

**CONSERVATION COMMISSION
AMENDED AGENDA
JANUARY 17, 2007**



7:15 Preliminary Inquiry - 45 Main Street - Paul Gaboury

7:20 26 Grasshopper Lane - Abutters

7:30 Continuation - NOI - 107 Summer Street - Spring Farm Circle

7:45 Notice of Intent - 60 Powdermill Road - Autoplex II, LLC

Construction of a five-foot wide bituminous concrete walk way within 100' of a wetland and within 100' of the Assabet River riverfront area.

Discussion - 93 Taylor Road

Certificates of Compliance

- 115 River Street 85-915
- 42 Ethan Allen Drive 85-930
- 172 School Street 85-841

Minutes

December 20 comments rec'd by TM

**CONSERVATION COMMISSION
MINUTES
JANUARY 17, 2007**

MEMBERS PRESENT: Terry Maitland, Janet Adachi, William Froberg, Cheryl Lowe, Linda Serafini

RECORDING SECRETARY: Andrea Ristine

VISITORS: Paul Gaboury, Mr. & Mrs. Glen Kaufmann, Louise Gerhart, Walter Tetschner, Robert Hendrie, Scena Proodian

7:15 Preliminary Inquiry - 45 Main Street

Paul Gaboury inquired to the Commission regarding possible redevelopment options for an existing single family home. The existing foundation does not meet current construction standards and is located approximately 45' from the edge of wetlands.

Discussion.

Mr. Maitland stated that if the foundation was completely removed the pre-existing, non-conforming use under the "grandfathering" provision of the Bylaw would be gone and the Commission would require that the new foundation meet the current 75' setback under the Bylaw. He added that the Commission would much prefer the foundation to be situated outside the 75' setback rather than to see the existing foundation reinforced from the interior.

7:20 26 Grasshopper Lane – Abutters

Louise Gerhart outlined and presented two letters to the Commission dated January 11 and January 13, 2007 from herself, Ann and Kevin Melia and Walter Tetschner collectively (on file). The abutters feel that there have been violations made by the builder. They feel that a portion of the driveway was constructed incorrectly and request that the Commission post a bond for this project. Since the driveway crosses portions of all of their properties they also want the Commission to notify them when a final Certificate of Compliance is requested.

Mr. Maitland reported that he has been on site numerous times with Mr. Tidman, Mr. Magee and Maryann Dipinto from DEP.

Ms. Gerhart stated that the new owners should be informed that trees within the buffer zone cannot be removed prior to notifying the Commission and that the Commission's approval is required for the additional driveway lighting. Ms. Gerhart also presented a proposed amendment to the Bylaw regarding abutter notification of requests for certificates of compliance.

Mr. Maitland noted that there are circumstances that are unique to this parcel, and that no similar situation has arisen during his 12 years on the commission. Thus it could be that the exception proves the rule that in this case no new regulation is required. It has not been the Commission's practice to notify abutters of certificates nor is such notification required but the Commission will consider the idea. The Commission needs to discuss the proposed amendment. It is not the Commission's place to get involved in private disputes among abutting property owners.

Ms. Adachi noted that well-intended provisions sometimes had unintended and undesirable consequences and town counsel would have to review the abutters' proposal

7:30 Continuation - NOI - 105-107 Summer Street - Spring Farm Circle

Rich Harrington from Stamski & McNary presented amended plans dated 1/4/07 and a letter dated 1/17/07 outlining the minor changes within the 100' buffer zone from the original plan based on comments received from the Planning Board and Engineering Department. The proposed overflow culvert for the subsurface drainage area has been extended so it clearly discharges towards the wetlands and will be 53' from the edge of wetlands. The Engineering Department's memo dated 11/6/06 notes that the design and drainage calculations were found to be in accordance with design standards; post development peak stormwater rates will not exceed pre-development peak rates. In accordance with the anticipated Planning Board decision the Applicant will also be providing five plantings to improve screening for the residents at 95 Summer Street; spruce trees were recommended by the Planning Board for year-round screening.

