

**ACTON CONSERVATION COMMISSION**  
**MINUTES**  
**April 1, 2015**  
**7:15 PM**  
**TOWN HALL - 472 MAIN STREET**  
**ROOM 204**

**COMMISSIONERS PRESENT:** Terry Maitland, William Froberg, Tom Arnold, Andrew Magee, Amy Green, Jim Colman

**RECORDING SECRETARY/Administrative Assistant:** Fran Portante

**VISITORS:** Kirk Fitzpatrick from Civil Solutions, Ed Bennett, Rachel Watsky, Scott Hayes (Foresite Engineering), Rebecca Williamson (GPI), Sean McIntyre (GPI), Tom Kelleher (ARRT), William Murphy (GPI), Derek Lowe, Kristin Guichard (Acton Planning), Victoria Parsons (Mass DOT); Roland Bartl (Acton Planning), Marty Nover (Nover-Armstrong)

**7:15 Determination of Applicability: 15 Hemlock Lane (010)**

*Request for Determination of Applicability filed by William Smith, 15 Hemlock Lane, Acton, town atlas plate E4, parcel 39. The proposed project is to remove an existing covered porch and construct a new three-season porch slightly larger than the existing one, and to construct a deck off the back of the new porch. Work will occur within 100 feet of wetlands.*

Mr. William Smith presented the project to replace an existing 12 foot by 12 foot porch with a larger porch, 16 feet by 16 feet with an attached deck. He had met with Mr. Tidman who had marked the wetlands. Mr. Arnold asked about an object indicated on the submitted plan and was told that it was an existing shed. Mr. Magee noted that the proposed work was within the limits of the Act. The applicant presented pictures of the site to the Commission. The porch was to be a three-season structure, on concrete piers, with a raised deck.

**Decision:** Mr. Magee 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 WPA. Therefore, said work does not require the filing of a Notice of Intent. Included should be a note that, should the project move any closer to the wetland boundary, the applicant must again come before the Commission. Mr. Colman seconded the motion, vote was unanimous.

**7:25 Request for Determination of Applicability: 134 Arlington Street (020)**

*Installation of subsurface sewage disposal system. Proposed leaching area is within 200 feet of Riverfront, and grading will occur within 100 feet of wetlands.*

Kirt Fitzpatrick, from Civil Solutions, presented for the applicants, Edward and Susan Bennett. He noted that the existing septic system, hydraulically connected to the pond located in the south-west corner of the property, had failed Title 5 inspection. An elevated system was needed and the plan was to install a 1500 gallon, 2 compartment pump, to be located in the front of the house. Straw wattles would be installed around the area of work. Infiltrator chambers are imbedded in sand and allow 40 percent reduction in the system area. The plan has been approved by the Board of Health. Mr. Tidman had flagged the wetlands.

Mr. Magee noted that only a small part of the system lies within the 75 foot buffer. Riverfront area runs along Arlington and Hayward Road. Applicant suggested wood chips be applied in the 75 foot area, but Ms. Green pointed out that grass was preferable to using wood chips.

**Decision:** Mr. Froberg moved to issue a Negative 3 designation, 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 WPA (see Decision above). Mr. Arnold seconded the motion, unanimous vote.

8:00 **Notice of Intent:** 12 Summer St, Continuance 85-1148 (030)

Rachel Watsky of Goddard Consulting presented for the applicant, William Chisholm of Mt. Laurel Realty. Based on the Commission's request from the prior session, a planting plan was submitted. Rachel also submitted a letter from the Acton Planning Board which extended the special permit for the "Central Street PCRC" as the project is named. The Operation and Maintenance Plan was updated with additional language for public access signs to be placed along the trail; the EcoTec invoice was paid; the Homeowner Association sample document, indicating the agreement could only be amended by the home owners after approval by the planning board; and guaranteeing public access.

Mr. Arnold asked about the easement along the trail. Ms. Watsky said the CR would run along the sidewalk area so access would be guaranteed, and there will be a guard rail. There will be 120 trees removed in the buffer zone area. These will be replaced by 105 trees and 34 shrubs, since the zone 2 area is more appropriate for shrubs than trees. The plan is to recreate the vegetative screening along the cemetery line. The replanting near the entrance will help to stabilize the area.

Ms. Green noted that there was much paperwork to be sorted and examined. Mr. Arnold commented that the Homeowners Agreement would have to include arbitration language. Both Mr. Magee and Ms. Green commented that, should there be a problem with maintenance in the future, an Enforcement Order could be applied. A discussion proceeded around the rules and obligations of Associations. Ms. Watsky offered some possible language that could be added to the Order of Conditions. It was agreed that the best place to include the language of the Order was to include it with the deed to the property. Before a Certificate of Compliance would be issued, the Commission would have to review the final Home Owners Agreement.

Mr. Magee suggested that the Order of Conditions be written after the hearing was closed. Development of Findings of Fact and the Special Conditions would require time for deliberation by the Commission. It was agreed that the hearing would be closed and the Commission would hold a special meeting the following Thursday evening at 6:00PM.

**Decision:** Mr. Froberg moved to issue a Standard Order of Conditions to include a number of special conditions which the Commission will develop within the 21 day allotted period following the close of the hearing. Mr. Arnold seconded, vote unanimous.

