

**TOWN OF ACTON
CONSERVATION COMMISSION**

Minutes

October 17, 2018

7:15 PM

**TOWN HALL - 472 MAIN STREET
ROOM 204**

COMMISSIONERS PRESENT: Terry Maitland, William Froberg, Amy Green, Tim McKinnon, Jennifer Stolz, Susanne Flint

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Janet Adachi, Molly Obendorf, Tom Campell, Scott Hayes, Alfonse Martignette, Cathy Dacy, Mary Dacy, John Barbadoro, Seth Donohoe

7:15 Notice of Intent: 169 Central Street

John Barbadoro of Apple Valley Homes, Inc. for a project at 169 Central Street, Acton, MA 01720, town atlas plate F2-B, parcel 114. The project involves the construction of a garage addition and deck to an existing single family home along with the relocation of subsurface utilities and construction of a lawn area. The existing driveway, dwelling and lawn are located within the 100 foot wetland buffer zone.

Seth Donohoe, from Ducharme & Dillis Civil Design Group, presented the project for the applicant, John Barbadoro. Mr. Donohoe presented a revised set of plans for the project based on input from Commissioners present at the site walk visit. Two oak trees and a sugar maple within the buffer zone will be preserved. Boulders were also added along the 50 foot natural buffer. A stone trench was added along the driveway as well as house drip lines for infiltration.

Ms. Dacy asked about the new garage being located on the left side of the house. She felt it was safer on the side where the old garage was located. Mr. Donohoe explained that the lot has been divided and there is no room to put the new garage where the old one was. Mr. Barbadoro remarked that the old septic system is being removed.

Decision: Mr. McKinnon moved to issue a standard Order of Conditions, waiving condition 19 of the Acton Bylaw. Ms. Green seconded the motion and the vote was unanimous.

7:30 Notice of Intent: 117 Concord Road, (85-1241), continued from Sept. 19.

Leo Bertolami of Country Properties Inc. is the applicant for this post-violation filing. He explained that there were some damaged trees that were removed prior to the current filing. Mr. McKinnon stated that he would like to see where the trees that were removed were located. A discussion ensued about information that was missing from the filing documents. The Commission asked that the plans be revised to include the following information: septic system location; a natural buffer between wetland and lawn where major trees were

removed; the lawn area; a narrative of the project. Based on the additional information needed, the **hearing was continued to November 7, at 7:15 PM.**

7:45 Notice of Intent: 37 Hosmer Street (85-1246)

Laura J. Goldin, of Shrewsbury, MA, for a property at 37 Hosmer Street., town atlas plate G4, parcels 116 & 117. The project includes the demolition of the existing dwelling, garage and associated driveway, and the construction of a new dwelling within the wetlands buffer zone but outside the no-build zone.

Molly Obendorf of Stamski & McNary Inc. represented the applicant. She explained that a land disturbance plan will be required for this project. The revised plan presented to the Commission at the meeting showed a modified (potential) vernal pool location. The existing house will be removed and a new dwelling will be constructed within the 100 foot buffer zone but outside of the 75 foot "no-build" zone. No work on the second lot will fall within the 100 foot buffer zone.

Mr. Martignette, an abutter, was concerned about potential flooding. Ms. Obendorf explained that a Land Disturbance plan is required because there is more than 500 sq. ft. of disturbance. The plan hasn't yet been completed for Engineering review. The applicant requests a continuation until the plan is approved.

Mr. Martignette asked if there were safeguards for abutters should this cause additional flooding on his property. Mr. Maitland responded that Title 5 requirements provide protection for offsite runoff along with the Land Disturbance runoff requirements. Ms. Obendorf explained that any runoff from the proposed driveway or house would remain on the lot and not flow onto abutting properties.

The hearing was continued to November 7 at 8:00PM.

8:20: Request for Determination: 149 Central St., continued from Sept. 5.

Tom Campbell, representing the Infant and Toddler Center, continued his presentation of the Request. He described the proposed wall as being 12 in. high and 30 ft. long. Four hemlocks will be planted along the property line. Mr. McKinnon asked about the proposed work. Mr. Campbell explained that the addition of this low wall will permit the leveling and flattening of the area so children could gather in a circle, as indicated in the plan.

Ms. Dacy, an abutter, asked how close the stone wall would be to her property. Mr. Campbell responded that it would be about 5 feet from her line. Ms. Dacy asked if it could be moved further away. Mr. Campbell said it could be moved slightly but the intent was to keep the gathering area in the same location as it is currently. Ms. Dacy noted that unstable benches have been replaced recently with more stable ones, which seem to be working just fine. She also thought the circle could be moved approximately 10 feet to the east. Ms. Dacy noted that the proposed trees were too close to their fence and that they had never planted trees before.

Decision: Ms. Green moved to issue a Negative 3 determination, meaning that work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent. The motion included a special condition that the required materials for construction be stone, concrete or timber. Mr. Froberg seconded the motion and it passed unanimously.

