

**CONSERVATION COMMISSION
AMENDED AGENDA
NOVEMBER 5, 2008**

7:15 Eagle Scout Presentation - Mike Hatfield

Eagle Scout Presentation - Andrew Peterman

7:20 Request for Determination - 14 Musket Drive – Gloria. Lee (010, 012)

Lon Nichols - Proposed replacement of a failed septic system within 100' of a wetland.
Health Dept. issued permit 10/20.

7:25 Notice of intent - 70 Seminole Road - Brian Szetela (020, 021)

Duncan Brown - Proposed replacement of a failed septic system within 100' of a wetland. *Health Dept. issued permit 10/21.*

7:30 Notice of Intent - 442 Mass Ave - 442 Massachusetts Ave., LLC - (030 - 034)

Stamski & McNary - Proposed construction of one 3-unit multifamily dwelling, associated driveway and grading within 100' of a wetland located (MGL Ch. 40B).

Certificate of Compliance

85-996 81 River Street - Lot 2F (first OOC refiled) (041)

85-897 91 Canterbury Hill Road (Lot 30) (042)

85-939 411, 419, 421 Great Road, 25 & 33 Harris Street (need engineer's letter) (040)

MINUTES

October 1	comments rec'd by	TM, FP
October 15	" " "	TM, TT, FP, JM, JA

**CONSERVATION COMMISSION
MINUTES
NOVEMBER 5, 2008**

MEMBERS PRESENT: Janet Adachi, Patty Lee, Fran Portante, Julia Miles, William Froberg

ASSOCIATE MEMBER: Toni Hershey

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea Ristine

VISITORS: Lon Nichols, Dick Hatfield, Mike Hatfield, Andrew Peterman, George Dimakarakos, Duncan Brown, Rebecca Szetela, Dan Gaulin, Brian and Rebecca Szetela

7:15 Eagle Scout Presentation - Mike Hatfield

Mike Hatfield presented his completed Eagle Scout Project done on the Robbins Mill open space parcel in the Nashoba Brook Conservation Area; his project involved installing a 75' length of trail using Geo-web® which promotes a more permanent trail that stands up against the weather conditions of New England. The project took approximately 251 man-hours. The Town provided the materials and he also raised \$340 which he donated to the Town for a trail fund.

The Commission thanked Mike for all of his time and hard work constructing and promoting the conservation trails along Nashoba Brook.

Eagle Scout Presentation - Andrew Peterman

Andrew Peterman presented his completed Eagle Scout Project done at the Acton Arboretum; his project involved replacing the rotted split-rail fence by the butterfly garden and restoring a 12' length of trail between the butterfly garden and hosta garden. He used Geo-web® for the 12' x 4' length of trail. The Town supplied the Geo-web® materials and the fence was purchased from Agway with funds raised through a high school theater production bake sale. The project took approximately 150 man-hours.

The Commission thanked Andrew for all of his time and hard work restoring the butterfly garden fence and trail at the Acton Arboretum.

7:29 Request for Determination - 14 Musket Drive - Gloria Lee (010, 012)

Lon Nichols presented plans for the proposed replacement of a failed septic system within 100' of a wetland. The new system will be constructed within the existing lawn in the same place as the existing system location. The Health Department has issued a permit for the system's replacement and is 86' from the edge of wetlands.

7:39 Ms. Adachi closed the meeting.

Determination - 14 Musket Drive

Mr. Froberg moved that the Commission find the project to be within its jurisdiction but will not impact the wetland (-3); Ms. Miles 2nd, unanimous.

7:41 Notice of intent - 70 Seminole Road - Brian Szetela - DEP File No. 85-1010 (020, 021)

Mr. Tidman reported that the representing engineer, Duncan Brown, has a meeting conflict and will attempt to come later this evening to present the design plan. If the owners are not able to answer any questions that the Commission may have at this time they will ask that the Commission table the hearing until later this evening, otherwise continue the hearing to a future date.

Mr. Szetela presented plans for the proposed replacement of his failed septic system; the Health Department has issued a permit for the design as shown. The proposed replacement system will be a FAST System and will not need to be raised with additional fill. The failed system is an old dry well and cesspool constructed with the house originally in 1955. The project should take approximately four to five days to complete.

