

CONSERVATION COMMISSION
MINUTES
June 30, 2021
7:10 PM
Virtual Meeting

Present: Terry Maitland, Amy Green, Carolyn Kiely, Zywia Chadzynska, Jim Colman, **Absent:** Tim McKinnon
Natural Resources Director and recording secretary: Tom Tidman
Zoom Host: Fran Portante

7:10 Terry Maitland opened the meeting and reviewed the virtual meeting protocol.

7:12 Notice of Intent for 26 Central Street: continued from June 2, 2021. DEP No. 85-1301
The hearing for this applicant was first opened on June 2. An order of conditions could not be issued until DEP had reviewed the filing and assigned an ID number. The ID number was issued on June 24. John Boardman, agent for the applicants George and Mary Georgilas, was present at the hearing. Terry updated the Commissioners on the status of the filing for a septic replacement, and informed them that a site visit had been conducted with Tom and Jim Colman. Having already reviewed the filing, Terry closed the hearing and asked for a vote from the Commissioners.

Decision: Amy moved to issue a standard Order of Conditions, Jim seconded the motion and the roll call vote was unanimous.

7:20 Request for Determination: 110-112 Central Street
Abigail & Roberto Fuerte for a project at 110-112 Central Street (town plate G2, parcel 162). The project is the replacement of the existing foundation of the single family home. Some work will occur within 100 feet of wetlands.
James Reinke presented for the applicants. He was stepping in for Michael Bonnette, who had filed the application but was unable to attend the meeting. He explained that an automobile had crashed into the house and damaged the foundation. The plan was to elevate the house and rebuild the foundation. The Commissions discussed the conditions of the lot with its proximity to wetlands. They asked that any excavating be done with a mini-excavator to minimize disturbance. They also asked that the proposed line of haybales be extended to the property line.

Decision: Jim 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. Carolyn seconded the motion and the roll call vote was unanimous.

7:35 Request for Determination: 562 Main Street
Applicant Brewster Conant Jr., for a project at 562 Main Street (town atlas plate no E4, parcel 9A-1). The project is the replacement of the existing septic system as part of renovations to the house, barn and adjacent ground areas. Some work will occur within 100 feet of wetlands.

Mark Lavallee, from GPR, presented for the applicant. He outlined the buffer zones including the Riverfront Area. The project is to upgrade the septic system. The home improvement work had already been designated a Negative 3 Determination in a prior Request for Determination filing. Mark explained that there was minimal grading proposed for the 100 foot buffer zone.

The area will be returned to Meadow. Roof runoff will be capture with recharge chamber structures.

Amy asked if they would be using a meadow seed mix? And Brewster noted they were planning an annual mowing regimen. Some of the area is already cut lawn, about where the septic system begins. Amy asked if the meadow would remain where it is currently and Mark said it would be. Noting that a portion of the field would fall within 200 foot of Riverfront, Jim asked if it could be backed up, out of the 200 foot riparian area. It was explained that the siting of the field as presented would be less noticeable since it would not require a mounded system, giving a more natural look. It was also the plan to keep the open access to the rear of the barn, and to use the lawn for extra parking for family gatherings. Amy pointed out that would require going closer to Riverfront. When asked about the timing of the project, the applicant indicated they wanted to finish by December.

Amy noted that this work, adding fill to riverfront area, is disturbance in a resource area. This would mean a Notice of Intent would have to be filed, indicating a Positive Determination would be issued. Amy asked that the applicant show an alternative's analysis. Mark maintained that an alternatives analysis was shown in the filing.

Decision: Amy moved to issue a Positive #1 determination, meaning the area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent. Jim seconded the motion and the role call vote was unanimous.

8:05 Request for Determination: 9 Beechnut Street continuation

Jim led off the conversation. He reported that solar panels could be installed on the front of the house which would require only one or two trees to be removed. He characterized it as a minor project. The Commission appreciated the applicant, Mr. Ganesan, searching for a better way to install the panels without having to remove eight mature trees. The panels will be installed on the front of the house, mostly on the garage. A large pine will have to be removed and some small trees. They asked that he work with Tom, the Conservation Agent, to resolve any questions and to seek his advice for any future tree removals.

Decision: Jim moved to a Negative 3 determination, to include the revision that the panels will now be on the front of the house and one large pine will be removed. The applicant will consult with the Conservation Agent prior to removals. Carolyn seconded the motion and the role call vote was unanimous.

8:20 Notice of Intent: 47 Conant Street continuation

Alex Parra addressed the Commission and gave a status update of the project. Based on the Peer Review report that had been completed by GCG Accociates. Some minor changes have been made to the plans. Molly Obendorf, from Stamski & McNary, reviewed changes since the March meeting. The layout of the filtration bed has been reoriented to provide a 10 foot offset to the water line. The Fire Department required the width of the roadway for the turnaround at Lot 2 to be increased to 16 feet. A letter of confirmation from the Peer Reviewer has been received and indicates all comments and concerns were addressed.

Brian Butler, with Oxbow Associates, updated the planting plan submitted previously to include a more diverse plant population per the Commission's comments. The revised planting plan was submitted on June 9.

A site walk was conducted on June 1 (minutes were taken and have been approved and posted), reviewing all wetland boundaries, including the adjacent lot. Their findings verified Mr. Crossman's previous flagging line, and confirmed compliance with the 50 and 75 foot setbacks required by the local bylaw.

Jim Colman asked Molly how she was able to keep out of the 75 foot boundary while widening the road to 16 feet. Molly said that the width was widened on the north side of the road, away from wetlands.

