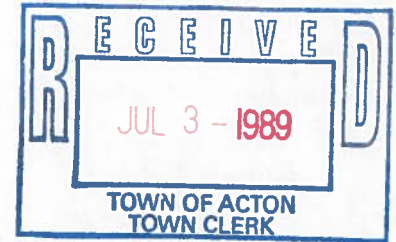


CONSERVATION COMMISSION
MINUTES FOR
MAY 2, 1989



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

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Isabel D. Carvalho, Dennis Ring, Steve Harmon, Steve Risotti, James Fenton, Wayne Duffet

7:40 Mr. Sheehan called the meeting to order.

CITIZEN'S CONCERNS

There were no concerns stated.

8:00 REQUEST FOR DETERMINATION - 135 School Street D-89-8

Ms. Place opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act for an addition to an existing house within 100' of a wetland.

Ms. Carvalho stated that she proposes to add a deck with foundation to her house. The Town maps show a wetland on the site, although there was no wetland that seemed to exist on visiting the site.

Mr. Dow moved to table the meeting for 135 School Street, until the Conservation Administrator could report on his site inspection. Mr. Sheehan seconded the motion. The motion passed unanimously.

8:18 REQUEST FOR DETERMINATION - Town of Acton -High/Parker St. D-89-9

Ms. Place opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for street improvements.

Mr. Dennis Ring stated that approximately 200' east of High Street along Parker Street they propose to regrade the road shoulder to provide room for a future sidewalk, widening existing pavement to improve an existing safety hazard, and extension of an existing drainage pipe. The closest point from the proposed road widening to the wetland will be approximately 30'. When the sidewalk is to be built, the Town will submit a separate filing for the new work.

8:29 Hearing no further comment, Ms. Place closed the meeting.

Mr. Sheehan moved to find the proposed work as presented to be within the Commission's jurisdiction, and that it will not pose an impact to the wetlands. Mr. Young seconded the motion. The motion passed unanimously.

REQUEST FOR DETERMINATION - 135 School Street D-89-8

Mr. Dow moved to bring 135 School Street back to the table for discussion and decision. Mr. Sheehan seconded the motion. The motion passed unanimously.

Upon query from the Commission, the Administrator reported that the noted site does have mapped wetlands, but upon inspection, there were no major wetland plant species present. The area is wet, but the Administrator stated that he did not feel it would cause an adverse effect.

8:31 Hearing not further comments or questions, Ms. Place closed the meeting.

Mr. Sheehan moved to find the proposed work as presented, to be within the Commission's jurisdiction, and that it will not create an impact on the wetland. Mr. Chalmers seconded the motion. The motion passed unanimously.

8:35 NOTICE OF INTENT - Corner of Parker /High Street 75-199

Ms. Place 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 home.

Mr. James Fenton, Authentic Homes Inc., stated that the house and part of the driveway is within 100' of a wetland. The closest point from the proposed house to the wetland is 32'. His siltation prevention devices (haybales) will link right up to the Town of Acton's for the roadway improvement project {D-89-9}, which will be done at the same time. The limit of construction activity will be at the haybales. Mr. Fenton wishes to start work in mid-July.

Mr. Fenton stated that the Water District is trying to organize a new line through the site to avoid a W.R. Grace high voltage line.

The Commission told the applicant that he will have to file revised plans if the Water District requires this change in the plans.

8:47 Hearing no further comments or questions, Ms. Place closed the hearing.

Mr. Young moved to issue an Order of Conditions with the following additional condition:

1. The applicant must leave a 20' natural buffer from the edge of the wetland to the edge of maintained lawn.

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

EXTENSION PERMIT - BELLOWS FARM 85-196

The Administrator reported that after checking with the Massachusetts Association of Conservation Commissions, and the Department of Environmental Quality Engineering regarding the Commission's conflict with Town Meeting and not being able to meet for a regular meeting, therefore not being able to vote before the Order of Conditions expired, both organizations stated that it was acceptable to issue the Extension Permit under these circumstances.

