

Acton Conservation Commission
Meeting Minutes
February 19, 2020
7:15 PM
Acton Town Hall, 472 Main Street
Acton, MA 01720
Room 204

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

Absent: Zywia Chadzynska, Suzanne Flint

Natural Resources Director and recording secretary: Tom Tidman

Regular Business

7:15 Request for Determination: 128 Concord Road

Town of Acton for a project at 128 Concord Road, Acton, MA 01720 (*town atlas plate G4, parcel 211*). The Town of Acton plans to construct a park on the site, as part of the East Acton Village Green. Work will occur within 100 feet of wetlands.

The project was presented by Bettina Abe. Ms. Abe explained that this was a continuation of an effort, begun many years ago by environmental activists Carol Holly and Mary Michaelman to resurrect East Acton Village Green. This effort had been put on hold as the Bruce Freeman Rail Trail became the priority. The plan is to install just a small pocket park which will involve the removal of invasive species, preparation of an area for a future pollinator garden, planting of native species where invasives were removed, installation of a handicapped accessible trail, 3 benches, a picnic table and an informational kiosk.

The Commission discussed the plan and agreed that erosion controls must be added to the plan and installed around the area before any work could begin.

Decision: Ms. Green moved to issue a Negative 3 Determination, meaning the 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. This was conditioned on the inclusion of erosion control added to the plan and installed on the site prior to commencement of work. Mr. McKinnon seconded the motion and it passed with four votes in favor and one abstention.

7:30 Request for Determination: 25-27 School street

The Applicant is David P. Veo of 125 Strawberry Hill Road, Concord for a project at 25-27 School Street (town atlas plate H2A, parcel 49-1, 50, 51). The project entails the removal of the following accessory structures not considered historic in nature: garage, concrete block addition currently attached to a small blue workshop outbuilding, and one box trailer. The structures to be removed are not structurally sound. Proposed work will occur within 100 ft. of Fort Pond Brook. No work below grade is proposed, only the removal of building structures above slab or ground surface.

Laura and David Veo presented plans to remove three structures on the site, a garage, a shed and a trailer. Mr. Veo explained they were seeking a partial demolition permit. No soil is to be moved or disturbed with this project. Any removed materials will be placed in dumpsters and hauled off-site immediately. A silt sack will be placed around the on-site catch basin. Buildings to be removed have been examined for contamination and asbestos, and no issues were found. The garage floor is clean.

Mr. Colman noted that any subsequent filing would require more information about the existence of hydrocarbons in the soil or on the floor of the existing buildings, and that subsequent filings for construction be in the form of a Notice of Intent.

Decision: Mr. Colman moved to issue a Negative 3 Determination (see description above) conditioned on the requirement that 1. The agent inspects the concrete flooring of the garage for petroleum residue, and 2. Silt Sock erosion control must be installed. Ms. Green seconded the motion and it was approved unanimously.

7:45 Resource Area Delineation: 12 Spring Hill Road

Applicant Steve Marsh of 360 Mass. Ave., Acton, MA. The property is located at 12 Spring Hill Road, (town atlas plate E6, parcel 6-1). The applicant is seeking confirmation of the accuracy of the delineation of Wetland Resource Area subject to protection under the Wetlands Protection Act. Revised plans have been submitted.

Nicole Hayes from Goddard Consulting LLC presented for the applicant, Steve Marsh. She identified the resource areas for the audience which, in addition to the Conservation Commission, included a significant number of abutters. Ms. Hayes pointed out the Bordering Vegetated Wetlands, an intermittent stream and a fire pond. She explained that any future work on the site would require the filing of a Notice of Intent. New flag locations were indicated after a site walk with the Commission. Buildable uplands were very limited.

Ms. Hayes fielded a number of questions by the abutters, including a comment that the notification to abutters was rather vague, lacking date, time and location of meeting. Ms. Hayes said this was not required for the filing of an ANRAD. She also noted that an ANRAD was good for three years. There will be a need to file a Notice of Intent for any specific plans to utilize the site.

Decision: Mr. Colman moved to approve the revised ANRAD Plan dated 2-6-2020. Ms. Green seconded the motion and it was approved unanimously.

8:20 Notice of Intent: 66 Maple Street

Richard Damiano of Revere, MA for a project at 66 Maple Street, Acton, MA 01720 (town atlas plate H2, parcel A-23). The proposed project is to divide the property into two separate lots and to construct an additional single family home. The work proposed within the Wetland Resource Area is the removal of the following: a shed, gravel driveway, fence, debris and brush piles. All disturbed areas will be loamed and seeded.

