

**CONSERVATION COMMISSION  
MINUTES FOR  
JULY 25, 1990**

**MEMBERS PRESENT:** Andrew Sheehan, Charlotte Timlege, Ann Shubert,  
Peter Shanahan, John Chalmers

**CONSERVATION ADMINISTRATOR:** Tom Tidman

**RECORDING SECRETARY:** Andrea MacKenzie

**VISITORS:** Louise & Fred Hryniewich, John E. Dunphy Jr., Pat & Dana  
Sawyer, Ken Carroll, Kenneth Carroll, Norma Wu, David Marshall

7:38 Mr. Sheehan called the meeting to order.

7:45 **CITIZEN'S CONCERNS**

Dana Sawyer of 127 Concord Road, reported that he suspects a significant sewerage dump into Nashoba Brook, or an upstream sewer treatment plant is malfunctioning. The smell at his house is so pungent, and came so quickly that it woke him up in the middle of the night. Where the water flows over the dam, there is a foam, and scum that he has never seen before. Mr. Sawyer has corresponded with the Board of Health, and the Board of Selectmen with no resolution as of yet. The Board of Health is conducting tests presently to find the origin and the smell is dissipating, but is still strong.

Mr. Sheehan stated that at this moment it is a Board of Health issue until the cause is found. If it turns out that it is pollution the Conservation Commission will then get involved.

The Conservation Commission took this report under advisement, and stated that they will investigate the Sawyer's issue with other town departments, and will take further action if it becomes necessary.

8:00 **NOTICE OF INTENT - 172 Newtown Road - 75-219/85-286**

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 new house and driveway within 100' of a wetland.

Jack Dunphy, of Acton Survey & Engineering, stated that the property is on the southwest corner of Newtown Road and Arlington Street. There is a brook running through the site that outflows from Grassy Pond. The closest point of activity would be fill for the driveway and garage that would need grading approximately 36' from the edge of wetland. The fill for the garage would be at a

1:5 slope. There is 135' of staked haybales proposed on the site. There will be no activity within the wetlands. The septic system is proposed in excess of 100' from the wetlands and the future expansion area for the septic is Board of Health approved but would be just under 100' from the edge of wetland.

8:10 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

#### NEW FILE FEE SCHEDULE

Mr. Sheehan reported that the Conservation Commission is proposing new fees to cover the cost of evaluating projects that come before this Commission. The new fees would be as follows:

Request for Determination - \$ 45.00  
Notice of Intent - State Fee X 20%  
Request for Extension - \$ 45.00

Mr. Chalmers moved to accept new fee schedule. Ann Shubert seconded the motion.

Ms. Dorothy Campbell interjected to state that she finds it disconcerting to pay fees to have staff make recommendations, and have boards and commissions make decisions based on these recommendations, when her tax dollars supposedly pay staff salary. She views it different for developers, and approves of the fees for developers, but didn't feel homeowners should be required to pay these fees.

Mr. Dana Sawyer stated that he finds the Notice of Intent fees appropriate, but thinks that a fee for a Request for Determination may deter filings and increase illegal work within wetlands.

Mr. Sheehan reported that many filings are coming through as Requests for Determination that are marginal, and should be processed as a Notice of Intent, therefore creating twice the time involved for staff to process and review. Also the local aid problem has brought the town to cut the Conservatin budget so much that the Administrator's salary is not fully covered.

Mr. Sheehan called for a vote for the motion on the table; the motion passed unanimously.

8:21 REQUEST FOR DETERMINATION - Stow & Martin Street Resurfacing  
D-90-16

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the resurfacing of Stow Street and Martin Street.

Ms. Dorothy Campbell, of 34 Robbins Street, stated that the Town of Acton has resurfaced the above noted streets, and in effect has created a slightly higher dam (Stow Street) thus backing up more water on the upstream side of Stow Street causing more spring time flooding for those residents living along Stow Street and Robbins Street. Ms. Campbell reported that the 25 year flood goes over

the 100 year flood line. In her opinion she feels that the Stow Street, and Martin Street pavement should be removed, and the area graded back down to the original topography in 1965. The town hasn't resurfaced the roads in 15 or 20 years, and no records exist that show the height of the road in 1965.

Mr. Shanahan stated that the flood back up is also caused by larger brooks downstream not being able to accommodate the flood. Mr. Sheehan stated that the road structure, rather than the height of pavement is the real cause of damming.

8:45 Hearing no further comments, Mr. Sheehan closed the meeting.

8:45 NOTICE OF INTENT - Wheeler Lane Dam Project - 75-217

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 under the Wetlands Protection Act, and the Town of Acton Bylaw for the repair of headwall of the Mill Pond.

Mr. Tidman, Conservation Administrator, reported that the dam (headwall) is located on Town Conservation Land. The headwall is eroding around the outfall structure and this erosion has continued at an accelerated rate for the past two spring high water periods creating a dangerous situation. If the repair is not done, the town could loose the dam. This dam is a cement superstructure that holds flash-boards. Mr. Tidman has received approval from the Army Corp. of Engineers, Board of Appeals, and the Department of Environmental Protection. The work will be done in-house, with some town funds, and \$500 donated by the Conservation Trust if approval is granted. The repair of the dam is designed so it will not raise the water level beyond the Carlisle Road culvert.

Ken A. Carroll, of 6 South Street, speaking on behalf of himself and his father Kenneth D. Carroll, 14 Carlisle Road, interjected to ask who will be responsible for the maintenance of the boards in the dam. In past years the previous owner of the dam would not pull the boards, and he claimed it would flood his and his fathers basement. Mr. Carroll admitted to breaking the boards of the dam in past years to try to prevent flooding. Mr. Tidman stated that the Conservation Commission will take responsibility for the placement and removal of boards.

