

MINUTES FOR  
JULY 19, 1989



MEMBERS PRESENT: Andrew Sheehan, Ken Dow, Bob Young, Pam Resor (8:16)

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Rita McConnon, Dan Danke, C. Hart, Charles Kadison, Ken Barr, Ted York, Steve Hamilton, Steve Risotti, Jonathan Granada

8:04 Mr. Sheehan called the meeting to order.

CITIZEN'S CONCERNS

No concerns were raised.

BUSINESS

NAGOG HILL LAND LEASE - Rita McConnon

Ms. McConnon stated that her three year lease is expired and she wishes to continue leasing the land for the purpose of horse grazing.

The Commission questioned Ms. McConnon regarding the possible repair or upgrading of the existing fence along Nagog Hill Road. Ms. McConnon stated that she had asked the Commission in the past if she could upgrade the existing fence, and was not granted permission to do so. At that time the Commission felt that letting her upgrade the fence would give the impression that the land was no longer conservation land and also imply ownership, therefore, did not grant permission. She also wishes to put a lock on the gate to keep kids from letting the horses out, because there have been groups of kids parking at the Nagog Hill conservation area. The type of gate and chain that would be used would not restrict the Fire Department's access in case of emergency due to the construction of the gate. The gate is made in such a way that the Fire Department could unhinge it quickly, and they would not damage the gate or fence.

Mr. Dow moved to extend the land lease for three years, and allow the construction of the fence, and placement of a lock. Mr. Chalmers seconded the motion. The motion passed unanimously.

8:19

TIRE BARN - 581 Great Road - Reconsider Decision and Re-Open

Attorney Charles Kadison, representative for the Tire Barn, stated the prior to purchasing the property, the applicant met with staff to discuss plans. The applicant met with the Conservation Commission for a preliminary review, the Commission never indicated that they had a problem with the 4500 s.f. of wetland filling with 1:1 replacement. It was noted that the site had wetland violations by past owners, and these existing wetlands on the site are already altered wetlands. The proposed wetland replacement area could only improve the present situation. Mr. Kadison reminded the Commission that they stated that they would devise comments for the applicant, which were never received or devised. The only comments received were through staff in review meetings, and the only concerns really brought forth were the details of the wetlands replacement.

Mr. Kadison stated that the applicant is requesting the Commission to reconsider their decision, and reopen the public hearing so the applicant may give additional engineering information to prove the wetlands were damaged. This work would only improve the wetland situation due to the intent of a replication.

Mr. Dow moved to re-open the public hearing for the Tire Barn, 581 Great Road, Bylaw File # 75-205; for the presentation of additional information to the Commission.

Ms. Resor seconded the motion. The motion passed with 4 aye, and 1 opposed.

Upon agreement with the applicant the public hearing will be reopened on August 2, 1989 at 8:30.

8:40

REQUEST FOR DETERMINATION - 198 Arlington Street - D-89-13

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the loaming and seeding of an existing lawn within 100' of a wetland.

The Administrator stated that the landowner, Ms. Margot Reed, could not attend the meeting due to personal injury.

The Administrator stated that he contacted Ms. Reed and informed her that her load of loam was dropped within the 100' wetland buffer zone, next to Fort Pond Brook on her property, which was a violation of the Act. Ms. Reed was unaware of the Wetlands Protection Act, and cooperated with the Administrator in every way. The loam has been spread, and the grass seed has germinated and the area is stabilized. The Administrator stated that there should not be any problem with silt runoff into the stream.

Mr. Dow moved to find the work done at 198 Arlington Street to be within the jurisdiction of the Commission, and will not impact the wetlands. Mr. Chalmers seconded the motion. The motion passed unanimously.

8:50 RE-OPEN NOTICE OF INTENT - 1012 Main Street DEQE # 85-271  
Bylaw # 75-204

Mr. Dow moved to reopen the public hearing for reconsideration of the Commission's decision on 1012 Main Street, S.W. Hamilton to review new information and clarify details. Mr. Sheehan seconded the motion. The motion passed with 3 aye and 2 abstained.

Mr. Steve Hamilton, Johnathan Granada, and Steve Risotti were present at this hearing.

Upon query by the Commission, Mr. Hamilton reported that, yes the wetlands do go onto the town right of way, and there is a possibility of wetlands filling in the future when and if the Town builds a sidewalk on this site, unless the Board of Selectmen mandates the sidewalk be built on the other side of Main Street. The Board of Selectmen have produced a memo indicating that they will not require, at this point, a sidewalk.

Mr. Hamilton reported that he has tried to attain a variance on zoning from the other towns involved, including Acton for the building set backs in order to move the building farther away from the wetlands than the proposed 11'. Mr. Hamilton pointed out that the building is actually 16' to 18' away from the wetlands except for the two corners of the building which are 11' away. As indicated on the plans, the haybales will be the limit of work. The contractor will work by pulling all excavated materials upland toward the street away from the wetlands. All disturbed areas between the building and wetlands, approximately 1000 s.f., will be fully revegetated.

Upon query by the Commission, Mr. Hamilton stated that in the event of a storm, the first inch of parking lot runoff will drain to the diversion box, and into the retention basin, then the rest of the runoff will drain to the infiltration detention basin.

10:00 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

Mr. Dow moved to issue an Order of Conditions for the project as presented at 1012 Main Street, DEQE File #85-271, Bylaw File #75-204 with the following conditions:

1. The applicant must submit information for the maintenance of the drainage structures.
2. There will be no filling of wetlands on this site.

Ms. Resor seconded the motion. The motion passed with 3 aye, and 2 opposed.

10:16 CERTIFICATE OF COMPLIANCE

The Administrator reported that the following projects are complete to his satisfaction, and are requesting a Certificate of Compliance on the Order of Conditions:

171 Great Road, A.C. Chevrolet, DEQE # 85-214

111 Parker Street - Lot 64, G.C. Builders, DEQE # 85-130

Mr. Dow moved to issue Certificates of Compliance for the above read projects. Mr. Chalmers seconded the motion. The motion passed unanimously.

The Administrator also reported that he has received a request for a partial release on DEQE File # 85-258, for Lot 9 of the Dimare Farm, the owners are selling the actual existing farm house, and need it released from the Order of Conditions to pass papers. The Commission had questions on some agricultural work, such as cleaning silt from the farm ponds, that was proposed during the public hearing under this Order of Conditions, and requested more detailed information on that lot, before releasing it.

10:27 Meeting Adjourned.

Carol Place  
Carol Place, Chair