



Acton Conservation Commission

Meeting Minutes

May 19, 2021

7:15 PM

Virtual Meeting

Present: Terry Maitland, Jim Colman, Tim McKinnon, Suzanne Flint, Carolyn Kiely, Zywia Chadzynska

Absent: Amy Green

Natural Resources Director and recording secretary: Tom Tidman

Zoom Host: Fran Portante

Regular Business

7:10 Chairman Maitland opened the meeting and read the virtual meeting protocol.

7:15 Request for Determination: 97 Windsor Ave.

Property owner Joe Maletti mentioned that several commissioners had visited his property to view the proposed pool location (Terry, Jim, Zywia). The pool is to be located just inside the 100 foot buffer, 97 feet at its closest point to wetlands. The concrete paver “apron” around the pool will extend to 91 feet from wetlands.

The Commissioners observed that a pergola had previously been approved at this site and that the pool will be further from wetlands than the pergola. The Commissioners noted that the yard had been clearly marked showing the distance to wetlands from the pool and apron.

Hearing no further questions, the meeting was closed at 7:19 PM.

Decision: Tim moved to issue a negative 3 Determination, meaning work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent. Jim seconded the vote and the roll-call vote was unanimous.

7:20 Request for Determination: 217 Nagog Hill Road

Kirk Fitzpatrick with Civil Solutions presented for the owner. The existing septic system failed a Title 5 inspection, most likely because of its nearness to groundwater which was at approximately 3 feet. The new leaching field will be located in the same location as the old system and will be slightly elevated. The new leaching field will be located outside the 100’ wetlands buffer, with grading for the break out area extending into the buffer zone. The entire system will be located within an existing lawn area. The septic design has been approved by the Board of Health.

Kirk noted, that, during the Commission site inspection an old fuel tank was observed near wetlands, along with some old pipe. Both the pipe and tank will be removed from the buffer zone. In addition, Commissioners observed that, where a horse manure stockpile/storage area had been, the area is relatively free of manure. Kirk stated that the area would be loamed and seeded for stabilization.

Hearing no additional comments or questions, the Chairman closed the meeting at 7:28.



Decision: Tim moved to issue a Negative 3 Determination (see above Decision for definition of Negative 3), Zywia seconded the motion and the roll-call vote was unanimous.

7:30 Request to Amend Order of Conditions: 75 Spruce Street Twin School Project

Scott Morrison presented for the School Department. Scott reviewed the waiver (submitted to the Commission and filed on the public document system) and the OOC amendment for the solar panels. Scott discussed a list of shade tolerant plants to be planted under the solar array. He also explained what is meant by a triple net zero project which is sufficient solar electric generation to supply electricity to the entire school, with the addition of geo-thermal wells for heating and cooling and rainwater collection. Scott noted that there is a significant public benefit to the project and waiver request.

JD Head noted that this is a zero combustion project, thus excellent air quality. Jim noted that he is in favor of this waiver request primarily because it is a public school, not because it is a net zero project. Carolyn, supporting Jim's positions, commented that the motion should state that the waiver is for the public school.

The meeting closed at 7:40 PM.

Decision: Carolyn moved to amend the Order of Conditions for the Twin School project, DEP file no. 85-1286, and to include this Finding of Fact: A waiver for the installation of solar panels into the buffer zone is appropriate in that it is a public school and has significant benefits for the twin school project and the community. Jim seconded the motion and the role-call vote was unanimous.

7:45 Request for Determination: 5 Oneida Road

Owner/applicants Lauren Shaffer and Danial Shaffer presented plans for the installation of a small patio off the walk-out basement door, and the installation of a set of stairs from the first floor to the rear lawn, with a small landing.

Tim asked how close the patio would be to the wetlands. Lauren said it was 57 feet at the closest point. Cement pavers will be used to construct the patio. Jim noted that a patio less than 200 sq.ft. is considered a minor project and not subject to the setback requirements. He said the Commission would be comfortable with a patio being 10 ft X 20 ft. or a maximum 200 ft. sq.

The meeting closed at 7:55 PM.

Decision: Jim moved to issue a negative 3 determination (see prior decisions for explanation of Negative 3), stipulating that the patio be no larger than 200 sq.ft. in area. Tim seconded the motion and roll call vote was unanimous.

8:00 Request for Determination, 9 Beechnut Street

Owner Ganesan Vedavinayagam had met on site with members of the Commission on May 18th to discuss the removal of eight (8) mature deciduous trees, in order to improve efficiency of a proposed solar system installation.



Mr. Vedavinayagam did not show up for his virtual meeting with the Commission. Therefore, 9 Beechnut Street RDA meeting was moved to June 16th @ 7:30 PM.

Meeting adjourned at 8:05 PM

Consent Items:

Certificate of Compliance: none

Minutes: May 5, 2021: in process; April 21, 2021: in review

Documents and Exhibits Used During this Meeting:

RDA filing documents for 97 Windsor Ave.

RDA filing documents for 217 Nagog Hill Road

Filing documents and supporting material for Amending Order of Conditions

RDA filing documents for 5 Oneida Road

RDA documents for 9 Beechnut Street

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-12991>

Jerry Maitland

Terrence Maitland, Chair