

**ACTON CONSERVATION COMMISSION
MINUTES
August 20, 2014
7:15 PM
TOWN HALL - 472 MAIN STREET
ROOM 204**

**RECEIVED
SEP 18 2014
TOWN CLERK
ACTON**

COMMISSIONERS PRESENT: Terry Maitland, William Froberg, Tom Arnold, Andrew Magee, Amy Green, Jim Colman

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Chip Nylan, Leo Bertolami, Mark Donahoe, Erin Marshall, Bill Hall

7:15 Notice of Intent: 107 – 115 Great Rd.

Leo Bertolami for the construction of an addition to an existing structure on the site of 107-115 Great Road, Wetherbee Plaza (town atlas plate G4, parcel 28). Work will occur within the buffer zone of bordering vegetative wetland.

Mr. Arnold recused himself from the hearing since he is an abutter.

Mark Donohoe from Acton Survey & Engineering presented for the applicant. The original design of Wetherbee Plaza was intended to have a windmill, but East Acton zoning doesn't allow for it. Mark discussed the Acton By-law set-back language, in particular the reference to "like structures" being allowed within the buffer zone as long as an existing structure is currently in place at an equal or shorter distance. Mr. Colman stated that, in this case, he did not see the new addition as a "like structure," and the only way the project would be allowed was if it were a "like structure." Mr. Froberg stated that he didn't see the project having any greater negative impact to the wetlands. Mr. Bertolami explained that the windmill was intended to power the Wetherbee house. Mr. Donohoe agreed to remove the proposed path to reduce buffer zone impact. And he also pointed out that the plan calls for the removal of invasive species. Mr. Nylan presented an argument regarding the language of the by-law, in that it allows for "structures" but doesn't specify "like structures." Ms. Green asked about storm water flows. Mr. Donohoe stated that it currently flows overland to the wetlands.

Hearing closed at 8:05 PM.

Finding: The Commission finds that the proposed construction will not adversely impact wetlands any more than existing structures.

Decision: Mr. Magee moved to issue a standard order of conditions with the following conditions:

1. A deed restriction not allowing the addition of any driveway or structures in the future, such restriction to be reviewed and approved by Town Counsel.
2. The stone-dust path will not be constructed (struck from the plan)
3. Removal of invasives will be conducted upon approval by the Conservation Administrator
4. Include in the deed restriction that there be no disturbance beyond 10 feet from the south side of the cottage and from the north-east side of the cottage.

Mr. Colman seconded, 4 yea, 1 nay

8:15 Notice of Intent: 196 Great Road

Coiman Hoyt, Acton Chrysier, for the restoration of Bordering Vegetative Wetland and Riverfront Area at 196 Great Road, Acton, town atlas plate F4, parcel 3.

Erin Marshall, of Oxbow Associates Inc., presented for the applicant. A violation was reported on May 29, 2014 upon observance of work being conducted in and around a stream (Riverfront) and its associated Bordering Vegetative Wetland (BVW). In addition, a 125 square foot foot-bridge had been built to traverse the unnamed tributary to Nashoba Brook.. On the south side of the stream, woodchips had been spread in the wetlands and, on the north side, two maple trees had been removed. The proposed remediation would be to remove the woodchips from the wetlands on the south side of the brook, plant two pin oaks to replace the maple trees, and remove invasives from the site. Oxbow will oversee the removal of invasives and report back to the Commission for a period of two years.

Mr. Maitland remarked that this was an "ask for forgiveness." Ms. Marshall pointed out that Oxbow was called in after the violation had occurred. Ms. Green asked if the NOI was also for the stream crossing. Ms. Marshall responded, yes, and included leaving the bridge in place. Ms. Marshall also stressed that the bridge was installed for the safety of pedestrians walking to Dunkin' Donuts. Oxbow was told that no fill, only woodchips, were used to access the bridge. Mr. Colman raised the point about the discussion of a line of boulders being installed along both sides of the disturbance area. Ms. Green noted that the site inspection had shown material dumped behind the dumpster. Brian Butler, of Oxbow Associates, had said they would look into having it removed. Mowing had occurred behind the dumpster, as well.

Mr. Arnold asked if this was an appropriate case for a penalty to be imposed. Mr. Magee pointed out that the violation opens the site up to a review of the entire property, and also the question of an Order of Conditions being issued in past years. He suggested the hearing be continued so the Commssion could examine all aspects of the site within their jurisdiction. Mr. Colman discussed the possibility of a penalty as well. Mr. Magee asked if there were any historical filings for the site. Mr. Tidman would have the staff check the files.

The Commission agreed to arrange for another site walk with Oxbow Associates.

The hearing was continued to September 17, at 8:30 PM.

.8:50 Notice of Intent: 267 Great Road

Stephen Steinberg, Acton Management, Inc. for the removal of an existing residential dwelling and a portion of an existing gravel driveway within the 100 foot buffer zone of an isolated wetland. The location of the project is at 267 Great Road, town atlas plate E-5, parcel 13.

Bill Hall, from Stamski & McNary, presented for the applicant. The project is within the buffer zone of an isolated wetland, and is being filed under the Town of Acton by-law only. The property has two sheds, one of which will be removed. A portion of the loop driveway will also be removed and a parking lot constructed. Ms. Green commented that she would like to see more of the existing driveway that is currently within the 50 foot buffer zone removed. She also has concerns about the wetlands flag line. Mr. Hall pointed out that an ORAD for this property had been filed and the flag lines approved. The house area will be loamed and seeded. Mr. Arnold asked how close the shed was to wetlands, and Mr. Hall responded that the distance was approximately 31 feet.

Mr. Hall was reproached by the Commission as he had not visited the site and had no specific site knowledge, and thus could not respond to all of the commission's questions. Mr. Hall explained that he had only recently become associated with the Notice of Intent, having taken on the responsibility from an employee who had left the firm.

Hearing closed at 9:15 PM.

Decision: Mr. Magee moved to issue a standard Order of Conditions with the following note:

Commission makes note that the condition of the shed, with its proximity to wetlands, is not changing at this time. Any future modification to the shed that might impact the interest of the Act will require review by the Commission.

Mr. Colman seconded, vote unanimous.

Certificate of Compliance:

1 Lilac Court: DEP 85-1133; Ms. Green moved to issue the certificate, Mr. Colman seconded, unanimous vote.

331 Nagog Hill Road: DEP 85-694; Mr. Colman moved to issue, Ms. Green seconded, unanimous vote.

Easement Approval: 18 Wright Terrace: Commission signed 2 copies of easement

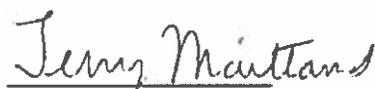
MINUTES: August 6, 2014: reviewed by TA, AG, AM

Mr. Colman moved to approve, Mr. Magee seconded, unanimous vote.

Quail Ridge Conservation Restriction: Update, Jim Colman

The outstanding issue of removal of buildings leaves two alternatives for the Commission. They can agree with Pulte (not to be responsible for removal) or disagree (hold them responsible for removal of buildings). Mr. Froberg questioned Pulte's decision to not remove any buildings (in the event it ceases to be a golf course). Mr. Magee suggested that a copy of the CR be circulated to the Commissioners.

Meeting adjourned: 9:30 PM.



Terry Maitland
Chairperson