8:50 Notice of Intent: 61 Central Street, (85-1242), continued from October 3.

Scott Hayes of Foresite Engineering discussed the setback requirement for this project which requires a waiver. He suggested that a "public benefit" could be created by offering another access to the adjacent Pacy Conservation Land.

Mr. Froberg asked if Scott was suggesting that land be gifted to be added to the Pacy parcel. Mr. Hayes responded that, yes, land is available without making the lot non-conforming. Ms. Stoltz asked what was the size of the potential gift parcel? Mr. Hayes said on the order of 7000 to 8000 sq. ft. Mr. Froberg said he thought this had potential but felt that the Land Steward should weigh in.

Mr. McKinnon suggested that the suggestion be reviewed by Town Counsel. The Commission also discussed having a site walk. Tom and Terry?? will follow up with Town Counsel.

The hearing was continued to November 7 at 8:15.

Notice of Intent: 6 Colonial Path, (85-1244),

Continued by applicant request to November 7 at 7:45PM.

Minutes: October 3, 2018, Reviewed by JS, TM

Meeting adjourned: 8:30PM



Terry Maitland
Chairperson

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AGENDA
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Certificate of Compliance: 149 Central Street, 85-0973

Minutes:

October 3, 2018, pending

File Name	File Type	Date Modified	Size	Actions
010 - 85-1246 - 169 Central St NOI	naturaldoc	18/17/18	3 KB	📄 ⋮ ☆
011 - 85-1246 - 169 Central St NOI Plan	naturaldoc	18/17/18	2 KB	📄 ⋮ ☆
012 - 85-1246 - 169 Central St NOI Plan rev 161716	naturaldoc	18/17/18	3 KB	📄 ⋮ ☆
020 - 85-1241 - 117 Concord Rd NOI	naturaldoc	18/09/18	11 KB	📄 ⋮ ☆
021 - 85-1241 - 117 Concord Rd NOI Plan	naturaldoc	18/09/18	104 KB	📄 ⋮ ☆
022 - 85-1241 - 117 Concord Road DEP no	naturaldoc	18/09/18	577 KB	📄 ⋮ ☆
023 - 85-1241 - 117 Concord Rd S&M Response to DEP no	naturaldoc	18/09/18	629 KB	📄 ⋮ ☆
030 - 85-1246 - 37 Hesmer St NOI	naturaldoc	18/17/18	11 KB	📄 ⋮ ☆
031 - 85-1246 - 37 Hesmer St SDS Plan	naturaldoc	18/17/18	527 KB	📄 ⋮ ☆
022 - 85-1246 - 37 Hesmer St DEP No	naturaldoc	18/17/18	574 KB	📄 ⋮ ☆
040 - 149 Central St RDA 2018	naturaldoc	18/09/18	312 KB	📄 ⋮ ☆
041 - 149 Central St RDA Plan	naturaldoc	18/09/18	347 KB	📄 ⋮ ☆
042 - 149 CENTRAL ST RDA 2018 AS-BUILT	naturaldoc	18/09/18	1 KB	📄 ⋮ ☆
050 - 85-1242 - 61 Central St NOI	naturaldoc	18/09/18	2 KB	📄 ⋮ ☆
051 - 85-1242 - 61 Central St DEP No	naturaldoc	18/09/18	277 KB	📄 ⋮ ☆
062 - 85-1242 - 61 Central Hayes letter	naturaldoc	18/17/18	105 KB	📄 ⋮ ☆
060 - 85-1244 - 6 Colonial Path NOI	naturaldoc	18/09/18	2 KB	📄 ⋮ ☆
061 - 85-1244 - 6 Colonial Path DEP no	naturaldoc	18/09/18	577 KB	📄 ⋮ ☆
062 - 85-1244 - 6 Colonial path photos	naturaldoc	18/11/18	2 KB	📄 ⋮ ☆
063 - 85-1244 - 6 Colonial path wall material examples	naturaldoc	18/11/18	248 KB	📄 ⋮ ☆

File Name	File Type	Date Modified	Size	Actions
020 - 85-1241 - 117 Concord Rd NOI	naturaldoc	18/09/18	4 KB	📄 ⋮ ☆
021 - 85-1241 - 117 Concord Rd NOI Plan	naturaldoc	18/09/18	67 KB	📄 ⋮ ☆
022 - 85-1241 - 117 Concord Road DEP no	naturaldoc	18/09/18	877 KB	📄 ⋮ ☆
023 - 85-1241 - 117 Concord Rd S&M Response to DEP no	naturaldoc	18/09/18	631 KB	📄 ⋮ ☆
030 - 85-1246 - 37 Hesmer St NOI	naturaldoc	18/17/18	11 KB	📄 ⋮ ☆
031 - 85-1246 - 37 Hesmer St SDS Plan	naturaldoc	18/17/18	527 KB	📄 ⋮ ☆
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