

**CONSERVATION COMMISSION  
AGENDA  
JANUARY 4, 2006**

7:15 Selectman Magee – select new Open Space Committee / Concom Rep

7:30 Notice of Intent - 35 Robbins Street – Carol Jensen.  
Septic replacement - Raggs, Inc.

7:40 Request for Determination - 6 Hatch Road – Alfonso DeRe  
Septic replacement - Acton Survey & Engineering

8:00 Preliminary Review – Acton Indoor Sports - Ropes Course

Extension Permit – 531 – 537 Mass Ave / 3 Spruce Street 85-847

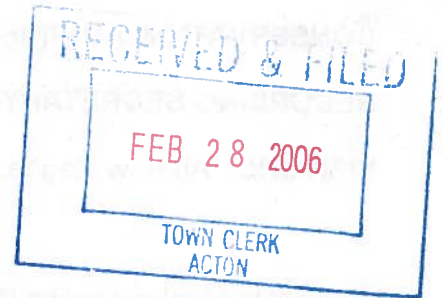
Certificates of Compliance

- 2 Spring Hill Road 85-687
- 136 Main Street 85-821
- 81 Parker Street (Lot 1B-1) 85-901

Status Report - Powdermill Road Dam — Cond#3

MINUTES

November 16	"	"	"	ADM, JA, CL, TM
November 30	"	"	"	CL, JA, TM
December 7	"	"	"	CL, JA



**CONSERVATION COMMISSION  
MINUTES  
JANUARY 4, 2006**

**MEMBERS PRESENT:** Julia Miles, Mike Eder, Janet Adachi, Bill Froberg, Cheryl Lowe, Terry Maitland

**CONSERVATION ADMINISTRATOR:** Tom Tidman

**RECORDING SECRETARY:** Andrea Ristine

**VISITORS:** Andrew Magee, Mark Donohoe, Curt Plante, Michael Coates

7:20 Mr. Maitland called the meeting to order.

7:21 Open Space Committee & Community Preservation Committee - Conservation Commission Representative

Selectman Andrew Magee noted that as a member of the Conservation Commission (until his election as Selectmen and resignation from the Commission in December) he represented the Commission on both the Open Space Committee (OSC) and the Community Preservation Committee (CPC). Mr. Magee has served on the CPC for three years and suggested that he remain the Commission's representative until the current budgeting cycle is complete after the 2006 Annual Town Meeting. At that point one of the current Commissioners should be appointed to succeed Mr. Magee as the Commission's representative on the CPC.

Mr. Magee stated that a more immediate task for the Commission will be selecting his successor on the OSC. Mr. Magee will continue to serve on the OSC, but as the representative from the Board of Selectmen.

Upon query by Mr. Maitland, Mr. Magee described the obligations to the OSC including the preparation of the Open Space and Recreation Plan every five years. Mr. Magee also noted that the OSC is a subcommittee of the Conservation Commission appointed by the Board of Selectmen.

Mr. Maitland deferred this discussion until the later in the meeting.

7:32 Notice of Intent - 35 Robbins Street – Carol Jensen - Raggs, Inc.

Noreen Piazza presented plans for the replacement of the existing sewage disposal system. This is a standard replacement system, in kind, for the existing three bedroom house. The proposed leaching field will be 54' from the edge of wetlands. Ms. Piazza noted that the Board of Health has issued a permit for this replacement system. Haybales will be provided as siltation prevention.

Upon query by the Commission, Mr. Tidman reported that he confirmed the wetland line on this site.

Upon query by Mr. Eder, Ms. Piazza stated that, although she is not the engineer, the location of the replacement system was probably chosen due to ledge on other portions of the lot.

Curt Plante from Raggs, Inc. reported that he is the contractor that will install the replacement system. He noted that the grade of elevation on other portions of the lot would create the need

for a larger breakout area which would require a fill easement on the abutting property. In looking at the plans Mr. Plante stated that he feels the proposed location for the leaching field was the least intrusive for this site.

David and Diane Scheuer from 3 Heron View residents expressed concern regarding the proposed distance of the leaching field from wetlands. Mr. Maitland noted that since the design meets the standard requirements under Title 5, and has been approved by the Board of Health the proposed leaching field should not have an effect on any abutting wetlands.

Mr. Tidman agreed, noting that the proposed replacement system is designed so that there will be no "breakout" and should be no impact to wetlands adjacent to this site.

Owner Carol Jensen stated that during the original house construction in 1974, the septic system could not be located on the back portion of the lot.

7:47 Hearing no further questions, Mr. Maitland closed the hearing.

#### Decision – 35 Robbins Street

Ms. Miles moved that the Commission issue a standard Order of Conditions for the plans as presented under the Wetlands Protection Act. Ms. Lowe 2<sup>nd</sup>.

Upon query by Ms. Miles, Mr. Plante stated that excavated materials will be hauled from the site as it is excavated and will not be stockpiled.

Motion passed unanimously.

7:50 Request for Determination - 6 Hatch Road – Alfonso DiRe

Mark Donohoe from Acton Survey & Engineering presented plans for the replacement of an existing sewage disposal system. The applicant has received a permit from the Board of Health; the system meets Title 5 standards. The groundwater elevation on this site is 23" below the soil surface. The replacement system is located as proposed due to slow percolation rates. Haybales are proposed as siltation prevention.

Upon query by Mr. Maitland, Mr. Donohoe stated that he chose to file a Request for Determination (RDA) since this repair is less than 5000 s.f. of disturbance within an area of existing lawn (previously altered area) and meets state guidelines.

Ms. Miles expressed concern regarding the fill and grading being closer than 50' from the edge of wetlands. Mr. Tidman noted that the leaching field is 50' from the edge of wetlands but the grading is closer.

