

**CONSERVATION COMMISSION  
AMENDED AGENDA  
JUNE 17, 2009**

7:15 Preliminary Review - 24 Stow Street - Lombardo

Citizen's Concern - Huckleberry Lane Issue - Mary Johnson

7:20 Request for Determination - Roadway Repaving - Town of Acton – C. York (010)

Pope Rd. (Spring Farm Circle to Camp Acton), Carlisle Rd. (#22 to the town line), Nagog Hill Rd. (Sutton Place to #251), Central St. (Windsor Ave. to the RR tracks), entire length of Homestead St. and Bullette Road. Some work occurs within 100' of wetlands.

7:30 Request for Determination - 97 Windsor Avenue - James Yourk (020-021)

Proposed removal of a portion of the existing driveway, fill, grading and landscaping within 100' of a wetland.

7:35 Notice of Intent - 7 Oneida Road - Steven & Susan Michelson (030)

Cornerstone Engineering - for the proposed removal of an existing deck to be replaced with a 16' x 16' sunroom and removal of three trees within 100' of a wetland.

7:45 Request for Determination - 28 Washington Drive - Heidi & Leonard Streeter (040)

Proposed installation of a fenced in play area within 100' of a wetland.

7:50 Notice of Intent - Sewer Project Spencer/Tuttle/Flint - Town of Acton – Woodard & Curren

(050-051) Proposed construction and installation of low pressure sewer system to service homes on Durkee Road, Flint Road, Lothrop Road, Mallard Road, Spencer Road, Torrington Lane, Tuttle Drive and Wayside Lane. Some areas of activity are within 100' of wetlands.

Certificate of Compliance - Mt. Calvary Church - 85-980 - 472 Massachusetts Ave.

MINUTES

May 20	comments rec'd by	TM, LS, JA	signature
June 3	forthcoming		

**CONSERVATION COMMISSION  
MINUTES  
JUNE 17, 2009**

**COMMISSIONERS PRESENT:** Terry Maitland, Bill Froberg, Fran Portante, Janet Adachi, Julia Miles

**ASSOCIATES:** Toni Hershey

**CONSERVATION ADMINISTRATOR:** Tom Tidman

**RECORDING SECRETARY:** Andrea Ristine

**VISITORS:** Mark Lombardo, Doug Halley, Jack Troidl, Joseph Shea, Mark Beaudry, Eric and Mary Johnson

7:15 Preliminary Review - 24 Stow Street - Lombardo

Mark Lombardo presented a preliminary proposed plan for a garage addition (32' x 32') to his existing home and a small amount of additional driveway pavement. The proposed garage addition and pavement would be farther away from wetlands than existing structures. The closest activity from the edge of wetlands would be 55'.

The Commission agreed that the proposed activity may be permissible under the Bylaw and recommended that Mr. Lombardo file a Notice of Intent.

Citizen's Concern - Huckleberry Lane - Mary Johnson

Mary Johnson from 4 Huckleberry Lane stated that she previously contacted the Commission regarding her neighbor's activities within what she believes to be wetlands and/or buffer zone within a drainage easement. This drainage easement has flowing water consistently, in which her neighbor is digging footings for installation of a fence. Ms. Johnson inquired about the status of the Commission's actions with respect to the abutting land owner at 6 Huckleberry Lane.

Mr. Maitland confirmed that the Commission was very familiar with the issue; to the Commission's knowledge, activity has ceased since the Commission contacted the owner of 6 Huckleberry Lane. Town Counsel recommended that the Commission not pursue the issue further until the legal disputes between Mrs. Johnson and the neighbor had been resolved.

Mr. & Mrs. Johnson reported that the court dismissed the cases; no further legal issues are pending.

Mr. Maitland reported that Mr. Tidman approached the owner of 6 Huckleberry Lane to initiate delineation of the wetlands, but the owner declined due to the outstanding legal issues.