8:20 **Notice of Intent:** Hayward Farm, Lot 1: 2 Hutchinson Way 085-1174 (040)

*Construction of a sewage disposal system and associated grading within 100' of an area subject to protection*

Notice of Intent: Hayward Farm, Lot 2: 6 Hutchinson Way 085-1172 (050)

*Construction of a single family dwelling and associated utilities and grading within 100' of an area subject to protection.*

Notice of Intent: Hayward Farm, Lot 3, 8 Hutchinson Way 085-1173 (060)

*Construction of a single family dwelling and associated utilities and grading within 100' of an area subject to protection.*

The three hearings for Lots 1, 2 and 3, Hayward Farm, were opened simultaneously. Scott Hayes, of ForeSite Engineering present for the applicant, Stephen Steinberg of Acton Management Inc. Mr. Hayes described the property as having a seasonal stream run through the middle of the property. An earlier filing was only for the retention basin and other infrastructure, and it was announced during the hearing that the applicant would return with separate filings for the individual houses. The property was divided into half acre lots, and the design for the septic systems were exempted under the by-law. The house on Lot 1 was outside the 100 foot buffer zone, and the leaching field was between the 75 foot and 100 foot no build zone. The house of Lot 2 had a small portion just inside the 75 foot bugger, with grading just outside the 50 foot buffer. All three septic plans were permitted and had been approved by the Board of Health. Derek Lowe, an abutter, noted he was interested in the details of the project.

It was noted that septic systems were allowed up to the 50 foot buffer zone. The Commission discussed the need for boulders to be placed along the 50 foot buffer zone. Mr. Lowe expressed no personal concern should the Commission require this. It was agreed that boulders would be placed along the 50 foot buffer.

**Decision:** Lot 1: Mr. Coleman moved to issue a standard Order of Conditions with the one condition that a boulder line shall be installed, using 3 to 4 foot diameter boulders placed at intervals of 5 feet on center for the length of the 50 foot buffer. Mr. Arnold seconded, unanimous vote.

**Decision:** Lot 2: Mr. Coleman moved to issue a standard Order of Conditions with the one condition that a boulder line shall be installed, using 3 to 4 foot diameter boulders placed at intervals of 5 feet on center for the length of the 50 foot buffer. Mr. Arnold seconded, unanimous vote.

**Decision:** Lot 3: Mr. Coleman moved to issue a standard Order of Conditions with the one condition that a boulder line shall be installed, using 3 to 4 foot diameter boulders placed at intervals of 5 feet on center for the length of the 50 foot buffer. Mr. Arnold seconded, unanimous vote.

8:40 Notice of Intent: Assabet River Rail Trail #085-1171 (070)

*Notice of Intent filed by Nover-Armstrong Associates, Inc. and Greenman-Pedersen, Inc., on behalf of the Massachusetts Department of Transportation (MassDOT). The proposed project calls for the redevelopment of an abandoned railroad line into a recreational trail within the towns of Maynard and Acton, Massachusetts. The Assabet River Rail Trail in Acton will consist of a multi-use recreational trail along the former Marlborough Branch of the abandoned Fitchburg Line starting at the Maynard town line and heading north for approximately 1.1 mile to a point north of Maple Street*

Mr. Maitland recused himself, as he is an abutter. Mr. Magee chaired the hearing. Amy Green noted that she has worked with GPI and Mass DOT on prior projects. Mr. Magee also disclosed that he has done work for Mass DOT.

Roland Bartl, Planning Department director, introduced the project and the applicant to the Commission. He has been working on this project for ten years, and this is the final sprint to bring it to fulfillment. He stressed that the Town of Acton strongly supports this project. He then introduced Becky Williamson from GPI, Marty Nover from Nover-Armstrong, and Vicky Parsons from Mass DOT to the Commission.

Marty Nover, using electronic media, presented the project to the Commission. Her presentation closely followed the narrative in the Notice of Intent filing. The current portion of the rail trail under development is a 3.4 mile segment of a multiuse recreational trail along the Middleborough Branch of the former Fitchburg Line owned by the Commonwealth of Massachusetts that runs through Maynard and Acton. The Acton portion is 1.1 mile long. The Maynard hearing for its portion has already been presented, and they are expecting the Order of Conditions to be issued next week.

Since the original filing, changes have been made. The original filing notes an area under boardwalk which was considered permanent alteration. As a result of a design change, that area has gone from a permanent to a temporary alteration. The boardwalk is five feet above water. Wildlife has not been considered as being impacted greatly, but they are open to suggestions for mitigation. Some temporary impacts to LUW are also not included in the NOI, and the changes will be submitted in revised documents to be submitted.

While it is necessary for dewatering for boardwalk construction, it is being minimized and will also be performed in the driest season for least impact. The piles being used for the new bridge will be plastic, providing low maintenance and long life. An alternative analysis was performed and Option 5 was chosen as most suitable. There is one mapped vernal pool at 100 Martin Street. An infiltration basin was added to compensate for the paving of a portion of the lot that the train station was to construct. It was designed for 25 year storm conditions. This has an impact on the Train Station project and their NOI will need to be amended.

The Commission agreed that a site walk was needed before any further decision could be made. Mr. Magee complemented the team for doing such a good job on the filing. They may want more detail on the replication area. Ms. Nover said she would be sending the changes to the documents. She also provided a complete set of large plans that are updated according to the changes presented.

Mr. Tidman will schedule a site walk between now and the next meeting, and will include Roland Bartl and Kristin Guichard from the Planning Department.

The hearing was continued to 7:50 PM on Wednesday, April 15.

**Meeting adjourned: 9:30 PM**

  
Terry Maitland  
Chairperson

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**MINUTES:** March 4, 2015 Reviewed by AM, TM, PG

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