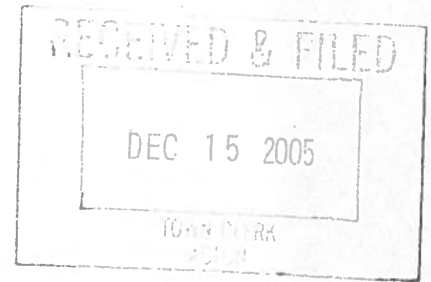


**CONSERVATION COMMISSION  
AMENDED AGENDA  
OCTOBER 19, 2005**



7:10 Request for Red-Line Change - 33 Squirrel Hill Road

7:15 Request to Amend – Order of Conditions - 172 School Street – 85-841

7:30 *Environmental Standards for Fill Committee – Mary Michelman*

*Postponed until 11/2/05*

**MINUTES**

September 7	comments rec'd by	ME, AM
September 21	" " "	CL
October 12	" " "	CL, ADM, ME

## CONSERVATION COMMISSION

### MINUTES

OCTOBER 19, 2005

**MEMBERS PRESENT:** Terrence Maitland, Cheryl Lowe, Michael Eder, Janet Adachi

**RECORDING SECRETARY:** Andrea Ristine

**VISITORS:** Michael Kurt, Mark Donahoe, William Froberg

7:09 Introduction - New member - William Froberg

7:10 Request for Red-line Change - 35 Squirrel Hill Road

Michel Kurt stated that he is a potential buyer looking at 35 Squirrel Hill Road. The lot is currently under construction and is not complete. Mr. Kurt inquired about pushing the limit of disturbance and installation of a lawn to 25' from the edge of wetlands. This would be adding approximately seven to ten additional feet of back yard lawn on this lot.

Mr. Eder raised a point of order as to whether Mr. Kurt not being the current owner and having no documentation giving him authority had the right to come before the commission and request a red line change at this time. It was agreed that this meeting would be informational only.

Mr. Maitland stated that because the Commission would have allowed this under the current bylaw in effect at the time of the original OOC this change could be allowed.

Mr. Eder questioned whether that is a precedent we want to set. Mr. Eder was concerned if we allowed this change that it could then be argued by other applicants that changes that would have been allowable under the bylaw applicable at the time their properties were developed should also be allowed. Mr. Eder suggested that the Commission's approach to this situation should be no different than how the Commission currently handles changes that do not conform to the current bylaw now, and that is, the Commission can allow this change is if it is either permitted under the pre-existing activities or structures clause of the bylaw, or if the applicant could show this proposed change would not adversely impact the resource areas.

Upon query by Ms. Lowe and Ms. Adachi, Ms. Ristine reported that the creation of this lot was prior to the current Town Bylaw and setbacks.

Ms. Lowe noted that the proposed amendment also involves a significant grade change up to six feet.

Mr. Maitland suggested that this be filed as a request to amend the existing order of conditions as the proposal is more non-conforming under the Bylaw. The Commission agreed that the proposal would require a Request to Amend the existing Order of Conditions.

7:15 Request to Amend – Order of Conditions - 172 School Street 85-841 – Menici Group

Mark Donahoe from Acton Survey & Engineering presented amended plans dated 9/26/05 for the construction of a single family house and associated utilities, grading, septic and driveway

within 100' of a wetland. Mr. Donahoe reported that the approved OOC was issued under the prior bylaw setbacks and the house is currently under construction. The Applicant must shift the two-foot overhang from the front to the back of the house to meet zoning requirements from the front of the property line. Shifting the overhang to the rear of the house would still meet the 40' setback under the old bylaw. A deck was constructed on the rear of the house that was not approved under the original filing and does not meet the 40' setback. The builder will dismantle the new existing deck and wishes to place it on the west side of the house meeting the 40' setback. Mr. Tidman had initiated a cease and desist on the project until the Commission reviewed the situation.

Upon query by Mr. Eder, Mr. Donahoe reported that since the house is a modular house it allows the builder to move the upper story back by 24" and move deck to meet 40'.

Mr. Donahoe reported that the required row of boulders and the (lilac) environmental hedge will remain; both of the previous special conditions imposed by the Commission's original OOC.

8:33 Mr. Maitland closed the hearing.

#### Decision – 172 School Street

Ms. Lowe moved that the Commission accept the amended plan as presented and issue an amended Order of Conditions. Ms. Adachi 2<sup>nd</sup>; unanimous.

7:30 Environmental Standards for Fill Committee – Mary Michelman – postponed until 11/2/05

#### MINUTES

Ms. Adachi moved that the Commission accept the minutes from September 7, September 21 and October 12. Ms. Lowe 2<sup>nd</sup>; unanimous.

#### Subcommittee Commitments

Ms. Lowe asked if there were any subcommittees that the Commission should have representation.

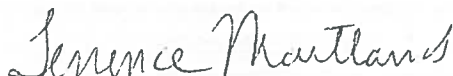
It was noted that Mr. Magee currently sits on several committees which may need a Conservation representation if he is elected as Selectman.

7:43 Introduction - New Member – William Froberg

Bill Froberg introduced himself; he was previously involved with the Tyngsboro Conservation Commission. Currently he is a science teacher in Westford.

Discussion.

8:30 Meeting adjourned.



Terrence Maitland  
Chair