

**CONSERVATION COMMISSION
MAY 3, 2006
AMENDED AGENDA**

7:15 Request for Determination - Route 2 - MassHighway

Right-of-Way yearly operational vegetation management plan along Route 2.

7:25 Preliminary - Nashoba Brook - Town of Acton - Tom Tidman

Land Stewardship Committee - construction of a platform and boardwalk adjacent to Nashoba Brook, off Carlisle Road (Town Atlas Plate C-5, parcel 14). Work will occur within 100' of wetlands and within the riverfront resource area.

7:45 Continuation - NOI 2 - Woodlands at Laurel Hill

8:00 ANRAD - Quarry Road (rear) - Yin Peet

Delineation of wetlands, Town Atlas Plate D-5, Parcel 11; site walk conducted 4/26.

8:30 NOI - Continuance - 30 Great Road

See agenda packet information for amended plan - location change to meet setbacks.

Conservation Restriction - Haartz Corporation - Commission Signature

Blanchard Place - Board of Appeals site walk 5/6 at 9AM & public hearing on June 1

MINUTES

March 15	comments received by	TM, JM, JA
April 19	submitted 5/2/06 via email	

**CONSERVATION COMMISSION
MAY 3, 2006
MINUTES**

MEMBERS PRESENT: Mike Eder, Julia Miles, Cheryl Lowe, Bill Froberg, Janet Adachi

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea Ristine

VISITORS: Brian Butler, M. Brooks, William Clougherty, Thomas McLaughlin

7:19 Mr. Eder called the meeting to order.

7:20 Request for Determination - Route 2 - MassHighway - William Clougherty

Right-of-way yearly operational Vegetation Management Plan (VMP) along Route 2; filing is exempt under the Town of Acton Wetland Protection Bylaw.

William Clougherty from MassHighway presented the VMP for Route 2. Spraying for nuisance vegetation will occur during the evenings along medians and guardrails.

Upon query by Ms. Lowe and Ms. Miles, Mr. Clougherty reported that the regulations allow for spraying every other year in sensitive areas such as well protection zones. Spraying will not occur within 25' of wetlands. The no spray areas are color coded with spray paint for start and stop spray areas.

Upon query by Mr. Froberg, Mr. Clougherty reported that the resource areas are identified through topography and hydrology. The VMP is reassessed every five years.

Upon query by Ms. Adachi, Mr. Clougherty reported that the herbicides used are short lived and absorbed through the leaf surface of the vegetation.

Determination of Applicability - Route 2 MassHighway

Ms. Lowe moved that the Commission find the work as presented to be within their jurisdiction but will not impact the resource areas under the Wetland Protection Act (-2). Ms. Adachi 2nd; unanimous.

7:40 Preliminary - Nashoba Brook - Town of Acton

Mr. Tidman reported that in the near future he will be filing for the proposed construction an observation platform and boardwalk adjacent to Nashoba Brook, off Carlisle Road (Town Atlas Plate C-5, parcel 14). This parcel of land is the open space parcel, to be deeded to the Town as conservation land associated with the Robbins Mill Pond development, currently under construction by Pulte Homes. The Town of Acton will submit the wetland filing and the Applicant for 877 Main Street will construct the observation platform on the parcel to be deeded to the town. The work will involve riverfront area, wetlands and wetland buffer zone activities. This project will provide public benefit and access to future conservation land. Mr. Tidman noted that this is near an elderly housing development.

The Commission felt that an NOI should be filed for the described project with a written request for waivers under the Bylaw setbacks.

Conservation Restriction - Haartz Corporation - Commission Signature

The Commission signed the conservation restriction associated with Haartz Corporation.

7:55 Continuation - NOI 2 - Woodlands at Laurel Hill

Sue Sullivan from Places Site Consultants, Inc. gave a brief review of the revised layout and addressed the concern that Commissioners had voiced at the last meeting regarding the construction details around the Lot 4 senior housing loop. All proposed structures meet the 50-foot no disturbance and the 75-foot no build Bylaw setbacks.

Revised plans provided detail of drainage structures and retaining walls; all retaining walls over four feet in height will have a fence for safety.

