

CONSERVATION COMMISSION
MINUTES FOR
JUNE 5, 1991



MEMBERS PRESENT: Andrew Sheehan, John Chalmers, Ann Shubert, Peter Shanahan (9:00)

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Dennis Ring, Dean A. Charter, Kathy Meschisen, Joseph Keane, Margery & Gerald Burgess, Nancy & Bill Kingman, Charles & Corrine Orcutt,

7:55 Mr. Sheehan called the meeting to order.

MINUTES

Mr. Chalmers moved to accept the minutes as amended for March 2, March 6, and April 3, 1991. Ms. Shubert seconded the motion.

WETLANDS PROTECTION

CERTIFICATE OF COMPLIANCE

Heron View Lots 1, 3, 4 - The Administrator reported that the applicant has requested certificates of compliance for each of the noted lots. Mr. Tidman has inspected the lots and finds them in compliance, although the haybales must be removed.

Mr. Chalmers moved to issue Certificates of Compliance for Lot 1 (85-219), Lot 3 (85-220), and Lot 4 (85-218) Heron View. Ms. Shubert seconded the motion. The motion passed unanimously.

22 Grasshopper Lane - 85-10/85-12

Mr. Tidman reported that there are two old Orders of Conditions still showing at the Registry of Deeds as not having a certificate, although it has been completed for over 15 years. Mr. Tidman inspected the site, and recommends the Commission release these orders.

Mr. Chalmers moved to issue Certificates of Compliance for DEQE 85-10 and 85-12 22 Grasshopper Lane. Ms. Shubert seconded the motion.

8:00 **NOTICE OF INTENT - Charter Road Sidewalk 85-304**

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the installation of a sidewalk between Arlington Street and Hayward Road. Construction will occur within 100' of a series of wetlands.

Mr. Dennis Ring, from the Acton Engineering Department, stated that this project has been proposed since 1986. The Conservation Commission approved the plans and issued an order of conditions in 1987, but no extension permit was filed, and it expired before construction could commence.

Mr. Ring pointed out with the approved Master Plan, one of the biggest priorities was to have sidewalks throughout town, and Charter Road being located in a school district is on the top of the list. The Town is asking for a waiver on Acton's Wetland Bylaw, Section 3.2 (3) "40' setback to the edge of driveways, roadways, and structures"; and asks the Commission to consider the safety issue at hand. A majority of the sidewalk is within the 100' buffer zone. The most sensitive areas of work will be replacing two culverts; one near the Charter/Burgess property line, and the other is near the garage owned by Authentic Homes. There is approximately 25 c.f. of fill in the wetlands at the Charter/Burgess culvert and at the Authentic Homes culvert. There will be minimal disturbance during the culvert replacement; the Town will construct the new culvert before the old one is removed. Mr. Ring also noted that the culverts will have oil filters in them, as required by the State. The Town does propose to place haybales and siltation prevention during construction. The process of the sidewalk construction will be to scrape the strip for the proposed sidewalk, lay gravel, pave, then loam and seed the disturbed areas. Besides the culvert work, the closest activity to wetlands will be approximately 20' at the Hayward Road end of Charter Road. With the Commission's approval, the Town hopes to start the work in July or August.

Many abutters commented for and against the sidewalk; no issues were brought forth regarding wetlands. Mr. Sheehan requested the public to restrict comments to wetlands related issues.

8:27 Hearing no further comments, Mr. Sheehan closed the meeting.

NOTICE OF INTENT - 149 - 151 Arlington Street 75-244

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a common driveway and utilities within 100' of a wetland.

Mr. Harry Donahue, of Acton Survey & Engineering, presented plans for two homes on 3.8 acres total. Part of the common driveway and utilities are within the 100' buffer zone. The proposed driveway follows an existing pathway and will access two lots on the property. Haybales have been proposed. The first 40' of the driveway entrance (existing pathway) is within the 40' no build setback, and the applicant is requesting a waiver of "Acton's Wetland Bylaw, Section 3.2 (3) "40' setback to the edge of driveways, roadways, and structures". The first 40' of the driveway as proposed is approximately 30' away from the edge of wetlands. If the driveway is moved to meet the 40' setback the applicant will need to remove a large white pine. There is no major grading proposed for the driveway because it is at the grade desired.

8:44 Hearing no further comments, Mr. Sheehan closed the meeting.

NOTICE OF INTENT - Lots 17 & 18 Stoneymeade Way

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of two single family homes on adjacent lots each working within the 100' buffer zone.