Dan Carr from Stamski & McNary presented for the applicant, Richard Damiano. A permit has been obtained to split the lot and build a new structure. The demolition will be done by hand, with no heavy equipment used. The plan is to loam and seed the reclaimed land. The 50 foot natural buffer zone will be restored. The driveway along the right of way will be within the 100 foot buffer. Ms. Green noted that some demarcation along the 50 foot buffer zone will be required, likely boulders, and the seed mix for naturalizing and restoring the 50 foot buffer will need approval by the Conservation Agent.

Decision: Mr. McKinnon moved to issue a standard Order of Conditions with two special conditions: 1. *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.* 2. *A planting mix, to be approved by the agent, will be applied within the 50 foot buffer and allowed to naturalize.*

8:40 Notice of Intent: 6 Partridge Pond Road

Leda Ellis of Acton for a project at 6 Partridge Pond Road, Acton, MA 01720 (town atlas plate F3, parcel 70-10, 70-14). The proposed project is to construct a single family dwelling on the vacant lot with a paved driveway and related appurtenances. The existing shed will be relocated outside of the 100 foot Buffer Zone. The proposed driveway is within the 100 ft. Buffer Zone but outside the 75 foot setback. Underground utilities will also be installed along the driveway.

Kurtis Platteel from Stamski & McNary presented for the applicant, Leda Ellis. A 2013 Order of Conditions had expired and the work was never undertaken. The wetlands have now been delineated again. The new filing adjusts for additional wetlands. The driveway is proposed to run along the 75 foot buffer zone, and will be 12 feet wide, per fire code. Mr. Platteel will check on fire code requirements for the proposed driveway.

Given the outstanding Order which was never closed with a Certificate of Compliance indicating the project never commenced, the hearing was continued to 3/18/2020. Mr. Platteel will need to file for a Certificate immediately. A site walk to review the new wetlands delineation will be needed and the Commission asked that stakes be added to mark the location of the driveway.

8:50 Request for Determination: 133 Prospect Street

Robert Clarke, of 621 Energy, for a project at 133 Prospect street, (town atlas plate F2, parcel 129-3). The project involves the construction of 4 solar canopies over an existing parking lot. One canopy foundation is proposed within the 100 foot Buffer Zone of Bordering Vegetated Wetland. Two canopies have a portion of overhang within the 100 foot buffer zone. All proposed work is within existing pavement.

Mr. Maitland, a member of Congregation Beth Elohim, recused himself from the meeting. Mr. Colman assumed chairmanship for the remaining portion of the meeting.

Kurtis Platteel represented Robert Clark of 621 Energy. He noted that the solar arrays will all be placed on existing paved areas. Support structures will require 3 foot diameter holes, 8 to 9 feet deep. All dirt will be stockpiled outside the 100 foot buffer zone. The canopies will be pitched away from the wetlands. Only one of the columns will be within the 100 foot buffer zone. It will require the removal of some trees. Cars will park under the solar canopies.

Decision: Mr. McKinnon moved to issue a Negative 3 determination, meaning the 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. Ms. Green seconded the motion and it passed unanimously with 4 votes.

Special Business:

- Conservation Rules update: Bettina Abe, with Linda McElroy, presented a draft proposal which includes verbiage specific to protecting archaeological stone artifacts that exist in some conservation areas. The Commission supported the intention but

questioned the need for more regulations. They agreed to send additional comments to Bettina.

- Review of Community Preservation Committee projects: Ms. Green reviewed the proposed CPA requests.
- MACC Annual Conference: Carolyn Kiely, Amy Green and Fran Portante have signed up to attend.

Consent Items

- **Request for Extension of Order of Conditions:** Town of Acton, Great Road to Davis Road sidewalk construction
Decision: Mr. Colman moved to approve the extension request which had been submitted on January 14, 2020. Ms. Green seconded the motion. Four Commissioners approved, one abstained and none opposed.
- **Certificate of Compliance:** 19 Hemlock Lane, 85-1274 (project canceled)
Decision: Mr. Colman moved to issue a Certificate of Compliance, Ms. Green seconded the motion and it was approved unanimously.

Minutes: December 18, 2019: Reviewed by TM, CK

The meeting minutes from the Conservation Commission's December 18, 2019 meeting were reviewed and approved by a vote 5 to 0.

**At 8:56 p.m., it was moved and seconded to adjourn the meeting.
The motion was approved unanimously.**



Terry Maitland
Chairman

Documents and Exhibits Used During this Meeting

- Request for Determination: 128 Concord Road
- Request for Determination: 25-27 School Street
- Abbreviated Request for Resource Area Delineation: 12 Spring Hill Road
- Notice of Intent: 66 Maple Street
- Notice of Intent: 6 Partridge Pond
- Request for Determination: 133 Prospect Street
- Request for Extension of Order of Conditions, DEP #85-1157
- Request for Certificate of Compliance: DEP #85-1274
- CPC List of Projects for 2020
- Minutes of the December 18, 2019 for approval
- Draft of Conservation Rules changes

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-11737>