

CONSERVATION COMMISSION
MINUTES
April 7, 2021
7:15 PM
Virtual Meeting

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

Absent:

Natural Resources Director and recording secretary: Tom Tidman
Zoom Host: Fran Portante

Regular Business

7:15 Chairman Terry Maitland read the virtual meeting protocol.

7:20 Notice of Intent hearing for 47 Conant Street was continued to April 21, 2021

Consent Items:

Minutes of March 3, 2021, reviewed by CK and TMc.

Tim moved to approve the Minutes of March 3, 2021; Amy seconded the motion and a roll call vote was unanimous.

Minutes of March 17, 2021, reviewed by TM, AG, CK, TMc.

Amy moved to approve the Minutes of March 17, 2021, Carolyn seconded the motion and the roll call vote was unanimous.

Minutes of March 17, 2021 Site Walk, reviewed by CK, AG, TMc; Amy moved to approve the Minutes; Tim seconded the motion and the roll call vote was unanimous.

Certificate of Compliance: 169 Central Street, DEP No. 85-1275

Jim moved to issue a Certificate; Zywia seconded the motion and the roll call vote was unanimous.

Certificate of Compliance: 125 Hayward Road DEP No. 85-1155

Jim moved to issue a Certificate; Amy seconded the motion and the roll call vote was unanimous.

7:30 Request for Determination: 37 Mohegan Road

Jared Conway, with Stamski and McNary Engineering, presented plans for an in-ground pool and associated patio and pergola.

Jared noted that the pool and patio will be constructed on an existing level lawn area at the rear of the newly constructed house. Access to the pool area for construction equipment will come from the left side of the house because the septic system and septic tank are located on the right hand side of the residence.

Amy asked if the small portion of patio extending into the 75' setback could be moved outside the setback? Jared said yes, that no work associated with the patio will occur within the no-build setback.

Tim asked where stockpiling of excavated material would be located, and Jared responded that, in the event excavated materials are left onsite, which they typically would not be, they could be placed in the future pergola location, which is outside the 100' buffer. A stock pile area could be noted on the plans if the Commission would like to have it so indicated.

Jim observed that this project looks like it should be an NOI filing, with a significant amount of work proposed within the 100' buffer zone.

Amy asked what material the patio will be made of?

Paul Kirchner, with Stamski and McNary Engineering, noted that approximately half of the proposed pool and patio are located within the 100' buffer, with the remainder, including the pergola, located outside the buffer zone on a level lawn area. The house built in 2017.) There is a driveway between the proposed pool and patio and the wetlands resource area. The resource area is disconnected from the proposed work area, and the proposed work will not alter an area subject to the Act.

The Commissioners asked for additional information to be shown on the plans, including: construction material, location of the stock pile area, where construction equipment will access the site, location of the silt prevention barrier at the 75 ft wetlands buffer, and the addition of a planting plan. The Commissioners discussed the extent of work proposed within the buffer zone and concluded that a Notice of Intent would be a more appropriate filing for this level of buffer zone work, allowing them the opportunity to add "special conditions," if necessary. Jared noted that a Notice of Intent had been planned for the project, but after discussing with the administrator a Request for Determination was filed.

The Chairman asked if the applicant would be willing to withdraw the RDA and file an NOI. The applicant agreed to withdraw, and an NOI filing would be submitted in time for the next Conservation Commission meeting on April 21.

8:05 Notice of Intent: Harris Street Sidewalk

Paul Kirchner with Stamski and McNary, presented for the applicant, the Town of Acton Department of Public Works.

Paul noted that the proposed sidewalk will run along the north side of Harris Street from Alexandra Way past the new North Acton Fire Station to Main Street. This will be a 5 ft. wide bituminous sidewalk with a 3 ft. wide grass strip to distance the sidewalk from the existing road.

Amy asked if there was a stormwater report included with the NOI filing? Paul stated that because the 5' wide sidewalk was less than one lane (road work) in width, a Stormwater report was not required by the State.

