

**TOWN OF ACTON
CONSERVATION COMMISSION**

Minutes

January 18, 2017

**7:00 PM (Amended to 7:15 PM)
TOWN HALL - 472 MAIN STREET
ROOM 9**

.....
COMMISSIONERS PRESENT: Terry Maitland, William Froberg, Amy Green, Jim Colman, Paula Goodwin, Tim McKinnon, Jennifer Stolz

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Scott Hayes, Kyle Cormier, Kristen Guichard

7:00 Request for Determination of Applicability: 66 Hayward Road, continuance

The application was withdrawn and applicants will be filing a Notice of Intent for this project in the near future.

7:15 Abbreviated Notice of Resource Area Delineation: 31, 39 & 45 Martin Street- continuance

Kyle Cormier from Oxbow Associates, represented the applicant, Mark Gallagher of Seal Harbor Custom Homes. Wetland flags A34 to A40 and flags 27 to 33 were moved at the request of the Commission. The updated plans were presented to the Commission.

Decision: Mr. Colman moved to accept the flagging line as revised as of 12/27/2016 and approve the delineation. Ms. Stolz seconded the motion and it passed unanimously.

7:30 Notice of Intent: 161 Newtown Road, Lot 1

Rosemary Hryniewich Family Trust for a project on a portion of 161 Newtown Road, Lot 1, Town atlas plate D-3, Parcel 11. The project is the construction of a driveway, installation of a sewage disposal system, and associated site grading and landscaping within 100 feet of an area subject to protection under the Wetlands Protection Act & Acton Wetland Bylaw.

Scott Hayes, from Foresite Engineering, represented the applicant. He explained that the site, consisting of 14 acres abutting Grassy Pond, was flagged by Chuck Caron in 2015. A portion of the septic system will be located within 100 feet of wetlands (77 feet from wetlands at its closest point). Grading for the

breakout area is up to 58 feet from wetlands. The house will be located outside the 100 foot buffer. The driveway will be constructed within the 100 foot wetlands buffer (its closest point is 75 feet from wetlands).

Mr. Colman asked if the graded area around the septic system would become lawn and Mr. Hayes responded that it would. Mr. Colman proceeded to explain that in such instances the Commission has sometimes required boulders to be installed that would define the edge of the natural buffer area.

Mr. McKinnon noted that the area was heavily wooded, and asked how much clearing would be done. Mr. Hayes responded by pointing out that the area was mostly mature white pine. There is no way to get to Grassy Pond from the existing house. And he also noted that each lot would be over five (5) acres. Mr. Colman asked if the NOI included the paving of the driveway and Mr. Hayes responded that it did. The Commission discussed the necessity of restricting clearing of the lot prior to the applicant having obtained a building permit.

Decision: Mr. Colman moved to issue a standard Order of Conditions with the following special conditions:

1. There shall be no lot clearing within 100 feet of wetlands, as outlined on the Notice of Intent Plan dated June 10, 2016, prepared by Forsite Engineering, unless and until a building permit for Lot 1, 161 Newtown Road, has been obtained.
2. The Conservation Agent shall be notified 10 working days before the beginning of work.
3. A boulder line consisting of 3 to 4 foot diameter boulders, buried to half their depth with a spacing of 8 feet on center, will be placed on the uplands side of the erosion control barrier, from the easterly lot line, following the limit of clearing and ending where Lot 1 enters onto the existing house lot at 161 Newtown Road-driveway and utility easement.

Ms. Stolz seconded the motion and it was passed unanimously.

7:45 Notice of Intent: 161 Newtown Road, Lot 3

Rosemary Hryniewich Family Trust for a project on a portion of 161 Newtown Road, Lot 3, Town atlas plate D-3, Parcel 11. The project is the construction of a driveway, installation of a sewage disposal system, and associated site grading and landscaping within 100 feet of an area subject to protection under the Wetlands Protection Act & Acton Wetland Bylaw.

Mr. Hayes represented the applicant for the second lot on the site. This lot would be a hammerhead lot and would be 5.85 acres in size. Tree removals and grading will be required for installation of the septic system (83 feet from wetlands at its nearest point). Grading will occur to within 60 feet of wetlands. The proposed house is completely outside the 100 foot buffer.

Mr. Froberg commented that it appeared this could be moved further away from wetlands. Mr. Hayes responded that they had encountered ledge further up the hill, so could not meet depth requirements for the septic approval.

Mr. Colman moved to issue a standard Order of Conditions with the following special conditions:

1. There shall be no lot clearing within 100 feet of wetlands, as outlined on the Notice of Intent Plan dated June 10, 2016, prepared by Foresite Engineering, unless and until a building permit for Lot 3, 161 Newtown Road, has been obtained.
2. The Conservation Agent shall be notified 10 working days before the beginning of work.
3. A boulder line consisting of 3 to 4 foot diameter boulders, buried to half their depth with a spacing of 8 feet on center, will be placed on the uplands side of the erosion control barrier, from the southerly property boundary, following the limit of clearing, to the intersection of the erosion control barrier with Lot 2 on the north side of the lot.