Mr. Eder noted that if Mr. Donohoe is claiming that the Act allows this activity under an RDA filing he should include the section number and language with the filing information.

Upon query by Ms. Lowe, Mr. Donohoe reported that there are no specific requirements for planting the vegetative slope after installation but they plan on seeding the disturbed areas with a meadow grass on the 3:1 slope and then allow it to naturalize. Ms. Lowe suggested that the applicant plant more beneficial vegetative species.

Mr. Maitland stated that he would be more comfortable with this proposal if it were filed as an NOI due to the short distance of the proposed activity from the wetlands. Mr. Donohoe stated that he would be willing to withdraw and refile the project as an NOI.

Upon query by Mr. Maitland, Mr. Donohoe reported that he has had filed similar projects approved in other towns as RDAs.

Upon query by Mr. Tidman, Mr. Donohoe stated that he would be willing to provide a planting plan that would tie into the adjacent wetlands.

Mr. Donohoe officially withdrew the RDA filing for 6 Hatch Road.

8:11 Preliminary Review – 30 Great Road - Acton Indoor Sports

Tom McGloughlin reported that Acton Indoor Sports wishes to install a climbing tower and ropes course on an existing grass field within the wetlands buffer zone.

Members of the Commission noted that this is a commercial site within a riverfront area. Mr. Tidman noted that the Commission will need to define what part of the proposal is considered a "structure" as structures within the setbacks mandated under the Bylaw will be a challenge for the applicant.

Mr. Tidman noted that the applicant should identify all existing non-complying structures on the site. Mr. Eder noted that when the applicant does file, they will have to submit a written request for a waiver under the Bylaw and explain why the proposed project will not have a negative impact on the wetlands.

Ms. Lowe stated that the construction materials used will need to be detailed in the filing. Mr. Eder stated that the applicant will have to show no impact to existing wetlands and request a waiver for public benefit.

Status Report - Powdermill Road Dam — Condition #3

Mike Coates gave an historic overview of the project noting that no construction activity has started due to the time consuming FERC permitting process. He wishes to extend the timetable by one year from the original timetable stated in the NOI filing. He must continue to keep Ripp Pond drawn down; the un-repaired dam will remain stable as long as the pond remains low. Upon query by the Commission, Mr. Coates reported that the vegetation in the area exposed due to the draw-down is mostly purple loosestrife.

Mr. Tidman noted that the draw-down has created mud flats that Sandpipers and Egrets are using. Mr. Coates stated that he has noticed that the bird life is more active with the prolonged draw-down of the pond elevation.

Mr. Tidman noted that the biggest concern at this time is the resident complaints from Old High Street regarding the odor. Mr. Coates agreed that as the pond receded during the warmest time of year the smell was unpleasant for several weeks but wouldn't call it overwhelming but it was not pleasant. During the spring of 2005 there were a few days of unpleasant smell but after that the smell was not noticeable to him; the smell during the summer of 2005 was not as bad as 2004.

Mr. Coates noted that abutter Vic Tomyl is a genuine concerned citizen and there is a woman who lives at the base of the pond that complains about the odor.

Upon query by Mr. Eder, Mr. Coates stated that he feels that the permitting process for this project has taken longer than anticipated due to the proposed improvements in addition to the repair. He also had to provide an additional report supporting the design and 19 agencies had to review and comment on the report.

Upon query by Mr. Maitland, Mr. Coates reported that FERC in New York has approved the plan proposal and the office in Washington D.C. is in the process of reviewing the plans. Mr. Coates stated that he expects the specifications will be submitted in January 2006 and anticipates an answer within 30 days from the date of receipt. Then he will have to submit the project to the quality control inspection program for environmental and safety programs.

Mr. Maitland stated that the Commission will provide a letter recognizing the amended timetable for the dam repair.

Upon query by Mr. Froberg, Mr. Coates stated that the odor from the mud flat area is probably from organic matter; there are five sewer plants upstream from these mud flats which may have promoted the quantity of organic matter in the sediments of these flats. Mr. Coates also noted that this area also smelled during the drought of 2000 when the pond elevation was very low.

Extension Permit – 531 – 537 Mass Ave / 3 Spruce Street 85-847

The Commission deferred voting on the extension request until a representative can come before the Commission to explain why work regarding this OOC has not commenced.

Certificates of Compliance

- 2 Spring Hill Road - 85-687 – Mr. Tidman reported that the work is complete. Mr. Eder moved that the Commission issue a Certificate as recommended by the Administrator. Ms. Adachi 2<sup>nd</sup>; unanimous.
- 136 Main Street - 85-821 – Mr. Tidman reported that the work is complete. Mr. Eder moved that the Commission issue a Certificate as recommended by the Administrator. Ms. Adachi 2<sup>nd</sup>; unanimous.
- 81 Parker Street (Lot 1B-1) - 85-901 – Mr. Tidman reported that the work is complete. Mr. Eder moved that the Commission issue a Certificate as recommended by the Administrator. Ms. Adachi 2<sup>nd</sup>; unanimous.

---

MINUTES

Ms. Miles moved that the Commission accept the minutes for November 16, November 30 and December 7, 2005. Ms. Lowe 2<sup>nd</sup>; unanimous.

93 Taylor Road

Mr. Tidman reported that the applicant didn't ask for an extension for this site since it was under litigation and OOC has expired. The decision has been under appeal by an abutter at a different level since its issuance by the Commission. Mr. Tidman distributed information provided by Anderson Krieger regarding this issue (see file).

Open Space Committee & Community Preservation Committee - Conservation Commission Representative

The Commission deferred the decision to appoint a Conservation Commission representative to the two boards as discussed with Mr. Magee.

9:10 Meeting adjourned.



Terrence Maitland  
Chair

AHR.concom.minutes.2009.010406

