

**Acton Conservation Commission**

Meeting Minutes

August 20<sup>th</sup> 2025

6:15 PM

Hybrid Meeting (Room 9 & Zoom)

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

**Absent:** Jillian Peters,

**Conservation Agent:** Olivia Barksdale

**Public Concerns and Regular Business**

**Hearing opened: 6:17pm**

**6:17PM      Public Concerns**

**6:18PM      Request for Determination of Applicability – 42 Ethan Allen Drive**

Chair Terry Maitland opened the hearing for the Request for Determination of Applicability (RDA) for 42 Ethan Allen Drive regarding a deck reconstruction. The applicant, Kevin Mackinon, explained that they were rebuilding an existing deck, making it slightly smaller and changing the direction of the stairs, with no expansion of the footprint toward the wetlands. Mr. Mackinon stated they planned to start the project in the next couple of weeks. Amy Green added that the site was about 30 feet from wetlands at the end of the property line. She mentioned there was a 10x10 brick patio being removed, but it would be relocated closer to the house where the deck was being reduced in size. Amy Green moved to issue a negative determination 3 with no special conditions, seconded by Kate Warwick. The motion was seconded and passed unanimously.

**6:22PM      Request for Determination of Applicability – Acton - MBTA**

Matt Donovan from Benesch represented Keolis, which operates the MBTA commuter rail. Mr. Donovan explained that this RDA is submitted every five years as required by CMR 11 to confirm the accuracy of maps used for vegetation management along the commuter rail right of way. The RDA must be approved before submitting a 5-year vegetation management plan to Mass DAR. Mr. Donovan explained that the vegetation management plan is designed to control vegetation necessary for railroad safety operations. He displayed maps that showed sensitive areas marked in blue and yellow, which have restrictions on herbicide application. He described the roadbed application that occurs in May-June targeting the track structure itself, and the brush program in August-September targeting areas adjacent to the roadbed.

He demonstrated how the application truck works, explaining that it has nozzles on the back about 18 inches above the ground that spray directly onto the track, with arms extending up to 12 feet from the centerline to target the shoulders. The yellow zones never receive treatment to the shoulders, though they may receive treatment directly on the ties at the environmental monitor's discretion, maintaining at least a 10-foot buffer from any resource area. The blue zones typically receive the full roadbed treatment, with caution taken as they are typically between 10 and 100 feet of a sensitive area.

Amy Green asked about the environmental monitor who would be supervising the application. Mr. Donovan explained it was currently someone from the environmental department of Keolis, though in the past it had been contracted to environmental firms.

The Commission questioned whether the maps differentiate between perennial and intermittent streams. Mr. Donovan responded that they use DEP layers showing hydrological connections, and the base layer often shows the resource areas labeled.

James C. Colman inquired about the types of herbicides being used. Mr. Donovan explained that these vary slightly each year but are always from the approved sensitive area materials list provided by MassDAR specifically for right-of-ways. He stated the 2025 mixture included Esplanade 200 SC, Milestone or OpenSite, OAST or Spider, and a drift control agent. James Colman asked if there were any differences from the plan submitted five years ago. Mr. Donovan stated there were very few changes other than updates to the document.

Amy Green moved to issue a positive determination 2A, which would approve the boundaries based on the maps submitted for August 19, 2025, as well as a negative determination 5 listing the exemptions that were in the cover letter. The motion was seconded by James C. Colman and passed unanimously.

#### **6:57PM      Notice of Intent- Public Hearing – 45 Nagog Park DEP # 85 - 1396**

Brian Butler from Oxford Associates introduced the continued hearing for 45 Nagog Park. Frank McPartland from Dulles and Roy represented the project as well.

Mr. Butler mentioned they had responded to four bullet points from the Agent regarding the SWIP plan and O&M, and believed these issues had been adequately addressed. He noted that there had been considerable back and forth with the peer reviewer, GCG, and revisions were made in response to the Commission's comments from the previous hearing.

Mr. McPartland explained that they had discovered a discrepancy between the existing test pit elevations and topography, which impacted groundwater offsets. He had to make drainage modifications to address this issue, correct test pit elevations, and adjust subsurface systems to verify compliance with groundwater offset requirements. He provided the requested groundwater mounting calculations that DEP was looking for and address the Commission's previous questions. Mr. McPartland also addressed MassDEP comments regarding water quality volume calculations and groundwater separation. He noted that more recent test pits had been performed in June, with data added to the plans in this revision.

