

CONSERVATION COMMISSION
AMENDED AGENDA
NOVEMBER 7, 2007



7:15 Abb. Notice of Resource Area Delineation – Willow/Windemer & Woodchester (010, 011)

Applicant: Colonial Realty Trust Owner: Liberty Square Realty Trust U-D-T
Engineer: Stamski & McNary

7:30 NOI – Continuation - 941 - 960 Main Street - Water Supply District

7:45 NOI – Continuation - 8 Puritan Road (030, 031, 032)

8:00 NOI -- Continuation - 98 Newtown Road (040, 041, 042, 043, 044)

Requests for Extension – Robbins Mill Estates – Pulte Homes of New England (050)

Lot 30, 91 Canterbury Hill Road 85-897

Lot 33, 85 Canterbury Hill Road 85-896

Lot 35, 79 Canterbury Hill Road 85-895

Lot 40, 69 Canterbury Hill Road 85-889

Lot 41, 67 Canterbury Hill Road 85-888

Lot 42, 65 Canterbury Hill Road 85-887

Request for Certificate of Compliance - 11 Monroe Drive - 85-953 – Dirik (060)

MINUTES

October 3 comments rec'd by JA, LS, FP signature

October 17 comments rec'd by JA, LS "

CONSERVATION COMMISSION
MINUTES
NOVEMBER 7, 2007

MEMBERS PRESENT: Terry Maitland, Janet Adachi, Frances Portante, Bill Froberg, Linda Serafini, Patty Lee

ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea Ristine

VISITORS: Rich Harrington, David Crossman, Joseph Ianello, Richard Defuria, Donald Brady, Alexander Moshkevich, Chris Allen, Richard Protasowicki, Dave Haslett, John Marchese

7:15 Abb. Notice of Resource Area Delineation – Willow/Windemer & Woodchester (010, 011)

Applicant: Colonial Realty Trust Owner: Liberty Square Realty Trust U-D-T
Engineer: Stamski & McNary Site Walk: 11/2/07 Tidman & Lee

Mr. Froberg recused himself from the hearing as he lives in the neighborhood adjacent to the property.

Rich Harrington from Stamski & McNary presented plans noting that there is a stream through Stow with associated wetlands in Acton.

Dave Crossman from B & C Associates reported that the Bordering Vegetated Wetlands and shrub swamp were delineated through both means of vegetation and soils.

Mr. Tidman reported that most of the wetlands are in Stow; the nature of the wetlands exhibits vernal pool characteristics in Stow and he feels that Acton's Order of Resource Area Delineation (ORAD) should require a vernal pool investigation. There are not very many flags in Acton.

Ms. Lee reported that she felt that the delineation in Acton is accurate.

Joseph Ianello from 16 Woodchester Drive inquired about proper notification to abutters noting that the physical street addresses did not make sense. Mr. Harrington stated that although the street numbers seem confusing the referenced property plate and parcel numbers are accurate. Mr. Maitland stated that proper legal notice was given.

Richard Defuria from Windemere Drive inquired about the delineation being accurate due to the drought this year. Mr. Maitland noted that the applicant is required to delineate according to soils and vegetation; soils do not change even in a drought situation. Mr. Crossman reported that the delineation was done prior to the drought.

Upon query by Don Brady from 15 Windemere Drive, Mr. Crossman reported that the large southern wetland connecting Stow flows south towards Willow Street & West Acton Road; the smaller northern wetland flows towards Stow.

Alexander Moshkevich from 20 Woodchester Drive reported that the wetland behind his property has standing water most of the year with the exception of this year and questioned the definition of "wetland.". Mr. Crossman stated that the northern wetland is a deciduous swamp that expands onto land off site beyond the subject property; this past spring it did hold a lot of water and was flooded and has a small intermittent stream that flows to the north. The wetland resources were delineated according to the State regulations and the resource area delineated in Acton is considered Bordering Vegetated Wetlands (BVW).

Upon query by Mr. Brady, Mr. Crossman reported that the wetland continues into Stow beyond what is shown on the plans. The Applicant does not have the right to enter onto private property (not associated with the subject application) to delineate wetlands.

Upon query by an abutter, Mr. Harrington stated that the wetland was delineated prior to the soil tests; as a consultant of Stamski & McNary's, Mr. Harrington is confident in Dave Crossman's delineations, and any activities necessary prior to filing with the Conservation Commission are done 120-feet from the delineation line.

Upon query by Mr. Tidman, Mr. Crossman stated that there is a vernal pool located on the Stow portion of the subject property; this area has high-bush blueberry hummocks with significant spring water levels and he feels that it meets the criteria of being delineated as a vernal pool.

Upon query by Mr. Maitland, Mr. Tidman stated that he felt that the vernal pool is located in Stow but may encroach into the rear portions of the abutting parcels of land in Acton.

