

Acton Conservation Commission

Meeting Minutes

December 3 2025

6:15 PM

Room 204 & Zoom

Present: James Colman (Vice-Chair), Peter Hocknell, Amy Green, Jillian Peters, Zywnia Chadzynska, Terry Maitland (Chair), Kate Warwick

Absent:

Conservation Agent: Olivia Barksdale

Public Concerns and Regular Business

Hearing opened: 6:14pm

6:15PM 976 Main Street- Ed Kennedy

Ed Kennedy presented plans for remediation work at 976 Main Street. He explained that the plan showed the wetland flagging that had been reviewed by the Commission as well as the proposed remediation work. Kennedy displayed a plan showing the delineated wetland flags, with lines marking the 50-foot and 100-foot buffer zones. Kennedy explained that their proposal was to remove soil from the top of an existing berm that had been added to a natural embankment. He clarified that they would remove the added soil to restore the berm to its original height, without moving the natural embankment that was already there. They would also remove soil that had spilled around trees on the other side and seed the area with a New England wildflower mix. Commissioner James Colman asked for clarification about where the new berm line would be located. Kennedy explained they would not move the natural embankment that was already there from the gravel excavation, just remove the soil off the top that had made it higher.

Amy Green suggested issuing a "friendly enforcement order" to allow the work to proceed in the buffer zone without requiring a formal filing. She explained this would provide a mechanism to track the work and sign off when completed. The Commission discussed the specifics of the enforcement order, which would require the Kennedys to restore the area according to the plan dated October 28th and provide a monitoring report in Spring 2027 after the work is completed in Spring 2026. The applicant would also need to notify the Conservation office when beginning the work.

Motion: James Colman moved to issue an enforcement order requiring the Kennedys to restore the area as shown on the plan dated October 28th, perform the work in Spring 2026, and provide a report on the success of the plantings in Spring 2027. Amy Green seconded the motion. The motion passed unanimously.

6:28PM Determination of Applicability- Public Meeting – 10 Wingate Lane

Keith Duff, presented a RDA for installing a fence at 10 Wingate Lane. Duff explained that he and his wife are moving to the address from Denver and want to build a fence to contain their three dogs and keep them away from wildlife. After consulting GIS maps, they designed

the fence to stay outside wetland areas and had surveyors stake the proposed fence line. During discussion, Commissioner Amy Green asked if Duff would be willing to include wildlife passages under the fence in areas parallel to the wetland. Duff expressed concern that allowing wildlife passage could potentially put animals at risk from his dogs. After further discussion about the appropriate size and spacing of wildlife passages, the Commission agreed on including 4-inch high, minimum 1-foot wide passages every 50 feet along the western fence line that abuts the wetland.

Motion: James Colman moved to issue a negative determination #3 with the condition that at least once every 50 feet along the western fence that abuts the wetlands, there be a minimum 1-foot long, 4-inch high passageway under the fence. Jillian Peters seconded the motion. The motion passed unanimously.

6:42PM Determination of Applicability- Public Meeting – 198 Arlington Street

Chris Williams of 198 Arlington Street presented a request to install a beaver deceiver in a stream adjacent to his property. She explained that over the past year, a large beaver dam had developed that was causing flooding on her property. Williams noted that DPW had cleared the dam three days ago, but the beaver was already rebuilding it. The proposed beaver deceiver would allow water to flow through the dam while maintaining a consistent water level, effectively restoring the water level to what it was before the beaver dam was built.

The Commission discussed whether this work should be filed as a Request for Determination of Applicability (RDA) or a Notice of Intent (NOI). Several commissioners expressed concern about setting a precedent for future beaver management applications, noting that projects with hydrological impacts might warrant the more detailed NOI process.

Commissioner Amy Green noted that there appeared to be multiple beaver dams in the area, including one upstream that was impacting properties on Houghton Lane in Arlington. She clarified that this particular dam mainly affected the floodplain area of Williams' yard. There was also discussion about whether the project qualified as an emergency situation, which would typically permit an RDA filing.

After considerable debate about the appropriate filing mechanism and consistency with previous decisions, the Commission voted to approve the project under an RDA.

Motion: Peter Hocknell moved to issue a negative determination #2 with two conditions: (1) that the applicant will notify all abutters of the intent for this project, and (2) to provide status reports with before and after construction evidence to show the effect of the installation on the water level. Jillian Peters seconded the motion. The motion passed 5 yes, 2 abstain

7:25PM Hazard Tree Removal- 5 Sandy Drive

Loreen Ali presented a request to remove three hazardous trees at 5 Sandy Drive that are leaning toward her home. Tree #1 is a large pine, tree #2 is a large oak, and tree #3 is a smaller pine. At the previous meeting, the Commission had asked Ali to consult with her tree company about possibly pruning tree #2 (the oak) rather than removing it. Ali reported that while pruning was possible, it would not address her main concern about the tree leaning toward her home. She emphasized that she was seeking tree removal to protect her home and family, not for aesthetic reasons or future building plans. Ali indicated her willingness to plant replacement vegetation at a 2:1 ratio. The Commission discussed the ecological value of

the oak tree compared to the pines and appropriate mitigation ratios. After deliberation, they determined that a total of seven new plantings would be appropriate replacement for the three trees being removed.

