

**CONSERVATION COMMISSION  
AGENDA  
JUNE 3, 2009**

7:15 Notice of Intent - Between Central & Martin Streets - Mass. Bay Commuter Rail Company (010)

TRC Solutions - proposed culvert replacement on commuter rail right-of-way, mile post 25.82 (town atlas plate G-2). Site walk scheduled for Monday 6/1 at 9:15am in office or on-site 9:30am (grade crossing @ Central St. by Dover Heights Apts.)

7:40 Continuation - NOI - 80 Hammond Street (020)

Supplemental letter and revised plan submitted 5/21; hearing continued from 5/20.

Certificate of Compliance - 70 Seminole Road - 85-1010 - septic (030)

MINUTES

May 6	comments rec'd by	JA, FP	<i>signature</i>
May 20	awaiting comments		

**CONSERVATION COMMISSION  
MINUTES  
JUNE 3, 2009**

**COMMISSIONERS PRESENT:** Terry Maitland, Bill Froberg, Fran Portante, Patty Lee

**ASSOCIATE:** Toros Maksoudian, Toni Hershey

**RECORDING SECRETARY:** Andrea Ristine

**VISITORS:** Samantha Hard, Mary Anne Reilly, George Dimakarakos

7:25 Notice of Intent – Between Central & Martin Streets - Mass. Bay Commuter Rail Company (010)

Samantha Hard from TRC Solutions presented plans for the proposed culvert replacement on the commuter rail right-of-way at mile post 25.82 (town atlas plate G-2). A site walk was conducted on Monday, June 1, 2009. The proposed culvert replacement will be done by “open cut method”; the railroad track will be out of service during the replacement. The proposed 24” culvert will be replaced with a 48” diameter culvert with head walls and wing walls to be added.

Upon query by Ms. Lee, Ms. Hard reported that the culvert will be replaced at the same elevation with no deeper excavation.

Upon query by Ms. Lee, Ms. Hard stated that the applicant plans to use a temporary seed mix on disturbed areas beyond the head and wing walls.

Upon query by Mr. Maitland, Ms. Hard reported that the MBCR plans to start the work on June 27.

7:36 Hearing no further comments, Mr. Maitland closed the hearing.

Decision - Between Central & Martin Streets - Mass. Bay Commuter Rail Company

Ms. Lee moved that the Commission issue a standard Order of Conditions under the Wetlands Protection Act; Ms. Portante 2<sup>nd</sup>, unanimous.

Open Space Plan

Mr. Tidman reported that a small group is working on the revision of the Open Space Plan (OSP) and hopes to have it completed by July; Andy Magee will succeed Peter Ashton in overseeing the OSP and will be coordinating the revision effort .

7:44 Continuation – NOI - 80 Hammond Street - Dale Young (020)

Supplemental letter and revised plan submitted 5/21; hearing was continued from 5/20/09. George Dimakarakos, from Stamski & McNary, presented an amended plan dated 5/21/09 along with a written request for waiver. Mr. Dimakarakos noted that there are no records on file for the existing sewage disposal system. The proposed house location and design have been modified based on the previous meeting with the Commission. Changing the garage entrance design allows the new house to be located a few feet farther from edge of wetlands; the proposed house and deck will be 50’ from wetlands.

Upon query by Mr. Maitland, Mr. Dimakarakos stated that the proposed septic system is designed with a two-foot retaining wall and plastic barrier.

Upon query by Ms. Lee regarding excavation of the old septic system, Mr. Dimakarakos reported that there will be no further use of the sewage disposal system, which will be pumped and back-filled according to Title 5 guidelines.

Upon query by Ms. Portante, Mr. Dimakarakos reported that the old house foundation will be removed in its entirety.

Upon query by Ms. Lee, Mr. Dimakarakos reported that the house has been abandoned since 2001. Mr. Maitland confirmed that the house fire occurred on October 27, 2001.

Upon query by Ms. Lee, Mr. Dimakarakos reported that the line of haybales as shown on the plan will be the proposed limit of work and the proposed yard; the 50'-area around the proposed house is already cleared. There are no plans to remove the existing shed.

Upon query by Ms. Portante, Mr. Dimakarakos stated there is no plan to create a natural barrier along the natural setback line but the Applicant would accept a special condition requiring a permanent delineation of the natural buffer, such as a line of boulders.

Upon query by Ms. Lee and Mr. Froberg, Mr. Dimakarakos stated that, although there is no intention at this time, the existing shed would probably be removed; this would be an acceptable special condition. Mr. Dimakarakos is not sure if there is a foundation under the existing shed, which is relatively unusable.

Upon query by Mr. Maitland, Mr. Dimakarakos reported that the proposed plan does not include a planting plan for the natural buffer area, which would be allowed to naturalize. A small machine may be needed to remove the existing shed. The Applicant would accept a special condition to allow the removal of the shed with no excavation; it is relatively dry area that a small rubber-tire back-hoe can access easily.

7:56 Hearing no further comments or questions, Mr. Maitland closed the hearing.

#### DECISION - 80 Hammond Street - DEP File # 85-1017

Mr. Froberg moved that the Commission issue an Order of Conditions with the following Finding of Fact and Special Conditions:

##### **Finding of Fact:**

The Commission hereby grants the Applicant's request for waiver under Section F8.3 under the Acton Wetland Protection Bylaw and Section 3.2 of the Regulations based on reasons set forth in the letter written and dated May 21, 2009 by George Dimakarakos and Joseph March of Stamski & McNary, Inc.

##### **Special Conditions:**

1. A natural barrier of boulders, stone wall, fencing or other material acceptable to the Commission and/or its agent shall be erected along the limit of work as shown on the Sewage Disposal Plan dated 5/21/2009 to the extent that it is in the 50' setback.
2. The remains of the existing shed including any remaining foundation shall be removed from the site by means offering minimal impact within the buffer zone.

Ms. Lee 2<sup>nd</sup>; motion passed unanimously.

#### MINUTES

Ms. Portante moved that the Commission approve the minutes for May 6, 2009, Mr. Froberg 2<sup>nd</sup>; unanimous.

#### Certificate of Compliance - 70 Seminole Road - 85-1010 - septic (030)

Ms. Ristine reported that Mr. Tidman has inspected the site; the project is complete and stable.

Ms. Portante moved that the Commission issue a Certificate of Compliance, Ms. Lee 2<sup>nd</sup>; unanimous.

#### CITIZENS' CONCERN

Kurt Hayes, from the Town of Boxborough representing a group called LymeLite, invited the Commission and any other interested parties to a showing of a documentary movie, Under Our Skin, regarding Lyme Disease on June 23, 2009. The meeting will be held at the Boxborough

Library and will also inform participants on current legislation, innovation, treatment and education of Lyme Disease.

8:25 Meeting adjourned.

A handwritten signature in cursive script that reads "Terry Maitland". The signature is written in black ink and is positioned above a horizontal line.

Terry Maitland  
Chair