Upon query by Ms. Lowe, Mr. Harrington reported that the existing tree line will not be disturbed; native shrub vegetation currently exists where the screen plantings are proposed.

Upon query by Mr. Froberg, Mr. Harrington reported that the relocation of the drainage overflow pipe was in response to the Engineering Department's 11/6/06 memo. The length of the overflow pipe is mandated by the existing high water elevation.

Upon query by Mr. Maitland, Mr. Harrington stated the proposed location for the retention basin is the best place on the site due to elevations and the placement of the proposed driveway, septic and homes.

Upon query by abutter, Ms. Proodian, Mr. Harrington reported that the maintenance agreement for the property will document that the trees within the 100' buffer zone cannot be removed.

Ms. Lowe noted to Mr. Harrington that he may want to consider a different type of tree for the screening because spruces will not grow well in the shade of existing trees. Mr. Harrington stated that he will inquire to the Planning Board in this regard.

7:55 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision – 105-107 Summer Street - Spring Farm Circle

Mr. Froberg moved that the Commission issue a standard Order of Conditions for the amended plans as presented dated 1/4/2007. Ms. Adachi 2nd; unanimous.

7:45 Notice of Intent - 60 Powdermill Road - Autoplex II, LLC

Mark Donohoe from Acton Survey & Engineering presented plans for the proposed construction of a five-foot wide bituminous concrete walk way within 100' of a wetland and within 100' of the Assabet River. The west side of the property is currently landscaped; snow removal activities have damaged the landscape plantings. The Applicant wishes to replace the plantings with crushed stone in the 12' wide area for snow storage. The existing pressure treated lumber will be removed. Mr. Donohoe stated that he does not feel that the project impacts the interests under the Act or the Bylaw since the walk will be within an existing stone covered area currently existing around the building. The walk is within the 75' setback but it is for the safety and convenience of people on the site. The Applicant has notified the Natural Heritage and Endangered Species Program (NHESP) since the site is noted as a priority habitat and is waiting for a response.

Upon query by Mr. Froberg, Mr. Donohoe stated that the plantings on the west side of the property will be moved closer to the property line and replaced with crushed stone to accommodate storage of plowed snow.

Upon query by Mr. Maitland, Mr. Donohoe stated that the site will not need erosion control; repairs and cobblestone and paving in the northwest corner will prevent erosion; the cast iron fence will be anchored; the proposed activities will be done by hand and wheel-barrel on the east side of the building and will not disrupt the concrete and cobble stone in the western back corner.

Mr. Donohoe requested a continuance of the hearing pending a response from NHESP.

8:18 Mr. Maitland continued the hearing until February 21 at 7:15 PM.

Certificates of Compliance

115 River Street 85-915 – Ms. Adachi moved that the Commission issue a Certificate. Ms. Lowe 2nd; unanimous.

42 Ethan Allen Drive 85-930 - Ms. Lowe moved that the Commission issue a Certificate. Ms. Serafini 2nd; unanimous.

172 School Street 85-841 - Ms. Adachi moved that the Commission issue a Certificate. Mr. Froberg 2nd; unanimous.

Discussion - 93 Taylor Road

The Commission reviewed the plan that was approved by DEP with a Superseding Order of Conditions. The wetland line has changed in one area and the proposed house location does not meet 40' or the 25' setbacks under the old Bylaw under which it was approved. Ms. Ristine noted to the Commission that Mr. Tidman has notified the Applicant's engineer that the house foundation and proposed wall must meet the old 25' and 40' Bylaw setbacks as approved at that time.

Robert Hendrie stated that his requested adjudicatory hearing with DEP might be unnecessary due to the Superseding Order plan, now on file with the Conservation Office.

Spring Hill Commons - Request to use Calcium Chloride - OOC General Condition #30

Ms. Ristine reminded the Commission that a response is still needed. Ms. Lowe and Ms. Adachi will work on a written response to the request.

8:57 Meeting adjourned.


Terrence Maitland
Chair