

FILE COPY



CONSERVATION COMMISSION
MINUTES FOR
OCTOBER 2, 1991

MEMBERS PRESENT: Andrew Sheehan, John Chalmers, Ann Shubert, Pete Shanahan, Morene Bodner, William Hill (7:45)

ASSOCIATE MEMBER: Linda MacElroy

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Neal Grolnic, Ian Rubin, Dixon Wood, Kay Tohline, Helen Sheth, Jim & Marian Wallie, John Pentino & Al Bill (Rex Lumber), Mit Wanzer, A. Ledyard Smith, Jr.

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

MINUTES

Mr. Chalmers moved to accept the minutes of June 5, June 19, July 24, August 7, and August 21, 1991. Ms. Bodner seconded the motion. The motion passed unanimously.

7:43 Request to Re-open - Lot 6 Haley Lane

Bruce Stamski, of Stamski & McNary, requested the Commission re-open the hearing for Lot 6 Haley Lane on the basis that clarified information for erosion control is being made available.

Mr. Shanahan moved to re-open the hearing for Lot 6 Haley Lane as the applicant has new information to provide the Commission. Mr. Hill seconded the motion. The motion passed unanimously.

Mr. Stamski reviewed the original plan showing the now existing driveway as a slope cut (shelf) with a star pack (stone dust) surface. The applicant will place haybales on the site and hydroseed the driveway shoulders. The new information being provided is a proposed swale on the downgradient side of the driveway to prevent any possible erosion into the river. Any excavated materials from the creation of the swale not used on the site will be hauled off site.

7:58 Hearing no further information or comments, Mr. Sheehan closed the hearing.

8:00 **NOTICE OF INTENT** - Lot 14 Stoneymeade Way 9/23/91

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 single family house within 100' of a wetland.

Mr. Ian Rubin, of Lancewood Engineering, presented plans showing the house within the 100' buffer zone, and is approximately 43 feet from the edge of wetland at its closest point. The proposed driveway will be on ledge existing on the site. Fill will be required for the proposed septic system, all outside the 100' buffer zone. The Board of Health has approved the septic system.

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

Mr. Shanahan moved to issue a standard Order of Conditions for Lot 14 Stoneymeade Way. Ms. Bodner seconded the motion. The motion passed 5:1.

8:17

REQUEST FOR DETERMINATION - 4 Meadowbrook Road

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the installation of a shed within 100' of a wetland.

Mrs. Helen Sheth, owner of 4 Meadowbrook, presented a plot plan showing existing conditions of the parcel, and the location of the proposed shed. The shed will be 10' X 10' placed on sono-tubes. The shed is shown to be approximately 25' from the edge of wetlands within existing maintained lawn.

8:25

Hearing no further information, Mr. Sheehan closed the meeting.

DECISION - NOI - Lot 6 Haley Lane

The Commission discussed the site, and the new provision of a swale to prevent erosion from the (driveway) hill cut into the river.

Mr. Shanahan moved to issue an Order of Conditions, with the additional condition that if any material accumulates in the swale as a result of site construction it is to be removed. The swale will be loamed and seeded. Should the swale wash out at anytime after construction, it must be replaced and stabilized.

8:37

NOTICE OF INTENT - North Acton Recreation Area - Quarry Road

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the excavation of a 7.4 acre pond encompassing several isolated wetland areas created during gravel removal operations in the past.

Mr. Bruce Stamski, of the Acton Recreation Commission, presented plans for the recreation pond on a 40 acre site adjacent to the Town Forest. He noted that this project has been four years in the works for a feasibility study. Pine & Swallow was hired for a geohydrological study, and produced a report concluding that this proposal is appropriate for a groundwater pond. Also 120 acres of surrounding land drains to this area further helping the water

recharge in the proposed pond. The proposed pond would be 7.5 to 10 acres of surface water, and 8' to 11' deep depending on the time of year. According to the Pine & Swallow study, the pond would recharge its waterbody approximately four times per year. The pond area is fixed, but the other proposed recreational areas may vary. The site is an abandoned gravel pit operation presently used by the town to dispose of leaves, gravel, and loam.

The wetlands on the site are as follows: 1.) the largest gravel pit is approximatley 30,000 s.f.; 2.) a smaller area north of the great pits is also an isolated wetland subject to flooding not protected by the State, but is protected by the Town Bylaw. This wetland will remain as it exists, but it will be connected to the pond with an overflow ditch from the proposed pond; 3.) also isolated; 4. & 5.) are two small pockets being 600 and 4700 s.f.; 6.) several small ditches excavated to bedrock with some wetland species existing. All noted wetlands excluding #2 will be encompassed by the pond when excavated. He feels that this proposal will enhance and improve the existing wetland resources on the site by creating a bigger resource and duplicating the wetlands species that exist around the proposed pond border. Except for where the beach will be created, the proposed pond will have stone riprap edges, with wetland species planted.