Mrs. Johnson stated that Mr. Tidman is welcome to delineate the wetland line on her property.

Eric Johnson stated that water flows through this drainage easement year around, the neighbor has placed fence-footings in the water-path, which does not seem logical or safe to him. Mr. Johnson asked the Commission to enforce protection of the wetland.

Mr. Maitland stated that a determination of the wetlands is necessary since this area is a drainage easement with wetland characteristics.

Mr. Johnson stated that the water flows continuously, and feels that it is groundwater related and not storm runoff.

Mr. Tidman stated that he is still awaiting further advice from Town Counsel; he feels that the Johnsons should submit a letter to the Commission stating that there are no pending legal issues between them and the neighbor. Ms. Adachi agreed that the Johnsons should submit a formal letter to the Commission and that the Commission should ask Town Counsel to provide more information on the outcome of the closed cases.

Mr. Maitland agreed that the Commission should get a definite reading from Town Counsel, and written permission from the Johnsons to examine the wetlands on their side. Mr. Maitland also noted that there is debris encroaching wetlands on the Johnsons' side.

Mr. Johnson stated that there is wood and staging stored within the buffer zone on his property.

Mr. Tidman stated that the owner of 6 Huckleberry Lane contends that the Johnsons are encroaching on the wetlands with debris. Mr. Johnson stated that some of the debris is historical from the previous resident (Mary Johnson's mother) and her landscaper had also dumped debris in the buffer zone area.

Mr. Johnson stated that he has inquired of Acton's Building Inspector who told him that fence footings in a streambed would be considered hazardous.

Upon query by Ms. Adachi, Mr. Johnson stated that the court cases were filed in Concord District Court.

Upon query by Mr. Maitland, Mr. Tidman stated that he will hire a third party botanist and inquire of counsel again tomorrow.

7:39 Request for Determination - Roadway Resurfacing - Town of Acton – C. York (010)

Corey York from the Acton Engineering Department presented plans for roadway resurfacing on portions of Pope Rd. (Spring Farm Circle to Camp Acton), Carlisle Rd. (#22 to the town line), Nagog Hill Rd. (Sutton Place to #251), Central St. (Windsor Ave. to the RR tracks), entire length of Homestead St. and Bullette Road. Some work occurs within 100' of wetlands. Mr. Tidman and the Highway Superintendent determined which areas were within 100' of resource areas; silt fence and/or haybales will be installed where necessary. Only roadway resurfacing is proposed, there will be no widening of existing roadways. Mr. York reported that milling has commenced on Central Street, silt fence and haybales have been installed.

7:44 Mr. Maitland closed the meeting.

Determination – Roadway Resurfacing - Town of Acton

Ms. Adachi moved to that the Commission find the work as proposed to be within its jurisdiction and will not impact the resource areas (-3); Ms. Miles 2<sup>nd</sup>, unanimous.

7:45 Request for Determination - 97 Windsor Avenue - James Yourk (020-021)

James Yourk presented plans for completed activities involving the removal of a portion of the existing driveway, fill, grading and landscaping within 100' of a wetland. Originally Mr. Yourk filed with the Commission in 2008 for the addition of a proposed deck and the house foundation was found to be unstable; he had to demolish and rebuild portions of the house at the foundation level to make it sound then build the proposed deck. Work was almost complete when he was contacted and informed by Mr. Tidman that the activity required filing with the Commission; activities were within 100' of wetlands.

Upon query by Mr. Froberg, Mr. Young reported that he believes the existing driveway dates back to 1965.

The Commission informed Mr. Yourk that any changes from the original approved plan in 2008 should have been brought back as an amendment since activities were within the buffer zone.

Upon query by Ms. Miles, Mr. Yourk reported that he did change the grades in his yard with the added fill and lawn to slope more towards the wetland which is capturing more runoff than before.

Upon query by Mr. Maitland, Mr. Tidman stated that everything on site is satisfactory.

