



## Acton Conservation Commission

Meeting Minutes

January 19, 2022

7:00 PM

Virtual Meeting

**Present:** Terry Maitland, Jim Colman, Tim McKinnon, Zywia Chadzynska, Jillian Peters, Amy Green (arrived at 8:15)

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:110- 112 Central Street**

Owner Abby Fuerte, presented plans to install two 4' high retaining walls parallel to the rear wall of the existing duplex. In addition to the retaining walls, steps would be installed leading from the higher elevation near the front of the house to access the walk-in basement at the rear of the units. Abby noted, that the installation of a new leach field on the west side of the structure required significant fill, that it's no longer possible to safely walk from the front lawn to the rear of the house because the drop is so steep. The retaining wall(s) and steps would provide safe access to the rear of the duplex.

Commissioners observed that the proposed retaining walls would be considered structures and appear to be closer to wetlands (30' from wetlands) than any other structure on the property. Commissioners would like to visit the property to better understand the need for retaining walls and to review the site and associated wetlands. Chairman asked if the applicant would be willing to continue to the February 2<sup>nd</sup> meeting, allowing for a site visit. The applicant agreed – Chairman announced: RDA continued to February 2<sup>nd</sup> @ 7:20 PM.

7:30 **Notice of Intent: 26 Carlisle Road DEP 85-1315**

Presenting for the applicant – Habitat for Humanity was Paul Kirchner with Stamski & McNary. Paul noted that the existing single family dwelling, (owned by the Town of Acton) has been vacant since 1999. In 2021, the property was sold by the Town of Acton to Habitat for Humanity. Paul mentioned that three commissioners had visited the site earlier that day and had observed the wetlands encompassing three sides of the property, with no area for re-construction outside the 100' buffer. The existing house is 34.2' from wetlands at its nearest point, the new house essentially overlapping the location of the existing dwelling will be slightly further away from wetlands (35.2' to the side entrance steps). Paul noted that a new "Presby" advanced nitrogen removal septic system will be installed in the front lawn, meeting the Title 5 requirement of 50' from wetlands. The septic system has been approved by the Board of Health.



Paul stated that several debris piles consisting of old car parts, lawn mowers, household waste, etc., will be removed from the site. A row of boulders will be placed along the extent of the rear lawn defining the usable space once the new house is constructed. Commissioners discussed the nearness of the new house to wetlands, with concerns that by allowing a new house on the lot precedence could be being set. Commissioners also observed, that the proposed activity will greatly improve the existing conditions of the derelict property. Commissioners inquired if any environmental investigation had been done prior to Habitat for Humanity acquiring the property, specifically in the areas of the debris piles. Rick Perkins with Habitat for Humanity (present on Zoom) stated that no 21E site investigation had been done.

### **Hearing closed at 8:20 PM**

Tim moved to issue a standard Order of Conditions, with the following special conditions: (1) During debris removal and general site clean-up, soil conditions will be carefully evaluated and monitored for the presence of hazardous materials. If any oil product or other hazardous materials are detected, Habitat for Humanity will immediately notify MassDEP and the Acton Health Department. (2) Boulders unearthed during site clean-up shall be placed along the limit of the rear and side lawn area, approximately 25' from wetlands on both sides of the house and 50' from wetlands at the rear of the house. Jim seconded and the roll-call vote was unanimous.

#### **7:50 Notice of Intent: 8 Grassy Pond Road (3 Fort Pond Road) DEP 85-13xx**

Representing the applicant, Robert Melvin with Stamski & McNary Engineering. Robert noted that an ORAD had been issued for this property in 2021. In order to install a leach field with the required clearance from groundwater, a significant amount of fill will be required, raising the buildable area by greater than 6'. There are several drinking water wells near the proposed house site that limit options for the placement of the septic system. The house and septic system as designed, meet the 75' wetlands setback, with site grading staying outside the 50' natural buffer.

Commissioners asked how site grading could be accomplished with construction equipment staying out of the 50' natural buffer. Commissioners asked if the site is currently forested and if a tree survey had been done. Commissioners voiced concerns that the area between the proposed house and Grassy Pond would have trees removed to give a view of the pond. Commissioners felt that a site visit with the house, driveway and limit of clearing all staked would be necessary to better understand the impacts of this proposal. Abutter at 183 Newtown Road asked about impacts to the aquifer by adding an additional well.

Chairman asked if the applicant would be willing to continue the hearing, allowing for the Commission time to walk the property with the applicant's engineer. Mr. Melvin agreed to the continuation. Chairman announced that the hearing would be continued to February 2<sup>nd</sup> @ 7:30 PM.



8:45 **Notice of Intent:** Kelley's Corner DEP 85-1313 (continued from January 5, 2022) Presenting for the Town of Acton, Sam Campbell with GPI Engineering and Laura Krause with BETA. Sam stated, he had met with MassDOT earlier in the week to respond to peer review questions and observations, along with concerns raised by Commissioners on site visits. Sam anticipated having responses back to the Commission by early next week, and asked that the hearing be continued to the February 2<sup>nd</sup> meeting, allowing the Commission time to review GPI's responses. Laura mentioned the compensatory storage area to be excavated and asked the Commission if they had a seed mix preference for the replication. Laura will have seed mix options to review with the Commission at the next hearing.  
Chairman continued the Kelley's Corner Notice of Intent hearing to February 2nd, 2022 @ 7:35 PM.

**Consent items:**

**Minutes of January 5, 2022** reviewed by TM, ZC, TMC, AG  
Tim moves to approve the minutes of January 5, Amy seconded and the roll call was unanimous.

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

Request for Determination filing for 110-112 Central Street  
Notice of Intent filing for 26 Carlisle Road DEP 85-1315  
Notice of Intent filing for 8 Grassy Pond Way DEP 85-13xx  
Notice of Intent filing for Kelly's Corner DEP 85-1313  
Request for Certificate of Compliance for 12 Elm Street 85-1101  
Minutes of January 5, 2022

**All documents can be found at <http://doc.acton-ma.gov/dsweb/View/Collection-14459>**  
**The meeting was adjourned at 9:20 PM.**

---

*Terrence Maitland, Chair*