



## Acton Conservation Commission

Meeting Minutes

August 3, 2022

7:15 PM

Virtual Meeting

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

Conservation Agent and recording secretary: Mike Gendron

Zoom Host: Kim Clark

### **Regular Business**

7:15 The chairman Terry Maitland opened the meeting and read the Virtual Meeting guidelines. The chairman announced that the public hearing for the NOI for 7 Horseshoe Drive will be continued to August 17th, 2022 at 7:15 PM and would be held virtually.

7:18 **Request for Determination: 6 Stow Street**  
The Chairman, Terry Maitland opened the hearing at 7:18 PM

Robert Melvin of Stamski and McNary represented the home owner and explained the scope of the project. Robert gave an overview of the various buffer zones and setbacks on the property, and detailed the location of the new sewage disposal system, chosen to limit disturbance of the wetlands. Robert noted that the Board of Health is requiring them to include a Microfast system, fitted for nitrogen removal. To accommodate this, the tank originally designed for a 1500 GAL capacity would need to be increased to a 2000 GAL capacity. Robert clarified that this was the last update required prior to Board of Health approval.

Jim Colman asked about the breezeway remodel that was included as part of the RDA. Robert explained that the existing breezeway would be turned into living space, but no construction would be outside of the existing footprint. Jim asked what the current state of the breezeway was; Mike Gendron confirmed that it is closed in on two sides, connecting the house to the garage. Peter Hocknell asked if the breezeway was above ground level; Mike confirmed that there are steps leading up to the slightly elevated breezeway.

Hearing no further questions or comments, the Chairman closed the hearing.

**Hearing closed at 7:28 PM**

### **Decision**

Jim moved to issue a negative 3 determination with the condition that if the Board of Health requires any further changes, the applicant would need to come back before the Conservation Commission.



Amy seconded and the roll call upheld the motion.

Jim Colman – **Aye**; Amy Green – **Aye**; Zywia Chadzynska – **Abstain**; Jillian Peters – **Aye**; Peter Hocknell – **Aye**; Kate Warwick – **Aye**; Terry Maitland - **Aye**

**7:30 Request for Determination: 501 Massachusetts Ave**

The Chairman opened the hearing at 7:30 PM

Presenting for the applicant was Heather Murphy of Keller Williams Realty. Heather explained that the plan is to remove the existing patio (brick, wood, sand) that is currently located within the 50 foot no build setback. Jim Colman asked for clarification on what type of equipment would be necessary for the work. The applicant, Ken Ward, explained that the removal would only require a wheel barrel and truck. Zywia Chadzynska asked where the truck would be staged; Heather showed the staging location for the truck behind the garage on an overhead photograph. Zywia requested clarification on why this work was being done; Jim explained the nature of the violation. Heather emphasized that they wanted to restore the land to it's natural state which existed prior to the patio being installed.

Amy Green asked if loam would be required when replanting; Heather explained that it would depend on the state of the land once the patio was removed. Amy also asked if there was a plan for erosion control; Ken pointed out that erosion control was shown on the original plan, 8 feet from the patio. Amy stated that Mike should be notified when erosion control is in place and once the work is finished.

Hearing no further questions or comments, the Chairman closed the hearing.

**Hearing closed at 7:42 PM**

**Decision**

Amy moved to issue a negative 3 determination, with the condition that the town conservation agent be notified when erosion control is put in place and again when work is complete, prior to the erosion control being removed.

Jim seconded and the roll call was unanimous.

Jim Colman – **Aye**; Amy Green – **Aye**; Zywia Chadzynska – **Aye**; Jillian Peters – **Aye**; Peter Hocknell – **Aye**; Kate Warwick – **Aye**; Terry Maitland - **Aye**

**7:44 The Chairman announced that the public hearing for the NOI for 100 Discovery Way will be continued to August 17th, 2022 at 7:30 PM and would be held virtually.**

**7:45 Notice of Intent: Heath Hen Meadow Boardwalk; DEP 85-13xx (continued)**

Bettina Abe from Town of Acton Conservation, introduced a plan to replace the existing boardwalk at Heath Hen Meadow Conservation Area. Bettina showed the current state of the existing, 211 foot boardwalk, and explained that the support systems are rotting out.



