

CONSERVATION COMMISSION MINUTES  
April 17, 2019  
7:15 PM  
ACTON TOWN HALL  
472 MAIN STREET  
ROOM 204

**COMMISSIONERS PRESENT:** Terry Maitland, Amy Green, Jim Colman, Tim McKinnon, Suzanne Flint

**VISITORS:** Travis Kitchens, Molly Obendorf, Jeff Kehm, Anthony Bellissimo, Dick Dolan

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

**Regular Business**

7:15 **Request for Determination:** 91 Charter Road

Gareth & Julianne McKinley for a property at 91 Charter Road, (town atlas plate E3, parcel (83-7). The project is the installation of a new chain link fence around the area of the pool. A portion of the work area is within the wetland buffer zone.

Travis Kitchens, representing the applicants, presented the project to the Commission. The plan is to remove the existing fence around the pool and add a new, chain link fence along the edge of the lawn. A silt sock will be installed along the edge of the fence during the installation.

The Commission discussed having the fence set 4 inches above ground.

**Decision:** Mr. McKinnon moved to issue a Negative 3 determination, meaning 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. A condition was added that the bottom of the fence be installed 4 inches above ground. Mr. Colman seconded the motion and it passed unanimously.

*(The following 3 items were originally scheduled for the April 3, 2019 meeting which was canceled.)*

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

Ian Rubin, representing the applicant, Ajay Balasubramaniam, presented the current status of the project. Under the current NOI, cultec chambers will be installed, replacing the detention basin that currently exists. A Maintenance Agreement for the subdivision has been submitted. A covenant for the maintenance agreement will have to be approved by the Planning Department.

The Commission discussed the O&M for the new drainage structure. Construction will occur in the spring. Three trees will be removed for grading. Straw wattles will be installed along the stonewall at the rear of the lawn.

**Decision:** Mr. McKinnon moved to issue a standard Order of Conditions with a special condition and finding of fact: **Finding of Fact:** This Order supersedes the prior Order for #75-282, 3 Jaime's Way, and corrects the problem with the Detention Basin holding water more than 72 hours.

The Commission discussed approving the two outstanding requests for Certificates of Compliance for 2 and 3 Jaime's Way, filed by the original developer.

**Decision:** Mr. Colman moved to approve issuing a Certificate of Compliance for the outstanding Orders for 2 Jaime's Way, issued under the local Town of Acton Bylaw, ID: 75-281. Ms. Green seconded the motion and it passed unanimously.

**Decision:** Mr. Colman moved to approve issuing a Certificate of Compliance for the outstanding Orders for 3 Jaime's Way, issued under the local Town of Acton Bylaw, ID: 75-282, conditioned on the issuance of an NOI to correct the drainage structure issue on that lot.

8:05 **Notice of Intent:** 12 Parker Street, continuance

Molly Obendorf, from Stamski & McNary, presented for the applicant, Jaimee Bellissimo. Based on feedback from the prior meeting, a number of modifications have been made to the original submitted plan:

- The garage has been rotated such that the setback has been met and no special waiver is required.
- There is a slight increase in impervious surface for the driveway.
- Down spouts will enter an infiltration trench.

The Hearing was closed at 8:15 PM.

**Decision:** Mr. Colman moved to issue a standard Order of Conditions based on the 4/17/2019 plan, with the following special conditions:

1. A minimum of 15 Wintergreen plants shall be planted in the mitigation area.
2. No part of the roof of the house and addition, whether gutter, eave overhang or rafter, can be closer to wetlands than the existing minimum setback.

Ms. Green seconded the motion and it passed unanimously.

7:40 **Request for Determination:** 129-131 Central Street

*Filed by Herbert H. Luther, for a parcel at 129 and 131 Central St, town atlas plate G2, parcel 131. The project is the replacement of a failed septic system for a two family house. Work will occur within 100 feet of wetland.*

The Commission agreed that this was not being heard under the local Bylaw, only the State WPA.

**Decision:** Mr. McKinnon moved to issue a Negative 3 Determination, meaning 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. One special condition was added: The Conservation Agent will inspect and approve installed erosion control structures prior to the Commencement of work.

Mr. Colman seconded the motion and it passed unanimously.

**Special Business**

Definition of Structures, continued.

Mr. Colman presented a new draft of the Guidance for the Definition of Structures base on suggested changes from the last discussion. (See attachment 1.)

Ms. Green moved to accept the changes and approve the final document; Mr. Colman seconded the motion and it passed unanimously.

