



CONSERVATION COMMISSION  
472 MAIN STREET  
ACTON, MASSACHUSETTS 01720  
(508) 264-9631

MINUTES FOR  
FEBRUARY 1, 1989

MEMBERS PRESENT: Carol Place, Andrew Sheehan, Ken Dow, John Chalmers

ASSOCIATE MEMBER: Sandra Mika

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Kenneth Sanderson, Dan Danke, Lee Dearborn, Cynthia Harvey,  
Cathy Pedevillano

8:00 Ms. Place called the meeting to order.

CITIZEN'S CONCERNS

Spring Hill Conservation Land - Cynthia Harvey

Mrs. Harvey stated that she owns two lots that abut each other: Lot 3 Spring Hill Road, and Lot 6 Duston Lane on which she plans to build a house. The Town has a 50' right of way easement off of Spring Hill Road as an alternate access point to Spring Hill Conservation Land. Mrs. Harvey stated that this easement is not indicated on her deed, so there is a question in her mind if the easement is a 'legal' easement for the Town. Mrs. Harvey stated that she wants to swap a piece of her land connected to the Town's easement (giving the town a wider easement), for a corner piece of the Spring Hill Conservation Land giving her more room to align the house and driveway. Mrs. Harvey is willing to absorb all legal fees and surveying costs for this proposed land swap.

The Commission stated that they would discuss this further, and she could contact the office for their decision.

MINUTES

The Commission approved and signed the minutes for November 2, November 16, December 7, December 15; the minutes for January 4 were approved as amended. The minutes for January 18 will be held for comment.

## CORRESPONDENCE

The Commission reviewed correspondence received. The Administrator informed the Commission of a Comprehensive Permit Joint Work Session with other Town Boards on February 9 at 7:30 P.M. in Hearing Room 204, and Conservation Commission members are encouraged to attend.

## VOLUNTEER RECEPTION

Ms. Place reported that she has received an invitation extended to all volunteers of the Town by the Volunteer Coordinating Committee, for a Volunteer Reception scheduled for March 12, 1989, from 2:00 to 5:00 P.M.

8:20 EAGLE SCOUT UPDATE

The Administrator reported that he had an Eagle Scout signed up for the construction of a boardwalk in the Arboretum. The Administrator has started the paperwork for the Notice of Intent that is required. The Eagle Scout started the work on the weekend of January 28th, with a troop of Boy Scouts and finished the whole thing in one weekend, which was not expected, therefore causing a wetland violation through our office. The Commission will be holding a public hearing for this project at a later date.

## WILDLIFE ENHANCEMENT - NAGOG POND

The Administrator reported that with the permission of the Concord Water District, the Municipal Properties Department and the Administrator have completed the construction of an Osprey nest on Nagog Pond in hopes to bring the Osprey back to this area.

## ARBORETUM - Tree Clearing

The Administrator reported that at the last Arboretum Committee meeting, Mr. Charter, Acton's Tree Warden, stated that the two willow trees next to the pond at the Arboretum are hazardous trees and need to be removed. A member of the Committee stated that a Notice of Intent will be required because it could possibly alter the nature of that wetland resource by a reduction of shade.

The Commission felt that a Request for Determination would be a sufficient filing for a project of this magnitude.

8:30 REQUEST FOR DETERMINATION - Amtrak RR D-89-1

Ms. Place opened the meeting under MGL Chapter 131, Section 40 of the Wetland Protection Act, and the Town of Acton Bylaws for vegetation management along the railroad right of way.

Cathy Pedevillano, of Sandford Ecological Systems, stated that the wetland delineation has been completed in cooperation with the Conservation Administrator, the Municipal Properties Director, and Amtrak. The State has not yet approved a chemical for the railroad vegetative maintenance program. The Commission will be notified 21 days prior to spraying, which will be done according to the plans submitted, indicating limited spray and no spray areas.

Upon query by the Commission, Ms. Pedevillano stated that the Commission could request a notice stating the approved type of herbicide through the Food and Drug Administration.

Hearing no further comment, Ms. Place closed the hearing.

Mr. Dow moved to accept the delineation of wetlands, and find that the spray and no spray areas along the track will not alter the wetlands. Mr. Sheehan seconded the motion. The motion passed unanimously.

