



**Acton Conservation Commission**  
Meeting Minutes  
May 5, 2021  
7:10 PM  
Virtual Meeting

**Present:** Terry Maitland, Amy Green, Jim Colman, Tim McKinnon, Suzanne Flint, Carolyn Kiely,

**Absent:** Zywia Chadzynska

Natural Resources Director and recording secretary: Tom Tidman

Zoom Host: Fran Portante

**Regular Business**

**7:20 PM: Request for Determination 169 Central Street (continuation).**

The property owner, Jillian Peters, described the modified fence location, now moved further away from wetlands. A new fence location, 40 feet away from wetlands at the mid-point of the backyard, is proposed. Jillian mentioned that three commissioners, Jim, Carolyn and Amy, had met with her onsite to review the new fence location at a site visit on May 5.

The Commissioners were pleased to see that the fence had been moved further away from wetlands, yet stressed that having the fence extend to the ground acts as an impediment to the movement of turtles. The owner was encouraged to consider raising the fence 4" above the ground in the future.

The RDA Meeting closed @ 7:28 pm.

**Decision:** Jim 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. Carolyn seconded the motion and the roll call vote was unanimous.

**7:30 PM: Notice of Intent 9 Adeline Way (continuation)**

Daniel Carr, with Stamski & McNary, presented for the homeowners. Dan explained the changes to the infiltration system at the existing drain outlet by installing two 12 inch perforated pipes in the drainage basin, to be covered with crushed stone and then backfilled. In addition, a grass depression with level spreader will be installed to collect stormwater should any water exit the perforated pipe system. Seven arborvitaes will be planted at the top of slope in the area to be filled. A 6 foot high wooden fence will be installed at the top of slope at the corner of the lot. Behind the house, a row of boulders will be installed at the base of slope next to the existing stone wall, the purpose being to hold back enough compacted soil to create a 1:1 slope with a level walkable area behind the deck approximately 4 feet wide. The 1:1 slope will be vegetated to stabilize and prevent further erosion.

The Commissioners discussed the proximity to the vernal pool of the proposed work, noting that the original subdivision was approved as a 40B project. The applicant was encouraged to work with the Conservation Agent to develop a planting plan to help with the stabilization of the slope, especially considering this is a very shaded area.

Carolyn was concerned runoff containing fertilizers would reach the vernal pool.



Dan responded that all stormwater will pass through the subsurface perforated drain pipes prior to entering the grassed depression. No stormwater is being directed towards the vernal pool.

Amy asked “what is the proposed slope at the rear of the house, because it’s very important that the slope be stabilized, as it’s very near the vernal pool.”

Tim asked if the proposed stone wall would be considered a structure. If it is a structure, a waiver would be required. Commissioners continued the discussion of the original approval for the project being a 40B development with no setbacks at all.

Terry stated that the homeowners association should be made aware that no herbicides and/or pesticides are to be used within the buffer, especially so close to the sensitive vernal pool.

Amy said that, because of the 1:1 slope, silt fence and hay bales should be required at the rear of the house.

An abutter, Don Johnson of 1 Cindy Lane, stated he had met with the applicants at 9 Adeline Way and was satisfied with the plan and no longer had any concerns.

The hearing closed at 7:55 PM.

**Decision:** Jim moves to issue a standard order of conditions, with the following special conditions:

- (1) The installation of both silt fence and hay bales shall be required as erosion control measures in the area where the slope stabilization is proposed.
- (2) This project is located within the buffer zone of a vernal pool, no herbicides, pesticides and fertilizers of any kind may be used at this site.
- (3) The homeowners/applicants are encouraged to meet with the Conservation Agent to design a shade tolerant garden to aid with slope stabilization and to prevent erosion.
- (4) The homeowners association shall notify all contractors working within 100’ of the vernal pool at Adeline Way, that no herbicides, pesticides or fertilizers are permitted.
- (5) Two informational signs shall be installed along the stonewall at the rear of 9 Adeline Way, stating: “No use of pesticides, herbicides or fertilizers, within 100’ of the environmentally sensitive vernal pool.”

Amy seconded the motion and the roll call vote was 5 ayes, 1 nay (Carolyn)

#### **8:05 PM: Notice of Intent 44 Robbins Street**

Nathaniel Cataldo, with Stamski and McNary, presented for the applicant. Nathaniel explained that the project involves the removal of several sections of the original house, with the proposed addition of a garage and new steps off the rear of the house. The garage will be constructed entirely outside the 75 foot wetlands buffer.

Tim asked where stockpiling of excavated material would be placed? Nathaniel responded it would be stockpiled on the existing paved driveway.

