

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

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

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

**VISITORS:** Clare Siska, 14 Stow St; Janet Adachi, BoS; Ike Walker, 20 Summer ST; Rich Harrington, Stamski & McNary; Peter and Brenda Conroy, Hosmer St, Bettina Abe, Town of Acton.

**7:15 Request of Determination of Applicability: 3 Elliot Circle**

The project at 3 Elliot Circle, Plate E3-95, parcel 25, is for the replacement of a failed septic system. Work will occur within the wetlands buffer zone.

Jeff Hannaford, of NDS Inc., presented for the applicant, William Bowen. He explained that the system was in failure. The replacement system was placed further away from wetlands than the original system. The filing is post-repair since the system was in hydraulic failure and this was an emergency replacement. The new system meets Title 5 requirements and is an innovative system with improved nitrogen removal, along with a pump chamber. The system was approved by the BoH on 7/19. The chosen location was the only alternative for locating the new system.

Meeting was closed at 7:35.

**Decision:** Mr. Magee moved to issue a Negative 3 Determination, i.e. 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 the motion, vote unanimous.

**7:40 Request of Determination of Applicability: Hosmer St. & Russell Rd.**

Boston Gas Company for the proposed installation of a new gas main from the existing main on Foster Street to a new main on Hosmer Street and Russell Road. Coles Brook, which runs under Hosmer Street, is fringed by Bordering Vegetated Wetlands.

Amanda Crouch-Smith, Project Environmental Scientist from Tighe & Bond, Inc., presented for the applicant, Boston Gas Company. The applicant was seeking a Negative 2 determination, that is, "the work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent." Ms. Crouch-Smith pointed out that utilities are typically considered a minor activity.

The project intent is to install 1,670 feet of 4 inch PVC gas main along Hosmer St. from Foster St. to Route 2, with an additional 580 foot segment of 2 inch main extending east from Hosmer Street to the end of Russell St., providing new service to surrounding residences. All work will occur within the existing Right of Way (ROW). Pipe will be installed about 3 feet below grade and the 3 foot trench will be back filled each day. There is approximately 1,100 sq. ft. of buffer zone that will be impacted, and all work will be within the paved surface. The gas main will be above the existing culvert near Hosmer St. where Coles Brook crosses.

The meeting closed at 7:55 PM.

**Decision:** Mr. Magee moved to issue a Negative 2 Determination, i.e. "the work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent." There was

one condition that the Commission or its agent be notified a week prior to commencement of work. Ms. Green seconded the motion, vote was unanimous.

**Notice of Intent:** 176 Central St. (formerly 12 Summer St) continued from September 2. Applicant requested a continuance to October 21. Commission scheduled the hearing for 8:15.

**8:00 Notice of Intent: 134 Nonset Path**

Hualiang Xiong for the installation of a lawn and fence within the wetlands buffer zone. The property is located at 134 Nonset Path, town atlas plate C-4, parcel 13-17.

Hualiang Xiong, the owner of the property, stated that he had contacted the Tree Warden to get permission to remove trees along his driveway and near his house. When he got permission from the Tree Warden, he hired a tree company to remove the trees along with several in his back yard area. Mr. Tidman came by and informed the owner that the trees had been removed from a buffer zone area without coming before the Conservation Commission. The owner and his wife then worked with Natural Resources staff to file an NOI and develop a planting plan for the disturbed buffer zone area, including placement of a fence.

Mr. Magee commented that the applicant could possibly move the path to the edge of the deck and that the Commission would require a line of 2 to 3 foot boulders be installed, 5 feet on center, along the 50 foot buffer zone. The existing fence was installed prior to the new owner purchasing the lot.

Mr. Magee stated that the installation of the boulders should occur within the next 6 months. He also would like to add the size of the plants to the filing. Mr. Colman proposed that, for the sake of consistency, the Commission should discuss a penalty for the violation, and that a small fine should be levied on the contractor.

Mr. Magee pointed out that the owner did talk to the Town prior to commencing work. Certainly an advisory letter would be in order, using such language as "This is to bring to your attention that you do have some responsibility.etc."

The hearing was closed at 8:25.