Ms. Stolz seconded the motion and it passed unanimously.

8:10 Planning Department: Update on Subdivision Zoning Changes

Kristen Guichard presented proposed subdivision zoning changes that would help to preserve open space with future development. See attached presentation.

8:30 Decision: Letter to Governor Baker distributed to all municipal town Commissions by the Mass. Association of Conservation Commissions. Commissions were asked to discuss and, if opposed to the proposed pipeline, to indicate such to MACC and be included in the letter against the building of the pipeline.

Mr. Colman pointed out that the letter was opposing the new gas line and also said that the state didn't really need this energy. Based on this statement, he didn't support the letter since the state may, in fact, need this energy in the future. Mr. McKinnon speculated that Kinder-Morgan pipe line probably caused this letter to be written. He would have preferred the letter to focus on keeping pipe lines out of sensitive areas. Mr. Maitland was not in favor of handcuffing the future. Mr. Froberg felt that the Commission was being asked to take a political position, as was curious as to the reason for taking this action.

The Commission did not support the letter.

**CONSERVATION COMMISSION
AGENDA
January 18, 2017
7:00 PM
TOWN HALL - 472 MAIN STREET
ROOM 9 (Ground floor)**

MEETING AGENDA

7:00 Request for Determination of Applicability: 66 Hayward Road, continuance

7:15 Abbreviated Notice of Resource Area Delineation: 31, 39 & 45 Martin Street- continuance

7:30 Notice of Intent: 161 Newtown Road, Lot 1
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7:45 Notice of Intent: 161 Newtown Road, Lot 3
Rosemary Hryniewich Family Trust for a project on a portion of 161 Newtown Road, **Lot 3**, Town atlas plate D-3, Parcel 11. The project is the construction of a driveway, installation of a sewage disposal system, and associated site grading and landscaping within 100 feet of an area subject to protection under the Wetlands Protection Act & Acton Wetland Bylaw.

8:00 Planning Department: Update on Subdivision Zoning Changes

8:30 Decision: Letter to Governor Baker

Minutes:

December 21, 2016: Reviewed by PG

January 4, 2017: Reviewed by PG, AG, JS

NOTE START TIME AND LOCATION CHANGES!!

Minutes:

December 21, 2016: Reviewed by PG

Mr. McKinnon moved to accept the minutes of December 21, 2016. Ms. Goodwin seconded the motion, and it passed unanimously.

January 4, 2017: Reviewed by PG, AG, JS

Ms. Goodwin moved to accept the minutes of January 4, 2017. Ms. Stolz seconded the motion, and it passed unanimously.

Meeting adjourned at 9:30 PM.



Terry Maifland
Terry Maifland
Chairperson

<http://doc.ecton-ma.gov/Shared/ViewCollection.aspx?Collection=662> 01-18-2017

My Background Jobs (31)

Location: Home » Public Meetings » Conservation Commission » 2017 Meetings » 01-18-2017 Listing

01-18-2017 Properties
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|--------------------------|------|---|------------|----------|--------|---------|
| <input type="checkbox"/> | PDF | 001 - Agenda 01-18-2017 Amended | naturalres | 01/17/17 | 25 KB | |
| <input type="checkbox"/> | PDF | 001 - Agenda 01-18-2017.pdf | naturalres | 01/11/17 | 23 KB | |
| <input type="checkbox"/> | PDF | 01 - 66 Hayward Road -Lower Fields- RDA | naturalres | 01/09/17 | 201 KB | |
| <input type="checkbox"/> | PDF | 02 - 85-1209 - 31_39_45 Martin St ANRAD | naturalres | 01/09/17 | 3 MB | |
| <input type="checkbox"/> | PDF | 161 Newtown Rd Lot 1 NOI | naturalres | 01/09/17 | 539 KB | |
| <input type="checkbox"/> | PDF | 161 Newtown Rd Lot 1 NOI Plan | naturalres | 01/09/17 | 223 KB | |
| <input type="checkbox"/> | PDF | 161 Newtown Rd Lot 3 NOI | naturalres | 01/09/17 | 536 KB | |
| <input type="checkbox"/> | PDF | 161 Newtown Rd Lot 3 NOI Plan | naturalres | 01/09/17 | 396 KB | |
| <input type="checkbox"/> | HTML | Conservation Commission sign-on opportunity.htm | naturalres | 01/09/17 | 113 KB | |

