

**Acton Conservation Commission**

Meeting Minutes

September 17, 2025

6:15 PM

In Person Meeting, Room 204 & Virtual

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

**Absent: Conservation Agent:** Olivia Barksdale

**Regular Business**

**6:15PM      Hazard Tree- 8 Arborwood Road**

Continued to October 1<sup>st</sup> 6:15pm

**6:15PM      Request for Determination of Applicability –Public Hearing-9 Charter Road**

Dean Gustafson, senior wetland scientist at All Points Technology, represented the applicant, Tower Company, in coordination with Verizon Wireless. Mr. Gustafson explained that the facility development areas and compound would not be located within the 100-foot buffer zone, but there would be some proposed clearing and grading close to the edge of the buffer zone. He noted that erosion and sedimentation control features would be installed, consisting of silt fence with compost filter sock. The applicant submitted an RDA for the Commission's consideration in case there were limited activities in the outer reaches of the buffer zone, which would be no more than 1,000 square feet and temporary in nature.

Commissioner Amy Green commented that Wetland B might not be isolated but connected, though she noted this wouldn't affect the application. She suggested that if the Commission issued a determination of applicability, they should note they didn't definitively determine whether Wetland B was isolated.

Vice-Chair James Colman expressed concern about potential work in the buffer zone, noting the plan showed the erosion and sedimentation controls along the buffer line. He questioned the uncertainty about whether trees would be removed within the buffer zone. Mr. Gustafson explained they were providing flexibility for the contractor if they were off by about 5 feet and extended into the buffer zone, and that any temporary impacts would be limited to clearing, grading, and installation of erosion controls. He stated that one or two trees might be removed along the wetland buffer zone.

Commissioner Colman was uncomfortable with the uncertainty and suggested the applicant should be able to clearly state whether they would be working in the buffer zone or not.

Commissioner Colman remained concerned that the 100-foot buffer line wasn't surveyed on the ground, making it difficult to know exactly where that line was located. Mr. Gustafson offered to survey the boundary and identify it on the ground prior to the start of construction activities.

After further discussion, Mr. Gustafson agreed to continue the RDA hearing to allow them to provide the Commission with the requested information. Project continued to October 1<sup>st</sup> at 6:20pm.

### **6:36PM        Notice of Intent–Public Hearing-86 Hayward Road**

Brian Dunn with MBL Land Development and Permitting represented the Hots Corporation regarding a septic system repair plan, tree removal, and the resetting of a deck and stairs at the back of an existing house at 86 Hayward Road. He noted the existing house was between the 50 and 100-foot buffer zones, with the existing septic system outside the 100-foot buffer zone. The plan showed a proposed a new septic system and removing about 13 trees, some on the neighboring property line, with a letter of understanding from the abutting property owner. Mr. Dunn explained the insurance company deemed it necessary to remove the trees for safety reasons. He noted that when the septic system is installed, most of the root system in the area where the large pine trees are growing would be affected by the excavation.

During the site visit earlier that day, questions were raised about floodplain delineation, which Mr. Dunn addressed, pointing out flood zone X on the plan, which indicates a 0.2 percent annual possibility of flooding. Mr. Dunn discussed the rear deck replacement. The original deck had been removed 30-40 years ago, though the pilings remained visible. He proposed replacing the deck where it previously existed and utilizing existing retaining walls, which needed maintenance.

Vice-Chair Colman raised concerns about two major issues: the tree removal and the deck. Regarding the deck, he noted that under section F.8.3 of the Acton wetland bylaw (enacted in 2003), for nonconforming property, there can be no expansion closer to the wetland than already exists. Since the deck was removed before the bylaw was enacted, the project should not have anything extending beyond the current building. Additionally, no structure is allowed within 50 feet of a wetland, so the proposed extension ending 30 feet from the wetland would not be allowed. Regarding the trees, Commissioner Colman requested documentation from a certified arborist confirming the trees posed a hazard to the building. He also noted the Commission's policy on tree removal requires mitigation for each tree removed.

After extensive discussion, Mr. Dunn agreed to:

1. Provide historic aerial photos of the property
2. Submit a letter from an arborist on the trees proposed for removal
3. Create a mitigation/tree planting plan for trees being removed
4. Revise the deck/stairway design to consider options that stay out of the 50-foot buffer zone
5. Update the Notice of Intent with book and page information for the abutting property
6. Provide wood retaining wall details and construction sequence
7. Add silt fence to the filter mitt erosion control
8. Examine the base of the retaining wall to determine how much is underground
9. Review the Commission's hazard tree policy

The hearing was continued to October 1, 2025, at 6:25 PM.