Amy Green asked about the status of GCG's review. Mr. McPartland explained that revised plans had been submitted to GCG the previous week, but they had not yet started their review.

The hearing was continued to September 3, 2025, at 6:15 PM.

#### **7:20PM      Notice of Intent- Red Line Change –308 Old High Street – DEP # 085 – 1359**

Shawn McCormack appeared on behalf of Mike Carpenter, the principal at RH Adhesives, regarding an Order of Conditions for 308 Old High Street. He requested a redline change to special condition number 1, which provided two alternatives for public benefit: a trail easement or a walking path along Old High Street. The request was to remove the walking path language and replace it with reference to a rain garden, which is the subject of an independent Order of Conditions for 279 High Street (DEP file #85-1395).

James Colman expressed concern about the process, noting that typically redline changes are made to maps rather than to the text of an Order. The Commission discussed whether this change would be properly memorialized in the registry of deeds.

Mike Carpenter, who joined via Zoom, expressed concern about leaving the trail option in the Order of Conditions for an extended period, viewing it as a potential encumbrance on his property. Mr. McCormack firmly stated that there was never any authorization to do work on Mr. Carpenter's property.

After discussion, the Commission agreed to approve the substitution, with the understanding that it would be documented in the Certificate of Compliance for 279 High Street and 308 Old High Street.

James Colman moved to approve the proposal by the applicant to, at this time, not build the trail provision in special condition 1(b), and instead build the rain garden as approved in the separate Order of Conditions (279 High Street), and that such substitution will be recognized in the Certificate of Compliance upon completion. The motion was seconded by Amy Green and passed unanimously.

## **Administrative Updates**

### **Request for Tree removal**

James Colman initiated a hypothetical discussion about removing non-hazardous trees within the Commission's jurisdiction. He used as an example a situation where a homeowner had inquired about removing a large tree on their lawn to install solar panels on their roof. Mr. Colman initially felt doubtful about approving such a request since the benefit (solar panels) was not directly related to wetland protection, while removing the tree would constitute an alteration within the buffer zone.

However, he questioned whether the Commission might be too strict in its interpretation, comparing it to a previous case where he changed his mind about a shed placed on an already paved driveway. He suggested that with appropriate mitigation, he might support allowing tree removal in some cases.

Chair Maitland expressed sympathy for the solar question, especially in cases where a tree dominates a property. He noted that the Commission was still evolving in its understanding of its tree policy, which had been in place for only about two years.

The homeowners in question, Maureen and Steve Leo, addressed the Commission. Mrs. Leo explained they were in the midst of building an addition to accommodate her elderly parents, including her father who uses a wheelchair. Their electrical needs would increase significantly, making solar power economically necessary. She noted they were environmentalists themselves who would prefer to keep the tree if possible, but solar installation was not viable without its removal. She also mentioned that time was of the essence due to expiring tax credits.

The Commission discussed the process for considering such a request, noting that the homeowners would need to submit an RDA. They clarified that no arborist report would be needed since this was not being presented as a hazardous tree.

The Commission agreed that the homeowners should submit an RDA to be heard at the September 3rd meeting.

## **Review and Approve Meeting Minutes**

Peter Hocknell moved to approve the minutes of July 2, 2025 and July 16, 2025.. The motion was seconded by James C. Colman and approved unanimously.

Peter Hocknell moved to approve the minutes of July 30, 2025. The motion was seconded by Amy Green and approved unanimously.

### Review Standard Conditions

Amy Green noted that the Commission's standard conditions might need updating, as they had been essentially unchanged for many years. She suggested that the conditions should apply under both the Wetlands Protection Act and the local bylaw, not just the bylaw. She recommended potentially consolidating some conditions that repeat what's already in the DEP form, and adding clarity to conditions related to boulders, fences, and other common requirements.

The Commission agreed to continue this discussion at a future meeting, recognizing the need for a more thorough review of the standard conditions.

The meeting was adjourned at 8:18pm

### Documents and exhibits used at this meeting:

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





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





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





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





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308 Old High Street  
Red Line Change

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42 Ethan Allen Drive RDA  
Deck replacement

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45 Nagog Park  
Building infrastructure

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MBTA 2025 RDA  
vegetation control

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
Policy Documents  
Chapter X Standard Conditions

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All Documents can be found at: <https://doc.actonma.gov/dsweb/View/Collection-19495>