

**Acton Conservation Commission**  
**Meeting Minutes**  
**October 7, 2020**  
**7:00 PM**  
**Virtual Meeting**

**Commissioners Present:** Terry Maitland, Amy Green, Jim Colman, Zywia Chadzynska, Tim McKinnon, Carolyn Kiely, Suzanne Flint  
Natural Resources Director and recording secretary: Tom Tidman  
Zoom Host: Fran Portante

**7 PM** – Terry read the rules for attending, hosting and operating a virtual public meeting.

**Regular Business**

**7:05 PM Abbreviated Notice of Resource Area Delineation (continuation) 101 Stow Street**

Applicant Sean McCue presented the ANRAD plan dated September 1, 2020, as flagged by Norse Environmental in July 2020. Tom Tidman noted that Jim, Zywia and Carolyn had visited the property and found that the flagging line (flags #1 - #17) had been accurately placed.

Hearing closed @ 7:10 PM

**Decision:** Jim moved to issue an ORAD approving the wetlands boundary as flagged for flags 1 thru 17. Tim seconded the motion, and a roll call vote was unanimous.

Note: Suzanne had not yet joined the meeting and was absent for this vote.

**7:15 PM Request for Determination, 53 River Street**

The Town of Acton is the applicant for this filing. Matthew Selby, Director of Land Use and Economic Development, presented for the Town. Selby noted that the design plan for the reuse of 53 River Street as a public park is now at 60% design phase, and that the project has been filed with MEPA. The MASS Historical Commission has asked that the Acton Historic Commission weigh-in on the proposed project and application. This has triggered the requirement of a site archeological investigation in order to advance the permit application. The archeological investigation entails the excavation of a series of hand dug pits throughout the property to see if artifacts can be found. The holes will be back-filled after the investigation is complete.

Commissioners asked that the archeological investigation be mindful of the bank and avoid digging directly on the bank.

The meeting closed @ 7:25 PM

**Decision:** Amy moved to issue a negative 3 Determination, with the requirement that the applicant notify the Conservation Agent upon completion of the archeological investigation, to

confirm restoration and stabilization. Jim seconded the motion and the roll call vote was unanimous.

Note: Suzanne was absent for this vote; she joined at approximately 7:40 PM .

### **7:30 PM Request for Determination – 33 Nashoba Road**

The applicant, Taylor Kurth, was not present for the meeting. The meeting was opened and continued to October 21 at 7:40 PM.

### **7:45 PM - Request for Determination, 48 Davis Road**

Steve Loughlin, with Neofotistos, McRae & Associates, Inc., presented for the Briarbrook Village Condominiums, Davis Road, Farm Brook Trust. Administrative Manager Alice Clark was present for the meeting. Mr. Loughlin stated that the wastewater treatment plant is now approximately 50 years old and several improvements to the treatment facility are needed. He noted that an engineering report must be sent to the State every 20 years and that time has arrived. Projects included in the RDA filing are: (1) the filling in of three old sand filter tanks that are no longer used, (2) replacing several older valves used to regulate flow, (3) improvements to site groundwater management. This third project will be accomplished with the installation of a permanent groundwater control pump ensuring clean water discharge to an existing drainage swale outside the 100' wetlands buffer. The groundwater suppression method has been reviewed and approved by the Board of Health.

**Decision:** Jim moved the issuance of a Negative 3 Determination , Zywia seconded the motion and the roll call vote was 6 for and one abstention (Amy).

### **8 PM - Request for Determination, 34 Washington Drive**

Applicants Michael & Melissa Clayton were present, with project engineer Ian Ainslie presenting for the applicants. The Project consists of installing an in-ground pool with a retaining wall 45.5 ft. from wetlands. Mr. Ainslie noted that the existing house is 45.5 ft. from wetlands and the proposed retaining wall for the pool would meet the same level of non-compliance with the setback requirements. He also stated that the existing fence at the rear of the yard would be moved 2' – 3' onto the existing lawn to creating an additional 720 sq.ft. of natural buffer . The commission discussed what is meant by “like structure” and that the retaining wall is not the same as the existing house foundation.

8:44 PM, applicant withdrew the Request for Determination filing.

**8:45 PM Concord Water Department Nagog Pond Project:** Carolyn stated for the record, that as an abutter to the project, she would be recusing from the hearing.

Project Engineer, Eric Kelley with Environmental Partners, and John Rogers, Town of Concord Water and Sewer Superintendent, updated the commission on the status of the project, noting that the Ch.91 permit is currently on the Governor’s desk for signature. Mr. Kelley noted that bids had come in for de-watering the cove, and that the bids were very high. A decision was

made to start the project with installing new pipe from the coffer dam out to the new intake pipe and installation. In order to perform the deep water work at the intake pipe, a temporary platform (33' X 90') to support a crane to move heavy equipment would be required for access to the pond. A barge would be docked near the platform. Mr. Kelley asked if the temporary installation of the pond access platform could be considered as an amendment to the existing OOC, or if the proposed work should be filed as a new Notice of Intent. The Commission discussed the extent of work and resource area disturbance likely to be caused by the proposed installation and agreed that it required that a new Notice of Intent be filed.

**New Business:**

9:25 PM - Bob Ferrara, outlined the proposed Archeological By-law being prepared. The Powerpoint Presentation can be accessed on the Document Website using the link at the end of these Minutes.

9:45 PM – Hybrid Farm License Agreement: Commissioners planning a meeting with Town Counsel to discuss the License Agreement.

**Minutes:**

**September 2, 2020:** Tim moved to approve, Carolyn seconded and the roll call vote was unanimous

**September 16, 2020:** Tim moved to approve, Carolyn 2<sup>nd</sup>, roll call vote unanimous.

*At 9:55 PM, it was moved and seconded to adjourn the meeting.*

*The motion was approved unanimously.*

**Documents and Exhibits Used During this Meeting**

- Abbreviated Notice of Resource Area Delineation for 101 Stow Street
- Request for Determination for 53 River Street
- Request for Determination for 33 Nashoba Road
- Request for Determination for 48 Davis Road
- Request for Determination for 34 Washington Street
- Presentation of Proposed Archeological Bylaw

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-11853>



*Terrance Maitland, Chair*