8:00 Mr. Maitland closed the meeting.

Determination - 97 Windsor Avenue

Ms. Adachi moved that the Commission approve the work as presented, and note that the Determination retroactively approves work that the Applicant completed without the Commission's review and approval prior to the May 21, 2009 filing of the Request for Determination. Ms. Miles 2<sup>nd</sup>; unanimous.

8:07 Notice of Intent - 7 Oneida Road - Steven & Susan Michelson (030)

Jon O'Coin, builder representing the owner, presented plans for the proposed removal of an existing deck to be replaced with a 16' x 16' enclosed sunroom, stairs and removal of three pine trees within 100' of a wetland.

Upon query by Ms. Miles, Mr. O'Coin stated that the existing shed needs to be moved so it is within the property line. The existing shed is currently within 50' of the wetland and over the property line; it will be rotated and located beyond 50' from the edge of wetlands.

8:11 Mr. Maitland closed the hearing.

Decision - 7 Oneida Road - Steven & Susan Michelson

Ms. Miles moved that the Commission issue a standard Order of Conditions; Mr. Froberg 2<sup>nd</sup>, unanimous.

8:13 Request for Determination - 28 Washington Drive - Heidi & Leonard Streeter (040)

Heidi Streeter presented plans for the proposed installation of a fenced in play area within her existing lawn area 46' from the edge of wetlands. Ms. Streeter stated that she also wishes to place crushed stone within the fenced area.

Upon query by Mr. Froberg, Ms. Streeter reported that the proposed aluminum fence will be four feet in height.

Upon query by the Commission, Mr. Tidman reported that the proposed fence is permissible under the Bylaw at a zero-foot setback.

8:21 Mr. Maitland closed the hearing.

Determination - 28 Washington Drive - Heidi & Leonard Streeter

Ms. Miles moved that the Commission find the work as proposed to be within its jurisdiction but will not impact the wetland (-3); Mr. Froberg 2<sup>nd</sup>, unanimous.

8:22 Notice of Intent - Sewer Project Spencer/Tuttle/Flint - Town of Acton - Woodard & Curran (050-053)

Acton Health Director, Doug Halley, stated that this area of town is served by individual on-site sewage disposal systems; the systems in this area have been failing and impacting water quality, etc. A gravity sewer system is not suitable for this area so a low pressure system is proposed to service homes on Durkee Road, Flint Road, Lothrop Road, Mallard Road, Spencer Road, Torrington Lane, Tuttle Drive and Wayside Lane. The Town has an

opportunity to apply for federal funding, under the American Recovery and Reinvestment Act (ARRA) to reduce the cost to homeowners in the sewer district. Although the system design has not been finalized, the ARRA schedule requires that the Town rush to secure all necessary permits, including an order from the Commission.

Joe Shea, from Woodard and Curran reported that this NOI is a conceptual plan being presented with performance standards used in previous sewer construction projects in Acton. Standard siltation prevention measures will be used and the specifications will also prescribe where stockpiling will and will not be allowed around areas within the buffer zone. The proposed system will be installed completely within the existing paved roadway with no further encroachments on the wetlands. Two areas of installation will occur at culvert crossings where the Town proposes to cross by means of trenchless, horizontal directional drilling. The NOI documents submitted are based on open-trenching, which is the "worst-case" proposal, but the goal is to do directional drilling instead with less disturbance to the resource areas.

Upon query by Mr. Maitland, Mr. Halley reported that, if approved at the Special Town Meeting, the project will begin by February 17, 2010 to meet ARRA requirements.

Upon query by Ms. Miles, Mr. Shea reported that the directional drilling equipment will push through shale but not bedrock; the proposed depth of the sewer lines is approximately five feet so encountering ledge is less likely.

Jack Troidl, from Woodard and Curran, stated that siltation prevention will be done with staked haybales with silt fence or alternatively silt-socks 8-12" in diameter. Existing catchbasins will be protected. All potential stockpiling of materials will be outside of the 100' buffer zone with erosion control devices set around the stockpiles. Any potential dewatering activities will go through a sedimentation basin.

