

RECEIVED  
OCT 17 2013

ACTON CONSERVATION COMMISSION  
MINUTES

OCTOBER 2, 2013  
7:15 PM

TOWN HALL - 472 MAIN STREET  
ROOM 204

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:** Janet Adachi, Bill Hall, Ray Lyons

7:15 **Request for Determination:** 160 – 174 Central Street, Mount Hope Cemetery  
*Rescheduled for October 16 at 7:40*

7:50 **Notice of Intent:** 1 Lilac Court

Stamski and McNary, representing Pam Stevens, presenting plans for the replacement of an existing failed septic system within the 100 foot Buffer Zone of a Bordering Vegetated Wetland at 1 Lilac Court, Acton, MA. (town atlas plate H-3, parcel 58) (020, 021)

Mr. Maitland opened the hearing at 7:50 PM under the Wetlands Protection Act, not the town by-law, as appropriate for septic repair. Bill Hall of Stamski and McNary, explained that it was much cheaper to install a septic system rather than hooking up to the town sewer line. The system will be outside the 75 foot setback. The Board of Health has not yet approved, pending a minor change. There will be some grading within the 75 foot setback. Hearing was closed at 7:59.

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

1. All equipment and stockpiling of material must occur outside the 100 foot buffer zone;
2. Equipment shall access the work area either from the north (the gravel drive) or stay out of the 50 foot setback from the south (School Street access).

Mr. Arnold seconded, vote unanimous.

8:00 **Update:** Quail Ridge, Conservation Restriction status

Mr. Colman had shared a draft of the CR with Roland Bartl, Town Planner, and Stephanie Dubanowitz, Town Counsel. Pulte Homes has reviewed the CR as well, and raised two issues: 1. Their preference is that the Conservation Commission not have too much Golf Course oversight; 2. They don't want the ConCom "associated with golf course activities." Ms. Dubanowitz will put together some language to address this.

Mr. Magee raised concern about how open the golf course improvement language was. He pointed out that golf course improvements could mean snack bars, swimming pools and other related development often associated with a golf course. He suggested the language must be clear that no structures be associated with golf course improvements. Stephanie is looking at how restrictive the Special Permit is. Several members noted that the Special Permit could be changed by a vote of the Planning Board; hence, the conservation restriction should not rely on the Special Permit. The CR is a condition of the Special Permit.

Mr. Colman will ask Pulte, via Stephanie, what they mean by the term "associated with golf course activities."

Discussion closed at 8:10 PM

8:10 **Notice of Intent:** 12 Summer Street (DEP #85-1127) (030) continued to October 16, 8:20 PM.

8:10 **Request for Determination:** 164 Newtown Road (040)

Ray Lyons, representing Church of the Good Shepherd, presented plans for installing an underground propane tank, a propane line, removal of trees in the existing lawn and within 25 feet of the church building (shading the church) and removal or modification of landscaping around an existing play area for improved storm-water runoff including the installation of a drainpipe.

Mr. Lyons explained that a new gas-fired heating system was being installed which involved putting in an under-ground propane tank. Some trees within 100 feet of wetlands will be removed. There is also a need to address a drainage issue at the rear of the church, that entails water out-letting into an open (existing) swale.

Mr. Magee commented that the work being proposed is within the 50 foot natural buffer. Mr. Colman noted that it wasn't specified how many trees would be cut or the size of the pipe being installed. Mr. Lyons responded that this was a very de minimus project. He further stated that very large shade trees would be removed to allow more sunlight on the church, as they are experiencing a mold issue.

**Decision:** Mr. Magee moved to issue a negative 3 determination, meaning that work described in the Request is within the jurisdiction of the Act and Bylaw, as defined in the regulations, but will not alter an Area subject to protection under the Act and Bylaw. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:

1. Applicant must establish a 50 foot setback from wetlands to be delineated in the field, with no work or tree removal within that setback, with the exception that the drainpipe may be extended to the resource area but not enter into the resource area.
2. Any work within the 50 foot setback requires consultation with the Conservation Administrator, who will confirm that the 50 foot setback is accurate.

