

**CONSERVATION COMMISSION
MINUTES FOR
SEPTEMBER 5, 1990**

MEMBERS PRESENT: Andrew Sheehan, Ann Shubert, Charlotte Timlege, Pam Resor, Peter Shanahan

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Harry Donahue, Julie McCarthy, Mary Parrella, Paula & Charles Tonielli, Aaron Apgar, Bob Pine, John Swallow, Tom Caruso

7:33 Mr. Sheehan called the meeting to order.

CITIZEN'S CONCERNS

There were no concerns presented.

CORRESPONDENCE

The Administrator reported that the Old North Bridge Hunt Club wishes to ride through the Town Forest from Westford again this year for their mock fox hunt. There will be 20 riders and 10 hounds. They wish to ride on September 29 and October 16, 1990 from 10:00 A.M. to Noon.

The Commission suggested that the hunt club post the entrances of the Town Forest stating the days and times that this ride will occur. Staff will send a letter granting the permission with the contingency.

Ms. Resor moved to approve the use of the Town Forest on the days requested. Ms. Shubert seconded the motion. The motion passed unanimously.

LETTER - Pat Condon

The Administrator reported that he had received a letter complaining that the Nashoba Brook Conservation Area at the end of Wheeler Lane has been maintained and cleared too much, and is detrimental to the wildlife in the area. The Administrator reminded the Commission that this year in particular, he has kept the Wheeler Lane field open as a place to store materials this fall, as the Commission has already approved the Wheeler Lane Dam project.

The Commission suggested the Administrator send a letter in explanation.

BUSINESS**RULES & REGULATIONS - Wetlands Bylaw - Approval**

The Commission reviewed and discussed the final draft of the Rules & Regulations before them. An area of discussion was the setbacks in Section 3.2 of the proposed Bylaw Rules and Regulations.

Members of the public also commented on the Rules & Regulations as proposed by the Conservation Commission.

Mr. Sheehan, Chairman, reported that these proposed Rules & Regulations were reviewed and found acceptable by Town Counsel.

Mr. Sheehan tabled the discussion, as there is other business to attend to.

REVIEW - 77 Hosmer Street - Concord Auto Auction Review

Bob Pine, of Pine & Swallow, summarized to the Commission the proposed Notice of Intent to remove waste oil in the ground identified adjacent to Clearview Pond and Coles Brook. They propose to remove the contaminated soil, stabilize the area, and clean the soils with bioremediation outside of any 100' buffer zone on the site.

The Commission stated concerns to be addressed at the hearing on September 19, 1990; control of floating oils during the work proposed, and details on the bioremediation to be done on site.

8:19 NOTICE OF INTENT - North Acton Woods Development - Septic

Before opening the hearing, Mr. Sheehan inquired about the notification to abutters, noting that indeed some abutters were notified, although through research the abutters list is incomplete. Mr. Sheehan noted that the list was not obtained and certified through the Assessors office in Town Hall, as required in the Bylaw.

Mr. Ian Ruben, Engineer, reported that Mark Gallagher and Chip Agule were not present, and they are the only two people who can answer this question.

Mr. Sheehan would not open the hearing due to improper abutter notification.

Mr. Ruben requested that he at least be able to discuss the cleaning of the quarry, which was another hearing scheduled for this evening, to try to address any questions of the abutters present.

The Commission agreed to hold discussions regarding the cleaning of the quarry, and the septic system as proposed.

Mr. Ruben stated that the proposal for cleaning the quarry is to pump the water out far enough to see to the bottom, and start hauling the debris out as possible by hand, and then if necessary with equipment. Mr. Ruben estimated that water at the bottom of the quarry to be approximately eight feet deep.

An abutter present interjected to report that he believes the quarry to be closer to 20' deep, as he had seen the quarry before it was filled up with debris.

After discussions, the Administrator informed Mr. Ruben the Commission needs to know: (1) the correct deed reference for the land in question; (2) proof that the property owner and applicant for this project are under some agreement; (3) a certified abutters list from the Assessors office; and (4) more explicit details on the quarry cleaning.

Ms. Resor suggested that the applicant put in the full treatment plant with the first phase, thus minimizing any concern on the septic system 10' above bed rock.

9:02

CONTINUATION - REQUEST FOR DETERMINATION - 51 Harris Street

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the construction of a sewage disposal system and some grading within 100' of a wetland.

Mr. Harry Donahue stated that the proposal is a four bedroom house, and a small corner of the house will be within 100' of the wetlands. The septic tank and pump is 87' away from the wetland, but the effluent will be pumped to a leaching field. The main lines to the leaching field are 67' away from the wetland, and 225' long. There is only light grading proposed within the wetland buffer zone.

9:09

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

9:10

Peter Shanahan excused himself from the hearing table.

9:13

REQUEST FOR DETERMINATION - 128 Nonset Path

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a deck approximately 85' from the edge of wetland.

Mr. Peter Shanahan stated that the proposed deck is for his single family home. He proposes to support the deck with sono tubes, and the excavated materials from the sono tube holes will be used for landscaping in the front yard, and the excess will be spread under the deck to level the ground out, as he proposes to use the area under for storage of garden materials.

9:19 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

Mr. Chalmers moved to find the work as presented to be within the Commission's jurisdiction, but will not impact the wetlands. Ms. Timlege seconded the motion. The motion passed unanimously.

9:20 **REQUEST FOR DETERMINATION** - 14 Central Street

Mr. Sheehan reopened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for construction of a garage with landscaping at the base of the driveway and behind the house.

The Administrator reported that at the last meeting, the applicant was unclear of the work within 100' buffer zone. The Administrator inspected the site, and identified the wetlands, and found that the granite headwall, garage, and deck are all outside the 100' buffer.

9:22 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

Ms. Resor moved to find that the area described in the request is not an Area Subject to Protection Under the Act. Mr. Chalmers seconded the motion. The motion passed unanimously.

CERTIFICATE OF COMPLIANCE - 102 Windsor Avenue - McLennon

The Administrator reported that the owner of 102 Windsor Avenue has completed the stabilization of the wetlands on his property, and the work has been completed to his satisfaction.

Mr. Chalmers moved to issue a Certificate of Compliance for 102 Windsor Avenue. Ms. Timlege seconded the motion. The motion passed unanimously.

DECISION - 51 Harris Street Request for Determination

Mr. Chalmers moved to find the work as proposed to be within the Commission's jurisdiction, but will not impact the wetland. Ms. Shubert seconded the motion. The motion passed unanimously.

BUSINESS

The Administrator reported to the Commission that Mr. Ollie Capizzi wants to donate a 20' cork tree and a 10' yellowwood to the Arboretum. He also stated that he is willing to donate the use of his tree spade when needed at the Arboretum.

MINUTES

Staff distributed minutes for August 1 and 15. It was noted by staff that a mathematical error was found on page one in the minutes of June 20, 1990, previously approved by the Commission.

Ms. Resor moved to accept the amendment to the minutes of June 20, 1990, page one regarding North Acton Woods Development. Mr. Chalmers seconded the motion. The motion passed unanimously.

BUSINESS**MOTION TO ACCEPT - RULES & REGULATIONS for the Wetlands Protection Bylaw**

The Commission discussed agreed on changes regarding the section 3.2 Wetland Setbacks for New Construction, and minor housekeeping corrections to the proposed Rules & Regulations.

Mr. John Chalmers moved to accept the Wetland Protection Bylaw Rules & Regulations as proposed and amended.

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

9:53

Meeting Adjourned.



Andrew Sheehan, Chair