

CONSERVATION COMMISSION
AGENDA
MAY 2, 2007



- 7:15 Request for Determination – 97 Windsor Avenue – Liza Cormier
Civil Solutions: replacement of an existing sewage disposal system within 100' of wetlands.
- 7:30 Request for Determination – Great Rd – Keyspan Energy Delivery
Oxbow Associates: installation of 900 linear feet of four-inch natural gas conduit within 100' of wetlands and riverfront area along Great Road from Meyer Hill Road and 405 Great Road
- 7:45 Continuation - NOI - 253D Pond Ridge Drive (School St.)
- 8:00 Continuation - NOI - 4 High Street
- 8:15 Continuation - NOI - 976 Main Street
- 8:30 Notice of Intent - 150 Pope Road – Jonathon Wright
Foresite Engineering: proposed addition to an existing single family home within 100' of a wetland.

MINUTES

April 18 comments rec'd by TT, TM, JA

**CONSERVATION COMMISSION
MINUTES
MAY 2, 2007**

MEMBERS PRESENT: Terry Maitland, Janet Adachi, William Froberg, Linda Serafini, Frances Portante

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea Ristine

VISITORS: Brett Manson, Kirk FitzPatrick, Tom Mahanna, Paul Bradley, Colleen Murphy, Benjamin Ewing, Dave Duane, Scott Hayes

7:15 Request for Determination – 97 Windsor Avenue – Liza Cormier

Kirk FitzPatrick from Civil Solutions presented plans for the proposed replacement of an existing sewage disposal system within 100' of wetlands. The Board of Health has approved the plan with variances. The proposed system will be constructed in the same location as the existing system 83' from wetlands; all excavated materials will be removed from the site.

Upon query by the Commission, Mr. Tidman reported that the site is small and limited with no options for relocation outside of the 100' buffer zone.

Upon query by Mr. Froberg, Mr. FitzPatrick reported that the wetlands are open water wetland with a culvert connection under roadway to the wetland across the street.

Discussion.

Upon query by the Commission, Mr. FitzPatrick reported that all drainage from the front yard flows towards the street and the activity area is bound by structures.

Determination – 97 Windsor Avenue

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

7:30 Request for Determination – Great Road – Keyspan Energy Delivery

Brett Manson from Oxbow Associates (OA) presented plans for the proposed installation of 900 linear feet of four-inch natural gas conduit within 100' of wetlands and Wills Hole Brook riverfront area along Great Road from Meyer Hill Road and 405 Great Road. The proposed conduit will connect two existing gas conduits. Activity will involve excavation and filling in increments of a 36" wide by 36" deep trench within the eastern road shoulder of Great Road; the opposite side of Great Road from both the intermittent no-name stream and Wills Hole Brook. The entire proposed project is within riverfront mostly within the inner riparian zone.

Upon query by the Commission, Mr. Manson reported that no erosion control is proposed on the west side of Great Road but the Applicant will provide haybales at the location of the intermittent stream at the limit of work on the east side of Great Road. A construction sequence is included with the filing. The project will take approximately one week to complete. The Applicant will not leave tailings or open trenches overnight.

Upon query by Ms. Adachi, Paul Bradley from Keyspan Energy reported that the project is a system upgrade and not for the purpose of providing new service.

7:52 Hearing no further comments or questions, Mr. Maitland closed the meeting.

Determination - Great Road – Keyspan Energy Delivery

Mr. Froberg moved that the Commission find the work as proposed to be within its jurisdiction but will not impact the wetland resource areas; Ms. Portante 2nd, unanimous.

7:54 Continuation - NOI - 253D Pond Ridge Drive (School St.)

Ms. Portante recused herself from the hearing as she is acquainted with the Applicant.

The Applicant's architect, Jeff Kehm, submitted a revised certified plot plan showing existing and proposed activities within the buffer zone. The amended plan depicted pavement to be removed with the addition of lawn area, a flagstone walk from the proposed garage to the back of the house, new patio and proposed garage location. The proposed garage addition is angled from the existing house due to building code requirements, existing landscape and existing electric service location. The Applicant also proposes additional local indigenous plantings to the right of house and driveway.