**Decision:** Mr. Magee moved that the Commission issue a Standard Order of Conditions with the following special requirements:

1. A boulder line must be installed by June 1, 2016 and shall consist of 2 to 3 foot diameter boulders, 5 feet on center, along the 50 foot buffer zone, ending at the deck.
2. The owner must remove the chicken wire from the fence.
3. The owner must have a meeting with the Conservation agent one week prior to commencement of work. Agent will suggest size of plants to install.

Mr. Colman seconded the motion and it passed unanimously.

**8:15 Abbreviated Notice of Resource Area Delineation: 37 Mohegan Road**

Filed by Aaron Jeanson, confirmation of wetland delineation; Atlas Plate D-2, Parcel 133

Rich Harrington of Stamski & McNary Inc. presented for the applicant. He described the site as being approximately 3.9 acres. The application was filed in order to obtain confirmation of the bvw wetlands line. The existing property has both wetlands and floodplain. The 200 foot outer riparian line from

Grassy Pond Brook is outside the bounds of the site. Flags WF 1 thru WF 9 and flag WF 3A are located on the property, flag WF 10 is on abutting Town-owned lands, but flags WF 51 thru WF 54 are located on abutting private property.

Mr. Magee asked if the abutter was notified and had signed the NOI. Mr. Harrington indicated that the abutting owner had not been notified of the flags on his/her property. Given that, Mr. Magee suggested that the Commission should not make a determination on those flags (WF 51 through WF 54).

Meeting closed at 8:55.

**Decision:** Mr. Magee moved to accept flags 1 thru 10 and 3A as filed, but to make no determination on flags WF 51 thru WF 54. Mr. Colman seconded and the motion passed unanimously.

**9:05 Request for Determination: 2 Taylor Road, Acton Arboretum Well**

Town of Acton Department of Natural Resources for a project for the construction of a well at the Arboretum, 2 Taylor Road, town atlas plate F-3A, parcel 76. The location of the well is approximately 75 feet from wetlands.

Tom Tidman, Director of Natural Resources for the Town of Acton, presented the project. There is a need for water at the Arboretum because the existing Town Water Service has been repaired numerous times and continues to develop leaks. In addition, the Water District has made it clear that they would prefer garden watering come from on-site wells and not town water.

Mr. Maitland asked if the well would be installed in the fall. Mr. Tidman responded that, yes, that was the intention and they had hired Skillings & Son to do the installation. Mr. Magee asked how deep wells are in this area. Ms. Abe responded that they range in depth from 350 feet to 550 feet in depth.

Meeting closed at 9:20.

**Decision:** Mr. Magee moved to issue a Negative 3 determination, meaning, 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 and the motion passed unanimously.

**Certificate of Compliance:** 900 Main Street, 85-1039: Request denied, incomplete project.

**Minutes:** September 2, 2015, reviewed by AG, PG, AM

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

**Meeting adjourned at 9:25 PM.**



Terry Maitland  
Chairperson

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**8:15 Abbreviated Notice of Resource Area Delineation: 37 Mohegan Road**

Filed by Aaron Jeanson, confirmation of wetland delineation; Atlas Plate D-2, Parcel 133

Rescheduled from September 16, 2015.

**Certificate of Compliance: 900 Main Street, 85-1039**

**Minutes: September 2, 2015, reviewed by AG, PG, AM**

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<input type="checkbox"/>	020 - HosmerStreet Russell Rd_RDA	naturalres	09/25/15	9 MB	
<input type="checkbox"/>	030 - 176 Central St_12 Summer_bylaw NOI	naturalres	09/25/15	2 MB	
<input type="checkbox"/>	040 - 134 Nonset Path NOI	naturalres	09/28/15	800 KB	
<input type="checkbox"/>	041 - 134 Nonset Path Plans	naturalres	09/28/15	423 KB	
<input type="checkbox"/>	050 - 2 Taylor Rd RDA Arboretum Well	naturalres	09/28/15	454 KB	
<input type="checkbox"/>	051 - 2 Taylor Rd RDA Well Plan	naturalres	09/28/15	647 KB	
<input type="checkbox"/>	060 - 85-1182 - 37 Mohegan Rd ANRAD	naturalres	09/28/15	7 MB	
<input type="checkbox"/>	061 - 85-1182 - 37 Mohegan Rd ANRAD Plan	naturalres	09/28/15	707 KB	

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