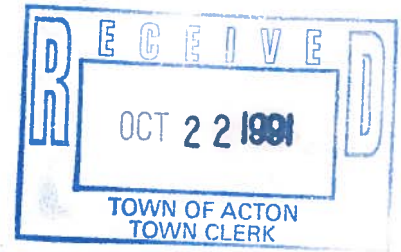


**CONSERVATION COMMISSION
MINUTES FOR
SEPTEMBER 4, 1991**



MEMBERS PRESENT: Andrew Sheehan, Charlotte Timlege, Ann Shubert, Peter Shanahan, Willie Hill, Morene Bodner

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Dennis Ring, Charles Kadison, Peter Bollier, Tony Bonjourno

7:34 Mr. Sheehan called the meeting to order.

Citizen's Concerns - There were no concerns presented

7:45 REQUEST FOR DETERMINATION - 11 Seneca Road

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 four season porch.

Mr. Peter Bollier, owner of 11 Seneca Road, presented plans for the removal and replacement of a screened porch. The proposed porch will be enclosed for four season use, with a concrete foundation. The proposed porch will not expand beyond the existing porch footings. The existing and proposed porch is 40' from the edge of wetland. The yard is a gentle slope towards the wetland.

7:50 Hearing no further comments or questions Mr. Sheehan closed the meeting.

CERTIFICATE OF COMPLIANCE - 42-54 Nonset Path 85-254/75-186

The Administrator reported that the previous owner has gone bankrupt, and Hydro Environmental Technologies is looking to buy the property. The existing Notice of Intent was to reconfigure an existing detention basin to make it more naturalistic, also proposing to plant shrubs in certain locations. The previous owner had reconfigured the detention area, but had not finished the planting design. At this point in time, many wetland species have established themselves, and have established a healthy plant community. Hydro Environmental Technologies is requesting the Commission to issue a Certificate of Compliance as they do not wish to disturb the area by landscaping with shrubs. Pictures of this area were provided and are on file with the Conservation office. The Commission was satisfied with how the slopes had become stabilized.

Mr. Shanahan moved to issue a Certificate of Compliance for 42-54 Nonset Path, DEP File No. 85-254, Town File No. 75-186. Ms. Bodner seconded the motion. The motion passed unanimously.

DECISION - Request for Determination - 11 Seneca

Mr. Shanahan moved to find the work as presented to be within the Commission's jurisdiction, but will be impact the wetlands. Ms. Shubert seconded the motion. The motion passed unanimously.

8:05 NOTICE OF INTENT - Conant Street Culvert 75-250

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for the reconstruction of a failed culvert on Conant Street at Pratt's Brook.

Mr. Dennis Ring, Town of Acton Engineering Department, presented plans to replace a collapsed culvert. Part of the road has also collapsed, which has a temporary support plate with pavement over it. The Town proposes to expose the culvert, sand-bag the brook to temporarily direct it around the culvert to allow work and place crushed stone as a pad for seven precast concrete sections that will make up the culvert. This new culvert will restrict the flow of a 100 year storm so it will not increase storm drainage downstream. There will be some fill for the extended headwall to create equal shoulders on each side of Conant Street. All disturbed lawn areas and road shoulders shall be rebuilt to the satisfaction of the landowner with a minimum 4" loam and seed. They also propose to define the brook's channel on the upstream side of the culvert with rocks, as it just forces it way to find the culvert as it exists now. The Town Engineering Department feels that the job should take three to five days.

8:20 Mr. Sheehan closed the hearing.

CONTINUATION - Request for Determination - 8-10 Phalen Street

Mr. Sheehan continued the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaw for additional information requested of the applicant.

The Administrator reported that the silt filled drainage easement at the noted location does cause drainage back-up on the abutting property. There is no easy access for heavy equipment to the drainage culverts, therefore, the Highway Superintendent stated that the job will be done by hand to clear the materials out.

The Administrator felt this was acceptable.

8:28 Mr. Sheehan closed the hearing.

8:30 REQUEST FOR DETERMINATION - Lot 26A Stoneymeade Way D-91-17

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 single family home within 100' of a wetland.

Mr. Tony Bonjourno, present owner of the land, reported that he has an approved septic permit. There will be no permanent structures within 200' of Pope Road, as per zoning requirements. Only grading for the septic will be within 100' of the wetland.

Mr. Shanahan suggested that the applicant place the haybales closer to the area of activity than shown on the plans. Mr. Bonjourno agreed.

8:34 Mr. Sheehan closed the meeting.

Mr. Shanahan moved to find the work as presented to be within the Commission's jurisdiction, but will not impact the wetland. Ms. Timlege seconded the motion. The motion passed unanimously.

DECISION - Request for Determination - 8-10 Phalen Street

Mr. Shanahan moved that the Commission find the area described in the request is subject to protection under the Act, but said work as presented meets the requirements for the exemption of 'maintenance of existing drainage structures' as specified in the Act and the regulations, no Notice of Intent is required. Mr. Chalmers seconded the motion. The motion passed 4 aye: 0 nay: 3 abstained.

DECISION - Notice of Intent - Conant Street Culvert

Mr. Shanahan moved to issue a standard Order of Conditions with the exception of numbers 25, 26, 27, 30, 31, and 32 of the Standard Conditions on the Town of Acton Order of Conditions, that would not apply to this project. Mr. Hill seconded the motion. The motion passed unanimously.

8:48 REQUEST FOR DETERMINATION - Lot 2 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 construction of a single family home within 100' of a wetland.

Mr. Bonjourno, present owner, presented plans showing only grading for the back of the proposed house to be within 100' of a wetland. The septic system, house and driveway are outside of the 100' buffer, as this lot also has a 200' no build restriction from Pope Road. This lot is adjacent to the wetlands replication area required for the construction of Stoneymeade Way.

8:50 Hearing no further comments, or questions, Mr. Sheehan closed the hearing. Mr. Chalmers moved to find the work as presented to be with the Commission's jurisdiction, but will not impact the wetland. Ms. Bodner seconded the motion. The motion passed unanimously.

9:14 Meeting Adjourned.


Andrew Sheehan, Chairman

**CONSERVATION COMMISSION
AGENDA
SEPTEMBER 4, 1991**

7:30 CITIZEN'S CONCERNS

Eagle Scout Presentation - Thor Swenson

Thor designed and constructed a series of short foot-bridges to complete the trail system at Grassy Pond Conservation Area. In addition, Thor constructed two woodduck houses (on display) to be installed this Fall. This Eagle Scout Project was completed during the spring and summer of this year.

WETLANDS PROTECTION

7:45 REQUEST FOR DETERMINATION - 11 Seneca Road

Construction of a four season porch. Footings will be excavated on the site of an existing deck. Meets 40' setback.

8:00 NOTICE OF INTENT - Conant Street Culvert

Total reconstruction of a very old culvert.

8:15 CONTINUATION - Request for Determination - 8-10 Phalen Street

By 9/4/91, Dick Howe (Highway Superintendent), David Abbt (Engineering Administrator), and I will review the project more thoroughly.

8:30 REQUEST FOR DETERMINATION - Lot 26A Stoneymeade Way

Single family home construction. Be certain that this lot meets the 200' no build setback from Pope Road.

8:45 REQUEST FOR DETERMINATION - Lot 2 Stoneymeade Way

Single family home construction. Meets 40' wetlands setback.

MINUTES

June 5 & 19
July 24
August 7
August 21 To be submitted

BUSINESS

- Discussion of Fort Pond Brook Conservation Areas
- Recent Supreme Court case "Warcewicz v. D.E.P."
- Papillon Park - Pete's great butterfly adventure!