

CONSERVATION COMMISSION  
MINUTES  
April 21, 2021  
**7:15 PM**  
Virtual Meeting

**Present:** Terry Maitland, Amy Green, Carolyn Kiely, Zywia Chadzynska, Jim Colman, Tim McKinnon, Suzanne Flint

**Absent:**

Natural Resources Director and recording secretary: Tom Tidman  
Zoom Host: Fran Portante

**Regular Business**

**7:20 Request to Amend an Order of Conditions: 75 Spruce Street**

*Filing number 85-1286, filed by Acton-Boxborough Regional School District for a project at 75 Spruce Street, Acton (town atlas plate E2, parcel 247 & 247.1). The applicant seeks approval to expand and modify the proposed solar array over the proposed parking lot. Work will occur within 100 feet of wetlands.*

Scott Morrison with EcoTec described the plan to cover the new parking lot with solar panels and that to achieve the net zero energy goals for the new twin school additional solar panels would be required, extending into the proposed buffer zone restoration area. An alternatives analysis was done to look for other locations to place solar panels. The restoration area is currently a paved parking lot for the Gates School. Scott noted that the shade cast by the solar array may limit the success of plants intended for that area of the restoration plan. Scott stated that the amended Order would allow solar panels to be located between the 50' and 75' no-build setbacks if this waiver request is granted. The solar array is located 14' above the parking lot. The additional solar panels will not result in additional parking spaces. The additional panels will be placed in an area that is currently counted as compensatory restoration area. The Commissioners asked if shade tolerant shrubs had been considered. They also asked for more specificity in the request so they could better understand the requirements for net zero energy use.

Hearing was continued to 19<sup>th</sup> @ 7:15 pm.

**7:35 Notice of Intent: 37 Mohegan Road**

*Filed by Curtis Warrington, a project at 37 Mohegan Road, town atlas plate no. D2, parcel 133-1. The project is the construction of an in-ground pool, patio and pergola, within 100 feet of wetlands.*

Paul Kirchner with Stamski and McNary Engineering presented a proposed in-ground pool, patio and gazebo. Paul noted that all work associated with the project will be located outside of the 100' wetland buffer and will be located on an existing level lawn. Permission has been granted by the neighbor at 39 Mohegan Road for construction equipment access. Excavated material will be loaded and hauled from the site and not stockpiled.

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

**Notice of Intent: 116 (Lot 3-BA) Newtown Road**

*Filed by Alan Berko for a project at 116 Newtown Road, Lot 3-BA, town atlas plate D-3, Parcel 24-6-1. Proposed construction of a dwelling, driveway, sewage system and installation of utilities with associated grading and landscaping. Construction activities will take place within the buffer zone. The applicant also seeks a waiver for construction of a portion of the driveway which is within 20 feet of wetland buffer.*

- **Mr. Maitland announced that, at the applicant's request, the Notice of Intent hearing for 116 Newtown Road would not be opened until May 5<sup>th</sup> @ 7:40 pm.**

**7:50 Request for Determination: 169 Central Street**

*Filed by Jillian Peters for a project at 169 Central Street, Acton, (town atlas plate no. F-2, parcel B-114) The proposed work is to install a fence around the backyard, with additional removal of overhanging trees. Work will occur within the 25 foot buffer.*

Owner/applicant Jillian Peters outlined for the Commission a request to install a chain link fence within the buffer zone to create a secure backyard for her children and dog. Jillian also noted 4 deciduous trees that she is concerned may fall on the house and asked permission to have the trees removed. Jillian mentioned that the Conservation Agent has been to the site and seen the trees to be removed. The proposed fence, at its nearest point to wetlands, will be 25' away. Tim asked if the fence could be raised a minimum of 6" off the ground to allow for amphibian migration. Jillian is concerned that her dog will be able to get under the fence if it is raised off the ground. Commissioners were concerned with the proposed fence being located so close to the resource area. Commissioners voiced an interest in visiting the site.

Mr. Maitland continued the Request for Determination meeting to May 5<sup>th</sup> @ 7:10 pm, noting that a site walk will be arranged prior to the May 5<sup>th</sup> continuation.

- **Notice of Intent continuance: 47 Conant Street:** the applicant requests the hearing be continued to the next Commission Meeting. Mr. Maitland announced that the hearing continuation for 47 Conant Street has been continued to May 19<sup>th</sup> @ 7:45 pm.

**Consent Items**

**Minutes:**

March 24, 2021 – Amy moved to approve the minutes, Jim 2<sup>nd</sup>, roll call vote unanimous

March 30, 2021 – Amy moved to approve the minutes, Carolyn 2<sup>nd</sup>, roll call vote unanimous

April 7, 2021 – Amy moved to approve the minutes, Jim 2<sup>nd</sup>, roll call vote unanimous.

**Certificate of Compliance: 85-0845 - 35 Squirrel Hill Road**

Tom Tidman, Conservation Agent, stated that he had inspected the property for compliance on April 21<sup>st</sup> and received a letter from Stamski and McNary stating that the project had been completed as proposed.

Jim moved to issue a Certificate of Compliance, Amy 2<sup>nd</sup>, and the roll call vote was unanimous.

Additional materials can be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-12999>

**Meeting was adjourned at 8:55 PM**

**Documents and Exhibits Used During this Meeting**

**Request to amend 85-1286 Order of Conditions: 75 Spruce Street**

**Request for Determination: 169 Central Street**

**Notice of Intent for 37 Mohegan Road**

**Request for Certificate of Compliance: 35 Squirrel Hill Road**

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-12999>



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*Terrence Maitland, Chair*