

**CONSERVATION AGENDA
AMENDED AGENDA
AUGUST 5, 2009**

- 7:15 NOI – Continuation - 53 River Street - River Street Nominee Trust - R. Lazaro
- 7:30 Notice of Intent - 37 Stoneymeade Way - S. Demarco (010 - 011)
Construction of an addition and deck to an existing single family house within 100' of a wetland.
- 7:40 Request for Determination - 112 Nonset Path - V. Mohar & I. Sudana (020 - 021)
Construction of an addition and deck to an existing single family house within 100' of a wetland.
- 7:45 Notice of Intent - 14 Minuteman Road - Acton Engineering Department (030)
Replacement of an existing collapsed stone-box culvert.
- 8:00 Request for Determination - 79 Canterbury Hill Road - S. Bhaireddy (040)
Proposed clearing, grading and installation of a fence along lot line perimeter.

Request for Certificate of Compliance - Lothrop Mill - 81 River Street – Lot 1 85-974

MINUTES

June 17 comments received by TM, FP, JA
July 1 awaiting comments

**CONSERVATION AGENDA
MINUTES
AUGUST 5, 2009**

COMMISSIONERS PRESENT: Janet Adachi, Patty Lee, William Froberg, Julia Miles, Linda Serafini

ASSOCIATE MEMBER: Toni Hershey

RECORDING SECRETARY: Andrea Ristine

VISITORS: George Dimakarakos, Leigh Davis-Honn, Richard Lazaro, Mark Donohoe, Steve Demarco, Victoria Mohar, David Thompson, Richard Swenson, Sreeni Bhairreddy

7:15 NOI – Continuation - 53 River Street - River Street Nominee Trust - R. Lazaro

George Dimakarakos from Stamski & McNary noted a site walk was conducted with Commissioners.

Upon query by Leigh Davis-Honn, David Thompson, Land Site Professional (LSP), reported that the on-site contaminant is diesel fuel; contaminant readings are considered moderate.

Upon query by Ms. Adachi, Mr. Dimakarakos reported that there are 17 borings on the site; their boring locations were chosen by the LSP based on use of the land.

Upon query by Ms. Miles, Mr. Thompson reported that the stockpiles on the site are clean loam. Richard Lazaro confirmed that the stockpiles are clean loam and stone stockpiles have been removed from the site.

Ms. Adachi noted that Mr. Tidman has suggested that the Commission require a special condition requiring containment around the existing soil piles (haybales).

Upon query by Mr. Froberg, Mr. Lazaro reported that he prefers to handle the remediation process during the dry months and he is ready to start work as soon as possible.

Ms. Adachi noted that the wetland flags 101 through 127 on the south side Fort Pond Brook have not been confirmed by the Commission.

Discussion.

Ms. Miles stated that she is not comfortable approving the wetland delineation on the south side of Fort Pond Brook since it has not been confirmed by the Commission.

Commissioners agreed that the Commission should confirm only the wetland delineation between wetland flags 3 through 39 on the north side of Fort Pond Brook.

Leigh Davis-Honn noted that there are abutters to the project that are very sensitive to air-borne particles, and asked if the hauling trucks could be covered and what the hours of work would be.

Mr. Thompson confirmed that the hauling trucks would be covered, and stated the project should take approximately two days and would be done during regular work hours.

7:45 Ms. Adachi closed the hearing.

Decision – 53 River Street - River Street Nominee Trust

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

Finding: The Commission did not inspect Wetland Flags 101 through 127 and cannot confirm the accuracy of the resource area delineation in that area.

Special Condition: a siltation barrier shall be installed around the existing stockpiles in the area of the existing two-story shed.

Ms. Lee 2nd, the motion passed unanimously.

7:48 Notice of Intent - 37 Stoneymeade Way - Steve Demarco (010 - 011)

Mark Donohoe presented plans for the proposed construction of an addition and deck to an existing single family house. The existing deck will be removed and an addition and new deck will be constructed in a different position on the back of the house. The existing house is 37' from the edge of a detention basin that has wetland characteristics. The proposed addition will be within the existing lawn 42' from bordering vegetated wetlands (BVW) and 50' from the BVW on the adjacent property.

Upon query by Mr. Adachi, Mr. Donohoe stated that his plan considers the detention basin as the closest wetland for setback purposes. Ms. Adachi stated that the Bylaw does not consider a detention basin to be BVW. Mr. Donohoe said that he had not determined the location of the wetland line as it continues on the adjacent property or determined the distance from that portion of the wetland line to the Applicant's existing structure.

Steve Demarco stated that he needs more functional living space.

Upon query by Ms. Lee, Mr. Demarco stated that the proposed addition would have a full foundation.

Ms. Miles reiterated that the Bylaw would not consider the existing detention basin as a BVW and could not be used as an off set from wetlands.

Mr. Donohoe stated that the Applicant can reduce the size of the existing children's playground area to extend the hedge.

