



Acton Conservation Commission

Meeting Minutes
February 1st, 2023
7:15 PM
Virtual Meeting

Present: Terry Maitland (Chair), Jim Colman, Jillian Peters, Kate Warwick, Peter Hocknell, Zywia Chadzyska, Amy Green

Absent: N/A

Conservation Agent/Recording Secretary/Zoom Host: Mike Gendron

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

Regular Business

7:15 **Amended Order of Conditions:** 115 River Street; DEP 85-1323

Representing the applicant was George Mihov from Howard Stein Hudson and David Bamforth the owner of the parcel. George summarized the original work approved by an Order of Conditions, which was to tear down the existing building, erect a new building and add stormwater management.

George explained that during the Planning Board's 3rd party review by GCG, a few items were identified to be updated in order to meet the Town's stormwater management requirements. These included increasing the size of the French Drain, the underground infiltration system was moved to the west, two catch basins/outfalls added on the bridge and a rain garden.

Jim Colman explained that the proposed rain garden was inside of the 75-foot setback, which is not allowed by the bylaw. George responded by saying that this design was recommended by the town reviewer, and explained that there is no infrastructure being incorporated as part of the design. Additionally, he stated that the current design doesn't manage phosphorous entering the brook, and this new amendment would have an ecological benefit.

Jim Colman asked what an alternative would be to deal with the phosphorous; George explained that the alternative would be a much larger infiltration system which was deemed to be unachievable. Amy Green stated that she would like to see a formal waiver explaining the purpose of the rain garden; Jim expressed that a waiver would require a public benefit, and this project only has private benefit.

David Bamforth pointed out that the area for the rain garden is already disturbed and grading was already being proposed, so the impact would be minimal. Peter Hocknell asked the applicant if it was possible to move the rain garden so it is at least out of the 50-foot setback; George seemed to think this would be possible.



Zywia Chadzynska requested that a site walk be conducted; Jim added that he would like to see the area for the rain garden staked out. Amy also asked to have the catch basins could be staked out.

Hearing no further comments/questions the Chairman announced that the hearing would be continued to the virtual meeting on **February 15th at 7:30 pm.**

8:31 **Notice of Intent:** 247-249 Pope Road; DEP 85-1339 (continued)

Representing the applicant was Paul Kirchner from Stamski & McNary. Paul explained that the plan was updated after receiving comments back from the commission at the previous meeting. Paul explained that the circle driveway that was inside of the 75-foot setback has been removed from the plan and the new driveway is outside of the setback. Paul also stated that Infiltration Basin 1 has been moved outside of the 75-foot setback as well. Finally, Paul explained that they were able to reduce the amount of fill being proposed inside the buffer zone.

Jim Colman asked if there has been an analysis conducted to determine the amount of stormwater that will be directed to the neighbor's property. Paul explained that there hasn't been a specific analysis but they did change the direction of the pipe to move the water away from the property, and there is a hill that would prevent stormwater from moving in that direction.

Peter Hocknell asked if adding two feet of fill would affect the hydrology and push groundwater toward the abutters; Paul stated that the groundwater is shallow in the area but the capillary pressure has been determined for a long time and would likely be pulled up into the fill instead of pushed out.

Public Comment – Gabe Scripts (251 Pope Road): *Does not see a public benefit for this project. Was the tree warden involved in the site walk? The berm on the infiltration basin will create more velocity for stormwater.*

Jim Colman encouraged Paul to look into the velocity of the water coming off the berm and where that water will go.

Hearing no further comments/questions the Chairman announced that the hearing would be continued to the virtual meeting on **February 15th at 7:20 pm.**



Consent Items

Minutes of January 18th, 2023

Jillian Peters moved to approve the minutes of January 18th, 2023.
Peter seconded and the roll call vote was unanimous.

The meeting was adjourned at 9:10 PM.

Documents and exhibits used at this meeting:

Amended OOC Filing for 115 River Street; DEP 85-1323
NOI Filing for 247-249 Pope Road; DEP 85-1339
Meeting Minutes for January 18th, 2023

All documents can be found at: <http://doc.acton-ma.gov/dsweb/View/Collection-16269> and