

**TOWN OF ACTON  
CONSERVATION COMMISSION**

**Minutes**

**March 20, 2019**

**7:15 PM**

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

**COMMISSIONERS PRESENT:** Terry Maitland, Amy Green, Jim Colman, Tim McKinnon, Jennifer Stolz, Suzanne Flint

**NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY:** Tom Tidman

**Regular Business**

**7:15: Request for Determination: 135 School Street**

*Jing Tong for a project at 135 School Street, town atlas plate H3, parcel 87. The project is to repair a failed subsurface sewage disposal system. Work will occur within the wetland buffer zone.*

Jeff Hannaford of Norse Design Services Inc., represented the applicant. He noted that this was a buffer zone project. The new septic system will replace the existing system utilizing same area as currently in use. Two areas were tested for possible use. The front yard was limited. They tested two areas in back, the existing and another adjacent.

Referring to the plan, Mr. Hannaford pointed out the location of the existing tank which was shaded in grey. The closest point to wetlands is about 70 feet, which is where the existing tank lies. The new tank will be installed about 86 feet from wetlands. The leachfield is 90 feet from wetlands. A gas line impinges on on the 100 foot line. Currently, any gas line work has slowed down due to the recent gas explosions. For this reason, the decision was to work around the existing line and not attempt to relocate it.

The Board of Health allows 75 feet from wetland. They have already issued a permit. Mr. Hannaford had discussed this with Mr. Tidman who advised him that submitting an RDA would be appropriate. He expected it would meet wetland requirements because it is being installed as far from the resource area as possible.

Mr. Maitland asked if a sale was pending and Mr. Hannaford said the residence was for sale but not under agreement at this time. Ms. Stolz asked if the old field will be left in place. Mr. Hannaford said that the gas line goes over the leaching field. He is not sure how that came about but they are limited in working in that area. They will be installing a Presby system which has a smaller footprint but a larger capacity. He also noted, in response to Ms. Green's question, that his surveyor had flagged the wetlands.

Mr. Hannaford described the process of installation. First they will install the new tank; the old tank will be partially removed and partially left in place. They can't remove it entirely because of its proximity to the existing retaining wall. They are also bound by the 10 foot street right of way. They are working in a very tight situation. Excavation material will be removed. When asked about timing, Mr. Hannaford said the contractor wants to wait for a drier time and not rush into the project.

**Decision:** Ms. Stolz moved to issue a Negative 3 determination, meaning the 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 determination included the following condition: The contractor will keep erosion material on site in case conditions merit the use of erosion control. Ms. Green seconded the motion and it was passed unanimously.

**7:45 Notice of Intent: 12 Parker Street**

*Jaimee Bellissimo for a project at 12 Parker Street, Town of Acton plate no. H4, parcel 104-3. The proposed project is the construction of an attached garage and addition to the existing dwelling. All work will occur within the 100 foot buffer to BVW.*

Paul Kirchner from Stanski & McNary presented for the applicant. He described the project, the garage and dwelling addition, on a non-conforming which lies within the 50 foot buffer. The current house is at a minimum of 38.5 feet from wetlands, and the existing deck is 35.5 feet away. They are aware that they can get no closer with any structures, the two additions are 38.5 feet or further away. The exterior stairs, behind the garage, are 34 feet from wetlands, which is approximately 1 foot closer than the deck stairs. The stairs are laid over an area that has existing pavement that will be removed and replaced with lawn.

The septic system is in the front yard. Ms. Green noted the existing deck. It was explained the deck would be removed. Jeff Kehm, from Kehm Architecture, presented design sketches of the completed structure. There will be two green roofs, one partially above the garage and a second, over the interior stairway on the interior of the garage, that will allow access to the house level deck. Mr. McKinnon asked if the roof was cantilevered, and if the distance to the resource area on the plan was to the lower or upper level. It was confirmed the distance refers to the upper level. The applicant was reminded that no part of the structure, including cantilevers, roof overhangs, gutters, etc can extend beyond 38.5 feet.

Mr. Colman noted that the back yard lawn extended right up to edge of wetland. The existing edge of pavement is 21.7 feet and the existing deck is 35.5 feet from wetland. Mr. Kirchner emphasized the point that the stairs, while exceeding the minimum distance by one foot, are being placed on area that is already paved. The pavement will be removed, thereby creating additional pervious surface. The stairs extend about 4 feet from the garage. Mr. McKinnon asked if the stairs could be pulled back a foot. They also noted that the plan didn't indicate this clearly. The addition will be sitting on footings, not a full foundation, which eliminates excessive excavation.