Amy Green commented that she was satisfied with the planting plan and good with the wetland boundary. She was concerned that the ongoing inspection and maintenance protocols be documented, and asked if there was a Home Owners Association for this subdivision and where the O&M procedures would be documents.

Alex Parra, attorney for the applicant, responded that a Home Owners Association agreement would cover all the common drive maintenance issues, including the Stormwater maintenance plan and that Joe Levine would respond with any other questions regarding the maintenance plan. Joe Levine reiterated that there would be a common driveway agreement for all three houses, with a cost sharing of 10% for the existing house and 45% each for the new homes.

Jim requested including the “no salt and sand” requirement.

Abutter comments and additional discussion:

Catherine West, attending in place of Ginny Kremer, the lawyer for the abutters, addressed the Commission. She requested that the Commission hold off on issuing the Order of Conditions. She noted a number of concerns, among them:

- The concern expressed by the abutters was for the vast area, 45 acres of wetlands, that would be impacted by this development.
- The request for records for 31 Conant Street had never been fulfilled.
- An unresolved issue with the notification of the ANRAD meeting.
- Inadequate time to review the documents and prepare a rebuttal.
- Questioned the effective use of boulders for protecting the wetlands.

Carolyn Kiely addressed the Chair, pointing out filings or requests for filings other than for this hearing were not on the agenda and could not be discussed.

Abutter Kelly D'Ambrosio addressed the Commission expressing concern about the extent of land disturbance, the overbuild and outsized dimensions of the homes, concern for tree removal in the buffer zone and the Planning Board decision requiring the widening of the roads.

Jim responded to the expressed concerns by providing the following information:

- The current hearing is for a Notice of Intent. This is completely independent of a Notice of Resource Area Delineation and is irrelevant to these proceedings.
- Other agencies have their areas of jurisdiction outside of the Conservation Commission's. The width of the road is not in the purview of the Commission.
- There are clear boundaries set forth in the Acton Wetland Bylaw, and the 75 foot boundary meets the requirements.

Kelly D'Ambrosio responded that the boundaries were the minimums and could be extended, not limited. She referred to this as a “shoe horn” project.

Amy asked Molly about snow plowing. Molly said they had added fill in the back to meet the requirements. Snow would be pushed to the far side, away from wetlands. Asked if drains were required, Molly noted there were no foundation drains.

Zywia asked how snow plowing direction would be enforced. Joe Levine responded that the driveways were sloped to the right, away from wetlands. Boulders on the left side, the wetland side, would protect the wetlands from any snow being left on that side of the roadway. If the plows tried to plow the snow to the left, they would hit the boulders.

Zywia asked about the extension of the roadway, as drawn on the plan. Molly explained that it was a Right-of-way and no pavement will be applied. It provides frontage for lots.

Terry addressed Catherine West and asked for the grounds for not issuing an order of conditions at this time: She raised the lack of a response to the request for records for 31 Conant St., and the abutters perceived boundary discrepancies of 53 Conant Street. Joe Levine questioned why other properties were being discussed.

Carolyn reiterated that 31 and 53 Conant Street were not material to the hearing for this property and should not be discussed.

Abutter Joan Cirillo addressed the Chair and the Commission. She suggested that the boulder boundary should be extended along the entire 75 foot buffer to the stone wall. She noted possible overlapping buffer zones on 47 and 31 Conant, her 7 months challenge of the filing, the voided ANRAD filing and its Order of Resource Area Delineation. She also referred to the timeliness of posting information on-line, missing documents, and her contention that the wetland boundaries were incorrect, and also the narrowness of the driveway. She also disagreed with the position of the Commissioners. She asked that the hearing be continued until documents were satisfactorily posted and reviewed.

Barbara Giles, 15 Main Street, is concerned about the impact on Pratt's Brook and would excess runoff have a negative impact on her septic. Molly explained that runoff and flooding would not increase; the site has been engineered and guaranteed not to have any additional runoff.

Amy asked Molly about the official version of plans the Commission was being asked to approve. An updated set of plans was submitted to the Natural Resources Office on June 9. The only material difference was the widening of the road. The June 7 Plans are being asked to approve. The peer reviewer has accepted the plans.

Terry polled the Commission to close the hearing.

With no further discussion, Terry closed the meeting at 9:30

Decision: Amy moved to issue a standard Order of Conditions with the following special conditions:

SPECIAL CONDITIONS REQUIRED BY THE ACTON CONSERVATION COMMISSION:

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 entire limit of the 75 foot buffer zone.

2. The Contech Stormwater collection units along with the catch basin sump shall be inspected after each storm event during the construction period and shall be fitted with siltsacks until all loamed areas are stabilized.
3. The Homeowners' Agreement/Driveway Maintenance Agreement shall be submitted to the Conservation Commission for review prior to the first sale of a house on Amanda Way.

SPECIAL CONDITIONS IN PERPETUITY

4. Standard conditions #13, no salt or other deicing chemicals shall be used on roadways and parking areas on the site; and #20, there shall be no use of fertilizers, pesticides, herbicides or chemicals of any kind within the fifty (50) foot no disturbance zone shall be included in the Homeowners' Agreement/Driveway Maintenance Agreement.
5. A minimum of five signs shall be placed at the 75 foot buffer, with the line of boulders indicating "No Dumping and No Snow Pushing." Final language and placement shall be determined in agreement with the Natural Resources Director. Maintenance of these signs shall be part of the Homeowners' Agreement/Driveway Maintenance Agreement.

Carolyn seconded the motion and the roll call vote was unanimous.

Consent Items

Minutes: June 16, 2021: in Process
June 1, 2021: In Process

Additional materials can be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-13783>

Terry Maitland
Terrence Maitland, Chair