Mr. Sheehan moved to issue a one year Extension Permit to Bellows Farms-Joint Venture, Inc. for the project on Davis Road, DEQE #85-196. Mr. Chalmers seconded the motion. The motion passed unanimously.

9:45

ACTON WATER DISTRICT

The Administrator reported that the Water District has cleared trees within the 100' buffer zone, and does appear to be a violation of the Act.

The Commission will conduct a site inspection, and discuss further action on May 17, 1989.

820 MAIN STREET - CAPIZZI

The Commission requested the Administrator to contact the engineer that represented this project, to inquire about the conditions to which the applicant is to adhere to.

9:00

CONTINUATION - NOTICE OF INTENT - 1028 (1012) MAIN STREET 75-194

Ms. Place continued the hearing under MGL Chapter 131, Section 40 of the Wetland Protection Act, and the Town of Acton Bylaws for the construction of a office/warehouse within 100' of a wetland.

Mr. Hamilton stated that the correct street number for this site is 1012 Main Street.

Mr. Hamilton reported that he has investigated the following issues upon the Commission's request at the last meeting.

1. The wetland delineation issues have been resolved between the engineer and the Conservation Administrator.
2. The applicant spoke to the Building Commissioner regarding the feasibility of attaining a variance on the lot lines, and the Commissioner stated that he has the right to appeal for a variance, but there was no guarantee.
3. The snow storage area has been moved outside of the 100' buffer zone.
4. The applicant has asked the Planning Board for a waiver of the sidewalk requirement due to the impact of the flood plain and wetland. The sidewalk technically is within the town right of way, and is not considered as a part of the open space on the site.
5. The landscape plan has been prepared and submitted upon the Commission's request.

6. The Board of Health has issued their permits.
7. The water distribution pipes from the building to the wetlands, 4" capped pipes with 2 1/2" holes could be pulled farther back towards the building, but this would effect the proposed landscaping around the building leaving a deep trench from the building to the wetland.
8. The applicant stated that there is no updated data available on Somerville Lumbers' retention system.

The Commission requested that applicant shorten the outfalls from the detention basin that runs off to the wetland

9:36 Hearing no further comments or questions, Ms. Place closed the hearing.

9:37 REQUEST FOR DETERMINATION - Bay Colony RR - ROW D-89-6

Ms. Place opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the delineation of wetlands for spray restriction along the Bay Colony railroad right of way.

Mr. Wayne Duffet of Reid Potter Associates, stated that the railroad wetland delineation for the herbicide spray restrictions has been completed with the Administrator. Mr. Duffet needs the Conservation Commission to approve the wetlands delineation map.

The Administrator reported that the delineation is accurate.

Mr. Duffet stated that he is still waiting for a list of herbicides that are allowed by the State Pesticide Bureau, and when it is provided, he will chose the herbicide to be used.

9:57 Hearing no further comments or questions, Ms. Place closed the meeting.

Mr. Sheehan moved to find the wetlands delineation to be accurate and meets the requirements for the exemption as specified in the Act and the regulations, no Notice of Intent is required for a Right of Way Management Plan, 333 CMR 11.

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

REQUEST - EXTENSION PERMIT - Cook Estates 85-162

The Administrator reported that he has received a request for extension on the construction of a cul-de-sac, sidewalk, drainage, and water service off Parker Street, (to be Ayer Road). The Administrator reminded the Commission that this is for the roadway only, and is a separate filing from the recently denied DEQE File Numbers 85-176, 85-177, 85-178, 85-192, and 85-193 for Lots 3, 4, 5, 6, and 7.

The Commission requested the Administrator to contact the applicant, L & S Builders, and have him come to the May 17, 1989 meeting for clarification.

CARLISLE ROAD - WETLAND VIOLATION

The Administrator reported that he and the Building Commissioner were notified of a violation of wetlands and floodplain filling. The Administrator will be working with the Building Commissioner closely, and will keep the Commission notified.

RULES & REGULATIONS WORKSHOP

Mr. Sheehan reported that he is ready to have a workshop for the proposed rules and regulations. The Commission agreed to hold a workshop on June 14, 1989.

10:21 Meeting Adjourned.



Carol Place, Chairperson

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