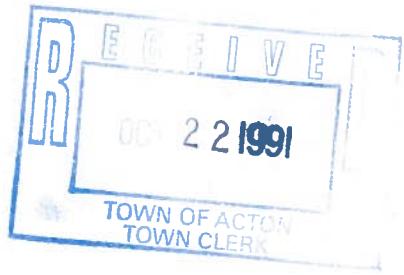


CONSERVATION COMMISSION
MINUTES FOR
MAY 15, 1991



MEMBERS PRESENT: Andrew Sheehan, Charlotte Timlege, Peter Shanahan, Ann Shubert, John Chalmers

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: William Hill, Steve Calichman, Mr. DiMare, Tony Bonjourno, Morene Bodner

7:40 Mr. Sheehan called the meeting to order.

CITIZEN'S CONCERNS - There were no concerns brought forward

New Commissioner - William Hill introduced himself as one of our next commissioners. He expects to be interviewed by the Board of Selectmen sometime in June.

7:45 **REQUEST FOR DETERMINATION** - 135 School Street - I. Carvalho D-91-6

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the landscaping within 100' of a wetland. As noted on the agenda this site has been issued a stop work order by the Administrator.

Ms. Carvalho stated to the Commission that she intends to level and reseed the backyard. She brought in six yards of loam to level the area and use in her gardens, and all that is left to do since the stop work was issued is to seed the lawn.

The Administrator reported that this lot has been a problem in the past, in such that work is done without notifying the Commission. This lot is mostly wetland buffer with a wetland on the site. He suggested that a commissioner and himself go to the site after this decision, and identify the setbacks to the homeowner, and clearly define future work.

Ms. Carvalho agreed to the site visit to define wetland setbacks.

7:51 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

Mr. Shanahan moved to find the work within the Commission's jurisdiction, and will not impact the wetlands, with the stipulation that the Administrator and a commissioner conduct a site visit and delineate the limits of work, and the applicant abides by the delineations set forth.

Ms. Timlege seconded the motion. The motion passed unanimously.

8:02

ORDERS OF CONDITIONS - 310 Nagog Hill Road 85-259 12/88

Morene Bodner is the new owner of a house lot at 310 Nagog Hill Road. This lot has an existing Order of Conditions for the construction of a house. Ms. Bodner is before the Commission to seek an amended Order of Conditions if necessary. She reported that the house she intends to build is in the same area of the lot as the approved house, but the foundation footprint is different. The existing Order of Conditions approved the house construction at 25' from the edge of wetland. Ms. Bodner proposes to move the foundation 40' away from the wetland, instead of the approved 25'. She also intends to have a walk-out basement, which will require less fill and excavation within the buffer than originally approved. They will still bring in fill for the septic system to get to the minimum requirement of four feet above groundwater.

The Administrator reported that he has reviewed the site, and sees no need for haybales to be placed along the existing stone wall at the rear of the lot, but suggested keeping the haybales between Nagog Hill Road and the stonewall.

The Commission sees the plans to be less of an impact to the wetlands than what was originally approved, and sees no need for an amended Order of Conditions. However, the Commission required the Ms. Bodner to notify the Administrator prior to the commencement of work in order to determine the need for haybales.

8:21

REQUEST FOR DETERMINATION - 57 Hammond Street D-91-7

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40, and the Town of Acton Bylaw for the replacement of a septic system.

James Cook, owner, reported that he is selling his house, and his existing septic system has failed and needs to be replaced in order to sell. The new proposed leaching field will be in front of the house 59' from the edge of wetlands, farther than the existing system. The existing tank will be pumped and filled in with sand, and a new 1000 gallon tank will be installed adjacent to the old one at the rear of the house with a pump to the leaching field.

8:31

Hearing no further comments or questions, Mr. Sheehan closed the meeting.

Mr. Chalmers moved to find the plans as proposed to be within the Commission's jurisdiction, but will not impact the wetlands. Mr. Shanahan seconded the motion. The motion passed unanimously.

8:32

REQUEST FOR DETERMINATION - 245 School Street D-91-5

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the removal of several white pines and landscaping of the backyard.

