

**ACTON CONSERVATION COMMISSION**

**Minutes**

**May 18, 2016**

**7:15 PM**

**TOWN HALL - 472 MAIN STREET**

**ROOM 204**

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

**RECORDING SECRETARY:** Fran Portante

**VISITORS:** Tim McKinnon, Russ Wilson, Michaela Moran, Brian Butler

**7:20 Request for Determination of Applicability: 297 Old High Street**

Russ Wilson presented for the applicant, Patricia Ellis. The project was for the construction of a new subsurface sewage system which he noted was similar to one he had installed at 6 West Road, a recent filing. This is a Cul-teck system, using a Singulair treatment process. The property is in a zone one water protection district. He noted that the leaching field will be installed in an elevated area at the rear of the house that is sandy and pervious. The immediate area behind the house is till, with poor drainage. Mr. Wilson explained that an existing cesspool will be crushed in place and the area will be filled with sand. Two tanks will be installed, a Singulair treatment tank and a pump chamber. The system is in failure, though there is no one living in the house at this time. This is a repair and upgrade. The field is 46 feet from wetlands. Tom Tidman had inspected the site and agreed that it was an isolated wet area. Mr. Froberg asked about existing structures. There is a concrete slab in the area, the remnant of a shed or small building. There is no plan to remove the slab unless it interferes with the installation. When asked if the field could be moved farther from the wetland, Mr. Wilson explained that there was little room to move since it had to be at least 10 feet away from the house. The slab would also have to be removed. The BoH has already approved the system.

**Decision:** Mr. Colman moved to issue 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. Ms. Green seconded the motion and the vote was unanimous.

**7:30 Notice of Intent: 69 River Street**

Robert Wilson, owner and applicant, presented the project to the Commission. He explained that his house was unique among the dwellings adjacent to his along the riverfront in that his house was 58 feet from wetlands in the rear and 38 feet from wetlands on one side. This gave him the advantage of existing limit to wetland being 38 feet. He was proposing to add 244 square feet of additional decking. Mr. Colman commented that he had not encountered this particular situation before, though Mr. Maitland indicated that the Commission had had similar filings in the past. Other houses along the river are limited to their distance to the Riverfront. With the addition wetland running along the side of this particular lot, the existing point closest to wetland is 38 feet, enabling them to consider an extension up to 38 feet from wetland. This

is per the regulation that allows like-structures to be built as long as they don't exceed existing distance to wetland. Discussion centered around the irony that this particular situation presented, since the extra exposure to wetland, along the side of the house, enabled the expansion of the deck.

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

1. The area under the entire extension must remain pervious.
2. The proposed porch can extend no more than 16 feet from the house, and the landing can extend no more than 4 feet from the deck for a total extension of the structure be no more than 20 feet from house.

Ms. Green seconded the motion and it passed unanimously.

### **8:00 Request for Determination of Applicability: 248 High Street**

Brian Butler, of Oxbow Associates, presented for the applicant Joseph Levine. The property at 248 High Street abuts town owned conservation land. A vernal pool exists about 25 feet off the property on town-owned land (a 4.66 acre tract, associated with the adjacent Dunham Lane subdivision). While not certified, Mr. Butler noted that it would meet the criteria for certification. Vernal pools outside of resource areas are not covered under the Wetlands Protection Act, and he doesn't believe that the area would meet the criteria for "Lands Subject to Flooding." The Commission discussed both state and by-law regulations and how they apply to vernal pools. Mr. Froberg asked where the 100 foot perimeter would be. The applicant was looking for agreement that the area is not subject to the WPA or the Bylaw. Mr. Butler noted that no water will be discharged to neighboring areas, and all drainage will be retained on site. Existing conditions don't naturally drain into the town-owned area. The proposed 40B subdivision would have a homeowners association. Landscaping would be negotiated for all. The Developer was open to putting up signs so people know it's a protected area. The Land Stewards could put up signs for no dumping. The developer indicated his willingness to cooperate with the town wherever possible. He offered to fix the existing stone wall, which offers a barrier between the property and the town-owned land. Ms. Goodwin asked about the trees in the area that currently provide shading for the vernal pool. Mr. Butler noted that several large trees would remain, offering some protection. He asked for a decision by the Commission that the approximately 1.5 acre lot is not subject to protection under the Act, MGL Ch. 131, §40.

