

**TOWN OF ACTON
CONSERVATION COMMISSION**
Minutes
March 21, 2018
7:15 PM
TOWN HALL - 472 MAIN STREET
ROOM 9

COMMISSIONERS PRESENT: Terry Maitland, William Froberg, Tim McKinnon, Jennifer Stoltz, Paula Goodwin

RECORDING SECRETARY: Bettina Abe

VISITORS: Sue Flint, Kyle Cormier, Joe Levine, Brian Butler

7:15 Notices of Intent: 146 Prospect Street, lots 1, 2, 3, and 4

The project entails the demolition of an existing single family house and the construction of four single family homes, designated as lots 1 to 4 at 146 Prospect St., (town atlas plate F2, parcel 125). The construction of the four lot subdivision is being executed under the Comprehensive Permit provisions of Ch. 40B, §22-23. Construction will occur within 50 feet of wetlands.

Kyle Cormier presented the project in a combined hearing. The overall condition of the site was considered under the WPA, not the Acton By-Law. The project will be brought to the ZBA the following week. Oxbow Associates flagged the BVW on 11/11/17.

A single family home currently exists on the property. There is a gravel driveway and a concrete slab on the site. The closest proximity to wetland is 47.5 feet, on lot 2. The proposed project is the construction of 4 single family homes , each with a driveway, porch and rear deck. A planting screen of arborvitae is proposed. Mr. Froberg suggested choosing deer-resistant plants and Mr. Levine said they would consider Commission suggestions when they are actually working on the site. Mr. Cormier said the homes would be linked to town utilities.

Each house will have its own drip and stormwater control trenches. Garden beds and screening plantings will be place next to porches. An existing stone wall, about 26 feet from the rear foundation of each house, will remain in place and be used to provide a barrier to prevent any future encroachment on the wetlands. This will be a permanent limit on the extent of the back yards of the four houses. The Commissioners also asked that boulders be placed according to the standard method: 3-4 foot boulders, buried to half their depth, spaced 10 feet on center along the 50 foot no disturbance zone.

Mr. Froberg asked about the amount of grading that would occur. Mr. Cormier said the entire "limit of work" area would be graded and sloped back toward the wetland. Mr. McKinnon asked of the houses would be level, and Mr. Levine said they would be and there wasn't a large amount of soil being moved. Each house would have 4 bedrooms, be approximately 2,400 square feet and have 2 car garages. They will all have walk-out basements.

Mr. Froberg asked for more information about the roof and perimeter drainage on the site. Mr. Cormier said each home had its own drip-edge infiltration structure. Each driveway was sloped toward the left side which was trenched. The trenches were sized to each roof. Ms. Goodwin asked who would do maintenance. Mr. Levine said a company would be set up ahead of the Home Owners Association. Mr. McKinnon commented that no grass clippings should be dumped on the property, nor should there be any herbicide or pesticide used. Mr. Levine agreed that they would look for comprehensive language from a prior project and put that into the agreement.

Mr. Maitland asked if HOA fees were scaled. Mr. Levine said he rolled that into the price of the house, kept all fees equal, and that it covered everything but snow plowing. Ms. Goodwin asked if owners could grow their own gardens and plant trees. Mr. Levine said there were no restrictions on plantings or gardens, just nuisance restrictions such as no RVs or boats. Mr. Froberg noted that the homes had decks, not patios. Mr. Levine said the decks were to be built on elevated piers with crushed stone under the deck. No slabs were to be used.

Mr. Maitland noted that, if they issued a standard order, they would have to add at least two special conditions, to specify boulder size and that no clippings, herbicides or pesticides would be used in the no disturb zone. Mr. McKinnon asked if Tom Tidman could have oversight on the final landscape plan. Mr. Levine said he could handle that by meeting with Tom and the landscape architect. Tom and the architect could determine the species and he, Mr. Levine, would pass on the list to the contractors. On that basis, Mr. Maitland noted the third special condition, that Tom Tidman would certify and approve the landscape plan.

