



## Acton Conservation Commission

Meeting Minutes

October 20, 2021

7:15 PM

Virtual Meeting

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

**Absent:** Jillian Peters

Natural Resources Director and recording secretary: Tom Tidman

Zoom Host: Fran Portante

### **Regular Business**

7:15 Chairman Terry Maitland opened the meeting and read the Virtual Meeting guidelines.

Terry announced the hearing for the Notice of Intent for 12 Spring Hill Road is continued to November 3, at 8:00 PM

Notice of Intent for 348-364 Main Street, Acton Housing Authority is continued to Nov 3, at 7:15 PM

7:17 **Notice of Intent: 8 Agawam Road DEP file # 85-1311**

Molly Obendorf with Stamski & McNary presented plans for the construction of a deck off the rear of the house. The existing deck is 23.2 feet from the edge of wetlands; the proposed deck will be 23.3 feet from wetlands. Molly also noted that the existing wood steps to the basement from the lawn need to be replaced and are part of the filing before the Commission tonight. Molly plans to submit an amended plan showing the new basement access steps. Hay wattles will be installed around the work area.

Hearing closed at 7:25 pm.

**Decision** Amy moved to issue a standard Order of Conditions, waiving bylaw setback requirements outlined in bylaw standard conditions #18 & #19.

Tim 2<sup>nd</sup>, roll call vote was unanimous.

7:30 **Request for Extension: 446 Mass Ave DEP file # 85-1238**

Molly Obendorf with Stamski & McNary described the status of the affordable senior housing project at 446 Mass Ave, as outlined in a "Request for Extension" letter dated – 10/4/21, DEP file # 85-1238. The extension request would extend the approved OOC to November 23, 2025.

#### **Decision**

Amy moved to issue the 3 year extension to DEP file # 85-1238, Jim 2<sup>nd</sup>.

Roll-call vote 4 aye, Zywia – abstain, Carolyn – abstain.



7:35 **Notice of Intent:** Assabet Well #3. DEP file # 85-1287

Water District Superintendent - Chris Allen introduced the topic to the Commission, noting events that had taken place and land purchases made by the Water District acquiring land from W.R. Grace. Well # 3 had been installed by W.R. Grace in the 1970's.

Chuck Caron, Caron Environmental Consulting, described the site and the resource areas within 100 feet of the proposed well connection. Chuck noted that installation of an 8" water main and 6" electrical conduit will be directionally drilled under the resource area. No new access roads will be needed. A 100 foot long trench will be excavated from well #3 to an entry pit where directional drilling will start. Jim Cray with Wright-Pierce Engineering described the drilling process.

Commissioners asked if erosion control measures could be extended around the 2 inch sump (drain) at the connection point to the Assabet #2 well.

Hearing closed at 7:58 pm,

**Decision:** Jim moved to issue a standard order of Conditions with one special condition (1) Erosion control shall be extended around the end of the 2" sump discharge pipe at the Assabet well #2 end of the project. Zywia seconded the motion and the roll call vote was unanimous.

8:05 **Request for Determination:** 5 Driftwood Road

Owner Roxanne Warniers presented plans for the replacement of an existing deck and the extension of a new deck off the rear of the house. The new 10 feet X 16 feet deck will be constructed on helical piles.

Commissioners asked about three mature trees quite close to the work area. Roxanne stated that they intend to leave the trees. Commissioners discussed adding construction fence around the trees to help prevent damage during construction.

Hearing closed at 8:12 pm

**Decision** Amy moved a negative 3 determination which as described in the request is within the Buffer Zone, as defined in the regulations, but will not alter an area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent with one special condition: (1) the owner or contractor shall meet at the site with the Conservation Agent to establish the location of a construction fence to be installed around the three trees in close proximity to the work area.

Jim 2<sup>nd</sup>, roll-call vote was unanimous.

8:15 **Notice for Determination:** 34 Washington Drive

Landscape Architect Holly Ben-Joseph presented for the owners. Project involves the installation of a pervious interlock block patio off the rear of the house connecting to the



existing deck. A low retaining wall will be constructed into the slope to anchor the patio. In addition, the existing wire fence at the rear of the yard will be replaced with a chain-link fence, and privacy fences will be installed along both sides of the lot. Commissioners discussed “like structures” concluding that the proposed patio is similar in function to the existing deck. The existing deck at its nearest point is 59 feet from wetlands. The proposed patio at its nearest point will be 65.2 feet from wetlands. Commissioners asked that the chain-link fence proposed for the rear of the yard be elevated 6” above the ground for small mammal and reptile passage and that the privacy fences along both sides of the yard be elevated by 6 inches for a distance of at minimum 25 feet from the rear of the yard.

