

**Acton Conservation Commission**  
Meeting Minutes  
October 16, 2019  
7:15 PM  
Acton Town Hall, 472 Main Street  
Acton, MA 01720  
Room 204

**Present:** Terry Maitland, Amy Green, Jim Colman, Tim McKinnon, Suzanne Flint

**Absent:** Carolyn Kiely, Zywia Chadzynska

Natural Resources Director and recording secretary: Tom Tidman

**Regular Business**

**7:15 Notice of Intent: 96 Newtown Road**

*Applicant Dylan Harris for a project at 96 Newtown Road, Acton, MA 01720, town atlas plate E3, parcel 27. The proposed project is to construct a private way, catch basin and appurtenances within the 100 foot buffer zone of a Bordering Vegetated Wetland (BVW).*

Paul Kirchner from Stamski & McNary presented the filing for the applicant Dylan Harris. The lot is approximately 3.5 acres. The proposed project will create two lots and a private way. This will be a “residential compound” to minimize disturbance. The existing driveway setback will be maintained but it will be 6 feet wider. The filing is limited to the driveway and drainage system. The driveway will be 16 feet wide paved with 2 foot shoulders on both sides. Residential compounds require sidewalks. A well will be required for the property.

The Commission asked why the applicant had not also filed the NOI for the proposed house? Mr. Kirchner said they planned to file the house construction NOI soon. Concern was expressed that the current application was segmented and did not show the extent of buffer zone impacts from both house and driveway.

The hearing was continued to November 6 at 7:50PM.

**n/a Notice of Intent: 54 Martin Street, Jones Field 85-1268**

The hearing was again continued to 11/6/2019 at 7:55PM. No further discussion.

**7:35 Notice of Intent: 9 Baxter Road**

*Applicants Jeff Purchon and Lorraine Roche for a property at 9 Baxter Road, F2-B-72-3. The project is the demolition and reconstruction of a single family dwelling and associated site appurtenances. This is an “after the fact” filing since demolition has already occurred and the construction of the dwelling is already underway. Activity is within Riverfront associated with an off-site perennial stream. Work occurs within the 100 foot buffer to an off-side BVW, and an off-site Isolated Vegetated Wetland (IVW)/potential vernal pool. Some erosion controls have been put in place.*

Rich Kirby of LEC Environmental Consultants, Inc., presented the project for the applicants. He explained that the original house had already been demolished and the new house being constructed was within the footprint of the original house. Most of the lot is within the 200 foot riparian zone for Fort Pond Brook. Blue Stone patios are proposed within the 100 foot buffer zone. Stormwater management is proposed for roof runoff and the driveway; all will be infiltrated, an improvement over existing conditions. The new septic system design has been submitted to the Board of Health. Mitigation systems are designed to improve the adjacent resource areas. Buffering and plantings have been added on the vernal pool side of the house lot. A 150 ft<sup>2</sup> bluestone terrace will be located within the 75 foot buffer zone. To mitigate the planting area patio disturbance, “C” will be constructed. Policy allows for less than 200 ft<sup>2</sup>, so this would be considered a diminimis activity/structure.

**Decision:** Mr. Colman moved to issue a standard Order of Conditions with the following 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 border of the Water District Land.* 2. *Mitigation plantings must be monitored for 2 years, with a report to be submitted to the Conservation Commission by November 1 of each year.*

Ms. Flint seconded the motion and it passed unanimously.

8:20 Notice of Intent: 19 Nashoba Road

*Applicant Dolan Geneau, for a project at 19 Nashoba Road. The proposed project is the construction of a replacement septic system for an existing single family home.*

Greg Roy from Ducharme & Dillis Civil Design Group, presented for the applicant, Dolan Geneau. He explained that the existing system was in failure, and within the ground water table. The entire property is within the 100 foot buffer zone. The new system will be mounded since the ground water table is so high, and will require a pump chamber. A Presby Leaching System will be installed. The excavated material will be used for breakout fill. A waiver has been requested from the BoH, and they are waiting to hear from them.

**Decision:** Mr. McKinnon moved to issue a standard Order of Conditions; Mr. Colman seconded the motion and it passed unanimously.

7: 40 Notice of Intent: Piper Lane Condos, continued from 09/18/2019

Per request of the applicant, the hearing was continued again to the 11/6/2018 Conservation Commission Meeting.

7:45 Notice of Intent: 1-13 Keefe Road

*Applicant Daniel Lenox, for a project at 1-13 Keefe Rd (town atlas plate G-5, parcel 83). The project is the replacement of two failing septic systems with an upgraded system. Work will occur within 200 feet of riverfront area.*

Greg Roy from Ducharme & Dillis Civil Design Group, presented for the applicant, Dan Lenox. He described the site as having three resource areas: 1. Perennial Stream; 2. BVW; FEMA Floodzone. There are three buildings on the site, which is zoned for mixed commercial use. The existing septic systems have failed to meet Title 5 requirements. The new system will capture all effluent from the three buildings which will flow into a 4500 gallon septic tank, then to a 2500 gallon pump chamber and then to a new Presby leaching field. Working with the BoH, they determined the existing flow for all three buildings to be 1400 gallons per day.

**Decision:** Ms. Green moved to issue a standard Order of Conditions with a Finding of Fact: The Commission is not approving “Bordering Land Subject to Flooding” as shown on the plan. Mr. Colman seconded the motion and it passed unanimously.

**Special Business:** Hybid Farm License Renewal

The Commission would like to have a site walk before renewing the license.

**Consent Items**

**Certificate of Compliance:**

100 Hayward Road, DEP #85-1231

**Decision:** Mr. Colman moved to issue a Certificate of Compliance. Ms. Green seconded the motion and it passed unanimously. (Required signatures would be delayed until the Nov. 6 meeting.)

**Approval of Meeting Minutes** – The meeting minutes from the Conservation Commission's **August 21, 2019** meeting were reviewed and approved by a vote of 5 - 0.

The meeting minutes from the Conservation Commission's **September 18, 2019** meeting were reviewed and approved by a vote of 5 - 0,

At 9:05 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**

Notice of Intent for 96 Newtown Road  
Notice of Intent for 54 Martin Street  
Notice of Intent for 9 Baxter Road  
Notice of Intent for 1-13 Keefe Road  
Draft letter requesting renewal of Hybid Farm license  
Certificate of compliance for 100 Hayward Road  
Minutes of August 21 and Sept. 8, 2019.

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-10617>