

Acton Conservation Commission

Meeting Minutes

June 17, 2020

3:15 PM

Virtual Meeting

Present: Terry Maitland, Jim Colman, Suzanne Flint, Carolyn Kiely, Zywia Chadzynska

Absent: Amy Green Tim McKinnon,

Natural Resources Director and recording secretary: Tom Tidman

3:20pm – Chairman Maitland opened the meeting by reading the “virtual” meeting guidelines and requirements for Commissioners, applicants and audience.

Regular Business

3:25 Request for Determination: 84 Seminole Road

Tom and Anne Rogan, for a project at 84 Seminole Road (town atlas plate D-2, parcel 156). The project is the installation of an above ground pool, located within 100 feet of wetlands.

The owner, Anne Rogan, described the proposed location for the above ground (22' diameter) pool, noting that the pool would be placed on a level area of existing lawn directly behind their house and 75' away from wetlands. Anne mentioned that the wetlands were flagged by Tom Tidman in May, 2020.

Commissioners inquired about dewatering the pool and where chlorinated water would be dumped. The Commissioners also asked whether there would be a deck constructed around the pool and if a fence would be installed.

Ms. Rogan stated that the pool would remain full during non-use periods and not require flushing. A locking ladder would be installed, with no deck around the pool. The ladder and access to the pool will be located on the side closest to the house away from wetlands.

Mr. Maitland closed the meeting at 3:30pm

Decision: Mr. Colman moves 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. Ms. Kiely seconded the motion. The roll call vote was unanimous.

3:20 Notice of Intent: 2, 4, 12 Powder Mill Road (continuation)

Notice of Intent filed by “Apartments at Powder Mill,” LLC, 205 Willow Street, Waltham, MA 02453, for a project at 2, 4 & 12 Powder Mill Road, Acton, (town atlas plate J3, parcels 39, 42, 43, 44, 45). The project is the demolition of existing structures, construction of 230 residential units, a clubhouse, new parking areas, and associated utilities. Work will occur along Riverfront Area.

Brian Butler with Oxbow Associates noted that Joel Kahn with the Development Team and Bohler Engineer Randy Miron would be present for the virtual meeting. Mr. Butler, reviewed observations made by the Commission while on the June 1st site walk. Mr. Butler mentioned which trees along the river bank would remain and which would be removed. Stabilization of the bank along Ripple Pond will involve remediation of two wash-out locations and riprap will be installed. An old storm drain discharging directly into the impoundment will be removed. Mr. Butler noted that there is evidence of Osprey activity on one of the old telephone poles and that this fall or winter the pole will be moved to a more suitable nesting location and the pole will be fitted with a screen to aid in nest building.

Mr. Butler reviewed the area to be naturalized with a meadow mix once all asphalt and site debris has been removed. The plan is to establish a healthy native meadow plant community that can be mowed once a year. Commissioners asked if shrubs would be added to the meadow. Mr. Butler said no, not in the flat reclaimed area degraded with Industrial activity. A stone dust path will meander through the meadow and several benches will be installed. Mr. Butler noted that a surveyed Planting Plan will be prepared for the Riverfront buffer zone naturalization area. An invasives removal plan will be included with the planting plan.

Mr. Butler noted that a floating dock for canoe and kayak launching is in the long term plans for the development, but not part of this filing.

Commissioners discussed waivers to bylaw setback and work within the 200' Riverfront Zone, noting that this filing is only being heard under State Law and not local bylaws. Commissioners agreed that they would send a letter to the Zoning Board of Appeals supporting the restoration work proposed within the degraded Riverfront area. Commissioners will include a "Findings of Fact" with the Order of Conditions supporting the waiver of wetlands setbacks.

Mr. Maitland, hearing no further questions from the Commission and no questions from the public, closed the hearing at 4:20pm.

Decision: Mr. Colman moved to issue a standard Order of Conditions with no special conditions. The Order is to be accompanied by a Findings of Fact supporting the waiver of local wetlands bylaw setback requirements. The motion was seconded by Ms. Flint. The roll call vote was unanimous.

Special Business: None

Consent Items

Pending Certificates: none

Minutes: Mr. Colman moved to accept the Conservation Commission minutes of May 20th which had been reviewed by Ms. Kiely and Ms. Chadzynska. The roll call vote was unanimous.

At 4:30 p.m., it was moved and seconded to adjourn the meeting. The motion was approved by roll call vote unanimously.

Documents and Exhibits Used During this Meeting

- Notice of Intent, WPA Form 3 and associated plans and descriptions for 2,4,12 Powder Mill Road
- Request for Determination, WPA Form 1, 84 Seminole Road

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-11846>


Terance Maitland, Chair