Mamie Wytrwal stated that she would like to have three 70' white pines removed, regrade the existing lawn and reseed. The pond that is behind her house is man-made, and there is an existing fence 12' away from the edge of the pond with existing lawn. She intends to leave the existing fence and lawn between the fence consistent with the neighbors. Adjacent to the fence, opposite from the pond's edge she proposes to place a sitting area which would be 20' away from the edge of the pond. To accomplish this area she proposes a cut 18" down from the existing grade, and construct a fieldstone wall at the cut. This sitting area will have clethra, vaccinium, and viburnum species planted around it, and all throughout the yard for natural landscaping.

8:43 Hearing no further comments or questions, Mr. Sheehan closed the meeting.

Mr. Chalmers moved to find the work to be within the Commission's jurisdiction, but will not impact the wetlands providing the applicant places haybales uphill from the existing fence until the area stabilizes. Ms. Timlege seconds the motion. The motion passes unanimously.

8:46 NOTICE OF INTENT - Lot 3 Stoneymeade Way 75-235

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a single family house within 100' of a wetland.

Ian Rubin, of Lancewood Engineering representing Mr. DiMare and Mr. Bonjourno, presented plans for Lot 3 Stoneymeade Way showing the proposed house 65' from the edge of wetland at the closest point. The end of the driveway as proposed is approximately 50' from the edge of wetland. The haybales as shown on the plans will be the limit of landscaping.

8:51 Hearing no further comments, Mr. Sheehan closed the hearing.

Mr. Chalmers moved to issue a standard Order of Conditions for the plans as presented for Lot 3 Stoneymeade Way. Mr. Shanahan seconded the motion. The motion passed unanimously.

8:52 NOTICE OF INTENT - Lot 5 Stoneymeade Way 75-236

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a single family home within 100' of a wetland.

Ian Rubin presented plans for Lot 5 Stoneymeade Way showing the proposed house at its closest point approximately 50' away from the edge of wetland. The driveway and septic are all out of the 100' buffer zone. Mr. Rubin stated that the house may be smaller than what is shown on the plans.

Hearing no further comments, Mr. Sheehan closed the hearing.

Mr. Chalmers moved to issue a standard order of conditions. Mr. Shanahan seconded the motion. The motion passed unanimously.

8:55

NOTICE OF INTENT - Lot 6 Stoneymeade Way 75-237

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a single family house within 100' of a wetland.

Ian Rubin presented plans for Lot 6 Stoneymeade Way showing most of the proposed house to be within the 100' buffer zone. The house as proposed will be approximately 60' away from the edge of wetland. The driveway and septic will be outside of the 100' buffer zone.

The Commission questioned the possibility to construct a common driveway for Lot 5 & 6.

Mr. DiMare stated that a common driveway was a less desirable selling point. Utilities will be installed under each of the driveways.

8:57

Hearing no further comments or questions, Mr. Sheehan closed the hearing.

Mr. Chalmers moved to issue a standard Order of Conditions for the plans as presented for Lot 6 Stoneymeade Way. Mr. Shanahan seconded the motion. The motion passed unanimously.

9:04

NOTICE OF INTENT - Lot 24 Stoneymeade Way 75-238

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a single family home within 100' of a wetland.

Mr. Steve Calichman presented plans for Lot 24 Stoneymeade Way. One corner of the house is on the 40' no build setback. Haybales are shown staggered between the 25' natural buffer and the 40' no build setback.

9:10

Hearing no further comments, Mr. Sheehan closed the hearing.

Mr. Chalmers moved to issue a standard Order of Conditions for Lot 24 Stoneymeade Way. Mr. Shanahan seconded the motion. The motion passed unanimously.

9:15

NOTICE OF INTENT - Lot 8 Stoneymeade Way

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a single family home within 100' of a wetland.

Mr. Calichman requested a waiver for Section 3.2 "Wetland Setbacks for New Construction" subset (3), 40' no build setback for Lot 8 Stoneymeade Way. He reviewed the constraints of the lot with the Commission. This waiver is on file with the Conservation Administrator. Due to the setback requirements of the septic system, lot line, and the wetlands the house is in the only location on the lot possible. The footprint of the house has the back of the house

shown exactly on the 40' setback line. Not shown on the plans is a proposed sono-tube supported 12' X 14' deck, which means the deck will be 28' from the edge of wetland as proposed.