Commissioners noted the absence of a wetland filing for the playground, which is in violation of the Bylaw setbacks.

Ms. Adachi stated that the Bylaw already makes an allowance for homeowners with the limited exception for certain new construction on existing non-conforming structures. The Commission would establish an inappropriate precedent if it allowed a manmade wetland detention basin to be considered BVW.

Upon query by Ms. Lee, Mr. Donohoe reported that the proposed addition would create an additional 700 s.f. of living space.

8:08 Upon the request of Mr. Donohoe, Ms. Adachi continued the hearing until August 19 at 7:15 PM.

8:09 Request for Determination - 112 Nonset Path - V. Mohar & I. Sudana (020 - 021)

Victoria Mohar presented plans for the construction of additions (home & deck) and to her existing single family house; the proposed additions will be at the second level constructed upon sono-tubes and posts without a full foundations. The first addition will be a 120-SF house addition adjacent to the kitchen to align with the existing rear of the house. The second addition area will be an additional 25-SF deck adjacent to the first addition area. The third addition area will be 125 SF of deck along the existing dining room in alignment with the existing deck over existing impervious pool deck. The fourth addition area will be 135 SF of deck adjacent to and at the rear of the existing garage.

Upon query by Ms. Miles, Ms. Mohar reported that the existing house is 48' from the edge of wetlands, proposed additions are 74' from wetlands, thereby meeting Bylaw setback provisions.

Upon query by Ms. Lee, Ms. Mohar reported that the plans call for the replacement of the existing post footings supporting the existing dining room as they are in failure.

8:16 Hearing no further comments or questions, Ms. Adachi closed the meeting.

Determination - 112 Nonset Path

Mr. Froberg moved that the Commission find the plans as presented to be within its jurisdiction but will not impact the resource area (-3); Ms. Miles 2nd, unanimous.

8:20 Notice of Intent - 14 Minuteman Road - Acton Engineering Department (030)

Corey York from the Acton Engineering Department presented plans for the replacement of an existing collapsed stone-box culvert. Upon inspection the box culvert was found collapsed with accumulated silt on the down stream side; water flow is minimal and there is standing water on the upstream side. The Town proposes to replace the culvert replicating the flow with the same capacity as the existing and hopes to do the work during the low-flow period this year.

Upon query by Ms. Miles, Mr. York stated that all work activity will be within the existing roadway and will match the existing inverts as well. The stream is also impeded by felled trees.

Upon query by Mr. Froberg, Mr. York reported that upon inspection the upstream water level was higher than usual with little flow found through the culvert and water was backed up in the adjacent catchbasins; an internal inspection found the culvert to be partially collapsed. The culvert will be cleaned out but the partial collapse needs to be repaired in order for it not to be a recurring problem that becomes compounded.

Richard Swensen from 24 Newtown Road reported that he has been a resident in this area for 42 years and stated that under the current conditions the area is flooding because water is entering the culvert faster than the outflow allows.

8:29 Hearing no further comments or questions, Ms. Adachi closed the hearing.

Decision - 14 Minuteman Road

Ms. Lee moved that the Commission issue a standard Order of Conditions for the plans as presented; Ms. Serafini 2nd, unanimous.

8:30 Request for Determination - 79 Canterbury Hill Road - S. Bhaireddy (040)

Sreeni Bhaireddy presented plans for the proposed clearing, grading and installation of a fence along the perimeter of his lot line. Mr. Bhaireddy stated that he wishes to remove some understory vegetation (shrubs & trees) and also grade and fill two areas that puddle; only one puddle area is within the 100' buffer zone. Work will also involve extending the existing lawn area and mulching the perimeter. Mr. Bhaireddy also wishes to install a fence and/or a stone wall approximately four to six feet in height.

Upon query by Ms. Adachi, Mr. Bhaireddy stated that he would like to install a fence along the rear property line extended by stone walls partially along both sides of his property.

Upon query by Ms. Miles, Mr. Bhaireddy stated that he wishes to fill the puddle areas to even out his property.

Ms. Adachi suggested that any trees to be removed be approved by the Conservation Agent prior to removal and that the Applicant consider mulching the expanded area instead of installing additional lawn.

Mr. Froberg noted that with the existing elevations and stormwater runoff characteristics the area that is to be loamed and seeded will remain wet.

8:44 Hearing no further comments or questions, Ms. Adachi closed the meeting.

Determination – 79 Canterbury Hill Road

Mr. Froberg moved that the Commission find the activities as proposed to be within its jurisdiction but will not impact the resource area with the special condition that the removal of any trees shall require the prior on-site inspection and approval of the Conservation Agent. Ms. Lee 2nd, unanimous.

Request for Certificate of Compliance - Lothrop Mill - 81 River Street, Lot 1 DEP File No. 85-974

Ms. Lee moved that the Commission issue a Certificate of Compliance for Lot 1 at 81 River Street; Ms. Miles 2nd, unanimous.

8:59 Meeting adjourned.



Terrence Maitland
Chair

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