

Acton Conservation Commission
Meeting Minutes
March 5, 2025
7:15 PM
Hybrid Meeting (Room 204 & Zoom)

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

Absent:

Conservation Agent: Olivia Barksdale

Public Concerns and Regular Business

7:16 Terry Maitland Chair opened the meeting at 7:16pm.

7:16 Public Concerns:

Lisa Damiak, Nashotick Architects, on behalf of the homeowners of 13 Lilac Ct. began to preliminarily present a potential Notice of Intent (NOI) for a garage. The Commission determined they would not conduct a preliminary review prior to receiving a formal application.

7:17 Amended Order of Conditions Public Hearing – 358 Great Road DEP #85-1368

Applicant requested a continuance. Continued until March 19th 2025 at 7:25pm

7:17 Abbreviated Notice of Resource Area Delineation –Public Hearing –42 Taylor Road

Applicant requested a continuance. Continued until March 19th 2025 at 7:30pm

Administrative Updates

7:20 Review and Approve Meeting Minutes

Commission requested to review the minutes at the March 19th 2025 at 7:40pm

7:25 Staff Presentation – Tree Clearing Bylaw

Olivia Barksdale presented the progress on addressing the 2022 Acton Town Meeting's non-binding residents petition to bring forth a tree-clearing limit bylaw to Town Meeting. The Town has several existing bylaws that partially address tree clearing and protection:

Habitat for All would require all new residential subdivisions to have 60% of their property designated as natural resource land. This effort will be brought forward for consideration at town meeting this May 2025. The initiative, combined with existing zoning bylaw requirements for minimum open space, would result in all zoning districts having a minimum open space

requirement. This will also address the land clearing limit. The proposed Tree Clearing Delay Bylaw would prevent developers from coming forward with a self-sufficient application where they have already cut down all their trees and claim to not have natural resources.

The commission brought up the need for updated aerial photographs, concerns about the expansion of duties for the conservation agent, requested clarification of enforcement authority and fines, and commented that the word “delay” was confusing. Recommended “Tree Clearing Bylaw.” Also recommended that the information on the parcel for the previous two years be provided by the applicant as part of the application process.

Public Comments:

1. Tara of West Acton, commented that there are much stronger tree clearing protections, but said this is a good toe in the water. She thinks the details can get worked out, and hopes the commission endorses the Tree Clearing Bylaw.
2. Un-named Resident, commented that the fine of \$100-\$300 per tree would not be a deterrent.

Commission commented that this a good idea but feels there are some implementation challenges to address at the next meeting.

8:02 Notice of Intent –Public Hearing –Main Street over Fort Pond Brook DEP # 085-1384

Brent Richard, VBH, presented updates for DEP # 085-1384. The applicant most recently appeared before the commission on 2/19/25. DEP requested analysis of the stream crossing standards. VBH submitted a supplemented memo to DEP, and the Conservation Commission, that included the full hydraulic analysis and demonstrated the plans conformance to the Mass stream crossing standards to the maximum extent practicable. The measurement of the culvert will remain its current width, 5 feet, to prevent flooding at the downstream culvert under a private driveway. Scour is not a concern due to low flow conditions, but a layer of modified rock fill will be incorporated under the natural stream bed material for added resiliency. Commission noted that the culvert size is reasonable given the close proximity of the culvert under the street and the driveway.

James Colman moved to approve the project as presented and issue a standard OOC, Jillian Peters second the motion adding the condition to waive Special Conditions 18&19. Roll call vote all in favor (7-0).

8:11 Red-line Change- Order of Conditions-484 Great Road #85-1257

Sherry Gould (Owner) and Bruce Ringwald (engineer) appeared before the Commission to request that the word “boardwalk” be amended and altered to “access trail” in the order of

conditions, and to request that the draft conservation restriction (CR) be submitted to the state prior to applying for the last occupancy permit. Sherry agreed to provide trail access to the conservation lands in previous meetings. Plans that were approved with the Planning Board and the subdivision plans, showed an access trail. Feb 26th letter in meeting packet provides detail of the construction of the access trail. Trail leads from the parking area up to the wetland area and not across. Sherry stated they were not required or asked to build a boardwalk. She added that a wood carpeted boardwalk cost two times the amount of a paved sidewalk. Commission commented that there was a swale or small stream on the property and thought the boardwalk would be referencing that stretch of the trail. They recommended a site visit, and will review the boardwalk requirement and trail materials during the site visit. Additionally, Commission was favorable to the request to submit the draft CR to the state prior to applying for the final occupancy permit, but certificate of occupancy cannot be released until the CR is recorded. They did not make a final decision on either request. The discussion will be continued at the March 19th meeting at 7:35pm.