**7:15PM      Request for Determination of Applicability–Public Hearing-125 Nagog Park**

Joe Orzel wetland scientist along with Doug Roberts, project architect, represented the applicant, AirX Wireless Infrastructure LLC. Mr. Orzel presented an overview of the project located at the parking lot south of the cul-de-sac at Nagog Park. All proposed work for the tower and associated infrastructure would be outside any resource area. The wetlands at the site were previously approved through a ORAD issued in February 2024.

Approximately 190 linear feet of trenching (3 feet wide) would be needed within existing paved parking lot and paved drive areas. All work within the buffer zone would be within existing paved areas and would only consist of trenching and installation of electric conduit. Any open trench would be backfilled at the end of each workday. Joseph noted the project is exempt from the Wetlands Protection Act as a minor project for installation of utilities within existing paved roadways and driveways, but under the bylaw, that exemption does not exist, hence the RDA filing. The total disturbance within the buffer zone would be approximately 570 square feet, with the closest work to any resource area being about 38 feet.

The project included erosion and sediment control measures, with catch basins protected with silt sacks and silt fences around the proposed tower area, even though it's outside the buffer zone.

Amy Green moved to issue a negative 3 determination, seconded by Commissioner Zywia. The motion passed unanimously.

**7:24PM      Notice of Intent- Public Hearing –91 Newtown Road**

Nathaniel Cataldo presented the continued hearing for 91 Newtown Road. He explained that since the last meeting, they had accepted the Commission's judgment that there was a jurisdictional wetland area (stream) connecting the wetland on the property to one off-site, and they had allowed the Commission to flag it. The wetland flags had been located and were now shown on the plan, along with the 100-foot, 75-foot, and 50-foot buffer zones from the combination of the wetland, stream, and off-site wetland.

Commissioner Amy Green confirmed that the survey reflected the flags that she and Conservation Agent Olivia Barksdale had placed in August.

Vice-Chair James Colman moved, seconded by Commissioner Amy Green, that for the purpose of this Notice of Intent only and not to exceed 3 years, the Commission accept the wetlands and buffer zones as shown on the plan dated September 11, 2025. The motion passed unanimously.

**7:34PM      Request for Determination of Applicability –14 Musket Drive**

Ms. Leo presented a revised planting plan that included 10 different bushes: 3 winterberry bushes, 3 sweet pepper bushes, 2 red twig dogwoods, and 2 yellow twig dogwoods, to be planted 5-6 feet apart.

Commissioner Amy Green noted that the mix looked good, with most plants being native species. She suggested that if certain plants were not available when the time came to plant, Ms. Leo should confirm with Olivia about suitable replacements rather than coming back for another hearing.

The Commission discussed the need for plants to survive for at least one year as part of the mitigation requirement. Ms. Leo agreed to follow expert advice on when to plant to ensure the highest chance of survival and to install the plantings within one year.

Vice-Chair James Colman moved, seconded by Commissioner Amy Green to approve the planting plan as presented, with the requirements that the plantings be installed within one year, that the applicant notify Olivia when planting is completed, and that the applicant confirm with Olivia at the end of one year whether the plants have survived, with replacement required for any that do not survive. The motion passed unanimously.

#### **7:48PM        Certificate of Compliance- 24 Heritage Road**

Conservation Agent Olivia Barksdale explained that this property had an addition constructed, and the applicant later came back for an amendment to change the driveway location. The erosion controls had been removed, the addition was completed, and the driveway was installed with gravel (blue stone) instead of being paved like the original. The only condition was that they had to get permission from the DPW for the curb cut, which they had received. All conditions had been met.

Moved by Commissioner Amy Green, seconded by Commissioner Zywia Chadzynska, to issue the Certificate of Compliance for 24 Heritage Road. The motion passed unanimous

#### **Administrative Updates**

##### **Review and Approve Meeting Minutes**

No minutes were ready for review

##### **Review Standard Conditions**

No Review

##### **Vote Appropriate WPA Fee's for the purchases of a Town Vehicle**

Conservation Agent Olivia Barksdale explained that the town truck used by the Conservation Department was in poor shape with high mileage and needed replacement. She had confirmed with town officials that WPA fees could be allocated for this purpose without going to town meeting. She noted the truck is used for all site visits and is dedicated to conservation work. The new truck would need to be electric per town mandates, and they hoped to get it in time for the last electric rebates of the year.

