

ACTON CONSERVATION COMMISSION  
MINUTES  
APRIL 17, 2013  
7:00 PM  
TOWN HALL - 472 MAIN STREET  
ROOM 204

RECEIVED  
MAY 17, 2013  
TOWN CLERK, ACTON

COMMISSIONERS PRESENT: Terry Maitland, Amy Green, William Froberg, Tom Arnold, Jim Colman, Fran Portante

RECORDING SECRETARY: Tom Tidman, Natural Resources Director

VISITORS: Scott Hayes, Scott Goddard, Doris Prenderville, James Donaldson, Bill McCullen, Charles Caron, Rich Protasowicki, Pam Stevens, Chris Allen, Dee Feeba

7:00 Notice of Intent - 330 Nagog Hill - Chiung Fong - 85-1117 (010)

Scott Hayes from Foresite Engineering presented plans for restoration work in an area where trees were removed within the 100' buffer zone; eight stumps have been located within the 50' natural vegetative setback. The applicant now understands that the work he did was not permitted. Mitigation will include the planting of a row of two-inch caliper trees to be planted along the 50' setback 40 to 50 feet on center. It was noted that some clearing occurred on the 10.3 acre property prior to Mr. Fong's purchase.

Mr. Arnold suggested that the trees be placed in groupings; a single row is very minimal.

Ms. Portante noted that there is lot of boulders which could assist in demarcating the 50' setback.

Upon query by Ms. Green, Mr. Hayes reported that the applicant removed the trees because he plans to build an accessory building and driveway and was unaware of the wetland laws.

Mr. Colman stated that it seems like the applicant cut down a lot more trees than he is replacing, why is he not planning on replacing one for one?

Mr. Froberg stated that the Commission needs to access the "value" of the buffer zone trees that were removed. Does the new replacement trees equal the value of the trees removed?

Mr. Colman stated that he feels that this filing is a restoration project.

Mr. Hayes stated that the applicant proposes to remove the trees that were cut, all trees removed in the buffer zone will be skidded out.

Ms. Portante stated that it might be better to choose indigenous trees for naturalization and would also like to see boulders provided.

Upon the request of the Commission, Mr. Hayes agreed to meet with Mr. Tidman to develop a planting plan reflecting the Commissions suggestions during this hearing.

Upon agreement with Mr. Hayes, Mr. Maitland continued the hearing until May 1, 2013 at 8:00 PM.

7:15 Notice of Intent - Continuation - 195 Newtown Road - Foresite Engineering - 85-1104 (020-021)

Scott Hayes from Foresite Engineering reported that the lot was created in the 1970s; it is a narrow lot with a lot of exposed ledge and change in elevation. The Commission issued a Determination of Applicability approximately two years for septic system testing. Testing was done on the Littleton side of the lot where ledge was encountered three feet below grade with buffer zone and wetlands deeper in the Littleton part of the property. Further testing revealed that there are no other suitable septic system locations on the seven-

acre lot. The environmental impact would be greater if the buildable area was accessed from Sara Indian Way in Littleton; the slope is very steep and would require significant fill.

Upon query by Mr. Maitland, Mr. Hayes reported that the plan remains the same with no design change at the wetland crossing area.

Upon query by Ms. Green, Scott Goddard, from Goddard Consulting, LLC, reported that there is no evidence of a vernal pool, or vernal pool species, on the site, it is more of a slow moving flow pattern.

Mr. Hayes noted that access from the north is much steeper and would be far more difficult to build a road from that direction and would only require slightly less wetland alteration. Both flood storage and bordering vegetated wetland replication is proposed, creating a larger flood storage area and joining it to the wetland replication area.

Upon query by Mr. Maitland, Mr. Hayes stated that he can increase the flood storage and wetland replication area slightly. Six to eight inches of organic material will be added to the replication area.

Ms. Green noted that six to eight inches of organics is the minimum, 12" would be better.

Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 195 Newtown Road - 85-1104

Ms. Portante moved that the Commission issue a standard Order of Conditions with the modification of standard Bylaw Conditions 18 & 19 allowing the work as proposed on the approved Notice of Intent Plan dated December 5, 2012; Mr. Arnold 2<sup>nd</sup>, unanimous.