Upon query by Mr. Froberg, Mr. Shea reported that there 1,600 linear feet of piping is proposed within resource areas of a total 12,000 linear feet for the entire project.

Upon query by the Commission, Mr. Halley reported that individual homeowners wishing to connect to the sewer in areas within the Commission's jurisdiction will have to file with the Commission separately; this NOI filing only addresses installation of the sewer main and pump stations which are within the existing roadway.

9:05 Mr. Maitland closed the meeting.

#### Decision - Sewer Project Spencer/Tuttle/Flint - Town of Acton – Woodard & Curran

Ms. Miles moved that the Commission issue an Order of Conditions for the plans as presented with the following special conditions:

1. The Applicant shall submit site and construction plans at a scale of not less than 1" = 40', depicting all wetlands (fully delineated) and all 100'-buffer- zone resource areas on which the project will have an impact.
2. The Applicant shall submit final design specifications depicting and explaining in detail all proposed mitigation measures, including the locations and types of all silt barriers; all check-dam locations, a detailed plan for the treatment of sediment- laden water from excavation trenches, and stockpile-containment plans.
3. Any stockpiling of excavated materials shall be located beyond the 100' wetlands buffer zones in all areas of activity.

Mr. Froberg 2<sup>nd</sup>, unanimous.

9:10 Preliminary Review - 99 Parker Street - Dennis Dyer & Mark Starr

Mark Starr presented a preliminary plan for a proposed Chapter 40B Project. Mr. Starr stated that he wishes to subdivide the existing property, renovate the existing farm house and build four small single family homes that will be 1,400 s.f. One of the four new homes

will be constructed and available for a handicapped veteran. The most significant problem on the site is the wetland resource area.

Mark Beaudry from Meridian Associates reported that the existing farm house and septic will remain on site and the new proposed homes will be connected to the town sewer system. Two of the proposed homes will be located on the front portion of the lot adjacent to the existing farm house and the two additional proposed homes will be located at the rear of the lot on the opposite side of the wetland crossing. The on-site wetlands narrow in one area at a bottleneck at the existing farm-road crossing which will provide access to the proposed driveway for the two proposed homes at the rear of the lot. Unit 4 is proposed 10' from the edge of wetlands. The proposed development will be low-impact with minimized paved areas and proposed rain gardens as part of the drainage design addressing stormwater managements. The yards will have minimal lawns with native naturalized plantings and bio-retention areas.

Ms. Miles and Ms. Portante noted that the proposed units at the rear of the property are an obstacle to approval and asked if they could be rotated or moved closer together to achieve a greater distance from wetlands.

Commissioners generally like the concept, which is to be filed as a Ch. 40B, but are concerned about the location of the two proposed homes at the rear of the site and asked if the design could be reworked to accomplish more distance between the two proposed homes and wetlands at the rear of the property.

Upon query by Mr. Tidman, John Gwozdz from Meridian Associates stated that there will be a maintenance program for the first several years to help native plants become established. His planting plan will provide planting plugs, seed mix and small trees and shrubs.

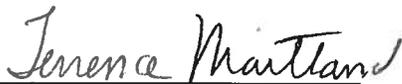
Upon query by Mr. Tidman, Mr. Beaudry stated that the bio-retention areas can be designed as landscape features to soften disturbance.

Upon query by Ms. Miles, Mr. Beaudry reported that impervious surfaces will increase from existing with the new development but alternative impervious type surfaces may be available that will suit the budget for the project.

Certificate of Compliance - Mt. Calvary Church - 85-980 - 472 Massachusetts Ave.

Ms. Adachi moved that the Commission issue a Certificate of Compliance; Mr. Froberg, unanimous.

10:02 Meeting adjourned.



Terrence Maitland  
Chairman