

**CONSERVATION COMMISSION
MINUTES
FEBRUARY 1, 2012
7:15 PM
ACTON TOWN HALL
472 MAIN STREET - ROOM 204**

COMMISSIONERS PRESENT: Terry Maitland, Andrew Magee, Fran Portante, Amy Green, Tom Arnold, Bill Froberg, Jim Colman

CONSERVATION ADMINISTRATOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Scott Goddard, Steve Marsh, Jim D'Agostine, Anil Naukal, Krishnamoorthy Arvind, Maureen Hanley

7:15 Mr. Maitland called the meeting to order.

7:16 Request for Determination - 2 Tuttle Drive - Westchester Homes, Inc. (010)

Goddard Consulting, LLC - proposed review of potential wetland resource areas (town atlas plate G-2, parcel 58).

Scott Goddard, presented a plan for the Commission's review; there is a culvert on the site which shows evidence that water passed into it. After studying soils, vegetation and topography, Mr. Goddard felt that there is no wetland resource area. Stormwater sheet-flow runoff at one time from Prospect Street is no longer occurring since the roadway was repaved. The site contains two to twelve inches of loamy topsoil refusal due to the rocky nature of the site. Soils were not saturated whereas most wetland resource areas are currently very wet.

Mr. Goddard provided a field data form with this filing at this time to the Commission; the site is dominated with upland plant species.

Ms. Green noted that it is a difficult time of year to evaluate vegetation and stated that she is not in agreement with the soil data provided because Mr. Goddard could not go deep enough to truly make an evaluation; positive hydrology would supersede the soil conditions.

Mr. Arnold noted that at some point in time, in history, a culvert was installed and he is concerned that a proposed development might cause flooding.

Steve Marsh, from Westchester Homes, addressed the Commission regarding drainage improvements stating that when improvements to the drainage at 139 Prospect Street it may have had a positive effect on drainage at 2 Tuttle Drive.

Mr. Magee stated that he feels that he is not seeing enough wetland indicators to believe that there is a wetland resource area on the property.

Upon query by Mr. Froberg, Mr. Goddard stated that he found no evidence of previous fill or alteration on the property and has mature trees.

Determination of Applicability - 2 Tuttle Drive

Mr. Magee moved that the Commission find the area as described in the Request is not an area subject to protection under the Act or the Buffer Zone and is also not subject to local jurisdiction under the Acton Wetland Protection Bylaw, Chapter F (Negative 1). Mr. Colman 2nd motion passed unanimously.

[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2012 Meetings 02-01-2012 - (010) and Conservation Commission - Wetlands Filings – 2 Tuttle Drive.]

7:30 Notice of Intent - 15 Milldam Road - Krishnamoorthy Arvind - 85-1078 (020-021)

Proposed removal of trees within 100' of wetlands (town atlas plate D-5, parcel 11-24)

Krishnamoorthy Arvind, presented plans for the proposed removal of trees within 100' of wetlands for his solar electric power photovoltaic system. This is a renewable energy system that is equivalent to planting 309 trees per year. Some tree removals are required to prevent shade; damage can occur to the solar panels as shade causes power fluctuations. The system requires 80% full sun requiring removal of 10 trees, nine from his property and one from his neighbor's property.

Mr. Maitland noted that most work seems to be more than 60' away from the edge of wetlands.

Ms. Portante inquired if the applicant plans on compensating for the tree removals with other plantings.

The Commission asked Mr. Arvind to meet with Mr. Tidman to develop a planting plan for the buffer zone where the trees will be removed; Mr. Arvind agreed.

8:22 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 15 Milldam Road - DEP File 85-1078

Mr. Arnold moved that the Commission issue an Order of Conditions with the special condition that the Applicant shall submit a planting plan no later than May 1, 2012, to be approved by the Conservation Administrator; said plan shall include plant and shrub species beneficial for wildlife habitat compensating for the approved tree removals. Plantings to be installed by June 30, 2012.

Mr. Colman 2nd; motion passed unanimously.

[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2012 Meetings 02-01-2012 - (020 & 021) and Conservation Commission - Wetlands Filings – 15 Milldam Road.]

8:25 Mr. Maitland opened the hearing for both Lots 2 & 3, 314 Arlington Street.

Notice of Intent - 314 Arlington - Lot 3 - Hobbyhorse, LLC (Brian Lussier) - 85-1080 (030)

Norse Environmental Services, Inc. - proposed construction of a single-family home within 100' of Bordering Vegetated Wetlands (BVW) [town atlas plate F-2A, parcel 123].

Maureen Hanley from Norse Environmental Services presented the plan for Lot 3 and noted that there is an intermittent stream at the rear of the existing property. As approved by the Planning Board, the original house will be razed and is located on a 2.17 acre parcel which will be subdivided into two lots. Lot 3 will have a new house, deck, driveway, retaining wall, rain garden, associated grading and utilities within 100' of a BVW. The proposed septic system will be outside of the 100' wetland buffer zone, provisions for erosion control will be set along the 50' setback.