**Consent Items**

**Certificate of Compliance:** 85-902, 24 Duggan Road

Mr. McKinnon moved to issue a Certificate of Compliance for 24 Duggan Road, Ms. Green seconded the motion and it passed unanimously.

**Minutes of March 20, 2019:** reviewed by TM, TMC.

Mr. McKinnon moved to accept the minutes of March 20, 2019; Ms. Green seconded the motion and it passed unanimously.

The Meeting was adjourned at 9:00 PM.

Terry Maitland

Terry Maitland

Chairperson

## **Guidance for the meaning of the term “structure” in the Acton Wetland By-law**

*Approved by the Conservation Commission : April 17, 2019*

The Acton Wetland Bylaw does not define the term “structure”. This has lead to instances of confusion on the part of applicants. In order to provide guidance to applicants, the Acton Conservation Commission has adopted the following definition:

**Structure:** Anything which is built or constructed, including but not limited to the following, whether permanent or temporary: building, including eaves, overhangs, and gutters; shed; stairway; above or below ground swimming pool; roofed storage area; garage; car port; free standing wall taller than 4'; retaining wall; concrete pad larger than 50 SF(1); patio larger than 200 sf(1); deck larger than 200 sf (1); riprap greater than 100sf (1); terrace; parking lot; above or below ground storage tank; non-portable barbecue; non-portable fire pit; tennis court; and all parts of an above or below ground stormwater facility including but not limited to detention/retention basin.

- (1) Although decks and patios less than 200 sf, concrete pads less than 50 sf, and riprap less than 100 sf are not considered structures for the purpose of the setbacks in Section F8.3, projects which include a deck or patio less than 200 sf, a concrete pad less than 50 sf or riprap less than 100 sf and are within 100' of a resource area are subject to jurisdiction under the Acton Wetland By-law.

*This Guidance Document is not intended to and cannot be relied upon to create any rights, substantive or procedural, enforceable by any party in any litigation with the Acton Conservation Commission. Nothing in this Guidance Document limits the Commission's authority in approving or disapproving a Request for Determination or Notice of Intent submitted pursuant to the Acton Wetland By-law or in determining compliance with the By-law. The Commission reserves the right to act at variance with this Guidance Document and to change it at any time without public notice.*



## CONSERVATION COMMISSION AGENDA

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### Regular Business

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### Special Business

Definition of Structures, continued

### Consent Items

Certificate of Compliance: 85-902, 24 Duggan Road

3 Jaime's Way, Lot 3

2 Jaime's Way, Lot 2

Minutes of March 20, 2019: reviewed by TM, TMc.

Supporting materials can be found here:

<http://doc.acton-ma.gov/dsweb/View/Collection-10605/Document-67548>

04-17-2019

		Date	Modified Date	Size	Actions
<input type="checkbox"/>	711				
<input type="checkbox"/>	081 - Agenda 04-17-2019				
<input type="checkbox"/>	129 131 Central St RDA 2019				
<input type="checkbox"/>	129 131 Central St RDA Plan				
<input type="checkbox"/>	3 Jaime's Way Thomas Drive DRAINAGE REPORT rev 03-12-19				
<input type="checkbox"/>	3 Jaime's Way EA 5 Plan 2 4 16-2019				
<input type="checkbox"/>	3 Jaime's Way Lot 3 Statement Cott Compliance with Plans 3-12-19				
<input type="checkbox"/>	3 Jaime's Way Maintenance Agreement Covenant				
<input type="checkbox"/>	3 Jaime's Way NOH				
<input type="checkbox"/>	3 Jaime's Way OM Plan				
<input type="checkbox"/>	3 Jaime's Way Revised Plan				
<input type="checkbox"/>	3 Jaime's Way Site Plan 4-16-2019				
<input type="checkbox"/>	05-1253 - 12 Parker St Email approved Plan				
<input type="checkbox"/>	05-1253 - 12 Parker St Rev Plan				
<input type="checkbox"/>	05-1253 - 12 Parker St Revision letter				
<input type="checkbox"/>	05-1253 - 12 Parker St Waiver Req				
<input type="checkbox"/>	91 Charter RD GIS PLAN				
<input type="checkbox"/>	91 Charter Rd RDA 2019				
<input type="checkbox"/>	91 Charter Rd RDA 2019 plans				
<input type="checkbox"/>	Definition of structure march35				
<input type="checkbox"/>	Jaime's Way Lot 2 RCoC 2014				
<input type="checkbox"/>	Jaime's Way Lot 3 RCoC 2014 3-12-16				