

**TOWN OF ACTON
CONSERVATION COMMISSION**

Minutes

January 2, 2019

7:15 PM

**TOWN HALL - 472 MAIN STREET
ROOM 204**

COMMISSIONERS PRESENT: Terry Maitland, Amy Green, Jim Colman, Tim McKinnon, Jennifer Stoltz, Suzanne Flint, Zywia Chadzynska

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Kim Kastens, Janet Adachi

7:15 Notice of Intent: 530 Main Street, 85-1247, continued from November 28, 2018

Greg Roy from Ducharme & Dillis, reviewed the modified plans as requested by the Commission: 1: drainage basin redesign; 2. Additional detail on Riverfront activities.

1. The drainage basin has been removed from the 50 foot buffer zone and moved in a northerly direction. Stormwater runoff will be directed to a drainage swale. Storm water will be treated and released into the wetlands. An additional detention basin will be added outside the 100 foot buffer near the proposed storage trailer parking area.

2. In the Riverfront Area, degraded areas to be removed are now illustrated on the plan. The results are a net reduction in impervious area within the riverfront. This is redevelopment within the riverfront. Some of the existing pavement and compacted gravel parking area will be removed and replaced with loam and naturalized.

The applicant read the "redevelopment" provision in MGL Ch 131 Sec 40, 10:58:

No impervious material will remain within the inner riparian zone.

The recharge capacity of the site will be increased.

Ms. Green asked what the riverfront area will be revegetated with. Mr. Roy responded that he has not yet provided a detailed planting plan, but it is the intention to allow the area to naturalize, and not maintain a mowed lawn.

Mr. Roy then described three proposed phases of the project:

- I. Improve parking lot and circulation
- II. Create a trailer parking lot
- III. Make improvement to the riparian zone with the removal of impervious surfaces.

Mr. Roy further stated that they will be relocating the roof runoff pipe to a discharge point further away from wetlands.

The Commission discussed the proposed riprap slope, as well as salting and sanding on the parking lot and travel ways. They concluded that, given the grades associated with the site, sanding will likely be needed but salting will not be permitted within resource areas..

Mr. Maitland reviewed the information the Commission has requested for the next meeting: 1. Planting plan; 2. Details of Phase II. 3. Alternatives to riprap. 4. Quantification of impacts in the riverfront. 5. Demarcation of areas where snow cannot be dumped.

The hearing was continued to January 16th at 7:20PM.

8:15 Notice of Intent: 70 Quarry Road, 85-1251, continued from December 19, 2018

Ms. Peet described the tremendous amount of clean-up she and her company, Contemporary Arts International, has done on the site since 2007, including the removal of 23 cars from the quarry. Mr. Maitland noted that Commission had walked the site that morning. Ms. Peet said she has been very loyal to the town. This is an area where artists clean up and have lunch. She has been careful not to remove trees. Commissioners noted an area of gravel and brush observed during the site visit that morning that seems to have been dumped recently.

Mr. Colman proposed the following: 1. approve the project since the applicant is a 501(C)(3) non-profit organization offering a public benefit; 2. Require that material found in the new fill area be removed; 3. Apply the approved \$200 penalty for work without a permit, but waive the penalty since it is a 501(C)(3) organization.

Mr. McKinnon added that the structure could not be made larger or get any closer to wetlands. Any change to the structure will require Commission review.

Decision: Mr. Colman moved to issue a standard Order of Conditions with the following "Findings of Fact" and "Special Conditions:"

Findings of Fact:

1. This Notice of Intent for Yin Peet is approved with a waiver pertaining to setbacks as "Contemporary Arts International Inc.", qualifies as a 501 (c) (3) non-profit organization under IRS rules, and has made significant public benefit to the Acton Community through free educational opportunities they continue to offer. Further, the Applicant has made significant environmental improvements to the property through the removal of 23 cars from the quarry and by removing accumulated debris from the surrounding property.
2. With respect to the requested waiver from the Acton Wetlands Bylaw 75 foot structure setback, the Commission finds that as a non-profit organization, Contemporary Arts International Inc. can continue to store sculpture materials and continue to have their artists' rest area 45 feet from wetlands. This setback waiver is being granted because of the non-profit nature and public benefit of the activities offered on this property by Yin Peet and her associates.
3. No other applicant can employ this waiver from the "like structures" provisions of the Acton Bylaw that is not a non-profit organization and open to the public.

