

CONSERVATION COMMISSION
MINUTES FOR
NOVEMBER 20, 1991



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

ASSOCIATE MEMBER: Linda McElroy, Charles Carlson

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Lisa Bergerman, Steven Calichman, Mary Lee Swartz, Ken Hoadley, Jane Link, Bayard Peabody, Mike Puschak

7:35 Mr. Sheehan called the meeting to order.

EAGLE SCOUT PROJECT - Mike Puschak

Mike presented his completed project to the Commission which involved constructing a 60' long handicapped accessible trail section leading to a handicapped turn-around area, and decking on the bridge near the pond, at the Acton Arboretum.

7:41 **REQUEST TO RECONSIDER - Notice of Intent - 163 Pope Road**

Mr. Sheehan stated that the Cooperative Bank of Concord has requested the Conservation Commission to reconsider their decision for 163 Pope Road which was closed 9/18/91. The reason is to have the Commission reconsider their decision, and hear new information provided by Dr. Carr to the Commission on November 6, 1991. This information was submitted by the Cooperative Bank in response to the denial (10/2/91) of the Notice of Intent filed. Mr. Sheehan reported that the Department of Environmental Protection has not yet rendered a decision on the appeal of the Commissions' denial under Chapter 131, Section 40.

Mr. Chalmers moved to reconsider their decision and accept new information submitted to the Commission on November 6, 1991.

The motion failed to get a second.

The Commission had a brief discussion.

Mr. Chalmers moved to reconsider their decision and accept new information submitted to the Commission on November 6, 1991.

The motion failed to get a second.

8:00

REQUEST FOR DETERMINATION - 40 Liberty 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 emergency septic system replacement.

Mr. Bruce Stamski, of Stamski & McNary, presented plans for a new septic system replacing a failed 30 year old system, at 40 Liberty Street. As an emergency situation, the owner informed the Administrator of the situation and with his approval the system was replaced prior to this hearing. There was only grading for the breakout area within 100' of the adjacent wetlands.

8:07

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

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

CERTIFICATE OF COMPLIANCE - Lot 28 (#5) Stoneymeade Way

The Administrator reported that he has received a letter requesting the Commission to release the Order of Conditions on Lot 28 Stoneymeade Way. Upon inspection, the Administrator found the work to be complete and stable.

Mr. Chalmers moved to issue a Certificate of Compliance for Lot 28 (#5) Stoneymeade Way DEP File No. 85-313, Town File 75-245. Ms. Timlege seconded the motion. The motion passed unanimously.

BUSINESS

Mr. Tidman reported to the Commission that Dean Charter, Municipal Properties Director, was working in the Stoneymeade subdivision area and found the developer of Lots 13 & 14 Stoneymeade Way working on the Town easement between these two lots. The Town easement is torn up, and has construction debris stockpiled on it. Mr. Charter is very concerned about the condition of this piece of town owned land, and would like the Commission to state their concern to the builder. If necessary he suggested that the Commission not issue a certificate of compliance to the two adjacent lots until this area has been cleaned up and stabilized.

The Commission took this under advisement, and instructed the Administrator to inform the builder of this concern.

8:20

CONTINUATION - NOTICE OF INTENT - Kennedy Estates Subdivision
110-126 Arlington Street
85-275/75-207

The Commission discussed the legality of continuing this hearing due to the extenuating circumstances of this Notice of Intent filing from 1989. As this hearing was never formally closed due to the applicant's legal suit with the Planning Board regarding sidewalks. It had been continued indefinitely.

Mr. Orcutt, legal representative for the applicant, stated to the Commission that he waives his rights with respect to having the same members on the Commission as were at the original hearing. Mr. Orcutt will confirm this action in writing to the Commission. He noted that all abutters were notified by certified mail about the hearing, and the legal ad was also published in the Beacon.

Ms. Bodner moved to continue the hearing for Kennedy Estates at 110-126 Arlington Street under the provisions of CML 10.05(5)(b)(iii) "occurrence of a specified action". Mr. Chalmers seconded the motion. The motion passed unanimously.

8:52 Mr. Sheehan continued the hearing, pending legal verification with town counsel, under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a subdivision roadway, associated drainage, and utilities.

Mr. Bruce Stamski, of Stamski & McNary, presented the same plans as filed in 1989 with the exception of the cul-de-sac being shifted farther away from the wetland to meet the Commission's current wetland setbacks, and the drainage pipe from the proposed detention pond to the wetland having been enlarged. The subdivision roadway is the minimum required by the Acton Planning Board. There will be no disturbance of bordering vegetated wetland for the roadway. There is a 12" pipe entering the detention area and a 12" outlet control pipe exiting the detention area to the wetland. A 12.5 hour model storm peak shows no flood problem. A six foot wide dike is proposed as the detention pond wall. As proposed the closest point of activity to the wetland is approximately 3-4 feet for the emergency spill way where the outlet control pipe ends. The outlet pipe will disturb approximately 400 s.f. of wetlands, which will be re-established immediately after placement. The detention pond is designed for 10 and 100 year storm event.