8:46 Notice of Intent –Continued Public Hearing –12 Spring Hill Road #085-1379

Mark Arnold and Scott Goddard (Goddard Consulting) were present representing the applicant. James Colman opened with a continuation of unfinished business from last meeting. The Commission brought up the issue of the MA Wetland Act regulations, the language in 310 CMR, 10.05 (4) (e). which says that the when a NOI is filed with the State, any locally obtainable permits must be filed at the same time and that was not done. Commission had extensive discussions with Town Counsel. James Colman stated that it is his view, given the input of Town Counsel, that the Commission should reject the application as it was not filed properly. The filings for the local bylaw were submitted at 4:30pm on March 05th. James Colman added it is not allowable to have two separate submissions, one under the Wetland Protection Act (WPA) and one under the local bylaw, that are different. Those submissions need to be a simultaneous filing.

Mark Arnold stated the plans provided for the state and local bylaw applications were the same, dated January 28th, 2025. Scott Goddard commented that the Commission chose to continue the matter to this date for the purpose of allowing the applicant to submit additional applications. The applicant submitted the information that was requested.

Jim Colman responded that the commission would not hold a hearing and close a hearing under the WPA, and then entertain an application, and a hearing under the local bylaw; as that is exactly what the provision in the State law and in the regulations is meant to avoid. He clarified, that when the Commission continued last time it was to seek guidance from Town Counsel. Commission has since had extensive conversations with Town Counsel, and are within their rights, to reject the application. They advised that the applicant can start again if they so choose.

Scott Goddard responded that the rejection of their application seemed punitive to the applicant, and unfair to the professionals involved. He referenced that the request at last meeting was to allow the opportunity for the additional filings to be submitted, and that many hours were spent preparing this in good faith based on the continuance request.

James Colman responded that the filings were not filed in a timely manner, or in compliance with the regulation. He proposed to go forward with the legal advice of Town Counsel.

James Colman moved that, pursuant to 310 CMR 10.05(4)(e), the Commission finds that an Order of Conditions under the Acton Wetlands Bylaw is a necessary and obtainable permit to seek at the time a Notice of Intent is filed under the Massachusetts Wetlands Protection Act.

This motion was seconded by Zywia Chadzynska, Roll call vote all in favor (7-0).

James Colman moved that pursuant to 310 CMR 10.05(4)(e)-(f), the Commission reject the Notice of Intent for the 12 Spring Hill Road project filed November 27th, 2024 because the proponent failed to apply for all obtainable permits, specifically an Order of Conditions under the Acton Wetlands Bylaw, at the time it filed its Notice of Intent under the Wetland Protection Act.

Seconded by Zywia Chadzynska, Roll call vote all in favor (7-0).

9:10 The meeting closed at 9:10PM

James Colman moved to close the hearing at 9:10pm and Jillian Peters seconded. Roll call vote all in favor (7-0).

Documents and exhibits used at this meeting:

The screenshot displays the Acton, Massachusetts DocuShare interface. At the top, there is a search bar and navigation links. Below the navigation bar, the breadcrumb trail indicates the current location: Home > Boards & Committees > Conservation Commission > 2025 Meetings > 03-05-2025 Meeting Information Listing. The main content area shows a folder titled "03-05-2025 Meeting Information". Below this, a table lists the documents and exhibits used at the meeting.

Type	Title	Owner	Modified Date	Size	Actions
Document	3-05-2025.docx	obarksdale	02/25/25	43 KB	View, Star, More
Document	Acton Tree Bylaw - 3-5-2025.pdf	obarksdale	03/05/25	18 MB	View, Star, More
Document	Minutes 2.19.25 DRAFT.docx	obarksdale	03/05/25	106 KB	View, Star, More
Document	Req to amend Order 85-1257.pdf	jschmidt	02/21/25	727 KB	View, Star, More
Document	12 Spring Hill Road NOI	obarksdale	02/25/25	0	View, Star, More
Document	358 Great Road AQOC	obarksdale	02/25/25	0	View, Star, More
Document	42 Taylor Road ANRAD	obarksdale	02/25/25	0	View, Star, More
Document	484 Great Road Redline	obarksdale	02/25/25	0	View, Star, More
Document	Main and Fort Pond Brook NOI	obarksdale	02/25/25	0	View, Star, More

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