

**TOWN OF ACTON
CONSERVATION COMMISSION**

Minutes

November 7, 2018

7:15 PM

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

COMMISSIONERS PRESENT: Terry Maitland, Amy Green, Jim Colman, Tim McKinnon, Jennifer Stolz, Susanne Flint

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Leo Bertolami, Ajay Balasubramaniam, Ian Rubin, Dan Carr, Robert Kannaird, Kim Kastens, Carolyn Kiely, Beb Sekuler.

7:15 Notice of Intent: 117 Concord Road, 85-1241 continuance

Leo Bertolami, applicant, said all items requested by the Commission had been completed and were reflected in the new version of the Plan submitted and presented on Nov. 7. Ms. Green asked if the lawn would extend outside the fence toward the wetland. Mr. Bertolami said the area outside the fence could remain natural if the Commission would like it so. Ms. Green said that the area outside the fence within the 50 foot buffer zone could be cut once per year and be maintained as a meadow.

The Commission discussed whether the firepit and barbeque were considered "structures." Concluding that they were structures, they asked that these structures be moved outside the 50 foot natural buffer zone. Mr. Bertolami noted that the property looked like it had been abandoned for 12 years, and it appears that the lawn had extended all the way to the pond before it was abandoned. The Commission established special conditions, noted in the motion below.

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

1. The proposed barbeque and fire pit structures shall be moved to locations outside of the 50 foot natural buffer zone, as both are considered permanent structures.
2. The area within the 50 foot natural buffer zone, but outside of the proposed lawn area may be maintained as a meadow and shall be allowed to naturalize. The area outside of the fenced and approved lawn area, and no closer than two feet to the fence, may be maintained to the extent that invasive species can be removed as necessary and the meadow can be cut once annually, each growing season.
3. The proposed siltation barrier shall be installed in a location parallel to and within two feet of the proposed fence, within the 50 foot natural buffer.
4. The Commission requires yearly monitoring (once each growing season) for a period up to 3 years, to insure success of the mitigation area and 50 foot natural buffer zone. The inspection shall be done by the Conservation Commission Agent.
5. Only the area within the fence enclosure, as illustrated on the Wetlands Permitting Plan dated October 31, 2018, may be maintained as cut grass (lawn). All other areas within the 50 foot natural buffer may be maintained as either "mitigation area" or "natural buffer," as illustrated on the approved plan and conditioned in Special Conditions 2 and 3 above.

Ms. Stoltz seconded the motion and it passed unanimously.

In accordance with the Town of Acton Wetland Protection Act Bylaw, Section F14, a fine of \$200 has been issued to the applicant for work within the buffer zone without prior submittal of a Request for Determination or Notice of Intent.

7:30 Notice of Intent: 3 Jaime's Way

Ajay Balasubramaniam is the applicant for a project at 3 Jaime's Way, town atlas plate F2, parcel 117-2. The project is the moving and reconstruction of the existing retention area to a more favorable location on the property. Work will occur within the 100 foot wetland buffer zone.

Ian Rubin from Markey & Rubin Inc., represented the applicant. He described the current conditions as an existing infiltration basin that retains one to two feet of water long after storm events. The owners think the basin is dangerous for young children. The proposal is to construct a subsurface infiltration basin. Groundwater elevations were determined and a Cultec System chambers would be installed two (2) feet above groundwater. The area will be loamed and seeded. The life of a Cultec system is substantial if it is properly maintained. The Cultec O&M plan will be given to the Homeowners Association (HOA).

An outstanding Order of Conditions remains for the construction of the two houses. No Certificate of Compliance has been requested. The owner has a verbal agreement with the other two owners of the subdivision to install the Cultec System. The Subdivision is not complete at this point, since permanent road layout bounds have not been installed.

Mr. Colman said the Commission needed information to show them that the existing drainage basin has been maintained or built properly. Ian Rubin has been in contact with Shawn Keanan to see when the project will be completed.

Mr. Rubin agreed to continue the hearing and have the existing permit owner, Shawn Keanan, agree that the HOA will be responsible for the new Cultec System. Ian will get him involved with the process. Mr. Maitland said that this could be a revised Order of Conditions rather than a new filing. Ms. Green said that the project should be reviewed by the Engineering Department.

The hearing was continued to January 2, 2019, at 7:30PM.

7:45 Notice of Intent: 6 Colonial Path, 85-1244

In absence of applicant or representative, this hearing was continued to November 28, 2018, at 7:50 PM.

8:35 Notice of Intent: 37 Hosmer Street, 85-1246, continued from October 17.

Dan Carr from Stamski & McNary, represented the applicant, Robert Kannaird.

He presented the revised plan to the Commission and reviewed the changes as requested by the Commission:

1. Addition of boulders along the existing lawn area along the 50 foot natural buffer
2. Subsurface chambers moved outside the 75 foot buffer
3. Trees to be removed were now labeled on the plan
4. The revised deck is now completely outside the 75 foot buffer zone

Decision: Ms. Green moved to issue a standard Order of Conditions. Ms. Stolz seconded the motion and it passed unanimously.