#### ARBORETUM COMMITTEE

Ms. Place reported that the Arboretum Committee will give a slide-show presentation to the Selectmen on February 21. This is being done in an effort to have the Selectmen support the Commission in carrying the remaining funds, of Article 41 4/86 Acton Center Land Improvement: Balance \$4217.19, over for another year. The Arboretum Committee wishes to spend the money wisely, rather than hastily before the article expires. Conservation Commission members are encouraged to attend.

#### DOUGLAS SCHOOL

The Administrator and Ms. Place reported that the above noted school is interested in the possibility of creating a boardwalk with teaching stations in the wetlands between the Douglas and Gates schools. The Commission discussed the pros and cons of this activity. Ms. Place and the Administrator are scheduled to meet with the school on February 2, 1989 to discuss the issue further.

#### VIOLATION - HAYWARD/ARLINGTON STREET

Mr. Dow reported that the pond on the corner of Hayward Road and Arlington Street has been clear cut, down to the edge of water without a filing under the Act.

The Administrator reported that Ed Bennet, owner of the parcel of land, is planning on dredging the pond in the spring and intends on filing a Notice of Intent for the work.

The Commission requested the Administrator to send a letter to Mr. Bennet stating that the Commission is disturbed and concerned about the work done, that he is in violation of the Act, and he is required to immediately file under the Act for the brush clearing already completed.

#### STONEYMEADE DEVELOPMENT - Definitive Plan

The Administrator reported that the Planning Board is reviewing the definitive plan for the noted subdivision, but will not sign until the open space requirement is made clear to the Conservation Commission. The developer is offering Lot 40 (in the center of subdivision) to the Commission, shown on Stoneymeade Development Plans Revised January 3, 1989, signed and stamped by Charles A. Perkins.

Based upon the developer's decision, the Commission has made the following choices in order of preference:

- i. The Commission's first choice is still Lot 8, an exterior lot, with a high percentage of on-site wetlands.
- ii. Second choice would be Lot 40-A, the site where the package treatment plant would have been constructed.
- iii. The Commission will accept Lot "C", if the Common Land "C" easement, can be moved from the south side of Lot 1, to the north side of Lot 1. This would allow for direct access to the Common Land A, B, D, and E through the proposed utility easement between Lot 13 and 14.

Conservation will ask that whichever lot is chosen as the parking area, be cleared by the developer, and a gravel parking area to facilitate six to eight vehicles be constructed.

Mr. Dow moved to submit the statements as noted above to the Planning Board. Mr. Sheehan seconded the motion. The motion passed unanimously.

9:30 The Commission will hold opening the public hearing for 38 Great Road to give a representative for the project more time to show up.

Spring Hill Conservation Land Swap - Cynthia Harvey

The Commission discussed the proposition, its advantages and disadvantages. The Commission recalled Mrs. Harvey's statement of the easement not being indicated on her deed.

Based on the findings in researching the property deed and easement, the Commission will discuss this further at the February 15, 1989 meeting.

Mr. Sheehan moved to assume that the easement off of Spring Hill Road is a legal easement, the Commission finds that the land swap is not in the best interest of the Town. Mr. Chalmers seconded the motion. The Motion passed with 1 nay; 3 aye.

9:40 REQUEST FOR DETERMINATION - 38 Great Road - Mail Coach D-89-2

Ms. Place opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act and the Town of Acton Bylaws for an 18' X 40' addition to an existing building.

With no representative present the Administrator presented the plans for the noted project. The closest distance of the proposed addition to the edge of wetland is 76', silt prevention devices are in place now. There is no requirement by the Board of Health for septic expansion.

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

CERTIFICATES OF COMPLIANCE

Breezy Point Road 85-208 / 75-124

The Administrator reported that the Commission has been requested to issue a Certificate of Compliance for Breezy Point Road (DEQE 85-208), he has inspected the site, the work has been done according to plan and it is stable.

Lots 8, 9, 10 Breezy Point Road 85-209 / 75-125

The Administrator also reported that the above noted lots are completed according to plan and are stable.

Duston Lane 85-204 / 75-118

The Administrator reported that the Commission has released Duston Lane with a Certificate of Compliance on November 4, 1987, but due to an error in dates on the original Certificate, the attorney for C.J.P. Realestate Trust has requested the Commission to re-issue a Certificate so it can be recorded with the Registry of Deeds.

Mr. Dow moved to issue a Certificates of Compliance for the above referenced projects as presented by the Administrator. Mr. Sheehan seconded the motion. The motion passed unanimously.

10:30 Meeting Adjourned.

Carol Place  
Carol Place, Chairperson