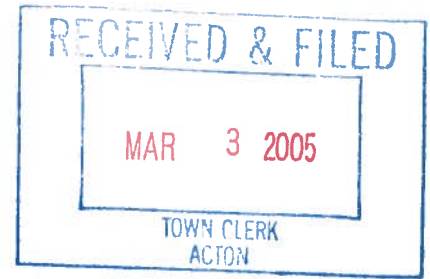


**CONSERVATION COMMISSION  
AMENDED AGENDA  
JANUARY 19, 2005**



- 7:00 Land Stewardship Committee – Jim Snyder-Grant
- 7:15 Request for Determination – Willow St. (Sweeney Farm Lane) - Apple Valley Homes  
Acton Survey & Engineering  
Construction of a sidewalk associated with Sweeney Farm Lane along the western side of Willow Street from Kingman Road to Arlington Street within 100' of a wetland.
- 7:20 Amended Notice of Intent – Lot 4A Sweeney Farm Lane – Apple Valley Homes  
Acton Survey & Engineering Preliminary review of amendment 12/15/04  
Construction of a single family home and associated grading within 100' of a wetland.
- 7:30 Notice of Intent – 1 Conant Street - William Davis II  
Proposed addition to an existing house located within 100' of a wetland.
- 7:45 Continuance Notice of Intent - Lot 40 – 69 Canterbury Hill
- 8:00 Notice of Intent - Ellsworth Village – Brabrook/Great - Ellsworth Village, LLC  
Stamski & McNary  
Construction of subdivision road, associated sidewalk, drainage structures and utilities (at the end of Brabrook Road); Town Atlas Plate F-4/parcel 69 and F-5/parcel 40 within 100' of a wetland.
- 8:30 Notice of Intent – Charter Road – Water Supply District of Acton  
Engineer: Dufresne-Henry  
Installation of approximately 2,450 linear feet of new 8" water main from the intersection of Charter Road and Arlington Street to 63 Charter Road within 100' of a wetland, riverfront area and bordering land subject to flooding.
- 8:45 ***Postponed until 2/2/05 - Health Department – Brent Reagor***  
*Seeking permission to do subsurface exploration at the Wetherbee Street field for wastewater disposal. Information from Mr. Reagor was within the 1/5/05 electronic packet.*
- Decision – 4 High Street
- Certificate of Compliance – 342 Mass Avenue - 85-832
- Open Space & Recreation Committee – Mr. Magee will provide an update on the reimplementation of the OSRC.
- IDC from DPW – Emergency Work - Newtown Road @ Arlington Street  
Information from Mr. Stamski was within the 1/5/05 electronic packet.

MINUTES

October 23	comments rec'd by	ADM
November 3	" " "	ADM, TM
November 17	" " "	ADM
December 15	" " "	ME

**CONSERVATION COMMISSION  
MINUTES  
JANUARY 19, 2005**

**MEMBERS PRESENT:** Jeff Rogers, Terry Maitland, Andy Magee, Mike Eder, Julia Miles

**CONSERVATION ADMINISTRATOR:** Tom Tidman

**ASSOCIATE MEMBER:** Jim Snyder-Grant

**RECORDING SECRETARY:** Andrea Ristine

**VISITORS:** Janet K. Adachi, Cheryl Lowe, William Troy, Tom Lemire, Graham Knowland, Leo Hill, Debby Adams, Lei Glozman, Karu Ratnam, Eamon Tighe

**7:00** Land Stewardship Committee (LSC)– Jim Snyder-Grant

Mr. Snyder-Grant reported that the LSC would like to initiate a herbicide program to address invasive plant species. The LSC will submit a written plan for each conservation area to the Commission.

Mr. Magee noted that the plan should account for the setbacks under the Bylaw.

Mr. Snyder-Grant reported that there have been some responses regarding abutter encroachment issues. Those without a response should be brought to the next stage.

