

**CONSERVATION COMMISSION
 AMENDED AGENDA
 DECEMBER 15, 2010
 7:15 PM
 TOWN HALL - 472 MAIN STREET - ROOM 126**

- 7:15 Notice of Intent - 18 Windemere Drive - Distinctive Acton Homes (010)
 Stamski & McNary - proposed construction of a driveway and associated grading within 100' of a Bordering Vegetated Wetland to service a new single family home (town atlas plate G-1, parcel 280 & 295).

- 7:30 Notice of Intent - Douglas / Gates Boardwalk - Acton Public Schools (020)
POSTPONED UNTIL JAN. 5, 2011 @ 7:40 PM
Amy Green Environmental Consulting, LLC - proposed repair and replacement of the existing boardwalk and construction of a new access Kid Island and new floating dock within a Bordering Vegetated Wetland and Floodplain.

- 7:40 Continuation - NOI - 50 Powdermill Road - Wayside Management
 Supplemental information forthcoming from Acton Survey & Engineering.

- 7:45 Continuation - NOI - 57 Robbins St (Lots 2 & 3 Beacon Court) (040 - 042)
 Supplemental Letter, Soil Data and amended plans dated 12/9/10 provided.

Certificate of Compliance - 236 High Street - 85-676

MINUTES

November 3	comments rec'd by	TT, TM, FP	} signature?
November 10	“ “ “	TT, FP	
November 17	“ “ “	TT, FP, AM	
December 1	forthcoming		
December 8	“		

CONSERVATION COMMISSION
MINUTES
DECEMBER 15, 2010
7:15 PM
TOWN HALL - 472 MAIN STREET - ROOM 126

COMMISSIONERS PRESENT: Terry Maitland, Andrew Magee, Bill Froberg, Fran Portante, Tom Arnold

ASSOCIATE MEMBER(S):

RECORDING SECRETARY & CONSERVATION ADMINISTRATOR: Tom Tidman

VISITORS: Evan Stidham, Dick Calandrella, Cathryn Schubert, Richard DeFuria, Michelle Kilpatrick, Dorothy Campbell, Glen Kaufmann, Tom O'Brien, Jim Fenton, Leo Bertolami, Mark Donohoe

7:15 Notice of Intent - 18 Windemere Drive - Distinctive Acton Homes – DEP File 85-1054 (010)

Evan Stidham from Stamski & McNary presented plans for the proposed construction of a driveway and associated grading within 100' of a Bordering Vegetated Wetland to service a new single family home. The Town of Acton and Stow line bisect the two proposed lots. Ultimately, two lots will be developed in Acton, no work will occur within 100' of wetlands on Lot C. The proposed septic system for Lot B will be constructed over the town line in Stow. The driveway access for Lot B will be from Windemere Drive and will be 75' from the edge of wetlands at the closest point. A 25' wide landscaped "green strip" will be developed along the north side of the proposed driveway and will be 50' from the edge of wetlands at the closest point. A vernal pool exists within the Bordering Vegetated Wetland (BVW) on Lot B, delineated by B & C Associates.

Mr. Maitland noted that the Acton Conservation Commission (ACC) received a letter of concern from the Stow Conservation Commission (SCC) expressing concern regarding future activity in Stow at the rear of Lots B & C. Mr. Maitland noted that if future work were planned on these lots within Stow then the owner/applicant would need to file appropriately with the SCC.

Jim Fenton from Distinctive Acton Homes reported that these lots were originally planned to be developed as a Chapter 40B project; the proposal before the Commission on this date is for single family dwellings with a greatly reduced density.

Richard DeFuria from 14 Windemere Drive asked that the ACC coordinate development plans with the SCC.

Mr. Froberg noted that the ACC may wish to consider additional protection of the resource area.

Mr. Magee suggested that a row of boulders could be established along the 50' natural vegetative setback since the buffer zone is considered a resource area under Acton's Bylaw.

Upon query by Dick Calandrella from Notre Dame Road Mr. Stidham reported that construction of a third lot is proposed off Windemere but it is not within the Commissions' jurisdiction as all activity is located outside of the 100' buffer zone.