Upon query by the Commission, Mr. Szetela was unable to report on potential stockpiling of excavated materials.

Upon the Applicant's request, Ms. Adachi continued the hearing until later in the evening pending the arrival of Mr. Brown, the engineer.

7:50 Notice of Intent - 442 Mass Ave - 442 Massachusetts Ave., LLC - (030 - 034)

George Dimakarakos from Stamski & McNary presented a proposal under the Act only for construction of one three-unit multifamily dwelling, associated driveway and grading within 100' of a wetland. The existing house on the property will remain. The project has been filed with the Acton Board of Appeals under MGL Ch. 40B; the hearing opened on Monday, November 3rd and was continued until December 1, 2008. In the BOA proceeding, the Applicant is requesting a waiver of the Bylaw 50' and 75' setbacks.

Dan Gaulin, affordable-housing consultant, reported that the Applicant is working with the owner, the Steinberg Lalli Foundation (non-profit organization), which provides subsidy funds; all three of the proposed units will count toward the ten percent (10%) minimum required for affordable housing in Acton. The units will be sold for approximately \$140,000; the Acton Community Housing Corporation, Board of Selectmen and Design Review Board have provided feedback on the project and support it. There will be no development fees charged to the Applicant due to the subsidy from the Steinberg Lalli Foundation. The Applicant plans to buy the existing house for \$350,000 but sell it for \$250,000 to a middle-income buyer. The property will have town water and sewer.

Mr. Dimakarakos submitted to the Commission a letter from the Acton Community Housing Corporation (ACHC) dated 10/27/08.

Upon query by Ms. Miles, Mr. Dimakarakos reported that under Chapter 40B it is the Acton Board of Appeals that weighs the interests of the Town of Acton Bylaws and this NOI is only under the Wetlands Protection Act.

Mr. Dimakarakos reported that the existing stone wall shown on the plans is the property line, and that wetlands exist off site adjacent to this parcel. The proposed three-unit dwelling will be constructed within existing lawn area. The haybale line will be the proposed limit of work for construction. One known revision to the plan, required by the Fire Chief, is that the proposed driveway will be 18' wide instead of the original 14' width. The Applicant will request that this hearing be continued to address other revisions based on other staff comments. The proposed building and driveway are within the 75' no-build setback but is consistent with waiver allowances under the Wetland Protection Bylaw for public benefit. The Applicant will maintain the same vegetative buffer as existing and the project will not impact the existing vernal pool in the adjacent (K-Mart) wetland resource area adjacent to this site.

Upon query by Mr. Tidman, Mr. Dimakarakos reported that the Acton Engineering Department has asked that the culvert running under the K-Mart parking lot be cleaned out.

Ms. Miles expressed concern about the sensitivity of the adjacent wetland resource area.

Mr. Dimakarakos reported that the Acton Engineering Department has asked that the Applicant address the corner drainage outlet; there is an easement to access the back area without disturbing the wetland.

Upon query by Ms. Adachi, Mr. Dimakarakos stated that the post-construction design provides a stormwater infiltration system between the existing house and proposed units.

Ms. Adachi expressed concern that the current 3000 s.f. of impervious surface will increase post-construction to approximately 11,000 s.f., not including the noted additional four-foot driveway width required by the Fire Department. Mr. Dimakarakos noted that the stormwater infiltration system will address drainage flowing from north of the proposed units but not south of the units to the vegetated wetland.

Upon query by Ms. Miles, Mr. Dimakarakos stated that the runoff from the proposed driveway will not be directed to the proposed infiltration system and that as proposed the three-unit building is not required to meet stormwater management mandates. Ms. Adachi noted that the project still would require some form of stormwater management.

Ms. Miles expressed concern that the associated wetland resource has been affected cumulatively by other recent developments along Prospect Street abutting this resource area.

Upon query by Ms. Adachi, Mr. Dimakarakos confirmed that the NOI includes a planting plan designed by Kim Ahern, Landscape Architect, and that the planting plan proposes the addition of shrubs along the wetlands edge of the property.

