

**Acton Conservation Commission**  
Meeting Minutes  
May 6, 2020  
3:00 PM  
ACTON TOWN HALL  
472 MAIN STREET  
**Virtual Meeting**

**Present:** Terry Maitland, Amy Green, Jim Colman, Carolyn Kiely, Zywia Chadzynska

**Absent:** Tim McKinnon, Suzanne Flint

Natural Resources Director and recording secretary: Tom Tidman

**3 pm** - Chairman Maitland called the meeting to order, starting the meeting by outlining the Town and State requirements for running a virtual Conservation Commission hearing/meeting.

**Regular Business**

**3:10 Notice of Intent:** 66 Harris Street, North Acton Fire Station

Steve Martel with Samiotes Consultants, Inc, discussed each of the points requiring additional information as requested by the Commission at the previous hearing.

- (1) Stock piling of materials during construction will occur in designated areas, outside the 100' wetlands buffer.
- (2) Additional testing has been done in the area of the rear parking lot, indicating that groundwater is higher than anticipated. As a result, the proposed stormwater system located behind the new fire station will be sized with greater capacity to infiltrate additional stormwater. As designed, the volume of runoff entering the wetlands will not increase as a result of the new parking areas and other impervious surfaces.
- (3) The outfall structure (flared end) has been moved back to the base of the retaining wall and is now compliant with the structure setback line.
- (4) Snow storage locations have been designated and are outside the 100' wetlands buffer. Signage is proposed stating "No Snow Storage within 100ft Wetlands Buffer."
- (5) A planting plan has been added to the construction plans, with a slope mixture included. Mr. Martel discussed how and where dewatering sumps will be accomplished, noting that the dewatering detail will be included in the SWPP.

Mr. Martel noted that the peer review comments and questions related to the Wetlands Protection Act were also asked by the Commission and have been addressed in today's presentation. All other peer review questions have been addressed and will be sent to the Board of Selectmen for review.

The hearing was closed at 3:25pm.

**Decision:** Amy Green moved to issue a standard Order of Conditions, waiving conditions #18 & #19 of the Bylaw, allowing work in the buffer zone and resource area. Jim Colman seconded the motion. Chairman Terry Maitland asked for a roll-call vote: Amy Green 'Aye', Jim Colman

‘Aye’, Carolyn Kiely ‘Aye’, Zywia Chadzynska ‘Aye’, Terry Maitland ‘Aye’. The vote passed unanimously, 5-0.

### **3:30 Notice of Intent: 6 Partridge Pond Road**

Kurtis Platteel with Stamski & McNary Engineering, stated that the proposed driveway on lot 9-2 will be moved outside of the 75' no structure setback. The new driveway location will require an easement to be created on the abutting lot 9-1. Both lots are currently under shared ownership. The proposed access and utility easement will be conveyed when the property is sold. Mr. Platteel pointed out that the brush pile observed by the Commissioners while on a site visit will be removed. The existing shed currently located in the proposed access easement will be moved.

The Commission discussed the mechanism by which the access and utility easement should be recorded. Commissioners agreed that the Order of Conditions should be registered and appear on both deeds and be done prior to the sale of lot 9-2. Mr. Platteel agreed that the Order of Conditions should be recorded on the deeds of both (lots 9-1 and 9-2), 6 Partridge Pond Road.

The hearing closed at 3:40pm.

**Decision:** Jim Colman moved that a standard Order of Conditions be issued, with on special condition: The Order of Conditions for both lots 9-1 and 9-2 shall be recorded on both lots. Amy Green seconded the motion and Chairman Maitland asked for a roll call vote. Amy Green ‘Aye’, Jim Colman ‘Aye’, Carolyn Kiely ‘Aye’, Zywia Chadzynska ‘Aye’, Terry Maitland ‘Aye’. The vote was unanimous.