Mr. Tidman reported that the Engineering Department surveyed the property line between the conservation land and 11 Captain Handley and found the shed to be over the property line and on conservation land. A letter needs to be sent to the homeowner with an attached copy of survey plan.

The Commission agreed that the shed needs to be removed from conservation land.

Mr. Tidman noted that the owner is also in violation of their property's deed restriction. This development was designed with a 30' setback for all structures from the property line. A copy of that restriction should also be sent with the letter and survey plan.

Mr. Maitland volunteered to draft this letter to the owner regarding the noted issues.

Mr. Snyder-Grant will follow up on other encroachment issues with Mr. Magee and Mr. Tidman.

**7:15** Request for Determination – Willow Street (Sweeney Farm Lane) - Apple Valley Homes

Mark Donohoe from Acton Survey & Engineering presented plans for the proposed construction of a sidewalk associated with Sweeney Farm Lane along the western side of Willow Street from Marion Road to Arlington Street within 100' of a wetland. Construction of the sidewalk was required by the Planning Board's approval. The proposed sidewalk is within 100' of a man-made pond and within the right-of-way of Willow Street. Haybales will be provided but he does not feel that there will be issues with erosion as there is no source of water flow.

The Commission noted that the NOI states Kingman Road in error; the sidewalk is proposed between Marion Road and Arlington Street along Willow Street.

Upon query by Ms. Miles, Mr. Donohoe reported that the proposed sidewalk will be approximately 35' from the man-made pond and this area is an existing lawn with no grade changes.

A resident of Willow Street stated that he is in support of the proposed sidewalk and there are currently no flooding problems in this area.

**7:30** Hearing no further comments Mr. Rogers closed the meeting.

Determination – Willow St. (Sweeney Farm Lane) - Apple Valley Homes

Mr. Magee moved that the Commission find the work described to be within an Area Subject to Protection Under the Bylaw, but will not remove, fill, dredge or alter that area (-2); and that the work described 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 (-3).

Mr. Maitland 2<sup>nd</sup>; unanimous.

7:32 Amended Notice of Intent – Lot 4A Sweeney Farm Lane – Apple Valley Homes

Engineer: Acton Survey & Engineering

John Barbadaro from Apple Valley Homes presented amended plans for the construction of a single family home and associated grading within 100' of a wetland. This lot has an Order of Conditions issued on August 23, 2004. The proposed amendment involves moving the property line and the house location has changed slightly within the buffer zone and two of the mowing line bounds have been moved to allow for a larger yard but maintaining the meadow as described in the deed restrictions on all four lots.

7:32 Hearing no comments or questions, Mr. Rogers closed the hearing.

Decision - Lot 4A Sweeney Farm Lane – Apple Valley Homes

Mr. Magee moved that the Commission issue an Amended Order of Conditions accepting the amended plan dated 1/6/05 with the statement that all findings and conditions written in the Decision and Order of Conditions issued by the Commission, issued 8/23/04 shall carry forward with this amended Order of Conditions.

Mr. Maitland 2<sup>nd</sup>; unanimous.

Notice of Intent – 1 Conant Street - William Davis II

Mr. Davis presented plans for the proposed addition to his existing ranch house located within 100' of a wetland. Mr. Davis noted that it runs through an under ground culvert along Conant Street but comes above ground on his property.

Mr. Tidman reported that the wetland is actually an old farm ditch and the area is a mixture of white pine and hemlock.

Upon query by Ms. Miles, Mr. Davis stated that he intends to grade the area around the proposed porch to meet the existing grades on site. There is one large pine that will be removed and a large fire bush near house to be removed and he has had some trees removed within the past five years due to storm damage. The proposed addition is not closer to wetlands than the existing house.

7:39 Hearing no further comments, Mr. Rogers closed the hearing.

Decision - 1 Conant Street - William Davis II

Mr. Maitland noted. The Commission agreed that this proposal meets the setbacks as a like use and it is a pre-existing, non-conforming lot.

Mr. Magee moved that the Commission issue an Order of Conditions with the additional special condition that the applicant shall provide erosion control along a line equidistant between the work area and the edge of wetlands.

