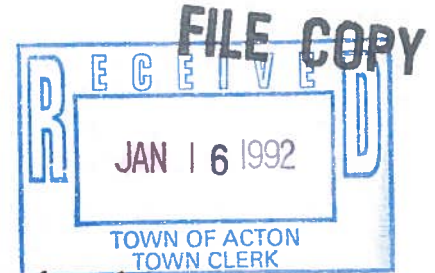


**CONSERVATION COMMISSION
MINUTES FOR
SEPTEMBER 18, 1991**



MEMBERS PRESENT: Andrew Sheehan, William Hill, Peter Shanahan, Ann Shubert, Charlotte Timlege, Morene Bodner, John Chalmers
(7:47)

ASSOCIATE MEMBER: Charles Carlson

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Dixon Wood, Phil Tavernier

7:32 Mr. Sheehan called the meeting to order.

CITIZEN'S CONCERNS - There were no concerns presented.

EAGLE SCOUT - Phil Tavernier

Phil Tavernier presented his report on the project he completed at the Arboretum. He constructed a Kiosk at the parking lot entrance. To raise his half of the funds for the project, he organized a bottle and can drive. Although the project did not go without problems, it did stand up to Hurricane Bob. Phil thanked the town and Commission for their support. Phil estimates a total of 107 man hours spent on the Kiosk.

The Commission stated that the Kiosk will be a valued addition to the Arboretum, shows great talent, and thanked him for his efforts.

7:50 **BUSINESS**

The Administrator reported that he has received a letter from Tim Cooney requesting permission to have a Friday Social with a camp fire for the physically impaired and mentally ill on October 11, 1991 from 7:00 to 9:00 P.M. at the Arboretum.

Mr. Shanahan moved to allow the Friday Night Fun Club to have their social providing that they coordinate with the Administrator and notify the proper authorities. Mr. Hill seconded the motion. The motion passed unanimously.

Certificate of Compliance - Lot 3 Stoneymeade Way

The Administrator reported that the site is complete and stabilized, and recommends a certificate.

Mr. Hill moved to issue a certificate of compliance for DEP File # 85-307, Lot 3 Stoneymeade Way. Ms. Bodner seconded the motion. The motion passed unanimously.

UPDATE - Recent Case Law Developments

Mr. Hill reported on the Warcewicz v. Department of Environmental Protection, July 1991. He feels that DEP may be changing their regulations to include the protection of excavated ponds. Mr. Shanahan suggested that the Commission amend the Town Wetlands Bylaw, Rules & Regulations to include the protection of man made impoundments. The Commission agreed this is probably a good idea, but will have to publicly notice a meeting to make this amendment.

- 7:59 Ms. Bodner withdrew herself from the table, as the next order of business involved property owned by her.

EXTENSION - 310 Nagog Hill Road - DEP #85-259

That Administrator reported that a request for a three year Extension has been received for 310 Nagog Hill Road. Due to the current market, the new land owner cannot build on the site until their current home is sold.

Mr. Hill moved to issue a three year extension for the DEP File No. 85-259. Mr. Chalmers seconded the motion.

The motion passed six aye, one abstained.

- 8:04 NOTICE OF INTENT - Lot 6 Haley Lane 8/26/91

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 home within 100' of a wetland.

Mr. Dixon Wood presented plans showing a house to be outside the 40' wetlands setback. Most of the excavated materials from the house foundation will be used on site, the remaining materials will be hauled off site; the land will stay at existing grade level, but will be graded to blend the scape better, and there will be a small amount of grading within 40' of the wetland. The shoulders for the driveway will be graded to 2.5:1.

Upon query by the Commission, Mr. Dixon stated that the driveway would be star-packed no later than the end of October. The Administrator reported that last year there was an erosion problem from Haley Lane into the river and required haybales be staked along the length of Haley Lane.

- 8:15 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

The Commission discussed the site.

8:38 NOTICE OF INTENT - 163 Pope Road (Lot 4B)

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the construction of a single family house.

