



Acton Conservation Commission

Meeting Minutes

March 1, 2023

7:15 PM

Virtual Meeting

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

Absent: N/A

Conservation Agent: Mike Gendron

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

Regular Business

7:15 **Determination of Applicability:** 10 Spencer Road

Representing the applicant was Matt Marro. Matt explained that the proposed project was to replace a failing septic system. Matt showed that the work being proposed in the buffer zone was approximately 300 sq. feet to install a new tank; the existing system would be abandoned in place. The project has already been approved by the Board of Health.

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

Hearing closed at 7:20 PM.

Decision

Jim moved to issue a negative 3 determination.

Kate seconded and the roll call vote was unanimous; Amy was not present for the vote.

7:22 **Determination of Applicability:** 53 Newtown Road

Gabe Handel, the property owner, was representing himself. Gabe explained the proposed project was a small kitchen addition; all storage of materials would be outside of the buffer zone and erosion control would be placed between the limit of work and the wetland.

Gabe stated that the addition would be situated on helical piles and the only equipment needed in the work area would be the machine need to drive the piles. Jim Colman stated that he would like to see erosion control go from the property line to the driveway.

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

Hearing closed at 7:33 PM.



Decision

Jim moved to issue a negative 3 determination with a special condition that the erosion controls are extended and verified by the Agent.

Jillian seconded and the roll call vote was unanimous; Amy abstained.

7:35 Notice of Intent: 431 Main Street; DEP 85-1340 (continued)

Representing the applicant was Ted Doucette. Ted explained that the hearing was continued because there was no DEP number at the last hearing; no changes had been made to the plan.

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

Hearing closed at 7:36 PM.

Decision

Amy moved to issue a standard Order of Conditions.

Kate seconded and the roll call vote was unanimous.

7:37 Determination of Applicability: 5 Year Paving Plan

QinRui Pang, town engineer, explained that a 5-year paving plan had previously been approved by the Commission. QinRui was proposing to add two roads (Northbriar and Evergreen) to this list. No widening of the roads would be necessary and nearly 400 linear feet of erosion control would be placed along the edge of the work limits.

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

Hearing closed at 7:44 pm.

Decision

Amy moved to amend the Decision of Applicability.

Jim seconded and the roll call vote was unanimous.

8:29 Notice of Intent: 247-249 Pope Road; DEP 85-1339 (continued)

Representing the applicant Paul Kirchner of Stamsky & McNary. Paul stated that since the last hearing, the third-party reviewer (GCG) approved the stormwater management plan and the Planning Board approved the residential compound. Additionally, Paul showed that per the Commission's request boulders, wetland seed mix and 10 trees had been added to the plan.



Zywia Chadzyska pointed out that the spacing between the boulders was 25 feet, which is not consistent with the Commission's normal requirements of 10 feet on center. Paul stated that although he felt 25 feet was sufficient in this particular case he would be willing to accept 10 feet as a condition.

Paul showed that the current plan has 3200 sq feet of buffer zone disturbance and 6900 sq feet of restoration. Amy stated that as a condition of approval she would like to see verification of tree survival and that if the property changes hands the new owner must review the OOC with the Conservation Agent.

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

Hearing closed at 8:09 pm.

Decision:

Amy moved to issue a standard order of conditions with the following special conditions:

1. Boulders must be spaced 10 feet on center.
2. At least one no mowing and dumping sign must be placed between boulders at the end of the driveway; with language and design approved by the Agent.
3. The new trees must be monitored for success and be reported on at time of COC Request.
4. Any new owner must contact the agent prior to moving in to review the Order of Conditions

Jim seconded and a roll call vote was unanimous.

8:14 **Notice of Intent:** 530 Massachusetts Ave; DEP 85-1341 (continued)

Representing the applicant Paul Kirchner of Stamsky & McNary, Corey York with Town of Acton DPW and Matt Mostoller of Acton Water District. Paul explained that the revised plan shows minor adjustments to the edge of pavement, but the location of the outfall remains the same. Paul asked Matt Mostoller if he could provide more information on why an alternate location would impact the AWD property.

Matt explained that the site adjacent to Gardner Field has been identified as a future drinking water well. Matt stated that in this groundwater protection zone there is less than 1-year travel time from stormwater to the well site. If the outlet was directed right at the AWD property, the water would not properly infiltrate and would not recharge the aquifer.

Jim Colman stated that there is already an existing road that must have more impact on the well site and this very low flow water seems like it would have no significant change; for this reason, Jim stated that this doesn't seem like a good enough reason to go against



the wetland bylaw. Jim explained that he would like to see a specific explanation from a hydrologist on how this minor change would impact that well site.

The commission urged the applicant to either make a more compelling case for a public benefit waiver or to find a new plan that meets the setbacks of the commission and works for the AWD.

Hearing no further comments/questions the chairman announced that the hearing would be **continued to March 15th at 7:30 pm.**

The meeting was adjourned at 9:15 PM.

Documents and exhibits used at this meeting:

RDA Filing for 10 Spencer Road
RDA Filing for Northbriar/Evergreen Paving
NOI Filing for 431 Main Street; DEP 85-1340
RDA Filing of 53 Newtown Road
NOI Filing for 247 Pope Road; DEP 85-1339
NOI Filing for 530 Massachusetts Ave; DEP 85-1341

All documents can be found at: <http://doc.acton-ma.gov/dsweb/View/Collection-16326>