8:00 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 18 Windemere Drive - Distinctive Acton Homes

Ms. Portante moved that the Commission issue an Order of Conditions (OOC) for the plans as proposed with the special condition that boulders shall be placed along the limit of work from the Acton/Stow town line to the point where the dashed line, denoting the proposed haybale siltation barrier, crosses the line of the 75-foot buffer. The boulders shall be two to three feet in diameter placed on five-foot centers and buried to one-half their depth. Mr. Arnold 2nd; unanimous.

[See file in the Conservation Office also located in DocuShare: Conservation Commission – 2010 Meetings – 12-15-2010 - (010).]

Notice of Intent - Douglas / Gates Boardwalk - Acton Public Schools (020)

POSTPONED UNTIL JAN. 5, 2011 @ 7:40 PM – upon Applicant's request+

Amy Green Environmental Consulting, LLC - proposed repair and replacement of the existing boardwalk and construction of a new access Kid Island and new floating dock within a Bordering Vegetated Wetland and Floodplain.

7:40 Continuation - NOI Request to Amend - 50-56 Powdermill Road - Wayside Management 85-1002 (030)

The Commission discussed their site inspection with the Applicant, Leo Bertolami and Mark Donohoe from Acton Survey & Engineering on December 9, 2010.

Mark Donohoe presented an amended NOI Plan dated December 9, 2010 noting the following:

1. the drip-line located at the rear of the building has been shortened;
2. all surface runoff from the parking lot will be directed to the exiting detention basin;
3. the existing detention basin will be cleaned and have a maintenance program for stormwater treatment;
4. the "Doll House" (56 Powdermill Road) will be removed and replaced with porous pavement;
5. "General Notes" have been revised to reflect on-site discussions with the ACC (revised notes on Notice of Intent - Amend Plan, 50 Powdermill Road, dated 12/9/2010).
6. Nets will be used at the rear and side of the building under proposed re-siding work as indicated on 'Rear Staging Detail' page 2, dated 12/9/10

Mr. Donohoe stated that after discussions with the contractor, it seems that the best method to excavate the new foundation on the "bump out" is from the outside, as it is easier and safer. A small rubber-tire excavator will be used for the excavation work; all excavation activity can be done from an area next to the proposed ramp.

The Commission discussed potential special conditions.

8:48 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 50-56 Powdermill Powdermill Road – 85-1002

Mr. Magee moved that the Commission approve the request to amend and issue an Amended Order of Conditions for DEP File 85-1002 with the following special conditions:

- 1.) To the degree that this amendment conflicts with any previous condition, the Applicant must confer with the Conservation Commission or its agent for clarification.
- 2.) A note shall be placed on the construction plans and as-built plans identifying the so-called construction easement as the limit of the conservation restriction existing between Leo F. Bertolami and the Acton Conservation Commission dated October 27, 2004.
- 3.) A small excavator shall be allowed in the rear of the building for the purpose of excavating the foundation.
- 4.) The Applicant shall clean up the riverbank under the approval and supervision of the Conservation Agent.

5.) The limit of work shall be identified on the new plan as extending from the turning point of the Conservation Restriction and running eastward to the corner of the building.

Mr. Arnold 2nd; unanimous. *[See file in the Conservation Office also located in DocuShare: Conservation Commission – 2010 Meetings – 12-15-2010 - (030).]*

7:45 Continuation - NOI - 57 Robbins St (Lot 2 Beacon Court) - DEP File 85-1053 (040 - 041)

*Mr. Maitland recused himself from the hearing due to the fact that he recommended a broker to the sellers and stands to earn a referral fee in the event of a sale.

Scott Hayes from Foresite Engineering reported that a supplemental letter and soil data have been provided by Caron Environmental Consulting, dated 12/9/2010. Mr. Hayes presented amended plans dated 12/9/10 for Lot 2 Beacon Court noting that the row of boulders as discussed at the previous 12/1/10 ACC meeting have been added to the plan.