### **3:50 Request for Determination: 75 Spruce Street (Twin School Project)**

Acton-Boxborough Regional School District, for a project at 75 Spruce Street, (*town atlas plate E2, parcel 247*). *The work consists of the Enabling Plan portion of the Twin School project, allowing portions of the work to be completed over the summer to ensure that the construction site and the school is safely separated as the project progresses. Resource area concerns include “Bordering Vegetated Wetland, Riverfront Area, and Bordering Land Subject to Flooding.*

Scott Morrison with EcoTec Inc, presented the project, representing the Acton-Boxborough Regional School District. Mr. Morrison noted that certain aspects of the project were very time sensitive, requiring completion before all aspects of the new twin school design would be completed. Specifically these include parking lot improvements. Teachers are currently using an area to the west of the Gates School for overflow parking. The plan is to pave the existing gravel (hard packed) surface and use this area within the buffer zone for teacher parking and student drop-off until the new permanent parking lot is built. The area proposed for temporary parking will be removed once the project is completed and the area within the 50' wetlands buffer will be landscaped. Mr. Morrison noted that there are no stormwater controls presently; all runoff from the existing gravel parking area is flowing directly into wetlands. The new paved surface will have catch basins fitted with water quality inlets. In addition, a stone lined trench will be installed between the paved surface and wetlands. No work will occur closer to wetlands than the existing gravel parking area.

To accommodate the construction of the new twin school, a portion of the existing building must be demolished. The structure to be removed is located within the 200' Riverfront

area. Two modular classrooms will be placed onsite until construction of the new school is complete. One of the modulars will be located within the 100' wetlands buffer. Construction fence will enclose the entire construction site and will be installed in June.

Three geothermal wells (test wells) will be installed. Two of the wells will be located north of the existing school and within resource areas (geo well #1 within 100ft wetlands buffer, geo well #2 within 200ft Riverfront area). Water generated during testing will be pumped into a frac tank before discharging to an existing lawn area. Commission discussed whether pump testing would be considered an exempt minor activity.

In preparation for the demolition and school construction, a stabilized construction entrance road will be needed. All construction vehicles will access the property from the Arlington Street access point. The proposed construction entrance drive is within the 200' Riverfront area and within the 100' wetlands buffer.

Commissioners discussed the extent of work proposed, expressing concern this would ordinarily be filed as a Notice of Intent. Much of the proposed work is within resource areas. Mr. Morrison reiterated that there is a timing issue, with the parking lot, new septic system and portion of the existing building to be demolished, as activities that need to happen in June and July, to keep the project on schedule for the opening of Gates School after Labor Day. They also added that a comprehensive Notice of Intent would be forthcoming. Commissioners discussed limiting the approval to work outside of resource areas. Commissioners were concerned that the temporary parking lot as proposed would remain after the completion of the project. The applicant's engineer assured the Commission that the temporary (staff) parking lot will be removed and landscaped once the new parking lot is completed. Commissioners questioned why these activities couldn't have been filed as a Notice of Intent. Several of the Commissioners contended that there is still enough time to file an NOI, timing did not appear to be a concern. JD Head, Director of School Operations for ABRSC, noted that State funding for the project is related to getting the approvals necessary to begin construction.

Meeting closed at 5:05pm.

**Decision:** Amy Green moved to issue a Negative 2 Determination of Applicability, meaning 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. Two special conditions were included: 1. no work associated with the installation of proposed construction entrance off Arlington Street may occur within a resource area under this Request for Determination filing. 2. A Notice of Intent covering all aspects of the proposed school project must be filed with the Conservation Commission within the next three months. Zywia Chadzynska seconded the motion.

A Roll Call vote was conducted, resulting as follows: Amy Green 'Aye', Jim Colman 'Nay', Carolyn Kiely 'Nay', Zywia Chadzynska 'Aye', Terry Maitland 'Aye'. The motion to approve a this phase of the project passed 3 to 2.

#### **Review of Minutes:**

The meeting minutes from the Conservation Commission's April 1, 2020 and April 15, 2020 meetings were reviewed and approved by a vote of **5 to 0**.

**Moved to Adjourn:** at 5:15 p.m., it was moved and seconded to adjourn the meeting. The motion was approved unanimously.

**Next Conservation Commission Meeting: May 20, 2020**

**Meeting Adjourned at 5:15pm.**

Terry Maitland  
Terry Maitland  
Chair

**Documents and Exhibits Used During this Meeting**

- Notice of Intent, WPA Form 3 and associated plans and descriptions for 66 Harris Street, North Acton Fire Station, DEP No. 85-1282
- Notice of Intent, WPA Form 3 and associated plans and descriptions for 6 Partridge Pond Road, DEP No. 85-1280
- Request for Determination, WPA Form 1, 75 Spruce St., Twin School project.
- Minutes of the April 1, and April 15, 2020 meetings for approval

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-11739>

Instructions for joining meeting via Zoom Webinar:

<https://zoom.us/j/97853330690>

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