**Decision:** Ms. Green moved to issue a Negative 1 determination, that is, the area described in the Request is not an area subject to protection under the Act. One special condition was to ensure that no dumping would occur on town owned land. Mr. Colman seconded the motion and it passed unanimously.

### **Notice of Intent, continuance: Ice House & Robbins Mill Ponds**

Natural Heritage still hasn't issued approval. The hearing is continued to June 1, 8:00 PM.

**Certificate of Compliance:**

19 Billings Street, #85-1180

Mr. Froberg moved to issue a Certificate of Compliance, Ms. Green seconded and the vote was unanimous.

330 Nagog Hill Road, #85-1117

Mr. Froberg moved to issue a Certificate of Compliance, Ms. Goodwin seconded and the vote was unanimous.

**Minutes:**

May 4, Pending

**Meeting adjourned: 8:45 PM**

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Terry Maitland

Chair

**ACTON CONSERVATION COMMISSION**

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**Minutes:**

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**Meeting adjourned: 8:45 PM**



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Terry Maitland

Chair

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AGENDA  
May 18, 2016  
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TOWN HALL - 472 MAIN STREET  
ROOM 204**

**7:15 Request for Determination of Applicability: 297 Old High Street**

Applicant, Patricia Ellis of 297 Old High Street, (town atlas plate J-3, parcel 35), for the construction of a new subsurface sewage system, contracted by R. Wilson and Associates. A portion of the area for the leaching field is 65 feet from an isolated area subject to flooding..

**7:30 Notice of Intent: 69 River Street**

Robert and Kendra Wilson of 69 River Street, atlas plat no. H-3, parcel 138. The applicants are proposing to add a screened porch on the backside of the house, which will not exceed the current width, but will increase the depth. The project is within the 200 foot riverfront area.

**7:45 Request for Determination of Applicability: 248 High Street**

Applicant, Joseph Levine, 248 High Street, LLC, is represented by Brian Butler of Oxbow Associates. The project site is at 248 High St. (town atlas plate J3, parcel 7). A small vernal pool is located adjacent to the property on a portion of Town-owned land. The applicant requests affirmation from the Commission that the subject property does not contain any wetland resource areas regulated by the Act, and further that the property does not contain any Buffer Zone(s) associated with regulated wetland resource areas.

**8:00 Notice of Intent, continuance: Ice House & Robbins Mill Ponds, 85-1192**

**Certificate of Compliance:**

19 Billings Street, #85-1180

330 Nagog Hill Road, #85-1117

**Minutes:**

May 4, Pending

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05-18-2016

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Type	Title	Owner	Edited	Size	Actions
<input type="checkbox"/>	0001 - Agenda 05-18-2016	naturalres	05/13/16	6 KB	
<input type="checkbox"/>	010 - RDA 297 Old High Street Septic	naturalres	05/13/16	302 KB	
<input type="checkbox"/>	011 - RDA 297 Old High Street Septic Plan	naturalres	05/13/16	5 MB	
<input type="checkbox"/>	020 - 69 River St NOI	naturalres	05/13/16	1 MB	
<input type="checkbox"/>	021 - 69 River St NOI Plan	naturalres	05/13/16	301 KB	
<input type="checkbox"/>	030 - 248 High ST RDA	naturalres	05/13/16	14 MB	
<input type="checkbox"/>	031 - 248 High St Existing Plan RDA	naturalres	05/13/16	460 KB	
<input type="checkbox"/>	85-1117 - 330 Nagog Hill RCoC & Inspection Letters	naturalres	05/13/16	106 KB	
<input type="checkbox"/>	85-1117 - 330 Nagog Hill RCoC Letter	naturalres	05/13/16	69 KB	
<input type="checkbox"/>	85-1117 - 330 Nagog Hill RCoC Letter 1	naturalres	05/13/16	69 KB	
<input type="checkbox"/>	85-1117 - 330 Nagog Hill Rd RCoC	naturalres	05/13/16	33 KB	
<input type="checkbox"/>	85-1180 - 19 Billings St Engineer Letter	naturalres	05/13/16	75 KB	
<input type="checkbox"/>	85-1180 - 19 Billings St RCoC	naturalres	05/13/16	24 KB	

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