Notice of Intent - 93 Strawberry Hill Road - William McCullen - 85-1116 (030-032)

Bill McCullen presented plans for proposed removal of trees, grading and loaming within the 100' of a bordering vegetated wetland; he wishes to increase the size of his existing yard for more play space and is looking to clear approximately 1,500 s.f. of wooded area. It was noted that Mr. Tidman delineated the wetlands on site last fall. Approximately 50% of the work is within the buffer zone; no activity is proposed within the 50' natural vegetated setback. Mr. McCullen plans to add top soil and move boulders down to the 50' setback with some plantings along the neighboring property boundary. If approved, this work will be done this spring/summer.

7:40 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 93 Strawberry Hill Road - 85-1116

Ms. Portante moved that the Commission issue a standard Order of Conditions, Mr. Froberg 2<sup>nd</sup>, unanimous.

7:45 Notice of Intent - 94 Great Road - Bursaw Gas & Oil - 85-1113 (040)

James Donaldson from Wilcox and Barton presented plans for the removal of three 50,000 gallon underground storage tanks and the installation of two 30,000 gallon underground storage tanks. Mr. Donaldson noted that the tanks must be replaced within the next two years according to State requirements. The Applicant wishes to replace the tanks prior to the required date.

Upon query by Mr. Maitland, Mr. Donaldson reported that there is no evidence of any previous release from the existing tanks; they were installed in the 1980s.

Upon query by Ms. Portante, Mr. Donaldson reported that the applicant is replacing the existing tanks with smaller ones based on recent sales due in part to more use of natural gas; there will be a 60% reduction in on-site volume.

Upon query by Mr. Arnold, Mr. Donaldson reported that only the top of the tanks will be exposed, the tanks will be cut in place and extracted; sheathing is an option that will be evaluated. Back-fill material will be added as

soon as the tanks are removed; there will be no exposed unstable materials on the slope; exposed materials will not remain on site beyond the day the day of excavation.

Mr. Arnold noted during excavation if the slope fails the applicant will have to notify the Commission immediately.

Ms. Green noted that there is evidence of mulch and sand pushed over the edge of the pavement from snow removal; she would like to see that cleaned up and something added to prevent this from happening in the future.

Mr. Maitland indicated that the Commission will likely impose some special conditions if approved; hearing no further comments or questions, Mr. Maitland closed the hearing.

8:15 Decision - 94 Great Road - 85-1113

Ms. Green moved that the Commission issue an Order of Conditions with the following special conditions:

1. In the event that the integrity of the bank (slope to Nashoba Brook) should become unstable, or conditions change, during the tank removal the Applicant shall notify the Conservation Agent and Commission immediately.
2. The slope at the east end of the parking lot shall have an erosion blanket added after sand and other material is removed; a native seed mix shall be applied and a row of boulders added.
3. The Conservation Agent will meet with the contractor on site to demarcate the area at the east end of the parking lot to be restored and where boulders should be placed.

Mr. Colman 2<sup>nd</sup>; unanimous.

8:25 Notice of Intent - Hayward Road Water Main - Water Supply District - 85-1121 (051&052)

Charles Caron from Caron Environmental presented proposed plans for the replacement of 6,700 linear feet of water main along the right-of-way of Hayward Road from Main Street to Arlington Street, much of the southerly section of Hayward Road is within the 100' buffer zone. Erosion control will be provided for all work within the buffer zone; all proposed activity will occur within the existing road and road shoulder. Directional drilling will be used in several locations to reduce excavation.

Notice of Intent - Stow Street Water Main - Water Supply District - 85-1115 - (050&052)

Charles Caron from Caron Environmental presented proposed plans for the replacement of 2,800 linear feet of water main along the Stow Street right-of-way (from the Martin Street intersection southward towards the Stow town line). Proposed work will occur within the existing road and road shoulder; more than half of the length of the project is within flood plain. Temporary basins with filters will be provided for dewatering purposes. The 50-year old water main will be abandoned in place and the new main will be installed and tied to house services. Sections of work will be cut and covered daily. It is likely that work will start in June and should be complete by mid-November.

8:40 Hearing no comments or questions, Mr. Maitland closed the hearings.

