

CONSERVATION COMMISSION

MINUTES

January 6, 2021

7:15 PM

Virtual Meeting

Present: Terry Maitland, Amy Green, Tim McKinnon, Carolyn Kiely, Zywia Chadzynska, Jim Colman, Suzanne Flint, Dean Charter (BoS liaison)

Absent:

Natural Resources Director and recording secretary: Tom Tidman

Zoom Host: Fran Portante

Regular Business

7:25 Terry called the meeting to order, and read the virtual meeting protocol.

7:30 pm – 12 Spring Hill Road NOI

Notice of Intent filed by Steve Marsh, principal of Westchester Homes for a project at 12 Spring Hill Road (town atlas plate E6, parcel6-1). The project is the construction of two single family homes. Work will occur within the buffer zone and requires wetland crossing and replication.

Kyle MacDonald representing Goddard Consulting, presented for the project applicant, Steve Marsh, principle of Westchester Homes. Terry began the hearing by noting that there are outstanding taxes owed on the property, and that the hearing would not be closed until taxes are paid. He asked Kyle if he was aware of the tax situation, Kyle replied that he was not aware of taxes owed, but would consult with the project applicant and get back to the commission with a response.

Kyle made a brief presentation noting that this is a two- lot, common-drive development with a single wetlands crossing. An easement was obtained from the owners of 8 Spring Hill Road, to minimize the extent of wetlands disturbance. There is an intermittent brook crossing with an open bottom culvert designed to meet the State Stream Crossing Handbook standards. The two single family house locations along with SDS leaching fields and infiltration beds, meet the 75' structure setback.

Commission questions and observations:

- (1) The large recharge basin located near the wetlands crossing does not appear to meet the 75' no structure setback.
- (2) Had the applicant considered building a bridge over the wetlands, as opposed to the proposed culvert and wetlands alteration required with this submittal?
- (3) It appears that nearly the entire proposed driveway is located within the 50' natural buffer, not just the area where it crosses wetlands. We have never permitted this much buffer zone disturbance.
- (4) These lots were once part of 8 Spring Hill Road. By subdividing 8 Spring Hill Road, the owner created his own hardship. Please review the language in DEP Policy 88.2. Does this property have a right to be developed?
- (5) Has the applicant exhausted all other potential access possibilities?

(6) The well on lot 2 is within the 75' no structure setback. Wells are structures.

(7) Have borings been done in the area(s) of the infiltration beds, specifically, under the driveway?

Abutter's questions and observations:

- **7 Duston Lane** – this is a fragile wildlife corridor, with a significant intermittent stream flowing through it. What changes, to reduce harm to the wetlands, have been made to the previous submittal that was denied?
- **8 Spring Hill Road** – (The abutter stated that he had not received an abutter notification of the hearing. Kyle confirmed a notice was sent.) He went on to explain that, when the lot was subdivided, he granted an easement across the property to access the two undeveloped lots. There is an old cart path behind his house that crosses wetlands accessing the undeveloped lots. A common drive could be created, but it would need to loop around behind his existing house to gain access to the cart path.
- **294 Pope Road** – The development of these lots would impact many interests in the Wetlands Protection Act. The removal of canopy trees would have a major impact on the wetlands. The impact to wildlife would be significant with the vertical walls along the length of the proposed driveway presenting a crossing barrier.
- **7 Spring Hill Road** – The removal of the mature forest for this development will cause a great deal more water to flow across Spring Hill Road into the abutter's property. Who is responsible if should this occur? Flooding at 7 Spring Hill Road is already a concern.
- **Kyle MacDonald (response)** – There is a complete drainage report submitted with the NOI. There will be no increase in the peak rate of flow for stormwater leaving the site.
- **3 Duston Lane** – You are planning to remove all of the mature white pine trees right up to the property boundary of our lot. This will weaken all of the remaining pine trees on our side of the boundary. Who is responsible if the trees on our property fall?
- **Kyle MacDonald (response)** – The pine trees being removed along the property boundary are outside of jurisdictional areas.
- **Terry** – Have you determined how many trees will be removed?
- **Kyle MacDonald (response)** - We can get you an answer.
- **Dean Charter** – In response to concern of 3 Duston Lane abutter: Removing some of the mature pine trees from a pine stand will have a significant impact on the remaining standing trees.

The Hearing was continued to January 20 at 7:30.

8:30 Discussion: Hybrid Farm License

The closing for the sale of Hybrid Farm is scheduled for Jan. 15. The License expires the same day and the current owner has asked for an extension of two weeks for payment. The request has been submitted to Town Counsel for consideration. There was no response at the time of the meeting from Town Counsel and no decision was made on the issue.

Consent Items

Minutes: December 16, 2020, reviewed by CK

Decision: Amy moved to approve the minutes of December 16, 2020; Jim seconded and the roll call vote was unanimous.

*At 8:44 p.m., it was moved and seconded to adjourn the meeting.
The roll call vote was unanimous.*

Documents and Exhibits Used During this Meeting:

- Notice of Intent package for 12 Spring Hill Road
- Request for payment extension: Hybrid Farm

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-12992>

A handwritten signature in black ink that reads "Jerry Maitland". The signature is written in a cursive, flowing style.

Terrance Maitland, Chair