Mr. Maitland 2<sup>nd</sup>; unanimous.

Environmental Impact Report - Woodlands at Laurel Hill

Mr. Magee noted that MEPA has granted a one week extension for comments on the EIR. Mr. Magee has drafted comments noting that the Commission was misrepresented in the statement to MEPA. Specifically, the Commission is quoted stating that there are "dysfunctional detention basins" on the site. This is problematic of the tone presented in the EIR done by Place Site Consultants. Mr. Magee summarized the letter to MEPA.

Continuance Notice of Intent - Lot 40 – 69 Canterbury Hill Road

George Dimakarakos from Stamski & McNary reported that Dave Crossman conducted the delineation originally and was back on site based on the Commission's query at the previous hearing. This specific isolated wetland has no vegetation qualifying it as a wetland. Mr. Crossman had remembered walking this area with the consultant and it was addressed during the ANRAD process and it did not qualify as a vernal pool.

Mr. Tidman noted that this isolated wetland is a shallow area with little retention time; there is Highbush Blueberry throughout the entire site.

Mr. Dimakarakos reported that the groundwater is within one foot of the soil surface.

Upon query by Mr. Rogers, Mr. Dimakarakos reported that 50' no disturbance setback is outside of the lot lines of this property. Haybales will be placed approximately 55' from wetlands at the closest point.

Although the no disturbance setback is outside the property lines of this lot the Commission discussed the placement of a row of boulders.

8:00 Hearing no further comments or questions, Mr. Rogers closed the hearing.

Decision - Lot 40 – 69 Canterbury Hill Road

Mr. Magee moved that the Commission issue an Order of Conditions with the following special condition as discussed with the representative during the hearing:

The applicant shall install a row of boulders beginning at the intersection of the line of haybales with the 136.35 property line, along the property line in a easterly direction to the property corner, continuing along the entire length of the 131.75' property line in a southerly direction to the next property corner. Said boulders shall be three to four feet in diameter and buried to half their depth and placed no greater than 15' on center.

Ms. Miles 2<sup>nd</sup>; unanimous.

8:02 Notice of Intent - Ellsworth Village – Brabrook/Great Road - Ellsworth Village, LLC

George Dimakarakos from Stamski & McNary presented plans for the proposed construction of a subdivision road, associated sidewalk, drainage structures and utilities (at the end of Brabrook Road); Town Atlas Plate F-4/parcel 69 and F-5/parcel 40 within 100' of a wetland. Activity occurs in and within 100' of a wetland. The Commission approved an ANRAD for this site in May, 2004; DEP File #85-862. This subdivision roadway and associated activities will provide access for 33 proposed senior residences. This is a smaller proposal from the Chapter 40B plan that was being considered previously by the developer. Mr. Dimakarakos reported that he will be requesting a continuance of this hearing as he is currently awaiting comments from all town departments and still has to meet with the Planning Board where abutters can discuss issues beyond wetlands. Currently there are dysfunctional drainage facilities along Brabrook and Flagg Road where stormwater runoff flows over land some off Brabrook Road into the wetlands which is a less than favorable stormwater situation. They will be providing a man-hole to a storm-ceptor with a sump and weirs to remove sediment and oil which will improve existing conditions by providing treatment of roadway and site runoff. The propose an enhanced detention basin with wildlife value that will also address drainage issues.

Upon query by Mr. Eder, Mr. Dimakarakos reported that they propose filling 3,756 s.f. of wetlands; the Commission is allowed to permit up to 5,000 s.f. of fill therefore this is not filed as a limited project. Mr. Eder stated that this statement should be provided in the NOI submittal noting the applicable sections under the Act and Bylaw.

Upon query by Mr. Magee, Mr. Dimakarakos stated that he will provide a written response addressing the performance standards.

Mr. Magee noted that there seems to be an alternative access to the site. Mr. Dimakarakos stated that the applicant does not currently own the property or the adjacent parcel potentially providing alternative access.

