

**ACTON CONSERVATION COMMISSION
MINUTES
OCTOBER 16, 2013
7:15 PM
TOWN HALL - 472 MAIN STREET
ROOM 204**

COMMISSIONERS PRESENT: Andrew Magee (acting chairperson), William Froberg, Tom Arnold, Amy Green, Theresa Portante-Lyle

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Paul Wexelblat, Gray Wexelblat, Diane MacFarlane, Carl Nordstrom, Ivor MacFarlane, Graham Knowland; Barry O'Donnahue, John Shea Esq., Ann Marton, Ryan Bianchetto, Tom Scott, George Dimakarakos

7:15 **Continuation:** 41 Esterbrook (010)

John Shea of Mackie, Shea and O'Brien, gave a status update report on the restoration plan and the Administrative Consent Order. The ACO now includes comments from Commissioners Jim Colman, Amy Green and Tom Arnold.

Ann Marton, of LEC Environmental, met with Tom Tidman and Amy Green on Sept. 25. The final updated survey plan has not yet been completed by the surveyor. The East paddock fence has nowt been moved outside of the 50 foot wetlands setback with stone boundaries. The Western paddock will have permanent marker boundaries in place before the fence is restored. On the east side of the site, several channels will be restored, as requested by Ms. Green.

Additional qualifications to the Restoration Plan include: on site presence of a wetland scientist during the planting; silt-prevention to be added to East paddock fence line; leaf compost to be added to amend soils if needed; six previously proposed trees have been exchanged for six northern white cedars to be added to the south boundary of the site; site to be monitored for five years unless it is determined that, after three years, everything is growing successfully. Four buried tree stump locations have been determined and are now noted on the plan.

Ann Marton discussed the research she has done to identify the original fence location on the west paddock. Ms. Marton also noted that the solid waste law provision allows for stump burials on farms. None of the stumps located were buried in wetland, but some were buried in the buffer zone.

Mr. Arnold inquired about the Town by-law's position on burying stumps.

Ms. Green remarked that Ms. Marton had done a really good job of revising the plans and addressing the Commission's concerns.

The Commission discussed historic fence location, specifically fences on the west side of the stream. Some are obvious from aerial photographs, while others are very unclear. The current owner attests that a fence was already there in 2007 when the current owner purchased the property.

Mr. Knowland commented that the previous owners, the Piros, worked under an approved order. Major damage was done on an abutting property. He asked if there was going to be any verification by the Commission of the buried stump locations. A large number of trees were taken down. Stump dumping

requires approval. And nothing has been determined regarding soil remediation. The existing soils are not the same as the original, wetland soils.

Mr. O'Donnahue, of 35 Esterbrook Road, stated that the channel was lowered significantly on both 41 Esterbrook and his abutting property at 35 Esterbrook. He also requested that the stone wall be restored.

Mr. Wexelblat, of 96 Pope Road, commented that the forest on the abutting property is what the forest looked like at 41 Esterbrook prior to clearing.

Ms. Marton stated that the existing drainage easement allows for routine maintenance. She requested permission to install a temporary fence to graze horses in the western paddock.

Mr. Magee responded that he didn't believe the Commission could grant any activity inside of the buffer zone at this point. The Commission then discussed the permitting of fences around the western paddock that had previously been approved. Mr. Magee requested that Ms. Marton return with a more formal request for the fence.

Ms. Marton responded that she was requesting permission to fence paddocks 1 and 2 on the west side now, and pointed out that the fence locations for these paddocks were obvious on aerial photos from the late 1991's were approved in the original Order of Conditions (+/_ 1991) and were not in wetlands. The Commission approved this request.

Discussion ended at 8:10 PM and was scheduled to resume November 6 at 7:15 PM.

8:10 **Notice of Intent:** 20 Main Street (Blossom Station) (020)

Allen & Major Associates presented the proposed conversion of a portion of an existing office and warehouse building to a daycare facility. A portion of the existing bituminous parking lot and truck docks will be removed and converted to a playground area that is connected to the building. There will be no disturbance of wetland areas.

