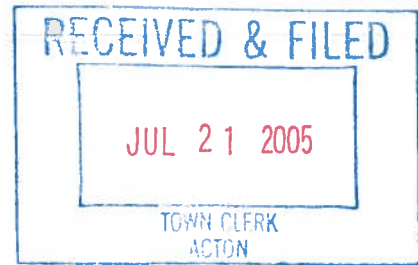


**CONSERVATION COMMISSION  
AMENDED AGENDA  
JUNE 15, 2005**



- 7:15 Eagle Presentation – Steven Lush
- 7:30 Request for Determination – Arboretum Lilac Collection – Acton Natural Resources  
Construction of a 60' X 100' garden at the Acton Arboretum within 100' of a wetland (Town Atlas Plate F-3A, Parcel 76).
- 7:45 Request for Determination – 89 Taylor Road - Robert Hendrie  
Acton Survey & Engineering  
Grading and resurfacing of an existing driveway within 100' of a wetland.
- 8:00 Request for Determination - 115 River Street - E.T.S. Environmental Consulting & Mgt. Services  
Removal of debris and grading within 100' of a wetland and within 200' of Fort Pond Brook.
- Decision – 139 Prospect Street
- Certificate – 440 Central Street - Dave Marsh - DEP File No. 85-859

Next meeting? - July 20<sup>th</sup>

MINUTES

April 6	comments	rec'd	by	CL, ADM	<u>signature</u>
May 18	"	"	"	CL, ME, ADM	
June 1	"	"	"	ADM, ME	

**CONSERVATION COMMISSION  
MINUTES  
JUNE 15, 2005**

**MEMBERS PRESENT:** Terry Maitland, Cheryl Lowe, Andrew Magee, Mike Eder

**ASSOCIATE MEMBER:** Janet Adachi

**CONSERVATION ADMINISTRATOR & RECORDING SECRETARY:** Tom Tidman

**VISITORS:** Steven Lush, Reginald Achilles, Mark Donohoe, Robert Hendrie, Isabelle Choate

**7:15** Eagle Presentation – Steven Lush

Steven reported to the Commission that he completed the second section of the handicapped trail along the rhododendron garden at the Acton Arboretum. His project took approximately 85 man hours to complete. It was difficult to move stone dust from the parking lot to the work site. Two layers of crushed stone were installed for this portion of the trail.

**7:30** Request for Determination – Arboretum Lilac Collection – Acton Natural Resources

Tom Tidman presented plans for the construction of a 60' X 100' garden at the Acton Arboretum within 100' of a wetland (Town Atlas Plate F-3A, Parcel 76). The Friends of the Acton Arboretum have been planning for the development of a lilac collection for many years.

**7:44** Mr. Maitland closed the meeting.

Determination – Arboretum Lilac Collection

Mr. Eder moved that the Commission approve the plans as presented and issue a negative three under the WPA and a negative two under the WPB. Mr. Magee 2<sup>nd</sup>; unanimous.

**7:45** Request for Determination – 89 Taylor Road - Robert Hendrie

Mark Donohoe from Acton Survey & Engineering presented plans for the proposed grading and resurfacing of an existing driveway within 100' of a wetland. The driveway is currently of gravel surface and it does not appear that wetlands were historically filled to access the lot. They propose grading the driveway and creating a "stone groin" (swale) where runoff will be directed before entering adjacent wetlands. The new proposed driveway will have a two foot wide crushed stone shoulder on both sides of the 10' wide paved surface.

**8:01** Mr. Maitland closed the meeting.

Determination – 89 Taylor Road

Mr. Eder moved that the Commission approve the plans as presented and issue a negative three under the WPA and a negative two under the WPB. Ms. Lowe 2<sup>nd</sup>; unanimous.

**8:00** Request for Determination - 115 River Street - E.T.S. Environmental Consulting & Mgt. Services

Reginald Achilles from E.T.S. Environmental Consulting & Mgt. Services presented plans for the removal of debris and grading within 100' of a wetland and within 200' of Fort Pond Brook. His company was hired to clean up the site. Activities were commenced but stopped upon the

request of Mr. Tidman. Materials removed from the site were five gallon metal paint cans that appeared to be dumped more than 30 years ago. They are hoping to continue removing materials from the site. Historically a factory had burned down on the site and styrofoam had also been buried on site. Soil samples were collected at the dump site which showed an elevated presence of zinc and antimony.

Upon query by Mr. Magee, Mr. Achilles reported that paint cans were found at about five feet below the soil surface. They propose to backfill the excavated area with bank run soil.

Mr. Magee noted that this is a hazardous site clean up and asked that the applicant continue the meeting to allow the Commission to conduct a site visit.

Mr. Achilles stated that they are limiting their work to removing old paint cans and that it is not a hazardous waste site.

Upon query by Mr. Maitland, Mr. Achilles reported that they have removed approximately 50% of the cans thought to be on site.

Mr. Eder noted that this is sensitive area and agreed that the Commission should conduct a site visit and also inquired as to how they plan to protect the resource area. Mr. Achilles reported that they are allowed to remove up to 20 cubic yards of soil before notifying DEP.

Mr. Eder noted that it is the Commission's responsibility to make certain all of the paperwork is in order and complete.

Mr. Magee noted that the purpose of the RDA process is to dismiss simple projects; this site is pushing the scale of work under an RDA.

Mr. Eder noted that the Commission has never issued Determinations for work in a resource area (riverfront area). The guidelines given to the Commission note that a clear statement of how this resource area will not be affected must be submitted.

Mr. Achilles noted that they are just trying to get rid of the debris on site.

Upon agreement by the applicant Mr. Maitland continued the meeting until June 22, 2005 at 6:30 PM in order to allow the Commission a site walk.

#### Decision – 139 Prospect Street

Mr. Magee noted that some major items are missing from the proposal and what concerns him is that DEP has not been as strong as the Commission has in interpreting the WPA. He is also concerned that DEP will not challenge a Chapter 40B project, where all proposed work is confined to the buffer zone.

The Commission reviewed and discussed the draft decision written by Mr. Magee.

Discussion.

10:15 Ms. Lowe moved that the Commission moved to issue an Order of Conditions approving the proposal with the Findings of Fact and Special Conditions as drafted by Mr. Magee.

Mr. Magee 2<sup>nd</sup>. The motion passed with three ayes and one nay (3:1:0).

#### Certificate – 440 Central Street - Dave Marsh - DEP File No. 85-859

Mr. Tidman reported that he has inspected the site and it is ready for a Certificate.

Mr. Maitland moved the Commission issue a Certificate of Compliance based on the Administrator's recommendation.

Mr. Eder 2<sup>nd</sup>; unanimous.

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## MINUTES

Mr. Magee moved that the Commission approve the minutes for April 6 and May 18, 2005.  
Ms. Lowe 2<sup>nd</sup>; unanimous.

10:30 Meeting adjourned.

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Jeffrey Rogers  
Chair

TT:ahr.concom.minutes.2005.061505