Mr. Shanahan inquired if the inverts of the outlet control pipe for the detention pond could be raised (suggesting 6") to keep some water in the bottom as dead storage to help keep good water quality from the roadway oil and salts. Mr. Stamski stated that the request is acceptable, and will look into the issue with the Engineering Department, seeing that the engineering calculations have already been approved.

9:15 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

NOTICE OF INTENT - Lot 8A Kennedy Estates - Arlington 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 construction of a single family house within 100' of a wetland.

Mr. Stamski, from Stamski & McNary, presented plans for Lot 8A Kennedy Estates. This lot separates the detention area from the drainage and utility easement. Associated grading for the house will be outside of the natural vegetated 25' setback. The house will be constructed at approximately 70' from the edge of wetland at its closest point. The applicant will try to preserve as many trees as possible during the construction of the house, and the detention area.

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

NOTICE OF INTENT - Lot 7A Kennedy Estates - Arlington Street

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the construction of a single family house within 100' of a wetland.

Mr. Stamski, from Stamski & McNary, presented plans for a single family house. There is no proposed construction within 40', although the house and driveway are within the 100' buffer zone. The limit of clearing will be to the naturally vegetated 25' setback. The slopes at the rear of the house will be approximately 3:1.

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

REQUEST FOR DETERMINATION - Lot 1 Kennedy Estates

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the associated grading within 100' of a wetland for a single family house.

Mr. Stamski presented plans showing a proposed house on the opposite side of the proposed subdivision roadway and 85' away from the wetland. Only associated foundation grading for house will be within 100'.

9:24 Hearing no further comments, Mr. Sheehan closed the hearing.

REQUEST FOR DETERMINATION - Lot 6 Kennedy Estates

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. Stamski presented plans showing only 500 s.f. of driveway, with 2900 s.f. of total buffer disturbance which includes related grading.

9:25 Hearing no further comments or question, Mr. Sheehan closed the hearing.

NOTICE OF INTENT - (Lot 4) 56 Hammond Street Common Drive

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 common drive within 100' of a wetland.

Mr. Stamski, from Stamski & McNary, presented plans showing a common drive extension from a previously approved and completed common driveway. For privacy from neighbors' traffic, the owners of Lots 3 & 4 are proposing to construct this addition to the common drive which will go around a pond on the site. The proposed drive will be 40' away from the pond, along an existing cart path. There is a 12" pipe

proposed to go under the driveway. This will keep any heavy storm runoff from flooding the driveway, because as it exists the cart path floods from major overflow from the pond.

Ms. Mary Lee Swartz, abutter and previous owner of the lots along the common driveway, stated her concern of the necessity of an additional drive.

9:39 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

NOTICE OF INTENT - 521-523 Main 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 construction of a common driveway and a house lot within 100' of a wetland.

Mr. Chris Lorraine reported to the Commission that there had been an Order of Conditions issued for this site in 1987, and the Order expired with no construction, due to the present housing market. The applicant is proposing the same site construction, the area has been reflagged and inspected by the Conservation Administrator. The common driveway is within the 100' buffer, but the house and drive meet the wetland setbacks required by the Town Bylaw. The driveway at its closest point to the wetland is 60 feet, and one corner of the house is at the 40' setback.

Mr. Mark White, builder for the site, asked the Commission if he could relocate the driveway for Lot 1 to the north side (the wetland side) of the house as long the wetland setbacks are complied with. The Commission stated that there was no problem, but an amended plan with this change must be filed with the Commission prior to the commencement of construction.

9:51 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

KENNEDY ESTATES

The Commission tabled all decisions for the subdivision roadway, and all lots until the December 4, 1991 meeting.

NOI - Decision - 521-523 Main Street

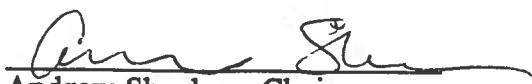
Mr. Shanahan moved to issue a standard Order of Conditions for the Notice of Intent filed for 521-523 Main Street, with the additional condition that the amended plans for the driveway relocation must be submitted to the Conservation Commission prior to the commencement of construction.

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

NOI - 56 HAMMOND STREET

The Commission tabled the decision for the Notice of Intent filed for 56 Hammond Street until December 12, 1991; for further review of the pond and proposed location of the driveway.

10:15 Meeting Adjourned.



Andrew Sheehan, Chairman

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