

**ACTON CONSERVATION COMMISSION
MINUTES
October 1, 2014
7:15 PM
TOWN HALL - 472 MAIN STREET
ROOM 204**

COMMISSIONERS PRESENT: Terry Maitland, William Froberg, Andrew Magee, Amy Green, Jim Colman, Theresa Portante-Lyle

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Richard Mattocks (TRB), Ron Strohsahl (Oxbow Associates), Matthew Mostoller, Ed & Susan Bennett, Janet Adachi, Rachel Kelley

7:15 **Request for Determination:** 70 Newtown Road (010)

The project involves the installation of new front porch steps and associated landscaping, within 100 feet of wetlands.

Rachel Kelley presented. The project entails the replacement of 4 planters, located around the front porch, and the reconstruction of a brick walkway. The work will occur within 100 feet of wetlands.

Decision: Mr. Magee moved to issue a Negative 3 determination, i.e. the project "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, unanimous vote.

7:30 **Notice of Intent:** 394 & 408 Massachusetts Avenue (020)

Abbreviated Notice of Resource Area Delineation filing for 394 & 408(Behind) Mass. Ave, (town atlas plate F3, parcel 134 & 118-2) filed by Mr. Richard Mattocks, TRB Development Group, Inc.

Richard Mattocks from TRB and Ron Strohsahl from Oxbow Associates presented the ANRAD plan. He pointed out that there is an intermittent stream on the lot that becomes a perennial stream more than 250 feet down-gradient.

Ms. Green asked if they were requesting floodplain approval for this ANRAD and Mr. Mattocks said they were not. Mr. Magee suggested they have a finding specifically stating that the Commission is not approving floodplain elevation with this filing. Mr. Magee also asked if they had looked at the extent of the watershed. The drain pipes at this site start at wetlands near the K-Mart site. The Commission discussed the extent of the watershed.

Decision: Mr. Magee moved that the Commission approve flags B-1 through B-17 and flags OA-105 through OA-121, and finds that:

1. No determination was made of the adjacent stream.
2. No determination was made regarding the boundary of the floodplain on the site.

Ms. Green seconded. Vote unanimous.

7:45 **Request for Determination:** 143 Hayward Road (030)

The proposed project, at 143 Hayward Road, Acton, MA (town atlas plate E2, parcel 278), is for the installation of a replacement subsurface sewage disposal system. The proposed leaching area is within 100 feet of bordering vegetative wetland.

Ed Bennett of 135 Hayward Road presented plans for the replacement of an existing over 40 year old septic system at 145 Hayward Road. These plans have been approved by the Board of Health. Ms. Green pointed out that there appears to be wetlands on the existing mowed lawn and asked where they were in relationship to the plan?

Mr. Bennett said that the wetlands were not re-flagged for this project but were taken from an older plan. Mr. Colman asked how the Commission could be expected to make a determination regarding this filing if wetlands flags are not shown on the plan or in the field.

Mr. Magee pointed out that the plan has been approved by the BOH and were based on conceptual plans drawn by Stamski & McNary in 2005. Ms. Green stated that the Commission really has no knowledge of where riverfront, floodplain or wetlands are on this lot. Mr. Magee said that the stamped plans show wetlands to be located, at the closest point, 66 feet from the limit of work.

The Commission then discussed their options: a. continue the meeting; b. close the meeting; c. ask that an NOI be filed.

Decision: Mr. Magee moved a Negative 3 determination, that is, 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. Froberg seconded. Decision passed: 3 ayes and 2 nays.

8:30 **Presentation & Discussion:** Water Resources Advisory Committee (WRAC) and Conservation Commission discussion of draft Storm Water Bylaw

Matt Mostoller, Environmental Manager, Acton Water Department, made the presentation. He pointed out that a storm-water bylaw, Chapter U, was passed in 2009. It is administered by the Health Department. Its purpose is to prevent erosion sedimentation "post construction" and to monitor for illicit discharges. It is a control bylaw. A second bylaw is now ready for town meeting. A consultant was hired to help in the preparation of this document. Open items yet to be determined are: 1. How does the bylaw get administered? 2. Who oversees the bylaw? A copy of the presentation accompanies this document.

Request for signatures: Gaebel Conservation Restriction Municipal Certification document.
Commission asked to see entire CR document and this was continued until the next meeting.

Minutes: 09-17-2014 Reviewed by AG, TA, AM, TPL
Mr. Magee moved to accept, Ms. Green seconded, unanimous vote.

Meeting adjourned at 9:15.



Terry Maitland
Chairperson

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MINUTES: 09-17-2014 Reviewed by AG, TA, AM, TPL

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10-01-2014

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