals sufficient to reduce or prevent erosion and a pre-construction review must be conducted by the conservation agent.

Kate 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**



8:43 **Notice of Intent:** 252-256 Main Street; DEP 85-1334 (continued)

Representing the applicant was Brian Butler of Oxbow Associates and Ken Staffier of VHB. Brian gave a recap of the proposed plan that was discussed at the previous meeting. Amy Green asked if they could include no snow dumping signs; Brian agreed.

Public Comment – Terra (Mass Ave): Will the building have a similar use for the proposed project?

Brian explained that he doesn't know what the specifics of the project are but he assumes that it will be a similar use.

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

Hearing closed at 8:57 PM

Decision

Amy moved to issue a standard order of conditions with the special conditions as that now snow dumping signs be installed at the southern side of the parking lot, every 50 feet.

Jillian seconded and the roll call was unanimous.

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

8:58 **Request for Determination:** 2 Taylor Road

Representing the Town of Acton was Mike Gendron. Mike gave a recap of the project that was discussed at the previous meeting. He mentioned that a site walk had been conducted since the last meeting. Mike also mentioned that the pipe that was proposed in the original project is no longer necessary.

Hearing closed at 9:03 PM

Decision

Amy moved to issue a negative 3 determination with the special condition that a stockpile of erosion control be kept on site.

Peter seconded and the roll call was unanimous.

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



Administrative Updates

9:05 **Boardwalk School Glycol Spill Update**

Representing Consigli Construction was Jay Rodriguez and Jeremiah Driscoll. Jay explained that on the site of the Boardwalk School, a demolition contractor clipped a geothermal branch circuit. This resulted in a release of a mixture of deionized water and propylene glycol, which reached the wetland via the outfall pipe.

Jeremiah explained that the system was immediately shut down and the outfall was plugged. He stated that the environmental mitigation subcontractor and LSP was called and arrived on site and DEP was notified. Environmental booms were put in the wetland and a vac truck skimmed the water to recover any product. Finally, the contaminated soil was removed from the site. Jeremiah explained that there is still no exact volume of release known yet at this time. He also stated that visual monitoring for fish kill is being done daily.

The Vice Chairman requested that another update be given at the November 16th meeting and that the wetland be monitored in the meantime.

Consent Items

9:16 **Certificate of Compliance, 66 Harris Street DEP 85-1292**

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

The meeting was adjourned at 9:17 PM.

Documents and exhibits used at this meeting:

- Request for Determination filing for 5Sandy Drive
- Notice of Intent filing for 110-112 Central Street; DEP 85-13xx
- Notice of Intent filing for 155 Summer Street; DEP 85-13xx
- Request for Determination filing for 2 Taylor Road
- Notice of Intent for 252-256 Main Street; DEP 85-13xx
- Notice of Intent Filing for 8 Fletcher Court; DEP 85-13xx
- Request for Certificate of Compliance for 66 Harris Street

All documents can be found at: <http://doc.acton-ma.gov/dsweb/View/Collection-15883>