



Acton Conservation Commission

Meeting Minutes

July 17, 2019

7:15 PM

Acton Town Hall, 472 Main Street

Acton, MA 01720

Room 204

Present: Jim Colman, Amy Green, Suzanne Flint, Zywia Chadzynska, Carolyn Kiely

Absent: Terry Maitland, Tim McKinnon

Natural Resources Director and recording secretary: Tom Tidman

Regular Business

7:15 Acceptance of W.R. Grace Conservation Restriction: continued from 7-10-2019

It was explained to the Commission that the Grace CR is part of a large settlement dating back to 2009, which was only reached after a long period of litigation. The CR that was agreed to was part of the settlement and no longer open to modification. The Town of Acton has agreed to do a baseline report and monitor the property annually. No public access is allowed except for these annual inspections. The CR has been updated only to reflect names of current officials.

Decision: Ms. Flint moved to accept the CR as presented, Ms. Green seconded the motion and it was passed unanimously.

Note: Terry Maitland was recused from the following two hearings, 73-81 Piper Road Lots 1A and 1B.

7:30 Notice of Intent: 73-81 Piper Road Lot 1A, 75-285: continued from 7-10-2019

Paul Kirchner, from Stamski & McNary Inc., presented for the applicant Kirk Ware of Hawthorne Homes LLC. Paul explained that the project was filed under the Acton Bylaw only because of the size of the isolated wetlands on the site. Based on the site walk Tom Tidman and the Commission had conducted, a modification to the original plan was made. A new flag was added, A9A, based on the site walk with Tom Tidman and Dave Crossman. The house extends into the 100 foot buffer. Some tree removals are required in the buffer zone. Clearing is planned up to the 50 foot buffer zone to provide a yard area.

Mr. Kirchner was asked how much the grade was being raised around the house and he said about 3 feet of fill will be added within the buffer zone. More fill will be needed for the leaching field.

Decision: Ms. Green moved to issue a standard Order of Conditions. Ms. Flint seconded the motion and it passed unanimously.



7:45: Notice of Intent: 73-81 Piper Road Lot 1B, 75-286: continued from 7-10-2019 Paul Kirchner, from Stamski & McNary Inc., presented for the applicant Kirk Ware of Hawthorne Homes LLC. He explained that the septic system is outside the buffer zone. The house meets the 75 foot setback requirement. And the limit of clearing is up to the 50 foot buffer zone. They are still working with the Board of Health. Additional test pits are being dug on July 31st. Should there be any major changes, they will return to the Commission.

The Commission discussed the need for a special condition, that boulders be placed along the 50 foot buffer from property line to property line.

Decision: Ms. Green moved to issue a standard Order of Conditions with one special condition: *A row of 3 to 4 foot diameter boulders, buried to half their depth with a spacing of 10 feet on center will be placed along the 50 foot natural border.* Ms. Kiely seconded the motion and it passed unanimously.

7:50 Request for Determination: 10 Minot Avenue

Kirk Fitzpatrick from Civil Solutions, presented for the applicant Chafick Hankour. He explained that the existing septic system was in failure. An advanced treatment system will be installed, "Geo-Matt," which was approved in 2017. The system will operate with a depth to ground water of less than 3 feet. Geo-Matt systems reduce the amount of required grading. The closest point from Wetlands to grading is 63 feet. This is a replacement system and does not have an expansion area. It has been approved by the Board of Health.

Decision: Ms. Green moved to issue a Negative 3 determination, meaning work 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. Ms. Flint seconded the motion and it passed unanimously.

Special Business

41 Esterbrook: discussion of proposed in-ground installation: This discussion was canceled.

Open Meeting Law Complaint: discussion and follow up

Ms. Green moved the following: The Conservation Commission delegates the authority to respond to Mr. Ballard's complaint to the Acton Town Manager, Mr. John Mangiaratti. Mr. Colman seconded the motion and it passed unanimously.

Certificate of Compliance:

Bruce Freeman Rail Trail Phase I: 85-1449: not ready
85-1244: 6 Colonial Path: not ready



Approval of Meeting Minutes – The meeting minutes from the Conservation Commission meeting of **July 10, 2019** meeting were reviewed and approved by a vote of 5 to 0 with no amendments.

Adjournment: At 8:15 p.m., it was moved and seconded to adjourn the meeting. The motion was approved unanimously.

Terry Maitland
Terry Maitland
Chairperson

Documents and Exhibits Used During this Meeting

- W.R. Grace CR (signed by W.R. Grace)
- W.R. Grace Settlement agreement (unsigned copy)
- Notices of Intent packets for 73-81 Piper Road, Lot 1A and Lot 1B
- RDA packet for 10 Minot Avenue

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-10611>



CONSERVATION COMMISSION AGENDA

July 17, 2019

7:15 PM

ACTON TOWN HALL

472 MAIN STREET

Room 204

Regular Business

7:15 Acceptance of W.R. Grace Conservation Restriction: continued from 7-10-2019

7:30 Notices of Intent:

73-81 Piper Road Lot 1A, 75-285 (bylaw only): continued from 7-10-2019

73-81 Piper Road Lot 1B, 75-286 (bylaw only): continued from 7-10-2019

7:45 Request for Determination: 10 Minot Avenue

Chafick Hankour for property at 10 Minot Avenue, Acton (*town atlas plate F-4, parcel 51*). The project is the replacement of an existing failed sewage disposal. Work is within 100 feet of wetlands.

Special Business

41 Esterbrook: discussion of proposed in-ground installation

Consent Items

Certificate of Compliance:

85-1149: Bruce Freeman Rail Trail, Phase 1A

85-1244: 6 Colonial Path

Minutes: July 10, 2019, pending

Additional materials can be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-10611>