Mr. Ian Rubin presented plans showing approximately 4,498 sq.ft. of wetlands filling for two crossings of the wetland. The first crossing proposes approximately 4,080 s.f. of fill, and a second smaller crossing farther in proposes appx. 418 s.f. of fill to access the rear of the lot. A 5,000 sq.ft. wetlands replication area is proposed on the southwest end of the wetlands crossing adjacent to the existing wetlands near the entrance of the site. Approximately nine trees are proposed to be removed to accommodate the driveway entrance and wetland replication area. The proposed driveway is approximately 1100 feet long. There is one culvert proposed for the initial wetland crossing, and one culvert proposed for the second wetland crossing. The site has approval from the Board of Health for septic. The excavated wetlands loam for the construction of the driveway will be used to line the wetlands replication area. The wetlands replication area will be planted with blueberries, and hydroseed.

Upon query by the Commission, the applicant stated that no alternative access is possible, although they have not approached abutting land owners for an access easement.

Mr. Chalmers stated that access was available prior to creation of the Stoneymeade subdivision and drawing of lot lines.

8:53 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

The Commission discussed the site, the possible alternatives that could have created prior to the drawing of the lot lines for the parcels on Pope Road, and tabled the discussion.

9:04 NOTICE OF INTENT - 40 Ethan Allen Drive 9/4/91

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the removal of shade trees and landscaping within 100' of a wetland.

Mr. Straker, owner of the property proposes to remove some red maples encroaching on the yard, and raise the grade of existing lawn area. He proposes to construct a retaining wall to hold the fill at the edge of existing lawn, then construct a fence on top of the retaining wall, and loam and seed. There will be some landscape shrubs placed along the proposed fence in the backyard. The construction sequence will be to build the retaining wall, bring in approximately 40 yards of gravel and 40 yards of loam, then seed, and build the fence. Approximately 10 trees of 10"-12" diameter are proposed for removal. What Mr. Straker has proposed will be 10' from the edge of wetland, but is within existing maintained lawn, and not encroaching farther into the buffer zone.

9:12 Hearing no comments or questions, Mr. Sheehan closed the hearing.

Mr. Shanahan moved to issue an Order of Conditions with the additional condition that the retaining wall must be in place before any fill enters the site. Mr. Hill seconded the motion. The motion passed unanimously.

DECISION - 163 Pope Road - NOI

Ms. Bodner abstained from Commission discussions of 163 Pope Road (Lot 4B).

Mr. Chalmers moved to deny the Notice of Intent filed for 163 Pope Road (Lot 4B) based on reasons including but not limited to: 1.) State Regulations 310 CMR 10.53.3(e); 2.) Wetlands Program Policy 88-2; 3.) Failure to explore alternative means of access 4.) State Regulations 310 CMR 10.03.1 burden of proof was not satisfied by the applicant. The Commission wished to research all information prior to issuance of the Denial, therefore the decision will be held until October 2, 1991 Commission meeting. Ms. Shubert seconded the motion. The motion passed 6 aye:1 abstained.

NOI - Lot 6 Haley Lane

The Commission discussed the site, and agreed to hold the decision until October 2, 1991. The Commission stated that they were prepared to deny the Notice based on concerns regarding the following: flood control, storm damage prevention, prevention of pollution, and protection of fisheries in consideration of the Administrator's concern raised regarding the erosion along the slope of the driveway.

10:06 Meeting Adjourned.



Andrew Sheehan, Chairman

**CONSERVATION COMMISSION
AGENDA
SEPTEMBER 18, 1991**

7:30 CITIZEN'S CONCERNS

EAGLE SCOUT PROJECT - Phil Tavernier

Phil constructed the Kiosk at the Arboretum, and did a fantastic job. Go look at it before the 18th.

WETLANDS PROTECTION

8:00 NOTICE OF INTENT - Lot 6 Haley Lane 8/26/91

Meets 40' setback requirement. This is an extremely steep lot, Commission should be clear on type and extent of silt prevention devices required.

8:30 NOTICE OF INTENT - 163 Pope Road, Lot 48 9/9/91

This is a significant wetlands crossing requiring in excess of 4000 sq.ft. of fill, to access a lot off Pope Road associated with the Stoneymeade farm development.

A detailed replication plan is required. New Commissioners should review the replication section of our Bylaw Rules & Regulations.

9:00 NOTICE OF INTENT - 40 Ethan Allen Drive 9/4/91

Applicant would like to removed several shade trees and elevate his back yard by installing a wooden retaining wall and fill.

He would be working in an area already established as lawn and would not be encroaching on the wetland.

EXTENSION - 310 Nagog Hill Road 85-259

MINUTES

June 5 & 19

July 24

August 7 & 21

September 4 Enclosed within