

**TOWN OF ACTON  
CONSERVATION COMMISSION**

**Minutes**

**August 16, 2017**

**7:30 PM**

**TOWN HALL - 472 MAIN STREET  
ROOM 204**

**COMMISSIONERS PRESENT:** Terry Maitland, William Froberg, Amy Green, Tim McKinnon, Paula Goodwin

**NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY:** Tom Tidman

**VISITORS:** Davis Prato, Kim Hocknell, William Hall

**7:30 Notice of Intent** 122 School Street

*Kim Hocknell for a project at 122 School Street, (town atlas plate H3, parcel 75). The project is to enlarge an existing patio, relocate an existing shed, remove existing lawn area, and install native plants. Work will occur within 50 feet of wetlands.*

Davis Prato, principal of Prato Associates, Inc., presented the project to the Commission. The proposed changes are to expand the existing patio, move the lawn away from the wetlands and relocate a shed to the opposite end of the rear lawn. The former lawn area will be replanted with native shrubs.

**Decision:** Ms. Green moved to issue a standard Order of Conditions, waiving Acton WPA By-law conditions 18 and 19. Mr. Froberg seconded the motion and it passed unanimously.

**7:58 Notice of Intent** 424-428 Great Road, Meadowbrook

*Thomas Schaejbe for a project at 424-428 Great Road, Meadowbrook Condominiums (town atlas plate C4, parcels 27-2 and 27-3). The proposed work consists of the repaving and expansion of a parking lot for the three existing buildings, 424-428 Great Road. The proposed work is partially within the Riverfront Area of Will's Hole Brook.*

William Hall of Stamski & McNary Inc. presented for the client. He outlined the proposed improvements to the parking lot. Wetlands were flagged by Dave Crossman. The plan is to repave the parking lot and add parking spaces, resulting in the addition of 4,900 square feet of impervious area. A bio-retention area is being added to capture, treat and infiltrate runoff. The bio-retention area will be planted with shrubs. The closest proximity to wetlands from the existing paved surface is currently 11.9 feet. The proposed parking lot will have a closest point of 14.7 feet. More than half the parking lot will be directed to the new bio-retention area. The dumpster area will be enclosed in accordance with zoning requirements.

Commissioners asked if the design of the parking lot could be modified to increase the amount of runoff that will be directed to the new bio-retention area. They requested a continuation of the hearing to allow the engineer to attempt to increase the amount of runoff to be treated.

Mr. Maitland asked that a site visit be arranged for the Commission. The hearing was continued to September 6 at 7:45 PM.

**8:25 Notice of Intent: Continuance:** 31, 39 & 45 Martin St, Anthem Way, from August 2.

Susan Carter, of Places Associates Inc., addressed the DEP questions raised in their review and acceptance of the NOI filing, as well as the Commission questions which were raised at the first Hearing and during the site walk.

The drain pipes between wetlands A and B will remain the same. Ponding was observed in the spring in wetlands A but not in B. The design minimizes any additional runoff entering wetlands A. The Commission asked if the decrease in post development runoff would negatively impact either wetland. Ms. Carter stated that the reduced volume would have no impact on the wetlands. The Commission noted that many of the canopy trees will be removed around both wetlands, significantly reducing evapo-transpiration. The Commission discussed the compensatory floodplain area adjacent to Wetlands B. Ms. Carter stated that the compensatory floodplain area would be bordered with red maple and Viburnum to provide some shade to Wetlands B. Further discussion addressed the seed mix for the compensatory flood storage area.

The Commission then discussed the route that will be used to move the two existing houses and the number of mature trees that will be removed by going down the existing driveway. Ms. Carter explained that the developer will attempt to transport the two houses to their new locations through the future location of Unit 1, then through the compensatory storage area at the rear of the carriage house.

The Commission discussed limiting lawn size and "creep" by having boulders added behind units 27 & 28. Mark Gallagher agreed to the boulder placement.

Ms. Carter updated the Commission on her recalculation of riverfront impact. She corrected her calculation reviewing the definition of "restoration area" versus "naturalized area."

The Commission discussed the use of herbicides and pesticides within the 100 foot buffer areas. Mr. Gallagher stated that typically only grass fertilizers are used, rarely crabgrass control. The Commission asked that no fertilizers should be used within 100 feet of wetlands for units 1,2,3 & 4, and the developer agreed to prohibit the use of fertilizers, pesticides and herbicides in the HOA agreement for the entire development. Ms. Carter noted that maintenance of the Stormwater Basin "A" would be the responsibility of the Homeowners Association.

The Commission discussed appropriate signage designating the protected open space areas behind the units. One suggestion was "*Fort Pond Brook Greenbelt – Protected Open Space.*"

Mr. Maitland outlined how the Order of Conditions would be structured. The Commissioners agreed to the draft language of "Special Conditions" to supplement the standard Order. The Commission agreed to a publicly noticed meeting again the following week, Aug.23, at 6:30 PM to finalize the special conditions to accompany the Order of Conditions.

