

**TOWN OF ACTON  
CONSERVATION COMMISSION  
Minutes  
November 7, 2018  
7:15 PM  
TOWN HALL - 472 MAIN STREET  
ROOM 204**

**COMMISSIONERS PRESENT:** Terry Maitland, Amy Green, Jim Colman, Tim McKinnon, Jennifer Stolz, Susanne Flint

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

**VISITORS:** Leo Bertolami, Ajay Balasubramaniam, Ian R ubin, Dan Carr, Robert Kannaird, Kim Kastens, Carolyn Kiely, Beb Sekuler.

**7:15 Notice of Intent: 117 Concord Road, 85-1241 continuance**

Leo Bertolami, applicant, said all items requested by the Commission had been completed and were reflected in the new version of the Plan submitted and presented on Nov. 7. Ms. Green asked if the lawn would extend outside the fence toward the wetland. Mr. Bertolami said the area outside the fence could remain natural if the Commission would like it so. Ms. Green said that the area outside the fence within the 50 foot buffer zone could be cut once per year and be maintained as a meadow.

The Commission discussed whether the firepit and barbecue were considered "structures." Concluding that they were structures, they asked that these structures be moved outside the 50 foot natural buffer zone. Mr. Bertolami noted that the property looked like it had been abandoned for 12 years, and it appears that the lawn had extended all the way to the pond before it was abandoned. The Commission established special conditions, noted in the motion below.

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

1. The proposed barbecue and fire pit structures shall be moved to locations outside of the 50 foot natural buffer zone, as both are considered permanent structures.
2. The area within the 50 foot natural buffer zone, but outside of the proposed lawn area may be maintained as a meadow and shall be allowed to naturalize. The area outside of the fenced and approved lawn area, and no closer than two feet to the fence, may be maintained to the extent that invasive species can be removed as necessary and the meadow can be cut once annually, each growing season.
3. The proposed siltation barrier shall be installed in a location parallel to and within two feet of the proposed fence, within the 50 foot natural buffer.
4. The Commission requires yearly monitoring (once each growing season) for a period up to 3 years, to insure success of the mitigation area and 50 foot natural buffer zone. The inspection shall be done by the Conservation Commission Agent.
5. Only the area within the fence enclosure, as illustrated on the Wetlands Permitting Plan dated October 31, 2018, may be maintained as cut grass (lawn). All other areas within the 50 foot natural buffer may be maintained as either "mitigation area" or "natural buffer," as illustrated on the approved plan and conditioned in Special Conditions 2 and 3 above.

Ms. Stoltz seconded the motion and it passed unanimously.

In accordance with the Town of Acton Wetland Protection Act Bylaw, Section F14, a fine of \$200 has been issued to the applicant for work within the buffer zone without prior submittal of a Request for Determination or Notice of Intent.

#### **7:30 Notice of Intent: 3 Jaime's Way**

*Ajay Balasubramaniam is the applicant for a project at 3 Jaime's Way, town atlas plate F2, parcel 117-2. The project is the moving and reconstruction of the existing retention area to a more favorable location on the property. Work will occur within the 100 foot wetland buffer zone.*

Ian Rubin from Markey & Rubin Inc., represented the applicant. He described the current conditions as an existing infiltration basin that retains one to two feet of water long after storm events. The owners think the basin is dangerous for young children. The proposal is to construct a subsurface infiltration basin. Groundwater elevations were determined and a Cultec System chambers would be installed two (2) feet above groundwater. The area will be loamed and seeded. The life of a Cultec system is substantial if it is properly maintained. The Cultec O&M plan will be given to the Homeowners Association (HOA).

An outstanding Order of Conditions remains for the construction of the two houses. No Certificate of Compliance has been requested. The owner has a verbal agreement with the other two owners of the subdivision to install the Cultec System. The Subdivision is not complete at this point, since permanent road layout bounds have not been installed.

Mr. Colman said the Commission needed information to show them that the existing drainage basin has been maintained or built properly. Ian Rubin has been in contact with Shawn Keanan to see when the project will be completed.

Mr. Rubin agreed to continue the hearing and have the existing permit owner, Shawn Keanan, agree that the HOA will be responsible for the new Cultec System. Ian will get him involved with the process. Mr. Maitland said that this could be a revised Order of Conditions rather than a new filing. Ms. Green said that the project should be reviewed by the Engineering Department.

The hearing was continued to January 2, 2019, at 7:30PM.

#### **7:45 Notice of Intent: 6 Colonial Path, 85-1244**

In absence of applicant or representative, this hearing was continued to November 28, 2018, at 7:50 PM.

#### **8:35 Notice of Intent: 37 Hosmer Street, 85-1246, continued from October 17.**

Dan Carr from Stamski & McNary, represented the applicant, Robert Kannaird.

