ACTON CONSERVATION COMMISSION
MINUTES
April 2, 2014

7:15 PM
TOWN HALL - 472 MAIN STREET
ROOM 204

COMMISSIONERS PRESENT: Terry Maitland, William Froberg, Tom Arnold, Andrew Magee, Amy Green, Jim Colman, Theresa Portante-Lyle

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Rachel Watsky, Steve Marsh, Komal Bajwa, Jim Snyder-Grant, Scott Goddard

7:30 **Notice of Intent** – 12 Summer Street *(020)*

Notice of Intent filed under the Massachusetts Wetlands Protection Act (WPA) by William D. Chisholm of Mount Laurel Realty for a project at 12 Summer St. Rear, Lot #2, town atlas plate G2, parcel 200. Proposed project is the construction of two single-family homes with a common driveway. A portion of one of the homes will be built within the buffer zone of Bordering Vegetative Wetlands, and a portion of the driveway will require the filling of wetland resource areas.

Scott Goddard of Goddard Consulting presented. Steve Marsh and Rachel Watsky were also in attendance. Mr. Goddard reviewed the history of the site and the reasons for withdrawing the original State WPA and Local Bylaw NOIs. Scott mentioned that Wilson Associates has surveyed and re-hung all of the wetland boundary flags, but there is a frequently travelled path nearby and the flags are likely to disappear again. Goddard Consulting has reviewed the original flagging line and feels confident that the line is accurate.

Mr. Magee stated that once the vegetation started to grow, the Commission would want to review the flagging line again; may need a third party to review the line as well. Mr. Marsh stated they would be willing to pay for a third party review of the wetlands delineation.

Mr. Goddard pointed out that the NOI filed for this hearing was filed under the State Wetlands Protection Ac only, for they wanted to be sure it met the State requirements for wetlands protection. The Commission discussed the applicant's decision to just file under the State and not the local bylaw at this time. Mr. Magee pointed out that there is nothing in the law that says an applicant is required to file under both State and local bylaw at the same time.

Mr. Marsh stated that they would like to leave options open at this time with the possibility of a 40B project being considered.

Mr. Goddard took the Commission through the new filing which essentially was identical to the previous filing. Mr. Arnold asked that all items the Commission had previously requested be added to the plans or staked in the field prior to the Commission conducting a site-walk.

Mr. Goddard said that the center-line of the road is already staked, and the edge of road will be staked. Cross-sections of the road and buffer zone will be added to the plans prior to the next hearing date.

Mr. Arnold said the Commission would like to see a blow-up of the plan at critical areas, as the existing plar is difficult to read. Mr. Magee added that all trees with a diameter at breast height greater than 12 inches that are to be removed need to be added to the plan.

Ms. Green asked how they planned to evaluate the elevation and location of Bordering Land Subject to Flooding (BLSF). This may require a study to establish an elevation for the BLSF in this area. Mr. Goddard responded that this floodplain is mapped as zone A, but without elevations to work from. They will evaluate possible flood elevations where the contours are steeper and use that elevation for the flatter sections of th property.

Mr. Magee stated that this lot is a subdivided portion of a larger lot, with a house and barn that was created after the Act and Bylaw were enacted. This is an example of an applicant creating their own hardship, requiring wetlands filling, where the developable area of the original lot has already been built upon. Mr. Goddard said that the applicant would submit a written opinion about the permitability of the wetlands crossing to access the buildable portion of the lot.

Mr. Froberg asked if the applicant had considered snow removal on the drive and its proximity to wetlands. Ms. Green asked that greater detail be added to the mitigation plan, including elevations, cross section and nearness to the road.

Mr. Maitland announced that the hearing would be continued to May 7 at 7:15 PM, and site walks would be scheduled for the week of April 21, allowing for the site to "green up."

Session ended at 8:30.

Certificate of Compliance: Massachusetts Bay Commuter Rail, Parker Street right-of-way Culvert Replacement, DEP File no. 85-1132 (030)

Mr. Magee moved to issue the Certificate, Mr. Colman seconded, unanimous vote.

Groener Amended License: signatures (040)

Town Counsel prepared this proposed Amendment to License that includes additional language to handle the possible event that the license is terminated. This eliminates the need to modify the deed add an easement across adjacent conservation land which would have been more complicated than a license. The State had reviewed and agreed with this approach.

Minutes: 03-19-2014, reviewed by AM, TA, AG

Mr. Magee moved to approve, Ms. Green seconded, unanimous vote.

