



Acton Conservation Commission

Meeting Minutes

November 16, 2022

7:15 PM

Virtual Meeting

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

Conservation Agent/Recording Secretary/Zoom Host: Mike Gendron

7:20 The Vice Chairman, Jim Colman, opened the meeting and read virtual meeting guidelines.

Administrative Updates

7:22 **Boardwalk School Glycol Spill Update**

Jeremiah Driscoll of Consigli Construction was back to give an update on the October 27th Glycol spill at the Boardwalk school. Jeremiah explained that since the last meeting they had been able to calculate that approximately 1300 GAL were released, which was significantly less than the original estimate of 10,000 GAL. Most of this spill was contained on the construction site. Since the spill, the area has been monitored and there has been no sign of a fish kill or ecological damage.

Regular Business

7:27 The Vice Chairman announced that he hearing for 123 Quarry Road would be continued on the applicants request to the **virtual December 7th meeting at 7:15 PM**

7:28 **Notice of Intent:** 110-112 Central Street; DEP 85-1337 (continued)

Representing the applicant was Nick Pauling of GRP. Per the commissioners request at the previous hearing, Nick was able to gather data about what the property looked like prior to the 2020 car crash. Nick showed pictures of what previously existed and explained that calculations were done to figure out the amount of square footage disrupted under pre-construction conditions, current conditions and the proposed plan. Nick stated that the proposed plan has the same amount of encroachment as the pre-construction conditions.

Nick also explained that after coordinating with the town's building department and considering the commissioners' concerns, the plan was changed including removal of the proposed walkways on the side of the house and the addition of a small retaining wall.



Nick stated that 24 native plants were to be planted in the restoration area, and a list of native plants was shown on the plan. Additionally, boulders with signage were proposed at the start of the landscaped area.

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

Hearing closed at 7:43 PM

Decision

Amy moved to issue a standard order of conditions, waiving conditions 18 & 19, including the following special conditions:

1. A line of boulders are to be set along the start of the landscaped area. The boulders should be 3'-4' in diameter and height. Each boulder should be buried up to half of its height. Boulders should be spaced 10' apart on center.
2. The boulders shall be placed during clear weather
3. Signage with language approved by the conservation agent shall be affixed to every other boulder or shall be on a post next to every other boulder.
4. The planting list shall contain a minimum of 4 native species. This list and the location of the plantings shall be approved by the conservation agent.
5. A site walk shall be conducted with the conservation agent to identify any debris to be removed inside of the 50-foot setback.
6. The following conditions shall be held in perpetuity: Acton Bylaw standard condition 20, special condition 1 and special condition 3.

Zyvia seconded and the roll call was unanimous

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

7:44 **Notice of Intent:** 8 Fletcher Court; DEP 85-1336 (continued)

Terry Maitland recused himself from the hearing. Representing the applicant was Nathaniel Cataldo of Stamski & McNary. Nathaniel explained that the last hearing was continued because there was no DEP number and the only change that was made since the last hearing was the line of boulders was extended along the 50-foot setback.

Public Comment – Terra (Mass Ave): *Wanted to remind the commission that it is within their power to change the bylaws to not allow structures within the 100-foot buffer zone in order to reduce impact on climate change, biosystem and wildlife.*

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

Hearing closed at 7:53 PM



Decision

Amy moved to issue a standard order of conditions, including the following special condition:

1. A line of boulders are to be set along the 50-foot setback. The boulders should be 3'-4' in diameter and height. Each boulder should be buried up to half of its height. Boulders should be spaced 10' apart on center. This condition will be held in perpetuity.

Jillian seconded and the roll call was unanimous

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

7:57 The Chairman, Terry Maitland returned to the meeting and took over as acting Chair.