Decision Lot 1: Mr. McKinnon moved to issue a standard Order of Conditions with the following three special conditions:

1. A row of 3 to 4 foot diameter boulders, buried to half their depth with a spacing of 10 feet on center will be placed along the 50 foot natural border.
2. The Homeowners Agreement shall specify there shall be no use of fertilizers, pesticides, herbicides or lawn chemicals of any on the property and no grass clippings shall be deposited on the property.
3. The Town Conservation Agent will meet with the contractor to sign off on the final landscape plan.

Ms. Stolz seconded the motion and it passed unanimously.

Decision Lot 2: Mr. McKinnon moved to issue a standard Order of Conditions with the three special conditions as stated for Lot 1 above. Ms. Stolz seconded the motion and it passed unanimously.

Decision Lot 3: Mr. McKinnon moved to issue a standard Order of Conditions with the three special conditions as stated for Lot 1 above. Ms. Stolz seconded the motion and it passed unanimously.

Decision: Lot 4: Mr. McKinnon moved to issue a standard Order of Conditions with the three special conditions as stated for Lot 1 above. Ms. Stolz seconded the motion and it passed unanimously.

7:50 Restoration Status: 41 Easterbrook Road

Presentation by Brian Butler, Oxbow Associates Inc.

Mr. Butler presented the current status of the restoration of wetlands according to an Administrative Consent Order executed in November, 2013. Mr. Maitland recollected that the site was so clear cut, you couldn't tell what had been there. Mr. Butler was able to show some plans from a DEP archive.

In the summer of 2012, the owner of the horse farm, Kim Sieurin, with no permits, cleared and stumped all forested land on the property. It was an egregious and noteworthy violation, and an Enforcement Order was served on the owner. The Army Corp. and DEP ordered that the land be restored or they would be fined \$35k.

One wetland was allowed to be filled and replicated further south on the property. Mr. McKinnon asked how this would be enforced once the Consent Order has been closed. Mr. Butler responded that the conditions of the ACO outlive the closure. He will ask the Commission to sign off on the ACO, but the record remains on the deed in perpetuity.

Mr. Butler noted that they didn't want any buckthorn or other invasive to creep in. Right now the site is void of invasives. Phragmites and loosestrife had been dug out. He believes the site is remote enough that few seed sources will come in.

He pointed out that there were several discrepancies between the final remediation as indicated in his report and the ACO, namely:

- The proposed fenceline under the ACO was not put in the right place. The fence was supposed to be placed at 50 feet, but was actually placed at 62 feet from BVW. However, because this results in 2,200 sq. ft. less paddock area than originally required is actually a net gain for the protected area.
- In the manure management area, there were two dumpsters which had previously sloped into wetland. They built a berm to direct the runoff into the pasture. They also installed a concrete structure that was not sanctioned but also seems to have become a net positive.
- The fence running along the stream across the property was installed such that more of the protected area is fenced in. However when combined with the above noted fence line change, the square footage of paddock area is still less than the original plan resulting in a net gain for the protected area.

The ACO specifies the site should be monitored for 5 years and thereafter, at the Commission's discretion. Mr. Tidman should provide additional input on that. Mr.

Butler suggested they should conduct a site walk soon. This report is the first full disclosure regarding this ACO. He believes the site is not likely to fill in with silt or lose depth for many decades to come, since there is no sediment coming into the site and the bottom is dense.

Certificate of Compliance

Quail Ridge DEP File #85-986 (pending)

Minutes:

February 28, 2018: Reviewed by TM, JS, TMC

Mr. McKinnon moved to approve the minutes of Feb. 28, Ms. Stolz approved and the motion passed unanimously.

Meeting adjourned: 8:50

Terry Maitland

Terry Maitland
Chairperson

**CONSERVATION COMMISSION
AGENDA
March 21, 2018
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ACTON TOWN HALL
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Room 9**

Note location: Room 9

7:15-7:35 Notices of Intent: 146 Prospect Street, lots 1, 2, 3, and 4

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7:40 Restoration Status: 41 Esterbrook Road

Presentation by Brian Butler, Oxbow Associates Inc

7:45 MAPC Presentation: Hazard Mitigation Plan (Rescheduled for April 18)

Certificate of Compliance

Quail Ridge DEP File #85-986 (pending)

Minutes:

February 28, 2018: Reviewed by TM, JS, TMC, PG

March 14, 2018: pending

