

CONSERVATION COMMISSION
MINUTES FOR
MARCH 7, 1990



MEMBERS PRESENT: Andrew Sheehan, John Chalmers, Carol Place, Bob Young, Ken Dow {8:09}

ASSOCIATE MEMBER: Charlotte Timlege, Sandra Mika

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: James Fenton, Dave Peters, Cal O'Cain,

8:00 Mr. Sheehan opened the meeting for discussion, while awaiting quorum.

CITIZEN'S CONCERNS

There was no concerns presented.

BUSINESS

ARBORETUM USE REQUEST

The Administrator introduced the Commission to Marsha Charter, of Nagog Childrens Center.

Ms. Charter reported that for the past two years Nagog Childrens Center has been the beneficiary of Jenks Funds. Last year funds were used for a bicycle safety day, and this year she would like to hold an outdoor concert at the Arboretum on June 3, 1990 at 1:00 p.m., the potential rain date will be July 9th. Folk singer, Hue Hanley has agreed to appear. This would be a free concert to the public, with free refreshments. Massachusetts Audio Visual will be setting up one microphone stand, two speakers, and a generator. The only potential decorations would be a bunch of balloons wherever Hue Hanley will be sitting.

The Conservation Commission stated that their only concerns were disturbing abutters, and parking problems.

Ms. Charter stated that Hue Hanley sings very low key folk songs, and she will contacting the Conant School in consideration of advertising the concert with parking at the Conant School parking lot, or use of the Center Fire Station parking lot and the Town Hall parking lot.

8:10 Ms. Place moved to grant Nagog Childrens Center permission to use the Acton Center Arboretum for a Hue Hanley free concert.

Mr. Chalmers seconded the motion. The motion passed with 4 aye, and 1 abstained, Ken Dow.

8:11 Authentic Homes - James Fenton - 106 Arlington Street
85-234

The Administrator reported that James Fenton is present to review a change of plans for the approved project located at 106 Arlington Street DEQE File #85-234 approved by the Commission November 18, 1987. His purpose for being before the Commission tonight is to find out if he must re-file a Notice of Intent.

Mr. Fenton stated that the Commission originally approved a his project with a common driveway with two wetland crossings, and four houses within 100' of a wetland. Now he proposes to construct two houses and the driveway with only one wetland crossing. The Board of Appeals as approved the two hammerhead lots. The wetlands replication is the same as the approved project, the road is narrower, therefore, creating a narrower driveway and less overall wetlands filling than originally approved. The wetlands crossing is reduced to one from two. The one wetland crossing still proposed is the bridge entering the property from Arlington Street.

Mr. Fenton reported that along with Board of Appeals approval, the Board of Health and Board of Selectmen have approved the revised plans. All he needs is the hearing with the Planning Board. The original plans are still under litigation with the Board of Appeals.

The Commission stated that they would accept the amended plans with a site visit to reconsider one of the two replication area originally proposed and approved.

EAGLE SCOUT

The Administrator reported that John Gabel and David James Eagle Scout ceremony is at St. Matthews on Central Street on March 11, 1990 at 5:30 p.m. They both have requested that a representative of the Conservation Commission be present. John Chalmers stated that he would attend.

8:34 NOTICE OF INTENT - CONTINUATION - 477 Great Road

Mr. Sheehan continued this hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws.

Mr. George LeMasurier, of Stamski & McNary, reviewed the plans with the Commission; and stated that he and the applicant met with the Board of Selectmen on March 6, 1990, and reported the Selectmen have taken the project under advisement.

The Conservation Commission stated the following concerns: there are no provisions to respect the 25' natural buffer, no restriction at the edge of pavement to protect potential cars from going over the edge of pavement into the brook or its' associated wetland, and the project's proximity to a sensitive brook.

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

9:08 REQUEST FOR DETERMINATION - 5 Main Street D-90-1 2/26/90

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the reconstruction of a leaching field.

Dave Peters, owner of the property, reported that he has sold the property and is closing on March 27, and part of the closing is that the leaching field is replaced.

The Administrator stated that the replacement leaching field is proposed at 85' from the edge of wetland. Grading will be done within 35-40' from the wetland. There will be haybales for silt prevention. The Board of Health has approved the plans, and they will start work as soon as all permits are attained.

9:14 Hearing no further comments, Mr. Sheehan closed the meeting.

Mr. Chalmers moved to find that the work as proposed is within the jurisdiction of the Conservation Commission but will not impact the wetlands.

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

DISCUSSION - 477 Great Road 75-215 C & D Glass

The Commission discussed the project and reviewed the following concerns: The Conservation Commission wasn't satisfied with the proposed drainage and detention structure as it applied to pollution abatement. Considering that this project is so close to a sensitive brook, the project is not consistent with the Commission's policy on the 25' natural buffer, there is no provision for any type of guardrail at the edge of pavement adjacent to the brook, and finally the work had been done prior to Conservation Commission approval, or any other town related permits being approved. The Selectmen require landscaping between paving and brook, this isn't shown on the plans.

Mr. Young moved to deny the Notice of Intent filed as submitted for C & D Glass at 477 Great Road, Acton for the following reasons:

1. All 3,223 S.F. of bituminous pavement in question was installed inside the 100' wetland buffer prior to filing a Request for Determination, or Notice of Intent with the Acton Conservation Commission. No other town related permits had been approved prior to construction.

2. The Acton Conservation Commission has implemented a 25' no build, natural buffer from the edge of wetlands. This project extends into this no build buffer, to within approximately six feet of the edge of wetlands and is therefore a violation of this 25' natural buffer policy.
3. This project is within Zone 3 of the Aquifer Protection Area. It is located adjacent to Will's Hole Brook, which flows into the Conant Well field area. Acton Conservation believes that this project, as constructed, will create a potential environmental hazard to the downstream well field.

9:45 Mr. Chalmers seconded the motion. The motion passed unanimously.

BUSINESS

Boy Scout Campout - Route 2 & Wetherbee Street

The Administrator reported that he has been contacted by the Boy Scouts who will holding their annual camp out at the Route 2/Wetherbee Street conservation land. People will arrive on April 17 to set up, and they will depart on April 22.

Cub Scout - Rocket Day

The Administrator also reported that the Cub Scouts wish to hold their annual rocket launching at the Route 2/School Street conservation area sometime in May.

Mr. Chalmers stated that the first part of May would be the best time, due to the growing season.

Bellows Farms

The Administrator reported that Conservation has an article on the warrant for April town meeting for the acceptance of the donated 118.7 acre of land from Bellows Farms. The land has already been deeded to the Town.

10:00 Meeting Adjourned.



Andrew Sheehan