Upon query by Ms. Miles, Mr. Rogers noted that during the ANRAD process Commission noted semi wet pockets on site that were found not to be jurisdictional but was found to be conducive to being a replication area on site for proposed fill. A stormwater facility will be needed on site.

Mr. Magee reported that during the ANRAD process the proposed entrance at the end of Brabrook Road was in hideous condition and has a sand delta.

Mr. Dimakarakos stated that they propose cleaning out the existing catch basin add another and connect them to sumps to convey the water down to the proposed stormceptor to treat water runoff from the proposed road and Brabrook Road.

Upon query by Mr. Rogers, Mr. Dimakarakos reported that the drainage facilities will be maintained by the homeowners association as they will not be within the ROW easement of the public road.

Upon query by Mr. Magee, Mr. Dimakarakos reported that to prevent more than the proposed wetland fill the entrance road will be constructed with vertical walls with no road shoulders. Erosion control will be in placed on both sides of the proposed walls; a boring rig will drive in between the proposed walls and dig the trenches for the footings. Wetland soils will be stockpiled and used in the proposed replication area.

Upon query by Mr. Magee, Mr. Dimakarakos stated that he will provide a written description regarding alternative access. The applicant is not the owner of the property but the property is under agreement. The owner of this parcel does own the adjacent parcel on Great Road but it is not under agreement with the applicant. The Planning Board has also expressed safety concerns regarding only one means of access.

Mr. Magee stated that the Commission will need a resolution of the alternative analysis. Comparatively in Acton the filling of 3,700 s.f. of wetland is substantial and rare, although within the Commission's jurisdiction an alternatives analysis needs to be provided.

Mr. Rogers noted that the applicant will also need to provide a wetland replication plan and have the NOI application signed by the land owner as it is currently not.

Ms. Miles noted that the drainage calculations were formulated using the TR55 method.

Tom Lemire, abutter, stated that he is familiar with the property and feels that the plan under states the wetlands.

Mr. Rogers explained the ANRAD process stating that the Commission conducted several site walks. All areas of the parcel were investigated and some were found to exhibit wetland characteristics but were not jurisdictional based on DEP delineation methods. During the final site walk one area was found to be conducive to becoming an enhanced stormwater drainage facility (constructed wetland). The applicant shows a design taking this into account.

Upon further query by Mr. Lemire, Mr. Rogers reported that the area between the delineated wetland line and Brabrook Road was not found to be jurisdictional using DEP delineation methods. The line of delineation has been accepted by the Commission.

Mr. Magee added that Commissioners were on site with the wetland scientist, a few flags were moved initially based on vegetation and soils. The area of Mr. Lemire's concern did not have 50% wetland vegetation or the proper hydric soils to be delineated as a wetland.

Abutter, Graham Knowland, reported to the Commission that this property was purchased by Robert Moran in the mid 1980's, who still owns the property. He noted that, although the wetland resource area is depicted on the plan, the intermittent stream with defined banks within the resource area on the property is not shown. He stated that he feels that the plans should include a cross section of the groundwater level including the soil profile and a wildlife diversity plan should be required.

Abutter, Debbie Adams stated that there should be greater efforts taken between the owner and developer regarding alternative access to the property.

8:49 Hearing no further comments or questions, Mr. Rogers continued the hearing until February 16, 2005 at 7:45 PM.

8:50 Notice of Intent – Charter Road – Water Supply District of Acton

Tom Mahanna from Dufresne-Henry presented plans for the replacement of approximately 2,450 linear feet of an 8" water main from the intersection of Charter Road and Arlington Street to 63 Charter Road within 100' of a wetland, riverfront area and bordering land subject to flooding.