Upon query by Mr. Froberg, Mr. Kehm stated that the Applicant will remove approximately 330 SF of pavement, the footprint of the proposed garage is 280 SF and that the garage will be constructed over existing pavement and front lawn. The proposed mudroom has been reduced from the original plan and the proposed buffer planting will convert 693 SF from lawn area.

Upon query by Mr. Maitland, Mr. Tidman noted that the property has preexisting, noncompliant structures; and noted that the Commission, in the past, has considered an existing paved driveway as not being so different from a garage.

The Commission discussed previous sites with similar situations.

8:14 Hearing no further comments, Mr. Maitland closed the hearing.

Decision – 253D Pond Ridge Drive (School Street)

Ms. Adachi moved that the Commission issue an Order of Conditions (OOC) for the plans as presented with the following Findings of Fact:

- 1) The existing non-conforming structure (paved driveway) at its' nearest point is 23' from the edge of wetlands. The proposed addition (one car garage) will be no closer to wetlands than existing "like" structures; at its nearest point, the proposed garage will be 50' away from the edge of wetlands. The Commission allows the proposed construction under the provisions of Section F8.3 of the Acton Wetland Protection Bylaw.
- 2) The Applicant proposes the removal of 330 square feet (SF) of impervious paved surface within the 100' wetland buffer zone and the naturalization of 692 SF of existing lawn within the buffer zone with native plant species.

Mr. Froberg 2nd, motion passed unanimously.

8:15 Continuation - NOI - 4 High Street – Faulkner Mill Realty LLC

Ben Ewing from Stamski & McNary reported that the Applicant has submitted an amended planting plan, dated May 2, 2007, as requested by the Commission.

Upon query by Mr. Maitland, Mr. Dimakarakos stated that the Applicant can work with the owners of the abutting property (Erikson) to clean up the stream bank area.

Upon query by Mr. Tidman, Mr. Dimakarakos described the intended areas for snow storage and also reported that the Town will not require the installation of a sidewalk on High Street

8:29 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 4 High Street

Mr. Froberg moved that the Commission issue a standard OOC for the plans as presented; Ms. Portante 2nd; unanimous.

8:30 Continuation - NOI - 976 Main Street - Macot Realty Trust

Tom Mahanna from StanTech Consultants reported on the two outstanding issues that the Commission had expressed concern: the ongoing Acton Water District project that the Commission approved earlier; and the proposed work in wetlands. Addressing first issue, Mr. Mahanna stated that the Applicant is a private party extending a private line to the public water supply. The Acton Water District received an OOC on October 4, 2006 for drainage improvements in this location. Since then DEP has rescinded the grant under which the Water District project was to proceed; the drainage improvements therefore will not be done until and unless the grant is reinstated. The Applicant, Macot Realty Trust, cannot be held responsible for the activities and conditions on the abutting property that are causing the accumulating silt in the wetland in question.

Addressing the second issue, Mr. Mahanna said that the Commission had inquired about the possibility of installing the water main within the roadway instead via the route proposed crossing through wetlands. Going around the wetland is not an option for the water main extension because it would require a second crossing of the railway, a second license agreement with the rail company; in addition, the Water District wants to stay out of the "State" roadway. The Water District wants to pave the entrance to the adjacent gravel pit property but there are no plans at this time to reduce silt from traveling into the wetlands. The wetlands are silted in and the Applicant plans to remove as much silt as possible and re-plant with wetland species seed mix.

Upon query by Mr. Maitland, Mr. Mahanna reported that this project is to facilitate the future expansion of the building located at 976 Main Street; one other site could potentially connect to this main. The Owner/Applicant is planning on moving and consolidating the operations of three other buildings from Sudbury to this site. The water service upgrade for this building will also be needed for fire protection.

Upon query by Mr. Maitland, Mr. Tidman noted to the Commission that the abutting property, Kennedy property site (Town Atlas B-5, Parcel 17-3) is disturbed and contains demolition debris and activities track silt in and out of the property; the Town has been working with Kennedy to remedy the problem and the State is also involved.

