



## Acton Conservation Commission

Meeting Minutes

March 6<sup>th</sup>, 2024

7:15 PM

Hybrid Meeting (Room 204 & Zoom)

**Present:** Terry Maitland (Chair), Jim Colman (Vice-Chair), Peter Hocknell, Kate Warwick, Zywia Chadzynska and Jillian Peters.

**Conservation Agent:** Mike Gendron

**Planning Director:** Kristen Guichard

At 7:15PM, the Chair, Terry Maitland, opened the meeting and read virtual meeting guidelines. Terry stated that the following hearings have been continued to the March 20, 2023 meeting at 7:15PM:

- 123 Quarry Road (NOI)
- 9 West Road (NOI)

### Regular Business

#### **7:15 Request for Determination of Applicability: Public Hearing- Post Office Square**

Chuck Caron of the Acton Water District presented on the PFAS treatment center project to connected to two new bedrock wells to the water treatment plant. He noted the proposed new building comes close to, but stays out of the 100-foot buffer zone at 102 feet from the wetlands. Mr. Caron stated they are proposing silt fencing and will make sure the limit of work is clearly marked on the ground.

Also noted, was proposed access drive to the new two wells which is about 130 feet at the closes point to the wetlands.

Jim Colman noted that a few members were out on site today and that the project extent was outside the 100-foot buffer from wetlands and the vernal pool.

There were no questions or comments from the public.

The Hearing was closed at 7:25PM.

Peter Hocknell moved to issue a Negative 1 Determination. The motion was seconded by Kate Warwick and carried a role call vote of 5 in favor with one abstention. (Jillian Peter, abstained) , (Terry Maitland (aye), Jim Colman (aye), Peter Hocknell (aye), Kate Warwick (aye), and Zywia Chadzynska (aye).

#### **7:20 Request for Determination of Applicability –Public Hearing- 19 & 35 Wetherbee St**

Ray Lyons presented representing the Elizabeth Mortiz Trust. He explained that the family is in discussion with the Town about a potential land purchase. The RDA filing is for an old car within the resource area and for a set of 18 short wave radio towers outside the buffer zone which he would like Commissions opinion on.



He explained the resources on the property: series of vernal pools, one of which is certified (4 in total) other resources associated with Nashoba Brook and the Bruce Freeman Rail Trail. He has been in discussion with the select Board several items that would need to be removed: 18 short wave towers, 3 vehicles, an old house. Of these items, only one car is within the jurisdiction which is a partially submerged car in a vernal pool. He asked for negative determination, and whether the car should stay in its current location or be removed, and if the Commission requires removal, what the process should be. Mr. Lyons stated that if removed, he would propose the work to be done in the fall to December timeframe when the vernal pool was dry.

All members agreed the towers and wires should be removed.

Members discussed the benefits and concerns about the level of disturbance if the car were entirely removed vs. hand dug and cut, then covered. Additional discussion included whether there was any contamination or petroleum remnants.

Mr. Lyons was not sure but noted there was not sheen in the water or area surrounding the area.

The hearing was closed at 7:51PM.

Jim Coleman moved to issue a Negative 1 Determination for the 18 short wave radio towers and a Negative 3 Determination for the old car located within the vernal pool, with the following special conditions and findings:

Conditions:

- (1) The car shall be removed, and shall be done so by the following method:
- (2) The area around the car shall be hand dug down to 12-18 inches and cut out at the same level. The sections of the care shall be removed with the least disturbance possible and the area shall be covered with the existing soil from the site.
- (3) The Conservation Agent shall be consulted prior to the work commencing so that they can observe the removal process
- (4) The work should be conducted when the vernal pool is dry in the fall.

Findings:

Given the car was clearly and indisputably within the resource area and jurisdiction of the Commission, the Commission based their determination on the site walk in which Jim Colman and Zywia Chadzynska attended earlier that week.

Peter Hocknell seconded the motion on the two determinations and findings. The motion was carried by a roll call vote of 4 in favor, one nay and one abstention. (Jillian Peter, aye), (Terry Maitland (nay), Jim Colman (aye), Peter Hocknell (aye), Kate Warwick (aye), and Zywia Chadzynska (abstained).

**Discussion – Disc Golf** – Melissa Settipani-Rufo, Acton Recreation Director requested the Conservation Commissions initial feedback on the idea of installing a disc golf course



on conservation land located at Camp Acton. She noted that residents have approached the Recreation Division looking for a suitable location. They have looked at a few locations which did not fit the needs or had conflicts with the current use (primarily, Great Hill and NARA.)

The proposal would include installing 9, 2-inch metal poles with a basket on top and having a "T" to start from. Melissa explained that disc golf is a fairly passive sport typically located in wooded areas, free to the public.

Members noted they would need to examine the conservation restriction.

Mike Gendron suggested the Commission decide whether disc golf is passive recreation or falls into the category of active recreation. He noted that in his past inquiries with the State the determining factor was whether or not something was a structure.

Members noted they had similar requests from orienteering groups to install permanent markers which were deemed not allowed on conservation restricted land where only passive recreation was allowed, and alternatively where active recreation is allowed on areas such as Great Hill, permanent markers are allowed. Members discussed the nature of the permanency of the poles.

Melissa confirmed the poles would be permanent cemented and would be a permanent course.

Members suggested looking at alternative locations, and that they were open to continuing the discussion and looking further into the conservation restrictions of other lands discussed (Wills Hole, Town Forest, Dog Park area).