Mr. Stamski stated that the Acton Zoning Board of Appeals has granted a variance to allow the excavation of the pond, and the Water District has accepted the proposal. He feels that this proposal falls under Section 10.53(4) as a basic limited project exemption, and stated that "this will improve the natural capacity of resource area", and will encourage wildlife.

Mr. Stamski reported that he still has to address the Army Corp. of Engineers, attain a Water Quality Certificate from D.E.P., address site plan issues, and send the gravel removal contract out to bid.

9:47 Hearing no further information, Mr. Sheehan closed the hearing.

9:48 NOTICE OF INTENT - A & D Hyro - Assabet River - 305 High Street

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the dredging of a section of the Assabet River below the dam structure.

Mit Wanzer, from A & D Hydro stated that the owner of the hydroelectric plant is proposing to dredge approximately 330 cubic yards of material from in front of the dam structure, creating a one to two foot deeper river channel. By increasing the water depth more water will be forced through the turbines at a higher force, hence generating more power. From tests done, the area to be dredged is mostly gravel. Soil sediment testing has been done in the area to be dredged and no toxics were found. The dredging will be done by a track mounted back-hoe accessing the river

from the bank. They will need the abutting land owners permission to access the area and no problems are foreseen. The water level of the pond will be dropped approximately 1"-2" during dredging, but the water flow downstream will continue. The Army Corp. of Engineers had no comments on the proposal.

9:20

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

Mr. Chalmers moved to issue an Order of Conditions with the Additional conditions that the excavated materials must be removed from the site, and not stockpiled within 100' of the resource; and the area of work must be stabilized.

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

DECISION - Request for Determination - 4 Meadowbrook

Mr. Chalmers moved to find the work as proposed to be within the Commission's jurisdiction, but will not impact the wetlands providing that the proposed shed is moved at least 40' from the edge of wetlands; and that the applicant will notify the Administrator to inspect the marked location of the shed prior to construction.

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

DECISION - NOI - North Acton Recreation Area

Mr. Chalmers moved to table the decision until the next meeting.

Mr. Shanahan moved to issue an Order of Conditions, with the additional conditions that the Conservation Commission requires a natural diversification of the shoreline at depths subject to the Conservation Administrator's approval; and all graded areas must be stabilized.

Ms. Shubert seconded the motion. The motion passed 5:1.

DECISION - 163 Pope Road (Lot 4B) - Cooperative Bank of Concord

On September 18, 1991 the Commission voted to deny the Notice of Intent filed for 163 Pope Road and held the decision until this date to research all information.

The Commission denied the project for the following reasons:

1. The applicant failed to explore previously, or currently available alternative access points according to 10.53.3(e) of the Wetlands Protection Act, and Wetlands Program Policy 88-2.
2. The wetlands replication plan is not acceptable under the Town Bylaw and Rules & Regulations Section 4.2(e).
3. The applicant did not satisfy burden of proof according to 10.03(1) of the Wetlands Protection Act.

11:15

Meeting Adjourned.


Andrew Sheehan, Chairman

CONSERVATION COMMISSION
AGENDA
OCTOBER 2, 1991

***** ROOM 204 *****

7:30 CITIZEN'S CONCERNS
WETLANDS PROTECTION

8:00 NOTICE OF INTENT - Lot 14 Stoneymeade Way 9/23/91
Meets 40' setback requirement. Plan does not show landscaping - Commission should make clear that a 25' natural buffer is to remain.

8:15 REQUEST FOR DETERMINATION - 4 Meadowbrook Road 9/19/91
Applicant wishes to install a 10' x 10' storage shed on her back lawn. My site inspection puts the shed at approximately 36' from the edge of wetlands. The shed will be set on sono-tubes.

8:30 NOTICE OF INTENT - North Acton Recreation Area 9/12/91
The Town proposes to excavate an 7.4 acre pond in North Acton and develop a swimming area/recreation facility. The pond will encompass several isolated wetland areas created during gravel removal years ago.

9:00 NOTICE OF INTENT - A & D Hydro, Inc. / Assabet River 9/17/91
The hydro electric plant on the Assabet River at old High Street, Acton. The project will involve dredging a section of the Assabet River below the dam structure. (See attached)

MINUTES
June 5 & 19
July 24
August 7 & 21
September 4
September 18 to be submitted

CORRESPONDENCE
Wetlands Policy 88-2 RE: The recent Stoneymeade Denial