The new boardwalk would be raised approximately 1 foot and would be comprised of aluminum poles and recycled plastic dock frames.

The Chairman asked how long the project would take and how long the board walk would be out of order; Bettina responded by explaining that all of the work will be done by volunteers and the length of the project would depend on the volunteer work force's availability. Bettina also stated that a notice would be posted in order to notify the public of the ongoing work. Jillian Peters mentioned that she uses the boardwalk frequently and expressed concerns about the current state of the boardwalk. Peter asked if there was a concern about the aluminum poles settling; Bettina referenced similar designs that have already been used by the town, and explained that there hasn't been any significant settling.

Bettina also explained that as part of the project, some vegetation and a dead tree would need to be cut and the beaver deceiver that already exists at the site would need to be reset. Amy Greene requested that a memo be added to include the request to remove vegetation, the dead tree and resetting the beaver deceiver. The Chairman asked if there was a DEP number for the NOI; Bettina confirmed that there was not.

- 8:12 Hearing no other questions or comments, the Chairman announced that the hearing for the Heath Hen Meadow NOI would be continued to August 17<sup>th</sup> at 7:20 PM, and would be held virtually.
- 8:13 **Notice of Intent: 225 Newtown Road; DEP 85-13xx (continued)**

Representing the applicant were Tom Schutz of Goddard Consulting LLC and Ian Rubin of Markey & Rubin, Inc. Tom Schutz started by explaining that the project required an access road to be added in order to accommodate the subdivision. Tom stated that the access road would impact 1,621 sq. ft. (831 sq. ft. of that would be inside of the 75 foot setback). In order to displace some of this impact, Tom explained that 36 plants were to be planted and approximately 5 lbs of conservation seed would be used in order to increase the area of natural habitat and decrease runoff.

Tom passed it off to Ian who discussed that an infiltration basin and sediment forebay would be installed in order to reduce/clean runoff that may impact the wetland. Ian explained that the infiltration basin would reduce peak and normal runoff conditions and all construction was being conducted above Newtown Road so it should not compound impact to the wetland. Amy asked what storm would result in an overflow of the infiltration basin; Ian responded that a two-year storm would result in overflow. Amy stated that this seemed unusual and that she would have expected it to be 25-50 years. Jim Colman asked if the Town Engineer had approved the stormwater plan, to which Ian confirmed that they had. Jim asked for clarification on where the path of water would be; Ian explained that the water would be fed from the top of the development and filter down toward the sediment forebay. Jim had concerns about the amount of runoff and asked for confirmation that town planning and engineering had signed off on this plan. The town's Planning Director, Kristen Guichard, offered to speak on the topic; Kristen



confirmed that town planning/engineering had signed off on the stormwater plan and a third party review was conducted.

Amy asked Tom Schutz where the restoration area was and Tom showed its location on the plan and confirmed that no trees or shrubs would be removed as part of the planting plan.

Zywia Chadzynska asked where the current access road was; Ian pointed it out on the plan and explained that it was through an easement and outside of the buffer zone. Jim mentioned that at the site visit they observed a road where the proposed access road is, with large stock piles along it. Ian stated that to the last time he was on the site, the access road was located off to the right. Jim said that the current access road was to the left of the culvert.

The Chairman stated that there doesn't seem to be anything missing from a conservation perspective; Jim agreed considering that town planning, engineering and a third party approved the plan. Amy asked for confirmation that there was no DEP number; Tom confirmed that had not received a DEP number yet.

8:41 Hearing no other questions or comments, the Chairman announced that the hearing for the 225 Newtown Road NOI would be continued to August 17<sup>th</sup> at 7:40 PM, and would be held virtually.

### **Consent Items**

#### **Minutes of July 20, 2022 (as amended)**

Jim moves to approve the minutes of July 20, Zywia seconded and the roll call was unanimous.

#### **Documents and exhibits used at this meeting:**

Request for Determination filing for 6 Stow Street  
Request for Determination filing for 501 Massachusetts Ave  
Notice of Intent filing for Heath Hen Meadow Boardwalk DEP 85-13xx  
Notice of Intent filing for 225 Newtown Road DEP 85-13xx

**All documents can be found at: <http://doc.acton-ma.gov/dsweb/View/Collection-15419>**

**The meeting was adjourned at 8:45 PM.**