Meeting adjourned: 8:45 PM.

Terry Maitland
Chairperson

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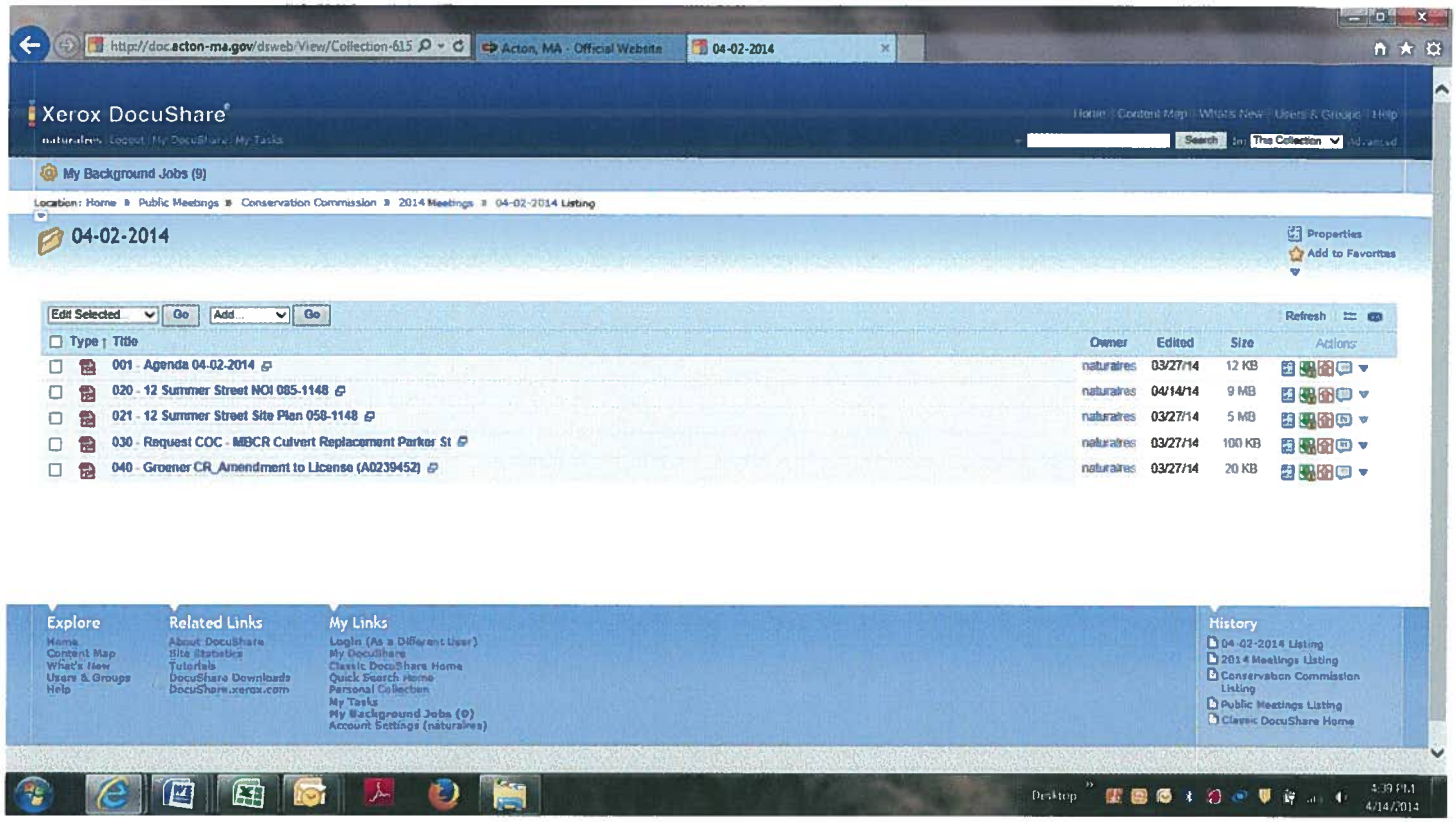
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001 - Agenda 04-02-2014
naturaires 03/27/14 12 KB
020 - 12 Summer Street NOI 085-1148
naturaires 04/14/14 9 MB
021 - 12 Summer Street Site Plan 058-1148
naturaires 03/27/14 5 MB
030 - Request COC - MBCR Culvert Replacement Parker St
naturaires 03/27/14 100 KB
040 - Groener CR_Amendment to License (A0239452)
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