Decision - Stow Street Water Main - 85-1115

Mr. Froberg moved that the Commission issue an Order of Conditions for the plans as presented waiving standard Bylaw Conditions 18 & 19 to allow work as shown on the approved plans referenced on the Contract Drawings for Hayward Road & Stow Street dated March 13, 2013; Mr. Arnold 2<sup>nd</sup>, unanimous.

Decision - Hayward Road Water Main - 85-1121

Mr. Arnold moved that the Commission issue an Order of Conditions for the plans as presented waiving standard Bylaw Conditions 18 & 19 to allow work as shown on the approved plans referenced on the Contract Drawings for Hayward Road & Stow Street dated March 13, 2013; Ms. Green 2<sup>nd</sup>, unanimous.

8:45 Notice of Intent - 6 Partridge Pond Road - Tania Ellis - 85-1120 (060)

George Dimakarakos from Stamski & McNary presented proposed plans for the construction of a single family home within 100' of a bordering vegetated wetland. Mr. Dimakarakos reported that 6 Partridge Pond will be sub-divided into two lots. The new proposed driveway will be within the 100' buffer zone and will meet the 75' no-structure setback; all other work is outside of the 100' buffer zone.

8:50 Hearing no comments or questions, Mr. Maitland closed the hearing.

Decision - 6 Partridge Pond Road - 85-1120

Mr. Colman moved that the Commission issue a standard Order of Conditions; Ms. Portante 2<sup>nd</sup>, unanimous.

8:51 Notice of Intent - One Lilac Court - Pam Stevens - 85-1119 (080)

George Dimakarakos from Stamski & McNary reported that the existing septic system for the existing single-family home located at One Lilac Court is in failure and will be connected to the town sewer main along School Street. A utility easement will be created, all work associated with the connection will occur within existing lawn area.

Hearing no comments, Mr. Maitland closed the hearing.

9:05 Decision - One Lilac Court - 85-1119

Mr. Arnold moved that the Commission issue a standard Order of Conditions; Mr. Colman 2<sup>nd</sup>, unanimous.

Notice of Intent - Lot A-2 School Street - One Lilac Court - Pam Stevens - 85-1118 (070)

George Dimakarakos from Stamski & McNary presented proposed plans for construction of a single family home within 100' of a bordering vegetated wetland. The proposed house and driveway meet the 75' no-structure setback under the Bylaw; the driveway will be constructed within existing lawn area.

Hearing no comments, Mr. Maitland closed the hearing.

Decision - Lot A-2 School Street - 85-1118

Mr. Colman moved that the Commission issue a standard Order of Conditions; Mr. Arnold 2<sup>nd</sup>, unanimous.

Certificates of Compliance - 70 Newtown Road - 85-984 and 85-1014

The Commission held the issuance of the Certificates noted pending a site inspection and is postponed until the next Commission meeting scheduled on May 1<sup>st</sup>.

#### MINUTES

Ms. Portante moved that the Commission approved the minutes of March 20, 2013; Ms. Green 2<sup>nd</sup>, unanimous.

9:10 Meeting adjourned.



Terry Maitland, Chair

TT:ahr  
ahr.concom.minutes.2013.04-17-2013.  
ar rec'd 4/25pm

**ACTON CONSERVATION COMMISSION  
AGENDA  
APRIL 17, 2013  
7:00 PM  
TOWN HALL - 472 MAIN STREET  
ROOM 204**

7:00 Notice of Intent - 330 Nagog Hill - Chiung Fong - 85-1117 (010)  
*Foresite Engineering* - stabilization of an area of recently cut trees within the 100' of a bordering vegetated wetland (town atlas plate F-3A, parcel 31).

7:15 Notice of Intent - Continuation - 195 Newtown Road - *Foresite Engineering* - 85-1104 (020-021)  
Letters & illustrative plan provided.

7:30 Notice of Intent - 93 Strawberry Hill Road - William McCullen - 85-1116 (030-032)  
Proposed removal of trees, grading and loaming within the 100' of a bordering vegetated wetland (town atlas plate F-5, parcel 59).

7:45 Notice of Intent - 94 Great Road - Bursaw Gas & Oil - 85-1113 (040)  
*Wilcox & Barton, Inc.* - proposed removal of three 50,000 gallon underground storage tanks and the installation of two 30,000 gallon underground storage tanks located. Work will occur within 100' of a bordering vegetated wetland and within 200' of Nashoba Brook (town atlas plate G-4, parcel 122).