Mr. Ian Rubin, or of Lancewood Engineering, presented plans indicating activity on Lot 17 is outside the 100' buffer except for grading fill. Lot 18 has haybales proposed 35' from the edge of wetland, the house footprint is outside the 40' no build setback. There will be 2,000 cubic yards of fill in front of the house outside of the 100' buffer zone, and there will be approximately 400 cu.yd. of fill at the rear of the house within the 100' buffer zone to raise the house in order to have a gravity fed septic system, which Mr. Rubin explained is different from the plans originally filed with conservation staff for this hearing. This creates a 2:1 slope. The applicant proposes to hydroseed the slope, and create a double terrace in the natural shelf of the slope in one area(terrace not indicated on plans filed). The landscape plans are being formulated, but there are plantings proposed between the terraces, and maintained lawn 10-15' off the back of the house. Roof drainage will be tied into the proposed subdrain.

The Administrator stated that the siltation prevention indicated on the plans is generalized, and does need to be elaborated upon, due to the 2:1 slope. The Building Commissioner has issued a stop work order on Lot 18, because work was started before any permits were issued.

9:04 Hearing no further comments, or questions, Mr. Sheehan closed the hearing.

NOTICE OF INTENT - Lot 23 (# 15) Stoneymeade Way

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a single family home within 100' of a wetland.

Ian Rubin, of Lancewood Engineering, presented plans for a single family house within 100' of a wetland. The subdrain as proposed is approximately 40' from the edge of wetland. There will be some fill within the 100' buffer zone, but not near the edge of wetland. The house as proposed will be approximately 85' from the edge of wetland.

9:07 Hearing no comments, or questions, Mr. Sheehan closed the hearing.

NOTICE OF INTENT - Lot 27 (# 7) Stoneymeade Way

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a single family home within 100' of a wetland.

Ian Rubin, of Lancewood Engineering, presented plans for a single family home within 100' of a wetland. Haybales will be placed 35' from the edge of wetland; the entire house is within the 100' buffer zone, but meets the 40' no build setback. The driveway at its' closest point to wetlands will be approximately 50'.

Mr. Shanahan suggested that the haybales be placed along the 40' no build line. Mr. Rubin requested that it be placed in the Order of Conditions as an additional condition.

9:17 Hearing no further comments, Mr. Sheehan closed the hearing.

NOTICE OF INTENT - Lot 28 (# 5) Stoneymeade Way

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetland Protection Act, and the Town of Acton Bylaw for the construction of a single family house within 100' of a wetland.

Mr. Steve Calichman, of the Cooperative Bank of Concord, presented plans for a single family house within 100' of a wetland. One corner of the house is at the 40' line, and haybales are proposed at the 25' natural vegetated buffer line. There is the potential for a deck to be added onto the house later, which would be filed for separately at that time.

An abutter of Lot 19 noted that a future deck would in all probability be added onto the rear of the house, which would fall within the 40' no build setback, as the garage is located on the more appropriate side of the house away from the wetland.

Mr. Sheehan noted that the Commission would take the observation under advisement.

9:29 Hearing no further comments, Mr. Sheehan closed the hearing.

NOTICE OF INTENT - Lot 29 (# 3) Stoneymeade Way

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a septic system for a single family house within 100' of a wetland.

Mr. Steve Calichman, of the Cooperative Bank of Concord, presented plans for a septic system 75' away from the edge of wetland, meeting the Board of Health requirement. There will be grading for the septic with some fill required. The house itself is outside the 100' buffer.

9:44 Hearing no further comments, Mr. Sheehan closed the hearing.

DECISION - NOI - Charter Road Sidewalk

The Commission held discussions regarding abutters' concerns, most of which were not wetlands related.

Ms. Shubert moved to issue a standard Order of Conditions, granting the waiver of "Section 3.2 (3) 40' setback to the edge of driveways, roadways, and structures" of the Acton Wetlands Bylaw, for public safety issues. The Commission felt that public safety was more important than the minor disturbance proposed.

Mr. Sheehan seconded the motion. The motion passed 2:1.

DECISION - NOI - 149-151 Arlington Street

Mr. Chalmers moved to issue an Order of Conditions for 149-151 Arlington Street with the additional condition that the driveway must meet Section 3.2 (3) 40' setback to the edge of driveways, roadways, and structure.

Ms. Shubert seconded the motion. The motion passed 3 ayes, 1 abstained.