Hearing closed at 8:51pm

**Decision** Tim moved a negative 3 determination (see definition in 5 Driftwood decision), with one special condition: (1) Chain-link fence at rear of yard will be elevated by a minimum of 6” above the ground, and the two privacy fences along the side yard will be elevated by 6” from the ground for a distance of 25’ minimum from the nearest point to wetlands.

Jim 2<sup>nd</sup>, roll-call vote was unanimous.

#### 8:40 **Notice of Intent: 51 Flint Road**

Paul Kirchner presented for the owner Lauren Holt also at the virtual meeting. The project involves connecting/enclosing the existing open walkway between the existing house and an adjacent free standing garage. A porch will also be constructed off the front to the newly created room. There will be a crawl space under the new room. Any stock piling of material generated during construction will be placed in the existing driveway. Commissioners asked that a modified plan be produced showing the location of stock piled materials.

It was noted that the Town and/or applicant has yet to receive a DEP file number for the project, thus the hearing was not closed and continued to November 3<sup>rd</sup> at 7:15pm.

#### 8:55 **Notice of Intent: Continuance of Hawks Crest Reserve- Fletcher Court DEP 85-1305**

Chairman Terry Maitland stated for the record, that he is an abutter to the proposed project off Fletcher Court and as such will recuse himself from any involvement in the hearing. He stated that vice-chair Jim Colman will act as chair for the “Hawks Crest Reserve” Notice of Intent proceedings.

Developer Mark Gallagher, with Seal Harbor Development, updated the Commission of the status of the project and changes made to the original filing after additional wetlands were discovered by the Commission during an earlier site walk. The project has been reduced by two houses and now consists of six new units to be constructed. Three of the proposed houses will involve wetlands filings, which will be filed individually at a later date. The proposal before the Commission under this NOI is for: road construction, all storm water and drainage structure and retention/detention basin construction. Mark noted that an additional wetlands area had been added to the amended plans before the



Commission this evening, reflecting a site walk with Commissioners and botanist Dave Crossman – B&C Associates, earlier this week.

Mark noted that Planning Board approval was issued last night. He also mentioned additional peer review comments and suggested modifications to the plans are currently being reviewed by Stamski & McNary.

The Town of Acton's peer review firm, GCG Engineering Services, commented on the steepness of the grading off the rear of the proposed retention/detention basins. Paul Kirchner with Stamski & McNary stated that he is reviewing the peer review comments to see if some re-grading will be necessary.

Commissioners asked about an existing cart path shown on the plans that currently goes through the wetlands and eventually out to the Assabet River Rail Trail. Concerns were voiced, asking if the path could be moved out of the wetlands and relocated. Paul Kirchner stated that he will meet with the Conservation Agent onsite next week to look for a suitable location to relocate the trail too.

Mr. Colman asked if the applicant would be willing to continue the hearing to have further time to review peer review comments and possible re-grading of the storm water basins. The applicant agreed to continue to November 3<sup>rd</sup> at 8:05 PM.

This being Fran's final meeting with the Commission, everyone wished Fran well, thanking her for all her help over the years. We all love Fran!

#### **Documents and exhibits used at this meeting:**

Notice of Intent filing for 12 Spring Hill Road

Notice of Intent filing for 348-364 Main Street

**Notice of Intent** filing for **8 Agawam Road**

**Request for Extension** filing for 446 Mass Ave

**Notice of Intent** filing for Assabet Well #3.

**Request for Determination:** filing for 5 Driftwood Road

**Request for Determination** filing for 34 Washington Drive

**Notice of Intent** filing for **51 Flint Road**

**Notice of Intent** filing for **Continuance of Hawks Crest Reserve- Fletcher Court**

**All documents can be found at <http://doc.acton-ma.gov/dsweb/View/Collection-13011>**

**The meeting was adjourned at 9:30 PM.**

*Terrence Maitland*  
Terrence Maitland, Chair