

**CONSERVATION COMMISSION  
MINUTES FOR  
JULY 11, 1990**

**MEMBERS PRESENT:** Andrew Sheehan, John Chalmers, Ann Shubert;  
New Non-voting members present to be sworn in: Charlotte  
Timlege, Peter Shanahan

**ASSOCIATE MEMBER:** Sandra Mika

**CONSERVATION ADMINISTRATOR:** Tom Tidman

**RECORDING SECRETARY:** Andrea MacKenzie

**VISITORS:** Malcolm MacGregor, Bernard Kosicki, John & Annette Ekberg,  
Katherine & Mary Dacey, Helen Sheth, Cal O'Coin, George  
LeMasurier

7:55 Mr. Sheehan called the meeting to order.

8:00 REQUEST FOR DETERMINATION - 39 Fort Pond Road

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 an above ground pool at 39 Fort Pond Road.

Mr. Bernard Kosicki stated that the proposed 18,000 gallon above ground pool is four feet tall, and will be approximately 85' from the edge of wetland. The construction of the pool will not require any fill or excavation. A deck will be added onto the pool on the opposite side of the pool from the wetland, and will be outside of the 100' buffer zone. There is a lot of vegetation between the proposed pool and the edge of wetland. Maintenance involves routine backwashing for five to ten minutes. In the winter only 6" will be drained from the pool. Mr. Kosicki stated that backwash would be overland.

8:05 Hearing no further comments or questions, Mr. Sheehan closed the meeting.

8:06 Mr. Chalmers moved to find the plans as proposed to be within the Commission's jurisdiction, but will not impact the wetland.

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

8:15 REQUEST FOR DETERMINATION - 72 Robbins 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 an above ground pool and deck within 100' of a wetland.

Mr. Malcolm MacGregor stated that he proposes to construct a 10,000 gallon above ground pool (15' x 25') with a surrounding deck 75' from the edge of wetland. He will install a 40,000 gallon capacity filter system to limit normal backwash maintenance. There is an abandoned drywell from an old gutter system on the house that can be used for the backwashing of the pool, to prevent direct discharge of chlorinated water into the wetlands. He noted that the Town has a drainage easement on his property that already discharges into the wetlands. Sono tubes will be used for the suspension points for the deck.

The Commission stated that the use of the drywell is acceptable for backwash maintenance. Mr. MacGregor agreed to use it for that purpose.

8:20 Hearing no further comments or questions, Mr. Sheehan closed the meeting.

Mr. Chalmers moved to find that the plans as proposed to be within the Commission's jurisdiction, but will not impact the wetland.

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

8:30 AMENDED - NOTICE OF INTENT - 477 Great Road C & D Glass

Mr. Chalmers moved to reconsider the original filing of the Notice of Intent submitted for 477 Great Road with an amended plan. Ms. Shubert seconded the motion.

Mr. Sheehan took a roll call vote: John Chalmers - aye, Ann Shubert - aye, Andrew Sheehan - aye. The motion passed unanimously.

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the reconsideration of amended plans submitted for 477 Great Road, for the removal of pavement and development of landscape plans.

Mr. George LeMasurier recalled that the Commission denied the original plans, which were appealed to D.E.P. who has not yet rendered a decision. If the amended plans presented tonight are approved, the applicant will drop the appeal with D.E.P. on the original plans.

The amended plans show removal of pavement between the building and the brook to the minimum required by the zoning except for a back up point for the car entrance door. The removal of pavement will provide 15 1/2 feet between the pavement and the edge of the brook. The closest point of pavement to the brook will be at the back up point which will be approximately 7 feet. The area of pavement to be removed will be approximately 990 square feet which will be properly disposed of off the site. This area will be covered with bark mulch, and 16 pfitzer junipers with a 24" spread in this area, which this will act as a vegetated buffer from the pavement to the brook. The drainage proposed is the same as the original plans. The pavement will be pitched in a way that runoff will be directed

towards the gas trap, then through the diversion box making the first inch of storm runoff go to the clay lined retention basin, and the remainder will be redirected over riprap and into the brook.

Upon query by the Commission, Mr. O'Coin stated that he foresees the project taking approximately 10 days.

The Commission suggested that some sort of guardrail should be installed to prevent any cars from backing into the brook.

Mr. LeMasurier stated that on the edge of the pavement adjacent to the brook there will be a raised asphalt berm as part of the drainage, plus the proposed pfitzer junipers along the edge of the brook that should prevent any cars from backing into the brook.

8:49 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

8:50 NOTICE OF INTENT - 102 Windsor Avenue - 75-218/85-285

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

Mr. Harry Donahue, of Acton Survey & Engineering, reported that the house was built in 1987, and is approximately 90' from the edge of wetland. There is a 20' grade difference from the edge of wetland to the house.

The present owners have placed a railroad tie retaining wall at the edge of wetland (ponding area) to formalize the edge, and regraded the hill to slope more evenly adjacent to the ponding wetland. This area has been loamed and seeded. A 25' natural buffer will be created at the edge of this wetland.

The Administrator stated to the Commission that the damage has been done, but the area that was loamed and seeded is coming fairly well. The Administrator feels that if the owners of the property were required to remove the railroad retaining wall this would do more damage than good. He also stated that the Commission could require the 25' natural buffer area proposed be revegetated with indigenous wetland species to that area.

Irate abutters interjected to state that they abide by the rules protecting wetlands on their property, and this individual has had equipment come in on weekends and do this work. The owners should not be allowed to get away with this blatant disregard.

9:14 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

9:15 REQUEST FOR DETERMINATION - 4 Meadowbrook Road - D-90-14

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

Helen Sheth, owner of 4 Meadowbrook Road, proposes to replace an existing 10 x 12' rotting deck with a 12 x 16 and 8x 20 deck along the entire

length of the back of the house. This proposal will require seven sono tubes, displacing 60 cubic feet of soil adjacent to the house. She proposes to use the excavated material from the sono tube placement around the yard to level off dips, then loam and seed over it.

The Commission stated that the applicant should not place any of the excavated material within the 100' buffer zone of the wetland.

9:20 Hearing no further comments or questions, Mr. Sheehan closed the meeting.

Mr. Chalmers moved to find the work as proposed to be within the Commission's jurisdiction, but it will not impact the wetlands, and the applicant is to keep all excavated soil out of the 100' buffer zone.

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

**DECISION** - 477 Great Road - C & D Glass 75-215/85-283

After discussing the proposal, Ms. Shubert moved to accept the amended plans dated June 27, 1990 for the Notice of Intent filed for 477 Great Road.

Mr. Chalmers moved to amend the Order to add a condition that the trailer on the site within the 100' buffer zone be removed. The motion failed without a second.

Mr. Chalmers seconded the motion to accept the amended plans dated June 27, 1990. The motion passed with 2 aye, and 1 nay.

**DECISION** - 102 Windsor Avenue 75-218/85-285

Ms. Shubert moved to issue an Order of Conditions for the plans as presented, with the additional condition that a landscape plan of indigenous wetland plant species within the 25' wetland buffer be devised, and approved by the Conservation Commission.

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

10:03 Meeting Adjourned.

  
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Andrew Sheehan, Chairman