DECISION - NOI - Lot 23 (# 15) Stoneymeade Way

Mr. Chalmers moved to issue a standard Order of Conditions for Lot 23 Stoneymeade Way. Mr. Shanahan seconded the motion. The motion passed unanimously.

DECISION - NOI - Lot 27 (# 7) Stoneymeade Way

Mr. Shanahan moved to issue an Order of Conditions for Lot 27 Stoneymeade Way with the additional conditions that the haybales must be placed 40' from the edge of wetlands. Mr. Chalmers seconded the motion. The motion passed unanimously.

DECISION - NOI - Lot 28 (# 5) Stoneymeade Way

Mr. Chalmers moved to issue an Order of Conditions with the following additional condition that a deed restriction be written into the new deed that there will be no construction within the 40' No Build Setback.

Mr. Shanahan seconded the motion. The motion passed unanimously.

DECISION - NOI - Lot 29 (# 3) Stoneymeade Way

Mr. Chalmers moved to issue a standard Order of Conditions for Lot 29 Stoneymeade Way. Ms. Shubert seconded the motion. The motion passed unanimously.

DECISION - NOI - Lots 17 & 18 Stoneymeade Way

Mr. Shanahan moved to deny the Notice of Intent filed for Lots 17 & 18 Stoneymeade Way on the basis that:

1. The plans as presented are incomplete, and lack appropriate information;
2. Lot 18 as presented has excessive slopes leading to the wetland, which he felt could not be stabilized adequately according to the plans presented.

Mr. Chalmers seconded the motion. The motion passed unanimously.

CERTIFICATE OF COMPLIANCE - Stoneymeade Way Entrance

The Administrator stated that he has received a request from the Cooperative Bank of Concord to release the Order of Conditions outstanding on the entrance and roadway itself. The Administrator recommended to the Commission that they do not sign off on the Order until the wetlands replication is complete and meets his approval on its stabilization. The Commission agreed.

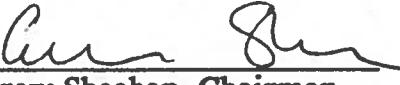
Mr. Chalmers moved that the Commission deny the Certificate of Compliance for the Stoneymeade entrance. Mr. Shanahan seconded the motion. The motion passed unanimously.

CERTIFICATE OF COMPLIANCE - Lot 5A Ayer Road - 85-192/75-225

The Administrator reported that he has received a request from the applicant for a Certificate on Lot 5A Ayer Road, and upon his inspection found it to be in compliance and stabilized.

Mr. Shanahan moved to issue a Certificate of Compliance for Lot 5A Ayer Road 85-192/75-225. Mr. Chalmers seconded the motion. The motion passed unanimously.

11:08 Meeting Adjourned.



Andrew Sheehan, Chairman

CONSERVATION COMMISSION
AGENDA
JUNE 5, 1991

7:30 **CITIZEN'S CONCERNS**

8:00 **NOTICE OF INTENT** - Charter Road Sidewalk 85-304
Installation of a sidewalk between Arlington Street and Hayward Road.
Construction will occur within 100' of a series of wetlands.

8:30 **NOTICE OF INTENT** - 149-151 Arlington Street
Construction of a sixteen foot wide common drive and installation of utilities within 100' of a wetlands. A portion of the common drive will be constructed on an existing path accessing the property from Arlington Street. The path is approximately 25' from the edge of wetlands.

8:40 **NOTICE OF INTENT** - Lot 17 & 18 Stoneymeade Way
Two single family homes on adjacent lots each working within the buffer zone. Both meet the 40' no build setback.

9:00 **NOTICE OF INTENT** - Lot 23 Stoneymeade Way
Single family home meets 40' setback

9:10 **NOTICE OF INTENT** - Lot 27 Stoneymeade Way
Single family home meets 40' setback

9:20 **NOTICE OF INTENT** - Lot 28 Stoneymeade Way
Single family home meets 40' setback

9:30 **NOTICE OF INTENT** - Lot 29 Stoneymeade Way
Single family home meets 40' setback

CERTIFICATE OF COMPLIANCE

Stoneymeade Way - roadway access from Pope Road including drainage structures associated with Stoneymade Way, have been completed and are stabilized. The replication area, which has not yet begun, is separate from this certificate.

Heron View - Lot 1 (85-219), Lot 3 (85-220), and Lot 4 (85-218)

22 Grasshopper Lane - 85-10 & 85-12

MINUTES

March 6 & 20
April 3 & 17
May 15 To be submitted