8:00 Notice of Intent - Stow Street Water Main - Water Supply District - 85-1115 - (050&052)  
*Caron Environmental* - proposed replacement of 2,800 linear feet of water main along the Stow Street right-of-way (from the Martin Street intersection southward towards the Stow town line). Some activity will occur within 100' of bordering vegetated wetlands and riverfront area.  
  
Notice of Intent - Hayward Road Water Main - Water Supply District – 85-1121 - (051&052)  
*Caron Environmental* - proposed replacement of 6,700 linear feet of water main along the right-of-way of Hayward Road from Main Street to Arlington Street.

8:15 Notice of Intent - 6 Partridge Pond Road - Tania Ellis - 85-1120 (060)  
*Stamski & McNary* - proposed construction of a single family home within 100' of a bordering vegetated wetland (town atlas plate F-3, parcel 70-10 & 70-14).

8:25 Notice of Intent - One Lilac Court - Lot A-2 School Street - Pam Stevens - 85-1118 (070)  
*Stamski & McNary* - proposed construction of a single family home within 100' of a bordering vegetated wetland (town atlas plate H-3, parcel 58).  
  
Notice of Intent - One Lilac Court - Pam Stevens - 85-1119 (080)  
*Stamski & McNary* - proposed connection of a sewer service to an existing dwelling (town atlas plate H-3, parcel 58).

Certificates of Compliance - 70 Newtown Road - 85-1014 & 85-984 (090 - 094)

MINUTES

March 20                    reviewed by                    AG, AM, TM, FP                    signature

04-17-2013

Type	Title	Owner	Edited
 <a href="#">0001 - April 17 Agenda</a>		naturalres	04/12/
 <a href="#">010 - Notice of Intent - 330 Nagog Hill Road - 85-1117</a>		naturalres	04/12/
 <a href="#">020 - 195 Newtown Road - Foresite Letter &amp; Illustrative Plan</a>		naturalres	04/12/
 <a href="#">021 - 195 Newtown Road - Limited Project Letter - Scott Goddard 04-11-2013</a>		naturalres	04/12/
 <a href="#">030 - Notice of Intent - 93 Strawberry Hill Road - 85-1116</a>		naturalres	04/12/
 <a href="#">031 - Notice of Intent - Site Plan Sketch - 93 Strawberry Hill Road</a>		naturalres	04/12/
 <a href="#">032 - Notice of Intent - GIS Plans - 93 Strawberry Hill Road</a>		naturalres	04/11/
 <a href="#">040 - Notice of Intent - 94 Great Road - 85-1113</a>		naturalres	04/12/
 <a href="#">050 - Notice of Intent - Stow Street - Water Main - 85-1115</a>		naturalres	04/12/
 <a href="#">051 - Notice of Intent - Hayward Road - Water Main</a>		naturalres	04/04/
 <a href="#">052 - Notice of Intent PLANS - Hayward Road &amp; Stow Street</a>		naturalres	04/04/
 <a href="#">060 - Notice of Intent - 6 Partridge Pond Road - 85-1120</a>		naturalres	04/12/
 <a href="#">070 - Notice of Intent - One Lilac Court (Lot A-2 School Street) - 85-1118</a>		naturalres	04/12/
 <a href="#">080 - Notice of Intent - One Lilac Court - 85-1119</a>		naturalres	04/12/
 <a href="#">090 - Request for Certificate of Compliance - 70 Newtown Road - 85-984</a>		naturalres	04/04/
 <a href="#">091 - Request for Certificate of Compliance - 70 Newtown Road - 85-1014</a>		naturalres	04/04/
 <a href="#">092 - Request for Certificate of Compliance - 70 Newtown Road - Patrick Garner Letter 01-14-2013</a>		naturalres	04/04/
 <a href="#">093 - 70 Newtown Road Request for Certificate Letter - Foresite Engineering 4-12-2013 - 85-984</a>		naturalres	04/12/
 <a href="#">094 - 70 Newtown Road - Request for Certificate Letter - Foresite Engineering 04-2-2013 - 85-1014</a>		naturalres	04/12/