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12:37 PM 1/17/2017

Rethinking Acton's By-right Method for Residential Subdivisions



Partridgeberry Place, Ipswich, MA
(Designed by Randall Arendt, Greener Prospects)

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Acton 2020 Goals and Action Items

❖ Preserve and Enhance Town Character

- Use zoning to protect open space parcels

❖ Ensure Environmental Sustainability

- Move toward patterns of land use and land protection that supports broad biodiversity, soil preservation and healthy agriculture

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Typical Residential Development Options in Acton

Barker Road & Stacy's Way



(+/- 40 Acres)
Conventional Subdivision

Woodfield Road & Shady Lane



(+/-40 Acres)
Planned Conservation
Residential Community "PCRC"

1

Standard Subdivision

(By-right)

- Subdivision Rules and Regulations for the laying out and construction of ways that provide access to lots that meet the standard
- Dimensional regulations for lots per zoning (area, frontage, setbacks)
- Entitled to approval if it meets design and zoning requirements

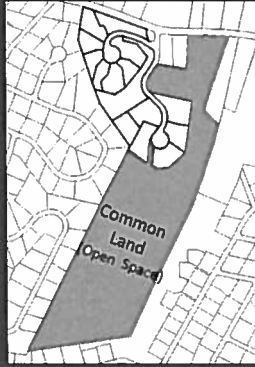


4

Cluster Development: PCRC

(Currently ONLY by Special Permit)

- Allows buildings to be grouped in one area of a plot of land in order protect open space elsewhere on the same plot of land without increasing the overall number of residential units than would be allowed in a standard subdivision.



Maple Creek Farm

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Existing PCRC Bylaw

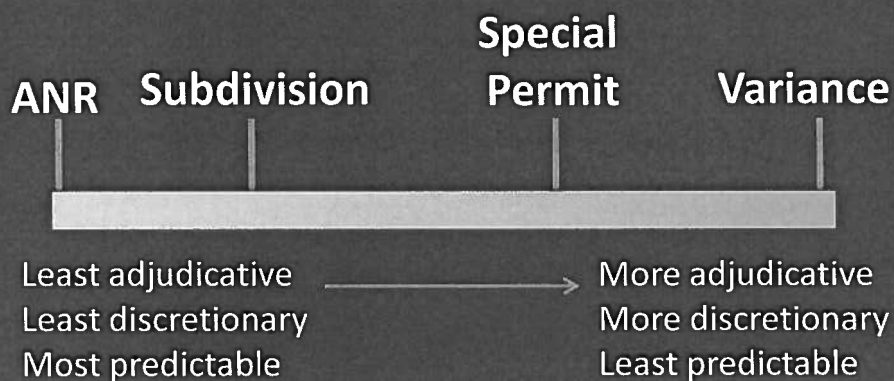
- Requires Special Permit
- Minimum tract area of 8 acres
- Allowed in R-2, R-4, R-8, R-8/4, R-10, and R-10/8
- R-8/4 and R-10/8 revert to R-4 and R-8
- No specific regulations on the layout (where dwellings, roads and open space are located on the tract)

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History of R-4/8 and R-8/10 Zoning Districts

- 1990 Master Plan implementation
- R-8/4 created from R-4 and R-2
- R-10/8 created from R-8
- What appears today like a density bonus for cluster or PCRC development – viewed historically was a penalty for Standard Subdivision development

The Approval Process for a Special Permit is more discretionary than for a Subdivision



MGL: AN ACT RELATIVE TO CLUSTER DEVELOPMENTS

Section 9 of chapter 40A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the fourth paragraph the following paragraph:

“Notwithstanding any provision of this section to the contrary, zoning ordinances or by-laws may provide that cluster developments shall be permitted upon review and approval by a planning board pursuant to the applicable provisions of sections 81K to 81GG, inclusive, of chapter 41 and in accordance with its rules and regulations governing subdivision control.”

Approved July 27, 2000

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Rethinking PCRCs as the only by-right method of subdivision

- Only by-right method for residential subdivision
- R-2, R-4, R-8, R-8/4, R-10 and R-10/8
- No minimum acreage for eligibility
- Open space design process
- Standards for open space design process
- Delete existing PCRC section

Exceptions:

- ANRs encouraged to follow open space design process

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Proposed Changes to Zoning Bylaw & Subdivision Rules and Regulations

ZONING BYLAW

- Dimensional Regulations for Residential Subdivision:
 - Mirrors existing PCRC dimensional and formula-based standards for number of units and setbacks
 - 60% Common Land as prescribed in existing PCRC
- Creates standards for laying out Common land:
 - Resource Areas Delineated (primary and secondary)
 - Resource Areas are delineated and prioritized

SUBDIVISION RULES AND REGULATIONS

- Subdivision Rules and Regulations new section:
 - Describes process for resource area delineation and prioritization