Special Conditions:

1. The Applicant shall work with the Natural Resources Agent on restoring and mitigating the bank erosion and shall install permanent erosion controls to prevent further erosion.
2. As long as the property is owned and operated by a non-profit organization, the roof structure may be maintained but not enlarged. It may also be replaced in kind with prior approval of the Conservation Commission.
3. The Commissions waives the required setbacks as outlined in the Acton Bylaw (Chapter F) Standard Orders of Conditions, #18 and #19.
4. Fine: As the placement of structures in the buffer zone constitutes a violation of Town of Acton Bylaws, a fine of \$200 is imposed on the Applicant for work without proper permits as provided for in the Bylaws. The fine is hereby waived due to its status as a 501 (C)(3) organization.

Ms. Flint seconded the motion and it passed unanimously.

Allocation of donation from George Morey Foundation of \$1336.00.

Decision: Mr. Colman moved to use the donation for plantings and trail improvements and that it be given to the Friends of the Acton Arboretum if at all practicable. Ms. Stoltz seconded the motion and it passed unanimously.

Citizens' Concerns:

Kim Kastens asked that the minutes of the November 7 meeting be amended as follows: remove any reference to Green Acton, since her comments were not a unanimous vote of the Green Acton Committee.

Decision: Mr. Colman moved to amend the minutes of November 7 to reflect the change requested by Ms. Kastens. Mr. McKinnon seconded the motion and it passed with 5 votes and one abstention (Ms. Green).

Minutes:

November 28, 2018: Reviewed by JC, AG

Decision: Ms. Green moved to accept the Minutes of Nov. 28, 2018, Mr. Colman seconded the motion and it passed unanimously.

December 5, 2018: Reviewed by AG, TM

Decision: Ms. Green moved to accept the Minutes of Dec. 5, 2018, Mr. Colman seconded the motion and it passed unanimously.

December 19, 2018: pending

Meeting adjourned: 9:10PM

Terry Maitland
Terry Maitland
Chairperson

**CONSERVATION COMMISSION
AGENDA
January 2, 2019
7:15 PM
ACTON TOWN HALL
472 MAIN STREET
Room 204**

7:15 Notice of Intent: 530 Main Street, 85-1247, continued from November 28, 2018

7:30 Notice of Intent: 70 Quarry Road, 85-1251, continued from December 19, 2018

[Donation to Natural Resources from George Morey Foundation: vote on disposition of funds]

Minutes:

November 28, 2018: Reviewed by JC, AG

December 5, 2018: Reviewed by AG, TM

December 19, 2018: pending

Citizens' Concerns

Filing documents may be accessed through the following link:

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<input type="checkbox"/>	051	051-1247 - 530 Main St 5844 - GRD DRN 122113	naturales	12/31/18	50 KB	
<input type="checkbox"/>	051	051-1247 - 530 Main St 5844 - IMP AREA EXHIBIT	naturales	12/31/18	43 KB	
<input type="checkbox"/>	051	051-1247 - 530 Main St 5844 - Plans to Con Comm 12-27-18	naturales	12/31/18	54 KB	
<input type="checkbox"/>	051	051-1247 - 530 Main St 5844 - EROSION	naturales	12/31/18	57 KB	
<input type="checkbox"/>	051	051-1251 - 70 Quarry Rd NOI	naturales	12/24/18	2 MB	
<input type="checkbox"/>	051	051-1251 - 70 Quarry Rd NOI plan 1	naturales	12/24/18	219 KB	
<input type="checkbox"/>	051	051-1251 - 70 Quarry Rd NOI plan 2	naturales	12/24/18	289 KB	
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<input type="checkbox"/>	051	George Morey Donation	naturales	12/27/18	35 KB	

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