



CONSERVATION COMMISSION

P.O. BOX 236

ACTON, MASSACHUSETTS 01720

CONSERVATION COMMISSION
MINUTES

7-27-82 D.P.W. 8:00 p.m.

CALL TO ORDER: 8:00 p.m.
ADJOURNED: 11:35 p.m.

THOSE PRESENT: Freeman (Chairman), Huising, Donovan, Torkelsen, Sawyer. Also attending were Joan Gardner (Selectmen), Edward Morrill and Charles Kadison (Acton Condo Associates), Kris Nelson and Ralph Nelson (Nelson Engineering), Pat MacNamara (Beacon) and Douglas Halley (Temporary Conservation Assistant).

MINUTES: 7-13-82 approved as amended.

PLANS/REPORTS TO REVIEW Mobil Oil petition given to S. Huising
Knox Trail site plan given to J. Clark
Nagog Park site plan given to C. Torkelsen
Army Corps of Engineers permits given to M. Donovan
State Land license given to C. Freeman

WETLANDS PROTECTION: Kazokas - Charter Road
C. Freeman told the Commission has was called to the site on 98 Charter Road on Saturday July 24th for 3 possible wetland violations. At the site he was met by Nancy Banks (Town Manager) and Greg Jarboe (Selectmen). They observed a front end loader moving material in the rear of the property which was a clear wetlands violation. Ernie Merrill of Ernie's Auto Body was asked to stop, which he did. It was also discussed at this time that Ernie's Auto Body working out of this garage appeared to be a zoning violation.

On Monday July 26th James Kazokas, the owner of the property, and his sister Irene Bry met with Nancy Banks, Matt Mulvey (Building Inspector) and the Commission's assistant Doug Halley. Again the Town's concerns were addressed on the wetlands and zoning issues. Mr. Kazodas agreed to file a Notice of Intent on the work within 100 feet of the

wetlands and the zoning problem was tabled until Don Johnson (Building Commissioner) returned from vacation.

APPOINTMENTS: Acton Condo Associates

Mr. Kadison again appeared before the Commission with materials previously requested on July 7th. Mr. Morrill, one of the owners, is to be the site construction manager and he was present to explain how the proposed work will be done on the site in relationship to the wetlands. Ms. Nelson and Mr. Nelson were present to explain any questions the Commission has on the engineering of the site.

Mr. Kadison stated that the site works for the proposed construction. He stated that the wetlands cannot be affected by the development of the site. Three of four of the owners live in Acton and all four of them work in Acton. They intended to make this site their "business home". They do not intend to do it wrong. Nothing within the proposed construction can be saved but trees will be replaced as shown on the landscaping plan.

D. Sawyer had three questions on the location of the wetlands erosion control and statements made on the Notice of Intent. The exact location of the wetlands as it leaves the northwest portion of the property was the first concern along with the unmapped wetlands on the southeast portion of the property. Earlier in the day the assistant had walked the site with Noreen Flynn of I.E.P. He related Ms. Flynn's explanation of the locations and values of the wetlands surrounding the site. The Commission still felt the wetlands were more comprehensive than shown. Mr. Nelson agreed to change the two areas of concern which he did at that time. The ability to construct the site according to the plan without damage to the wetlands was the second concern. Mr. Morrill stated that staked hay bales should control erosion but he was willing to put in any other manner of erosion control suggested by the Commission. Statements made on the Notice of Intent particularly in sections J and K were the third concern. Mr. Kadison agreed to amend the Notice of Intent which he did at that time signing the changes he made.

Mr. Kadison ended his remarks by saying that since the original presentation they have deleted 900 square feet of pavement and have tried to meet every concern of the Commission. Once again he stated his concern of the Commission getting too involved in meaningless details and not seeing the job in its entirety. Before leaving Mr. Kadison left a letter waiving his right for a decision within twenty-one days from the end of the hearing extending that period for seven more days.

After the applicants and their representatives left C. Freeman read Joan Gardner's proposed changes for the site. The changes were 17 spaces reduced to 9' x 15' and spaces in the rear changed from pavement to gravel. The members of the Commission said they were interested in any reduction of coverage but were unsure in what manner they should express their agreement with these proposals. The assistant was asked to find out from Ms. Gardner what she needs from the Commission on these proposals.


D. Sawyer suggested that the Commission's first step was to either accept or reject the Notice of Intent and the related plans. This could be done on incomplete or incorrect data or on the fact that requested materials were received at such a late date. The Commission was unsure at this time whether a denial was justified.

The surface water leaching system was discussed. The Commission felt that if the system works as proposed there should be no problem. Continued maintenance on this system could be a problem and it was suggested a bond should be attached to the order of Conditions to insure future maintenance.

The water table so close to the sump of the catch basins was mentioned as a concern. With the perc rate less than two minutes, members of the Commission felt that ground water contamination could be a problem. The assistant was asked to get a copy of Lycott's water protection map so that the Commission could see the relationship to this property. It was decided to hold another meeting on Monday at 7:30 to finalize and Order of Conditions for this site.

ADJOURNED: M.D./C.T.

Respectfully submitted,


Charles Freeman,
Chairman

DH/rc