Ms. Carter agreed to modify the plan of record to include all the agreed-upon recommendations discussed during the hearing and on-site walks.

The meeting closed at 10:05 PM. Mr. Maitland outlined the structure of the Order of Condition, noting that the Commission has 21 days to issue the order.

**Decision:** Mr. Froberg moved to issue a standard Order of Conditions with a number of special conditions (see following) to be finalized at a special meeting on August 23 at 6:30. Ms. Green seconded the motion and the vote was unanimous.

**SPECIAL CONDITIONS FOR ORDER: (Final approved version.)**

1. Applicant agrees to work with the Commission to create signage demarcating the naturalized areas / limit of work / riverfront area before the first building permit is issued. Signs to be placed 75 feet on center, and will be reflected on an as-built plan. Approved signs shall be installed before the first occupancy permit is issued.
2. O&M to be updated to reflect provisions for mowing frequency of the drainage basins and the seed mix to be used, as approved by the Conservation Commission.
3. All reasonable attempts will be made to preserve the trees at the corner of Anthem and Martin Streets when relocating the existing houses.
4. A line of boulders, 3-4 feet in diameter, 6 feet on center and buried to one half their depth, will be placed behind units #27 and #28 as noted on plans delineating the lawn / limit of work boundary.
5. An access agreement shall be developed by the Applicant, granting permission to the Town of Acton for access and yearly mowing of the riverfront meadow habitat areas. This easement shall be in place prior to issuance of the first occupancy permit.

**CONDITONS IN PERPETUITY**

6. Demarcations of limits of activity including the signs (Condition #1) and boulders shall be maintained in place.
7. Community Garden shall use organic farming practices
8. Pesticides, herbicides, and fertilizer shall not be used by the Homeowners' Association and /or landscapers
9. As indicated in the Notice of Intent, the property contains 326,502 square feet of Riverfront Area. The current proposal intends the alteration of 30,000 square feet of the Riverfront Area. Pursuant to 310 CMR 10.58(4)(d)(1), the alteration of up to 10 percent of the Riverfront Area may be allowed. As such, any further alterations are limited to 3,265 square feet unless explicitly allowed by the Conservation Commission.

**Certificate of Compliance:**

196 Great Road, 85-1158

Ms. Green moved to issue a Certificate of Compliance, Mr. Froberg seconded the motion and vote was unanimous.

267 Great Road, 75-283

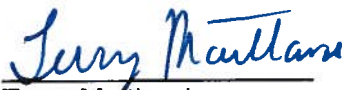
Ms. Green moved to issue a Certificate of Compliance, Mr. Froberg seconded the motion and vote was unanimous.

**Minutes:** July 19, 2017: Reviewed by AG, TM

Ms. Green moved to accept the Minutes of July 19, Mr. Froberg seconded the motion and the vote was unanimous.

August 2, 2017: Pending

The meeting was adjourned at 10:20 PM.



Terry Maitland  
Chairperson

**CONSERVATION COMMISSION  
AGENDA  
August 16, 2017  
7:30 PM  
ACTON TOWN HALL  
472 MAIN STREET  
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**Certificate of Compliance:** 196 Great Road, 85-1158  
267 Great Road, 75-283

**Citizens Concerns**

**Commission Business**

**Minutes:**

July 19, 2017: Reviewed by AG, TM

August 2, 2017: Pending

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Document	85-1222 - Antcham Village Plan Revisions 31, 39 and 45 Martin Street	08/16/17	6	View   Star   ...
Document	001 - Agenda 08-16-2017	08/16/17	53 KB	View   Star   ...
Document	75-283 - 267 Great Road RCo2	08/14/17	931 KB	View   Star   ...
Document	85-1108 - 196 Great Road RCoC w Letter	08/14/17	1 MB	View   Star   ...
Document	85-1223 - 122 School St Plan	08/16/17	562 KB	View   Star   ...
Document	85-1223 - 122 School St Wetlands plan	08/16/17	9 MB	View   Star   ...
Document	85-1223 - 122 School Street NOI	08/16/17	301 KB	View   Star   ...
Document	85-1224 - 424-428 Great Rd Drainage Maps	08/16/17	1 MB	View   Star   ...
Document	85-1224 - 424-428 Great Rd NOI	08/16/17	13 MB	View   Star   ...
Document	85-1224 - 424-428 Great Rd Site Plan	08/16/17	1 MB	View   Star   ...
Document	85-1224 - 424-428 Great Rd Stormwater Rpt	08/16/17	17 MB	View   Star   ...
Document	85-1224 - 424-428 Great Road Site Plan Special Permit App	08/16/17	18 MB	View   Star   ...

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12:56 PM 8/16/2017