

## Acton Conservation Commission

Meeting Minutes  
September 16, 2020  
7:00 PM  
Virtual Meeting

**Present:** Terry Maitland, Tim McKinnon, , Carolyn Kiely, Zywia Chadzynsk, Jim Colman, Suzanne Flint, Amy Green (joined later in the meeting)

**Absent:** n/a

Natural Resources Director and recording secretary: Tom Tidman

Zoom Host: Fran Portante

Terry opened the meeting by reading the Virtual Meeting disclaimer.

### Regular Business

**7:00 Request for Determination:** 9 Adeline Way

*William & Alison Barker, for a project at 9 Adeline Way, (assessors map J3, parcel 7-5).*

*The project is the construction of a retaining wall and accompanying landscaping..*

*Work will occur in the wetlands buffer zone.*

The applicant has withdrawn the application.

**7:05 Request for Determination:** 53 Parker Street (continuation)

Owner and Applicant Judy Kronwasser, noted that she had met with a number of Commissioners at the site to describe the proposed project. Commissioners, having seen the site and the steep slope from the area where pavement will be removed but not re-installed, felt that a silt prevention straw wattle should be installed prior to pavement removal and the installation of gravel to stabilize the top of slope.

**At 7:12, hearing no further questions, Mr. Maitland closed the hearing and called for a motion.**

**Decision:** Jim Colman moved to issue a Negative 3 Determination, with the condition that silt prevention measures (straw wattles) be installed at the limit of work at the top of slope. Zywia seconded the motion and the roll call vote unanimous.

**7:15 Notice of Intent:** 85-1287 - 9 School Street (continuation)

Molly Obendorf, from Stamski & McNary, noted that Commissioners had visited the property since the August 5<sup>th</sup> hearing. Commissioners were concerned that snow would be pushed onto the infiltration trench at the bottom of the access drive. She presented amended plans which now show a guardrail along the edge of pavement, between the driveway and the infiltration trench. When asked by Zywia when construction would commence, Molly told the Commission that the project is currently before the Historic District Commission and would likely start construction next spring/summer. Molly reminded the Commission, that this is a redevelopment site within the 200' Riverfront Area. Evidence from old town reports shows several generations of buildings on this site,

including a South Acton Train Station. Selectman David Martin noted that MBTA has restrictions about where and how close deciduous trees can be planted near the tracks. Molly said she would look into the regulations concerning tree planting near the MBTA line.

The hearing closed @ 7:30 pm.

**Decision:** Tim moved to issue a standard Order of Conditions, with the plan of record being dated September 1, 2020. Jim seconded the motion and the roll-call vote was 5 in favor and two abstentions (Amy and Carolyn).

**7:35 Request for Determination:** Commuter Rail Vegetation Management Plan (continuation) Matt Donovan with FDC Engineering, and Clary Coutu, Environmental Coordinator with Keolis, continued the meeting with the Commission. Jim mentioned that Zwyia and he had met with Matt for a site visit on 9/16. Matt emphasized that the Commission's role in issuing a Determination was simply to agree (or disagree) with the wetlands delineation as indicated on the submitted plans. He noted that this is a 5 year management plan, illustrating environmentally sensitive areas - with yearly management plans filed annually for the Commission to review and comment on. Keolis employs a BMP method of vegetation management, with mechanical removal commonly used. Approved chemical use is often reserved to the area between the rails. Keolis has a full-time environmental monitor working with the maintenance crews overseeing chemical and mechanical treatment.

Clary Coutu reiterated that the primary responsibility of the Conservation Commission was/is to approve the maps as submitted. Massachusetts Department of Agricultural Resources is the agency approving the chemicals to be used for yearly herbicide treatment. Clary stated that it is a Federal mandate for each State to maintain a safe rail bed for operations within the right-of-way. Clary noted that when the yearly management plan is submitted to the town, the Conservation Commission has a 45 day window in which to comment, should they wish to see changes to the maps submitted.

The Commission referred to a guidance document issued by MACC and MSMCP dated 9/16/20, in preparing a motion. After lengthy discussion, the Commission concluded that: a "Positive 2a determination," noting that floodplain elevations were not being approved, and a "negative 2, for work in a resource area, were the appropriate determinations.

*[Full text of decision Positive 2a: The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.*

*Full text of decision Negative 2: The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge or alter that area. Therefore, said work does not require the filing of a notice of Intent.]*

**Decision:** Amy moved that the Commission issue a Positive 2a determination, approving the resource area boundaries as submitted, but only resource areas adjacent to the MBTA ROW, and a negative 2a determination that work within buffer zones and/or resource areas will not have an impact, based on the DAR Vegetative Management Plan. Jim seconded the motion and the Roll Call vote was unanimous.

**7:45 Resource Area Delineation:** 101 Stow Street  
*Abbreviated Notice of Resource Area Delineation located at 101 Stow Street, (town atlas plate H2, parcel 57) filed by Sean McCue of Leading Edge Properties.*

The applicant requested a continuation to October 7.

**Special Business:** Hybrid Farm license: discussion tabled: no action taken.

**Consent Items:**

Certificate of Compliance: n/a

Minutes: 8/19/2020: Reviewed by TM, ZC, AG

Terry moved to accept the minutes of Aug. 19, Tim seconded the motion and the minutes were approved unanimously.

9/02/2020: Pending

**At 8:30 p.m., it was moved and seconded to adjourn the meeting.  
The motion was approved unanimously.**

**Documents and Exhibits Used During this Meeting:**

**Request for Determination for 9 Adeline Way**

**Request for Determination for 53 Parker Street**

**Notice of Intent, DEP #85-1287, for 9 School Street**

**Request for Determination for Commuter Rail Vegetation Mgt Plan**

**Resource Area Delineation for 101 Stow Street**

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-11852>



---

*Terrance Maitland, Chair*