



## Acton Conservation Commission

Meeting Minutes

November 17, 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.

#### **7:18 Request for Determination: 48 Carlisle Road**

*Mr. Maitland stated for the record, that, his company Land Vest, had been involved in the sale of the Valentine Property; his company's involvement in the property sale would have no effect on his ability to take part in the presentation and deliberation this evening.*

Steve Tobin with the Carlisle Conservation Foundation - "CCF" working in collaboration with the Acton Land Stewardship Committee "LSC" propose a walking trail connecting the BFRT to the Acton/Carlisle town-line at Carlisle Road in Acton. The trail will be constructed within an easement on the privately owned Valentine property. There is a Conservation Restriction on the portion of the property where the easement and future trail are located. Steve Tobin with CCF presented plans for the proposed trail layout. .

Mr. Tobin noted the trail will follow an old cart path starting at the Carlisle Road entrance running north towards the BFRT access point. The trail will require two wetlands crossings, the southernmost requiring a 30' long boardwalk over an intermittent stream and the second crossing requiring approximately 150' of boardwalk through a red maple swamp. The boardwalks would be constructed by a team of volunteers coordinated by the CCF.

Commissioners asked about the extent of work within the wetland, noting that such work generally requires a Notice of Intent filing not a Request for Determination.

Commissioners decided a site walk would be appropriate.

Dayle Chayes who was in attendance with the Acton Land Stewards stated that the LSC were in support of the trail proposal.

Mr. Maitland asked if Mr. Tobin would agree to continue the RDA meeting, allowing time for the Commission to have a site walk. Mr. Tobin agreed to the continuation, Mr. Maitland stated for the record that the next meeting date for 48 Carlisle Road would be December 15<sup>th</sup> at 7:15 pm.



**7:45 Commission business:**

Mr. Maitland mentioned that the time has come to once again update the town's Open Space & Recreation Plan. Commissioners are encouraged to reread the existing plan and be ready to contribute to the plan update this winter. Tom Tidman will ask the plan update committee what assignments there are for the Conservation Commission.

**7:50 Notice of Intent:** Kelley's Corner DEP file 85-1313 (received 11/17/2021 with extensive comments)

Presenting for the Town of Acton are Sam Campbell (GPI), Chris Howard (GPI), Laura Krause (Beta Group). Sam began the presentation by giving an overview of the scope of work and primary goals for the project. He stated that the project will significantly improve pedestrian safety in the Kelley's Corner area, including bike lanes, improved sidewalks, streetscapes (more than 200 trees will be planted), and major improvements to the treatment of stormwater. Once permits are obtained, construction is planned to begin in the fall of 2022 concluding fall 2025. Sam noted that the DEP file number had been received earlier in the day, requiring response to a number of questions.

Laura described each of the resource areas and potential impacts along with mitigation measures. Laura showed photographs of the uncontrolled runoff entering the wetlands/intermittent stream off Rt. 111, noting that the proposed stormwater system will greatly improve the current conditions.

Commissioners voiced concerns that resource areas would be altered to accommodate the new sidewalks and bike lanes. Sam noted that the plans being presented to the Commission are the culmination of 5 years of design and input from the town. Commissioners asked that a site walk be arranged to review each of the resource areas where permanent impacts will occur.

Commissioners asked to have a 3<sup>rd</sup> party peer review of the stormwater system design and to review potential impacts to wildlife habitat. Laura noted that a comprehensive alternatives analysis is included in the Notice of Intent package.

Mr. Maitland asked the GPI, Beta team if they would be willing to continue to December 15<sup>th</sup> at 7:45 pm, allowing for a site walk. The applicant's representatives agreed to the continuation. Mr. Maitland asked the agent to arrange for peer review of the project and to arrange for a site walk.