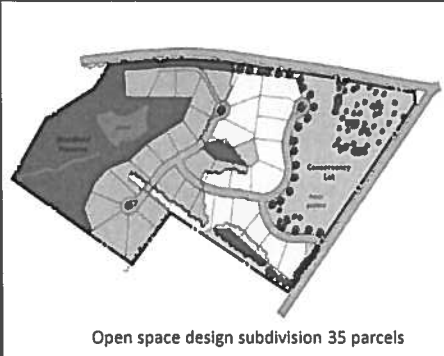
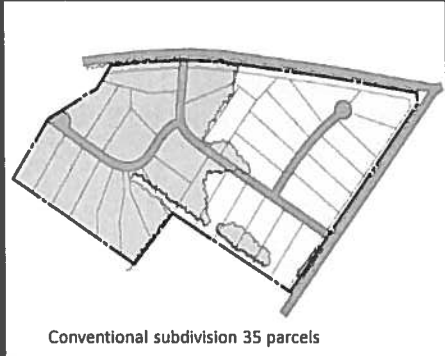
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Proposed Changes to Subdivision Rules and Regulations: Process

- Informational Meeting (*strongly encouraged*)
- Conservation Analysis
 - Primary Resource Areas
 - Secondary Resource Area
- Board determination of Conservation Analysis
- Standard for Approval

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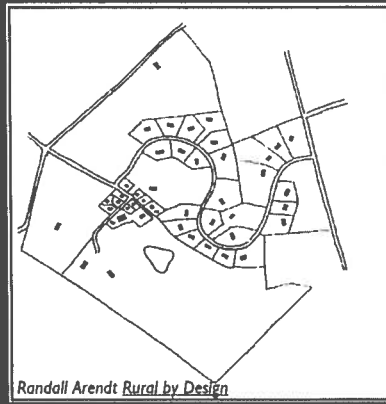
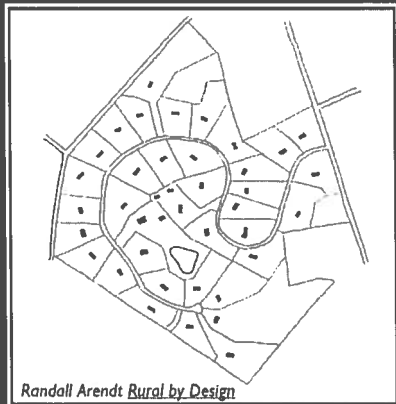
Conventional Subdivision vs. Open Space Design Subdivision



Stratford Hall, Weddington, NC
(Designed by Randall Arendt, Greener Prospects)

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Conventional Subdivision vs. Open Space Design Subdivision



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Works Cited

Slide 1 and Slide 8:

Images of Conservation Subdivision Designs
by Randall Arendt, Greener Prospects.

<http://www.greenerprospects.com/>

Stratford Hall, Weddington, NC
Partridgeberry Place, Ipswich, MA

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New Table of Standard Dimensional Regulations for subdivisions in single family residential districts

| | | |
|---|--------|---------|
| MINIMUM LAND AREA PER DWELLING UNIT IN TRACT OF LAND, in square feet | R-2 | 25,000 |
| | R-4 | 50,000 |
| | R-8 | 100,000 |
| | R-8/4 | 100,000 |
| | R-10 | 125,000 |
| | R-10/8 | 125,000 |
| MINIMUM RESOURCE LAND IN TRACT OF LAND, in percent (%) | | 60 |
| MINIMUM DISTANCE FOR STRUCTURES FROM PRE-EXISTING STREET, in feet | | 45 |
| MINIMUM DISTANCE FOR STRUCTURES FROM NEW SUBDIVISION STREET, in feet | | 15 |
| MINIMUM DISTANCE FROM NEW SUBDIVISION STREET FOR SINGLE FAMILY DWELLING UNITS WITH MORE THAN 3,000 SQUARE FEET OF GROSS FLOOR AREA, in feet | | 30 |
| MINIMUM DISTANCE FOR STRUCTURES FROM RESOURCE LAND, in feet | | 30 |
| MINIMUM DISTANCE BETWEEN RESIDENTIAL BUILDINGS, in feet | | 20 |
| MINIMUM DISTANCE BETWEEN SINGLE FAMILY DWELLING UNITS WITH MORE THAN 3,000 SF OF GROSS FLOOR AREA, in feet | | 40 |
| MAXIMUM HEIGHT, in feet | | 36 |

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Existing PCRC Bylaw

Purpose:

Allow residential development that encourages the preservation of open space:

- *Preservation of significant land*
- *Water*
- *Historic space*
- *Archeological and natural resources*
- *Consistent with Acton 2020 and the Open Space and Recreation Plan.*

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