

Acton Conservation Commission

Meeting Minutes

November 18, 2020

7:15 PM

Virtual Meeting

Present: Terry Maitland, Amy Green, Jim Colman, Suzanne Flint, Zywia Chadzynska

Absent: Tim McKinnon, Carolyn Kiely

Natural Resources Director and recording secretary: Tom Tidman

Zoom Host: Fran Portante

Regular Business

7:15 Terry opened the meeting and read the virtual meeting disclaimer and guidelines.

7:18 Request for Determination: 23 Newtown Road

Jonathan and Trinidad Butler for a property at 23 Newtown Road (town atlas plate F-3A, parcel 12), Acton. The project is the replacement of an in-ground swimming pool. Work will occur within the 100 foot buffer zone.

Owners/applicants Jon & Trini Butler presented their pool project to the Commission. Conservation Agent Tom Tidman started the presentation by informing the Commission that a Building Permit had been issued for the in-ground pool replacement without the permit request being viewed by the Natural Resources office. This unfortunately happened on a number of building permits in the early days of the pandemic. Subsequently, work began without a Wetlands Permit. The owners are now before the Commission with a Request for Determination with the pool installed.

Owner Jon Butler noted the new pool is in the same general location as the pool that had been removed. The new pool is slightly further away from wetlands than the old pool, and the concrete deck around the pool will be similar in size to the pool deck removed.

7:25 pm Mr. Maitland closed the meeting.

Decision: Jim moved to issue a negative 3 determination, meaning the work was conducted within a resource area but a Notice of Intent filing is not required. Amy seconded the motion and the roll call vote was unanimous.

7:30 Notice of Resource Area Delineation: 47 Conant Street

Continuation of Hearing opened on November 4, 2020

Molly Obendorf with Stamski & McNary, Inc., representing the owner, Austin J. O'Malley, noted that the DEP file number for the delineation had arrived (DEP file # 85-1289). Dave Crossman, with B&C Associates, stated that wetlands on the three O'Malley parcels is a long finger of forested wetland flowing into a large red maple swamp on the abutting property at 31 Conant Street (Taylor property). The Commissioners asked if the wetlands flagging was to be

confirmed for three lots and would the confirmation of wetlands be recorded for all three lots? Mr. Crossman responded, yes, for three parcels: #39 Conant Street, Parcel Z, #51 Conant Street – lot 2A.2.

The Commissioners noted that they had read a letter submitted by an abutter at 45 Conant Street, Joan Cirillo, dated 11/12/20, but had not had a chance to read a second letter submitted by Ms. Cirillo dated 11/16/20. Ms. Cirillo asked that the Commission take the time to read the second letter dated 11/16/20, which noted that the applicant, in their ANRAD filing, had not looked at all resource areas.

[The letter was displayed digitally and the Commissioners read the second letter in its entirety.]

Attorney Alex Parra, representing Northeast Site Development, stated that the applicant had not read the second letter from Ms. Cirillo, so could not respond. He noted that in preparing the ANRAD filing, the use of the Town's GIS maps would not be sufficient to determine the wetlands boundary.

Dave Crossman stated that he looked at soils over the entire property, along with vegetation. There is no Land Subject to Flooding on the three parcels under review. Mr. Crossman also noted that the Town GIS mapping is quite similar to the wetlands as defined by his flagging. Amy asked if there is any FEMA floodplain on the three parcels? Dave Crossman responded that there was no floodplain on the property.

At 8:30 pm Mr. Maitland closed the hearing.

Decision: Amy moved to issue an Order of Resource Area Delineation for the project, comprised of #39 Conant Street, #51 Conant Street (lot 2A.2) and parcel Z, approving the boundary of the bordering vegetated wetlands and that there are no other resource areas on the three properties owned by Austin J. O'Malley. The ORAD shall be recorded on all three parcels. Jim seconded the motion and the roll call vote was unanimous.

Special Business: none

Consent Items:

Certificate of Compliance: 85 Piper Road

Decision: Amy moved to issue a Certificate of Compliance, Jim seconded the motion and the roll call vote was unanimous.

Minutes: Nov. 4, 2020, Reviewed by TM, AG, JC

Decision: Amy moved to approve the Minutes of Nov. 4, 2020, Jim seconded the motion and the roll call vote was unanimous.

At 8:35 PM, it was moved and seconded to adjourn the meeting. The motion was approved unanimously.

Documents and Exhibits Used During this Meeting

23 Newtown Road: WPA Form 1: Request for Determination of Applicability

23 Newtown Road: Supporting Maps

47 Conant Street: DEP Filing Number
47 Conant Street: Abutter letter dated 11/12/2020
47 Conant Street: Abutter letter dated 11/16/2020
85 Piper Road: WPA Form 8A: Request for Certificate of Compliance

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-11856>

Terry Maitland
Terrance Maitland, Chair