**8:30 Notice of Intent:** 38 Seminole Road DEP 85-13xx

Kyle Cormier with Oxbow Associates presented for the applicants. Mr. Cormier pointed out that the existing deck is 10' from wetlands, the house 22' from wetlands. The existing deck will be removed, the proposed addition at its nearest point will be 23' from wetlands. The slope to wetlands at the rear of the house (approx. 5000 sq.ft.) will be selectively treated for invasive species for a period of two growing seasons, a native species seed mix will be used after invasive treatment, as well as native shrubs being introduced. A significant portion of the proposed addition will be placed where the existing driveway is.



Commissioners asked if the driveway could be permeable. A Commissioner asked if the existing septic system was designed to handle flow from the proposed addition, Kyle was unsure. Several Commissioners asked to visit the site.

The hearing was continued to December 1<sup>st</sup> at 7:15 pm. The chairman stated a site walk would be arranged prior to the Dec 1<sup>st</sup> continuation and questions and/or clarifications requested by the Commission should be sent to the Agent and then onto Kyle for response.

**8:50 Request for Determination: 156 Central Street**

Applicant Bob Steele presented. Bob stated that he had applied for a Building Permit back in the winter and received an approved permit. When work was well underway the Conservation Agent stopped by and informed him that wetlands permit had not be obtained and one would be necessary. Bob noted that he worked with Mr. Tidman to complete the paperwork.

Bob noted the project involved the replacement of an unsafe deck, closest point to wetlands 25', new deck also 25' from wetlands at nearest point. The new deck is on helical piles, with a deck surface of trex. The existing lawn area will be re-seeded with a clover mix to stabilize and reduce future mowing.

Hearing closed at 9:00pm

**Decision:** Jim moves to issue a Negative 3 Determination. Amy seconded and the roll-call vote was unanimous.

**9:05 Notice of Intent: 5 Fletcher Court DEP 85-1305 (Continued from 11/3/2021) Mr. Maitland recused himself from the proceedings.**

Paul Kirchner with Stamski & McNary presented for the applicant Mark Gallagher. Paul explained in order to meet the required 2' offset to groundwater under the compacted fill in the bottom of the proposed infiltration/stormwater retention basins (as pointed out by peer review), a redesign was necessary. The infiltration basins will be replaced with subsurface infiltration chambers. Mark Gallagher noted, the design calls for plastic chambers, however, they are very difficult to get right now, so it's likely they will go with reinforced concrete chambers instead, no design change is required.

Paul described the new location (re-location) of a walking trail from the development to the Assabet Rail Trail, noting that Commissioner Peters and the agent had reviewed the new trail location with him on 10/28/21.

Commission asked that the slopes off the subsurface infiltration basins be seeded with a clover mix, applicant agreed. Commissioners asked about the Operation & Management 'O&M' agreement for the subsurface stormwater system. Paul noted that most suspended solids are collected in the catch basins before entering the subsurface infiltration system. Mark Gallagher noted, the O&M plans will be part of the "Shared Community



Document” which has been submitted to the Planning Board for review and will be recorded prior to the issuance of the first occupancy permit.

Hearing closed at 9:20pm

**Decision:**

Amy moved to issue a standard Order of Conditions, with one special condition: (1) The “Shared Community Document,” which includes the development stormwater management system – “Operation & Management Plan,” shall be recorded prior to the issuance of the first occupancy permit. Carolyn seconded and the roll-call vote was unanimous.

**Consent items:**

**Minutes of November 3, 2021** reviewed TM, CK

Amy moves to approve the minutes of 11/3/2021, Carolyn seconded and the roll call was unanimous

**Documents and exhibits used at this meeting:**

Request for Determination filing for 48 Carlisle Road  
Notice of Intent filing for Kelley’s Corner DEP 85-1313  
Notice of Intent filing for 38 Seminole Road DEP 85-13xx  
Request for Determination filing for 156 Central Street  
Notice of Intent filing for 5 Fletcher Court DEP 85-1305  
Minutes of November 3, 2021

**All documents can be found at <http://doc.acton-ma.gov/dsweb/View/Collection-13013>  
The meeting was adjourned at 9:30 PM.**

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*Terrence Maitland, Chair*