

**ACTON CONSERVATION COMMISSION  
MINUTES  
September 2, 2015  
7:15 PM  
TOWN HALL - 472 MAIN STREET  
ROOM 204**

**COMMISSIONERS PRESENT:** Terry Maitland, William Froberg, Andrew Magee, Amy Green, Paula Goodwin

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

**VISITORS:** Joy Madden, Scott Goddard, Steve Marsh, Joe Blannon, Bruce Metzcer, Dick Dolan

7:20 **Notice of Intent:** 176 Central St., formerly 12 Summer St.

William Chisholm of Mt. Laurel Realty for the construction of two single family homes at 176 Central Street, (town atlas plate G2, parcel 200). Access and construction involve alteration of Bordering Vegetated Wetlands. (Filed under the Town of Acton Wetlands By-law only.)

Scott Goddard, Goddard Consulting, LLC, provided a summary of the project. An NOI had been filed under the State Wetlands Protection Act and an Order of Conditions issued. The current filing is under the Town of Acton Wetlands By-law. No work will occur within Riverfront area. Some fill will occur within the floodplain and wetlands, necessitating the request for a waiver for the proposed driveway under the Town By-law standards. There is no alternative route to access the location of the houses. As compensation for the number of trees being removed within the buffer zone and wetlands 105 trees and 34 shrubs will be planted. The proposed driveway is 1,100 feet long, and the plans call for a gravel sidewalk along the common drive. The applicant seeks a waiver from the By-law setbacks for this project. They feel that 1) there is a public interest by allowing the public to use the trails into the abutting conservation land; and 2) applicant has looked at alternative access possibilities and none exist.

Joy Madden, an abutter, asked why the public access would be allowed. Ms. Madden also recounted her past offer to sell the property to the Town of Acton and her strong wishes that the Town buy the property at this time for conservation land. Steve Marsh responded that this would provide legal access for the public to use the existing trail. Joe Blannon, another abutter, commented on the change to a lovely piece of forest by stripping out 120 or more trees. Mr. Marsh said they were discussing selling the property to the Cemetery Commission. Bruce Metzcer, an abutter, said he had been living next to the site for 45 years. He was concerned that the long term impact of tree removal and road construction would create conditions for flooding on his property and potentially impact his house.

At this point, Mr. Maitland called for a break in the hearing to allow the next agenda item to be addressed. The hearing was resumed about 8:05 PM.

7:50 **Request for Determination of Applicability:** 28 Conant Street

Tony Calderon, applicant, for the replacement of a failed septic system at 28 Conant Street, town atlas plate I2, parcel 26. Work will occur within 100 feet of wetlands.

Dick Dolan of ABC Cesspool Co., Inc., presented for the applicant. He explained that the system would be 53 feet from wetlands at its closest point. The Board of Health has approved the system at the staff level, and the plan will be presented to the Board of Health at their next meeting. Ms. Green asked about the stream on the property, whether it was intermittent or perennial. Mr. Tidman responded that it was intermittent, and was a tributary to Pratt's Brook.

**Decision:** Mr. Magee moved to issue a negative 3 determination, that is, 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. Ms. Green seconded, unanimous vote.

**Approx. 8:05: Notice of Intent Hearing** for 176 Central St. resumed.

Ms. Green asked a "Limit of Clearing" question for Lot A: why were the straw waddles shown inside the 75 foot buffer? And could they be moved to the 75 foot buffer? Mr. Goddard responded that he would have to look into why they are within the 75 foot setback and get back to the Commission with the answer. Mr. Magee asked that he be walked through the new FEMA maps, and if this roadway location and design takes the new FEMA elevations into account. He then asked if the Town had accepted the new FEMA maps. The applicant stated that they would have to check with Paul Campbell, Engineering. Mr. Magee noted that they would need to know if there was any additional flood plain impact as a result of the new maps. He then asked if there would be a Conservation Restriction placed on the property. Mr. Marsh said there would be, allowing public access, and that, ideally, the owners would be responsible for maintaining the sidewalk.

Mr. Magee, noting that the By-law designates the buffer zone as a resource area, asked what mitigation was being proposed for the impact to loss of buffer zone. Mr. Goddard said that the planting plan proposed under the WPA filing were also applicable for the By-law filing for buffer zone impact. Mr. Magee asked the Commission if this application met the standards that allow for a waiver to be approved. Mr. Froberg pointed out that they really needed to have the aggregate number of square feet of buffer zone that that would be impacted, and asked that Mr. Goddard provide the Commission with a table of buffer zone impact square footage, both temporary and permanent. Ms. Goodwin asked for more information about the amount of peat that would be removed and if greater than anticipated, if it would impact the project and call for greater remediation than planned.. Mr. Goddard explained that any peat under the driveway would need to be removed. Ms. Goodwin further asked if the excavated wetland soils would be used for the replication area. And, further, as "irrigation" was proposed, if necessary, would there be an irrigation supply for the new plants and what would be the source of water. Mr. Goddard said that hand watering for the new plantings would be appropriate and that water would be trucked in. He said that they could offer a monitoring plan for the buffer zone planting for a period of two years. Mr. Magee said they would use the same monitoring standard on the buffer zone tree planting. Mr. Goddard stated that hydric soils excavated during driveway construction would be reused in the replication areas.

The hearing was continued to October 7 at 7:30 PM.

**Certificate of Compliance:** 50 Seminole Drive, 85-1164

Mr. Magee moved to issue a Certificate of Compliance for 50 Seminole Drive; Mr. Froberg seconded, unanimous vote.

**MINUTES:**

August 5, 2015: TM, AM, PG

Ms. Goodwin moved to accept minutes, Ms. Green seconded, unanimous vote.

August 19, 2015: AM, PG, TM

Ms. Green moved to accept the minutes, Ms. Goodwin seconded, unanimous vote.

**Meeting adjourned: 8:30**



Terry Maitland  
Chairperson

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**MINUTES:**

August 5, 2015: TM, AM, PG

August 19, 2015: AM, PG, TM

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09-02-2015

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