

**TOWN OF ACTON  
CONSERVATION COMMISSION  
Minutes  
September 19, 2018  
7:15 PM  
TOWN HALL - 472 MAIN STREET  
ROOM 204**

**COMMISSIONERS PRESENT:** Terry Maitland, William Froberg, Amy Green, Jim Colman, Tim McKinnon, Jennifer Stoltz, Susanne Flint

**RECORDING SECRETARY:** Fran Portante

**VISITORS:** Molly Obendorf, Janet Adachi, Wenjin Zhou

**7:15 Request for Determination: Road Resurfacing**

*Town of Acton Department of Public Works, for the resurfacing of Joseph Reed, Deacon Hunt, Mallard, Spencer and Durkee roads. The streets will be milled and leveled as well as being resurfaced. Some of the work will occur in the buffer zone of Bordering Vegetated Wetlands.*

This was a suggested amendment to the earlier filing. The Commission determined that a new application was appropriate. The Commission also suggested that Engineering provide a more open ended format to routine operations such as this in the future. A meeting would be scheduled for the next Commission Meeting on October .

**7:30 Notice of Intent: 117 Concord Road**

*Clearing was performed within the 100 foot buffer zone and the 50 foot Natural Vegetative Zone to a Bordering Vegetated Wetland. Area adjacent to the driveway, which is partially within the 100 foot Buffer Zone and the 75 foot No Build Zone, has been graded. A firepit and a barbecue are proposed within the 100 foot Buffer Zone and the 50 foot Natural Vegetative Zone to the Bordering Vegetative Wetland. The proposed vegetation will prevent erosion into the Bordering Vegetated Wetland.*

The applicant requested the hearing be continued to Oct. 17, at 7:30.

**8:00 Notice of Intent, Continuance: 2 Clover Hill Road**

Molly Obendorf from Stamski & McNary presented for the applicant. The hearing was begun at the Sept. 5 meeting of the Commission. At that time the Commission gave a number of recommendations which were incorporated in the new version of the plan:

1. A drip edge was added around the house (no down spouts)
2. A siltation fence was added
3. Location of soil stockpile areas was added to the plan
4. A note was added specifying that existing retaining walls would be rebuilt as needed

5. The scale of the plan was increased to 1in. = 10 ft.

In addition, the proposed dwelling was enlarged slightly, increasing the area of permanent disturbance within the 200 ft. Riverfront Area to increase an additional 658 sq. ft.

The members reviewed the changes that were added to the new plan and agreed that their recommendations had been carried out to their satisfaction.

Mr. Colman noted that there were two stockpile areas on the plan. Mr. McKinnon remarked that they were not on the prior plan. He also agreed that tearing down and rebuilding the house under the current conditions was the most cost effective. Currently the owners occupy an accessory building on the lot. Mr. Froberg asked when they rebuilding would occur. The applicant indicated they would likely begin in the following spring. She also told how they had occupied the home for a year before they purchased. When they began "rolling back the carpet" they discovered major mold infestation. In addition the foundation was in poor condition. They concluded it was best to tear down the house and rebuild.

The sewer service was not noted on the plan, but Molly pointed out that the plan was focused on WPA requirements.

Mr. Colman asked if there was any discussion of planting. The owner remembered that they had discussed plantings to since this area will be along the front of the house. In addition, they plan on removing invasives. Jim asked where the front door would be located and the owner pointed it out.

There were no issues raised and there was satisfaction with the changes and additions.

**Decision:** Mr. Colman moved to issue a standard Order of Conditions, waiving Town of Acton Bylaw conditions 18 and 19. Ms. Stoltz seconded the motion. The motion passed with 6 votes for and one abstention. (Mr. McKinnon abstained since he had not been present at the prior meeting.)

#### **Conservation Restriction:** CR22 161 Newtown Road

Mr. Colman raised several concerns about the working of the CR document. He noted that the "grantee" doesn't have anything to do, and the "grantor" has to be asked. Ms. Green assured him that this can work both ways. The language of the document is pretty standard.

Mr. Colman also questioned the use of the term "de minimis commercial recreation, business, residential or industrial use" item 9 of Section A. Prohibited Acts and Uses. Ms. Green pointed out that certainly any industrial usage would be strange.

Mr. Froberg and Mr. Maitland agreed that this language was troubling but Ms. Green pointed out that any activity not in keeping with the intention of the CR is generally prohibited. Activity must be consistent with the intent.

Ms. Adachi provided information about the CR template available on-line to be consistent with the current version of the CR.

**Decision:** Ms. Green moved to approved the final version of the CR for 161 Newtown Road. Mr. McKinnon seconded the motion and it was passed unanimously.

**Certificate of Compliance:** Inspections were not completed and therefore these requests will be deferred to the next meeting.

85-1038: Double Track and Bridge Rehabilitations

85-1068: Track And Signal Work

85-1070: South Acton Commuter Rail Station Improvements

85-1153: Culvert Repair Mile Post 25.93 (after the fact emergency repair filing)

**Minutes:** September 5, 2018, reviewed by TM, AG

**Decision:** Mr. Colman moved to accept the minutes of Sept. 5, 2018; Ms. Green seconded the motion and it passed unanimously.

**Meeting adjourned at 8:20.**

  
\_\_\_\_\_  
Terry Maitland  
Chairperson

**CONSERVATION COMMISSION  
AGENDA  
September 19, 2018  
7:15 PM  
ACTON TOWN HALL  
472 MAIN STREET  
Room 9 (changed from Room 204)**

**Note change to room number!**

**7:15 Request for Determination: Road Resurfacing**

*Town of Acton Department of Public Works, for the resurfacing of Joseph Reed, Deacon Hunt, Mallard, Spencer and Durkee roads. The streets will be milled and leveled as well as being resurfaced. Some of the work will occur in the buffer zone of Bordering Vegetated Wetlands.*

**7:30 Notice of Intent: 117 Concord Road: Continued to Oct. 17**

*Clearing was performed within the 100 foot buffer zone and the 50 foot Natural Vegetative Zone to a Bordering Vegetated Wetland. Area adjacent to the driveway, which is partially within the 100 foot Buffer Zone and the 75 foot No Build Zone, has been graded. A firepit and a barbecue are proposed within the 100 foot Buffer Zone and the 50 foot Natural Vegetative Zone to the Bordering Vegetative Wetland. The proposed vegetation will prevent erosion into the Bordering Vegetated Wetland.*

**8:00 Notice of Intent Continuance: 2 Clover Hill Road**

**Conservation Restriction: CR22 161 Newtown Road**

**Certificate of Compliance: Not Ready**

Commuter Rail Projects as follows:

- 85-1038: Double Track and Bridge Rehabilitations
- 85-1068: Track And Signal Work
- 85-1070: South Acton Commuter Rail Station Improvements
- 85-1153: Culvert Repair Mile Post 25.93 (after the fact emergency repair filing)

**Minutes:**

September 5, 2018 reviewed by TM, JS