David Abbt, Acton Town Engineer, explained that the reason that 14 Carlisle Road floods, is that the culvert at Carlisle Road upstream from the pond that backs up towards their house, and that this is the problem. The repair of this dam will not cause flooding. The design of the spillway in the dam will allow water to flow around the boards, and since the dam will not be built to its original stand, water will be allowed to go through the new spillway and over the boards at the same time. The repair of this dam will not elevate the present water level of Robbins Mill Pond, and will not impact upstream abutters.

Mr. Ken Carroll interjected to disagree with the statement that it will not impact upstream abutters.

Mr. Tidman reported that the illegal filling in the floodplain north of Carlisle Road is contributing greatly to the flood problem of Carlisle Road and South Street abutters.

Mr. Dana Sawyer, 127 Concord Road, reported that there is a clear responsibility of owning a dam, and he changes his boards five to six times a year.

9:18 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

9:24 REQUEST FOR DETERMINATION -Nagog Hill Conservation Area  
D-90-17

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for trail improvements.

Mr. Tidman, Conservation Administrator, reported that the bridge at Nagog Hill Conservation Area (off Nagog Hill Road), used by horses, and hikers has rotted. He proposes to have Eagle Scouts rebuild the boardwalk with a 30' tapered bridge with 12" x 12" pressure treated beams and 2" x 6" pressure treated decking. This proposed bridge will support a horse crossing. There is no excavation or fill involved with this bridge, and should not have an impact on the wetlands.

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

REQUEST FOR DETERMINATION -Pratt's Brook Conservation Area  
D-90-18

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Wetland Bylaw for Pratt's Brook Conservation Area trail improvements.

Mr. Tidman, Conservation Administrator, stated that on the trail on the conservation land off of High Street, once called the Averett Land, stated that the bridge / boardwalk has rotted. He proposes to have Eagle Scouts rebuild the 30' bridge with telephone pole beams. This proposed bridge will support horse crossing. There is no excavation or fill involved with this bridge, and should not have an impact on the wetlands. The Eagle Scout will also be removing some illegally dumped tires from the area.

9:32 Hearing no further comments or questions, Mr. Sheehan closed the meeting.

DECISION - NOTICE OF INTENT - 172 Newtown Road - 75-219/85-286

Mr. Chalmers moved to issue an Order of Conditions with the additional condition that a 25' buffer of natural vegetation will be maintained from the edge of wetlands.

Ms. Shubert seconded the motion. The motion passed unanimously.

DECISION - NOTICE OF INTENT - Wheeler Lane Dam - 75-217

Mr. Chalmers moved to issue a standard Order of Conditions for the plans filed for the Wheeler Lane Dam Project dated March, 1990. Ms. Shubert seconded the motion. The motion passed unanimously.

DECISION - REQUEST FOR DETERMINATION - Nagog Hill  
Conservation Area  
D-90-17

Mr. Chalmers moved to find the work as presented to be within the Commission's jurisdiction, but that it will not impact the wetlands.

Ms. Shubert seconded the motion. The motion passed unanimously.  
DECISION - REQUEST FOR DETERMINATION - Pratt's Brook  
Conservation Area  
D-90-18

Mr. Chalmers moved to find the work as presented to be within the Commission's jurisdiction, but that it will not impact the wetlands or the floodplain.

Charlotte Timlege seconded the motion. The motion passed unanimously.

DECISION - REQUEST FOR DETERMINATION - Stow & Martin  
Streets D-90-16

Mr. Chalmers moved to find the plans as presented to be within the Commission's jurisdiction, but that it will not impact the wetlands.

Ms. Shubert seconded the motion

The Commission held discussions.

Mr. Chalmers withdrew his motion.

Mr. Chalmers moved to find the work as described in the request is within an Area Subject to Protection Under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.

Ms. Shubert seconded the motion.

9:48 Meeting Adjourned.

  
Andrew Sheehan, Chairman

POSTED  
7/19

CONSERVATION COMMISSION  
AGENDA FOR  
JULY 25, 1990

7:30 7:30 7:30 7:30 7:30 7:30 7:30 7:30 7:30 7:30 7:30 7:30  
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7:30 CITIZEN'S CONCERNS

7:45 BUSINESS - FEE SCHEDULE

Request for Determination - \$ 45.00  
Notice of Intent - State Fee X 20%  
Request for Extension - \$ 45.00

WETLANDS PROTECTION

8:00 NOTICE OF INTENT - 172 Newtown Road - 75-219

New house and driveway construction within 100' of a wetland. The house is approximately 65' from the edge of wetlands, grading and landscaping will come within approximately 35' of the wetland.

8:15 REQUEST FOR DETERMINATION - Stow Street Resurfacing Project D-90-16

This request was filed by an abutter, who's contention is that by adding additional pavement to Stow Street, the Town in effect has created a slightly higher dam (Stow Street) thus backing up more water on the upstream side of Stow Street causing more spring flooding for those residents living along Stow Street and Robbins Street.

8:30 NOTICE OF INTENT - Wheeler Lane Dam Project - 75-217

Headwall of the Mill Pond is eroding around the outfall structure. Erosion has continued at an accelerated rate for the past two spring high water periods creating a dangerous situation. We have received Army Corp. of Engineers approval for the project, as well as Board of Appeals approval.

8:45 REQUEST FOR DETERMINATION - Nagog Hill Conservation Trail  
Improvements D-90-17

9:00 REQUEST FOR DETERMINATION - Pratt's Brook Conservation Trail  
Improvements D-90-18

Both sites require removal of rotted boardwalks to be replaced with bridges designed and constructed by Eagle Scouts. Not even the Grinch would deny these projects.

MINUTES

April 18  
May 2 & 16

June 6  
June 20 Enclosed within  
July 11 To be submitted