



Acton Conservation Commission

Meeting Minutes

November 15th, 2023

7:15 PM

Hybrid Meeting (Room 204 & Zoom)

Present: Terry Maitland (Chair), Jim Colman (Vice-Chair), Peter Hocknell, Zywia Chadzynska, Amy Green

Absent: Jillian Peters, Kate Warwick

Conservation Agent: Mike Gendron

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

Regular Business

7:15 **Request for Determination:** 24 Conant Street

Representing the applicant was his contractor; he explained the proposed project to remove an existing pool inside the wetland buffer zone and naturalize the area. The Commission asked if there was a reason the erosion controls couldn't be tightened to the outside of the existing fence; the contractor agreed.

The Chair closed the hearing at 7:26 PM

Decision:

Amy Green moved to issue a negative 3 determination with the special condition that construction access be to the North of the house and erosion controls hug the fence as much as possible.

Zywia Chadzynska seconded and the motion passed unanimously.

7:30 **Notice of Intent:** 308 Old High Street

Representing the applicant was George Dimakarakos of Stamsky and McNary and legal counsel Shawn McCormick. The applicant Mike Carpenter was also present. George explained the proposed project to keep the existing storage containers that were installed inside the 75' setback without a permit. Additionally, the applicant proposed to improve the buffer zone by removing invasive species and restore the degraded area, including native plantings.

George explained the site has historically has seen trailers and trucks, and has been utilized heavily. There is existing construction debris and trailers that will be removed as part of the proposed plan.



Jim Colman, explained that the structures were put in without a permit and violate the Commission's 75-foot setback for new structures. He mentioned that on the site walk it appeared the storage containers could be moved outside of this setback.

The applicant's counsel argued that because there have been similar structures and activities occurring on the site for a long time, including inside of the 50 foot setback, the Commission could approve this project within this provision of the Bylaw. Amy Green mentioned that these storage containers are essentially an extension of the building and are different than trailers that come and go.

Jim Colman explained that the hearing couldn't be closed out at this point because the DEP has yet to review the project and issue a file number. Members of the Commission asked to see an alternative design that moved the containers as far outside of the 75-setback as possible. Additionally, a more detailed invasive management plan and an analysis of buffer zone impact was requested. The applicant's legal counsel stated that if the applicant were to take on an alternatives analysis, this would be voluntary and their position remains that the current plan has less of an impact on the resource area than what previously existed.

Hearing no further comments/questions the Chairman stated that the hearing would be continued to the December 6th meeting at the applicant's approval; the applicant agreed.

8:12 Request for Determination: 12 Jefferson Drive

Representing himself was the property owner, Adam Samler. Adam explained the scope of the project to reinforce and extend an existing deck and landing. Adam stated that all of the work is inside of the 75-foot no build setback, however all of the proposed work is further from the wetlands than the existing deck.

The Chair closed the hearing at 8:16 PM

Decision:

Amy Green moved to issue a negative 3 determination with the special condition that erosion controls be installed around limit of work.

Zywai Chadzynska seconded and the motion passed unanimously

8:18 Notice of Intent: 284 High Street

Representing the applicant was Margaret McCarthy, Alex Gaspar and Dylan Arikson of Weston and Sampson. Margaret explained the scope of the project to add PFAS treatment infrastructure to the South Acton Water Treatment facility.



Alex showed the plan and described that the work inside of the buffer zone is a underground pipe connection, driveway expansion, grading and infiltration basins.

Hearing no further comment/commission the Chair stated that the hearing would be continued to the December 6th meeting since DEP has not completed its review of the project.

8:33 **Notice of Intent:** 1 & 2 Thomas Drive; Bylaw filing only

Representing the applicant was Nick Pauling of GPR. Nick explained the scope of the project to build two new houses as part of a previously approved PCRC subdivision. Nick explained that the stormwater infiltration systems were revised since the original planning board approval in order to comply with the Town's updated stormwater regulations. Due to this, Nick explained that the proposed plan has a stormwater basin proposed 51 feet from the wetland. Nick explained that a waiver was submitted stating that the stormwater management proposed on site would be a net benefit to the wetland. In addition, the applicant would propose to remediate the invasive buckthorn in the 50-foot setback.

Jim Colman explained that there needs to be a public benefit to grant a waiver; in this case there doesn't appear to be one. The applicant and the Commission agreed that there wasn't enough information at this time to make a decision.

Hearing no further comments/feedback the Chair stated that the hearing had been continued to the December 6th meeting.

Consent Items

Certificate of Compliance: 26 Carlisle Road

Jim Colman moved to issue the Certificate of Compliance.
Peter Hocknell seconded and the motion passed.

Certificate of Compliance: 7 Fort Pond Road

Peter Hocknell moved to issue the Certificate of Compliance.
Jim Colman seconded and the motion passed.



Meeting Minutes of October 18th

Amy Green moved to approve as amended, Zywia Chadzynska seconded and the motion passed

9:26 Meeting adjourned