Ryan Bianchetto from Allen & Major, representing Brenda Katz, owner of a children's daycare center, presented plans for the project. Wetland delineation was done earlier this fall and it was determined that no wetlands would be disturbed. All proposed work will occur either within the existing building or in the existing impervious parking lot. A southwest loading dock is being turned into a children's play area, as is the northwest corner of the parking lot, near the building. Storm water regulations have been met, and there will be some reduction in impervious area. This project is considered a redevelopment.

Tom Scott, architect of the project, stated that the project would commence in early spring of 2014, once all other necessary permits have been obtained.

Hearing closed at 8:22PM.

Decision: Tom Arnold moved to issue a standard Order of Conditions; Mr. Froberg seconded, unanimous vote.

7:40 **Request for Determination:** 160-174 Central St., Mount Hope Cemetery (030)

Town of Acton for 160-174 Central Street, Mt. Hope Cemetery (town atlas plate G-2, parcel 72). The proposed project is to resurface an existing cemetery roadway.

Mr. Tidman presented for the Town of Acton. The town is undertaking a two year project to repave the most heavily used roads at both the Mount Hope and Woodlawn cemeteries. This year

the lower road at Mount Hope is being resurfaced. Work associated with resurfacing will occur within the 100 foot buffer of wetlands on abutting property. The average width of the road is 12 feet. No silt prevention devices are necessary. Work will be done by Lazaro Paving. The old surface will be removed and transported to an area outside the 100 foot buffer zone. Meeting closed at 8:30 PM.

Decision: Ms. Green moved a Negative 3 determination, that is, the project will have little or no impact on the resource area and will not require a Notice of Intent. Mr. Froberg seconded, unanimous vote.

8:35 **Notice of Intent:** 27 Jackson Drive (040)

Stamski and McNary presenting on behalf of Lexington Holdings, LLC., for the construction of a private way, associated drainage structures and utilities within 100 feet of a wetlands at 27 Jackson Drive, Acton. (town atlas plate E-3, parcel 25).

Notice of Intent: 27 Jackson Drive, Lot 5 (050)

Stamski and McNary presenting on behalf of Lexington Holdings, LLC., for the relocation of an existing dwelling onto a new foundation partially within the buffer zone of a BVW on Lot 5 with associated grading, septic grading, porch and deck at 27 Jackson Drive, Acton. (town atlas plate E-3, parcel 25).

Request for Determination 27 Jackson Drive (060)

Stamski and McNary presenting on behalf of Lexington Holdings, LLC, for the installation of underground utilities and landscaping within 100 feet of wetlands on Lot 1, at 27 Jackson Drive, (town atlas plate E-3, parcel 25)

All three filings were opened together. George Dimakarakos of Stamski and McNary Inc. presented plans for a residential compound at 27 Jackson Drive. An ANRAD had been filed previously, in 2012 and the delineation was approved. The current plan complies with Storm-water Management standards and has been approved by Acton's Engineering Department. A water quality swale and infiltration basin will be constructed within the 100 foot buffer zone.

No work is proposed closer to wetlands than existing similar structures, and the house location will comply with the town's 75 foot "no structure" setback. A runoff analysis was done, and all runoff will be handled through roof-drain dry wells, an infiltration bed under roadway, and a level spreader.

Homeowners will be responsible for maintaining the storm-water structures, and will receive an operation and management (O&M) plan with maintenance thresholds.

Ms. Green stated that she would like to see the town engineers' comments on the storm water review sometime in the future, as well as all future projects requiring storm-water plans.

Mr. Ivor MacFarlane of 31 Jackson had a question about setbacks. Mr. Magee discussed the "like structure" clause regarding the location of the driveway.

Mr. Carl Nordstrom of 12 Madison Lane questioned the location of the new house and asked about meeting the 75 foot buffer zone requirement.