Upon query by Mr. Froberg, Ms. Sullivan reported that changes to the plan were inside the boundary of the original layout creating a different internal layout but retaining the same amount of number units.

Drainage calculations state that there should be 1,600 c.f. of groundwater recharge and the proposal provides 2,600 c.f.

Upon query by Mr. Eder, Ms. Sullivan stated that the Applicant has closed with the Acton Board of Appeals and has filed submitted the final environmental impact report with MEPA. Several permit approvals are pending with MEPA. The Town of Westford should be closing its hearing and issuing a decision at the next scheduled meeting.

Upon query by Ms. Miles and Mr. Eder; Mr. Tidman stated that a row of boulders along the no-disturb line could be considered but he wasn't sure it was necessary given the division between the area of activity and the steep slopes.

Upon query by Mr. Eder, Ms. Sullivan stated that the drainage swale area will be the responsibility of and maintained by the condominium association and not the individual unit owners.

8:25 Hearing no further comments or questions, Mr. Eder closed the hearing.

8:26 ANRAD - Quarry Road (rear) - Yin Peet

Delineation of wetlands, Town Atlas Plate D-5, Parcel 11; site walk conducted 4/26.

Yin Peet noted to the Commission that her engineer was not present.

Mr. Tidman recommended that Ms. Peet begin the introduction of delineation plan but noted that the plan had not been revised based on the site walks. Mr. Tidman noted that the delineation flagging was moved subtly in a few places with no negative response from the engineer during the site walk. The plan before the Commission at this time does not reflect flag relocations.

Ms. Peet stated that she felt that this is a small delineation and feels that the Commission could continue without her engineer and a revised plan showing changed flag locations.

Mr. Eder explained the purpose of the ANRAD process and noted that this is not possible since the Commission is to vote on the delineation plan and cannot proceed without a revised plan. The plan before the Commission at this time does not reflect the changes based on the site walks.

Mr. Tidman noted that the parcel will have a complicated site proposal in the near future and felt that an ANRAD was necessary.

Upon agreement by Ms. Peet, Mr. Eder continued the hearing until May 17, 2006 at 8:00 PM.

8:54 NOI - Continuance - 30 Great Road - Acton Indoor Sports

Commissioners received revised plans and supplemental information within the agenda packet (see file).

Mr. Harrington noted that originally the applicant asked for waivers from wetland setbacks under the Bylaw. The Applicant has reevaluated the site and amended the plan so that the proposal meets the 50' no-disturb and the 75' no-structure setbacks. Plan details associated with the landing zone edging have also been provided. All work is within the buffer zone and riparian zone. Overall the design has been amended to comply with the Bylaw setbacks and also keeps the existing grades the same. An amended alternatives analysis has also been submitted to reflect the amended plan.

Upon query by Ms. Miles, the owner Thomas McLaughlin stated that he has owned the building since 1974 and has it has been used as a sporting facility since 1986.

Upon query by Mr. Eder, Mr. McLaughlin noted that the owner of Onyx Construction is using part of 30 Great Road's property for storage of mulch and construction materials and there is also nursery stock remaining from Lenox Nurseries.

Upon query by Ms. Lowe, Mr. Tidman stated that he could approach Lenox and Onyx regarding the area of concern along the brook.

Ms. Miles stated that the area of concern is one that should not be maintained or disturbed in the future.

9:00 Commissioners thanked the Applicant and Engineer for their efforts in meeting the setbacks under Bylaw.

Hearing no further questions, Mr. Eder closed the hearing.

Decision – 30 Great Road - Acton Indoor Sports

Ms. Miles moved that the Commission issue a standard Order of Conditions for the amended plans as presented, dated April 28, 2006. Ms. Lowe 2nd; unanimous.

Decision – NOI 2 - Woodlands at Laurel Hill - DEP File No. 85-922

Ms. Lowe moved that the Commission issue a standard Order of Conditions for the plans as amended and presented. Ms. Adachi 2nd; unanimous.

Blanchard Place - Board of Appeals site walk 5/6 at 9AM & public hearing on June 1, 2006. Staff noted that Mr. Maitland will be attending the site walk.

9:18 Meeting adjourned.



Terrence Maitland
Chair

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