Upon query by Mr. Froberg, Mr. Mahanna reported that there will be one piece of excavation machinery used for the project, work in the wetland area will take one to two days, all excavation will be backfilled immediately and trench boxes will be used during the work activities.

8:47 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision – 976 Main Street - Macot Realty Trust

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

8:50 Notice of Intent - 150 Pope Road – Jonathon Wright

Scott Hayes from Foresite Engineering presented plans for the proposed addition to an existing single family home within 100' of a wetland. The house was constructed in 1994; the wetland resource area is primarily a red maple swamp. The proposed addition on the northeast side of the house meets the pre-existing non-conforming setback under the Bylaw; the proposed garage addition will be over existing pavement and will be 42' from the edge of wetlands. Approximately 740 s.f. of pavement is to be removed and replaced with crushed stone, adjacent to the house, to compensate for the proposed addition and provide a net reduction of impervious surfaces. The Applicant also proposes to provide and restore a 50' vegetative setback (4,450 s.f.) that is currently lawn area; native shrub species will be used in the 50' restoration area. The Applicant will also remove any non-native and invasive plant species from the 50' restoration area. The Applicant will also construct crushed stone infiltration trenches along the side of the existing driveway and add 333 s.f. of pavement to reshape the driveway entrance to the proposed garage addition.

Upon query by Ms. Adachi, Mr. Hayes reported that the existing back lawn does not meet the edge of wetlands.

Mr. Maitland noted that the original house construction was filed as a "limited project" and stated that he feels that the proposal is a significant improvement to the existing conditions with the Applicant providing additional infiltration and restoration of a vegetative setback.

Upon query by Mr. Maitland, Mr. Hayes reported that the proposed garage will also provide additional living space above.

Upon query by Mr. Maitland, Mr. Tidman noted that the Applicant is creating a substantial natural vegetative buffer; the resource area is gaining 50' of natural buffer in the front where it does not currently exist. Mr. Tidman also noted that, in the past, the Commission has allowed the conversion of a driveway surface for a garage.

Mr. Maitland stated that he would like to see the site before voting.

Mr. Hayes stated that the Applicant prefers to close the hearing.

Discussion.

9:19 Mr. Maitland closed the hearing.

Decision – 150 Pope Road

Ms. Adachi moved that the Commission issue a standard Order of Conditions for the plans as presented with the following findings of fact:

- 1) The Commission finds that the existing paved driveway crossed over an area of Bordering Vegetated Wetlands (BVW) on this lot previously approved under DEP File No. 85-427. The proposed 24' X 26' garage addition at its nearest point to wetlands will be 56' away. The Commission further finds that the existing impervious paved driveway and the proposed garage are non-conforming "like" structures as defined in Section F8.3 of the Acton Wetland Protection Bylaw; therefore the proposed addition is an approved use.
- 2) The Applicant proposes the restoration of 3,500 square feet (SF) of wetland buffer zone habitat beginning at the edge of wetlands and terminating at the 50' natural buffer setback; this area is currently maintained as lawn and will be restored with native shrub species and allowed to naturalize. In addition, the Applicant proposes to remove 740 SF of impervious pavement adjacent to the southwest corner of the existing dwelling to be replaced with an area of permeable crushed stone.

Ms. Portante 2nd; unanimous.

9:24 MINUTES

Ms. Adachi moved that the Commission approve the minutes for April 18, 2007; Mr. Froberg 2nd, unanimous.

VIOLATION - 70 Newtown Road

Mr. Tidman reported that the owners of 70 Newtown Road have paved their driveway without filing with the Commission. Work was within 100' of a wetland and the original OOC issued in 2001 for the house construction had a special condition stating "The driveway must remain as gravel where noted on said plan" written into a deed restriction. The owner will be before the Commission in the near future.

VIOLATION - 133 Arlington Street

Mr. Tidman reported that the owner of 133 Arlington Street has had activity within the buffer zone without filing with the Commission. The owner will be before the Commission in the near future.

10:10 Meeting adjourned.


Terrence Maitland, Chair

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