Zywia asked for clarification on the buried culvert shown on the plans. Paul stated that during construction the culvert would be excavated and reviewed to see if it is functional or could be discontinued. If the culvert is functional, then a new headwall would be constructed just beyond the new sidewalk.

The Applicant asked that conditions #18 & 19 be waived, as work will occur within the no-build setback area and some grading will occur within the 50 ft setback. No sidewalk construction will occur within the 50 ft. or 75 ft. buffer.

Decision: Amy moved to issue a standard Order of Conditions, waiving special conditions 18 and 19 of the Acton Bylaw.

8.20 Notice of Intent, 9 Adeline Way

Paul Kirchner with Stamski and McNary Engineering, presented plans to extend a drain pipe that currently drains into a small basin within a few feet of their patio.

The extended drain pipe will be perforated and surrounded by crushed stone. The existing basin will then be backfilled, creating additional lawn area. The new outfall for the storm drain will exit at a flared end, where stormwater will pass through a level spreader (trap rock). In addition to backfilling the existing basin, the applicant would also like to level a small area at the rear of their deck. The existing house was constructed so close to the rear lot line that there is no level area to walk around the rear of the house. Grades around the back of the house will be raised slightly and a boulder slope will be installed to prevent erosion.

Jim asked how often the basin overflows off the property? Paul noted that no additional water will be entering the basin, not changing the storm drain characteristics of the infiltration chambers under the road at Adeline Way, and that this is just an overflow basin. Home owner William Baker said that, in the three years they've lived here, no storm water has entered the basin through the existing pipe.

The Commission discussed the work within the buffer zone setback areas, noting that this project was originally filed as a 40B project, and now we're using town standards and setbacks. The Commissioners questioned if such a modification to the approved ZBA plans would need to go back to the ZBA for review, or if this would be considered a *de minimus* change.

Alison Baker, owner\applicant, said that they were already experiencing erosion behind their deck, where a row of boulders had been installed during construction. The area is currently a steep slope, and they would just like to make the slope less steep, more passable and address the erosion issue.

Jim pointed out that a stone wall exists now that was approved under 40B. Widening the area behind the deck would have little impact on the wetlands. The Commission still needs more information about design flow into the basin. Can the new design handle the same flow without a basin to infiltrate through?

Paul responded that the plans are showing the discharge closer to wetlands but with no increase in the volume, and the level spreader will mitigate sheet flow. Stamski & McNary did not do the original design.

Tim commented that it looks like the applicant is asking for approval to install two structures.

Zywie asked about creating a vegetated area.

Abutter Don Johnson outlined the thought process considered by the ZBA and applicant when the 40B project was initially designed. The original plan with the detention basin was designed to handle a 100 year storm event without water entering onto his property at 1 Cindy Way. A row of evergreens was agreed upon prior to construction to screen the abutting properties. He is concerned that this new design with a level spreader will cause water to flow onto his property at 1 Cindy Way.

Abutter Susan Bierwagen of 6 Dunham Lane noted the projects nearness to a certified vernal pool and the insensitive manner in which the 40B was initially constructed. She is very concerned that chemicals will enter the vernal pool.

Jim suggested to the chairman that we should continue the hearing, allowing the applicant's engineer time to address concerns mentioned by the Commission and abutters. The Commissioners also voiced an interest in visiting the site again.

Mr. Maitland asked the applicants and applicants' engineer if they would be willing to continue the hearing to May 5th @ 7:15 PM. Applicant answered yes.

New Business: none

Special Business: none

*At 9:30 p.m., it was moved and seconded to adjourn the meeting.
The motion was approved unanimously.*

Documents and Exhibits Used During this Meeting

RDA Filing for 37 Mohegan Road

NOI Filing for Harris Street Sidewalk

NOI Filing for 9 Adeline Way

Request for Certificate of Compliance for 85-1275 169 Central Street

Request for Certificate of Compliance for 85-1155 125 Hayward Road

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-12998>



Terrence Maitland, Chair