



**Town of Acton
Open Space Committee**

Meeting Minutes
March 7th 2025

8:00 AM VIRTUAL and in Person

Acton Town Hall Room 9, 472 Main Street, Acton, MA 01720

Committee Members Present: Karen O'Neill (Chairing Meeting Co-Chair, Full Member), Matt Mostoller (Full Member, AWD), Amy Green (Full Member), Terry Maitland (Co-Chair), Brandon Comstock (Full Member)

Committee Members Absent: Bettina Abe (Full Member), Michaela Moran (Planning Board Liaison),

Non-Committee Members Present: Olivia Barksdale (Conservation Agent), Susan Mitchell-Hardt (ACT), David Martin (Select Board - Liaison), Jody Harris (ACT), Joe Cooney (ACT), Meredith Houghton (SVT),

Meeting Open

8:03am. Karen O'Neill, Co-Chair called the meeting to order and conducted roll call.

I. Regular Business

1. Review meeting minutes

- a. 8:03am. Karen O'Neill, the chair, asked if there were any changes to the February minutes. Olivia Barksdale mentioned that the only changes received were from Susan and incorporated some of Susan's comments and made the following alteration: "Boulder is replaced on an easement" was used to correct the message, rather than "on the boundary line.". Karen asked for any other comments or questions about the minutes. With no further discussion, she requested a motion to approve the minutes. Terry Maitland moved to approve the minutes and Matt Mostoller seconded. Karen O'Neill took roll, all voted yes and Matt Mostoller abstained.

2. Status of property Conservation Restrictions (any changes)

- a. 8:04am. Terry Maitland reported that he had encountered Mike Gendron at the MACC conference over the weekend. Mike had passed on the Conservation Restriction (CR) for the Wetherbee property to the state for review.

Meredith Houghton provided more context, explaining that while Mike Gendron may have reviewed the CR, it still needed to go through the legal team at DCS. She anticipated receiving comments from both Mike and the legal team, after which Olivia and Meredith would work through any necessary edits. Depending on the



nature of the comments, they might need to liaise with the committee again. Meredith emphasized that this process takes time and involves back-and-forth communication.

Olivia Barksdale updated the committee on the progress of stabilizing the site. Over the past 2-3 weeks, work had been done on the towers and house for safety reasons. The cleanup was expected to be completed early the following week, after which the town would conduct three weeks of due diligence to ensure everything was up to standard.

Susan Mitchell-Hardt mentioned a meeting scheduled for the following Monday at 10 AM to discuss how to address the encroachment created by a 2-foot rock wall on the CR land at Piper Lane

Matt Mostoller suggested that the committee could undertake an effort to identify other non-conforming CRs in the town, similar to one that benefits his district and has expired. He proposed looking at properties that are part of planning board decisions or that people think are protected but may not meet today's standards. Susan inquired about the parcel Matt was referring to, and he clarified it was at the end of Grasshopper Lane, behind Post Office Square, with a pond between there and the rail trail. Matt estimated that their area on it was about three-quarters of the parcel.

II. New Special Business

1. Presentation of proposed new general bylaw re: tree clearing delay

- a. 8:15am. Olivia Barksdale presented the proposal for a tree clearing delay bylaw, which she noted could also be thought of as a tree protection bylaw. This proposal was in response to a 2022 Acton town meeting non-binding resident petition to bring forward a tree or land clearing limit bylaw. Olivia outlined the existing bylaws in Acton that partially address tree clearing and protection. Olivia then explained the proposed approach, which combines two methods: Land Clearing Limits: This is being addressed through the Habitat for All initiative, which would require all new residential subdivisions to have 60% of their property designated as natural resource land. This initiative is being brought forward for consideration at the May 2025 town meeting. Tree Clearing Delay: This would be introduced as a general bylaw to complement Habitat for All. It would include a 24-month look-back period to prevent developers from clearing land and then claiming there are no resources to protect when applying for permits.

The proposed tree clearing bylaw would require developers or landowners to obtain approval prior to clearing their lot. It would supplement Habitat for All by protecting existing trees on private property. The bylaw would include exceptions for agriculture, diseased or blighted trees, and trees posing hazards during



emergencies. Fines would be imposed for non-compliance, with enforcement by the conservation agent.

Committee members raised several questions and concerns. Karen O'Neill suggested reducing the threshold from one acre to half an acre to protect more trees. David Martin explained that the one-acre threshold was chosen to focus on subdivisions rather than individual property owners. Susan Mitchell-Hardt inquired about the definition of "6 DBH" (Diameter at Breast Height), which was clarified as meaning 6 inches in diameter. Terry Maitland expressed concern about the potential burden of tree-by-tree accounting, based on his experience with a 40-acre property under a similar bylaw. Olivia noted that the bylaw still needed refinement, particularly in defining "forest" and determining total land area exemptions and enforcement details. She also mentioned that the fines would be set according to state regulations, which might be considered minimal for developers.

The committee generally supported the proposal, recognizing it as a good step toward protecting trees and natural resources in Acton.

- 2. Updates the status of the Wetherbee/Moritz property and CR (land cleanup)**
 - b.** 8:43am. This item was briefly discussed earlier in the meeting when talking about Conservation Restrictions. Olivia Barksdale had reported that over the past 2-3 weeks, work had been done on stabilizing the site, including work on the towers and house for safety reasons. The cleanup was expected to be completed early the following week, after which the town would conduct three weeks of due diligence to ensure everything was up to standard
- 3. Updated on any other land other parcels**
 - a.** 8:44am. Olivia Barksdale provided an update on the 42 Taylor Road ANRAD permit. The applicants had requested a continuance because there was snow cover during a site visit on the Tuesday before the meeting. The conservation commission had asked for a site visit to check the perennial stream running through the middle of the property, which needed to be done without snow. The continuance was granted, and the matter was rescheduled for March 19th.

Regarding the Betty Estates (484 Great Road), Olivia explained that the existing Conservation Restriction (CR) was one of the first in Acton, donated by the family in 1978. The CR was renewed in 2007 and is approaching its renewal date in 2027. As part of the development process, the landowners need to update the CR to current state language. Olivia noted that this process is complex and time-consuming, and the landowners may not fully realize the magnitude of what they're undertaking in the timeframe they've set for themselves.



Susan Mitchell-Hardt expressed interest in the public access being created to the Buxton land, which includes a boardwalk. She recalled having to bushwhack from Acorn Park to access the land in the past and was pleased to hear about the improved access.

Terry Maitland inquired about the status of the Open Space and Recreation Plan. It was confirmed that the plan is complete and available online, though physical copies were still being worked on. Susan asked about the location of the priority parcel list within the plan, which was confirmed to be in the appendix.

4. Next Meeting/ Meeting Times/ Meeting Location

- a. 8 am, Room 9, April 4th 2025

III. Consent Items

- 1. None

IV. Next Meeting:

- 1. April 4, 2025

- a. 8:57am. Karen O'Neill asked for a motion to adjourn. Terry Mainland motioned to close and Matt Mostoller seconded. Roll call vote was taken and all voted yes.