



Acton Conservation Commission

Meeting Minutes
November 3, 2021
7:15 PM
Virtual Meeting

Present: Terry Maitland, Amy Green, Jim Colman, Tim McKinnon, Carolyn Kiely, Zywia Chadzynska, Jillian Peters
Natural Resources Director and recording secretary: Tom Tidman
Zoom Host: Kim Clark

Regular Business

7:15 Chairman Terry Maitland opened the meeting and read the Virtual Meeting guidelines.

Terry announced the hearing for the Notice of Intent for 53 River Street is off the agenda and 5 Fletcher Court is being continued to November 17 at 8:30pm.

7:20 **Notice of Intent: 51 Flint Road (Continuance)** DEP file # 85-1312

Robert Melvin with Stamski & McNary, stated plan modifications requested by the Commission had been done, including: (1) silt fence moved closer to the work area, (2) all fill generated during construction will be stock piles on the driveway in front of house.

Hearing closed at 7:25 pm.

Decision Jim moves to issue a standard Order of Conditions, Amy 2nd, roll call vote 6 ayes, and 1 abstained.

7:35 **Notice of Intent: 348-364 Main Street, Acton Housing. (Continuance)** DEP file # 85-1309

Presenting for the Housing Authority - Erin Joyce with Joyce Associates. Erin recapped where we are in the process, noting that there are two wetlands locations associated with the "McManus Manor" project: area "A" is across Main Street from the proposed development, and area "B" is near Rt.2 and within 100 feet of the proposed leach field. Erin confirmed that the septic system design has been approved by the Board of Health. Brian Geaudreau with Hancock Associates described grading modifications proposed for the area of the leach field near Main Street, which would allow for a future dog park to be constructed.

Commissioners discussed the potential of constructing a dog park over the proposed leach field, noting that the grades off the north side of the leach field were quite steep and would require additional fill to accommodate a dog park. Mr. Geaudreau showed Commissioners a red-lined (draft) plan with contours (grading) extended into the 50' to 75' wetlands buffer area, that could be incorporated to create slopes more favorable for a dog park. Commissioners agreed that a second Notice of Intent would be required once the dog park design is completed. Mr. Geaudreau noted that approximately 6000 square



feet of usable area could be created for the dog park if grades were extended into the wetlands buffer off the north side of the leach field.

Housing Authority Director Kelley Cronin stated that they would work with the dog park committee to accommodate the dog park design, but, that it was important to get the pre-application for State funding submitted this year. The funding could take several years to be approved. If funding was approved, construction could start next year.

Commissioners asked if sewers were still an option, Kelley stated no sewer funding has been approved for this project. Commissioners asked if town meeting “general fund” money had been approved for a dog park at this location, Select Board vice chair Dean Charter stated that town funds had been allocated for this location for a dog park. Tom Gillespie with the Dog Park Committee updated the Commission stating that the dog park design will be funded through a Stanton Fund grant. Stanton needs a preliminary design to fund the project.

Hearing closed at 7:55 pm,

Decision: Jim moved to issue a standard Order of Conditions, referencing site plan dated 10/26/21 as the plan of record for the Order of Conditions. Amy 2nd and the roll call vote was unanimous.

7:56 Request for Determination: 8 Fraser Drive

Presenting for the owner is Matt Marro (*Matt had zoom connection difficulties and the presentation was tabled until 8:15 pm*)

7:58 Request for Determination: 10 Country Club Road

Owner Chris Epperson was present for the meeting, making the presentation was designer Jeff Hannaford. Nearest point to wetlands for the new septic system will be 78’. The existing septic tank and pump chamber will be used. This will be a Presby System, thus reducing the offset to groundwater and fill needed. Commissioners asked that construction fence be installed to protect trees near the work area.

Hearing closed at 8:12pm

Decision: Amy moved to issue a Negative 3 Determination, with the following conditions: (1) construction fence be installed at the drip-line of the trees near the new leach field for protection during construction, and (2) only the stock piling of top soil will be permitted, all other excavated materials will be hauled offsite. Jim 2nd and the roll-call vote was unanimous.

8:15 Request for Determination: 8 Fraser Drive (re-visited)

Matt Marro, noted that the existing leaching pit will be abandoned. The new “Presby” leach field will be located outside the 100 foot wetland buffer. A new septic tank will be



installed approximately 60 feet from wetlands. Any stock piling of material will occur outside the 100 foot buffer. Matt stated a revised plan will be submitted to the Conservation office showing the location of erosion control installation.

