

CONSERVATION COMMISSION
AMENDED (2) AGENDA
MARCH 15, 2006

7:15 Notice of Intent - 68 Willow Street

W. Dunn for the construction of a single family home and associated utilities within 100' of a wetland.

7:30 Continuation - NOI 2 — Woodlands at Laurel Hill — Postponed until April 19 @ 8:00

7:31 Land Stewardship Committee – Update – Jim Synder-Grant – see attached

8:15 Continuation - NOI - 436 Great Road - Postponed until April 19 @ 7:30

Request for Extension – 80 Willow Street DEP No. 85-827 - See attached letter

Comprehensive Permit Review -139 Prospect Street - Blanchard Place

Discuss comments to be submitted to the Board of Appeals.

Minutes

February 15 comments rec'd by TT, TM, JA
March 1 " " TT, JA, JM

SIGNATURE

CONSERVATION COMMISSION
MINUTES
MARCH 15, 2006

MEMBERS PRESENT: Terrence Maitland, Janet Adachi, Mike Eder, Julia Miles, William Froberg

ASSOCIATE MEMBER: Jim Snyder-Grant

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Tom Tidman

VISITORS: Bill & Ann Dunn, Tom Michelman, Rich Harrington, Nancy Banks, Molly Banks, Stephanie Cahoon, David Wallace, Stephen Marsh

7:18 Mr. Maitland called the meeting to order.

Friends of the Bruce Freeman Rail Trail – Tom Michelman

Mr. Michelman, representing the Friends of the Bruce Freeman Rail Trail, discussed plans to do additional line clearing. The date of the next workday is March 25, 2006 from 9AM until 3PM, with a rain date of April 1. Plans are to clear any remaining brush along the old Penn Central Rail Road from Pedal Power (176 Great Road) south to Concord Road and then clear from Pedal Power north to Brook Street. The Town of Acton will obtain the right-of-entry, which will allow line clearing from Concord Road to Route 2A. He anticipates 40 - 60 volunteers will participate, everyone will sign a waiver to participate.

7:30 Continuation - NOI 2 – Woodlands at Laurel Hill – Postponed until April 19 @ 8:00 PM

7:28 Notice of Intent - 68 Willow Street - W. Dunn

Rich Harrington from Stamski & McNary presented plans for the construction of a single family home and associated utilities within 100' of a wetland. The proposed new house will be a part of a residential compound, a right-of-way will be established to create the required frontage. Proposed lawn at the rear of the new house will be 50' from the edge of wetlands at the nearest point.

Upon query by Mr. Eder, Mr. Harrington stated that the applicant would be amenable to installing a row of boulders along the proposed limit of work.

Upon query by Ms. Miles, Mr. Harrington reported that the large amount of grading proposed on the site is required along the foundation and along the driveway to direct the flow of stormwater runoff into the storm drain system and proposed infiltration basins. Grading is also required around the proposed septic system and foundation.

Upon query by Ms. Miles, Mr. Harrington reported that Muddy Brook is an intermittent stream located behind the proposed house, which becomes a perennial stream down gradient from this site more than 200' away. The wetlands, for the most part, are open wet meadow with some marsh.

Upon query by Mr. Froberg regarding alternatives for the site, Mr. Harrington reported that the property is located within Aquifer Protection Zone II, so the first inch of rainfall must be treated before entering groundwater. The retention/detention basins were placed outside of the wetland buffer zone, as was the entire septic system leaving the only location for a portion of the driveway within the 100' buffer.

7:42 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 68 Willow Street

Mr. Eder moved that the Commission issue an Order of Conditions with the following special condition:

- 1) The Applicant shall install a row of three to four foot diameter boulders buried to half their depth. The boulders shall be placed no greater than 5' apart on center along the 50' no-disturb setback starting at the north side of the lot, (near the proposed driveway following the haybale silt barrier) terminating at the south side of the lot. No work, grading, clearing, lawn or any other activity may occur beyond this line of boulders at any time now or in the future.

Ms. Miles 2nd; unanimous.

7:45 Land Stewardship Committee (LSC) – Jim Snyder-Grant

Mr. Snyder-Grant reported that the LSC has steadily progressed over the past decade to bring all of Acton's trails and trail markers up to a common standard. Thirteen out of approximately 20 conservation properties have a trail system. Towns around Acton are also starting to use the same color code for their trails.

The LSC is now considering a "broader vision" and is in the process of becoming "stewards of the lands". One of the first things that Committee members have done is walk the boundaries of each conservation property to see where encroachments are occurring. Mr. Snyder-Grant thanked the Commission for sending out encroachment letters; which was quite successful; he extended a special thank you to the Building Commissioner, Garry Rhodes, for his assistance in having a shed removed from conservation land off Captain Hanley Road.

