

**ACTON CONSERVATION COMMISSION**  
**MINUTES**  
**May 4, 2016**  
**7:15 PM**  
**TOWN HALL - 472 MAIN STREET**  
**ROOM 204**

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

**Pending:** Tim McKinnon, Jennifer Pearson

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

**VISITORS:** Mark Saganich, Daniel Carr, Christine Johnson, Janet Adachi, Stephanie Braen, Chris Braen, Ellen Lehemes Forte, Zuji Mao, Jim Tabner, Weidong Zhang, Lei Wu, Brian Geaudreau, Stephen Peterson, Rion Protasowicki

**7:15 Notice of Intent:** Ice House and Robbins Mill Ponds, Invasive removal, continuance  
Mr. Tidman explained that approval from Natural Heritage & Endangered Species Program is expected within the next two weeks. The hearing was continued to May 18, 8:00 PM.

**7:45 Notice of Intent:** 37 Mohegan Road

Aaron Jeanson of 37 Mohegan Road, for the construction of a private way, catch basin and associated appurtenances within the 100 foot Buffer Zone of a Bordering Vegetated Wetland, as well as a catch basin associated with Mohegan Road. The property is at 37 Mohegan Road, (*town atlas plate D2, parcel 133*).

Daniel Carr from Stamski & McNary presented for the applicant, Aaron Jeanson. The project involves improving an existing driveway to become a 16 foot wide private way. A stone retaining wall will be constructed along the side of the driveway bordering wetlands. A catch basin and sub-surface infiltration structure will be constructed to handle stormwater runoff from the driveway.

Mr. Colman asked if another house was to be added. Mr. Carr indicated there would be a separate NOI filing for a proposed house. Mr. Colman asked how much additional pavement would be added if such a house were to be build and Mr. Carr did not have that information at this time. Ms. Green asked if they would be meeting storm water standards and Mr. Carr responded that, yes, they were meeting stormwater standards. Mr. Magee asked why they were filing for a new driveway without filing for the new house. Ms. Goodwin noted that there was 95 percent suspended solids removal but was concerned about the oils and other materials that would run off the driveway. Mr. Carr explained that oil and other material would be trapped in the catch basin. Mr. Maitland asked if the applicant would consider continuing the hearing to the June 1<sup>st</sup> meeting.

Mr. Magee pointed out that the Commission normally doesn't approve roadways to "no-where". Mr. Carr said they planned to file the NOI for the house soon. Mr. Maitland noted that the filing would require a waiver request. Mr. Colman asked if a homeowners association would be responsible for the maintenance of the catch basin and subsurface infiltration structure. Mr. Carr responded that, yes, there would be a homeowners association.

The applicant agreed to continue the hearing to June 1 at 7:15PM, and to submit the Notice of Intent for the proposed dwelling at the same time.

**8:10 Notice of Intent: 117 Arlington St. continuation**

David Cowell and Brian Geaudreau from Hancock Associates represented the applicant, Mark Saganich. He noted that in 2014, an Order of Conditions was issued for a house expansion and a new septic system (septic system is same as that approved in the current Order) but no work was started. The amended NOI was approved by the Commission on April 6, 2016. The new plan includes a pool and a reduced footprint for the house. There is no disturbance of the 50 foot natural buffer.

Mr. Tabner, of 9 Perkins Lane, expressed concern about the location of the septic system and its proximity to the detention basin adjacent to the site. Per the claim from abutters that there was insufficient notification for the original NOI filed in 2014, Mr. Tidman was tasked with checking on the filing to verify if notices had been sent out properly to abutters.

**Decision:** Mr. Magee moved to issue another Standard Order of Conditions with the following special conditions:

1. Install a line of boulders on the northwestern border at the 50 foot buffer line along the fence to the location of the old D-box. Boulders are to be three to four feet diameter, buried to one half their depth on ten foot centers.
  2. Extend the silt prevention wattles to Arlington Street.
- Mr. Colman seconded the motion and it passed unanimously.

**9:10 Request for Determination of Applicability: Water Main upgrade**

Acton Water District, for the renewal and maintenance of existing water mains in the area of Indian Village, Littlefield Road and Freedom Farm Road. Some of the work will occur along Riverfront Area and within the buffer zone of Bordering Vegetated Wetlands.

Christine Johnson of Wright-Pierce and Chuck Caron of Caron Environmental Engineering presented to the Commission. The liners will be cast in place for the existing water pipes in Indian Village. 18 hydrants will be replaced. 6 access pits will be in the buffer zone. A temporary water-main will be installed. Construction will occur in July and should last about 4 months. No work will occur in wetlands, and there will only be 7 areas that are located in the buffer zone, most of which are within existing pavement. 300 to 400 square feet of alteration will occur in the Buffer Zone. The closest location to wetlands is 30 feet. Straw wattles will be used for erosion control. The pits will be open for 3 to 4 days.

This work is exempt from the Endangered Species Program under State law.

**Decision:** Mr. Magee moved to issue a Negative 3 determination: 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. (No additional conditions.) Mr. Colman seconded the motion and it passed unanimously.