The Commission questioned the possibility of constructing a stonewall marking the 25' natural vegetated buffer. Mr. Calichman stated that he did not have a problem with this request.

The Administrator stated that he will require a new amended plan showing the house footprint with the proposed deck, and the agreed stonewall at the 25' natural vegetated buffer.

9:27 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

Mr. Chalmers moved to issue an Order of Conditions with the following additional special conditions:

1. A stone wall must be constructed at the 25' natural vegetated buffer from wetlands, as agreed by the applicant.
2. The stairs for the proposed deck be constructed parallel to the house.
3. New amended plans must be received by the Administrator showing the amendments as agreed by the applicant at the public hearing, prior to the commencement of work.

Mr. Shanahan seconded the motion. The motion passed unanimously.

9:30 Certificate of Compliance - 7 Sandy Drive

The Administrator reported that he has received a request for a certificate for 7 Sandy Drive. This is a seven year old file that never received a certificate of compliance. The Administrator reported that he has reviewed the site, and the site is in compliance with the Order of Conditions issued.

Mr. Chalmers moved to grant a Certificate of Compliance for 7 Sandy Drive, DEQE File 85-54. Mr. Shanahan seconded the motion. The motion passed unanimously.

9:35 Certificate of Compliance - Units 38 & 46 Brewster Lane - Audubon Hill

The Administrator reported that a certificate of compliance has been requested for Units 38 & 46 Brewster Lane of Audubon Hill. The Administrator reported that the site has been inspected, is in compliance, and stabilized.

Ms. Timlege moved to issue a Certificate of Compliance for Units 38 & 46 Brewster Lane, Audubon Hill. Mr. Chalmers seconded the motion. The motion passed unanimously.

9:43 Meeting Adjourned.

Andrew Sheehan
Andrew Sheehan, Chairman

CONSERVATION COMMISSION
AGENDA FOR
MAY 15, 1991

7:30 CITIZEN'S CONCERNS

WETLANDS PROTECTION

7:45 Request for Determination - 135 School Street 5/2/91 D-91-6
Landscaping within 100' of a wetland. This person has filed with us in the past and should know the rules. I was required to have her stop work. Remind her that there is a 25' buffer around wetlands.

8:00 Amend Orders of Conditions - 310 Nagog Hill Road 85-259 12/88
New owner building on this lot would like to move the house footprint, no reason for concern further away from wetlands.
Extension for one year.

8:15 Request for Determination - 57 Hammond Street 4/26/91 D-91-7
Septic system has failed and must be replaced. New system will be constructed in front of the house, away from wetlands. No problem.

8:30 Request for Determination - 245 School Street 4/26/91 D-91-5
Applicant would like to remove several large white pines and landscape backyard. Work will be done on the existing lawn.

8:45 Notice of Intent - Lot 3 Stoneymeade Way 75-235 5/6/91

8:50 Notice of Intent - Lot 5 Stoneymeade Way 75-236 5/6/91

8:55 Notice of Intent - Lot 6 Stoneymeade Way 75-237 5/6/91
Construction of single family homes within 100' of a wetland. Each of these proposed houses meets the minimum 40' set-back from the edge of wetlands

9:00 Notice of Intent - Lot 24 Stoneymeade 75-238 5/3/91
Single family home - meets minimum 40' set-back.

9:15 Notice of Intent - Lot 8 Stoneymeade 75-239 5/3/91
Proposed construction of a single family home within 100' of a wetland. Meets the 25' natural vegetative buffer set-back, but does not meet the 40' no build set-back.

Certificates of Compliance

- 7 Sandy Drive
- Units 38 & 46 Audubon Hill

MINUTES

March 6 & 20
April 3 & 17 Will be submitted at meeting

UPCOMING BUSINESS

Arboretum Day - May 19, 1991 12:00 - 4:00 P.M.