Ms. Lee stated that her only concern with the proposed planting plan is the inclusion of Spirea which is invasive.

Upon query by Mr. Tidman, Mr. Dimakarakos stated that the Applicant is implementing low impact development techniques and augmenting the existing vegetative buffer without reducing it.

Ms. Lee suggested that the Applicant consider providing a rain-garden at the southeast corner adjacent to the proposed building to catch runoff for slow infiltration.

Upon query by Ms. Miles, Mr. Dimakarakos stated that the proposed driveway will go behind and work with existing grades to incorporate the garages under the proposed building. The proposed building will be two-stories high facing Mass. Ave. but down-slope from the existing house, with drive-under garages accessed from the rear.

Upon query by Ms. Miles, Mr. Dimakarakos stated that the Applicant is not proposing the removal of additional vegetation; the proposed building and driveway will be within existing lawn.

Mr. Tidman recommended that Commissioners submit written questions to the Applicant since the hearing will be continued.

Ms. Lee suggested that the Applicant implement more "green techniques" since the opportunity is available at this stage of development.

Mr. Portante agreed with Ms. Lee that the Applicant should provide more stormwater management such as a rain-garden.

Mr. Dimakarakos responded that it is not a good idea to collect water next to the proposed building foundation but that a stormwater system farther away could help with runoff.

Upon query by Ms. Miles, Mr. Gaulin reported that the ACHC will be the record owner of one of the units and will be responsible for the maintenance of the property and drainage structures.

Upon query by Mr. Froberg, Mr. Dimakarakos reported that the existing single-family house is currently connected to the town's sewer system; the old abandoned septic system will be removed during the proposed construction of the new units.

Upon query by Mr. Portante, Mr. Gaulin reported that the existing single-family house will have modest updates such as replacement windows and paint.

Ms. Adachi continued the hearing until December 3, 2008 at 7:30 PM.

Resume - Notice of Intent - 70 Seminole Road - Brian Szetela - DEP File No. 85-1010

Duncan Brown, consulting engineer, reported to the Commission that a majority of the excavated

materials will be hauled off site. The existing system consists of an old cesspool and drywell installed in the 1950's with a lot of sand and gravel. The plan is to excavate, in the location of the existing system, to the required depth of the new system, stockpile only the excavated top soil and save it at the southwest side of lot; all remaining excavated materials will be hauled off site from the northeast side of house.

Upon query by Ms. Lee, Mr. Brown stated that the existing 24" drain shown along the northern property boundary is not operational, not serving a function and is abandoned. It is neither a town drainage structure nor is it connected to a drainage structure; it is not active and will be left alone.

8:42 Ms. Adachi closed the hearing.

Decision – 70 Seminole Road – DEP File No. 85-1010

Mr. Froberg moved that the Commission issue a standard Order of Conditions for the plans as presented; Ms. Lee 2nd, unanimous.

8:44 Certificate of Compliance

81 River Street - Lot 2F - DEP File No. 85-996 (041) - Ms. Lee moved that the Commission issue a Certificate of Compliance as a new OOC (85-1007) has been issued for the changed project; Ms. Miles 2nd, unanimous.

91 Canterbury Hill Road (Lot 30) - DEP File No. 85-897 (042) - Mr. Tidman reported that the project is complete and the site is stable. Ms. Miles moved that the Commission issue a Certificate of Compliance as recommended by the Administrator; Ms. Portante 2nd, unanimous.

Status - 70 Newtown Road

Ms. Adachi noted that the Commission needs to respond to the letter submitted by the Kelleys' attorney on October 22, 2008. Ms. Adachi noted that the obligation is the Kelleys' to provide a restoration plan to be approved by the Commission; it is not the Commission's responsibility to design a plan or provide the requested wetland delineation markers.

Mr. Tidman stated that the Kelleys could visit two sites in town that have permanent wetland delineation markers similar to what the Commission is requiring them to install; the sites are 520 Main and 19 Railroad Street.

Ms. Adachi will draft a response letter for the Commission's and Town Counsel's review, and then mailing to the Kelleys' attorney through Town Counsel.

8:55 Meeting adjourned.


Terrence Maitland
Chair

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