Notice of Intent: 61 Central Street, 85-1242, continuance

The representative, Scott Hayes, requested the hearing be continued. It is scheduled for December 5 at 7:20 PM.

Certificate of Compliance:

149 Central Street, 85-0973: no action

1 Conant Street, 85-0891

Decision: Mr. Colman moved to issue a Certificate of Compliance, Ms. Green seconded the motion and it passed unanimously.

Hybrid Farm License Renewal: The applicant, Rita McConnen, wishes to prune the red maples along the fence in Area D. Mr. Colman commented that red maple leaves are very toxic to horses. He suggested allowing the pruning separate from the license agreement. It could also be added to the agreement as a rider.

Decision: Mr. Colman moved that the license agreement be renewed and language be added to the license agreement to allow pruning. Ms. Green seconded the motion and it passed unanimously.

Citizens Concerns: Green Acton

Kim Kastens and Carolyn Kiely presented information relating to the Concord Water Treatment project on Nagog Pond. Bob Sekuler asked that they consider new information that has just come to light. He requested that the request for the extension to the existing Order of Conditions be scrutinized and questioned. The BoS heard expert testimony from OARS that indicated that cold water fisheries in Nagog Brook could be affected. Ms. Kiely noted that Sec. F6.3 of the Wetlands

Bylaw and Sec. 2.3 of the rules and regulations gives the ConsCom the latitude to deny extension requests if new information comes to light.

Minutes of October 3, 2018: reviewed by JS, TM

Ms. Green moved to approve the minutes of October 3, Ms. Stolz seconded the motion and it passed unanimously.

Minutes of October 17, 2018: review by JS., TMc

Ms. Green moved to approve the minutes of October 17, Mr. Maitland seconded the motion and it passed unanimously.

Meeting adjourned: 9:30 PM



Terry Maitland
Chairperson

**CONSERVATION COMMISSION
AGENDA
November 7, 2018
7:15 PM
ACTON TOWN HALL
472 MAIN STREET
Room 204**

7:15 Notice of Intent: 117 Concord Road, 85-1245, continuance

7:30 Notice of Intent: 3 Jaime's Way

Ajay Balasubramaniam is the applicant for a project at 3 Jaime's Way, town atlas plate F2, parcel 117-2. The project is the moving and reconstruction of the existing retention area to a more favorable location on the property. Work will occur within the 100 foot wetland buffer zone.

7:45 Notice of Intent: 6 Colonial Path, 85-1244, continuance

8:00 Notice of Intent: 37 Hosmer Street, 85-1246, continuance

8:15 Notice of Intent: 61 Central Street, 85-1242, continuance

Citizens Concerns

Certificate of Compliance:

149 Central Street, 85-0973

1 Conant Street, 85-0891

Other: Hybrid Farm License Renewal

Minutes:

October 3, 2018: reviewed by JS, TM

October 17, 2018: reviewed by JS, TMc

File Name	File Type	Date	Size	Actions
001 - Agenda 11-07-2018	naturales	11/07/18	10 KB	☆ ...
76-294 - 3 Jaime Way NOI	naturales	11/07/18	366 KB	☆ ...
75-294 - 3 Jaime Way NOI Erosion Control	naturales	11/07/18	169 KB	☆ ...
76-294 - 3 Jaime Way NOI Site Plan	naturales	11/07/18	146 KB	☆ ...
76-294 - Jaime's Way Thomas Drive DRAINAGE REPORT rev 10-03-18	naturales	11/07/18	2 MB	☆ ...
85-1241 - 117 Concord Rd NOI	naturales	11/01/18	14 MB	☆ ...
85-1241 - 117 Concord Rd NOI Plan	naturales	11/01/18	106 KB	☆ ...
85-1241 - 117 Concord Rd S&M Response to DEP	naturales	11/01/18	636 KB	☆ ...
85-1242 - 61 Central St NOI	naturales	11/01/18	2 MB	☆ ...
85-1242 - 61 Central St NOI	naturales	11/01/18	2 MB	☆ ...
85-1244 - 6 Colonial Path NOI	naturales	11/01/18	2 MB	☆ ...
85-1244 - 6 Colonial path photos	naturales	11/07/18	2 MB	☆ ...
85-1244 - 6 Colonial path wall material examples	naturales	11/01/18	648 KB	☆ ...
85-1246 - 37 Hosmer Engineering Response	naturales	11/05/18	138 KB	☆ ...
85-1246 - 37 Hosmer St PRE & POST DRAINAGE MAP	naturales	11/01/18	137 KB	☆ ...
85-1246 - 37 Hosmer St Site Plan	naturales	11/01/18	3 MB	☆ ...
85-1246 - 37 Hosmer st SWM Rpt	naturales	11/01/18	11 MB	☆ ...
85-891 - 1 Constant St RCOC	naturales	11/13/18	102 KB	☆ ...
85-873 - 143 Central St RCOC	naturales	11/01/18	126 KB	☆ ...