Mr. MacFarlane asked about storm water issues. Mr. Dimakarakos responded that they had studied the storm water flow and are meeting the storm water requirements and standards.

Hearing/meeting closed at 9:05.

Decision 1: Ms. Green moved to issue a standard order of conditions for the construction of the private way. Mr. Arnold seconded, vote unanimous.

Decision 2: Ms. Green moved to issue a standard order of conditions for relocating the house on Lot 5, Mr. Arnold seconded, vote unanimous.

Decision 3: Mr. Arnold moved to issue a determination of Negative 3 for the installation of utilities and landscaping for Lot 1. Ms. Portante-Lyle seconded, vote unanimous.

9: 07 **Continuation Notice of Intent:** 12 Summer Street (070).

Per request of the applicant, the continuance was moved to November 6 at 7:45 PM.

There was some discussion of the Commission over the numerous continuation requests. Concern was expressed that the edge-of-wetlands boundary will be more difficult to find as we move into late fall conditions, beyond the growing season. The Commission asked Mr. Tidman to talk with the applicant about the possibility of withdrawing the application.

9: 10 **Update:** Groener Conservation Restriction (080)

Mr. Arnold discussed the status of the pending Conservation Restriction. This is a standard CR. Andy will ask Susan Mitchell-Hardt of the Acton Conservation Trust, at the next Open Space Committee meeting, what ACT envisions for control over trail construction and access to the restricted property.

Certificate of Compliance: 411 & 419 Great Road, 85-1093; inspected 10/16/2013

Mr. Arnold moved to issue a Certificate of Compliance, Ms. Green seconded, unanimous vote.

Minutes: September 18 and October 2

Ms. Green moved to accept the minutes of September 18, Mr. Arnold seconded, unanimous vote.

Ms. Green moved to accept the minutes of October 2, Mr. Arnold seconded, unanimous vote.

Meeting adjourned at 9:15 PM


Terry Maitland
Chairperson

**ACTON CONSERVATION COMMISSION
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8:20 **Continuation Notice of Intent:** 12 Summer Street (070)

Continued per applicant request: assign date and time

8: 30 **Update:** Groener Conservation Restriction (080)

Certificates of Compliance: 411 & 419 Great Road, 85-1093

MINUTES: September 18, 2013, reviewed by: AG, AM, TA
October 2, 2013, reviewed by: AM, AG, TM

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10-16-2013

<input type="checkbox"/>	Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>		0001 - 10162013 Agenda	naturalres	10/10/13	14 KB	
<input type="checkbox"/>		010 - 41 Esterbrook Revised Wetland Restoration Replication Report 10-9-13	naturalres	10/10/13	6 MB	
<input type="checkbox"/>		020 - Notice of Intent 20 Main Street 85-1134	naturalres	10/15/13	6 MB	
<input type="checkbox"/>		021 - Notice of Intent 20 Main Street Plan 85-1134	naturalres	10/15/13	1 MB	
<input type="checkbox"/>		022 - 20 Main Street MassDEP NOI File Number 85-1134	naturalres	10/15/13	14 KB	
<input type="checkbox"/>		030 - Request for Determination 160to174 Central St MountHopeCemetery	naturalres	10/15/13	1 MB	
<input type="checkbox"/>		040 - Notice of Intent 27 Jackson Drive Subdivision	naturalres	10/10/13	6 MB	
<input type="checkbox"/>		041 - 27 Jackson Drive Plans Sheets 1-4	naturalres	10/10/13	17 MB	
<input type="checkbox"/>		041 - 27 Jackson Drive Plans Sheets 5-9	naturalres	10/10/13	13 MB	
<input type="checkbox"/>		042 - Notice of Intent 27 Jackson Drive SDS	naturalres	10/10/13	4 MB	
<input type="checkbox"/>		050 - Notice of Intent 27 Jackson Drive Lot 5	naturalres	10/10/13	6 MB	
<input type="checkbox"/>		051 - Notice of Intent 27 Jackson Drive Lot 5 SDS	naturalres	10/10/13	4 MB	