



CONSERVATION COMMISSION
MINUTES FOR
NOVEMBER 6, 1991

MEMBERS PRESENT: Andrew Sheehan, Morene Bodner, William Hill, Charlotte Timlege, John Chalmers

ASSOCIATE MEMBER: Linda McElroy

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Charles Kadison, Lisa Bergenson, Steve Calichman, Jerome Carr, Ian Rubin, Erich Gundlach

7:40 Mr. Sheehan called the meeting to order.

CITIZEN'S CONCERNS - There were no concerns stated.

7:41 EAGLE SCOUT - Noah Budianski

Mr. Budianski presented his completed project to the Commission. Noah built two handicapped accessible picnic tables and improved the trails. Noah designed the table plans with support from the Handicapped Commission, and specifications from the Architectural Barriers Board. The project took approximately 110 hours.

360 Great Road

Mr. Charles Kadison came before the Commission to inform the Commission that a filing will be forthcoming for 360 Great Road which will be proposed for a Dunkin Donut, (previously proposed as a Jiffy Lube). The site preparation, building specifications, parking lot etc. will be the same as the previously proposed project but will be without the special provisions for oil contamination. Mr. Kadison recalled that the Department of Environmental Protection had issued a superseding order of conditions for the proposed Jiffy Lube upon the Conservation Commission denial of the project. The applicant will be coming to the Commission under the same Notice of Intent previously filed, as the site plan will be the same.

8:10 Notice of Intent - 163 Pope Road - Request to Reopen

Mr. Sheehan stated that the Commission may vote to reopen the hearing for the Notice of Intent filed for Lot 4B Pope Road based on the new information provided on this date.

Ian Rubin, Lancewood Engineering introduced Dr. Jerome Carr of Carr Research Laboratory, Inc. who has been contracted by the Cooperative Bank of Concord to review the site. Upon Dr. Carr's survey of the property, he found less wetlands than previously flagged, which will reduce the wetlands filling to 4,080 S.F. Based on the report provided to the Commission the wildlife value of this wetland

(replication proposal) would be rated at a higher level than what currently exists.

Ms. Lisa Bergeson, of the Cooperative Bank of Concord reported to the Commission that this lot wasn't within the original Notice of Intent filed for the subdivision, therefore the bank interprets this site as a limited project separate from the Stoneymeade subdivision.

The Commission and the Administrator stated that this site was a whole farm owned by the same person, and bought by one entity as a whole, and the access to all potential lots on the farm should have been secured in the beginning. This one house lot requires the a comparable amount of wetlands filling that was required to construct the subdivision entrance. The Order of Conditions was filed and granted for the subdivision roadway entrance as a "Limited Project" under Chapter 131, Section 40, CMR Section 10.53.3(e). The Commission felt that by granting the subdivision roadway they have fulfilled their requirement under the law, and an additional wetland crossing such as this would be unacceptable.

Mr. Calichman stated that he views the lots on Pope Road as separate from the subdivision, because they weren't part of the 43 lot subdivision filed under the Notice of Intent.

The Commission stated that they will review the additional information submitted at this time, they will also meet with a representative from D.E.P. at the site on November 14, 1991 at 1:00 P.M., and a motion may be made at an upcoming meeting to reconsider the Notice of Intent and whether the new information will be added to the Notice of Intent on file.

8:55

NOTICE OF INTENT - 17 Milldam Road

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. Bruce Stamski, of Stamski & McNary, presented plans for the construction of a single family house, and grading within 100' of a wetland. The septic system will be outside the 100' buffer with grading up to the 100' buffer line. There is no activity within the 40' wetland setback, as the property line is outside the 40' setback. Haybales will be placed to reduce any possible erosion.

9:00

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

Mr. Chalmers moved to issue a standard Order of Conditions for plans as presented for 17 Milldam Road. Mr. Hill seconded the motion. The motion passed unanimously.

BUSINESS

The Administrator reported that the Boy Scouts have asked if they can use the Route 2 farm land for a rocket launch on November 17, 1991.

Mr. Chalmers moved that the Conservation Commission grant permission for the Boy scouts' rocket launch. Ms. Bodner seconded the motion. The motion passed unanimously.

* Ms. Bodner abstained from hearing the next public meeting on 107 Nonset Path.

REQUEST FOR DETERMINATION - 107 Nonset Path - Keenan

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the paving and upgrade of an existing gravel common driveway.

The Administrator reported that the applicant, Ms. Linda Keenan (107 Nonset Path) is one of three residents on a common drive off of Nonset Path. This common drive is gravel at present, and the owners wish to pave it. Ms. Keenan is at the end of the drive, Mr. Kommineni lives in the middle (109 Nonset Path) and Mr. Yoshimatsu (111 Nonset Path) owns the first house, closest to Nonset Path. Mr. Kommineni wants to have an additional parking pad attached to the driveway towards the wetlands. Mr. Kommineni will be filing a Notice of Intent for this work and his portion of the driveway will not be paved until that time. Ms. Keenan and Mr. Yoshimatsu wish to go forward with the paving of their driveway before the onset of winter. There will be no major excavation and haybales will be placed in the proper locations.

Mr. Chalmers moved to find the work as proposed to be within the Conservation Commission's jurisdiction, but it will not impact the wetlands. Ms. Timlege seconded the motion. The motion passed four aye and one abstained (4:1).

163 POPE ROAD - NOI

The Commission tabled their discussions on 163 Pope Road until the D.E.P. site inspection.

Ice House Pond

The Administrator asked the Commission to consider any suggestions they might have on the condition and possible solutions regarding Ice House Pond's nutrification problems.

9:40 Meeting Adjourned.


Andrew Sheehan, Chairman

**CONSERVATION COMMISSION
AGENDA
NOVEMBER 6, 1991**

ROOM 204

7:30 **CITIZEN'S CONCERNs**

EAGLE SCOUT - Noah Budianski has constructed two handicapped accessible picnic tables at the Arboretum. His project is complete and looks great.

WETLANDS PROTECTION

PRELIMINARY REVIEW - 360 Great Road - previously, as some Commissioners will recall, this was the proposed site of Jiffy Lube. Since then the applicant has decided to go with a Dunkin Donut establishment.

8:00 **NOTICE OF INTENT** - 163 Pope Road
Applicant will ask the Commission to re-open the hearing as they feel they have satisfactorily addressed the Commission's reasons for denial.

8:30 **NOTICE OF INTENT** - 17 Milldam Road
Construction of a single family house within 100' of a wetland. House and landscaping meets 40' setback.

9:00 **REQUEST FOR DETERMINATION** - 107 Nonset Path
Paving and upgrade of existing gravel driveway.

MINUTES

September 18
October 2
October 16 To be submitted

BUSINESS

DISCUSSION - What's wrong with Ice House Pond, contributing factors, possible solutions etc. As a Commission I would like some input and involvement in compiling a report for the Selectmen.

- IDC Enclosed 1992 ConCom Meeting schedule
- LTR Harvard Board of Selectmen RE: Fort Devens Reuse