Motion: Peter Hocknell moved to approve the removal of all three trees (1, 2, and 3) with the replacement of one red maple and two each of dogwood, summer sweet, and swamp azalea (seven plants total), with the condition that if a change needs to be made, the homeowner alert the conservation agent, and a commitment to check back after a year to ensure the plants are healthy and taking root. Jillian Peters seconded the motion. The motion passed with two abstentions from commissioners who had not visited the site.

7:46PM Notice of Intent–Public Meeting -91 Newtown Road - DEP 085- 1387

Nathaniel Cataldo of Stamski and McNary Engineering presented the continued Notice of Intent for 91 Newtown Road. The plan remained unchanged from the previous meeting. Cataldo stated they were willing to accept conditions regarding the establishment of a permanent edge of lawn. Commissioner Amy Green requested a breakdown of existing and proposed impervious surfaces within the various buffer zones. Cataldo provided the total figures: existing 2,231 sq. ft. and proposed 4,174 sq. ft., but did not have a breakdown by buffer zone.

Several commissioners raised concerns about the grandfathering status of the existing house, which appeared abandoned and in very poor condition. James Colman questioned whether the structure was "serving its intended use" as of April 2003 when the current bylaw was enacted, which would affect its grandfathering status. Cataldo maintained that the intended use was still as a single-family home despite its condition.

Olivia Barksdale provided information about the property's history, noting the structure was built in 1961, with permits for a shed in 1963, roof replacement in 1981, electrical work in 1997, and a plumbing permit in 2015. The Commission also discussed proposed landscape changes including removal of fill piles, planting plans, and the establishment of a boulder line to mark the edge of the lawn. After considerable discussion, the Commission requested additional information before making a decision.

Motion: The Commission voted to continue the hearing to December 17, 2025, at 6:15 PM, requesting additional information including: a breakdown of impervious areas in the different buffer zones, more history of when the house was abandoned, consideration of alternatives like a smaller house without a garage, specifications on well installation, and a revised planting plan for the back area.

8: 21 PM Administrative Updates

Review and Approve Meeting Minutes 11/05/2025, 11/19/2025

Motion: James Colman moved to approve the minutes of November 5, 2025, as amended by Zywia and Amy's comments. Amy Green seconded the motion. The motion passed unanimously.

Motion: James Colman moved to approve the minutes of November 19, 2025, as amended. Kate Warwick seconded the motion. The motion passed unanimously.

Review Standard Conditions

The Commission began reviewing and revising the standard conditions for Orders of Conditions. They discussed and approved changes to several conditions, including:

1. Modifying condition #1 to read "It is the applicant's responsibility to ensure that all work is carried out in accordance with this Order, including work done by contractors or any other party."
2. Discussing conditions #2 and #3 regarding the Commission's right of access, with a note to check with Town Counsel about the legal implications.
3. Amending condition #4 to clarify that operation and maintenance of facilities and structures "shall be ongoing and will not expire with the issuance of the certificate of compliance."
4. Rewording condition #5 regarding changes to approved plans to emphasize that approval must be obtained prior to implementing any changes.
5. Questioning condition #6 about recording Orders of Conditions on deeds, with agreement to consult Town Counsel about the legality of this requirement.
6. Changing "shall" to "may" in condition #8 to preserve the Commission's discretion regarding enforcement.

The Commission agreed to continue reviewing the remaining conditions at a future meeting.

Review Hazard Tree Policy

The Commission briefly discussed updating the Hazard Tree Policy and potentially creating a separate guidance document for beaver deceivers. They agreed to address these items at a future meeting when more time was available.

8:57 Close Hearing

Motion: Commissioner Peter Hocknell moved to close the meeting. Commissioner Amy Green seconded the motion.

Documents and exhibits used at this meeting

Location: Home \ Boards & Committees \ Conservation Commission \ 2025 Meetings \ 12-03-2025 Meeting Information Listing

12-03-2025 Meeting Information

<input type="checkbox"/> Selected...	Type	Title	Owner	Modified Date	Size	Actions
<input type="checkbox"/>		12-3-2025.pdf	obarksdale	12/02/25	226 KB	
<input type="checkbox"/>		Minutes for ConCom 11_05_25 Draft.docx	obarksdale	12/02/25	83 KB	
<input type="checkbox"/>		Minutes for ConCom 11_19_26 Draft.docx	obarksdale	12/02/25	84 KB	
<input type="checkbox"/>		10 Wingate Lane RDA Fence	obarksdale	11/25/25	0	
<input type="checkbox"/>		198 Arlington Street RDA Beaver Deceiver	obarksdale	11/25/25	0	
<input type="checkbox"/>		5 Sandy Drive - Haz Tree 3 Trees	obarksdale	11/25/25	0	
<input type="checkbox"/>		91 Newtown Road - NOI Single family house	obarksdale	11/25/25	0	
<input type="checkbox"/>		976 Main Street Behind Soil Storage	obarksdale	11/25/25	0	

All Documents can be found at: www.Judicial.gov

<https://doc.actonma.gov/dsweb/View/Collection-19752>