The hearing closed at 8:10 PM

**Decision:** Amy moved to issue a standard Order of Conditions, Tim seconded the motion and the roll call vote was unanimous.



### **8:15 PM: Request for Determination, 16 Barker Road**

Owner/applicant Ed Metro presented plans to install a berm along the border of his existing lawn. The berm will act as a sound barrier between the house at 16 Barker and Route 2. Plans are for the berm to be approximately 4 feet high and span a distance of approximately 40 feet. The berm will be vegetated to prevent erosion; a row of arborvitae is planned for the top of the berm, along with other wildlife-valued shrubs.

Commissioners were concerned that erosion may occur along the buffer-zone slope. A row of boulders at the base of the berm on the wetlands side was suggested; Mr. Metro agreed to install the row of boulders and to keep the berm entirely within the flat area of his lawn.

The meeting closed at 8:28 PM.

**Decision:** Jim moved a negative 3 Determination, requiring no Notice of Intent filing, with the condition that a row of boulders be placed on the existing lawn at the top of slope. Amy seconded the motion and the roll call vote was unanimous.

### **8:30 PM Request for Determination 97 Windsor Ave**

Owner Joe Maletti presented plans for the construction of a 12 foot X 24 foot (4 foot deep) in-ground pool. Plans include the installation of an 8 foot concrete paver apron around the in-ground pool. Any material excavated during construction will be stockpiled on a paved surface next to the pool area.

The Commissioners were confused by a 100 foot buffer line shown on the sketch that didn't line up with the pool setbacks. Commissioners asked if the applicant would continue the meeting, allowing them an opportunity to visit the site.

Chairman continued the meeting to May 19<sup>th</sup> at 7:10 PM.

### **8:50 PM: Request for Determination 348 Main Street,**

Erin Joyce, with Joyce Consulting Group, presented for the Acton Housing Authority. The construction of 40 units contained within 4 connected buildings will be constructed where the Kennedy Nursery buildings are presently situated. This portion of the project has a street address of 362-364 Main Street. The work proposed within the 100' buffer at this location, includes the removal of pavement associated with the Kennedy Nursery operation (5665 sq. ft. of impervious surface to be removed), the installation of a 5 ft wide sidewalk and the construction of 2 bio-retention areas. The remaining area of the buffer zone will be loamed and seeded. The wetlands associated with the proposed construction at 362-364 Main Street are on the opposite side of Main Street. All wetlands were flagged by Handcock Associates.

The Commissioners asked if a stormwater design had been completed and would the stormwater structures be located within the 100' buffer. Erin stated that a complete stormwater design had not been completed at this point in time. Water balance/infiltration/bio-retention areas have been drafted and it's currently at 25% design. She said they were meeting the DEP Stormwater Standards and the project would have a peer review. This project will significantly improve stormwater leaving the site.

Erin presented plans for the section of the property where the septic system will be constructed at 348 Main Street. There is an area of bordering vegetated wetlands running parallel to Route 2A



and a small portion of the leaching field will be located within the 100' wetland setback. Grading and shaping for the leach field breakout area will extend to the 50 ft wetlands setback in one corner.

Tim asked if soil has been tested for contamination. Erin, responded that no testing of soils has been done to date.

The Commissioners collectively felt this is a major project and really should be filed as a Notice of Intent. They also agreed that a completed stormwater design is necessary in order for a decision to be made. Commissioners felt that reviewing the stormwater calculations would be necessary in making a decision.

Jim noted that on a site like this with ledge so close to the surface, understanding the stormwater design outside of the 100 foot buffer would be important in making a decision on this property.

Terry stated that the incomplete state of the Stormwater design and the size of the overall project would be better reviewed as a Notice of Intent filing.

Kelley Cronin, Director of the Acton Housing Authority agreed, that if the Commission would like a Notice of Intent filed, then that is what they will do.

The meeting closed at 9:20 pm

**Decision:** Jim moved to issue a Positive 1 Determination, meaning the area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

Amy seconded the motion and the Roll call vote unanimous.

**Consent Items:**

**Minutes:** Tim moved to approve the minutes of April 21, 2021; Amy seconded the motion and the roll call vote was unanimous.

**The meeting adjourned @ 9:30 PM**

**Documents and Exhibits Used During this Meeting**

- 169 Central St. RDA filing
- 9 Adeline Way NOI filing
- 44 Robbins St. NOI filing
- 16 Barker Rd. RDA filing
- 97 Windsor Ave. RDA filing
- 362 – 364 Main St. RDA filing

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-13000>

*Jerry Mcuttand*

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*Terrence Maitland, Chair*