Upon further query by Mr. Maitland, Mr. Tidman stated that he felt that it is important that the Acton Order of Resource Area Delineation (ORAD) contain a condition that the vernal pool be investigated and certified if it meets the criteria. Mr. Tidman noted that the Acton Wetland Protection Bylaw requires a 100' no-disturb setback from the edge of the vernal pool not the edge of the BVW that it lies within.

7:48 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - Willow//Windemer & Woodchester

Ms. Adachi moved that the Commission approve the delineation as presented with the additional condition that: the Applicant shall investigate the potential vernal pool located within Wetland Flags 60 through 62 (in Acton). The potential vernal pool continues into Stow, where it becomes an extensive wetlands complex exhibiting vernal pool characteristics. If evidence is found supporting vernal pool activities the Applicant shall certify the vernal pool(s) with the Natural Heritage and Endangered Species Program. The Applicant shall submit a written report of the investigation and, if applicable, include a copy of certification documentation to the Commission.

Ms. Protante 2nd; the motion passed five aye and one abstained (5:0:1).

7:50 NOI – Continuation - 941 - 960 Main Street - Water Supply District

Chris Allen from the Acton Water District reported to the Commission that their filing is still pending with Natural Heritage as they have not issued a finding and requests that the Commission continue the hearing. Mr. Allen also stated that the Water District would like to stabilize the roadway with hot-top grindings during this project.

Mr. Tidman recommended that the Applicant amend this NOI to include the roadway stabilization and present at the next continued hearing.

8:00 Mr. Maitland continued the hearing until December 5, 2007 at 7:15 pm.

8:01 NOI – Continuation - 8 Puritan Road (030, 031, 032)

Applicant/Owner: Sundaram Laxman Representative: John Marchese
Site Walk: 10/30/07 Tidman, Adachi, Portante & Lee

John Marchese stated to the Commission that the owner is willing to eliminate the proposed foundation and construct the proposed addition on footings and reduce its size by two to four feet. The middle section of the proposed addition will be the kitchen expansion, the screened porch would be an extension of the living area. The main concern is additional living space.

Upon query by Ms. Portante, Mr. Marchese stated that the proposed addition will be 14' deep and can be done on footings versus a full foundation. The proposed addition increases the distance

from the pre-existing non-conforming distance. The existing deck structure would be removed in its entirety and new footings installed. The proposed addition would be four feet above the ground and the deck would be three feet above ground.

Upon query by Mr. Froberg, Mr. Marchese stated that siltation prevention is shown on the plan and there will be no stockpiling of excavated materials.

8:15 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 8 Puritan Road

Mr. Froberg moved that the Commission issue an Order of Conditions with the following special condition that: the Applicant is permitted to construct the proposed addition as noted on the "Sketch Plan, 8 Puritan Road, Scale 1/8" = 1.0' dated October 4, 2007" and as depicted on "Plan of Land in Acton MA prepared by David W. Perley, 1/21/1985, Rev. 2/6/1985 and Redrawn 10/31/1985" (wetlands flag locations added to the plan by John Marchese 10/2007) with the exception that the addition shall be constructed on footings without a full concrete foundation.

Ms. Lee 2nd; unanimous.

8:18 NOI – Continuation - 98 Newtown Road (040, 041, 042, 043, 044)

Dave Haslett from Stamski and McNary presented amended plans dated 10/31/07 showing the mature trees on site and a slightly new location for the proposed basketball court.

Upon query by the Commission, Rich Harrington from Stamski & McNary stated that the temporary access has siltation prevention in place. Upon completion of the project all exposed soils will be smoothed out and re-established as lawn as noted on the amended plan; additional haybales will be placed around the proposed basketball court location prior to construction.

8:30 Hearing no further questions, Mr. Maitland closed the hearing.

Decision – 98 Newtown Road

Mr. Froberg moved that the Commission issue an Order of Conditions based on the amended plan dated October 31, 2007; Ms. Serafini 2nd, unanimous.

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Mr. Froberg moved that the Commission grant three year Extension Permits for the noted lots; Ms. Lee 2nd; unanimous.

Request for Certificate of Compliance - 11 Monroe Drive - 85-953 – Dirik (060)

Upon the recommendation of Mr. Tidman, Ms. Portante moved that the Commission issue a Certificate of Compliance; Ms. Lee 2nd, unanimous.

MINUTES

Ms. Adachi moved that the Commission accept the minutes from October 3 and October 17, 2007; Ms. Serafini 2nd, unanimous.

Discussion – Spring Hill Road

Staff informed the Commission that a NOI filing under the Bylaw has been scheduled for the 11/21/07 agenda; DEP has issued a Superseding Order under the Act.

The Commission felt that holding a hearing for this complicated site would be unfair to the abutters noting that it is the eve before a national holiday. Staff will ask the applicant to continue the hearing until December 5th.

Discussion – 70 Newtown Road

The Commission briefly discussed the matters associated with the property and the public hearing scheduled for November 21st.

9:29 Meeting adjourned.

Terry Maitland
Terry Maitland
Chair

ahr.concom.minutes.2007.110707