7:58 **Notice of Intent:** 12 Spring Hill Road; DEP 85-1292 (continued)

Representing the applicant was Mark Arnold of Goddard Consulting. Mark explained that the stormwater peer review that was requested by the commission was completed and BSC Group was present to discuss their findings. Dominic Rinaldi of BSC stated that a their comments were submitted on October 17th and since then the applicant responded to all of the findings and made the appropriate corrections to the plans. The biggest change to the plan was the addition of trenching along the driveway to assist stormwater drainage. Dominic stated that BSC believes that the applicant has addressed all of their concerns.

Amy Green asked if the location of the infiltration trench would cause a conflict with snow plowing being pushed on the trench. Dominic stated that as long as the trench was maintained properly, including pushing snow beyond the trench, it shouldn't be an issue. Mark explained that the plan calls for snow to be pushed beyond the trench, or at least partially beyond the trench.

Zywia Chadzynska asked why the Commission has not yet received a tree survey or a clear delineation of what trees are being removed. Mark explained that the limit of work had been staked and this line was walked with Commissioners to show what trees were going to be removed. Mark also stated that a sketch and photograph showing the trees that were to be removed had previously been submitted to the Commission. Finally, Mark stated that the state law and bylaw do not require a tree survey. Zywia stated that on the site walk it was not clear which trees were being taken down. Jim Colman, explained that at nearly every hearing a tree survey has been requested and has not been provided. Amy Green stated that she was unhappy with the responses from the applicant that expressed that the Commission can't ask for alternatives when the law and bylaw say that they can.

Jim went on to go through the responses to his questions provided by the applicant and explained that they were not answered or addressed adequately. Mark explained his



comments and reiterated that each of Jim's questions were addressed in the document provided to the Commission. Jim stated that Mark's comments insinuated that Commission cannot require alternative analysis (including tree survey and stream crossing alternatives) to guide their decisions, to which he disagreed.

Amy explained that she would like to see boulders proposed along the limit of disturbance, in line with the driveway; Mark stated that he is not opposed to putting boulders along the driveway. Amy also expressed that the wetland replication plan needed to be updated; Mark agreed to update the plan.

Public Comment – Terra (Mass Ave): *Agreed with some of the commissioners that the applicant does not have the right to profit and thanked the Commission for holding firm. Additionally, stated concerns with the buffer zone enforcement mechanisms.*

Public Comment – Joe Cooney (Dustin Lane): *Stated that there has been a lot of time dedicated to finding a way to make this project happen and create conditions for what seems like an unviable project.*

Public Comment – Terry O’Sullivan (8 Spring Hill Road): *Explained that he has been sitting in on the hearings for 2 years and it feels like we are going in circles. Stated that the fundamentals of this project are no different from when the project was denied 15 years previously.*

Mark responded that when the project was denied 15 years earlier, the site was mapped as endangered species habitat, and no longer listed as such.

Hearing no further comments or questions the Chairman continued the hearing at the applicants request to **December 7th at 7:35 PM.**

Administrative Updates (continued)

9:08 Discussion: Sheds and the 75-Foot Setback

Amy Green pointed out that in the bylaw guidance regarding structures, a patio of 200 square feet or less is not considered a structure, and wanted to open the discussion of adding some level flexibility on sheds. The commission decided to table this discussion for a future meeting.

Consent Items

9:16 Minutes of October 19, 2022 (as amended)

Peter moves to approve the minutes of October 19th, Amy seconded and the roll call was unanimous.



9:18 **Minutes of November 2, 2022**

Amy moves to approve the minutes of November 2nd, Peter seconded and the roll call was unanimous.

The meeting was adjourned at 9:21 PM.

Documents and exhibits used at this meeting:

Notice of Intent filing for 110-112 Central Street; DEP 85-1337
Notice of Intent Filing for 8 Fletcher Court; DEP 85-1336
Notice of Intent Filing for 12 Spring Hill Road, DEP 85-1292
Meeting Minutes for October 19th, 2022
Meeting Minutes for November 2nd, 2022

All documents can be found at: <http://doc.acton-ma.gov/dsweb/View/Collection-16035>