He presented the revised plan to the Commission and reviewed the changes as requested by the Commission:

1. Addition of boulders along the existing lawn area along the 50 foot natural buffer
2. Subsurface chambers moved outside the 75 foot buffer
3. Trees to be removed were now labeled on the plan
4. The revised deck is now completely outside the 75 foot buffer zone

**Decision:** Ms. Green moved to issue a standard Order of Conditions. Ms. Stolz seconded the motion and it passed unanimously.

**Notice of Intent:** 61 Central Street, 85-1242, continuance

The representative, Scott Hayes, requested the hearing be continued. It is scheduled for December 5 at 7:20 PM.

**Certificate of Compliance:**

149 Central Street, 85-0973: no action

1 Conant Street, 85-0891

**Decision:** Mr. Colman moved to issue a Certificate of Compliance, Ms. Green seconded the motion and it passed unanimously.

**Hybid Farm License Renewal:** The applicant, Rita McConnen, wishes to prune the red maples along the fence in Area D. Mr. Colman commented that red maple leaves are very toxic to horses. He suggested allowing the pruning separate from the license agreement. It could also be added to the agreement as a rider.

**Decision:** Mr. Colman moved that the license agreement be renewed and language be added to the license agreement to allow pruning. Ms. Green seconded the motion and it passed unanimously.

**Citizens Concerns: Green Acton**

Kim Kastens and Carolyn Kiely presented information relating to the Concord Water Treatment project on Nagog Pond. Bob Sekuler asked that they consider new information that has just come to light. He requested that the request for the extension to the existing Order of Conditions be scrutinized and questioned. The BoS heard expert testimony from OARS that indicated that cold water fisheries in Nagog Brook could be affected. Ms. Kiely noted that Sec. F6.3 of the Wetlands

Bylaw and Sec. 2.3 of the rules and regulations gives the ConsCom the latitude to deny extension requests if new information comes to light.

Minutes of October 3, 2018: reviewed by JS, TM

Ms. Green moved to approve the minutes of October 3, Ms. Stolz seconded the motion and it passed unanimously.

Minutes of October 17, 2018: review by JS., TMc

Ms. Green moved to approve the minutes of October 17, Mr. Maitland seconded the motion and it passed unanimously.

**Meeting adjourned: 9:30 PM**



Terry Maitland  
Chairperson

**CONSERVATION COMMISSION  
AGENDA**  
**November 7, 2018**  
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**ACTON TOWN HALL**  
**472 MAIN STREET**  
**Room 204**

**7:15 Notice of Intent: 117 Concord Road, 85-1245, continuance**

**7:30 Notice of Intent: 3 Jaime's Way**

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**7:45 Notice of Intent: 6 Colonial Path, 85-1244, continuance**

**8:00 Notice of Intent: 37 Hosmer Street, 85-1246, continuance**

**8:15 Notice of Intent: 61 Central Street, 85-1242, continuance**

**Citizens Concerns**

**Certificate of Compliance:**

149 Central Street, 85-0973  
1 Conant Street, 85-0891

**Other: Hybid Farm License Renewal**

**Minutes:**

October 3, 2018: reviewed by JS, TM  
October 17, 2018: reviewed by JS, TMC

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<input type="checkbox"/>	 78-284 - 3 Jaime Way NOI		naturales	110718	36KB
<input type="checkbox"/>	 78-284 - 3 Jaime Way NOI Erosion Control		naturales	110718	66KB
<input type="checkbox"/>	 78-284 - 3 Jaime Way NOI Site Plan		naturales	110718	46KB
<input type="checkbox"/>	 78-284- Jaime's Way Thomas Drive DRAINAGE REPORT rev 10-01-18		naturales	110218	2MB
<input type="checkbox"/>	 85-1241 - 117 Concord Rd NOI		naturales	110118	14KB
<input type="checkbox"/>	 85-1241 - 117 Concord Rd NOI Plan		naturales	110118	10KB
<input type="checkbox"/>	 85-1241 - 117 Concord Rd S&M Response to DEP		naturales	110118	636KB
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<input type="checkbox"/>	 85-1244 - 6 Colonial Path NOI		naturales	110118	2MB
<input type="checkbox"/>	 85-1244 - 6 Colonial Path photos		naturales	110718	2MB
<input type="checkbox"/>	 85-1244 - 6 Colonial path wall material examples		naturales	110118	48KB
<input type="checkbox"/>	 85-1246 - 37 Hosmer Engineering Response		naturales	110518	138KB
<input type="checkbox"/>	 85-1248 - 37 Hosmer St PRE & POST DRAINAGE MAP		naturales	110118	137KB
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<input type="checkbox"/>	 85-831 - 1 Conant St RCOC		naturales	110118	102KB
<input type="checkbox"/>	 85-873 - 149 Central St RCOC		naturales	110118	126KB