Stewards are also becoming more involved in the removal of non-native invasive plant species; removal will involve the use of herbicides on a limited basis.

The LSC has become more involved in advocacy committees such as the Morrison Farm Re-Use Committee and the Friends of the Bruce Freeman Rail Trail Committee. At least once each year the LSC sponsors and arranges for a speaker to come to Acton; later this spring plans are to have Peter Waxman, a local archeologist, talk about the stone piles that can be found in many of Acton's conservation areas.

Mr. Snyder-Grant reported that geocaching/letter boxing is a recent interest that is really a treasure hunt game. The game attracts families to visit conservation land in search of a small box hidden in the woods with various items in it. Currently there are at least six geocaches in Acton's conservation lands. The LSC is generally in favor of geocaching because it brings new people to Acton's conservation lands.

Upon query by Mr. Eder, Mr. Snyder-Grant reported that currently there is no local control, people access site information via the internet. The LSC would like to have people fill out a form so that the Town can control the number of geocaches and remove them if there is a problem.

Mr. Tidman noted that he is concerned that it would create more work for office staff and that's not something he can afford to have happen.

Mr. Eder suggested that the form be made available on the Town's web site. Mr. Snyder-Grant reported that the LSC has considered this and has the ability to update the LSC web site link to the Town. Mr. Eder noted that this activity should also not create more work for the Acton IT Department, which Mr. Tidman cautioned, currently has a significant backlog of work.

Mr. Maitland suggested that the LSC finalize the wording for the form that geocachers would be required to file and send the final version to the Commission for review. The Commission then will forward the draft form to the Town Manager's Office for distribution to the Selectmen and to town counsel if the Selectmen require it.

8:15 Continuation - NOI - 436 Great Road - Postponed until April 19 @ 7:30 PM as the applicant has not obtained a permit from the Board of Health as of this date.

8:25 Request for Extension – 80 Willow Street DEP No. 85-827

Mr. Tidman reported that the applicant wishes to receive a three year extension on the Order of Conditions. No work has commenced at this time.

The Commission chose not to vote on this item; they would like to see some activity to justify granting an extension permit noting that the OOC expires on May 21, 2006. The Applicant has until May to start work on the project.

MINUTES

Ms. Miles moved that the Commission accept the minutes for February 15 and March 1, 2006. Ms. Adachi 2nd; unanimous.

Comprehensive Permit Review -139 Prospect Street - Blanchard Place

The Commission discussed preparation for submittal of comments to the Board of Appeals (BoA).

The Commissioners noted that the initial Notice of Intent (NOI) filing was submitted on April 8, 2005. At that time the Applicant told the Commission that 139 Prospect Street was being filed as a "LIP" project also referred to as a "friendly 40B". The initial NOI plan showed 16 units, with grading as close as four feet from wetlands. The Applicant said that the NOI was being filed prior to submittal to the BoA or the Selectmen because the three-year clock on the Abbreviated Resource Area Delineation (ANRAD) was about to expire.

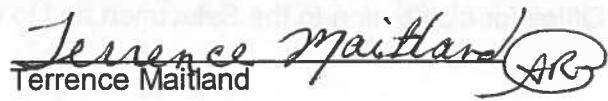
The Applicant's NOI filing was filed under the Mass. Wetlands Protection Act alone and was not reviewed under the Bylaw. The Commission had numerous site visits and several working sessions with the Applicant in an attempt to protect the multiple resource areas on the site. A primary concern of the Commission's was the establishment of setbacks around the on-site certified vernal pool. During a site visit with the Applicant on April 26, 2005, the Commission discussed the idea of a 75-foot no-structure setback around the vernal pool.

On June 1, 2005 the Applicant asked that the hearing be closed against the recommendation of the Commission. The Commission then issued an Order of Conditions (OOC) on June 15, 2005. The Applicant did not appeal the Commission's decision; however, the abutters did appeal the decision to the Department of Environmental Protection (DEP) which issued a Superseding OOC (SOOC) approving the project on November 30, 2005. The SOOC was based on a revised site plan dated July 13, 2005 that did reflect the 75-foot no-structure and the 50' natural vegetative setbacks from the vernal pool as stipulated in the original June 2005 OOC issued by the Commission in June 2005. The revised plan dated 7/13/05 showed 12 units with a retaining wall approximately nine feet from wetlands.

Commissioners suggested that comments to the BoA should include any additional setbacks that are necessary under the Wetland Protection Bylaw. Commissioners agreed that the BoA should be made aware that the OOC and subsequent SOOC were issued long in advance of the Chapter 40B filing.

The Commission will hold a follow-up meeting on Tuesday, March 21, 2006 at 8 AM to continue discussion and to begin to prepare a response to the BoA.

10:00 Meeting adjourned.


Terrence Maitland
Chair

TT:ahr.concom.minutes.2006.031506