The position of the stairs as a sticking point was the major concern. Moving them would create major reworking of the design. The Commissioners suggested requesting a waiver for the 1 foot setback. The applicant would prefer to request a waiver than to rework plan. The Commission suggested that naturalizing and planting appropriate species of wetland and wildlife habitat plants in the area where the lawn meets the water would improve the resource area and thus help support the waiver request. Additional items suggested to help support a waiver were: installing gutters to drain roof runoff away from the resource area, and removing the strip of

pavement along the east side of the garage along the entire edge of the driveway which decreases impervious area.

A question was raised about roof runoff, and if the gutter system directed runoff to a dry well. Mr. Kirchner said proximity to wetland did not support installation of a drywell for this particular site, but runoff could be directed to a splash pad away from the resource area.

The Hearing was continued to April 3 at 7:20 PM. The applicant will prepare a waiver request, have the plan updated to be less confusing, the fence will be relocated and a planting plan for the water edge mitigation area will be presented. (It was noted that Town Meeting is scheduled for April 1 and 2 with the potential to run over to April 3. Should that be the case, the continuance will be moved to April 17.

### **Special Business**

#### **Community Preservation Committee: Discussion**

Amy Green gave a synopsis of the items that are on the Warrant for the upcoming Town Meeting. Full set-aside request was granted to Open Space (\$450K) and requested funds were approved for Jones field, Arboretum China Trail and Entrance; Asa Parlin House, Ironworks Farm, 53 River St. (dam removal); Mill Place Bell Tower. (See Town Warrant for April 1, 2019)

Amy announced she will be retiring from the Committee and would like to have someone else from the Commission assume her position on the Committee. She feels it is an important job and needs a representative to support Open Space and Conservation interests. Mr. Colman expressed an interest and will consider it.

**Definition of Structures:** Jim Colman produced the draft below for discussion:

*March 12, 2019*

*Colman*

*Structure: Anything which is built or constructed, including but not limited to the following, whether permanent or temporary: building; shed; above or below ground swimming pool; roofed storage area; garage; car port; free standing wall taller than 4'; retaining wall; concrete pad larger than 50 SF(1); patio larger than 200 sf(1); deck larger than 200 sf (1); terrace; parking lot; above or below ground storage tank; non-portable barbecue; non-portable fire pit; fence; and stormwater facility including but not limited to detention/retention basin.*

*(1) Although decks and patios less than 200 sf and concrete pads less than 50 sf are not considered structures for the purpose of the setbacks in Section F8.3, projects which include a deck or patio less than 200 sf or concrete pad less than 50 sf and are within 100' of a resource area are subject to jurisdiction under the Acton wetland by-law.*

*[The explanatory notes would be included in the regulations.]*

*QUESTION: Do we want to include riprap in the definition?*

**Discussion:** Jim explained that this draft was an attempt to allow some flexibility for smaller structures. It was based on a meeting with Mr. Tidman and Ms. Green since the last time it was presented to the Commission for discussion. Retention Basins were added as well. It was suggested that above and below ground retention facilities be included as well as appurtenant structures. Fences should be removed as these are excluded in the Bylaw. And they agreed that "Riprap" should be included with a size limit of over 100 square feet.

The commission thought that trying this out as a guidance policy for ~6 months was a good idea before formally amending the regulations. Jim will edit the document and it will be discussed at next meeting.

### **Consent Items**

**Minutes of March 6, 2019**, reviewed by TM, TMc, AG

Mr. McKinnon moved to approve the minutes of March 6, 2019, Ms. Green seconded the motion and it was approved unanimously.

**Meeting adjourned at 8:55 PM.**



Terry Maltland  
Chairperson



CONSERVATION COMMISSION AGENDA  
MARCH 20, 2019  
ACTON TOWN HALL  
472 MAIN STREET  
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1. **Regular Business**

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2. **Special Business**

Community Preservation Applications: Discussion

Definition of Structures: Discussion

3. **Consent Items**

Certificate of Compliance

Minutes of March 6, 2019: reviewed by TM, TMc, AG

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*The listed agenda items are those reasonably anticipated by the Chair. Not all items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can and include a way we can contact you if we need more information. Please allow advance notice. Send an e-mail to [manager@actonma.gov](mailto:manager@actonma.gov) or call Town Manager's Office (978)929-6611)*

For more information about the Conservation Commission contact [nr@acton-ma.gov](mailto:nr@acton-ma.gov)  
or call 978-929-6634

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2:39 PM 3/25/2019