

**TOWN OF ACTON
CONSERVATION COMMISSION**

Minutes

March 6, 2019

7:15 PM

TOWN HALL - 472 MAIN STREET

ROOM 9

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

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

7:15 Notice of Intent: 66 Robbins Street continuance

Bruce Ringwall, from Goldsmith, Prest and Ringwall Inc., presented for the applicant, Rick Jian. He added information to the plan based on comments and feedback from the Engineering Department. Specifically, the detention basin was increased in size to handle all runoff. He added notes to the plan to specify removal of the bamboo infestation. A boulder line was added to the plan along the 50 foot buffer, and the water line was moved outside the 75 foot buffer. The existing shed was to remain in its current location. The detention basin was moved slightly further away from the wetlands than was previously approved. Silt fence has been added for silt prevention. He pointed out that the planting plan for the basin was simply loam and seed.

Mr. Ringwall questioned the definition of a structure, and, specifically, if a drainage basin was considered a "structure." Mr. Colman asked if the crest of the berm could be at the 75 foot buffer. Mr. Ringwall pointed out that they had approval from the other outstanding Order to build the retaining basin closer than the proposed basin.

The Commission discussed naturalizing the existing lawn within the 50 foot buffer, wetland flags A4 through A7. They also discussed moving the existing shed, which would be considered a mitigating factor. The applicant proposed moving the shed on lot 3 to the west side of the yard near the existing playground between contours 204 and 205. Naturalizing the area behind the drainage basin would be another mitigating factor. The Commission discussed adding a boulder line along the easement, ending at wetland flag A4 to the basin. They rejected Mr. Ringwall's proposal to use posts and signs to demarcate the line rather than boulders. Only boulders may be used.

The hearing closed at 8:05.

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

Special Conditions for 66 Robbins Way, DEP # 85-1252

1. The area labelled Proposed Drainage Easement within the 50' buffer zone shall be allowed to naturalize. The area on the plan is bounded on the Northwest from Bench Mark No. 3 to WF-DA4, southeasterly by the tree-line, west by the wetland and northeasterly by the row of boulders along the 50' buffer zone.

2. The applicant will move the shed on lot 3 to the west side of the existing playground between the 204 and 205 contours.
3. A row of 3 to 4 foot diameter boulders, buried to half their depth with a spacing of 10 feet on center will be installed from benchmark No. 3 to WF-DA4 and where boulders are shown on the plan. Signage shall not be used in place of boulders at any location..
4. Silt fence and wattles will be installed within the 100 foot buffer along the limit of disturbance.

Mr. McKinnon also included the following "Finding."

Finding of Fact:

The detention basin is permitted within the 75 foot setback because it had been approved for this site in a previous filing which was still in force, and there was no feasible alternative possible.

Ms. Green seconded the motion and it passed unanimously.

8:15 Notice of Intent: 3 Jaime's Way, 75-384, continuance

Ian Rubin presented addition information for the project. He pointed out that there were two outstanding Orders on the development. The developer, Sean Keenan, still has work to do on the site, including setting bounds. The owner of lot 3 has a retention basin in his back yard that is considered a hazard since there are small children in the household. He would like the basin to be converted to an underground retention system. Drainage calcs have been completed for the site. The O&M is still being done by Mr. Keenan.

The Commission would like to see the Homeowners Association aware of the O&M Plan. How can the Commission be certain that the underground chambers will be maintained?

Ian will meeting with the Town Planner to see if there is an existing bond for the development to complete the work. He will also add the 75 foot buffer line to the plan to ensure the structure is outside the buffer. The Commission wants to see the O&M Plan.

Decision: Hearing continued to April 3, at 7:15PM.

7:45 Request for Determination: 18 Fort Pond Road

Edwin F. Pearson for a project at 18 Fort Pond Road (town atlas plate C-3, parcel 16-6). The proposed project is the construction of a 16 foot by 16 foot shed. Work will occur within 100 feet of wetlands.

Mr. Pearson presented his plan for the construction of a shed within the 100 foot buffer zone. The shed will sit directly on a ledge outcropping, so will require no excavation.

Decision: Mr. McKinnon 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.

Mr. Colman seconded the motion and it passed unanimously.

Recognition: Suzanne Flint: Mr. Maitland congratulated Ms. Flint, on behalf of the Commission, for completing all Wetland Fundamentals courses offered by the Massachusetts Association of Conservation Commissions.

Presentation: Agricultural Commission and Right to Farm Bylaw

Fran Portante, representing Bettina Abe and the working group promoting the adoption of a Right to Farm Bylaw and the establishment of an Agricultural Commission presented a Powerpoint slide show and discussion, asking the Commission for their support for these articles at the upcoming Town Meeting. The Commission was favorable in their reception.

Minutes: February 20, 2019, reviewed by AG, TMc
Mr. McKinnon moved to accept the minutes of Feb. 20, 2019; Mr. Colman seconded the motion and it passed unanimously.

Meeting adjourned at 9:30PM.



Terry Maitland
Chairperson

**CONSERVATION COMMISSION
AGENDA
March 6, 2019
7:15 PM
ACTON TOWN HALL
472 MAIN STREET
Room 9 (Note change in location)**

7:15 Notice of Intent: 66 Robbins Street continuance

7:30 Notice of Intent: 3 Jaime's Way, 75-384, continuance, bylaw only

7:45 Request for Determination: 18 Fort Pond Road

*Edwin F. Pearson for a project at 18 Fort Pond Road (town atlas plate C-3, parcel 16-6).
The proposed project is the construction of a 16 foot by 16 foot shed. Work will occur
within 100 feet of wetlands.*

Recognition: Suzanne Flint

Presentation: Agricultural Commission/Right to Farm Bylaw

Citizen's Concerns

Certificate of Compliance

Minutes: February 20, 2019, reviewed by AG, TMc

Filing documents may be accessed through the following link:
<http://doc.acton-ma.gov/dsweb/View/Collection-10602>

03-06-2019

Type	Name	Owner	Modified Date	Size	Actions
PDF	001 - Agenda 03-06-2019	naturakes	03/04/19	119 KB	View Star ...
PDF	18 Fort Pond RDA 2019	naturakes	02/21/19	207 KB	View Star ...
PDF	18 FORT POND RDA PLAN	naturakes	02/21/19	489 KB	View Star ...
PDF	2019 AgComm.warrant.article As of 2-2019	naturakes	03/01/19	281 KB	View Star ...
PDF	2019 Right to Farm By-Law (A0524545-3x8GBA5)	naturakes	03/01/19	54 KB	View Star ...
PDF	2019-03-06-2019 Presentation AgCom RTF ConCom	naturakes	03/04/19	7 MB	View Star ...
PDF	75-384 - 3 Jaime's Way NOI 2	naturakes	03/04/19	241 KB	View Star ...
PDF	75-384 - 3 Jaime's Way Rev. Plan 1	naturakes	03/04/19	667 KB	View Star ...
PDF	75-384 - 3 Jaime's Way Rev. Plan 2	naturakes	03/04/19	430 KB	View Star ...
PDF	85-1252 - 66 Robbins St DEP no	naturakes	02/22/19	68 KB	View Star ...
PDF	85-1252 - 66 Robbins St Engineering Review	naturakes	03/01/19	590 KB	View Star ...
PDF	85-1252 66 Robbins St Site Plan Rev	naturakes	03/06/19	6 MB	View Star ...
PDF	85-1252 66 Robbins St SWMR-Stamped_Rev1-opt	naturakes	03/06/19	7 MB	View Star ...
PDF	85-1252 66 Robbins St OM-opt	naturakes	03/06/19	1 MB	View Star ...

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