Hearing closed at 8:20pm

Decision: Tim moves to issue a Negative 3 Determination, with the following conditions: (1) Erosion control shall be installed along the tree-line south and east of the new leach field until the line intercepts the 98' contour, where erosion control will follow the 98' contour to the house, and (2) all materials generated during excavation shall be stored outside the 100' wetlands buffer. Zyvia 2nd and the roll-call vote was unanimous.

8:25 Notice of Intent: 12 Spring Hill Road (Continuance) DEP file #85-1292

Presenting for the applicant Westchester Homes was Mark Arnold with Goddard Consulting. Mr. Arnold outlined the proposed revisions to the plan previously submitted with the Notice of Intent filing. The amended plans dated 10/22/21 will now be the plans of record. Scope of work changes include: (1) revised wetlands boundary line, (2) project reduced to one single family home from the previous plan with two homes proposed, (3) reduced size of wetlands crossing, along with smaller associated replication area. The proposed wetlands crossing will require the filling of 834 sq.ft. of bordering vegetated wetland, with a proposed replication area of 879 sq.ft. A retaining wall will be constructed along the 50 foot wetlands buffer to establish a level lawn area over the proposed leach field.

Commissioners asked if the applicant was aware of the Acton Wetlands Bylaw "structure policy" noting that the retaining wall is considered a structure as defined.

Commissioners noted that this was a previously developed single family lot at # 8 Spring Hill Road and by sub-dividing the lot a hardship has been created, where meeting the Acton Wetlands Bylaw setback requirements is not possible. The applicant has created their own hardship. Commissioners asked if Mr. Arnold was aware of DEP Policy # 88-2, where hardships are discussed. Mr. Arnold stated he had not. Commissioners stated that this is a massive wetlands disturbance to access a single house on a previously developed lot. Commissioners asked if a bridge had been considered for the wetlands crossing as had previously been suggested at an earlier meeting. Mr. Arnold responded that a bridge is cost prohibitive and would create too much shade. Commissioners asked if trees to be removed in the wetlands buffer and wetlands had been identified and listed as had previously been requested. Commissioners asked if the wetlands flags were still visible noting that flags would need to be re-established prior to a site visit.

The chairman stated that a site walk would be need to review the new proposal, Mr. Arnold agreed to continue the hearing allowing for scheduling a site visit with the Commission prior to the November 17th meeting date. The administrator asked that all wetlands flags be re-established prior to the site visit, Mr. Arnold agreed.



Chairman asked for questions from the public:

Joe Cooney, 2 Duston Lane: “this is a forested site sloping towards wetlands. This plan calls for the removal of all trees and will destabilize the site.”

Bob Callahan, 7 Spring Hill Road: “who is responsible if this project causes increased flooding across Spring Hill Road? Storm runoff is already very high.”

Mr. Arnold, “the stormwater infiltration design will actually cause less stormwater from leaving the site.”

Rebecca Harvey, 7 Duston Lane, “removing so many mature pine trees will greatly weaken the pine stand causing other trees to become less stable and falling during future storm events.”

Hearing no further questions from the Commission or public, the Chairman continued the 12 Spring Hill NOI hearing to **November 17th at 7:30 pm.**

Consent items:

Certificate of Compliance: 75-286 81 Piper Road Lot 1B

Tim moves to issue a Certificate of Compliance, Jim seconded the motion and the roll call was unanimous.

Minutes of October 6, 2021 reviewed by TM

Amy moves to approve the minutes of October 6, Zywia seconded and the roll call was unanimous.

Minutes of October 20, 2021 reviewed TM, AG, CK

Amy moves to approve the minutes of October 20, Jim seconded and the roll call was unanimous

Documents and exhibits used at this meeting:

Notice of Intent filing for 348-364 Main Street
Request for Determination filing for 8 Fraser Drive
Request for Determination filing for 10 Country Club Road
Notice of Intent filing for 12 Spring Hill Road
Certificate of Compliance: 75-286 81 Piper Road Lot 1B
Minutes of October 6, 2021
Minutes of October 20, 2021

All documents can be found at <http://doc.acton-ma.gov/dsweb/View/Collection-13012>

The meeting was adjourned at 9:10 PM.

Terry Maitland

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Terrence Maitland, Chair