Kate Thivierge from Dufresne-Henry stated that they will supply water service to the existing residents on Charter Road with a soil surface main during the construction process. There are 19 water services and three hydrants to be installed. Construction activities will have a temporary impact to wetlands. They will cross under the existing culvert on Charter Road. This project is filed as a Limited Project and meets the performance standards. Haybales and silt fence will be provided for activities within the 100' buffer zone. Details on the dewatering process are provided within the NOI. They propose placing a ring of haybales with crushed stone and filter fabric to prevent silt from entering the resource area during the dewatering process. All catchbasins will also be protected from silt. They estimate the replacement of 200' linear feet per day. The trench will be approximately six deep by three feet wide and will be backfilled daily and repaved weekly by the Acton Highway Department. Due to existing problems along the road the trench will be deeper at 81 Charter Road.

Upon query by Mr. Rogers, Mr. Mahanna reported that all work will occur on the surface of the road with open excavation for the two culvert crossings under the culverts.

Upon query by Ms. Miles, Mr. Mahanna reported that all dewatering activities for the culvert crossing will be done within the surface of the road. Silt socks will be installed in the existing catchbasins along with haybales.

Upon query by Mr. Maitland, Ms. Thivierge reported that outer riparian zone exists between the two ponds on Charter Road. Calculations provided in the NOI consider the inner and outer riparian zones.

Upon query by Leo Hill from 75 Charter Road, Mr. Mahanna reported that the intermittent stream converts will be maintained throughout the construction process. The temporary water main and hydrants will be placed along the back edge of the existing sidewalk. The new replacement hydrants will be in similar locations to the existing. There should be no impact on the intermittent streams if the culverts are in good shape; repairs will be done if needed or problems encountered during the installation.

Upon query by Mr. Maitland, Mr. Mahanna reported that water main installation will be brought to the curb stops for the existing residents which should all be copper connections. They do not anticipate finding any lead pipe services.

9:09 Hearing no further comments or questions, Mr. Rogers closed the hearing.

Decision - Charter Road – Water Supply District of Acton

Mr. Maitland moved that the Commission issue a standard Order of Conditions for the plans as presented. Mr. Magee 2<sup>nd</sup>; unanimous.

Certificate – 342 Massachusetts Avenue

In the absence of the Administrator, the Commission tabled the issue until 2/2/05. Mr. Magee stated that he would like to inspect the site with Mr. Tidman.

Decision – 4 High Street – Faulkner Mill Realty, LLC

The Commission reviewed the draft decision with eight findings and four special conditions.

Mr. Magee moved that the Commission issue an Order of Conditions with the decision as discussed at this meeting (see file).

Mr. Eder 2<sup>nd</sup>; unanimous.

Minutes

Mr. Magee moved that the Commission accept the minutes of October 23, November 3 and November 17, 2004. Mr. Maitland 2<sup>nd</sup>; unanimous.

Open Space & Recreation Committee

Mr. Magee reported that the Selectmen have recommended keeping this committee active. The Community Preservation Committee (CPC) also looks to the OSR Plan. Mr. Magee is the liaison between the Acton Conservation Trust and the Town. The OSRP is a direct source for people to address gifting land to the town and helps advise the town on projects such as PCRC's. He reported that there has already been two informal meetings recently and the Committee needs the Commission's endorsement for the OSRC to proceed.

Mr. Rogers moved that the Commission endorse the efforts of the OSRC. Mr. Eder 2<sup>nd</sup>; unanimous.

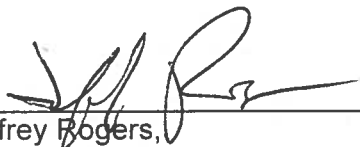
Woodlands @ Laurel Hill

The Commission reviewed the letter to MEPA drafted by Mr. Magee addressing the Commission's concerns regarding the proposed 40B development, Woodlands at Laurel Hill.

Ms. Miles moved that the Commission approved the letter as discussed. Mr. Eder 2<sup>nd</sup>; unanimous.

Hearing Officers – 316 Old High Street - Hydro Dam: Mr. Magee and Mr. Rogers

9:50 Meeting adjourned.

  
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Jeffrey Rogers,  
Chair

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