Mr. Colman seconded, vote unanimous.

Hearing closed at 8:30 PM.

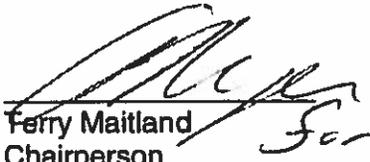
**Certificates of Compliance:**

Sudbury Road (Powdermill Road to Maynard Line) (DEP #85-1012) (060)

Mr. Magee moved Ms. Green 2<sup>nd</sup> Unanimous vote

40 Sudbury Road (DEP #85-1023) (070)

Mr. Magee moved Ms. Green 2<sup>nd</sup> Unanimous vote

  
Ferry Maitland  
Chairperson

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AGENDA  
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7:40 **Notice of Intent:** 12 Summer Street (DEP #85-1127) (030) continuance

7:45 **Request for Determination:** 164 Newtown Road (040)

Ray Lyons representing Church of the Good Shepherd presenting plans for installing an underground propane tank, a propane line, removal of trees within 25 feet of existing lawn and removal or modification of landscaping around an existing play area for improved storm-water runoff.

8:00 **Update:** Quall Ridge, Conservation Restriction status (050, 051, 052)

**Certificates of Compliance:**

Sudbury Road (Powdermill Road to Maynard Line) (DEP #85-1012) (060)

40 Sudbury Road (DEP #85-1023) (070)

**Minutes:** September 18, 2013, pending

Edit Selected. 
 Add.

<input type="checkbox"/> Type	Title	Owner	Edited
<input type="checkbox"/>	001 - 10-02-2013 Agenda.pdf <a href="#">↗</a>	naturalres	10/01/13
<input type="checkbox"/>	001 - 10-02-2013 Amended Agenda.pdf <a href="#">↗</a>	naturalres	10/01/13
<input type="checkbox"/>	020 - Notice of Intent 1 Lilac Court <a href="#">↗</a>	naturalres	09/26/13
<input type="checkbox"/>	021 - Notice of Intent 1 Lilac Court Site Plans <a href="#">↗</a>	naturalres	09/26/13
<input type="checkbox"/>	022 - DEP 85 1133 1 Lilac Court <a href="#">↗</a>	naturalres	10/01/13
<input type="checkbox"/>	030 - 12 Summer Street Cemetary Commission Response re access <a href="#">↗</a>	naturalres	09/26/13
<input type="checkbox"/>	031 - 12 Summer Street Westchester vacuse request - 08192013 <a href="#">↗</a>	naturalres	09/26/13
<input type="checkbox"/>	032 - 12 Summer St Request for Continuance <a href="#">↗</a>	naturalres	10/01/13
<input type="checkbox"/>	040 - Request for Determination 164 Newtown Road <a href="#">↗</a>	naturalres	09/26/13
<input type="checkbox"/>	041 - Request for Determination 164 Newtown Road Site Plan <a href="#">↗</a>	naturalres	10/04/13
<input type="checkbox"/>	050 - Revised Quail Ridge CR (revised 9-11-13) <a href="#">↗</a>	naturalres	09/27/13
<input type="checkbox"/>	051 - Redline of CR (9-12-13) <a href="#">↗</a>	naturalres	09/27/13
<input type="checkbox"/>	052 - JCC comments on Redline of CR (9-12-13) <a href="#">↗</a>	naturalres	09/27/13
<input type="checkbox"/>	060 - Request for Certificate Sudbury Road 85-1012 <a href="#">↗</a>	naturalres	09/26/13
<input type="checkbox"/>	070 - Request for Certificate 40 Sudbury Road 85-1023 <a href="#">↗</a>	naturalres	09/26/13

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