#### **7:25 Notice of Intent– Public Hearing- 68 Parker Street**

Darren Grady presented on the proposed sewer connection project from the lines current extent to 68 Parker Street. The property currently has 8 buildings with a leasing office. The sewer connection would run along Parker street up from River Street. The site is currently served by an onsite septic system. Proposing to put in a new wet-wall and install force main that collects into a man hole that connects to the towns system. As part of this project electric service would connect to the leasing office. There is no DEP number at this time.

Jim Colman noted he and Zywia Chadzynska attended a site walk and that the proposed work looked diminimous as the cut and cover is within current right of way, and most of the remaining work is in current court yard.

#### **Public Comment:**

Lou and Eileen York who abut the property, had the following questions:

1 – Noted the package treatment plant smells constantly and asked what will happen to the existing system once they connect to sewer.



Darren stated the existing treatment plant will be dismantled and removed and that the tanks will be pumped and filled. He stated that there will be no excavation of the leaching field with no more sanitary flow going to it.

2- Eileen York, asked if the pump station between building 70 and 72 will be above ground and whether it will be loud.

Darren noted it will be below ground and will not be heard. He noted there will be a generator connected to the leasing office if power is out.

3- Eileen – Asked if the dumpsters would be relocated during the construction and noted that trash currently falls out of the dumpsters into the wetlands and Fort Pond Brook.

Darren – Stated he was not aware of the owners operations beyond the sewer connection project, but that he could relay that to the applicant.

Jim Colman noted that when we have a new conservation agent they request this issue be investigated further.

The hearing was continued to March 20<sup>th</sup> at 7:15PM at Town Hall.

**[Amy Green arrived at 8:24PM]**

**7:30 Request for Determination of Applicability –Public Hearing- 10 Pond View Drive**

Joshua Bath, architect for the owners of 10 Pond View Drive, presented on the application. The proposed construction consists of enclosing the space under an elevated second floor which includes regarding the side yard to make home accessible. Due to the grade of the existing yard in this location, they need to taper the soil 10 inches to bring the grade to the grade of the finished floor. They would regrade and then reseed with topsoil. The entire area is existing lawn which would be reestablished. They proposed siltation fencing and waddles, would move it back as far as they need to stay out of the no build zone. They are looking for a negative determination as the existing project is pre-existing non-conforming.

Commission members discussed how many square feet of disturbance would occur and discussed the locations that were depicted with spray paint on the lawn observed at the site walk.

Amy Green asked whether the material would be taken off site. Mr. Bath stated the material would be taken offsite unless they can taper it.

Amy Green moved to issue a Negative 3 Determination with the following special condition:

1. The Conservation Commission shall conduct a site walk prior to work starting.



The motion was seconded by Jim Colman and was carried by a unanimous roll call vote. (Jillian Peter, aye) , (Terry Maitland (aye), Jim Colman (aye), Peter Hocknell (aye), Kate Warwick (aye), Zywna Chadzynska (aye), and Amy Green (aye).

#### **7:35 Notice of Intent– Continued Public Hearing- 348 Main Street**

Dog Park committee chair Tom Gillispie and Dennis Dale, landscape architect for the project provided follow up answers to questions raised at the previous meeting.

They reviewed updated plans that showed a clear delineation of the setback lines and identified trees to be removed and planted.

Amy Green noted agreement with the proposed trees.

Jim Coleman confirmed whether the note, “future nature trail to be determined in the field” to be approved by the Commission without the exact location would be outside the 50-foot setback.

Dennis Dale confirmed it would be outside the 50-foot setback and that it is intended to be a nature trail, not paved, rather laid with bark mulch.

The other locations in brown on the plan would be engineered wood fiber which is good for drainage and is self-packing.

The hearing was continued to March 20<sup>th</sup> at 7:30PM as no DEP number has been issued at this time.

#### **7:45 Administrative/Enforcement Updates Consent Items:**

##### **Request for COC: 108 School Street**

Mike Gendron reported that he could not yet recommend the requested Certificate of Completion be approved. He noted that he has discussed some outstanding issues:

- The driveway was constructed with a gravel bump out which is closer to wetlands and inside 75 foot
- Pervious paver walkway was approved from driveway to the house, but in some areas, it is pervious in other areas it is not

Mike met with the owner and the owner has agreed to remove the gravel bump out and naturalize the area to grass and is willing to fix the walkway to make it fully pervious. He will complete this work to remedy the issues and then come back with a new request.

##### **78 Arlington Street – Mike Gendron reported that he issued the enforcement letter to the owner of 78 Arlington Street which included a required that the owner must come back to the**



Commission with a remediation plan by May 1<sup>st</sup>, 2024 to remove the extension of the driveway and bring the area back to its natural state.

**43 Kingsley Road** – Mike noted that enforcement needs to be discussed and finalized for 43 Kingsley Road.

**Meeting Minutes: 1/17/24, 2/7/24 were not available to be approved at this meeting.**

The meeting adjourned 9:25PM.

Respectfully Submitted,  
Kristen Guichard

Documents used can be found at the following link and are noted below:

<http://doc.acton-ma.gov/dsweb/View/Collection-17919>

<a href="#">3-06-2024.pdf</a>
<a href="#">123 Quarry Road, Notice of Intent</a>
<a href="#">NOI - 9 West Road</a>
<a href="#">NOI 348 Main St - Dog Park</a>
<a href="#">NOI 68 Parker Street</a>
<a href="#">NOI, 5 High Street</a>
<a href="#">RDA 10 Pond View</a>
<a href="#">RDA- 19 &amp; 35 Wetherbee Street</a>
<a href="#">RDA- 8 Post Office Square</a>