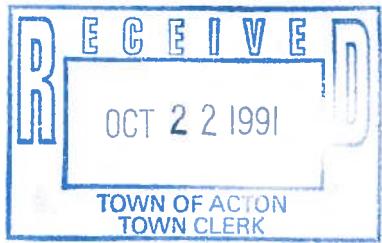


CONSERVATION COMMISSION
MINUTES FOR
JULY 24, 1991



MEMBERS PRESENT: Andrew Sheehan, Ann Shubert, Charlotte Timlege

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Richard Buck, Jon Graham, Kris Nelson, David & Margaret Forrant, Alex & Elizabeth Ivanov, Barbara Howell, Lynda Palermo, Fred & Doris Goldstein

7:42 Mr. Sheehan called the meeting to order.

CERTIFICATE OF COMPLIANCE

The Administrator stated that he has inspected Units 22, 24, 26, and 32 Brewster Lane, at Audubon Hill and finds them to be in compliance with the Order of Conditions, and is stable. (DEP File No. 85-265)

Ms. Timlege moved to issue a Certificate of Compliance for Units 22, 23, 24, and 32 Brewster Lane, DEP File No. 85-265. Ms. Shubert seconded the motion. The motion passed unanimously.

8:00 **NOTICE OF INTENT** - 3 Milldam Road - Richard Buck

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the construction of a swimming pool within 100' of a wetland.

Mr. Richard Buck, owner of 3 Milldam, presented plans showing a swimming pool approximately 20' from the edge of wetland. The proposed location is within existing lawn. He is restricted by a 10' lot line setback. The pool is approximately 25,000 gallons, his fence will be installed along the existing edge of lawn. The pool will be installed by Environmental Pools of Chelmsford, and has provided a separation tank for backwash to be filtered through, so there will be no chlorinated water directly discharged into the wetlands.

8:10 Hearing no further questions, or comments, Mr. Sheehan closed the hearing.

BUSINESS

MACC DUES - The Administrator reported that MACC membership dues are up again; they are \$225.00. The Commission felt that this expenditure is well worth the services.

Mr. Chalmers moved to approve \$225.00 to be expended for membership dues with Massachusetts Association of Conservation Commissions. Ms. Shubert seconded the motion. The motion passed unanimously.

F.A.D. - The Administrator reported the Friends of Acton's Disabled raised approximately \$3,000 at a folk concert, and intend to donate it to the Friends to help make the Arboretum handicapped accessible.

8:17

CONTINUATION - NOTICE OF INTENT - 65 Hammond Street

Mr. Sheehan opened the hearing for the continuation of the Notice of Intent filed for 65 Hammond Street.

Kris Nelson, Nelson Engineering, presented amended plans showing the driveway for the proposed house outside the 40' no-build setback from wetlands. The footprint of the house is now 1,200 square feet, instead of 3,200 sq.ft. The house is still proposed as a four bedroom. The approved septic system is 75' from the edge of wetland.

Mr. Sheehan stated that he had been provided with a letter dated July 24, 1991, received by the Conservation Administrator, from Doug Halley, the Board of Health Director, that reports that the septic permit has been withdrawn at this time due to the plans not showing abutting water wells. Specifically, the 91 Newtown Road well has not been identified. Ms. Nelson stated that she has searched 60' beyond the property line at 65 Hammond and cannot locate any water well. Ms. Nelson also stated that she has tried to contact the residents at 91 Newtown Road, with no response. There are no records that show the location of the water well at 91 Newtown Road.

The Administrator also noted a letter from the residents of 91 Newtown Road disapproving the construction of the house at 65 Hammond Street.

Mr. Sheehan informed Ms. Nelson that there was a discrepancy of one particular wetland flagging during the site visit on Monday, July 22, 1991. Mr. Sheehan and the Administrator feel that one wetland is more extensive than it has been flagged, due prior perc test disturbance, and it is not easily defined. Therefore, the Conservation Commission is exercising its right to require the applicant to pay for an independent botanist to define the edge of wetlands.

Ms. Nelson reluctantly agreed

9:07

Upon agreement with the applicant, Mr. Sheehan stated that this hearing will be continued until August 7, 1991.

9:16

REQUEST FOR DETERMINATION - Lot 11 (#39) Stoneymeade Way

Mr. Sheehan opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the grading and landscaping within 100' of a wetland.

Mr. Ian Rubin, Lancewood Engineering, presented plans for Lot 11 Stoneymeade Way. There is a small amount of loam for the proposed lawn to be brought in; grading will occur within 60' from the edge of wetland at the closest point. There will be selective clearing of brush leaving existing hardwood trees.

9:20 Hearing no further comments or questions, Mr. Sheehan closed the meeting.

Mr. Chalmers moved to find that the work as presented is within the Commission's jurisdiction, but will not impact the wetlands. Mr. Timlege seconded the motion. The motion passed unanimously.

DECISION - Notice of Intent - 3 Milldam Road

The Commission discussed the proximity of the proposed pool to the wetland on site.

Mr. Chalmers moved to deny the Notice of Intent filed for 3 Milldam Road.

There was no second to the motion.

Ms. Shubert moved to issue an Order of Conditions with the additional condition that all excavated materials associated with the pool construction must be disposed of off site; and any materials brought on site for the purpose of pool construction must be contained within a silt prevention device.

Ms. Timlege seconded the motion. The motion passed 2:1

DISCUSSION - 65 Hammond Street

The Commission discussed the site and decided that they want Nelson Engineering remove the existing wetlands flagging before the independent botanist goes to the site.

9:42 Meeting Adjourned.


Andrew Sheehan, Chairman

CONSERVATION COMMISSION
AGENDA
JULY 24, 1991

***** * * ROOM 204 * * *****

7:30 CITIZENS' CONCERNS

WETLANDS PROTECTION

8:00 NOTICE OF INTENT - 3 Milldam Road

Property owner wishes to install an inground pool in his backyard. Pool installation will occur within 20 feet of the wetlands.
Construction will take place in an existing lawn.

8:15 CONTINUATION - NOTICE OF INTENT - 65 Hammond Street
75-247/85-

Any Commissioners wishing to review the site should let me know as soon as possible.

8:45 REQUEST FOR DETERMINATION - Lot 11 (#39) Stoneymeade Way

Grading, clearing, and landscaping within 100' of a wetland.

CERTIFICATE OF COMPLIANCE

Units 22, 24, 26, and 32 Audubon Hill

MINUTES

June 5

June 19 To be submitted

July 10 " " " "