The Commission discussed the potential addition of Bernstein markers interspersed with boulders.

Notice of Intent - 314 Arlington - Lot 2 - Hobbyhorse, LLC (Brian Lussier) - 85-1079 (040)

Norse Environmental Services, Inc. - proposed construction of a single-family home within 100' of wetlands (town atlas plate F-2A, parcel 123).

Lot 2 also will have a new house, deck, driveway, retaining wall, rain garden, associated grading and utilities within 100' of a BVW. The proposed septic system will be outside of the 100' wetland buffer zone, provisions for erosion control will be set along the 50' setback.

Ms. Green stated that she would like to the existing meadow condition/habitat to be maintained within the 50' natural vegetative setback.

8:55 Hearing no further comments, Mr. Maitland closed the hearings.

Decision - 314 Arlington - Lot 3 - 85-1080

Ms. Portante moved that the Commission issue an Order of Conditions for the plan as presented with the following special conditions:

- 1) The Applicant shall install three boulders interspersed with five metal Bernstein markers along the 50' buffer setback (under the Town of Acton Bylaw).
- 2) The Applicant and future owner(s) shall be allowed to maintain the meadow conditions by an annual mowing of the 50' natural buffer to a height of no less than three-inches. Mowing shall occur once per growing season in the late summer or early fall.

Ms. Green 2nd; motion passed unanimously.

Decision - 314 Arlington - Lot 2 - 85-1079

Mr. Colman moved that the Commission issue an Order of Conditions for the plan as presented with the following special conditions:

- 1) The Applicant shall install three boulders interspersed with five metal Bernstein markers along the 50' buffer setback (under the Town of Acton Bylaw).
- 2) The Applicant and future owner(s) shall be allowed to maintain the meadow conditions by an annual mowing of the 50' natural buffer to a height of no less than three-inches. Mowing shall occur once per growing season in the late summer or early fall.

Mr. Arnold 2nd; motion passed unanimously.

[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2012 Meetings 02-01-2012 - (030 & 040) and Conservation Commission - Wetlands Filings -- 314 Arlington Street -- 85-1079 & 85-1080- Lots 2 & 3 Duggan Farm -- Sarah Lane.]

8:45 Meeting adjourned.


Terry Maitland,
Chair

TT:ahr
ahr.concom.minutes.2012.02-01-2012

**CONSERVATION COMMISSION
AMENDED AGENDA
FEBRUARY 1, 2012
7:15 PM**

**ACTON TOWN HALL
472 MAIN STREET - ROOM 204**

- 7:15 Request for Determination - 2 Tuttle Drive - Westchester Homes, Inc. (010)
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- 7:30 Notice of Intent - 15 Milldam Road - Krishnamoorthy Arvind - 85-1078 (020-021)
Proposed removal of trees within 100' of wetlands (town atlas plate D-5, parcel 11-24)
- 7:45 Notice of Intent - 314 Arlington - Lot 3 - Hobbyhorse, LLC (Brian Lussier) - 85-1080 (030)
Norse Environmental Services, Inc. - proposed construction of a single-family home within 100' of wetlands (town atlas plate F-2A, parcel 123)
- 7:50 Notice of Intent - 314 Arlington - Lot 2 - Hobbyhorse, LLC (Brian Lussier) - 85-1079 (040)
Norse Environmental Services, Inc. - proposed construction of a single-family home within 100' of wetlands (town atlas plate F-2A, parcel 123)

MINUTES

January 11 osrp
January 18

comments rec'd by
pending

TT, AM, AG, FP

Location: [Home](#) » [Public Meetings](#) » [Conservation Commission](#) » [2012 Meetings](#) » [02-01-2012 Listing](#)

 **02-01-2012**

 Properties

Refresh    

Type	Title	Owner	Edited	Size	Actions
	00001 - February 1 Amended Agenda	naturalres	02/01/12	79 KB	    
	0001 - February 1 Agenda	naturalres	01/25/12	78 KB	    
	010 - Request for Determination - 2 Tuttle Drive	naturalres	01/25/12	2 MB	    
	020 - Notice of Intent - 15 Milldam Road	naturalres	01/25/12	1 MB	    
	021 - 15 Milldam Road - K Arvind Response to DEP File Number Inquiry 085-1078	naturalres	01/25/12	17 KB	    
	030 - Notice of Intent - 314 Arlington Street - Lot 3 Sarah Lane	naturalres	01/25/12	12 MB	    
	040 - Notice of Intent - 314 Arlington Street - Lot 2 Sarah Lane	naturalres	01/25/12	12 MB	    