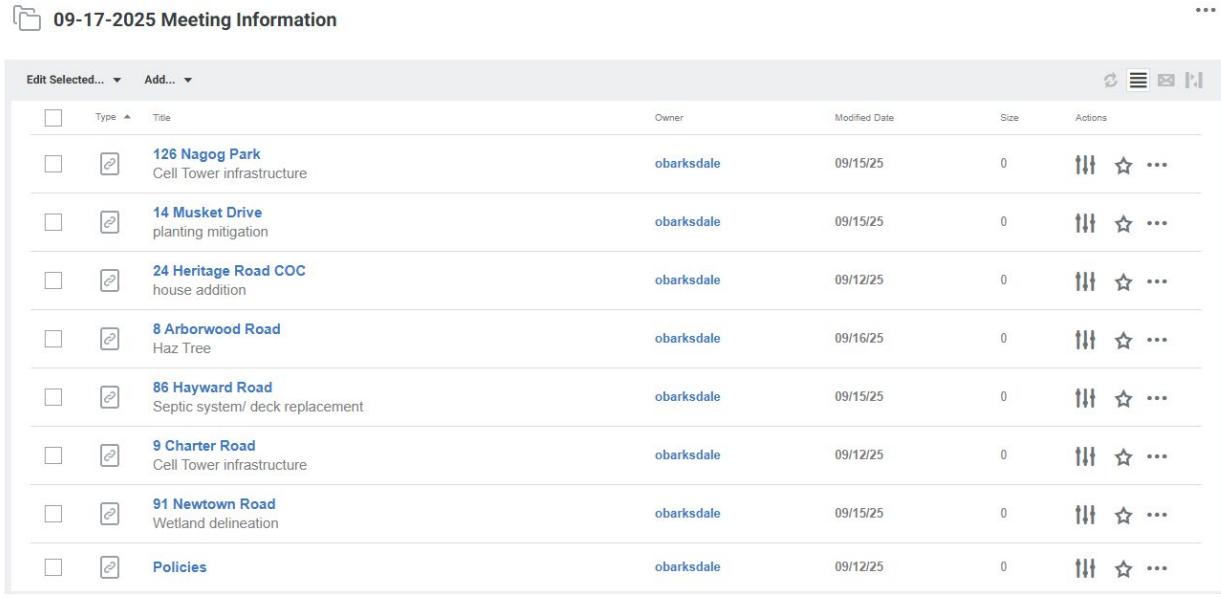
Moved by Commissioner Amy Green, seconded by Commissioner Amy Green, to appropriate WPA fees for the purchase of an electric truck for the Conservation Department. The motion passed unanimously.

## Updates

Conservation Agent Barksdale will follow up on several ongoing issues:

1. Kelly Corner project - erosion controls were in poor condition, and some areas had work going over the controls
2. 143 Hayward Road - unauthorized trenching work near wetlands that would require follow-up
3. Parker and School Street - ongoing work without proper permitting that might require an enforcement order if the property owners remain unresponsive

## Documents and exhibits used at this meeting:



Edit Selected... Add... <span>...</span>							
Type	Title	Owner	Modified Date	Size	Actions		
	<a href="#">126 Nagog Park</a> Cell Tower infrastructure	obarksdale	09/15/25	0			
	<a href="#">14 Musket Drive</a> planting mitigation	obarksdale	09/15/25	0			
	<a href="#">24 Heritage Road COC</a> house addition	obarksdale	09/12/25	0			
	<a href="#">8 Arborwood Road</a> Haz Tree	obarksdale	09/16/25	0			
	<a href="#">86 Hayward Road</a> Septic system/ deck replacement	obarksdale	09/15/25	0			
	<a href="#">9 Charter Road</a> Cell Tower infrastructure	obarksdale	09/12/25	0			
	<a href="#">91 Newtown Road</a> Wetland delineation	obarksdale	09/15/25	0			
	<a href="#">Policies</a>	obarksdale	09/12/25	0			

All Documents can be found at:

<https://doc.actonma.gov/dsweb/View/Collection-19581/URL-1473>