**9:25 Request for Determination of Applicability: Rail Road Right of Way Maintenance**

Kyle Fair of Fair Dermody Consulting Engineers for work related to vegetation control activities along the railroad right of way previously operated by MBCR, now Keolis. . In accordance with the Wetlands Protection Act, RDAs issued in accordance with a Vegetation Management Plan (VMP) are in effect for the life of the VMP. Keolis's VMP expired December 31, 2015. This request is for the renewal of the wetland delineation along the right of way previously issued in 2011.

Note this filing was heard at a later time than originally scheduled to accommodate the applicant who was delayed due to another hearing in a neighboring town.

Kyle Fair of Fair Dermody Consulting, represented Keolis (formerly MCBR). He explained that permanent marks are placed along the tracks to guide herbicide treatment and manage vegetation along the tracks, which defines a narrow band of spray. The extent of spraying is about 20 feet on either side of the center line. He described the spray area and color coding to the Commission.

Meeting closed at 9:36.

**Decision:** Mr. Magee moved to issue a Positive 2a determination: "The boundary delineations of the following resource areas described on the referenced plans are confirmed as accurate. Therefore, the resource area boundaries confirmed in the Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and it's regulation regarding such boundaries for as long as this Determination is valid;" and a Negative 5: "The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the Regulations, no Notice of Intent is required." Statutory Provision cited: Vegetative Management Plan (VMP) approved by the Dept. of Agricultural Resources, in accord with RoW Mgt. Regs 333 CMR 11.00. Ms. Green seconded the motion and it passed unanimously.

**MINUTES:**

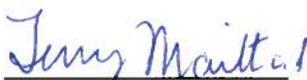
April 6, 2016: Reviewed by AM, AG, PG

Mr. Magee moved to accept the Minutes of April 6, 2016; Ms. Green seconded and the motions passed unanimously.

April 20, 2016: Reviewed by TM, PG, WF

Mr. Magee moved to accept the Minutes of April 20, 2016; Ms. Green seconded and the motions passed unanimously.

**Meeting adjourned: 9:40 PM**



Terry Maitland  
Chairperson

**ACTON CONSERVATION COMMISSION  
AGENDA  
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April 6, 2016, reviewed by AM, AG, PG

April 20, 2016, reviewed by TM, PG, WF

Location: Home » Public Meetings » Conservation Commission » 2016 Meetings » 05-04-2016 Listing

05-04-2016

Properties  
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| Type                     | Title   | Owner      | Edited   | Size   | Actions |
|--------------------------|---|------------|----------|--------|---------|
| <input type="checkbox"/> | 001 - Agenda - 05-04-2016                           | naturalres | 04/28/16 | 64 KB  |         |
| <input type="checkbox"/> | 010 - Ice House_Robbins Mill Ponds 85-1192 NOI      | naturalres | 04/21/16 | 5 MB   |         |
| <input type="checkbox"/> | 011 - NOI Ice House Pond Appendix A                 | naturalres | 04/21/16 | 4 MB   |         |
| <input type="checkbox"/> | 012 - Ice House Pond NHESP Letter                   | naturalres | 04/21/16 | 141 KB |         |
| <input type="checkbox"/> | 013 - Letter Environmental Monitor                  | naturalres | 04/21/16 | 38 KB  |         |
| <input type="checkbox"/> | 020 - RR ROW 2016 RDA Acton                         | naturalres | 04/21/16 | 2 MB   |         |
| <input type="checkbox"/> | 030 - Mohegan Lane NOI Packet                       | naturalres | 04/21/16 | 12 MB  |         |
| <input type="checkbox"/> | 031 - Mohegan Lane Definitive Plan Set              | naturalres | 04/21/16 | 6 MB   |         |
| <input type="checkbox"/> | 032 - Mohegan Lane Proof Plan Set                   | naturalres | 04/21/16 | 215 KB |         |
| <input type="checkbox"/> | 033 - Mohegan Lane Stormwater Report 1              | naturalres | 04/21/16 | 7 MB   |         |
| <input type="checkbox"/> | 040 - 117 Arlington Street Acton FINAL Amended NOI  | naturalres | 04/21/16 | 11 MB  |         |
| <input type="checkbox"/> | 041 - 117 Arlington Street Acton LANDSCAPE PLAN     | naturalres | 04/21/16 | 124 KB |         |
| <input type="checkbox"/> | 042 - 117 Arlington Street Acton PLAN               | naturalres | 04/21/16 | 366 KB |         |
| <input type="checkbox"/> | 050 - Water Main Indian Village Littlefield RDA     | naturalres | 04/21/16 | 2 MB   |         |
| <input type="checkbox"/> | 051 - Water Main Indian Village Littlefield Plans 1 | naturalres | 04/21/16 | 11 MB  |         |

http://doc.acton-ma.gov/dsweb/Get/Document-53159/041%20-%20117%20Arlington%20Street%20Acton%20L...

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10:29 AM 6/1/2016