

# STAMSKI AND MCNARY, INC.

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JOSEPH MARCH, P.E., P.L.S.

October 11, 2007

Conservation Commission  
Town of Acton  
472 Main Street  
Acton, MA 01720

Re: 98 Newtown Road Plan Revision dated October 10, 2007

Members of the Commission:

On behalf of our client, Jim Basnett, our office has moved the location of the proposed basketball court twenty feet closer to the existing house in order to minimize work within the buffer zone.

## Plan Revision:

- 1.) Court location moved twenty feet closer to existing dwelling.
- 2.) Stone Infiltration Trench added along edge of court to mitigate runoff.
- 3.) Notes added to existing construction access stating that the existing lawn shall be reestablished following construction of the basketball court and completion of the additions to the dwelling.

## Alternatives Analysis

Our office has reviewed the record information<sup>1</sup> (see attached) and conducted two separate site walks with the Commission and Tom Tidman in order to obtain an understanding of the location of the additional bordering vegetated wetland located on the site and its associated buffer zone. Based on this field review of the resource areas, it is apparent that the current locations of the additional BVW, the mature vegetation, the septic system primary and reserve areas, the pool, the swing set structure and the active play area combine to eliminate alternative areas available for the proposed basketball court on this site.

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<sup>1</sup>Plan of Land in Acton, MA for the Board of Health; Scale 1"=40'; June 4, 1985; Acton Survey & Engineering, Inc.

Section F8.3 (Bylaw) & Section 3.3 (Regulations)

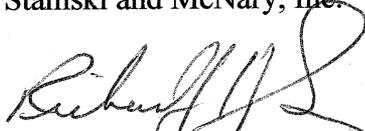
The proposed basketball court is work associated with a pre-existing structure not presently in compliance with Section 3.2. This work will not increase the degree of "non-conformance" of the present structure or activity on this site. This new activity can be allowed to commence since this new structure or activity will be located further away from the edge of the resource areas than the existing non-conforming activity or structure.

It is our belief that the Commission may permit this new like activity or structure as close to the wetland resource area as the existing like activity or structure because design features have been implemented such that the new activity or structure will not affect the interests provided for in the Bylaw more adversely than the existing Activity or structure.

A stone infiltration trench has been provided to mitigate runoff. All disturbed areas shall be vegetated. The proposed work is located farther from the wetland, therefore a greater distance of mature vegetation will remain between the wetland and the court than the existing non-conformity.

Thank you for your attention to this matter, please contact our office with any questions prior to the public hearing.

Respectfully,  
Stamski and McNary, Inc.



Richard J. Harrington, P.E.



Joseph March, P.E., P.L.S.