Mr. Magee asked if a third party will hold the Conservation Restriction (CR) on the wildlife habitat area. Mr. Hayes reported that it would be considered an "Easement Deed Restriction" not a CR. The wildlife habitat area will be deed restricted and will exist in perpetuity. The exact acreage of the restricted area is under review with Natural Heritage.

Upon query by Michelle Kilpatrick, Mr. Kaufmann reported that the deed restriction has been drafted and has been submitted to Natural Heritage for review.

Upon query by Michelle Kilpatrick, Mr. Hayes reported that grading of Lot 2 will direct runoff towards the rear of the lot, not towards abutting property. Regarding the dry well, once it fills, it will backflow to the house and will flow over the ground surface towards the rear of the lot. A sump pump is not proposed within the house proposed on Lot 2, the basement floor elevation will be set at grade, above the high groundwater elevation. A perimeter drain will be provided that will discharge outside of the 75' setback.

Upon further query by Michelle Kilpatrick, Mr. Magee reported that Natural Heritage will enforce the deed restricted area and the ACC should be notified. It is not a requirement that the owner test the old paint cans dumped on the site, the Applicant has stated that they will be removed; the new owner may ask that a test be done.

9:15 Hearing no further comments or questions, Mr. Magee closed the hearing for Lot 2 Beacon Court.

Decision - 57 Robbins St (Lot 2 Beacon Court) - DEP File 85-1053

Mr. Arnold moved that the Commission issue an OOC for the NOI plan as amended, dated 12/9/10 with the special condition that no work on the development of Lot 2 Beacon Court may commence until the Natural Heritage & Endangered Species Program has accepted the wildlife habitat area, and issued an easement deed restriction. Ms. Portante 2nd; unanimous. *[See file in the Conservation Office also located in DocuShare: Conservation Commission – 2010 Meetings – 12-15-2010 - (040 & 041).]*

Continuation - NOI - 57 Robbins St (Lot 3 Beacon Court) - DEP File 85-1052 (040 & 042)

*Mr. Maitland recused himself from the hearing due to the fact that he recommended a broker to the sellers and stands to earn a referral fee in the event of a sale.

Scott Hayes from Foresite Engineering reported that a supplemental letter and soil data have been provided by Caron Environmental Consulting, dated 12/9/2010. Mr. Hayes presented amended plans dated 12/9/10 for Lot 3 Beacon Court. Mr. Hayes reported that based on concerns raised during the site walk Charles Caron from Caron Environmental did revisit the site on December 4, 2010 to re-examine the delineation between Wetland Flags B10 and B11; he determined that the original delineation was indeed accurate (see letter on file dated 12/9/10, photographs and Delineation Field Data Form on file).

Mr. Hayes also noted that the amended plan shows the proposed house on Lot 3 slightly farther away from wetlands than originally proposed; placement of five, three-to-five-foot boulders set 25' on center on along the proposed limit of clearing at the 75' natural vegetative setback will also be provided. A "wildlife habitat area" sign will be installed on a six-to-eight foot post along with the row of boulders.

9:30 Hearing no further comments or questions, Mr. Magee closed the hearing.

Decision - 57 Robbins St (Lot 3 Beacon Court)

Ms. Portante moved that the Commission issue an OOC for the NOI plan as amended, dated 12/9/10 with the special conditions:

- 1) No work on the development of Lot 3 Beacon Court may commence until the Natural Heritage & Endangered Species Program has accepted the wildlife habitat area, and issued an easement deed restriction.
- 2) All dumped paint cans and debris at the rear of Lot 3 shall be removed from the site.

Mr. Froberg 2nd; unanimous. *[See file in the Conservation Office also located in DocuShare: Conservation Commission – 2010 Meetings – 12-15-2010 - (040 & 042).]*

Certificate of Compliance - 236 High Street - 85-676

Ms. Portante moved that the Commission issue a Certificate as recommended by Mr. Tidman; Mr. Arnold 2nd, unanimous.

MINUTES

Mr. Magee moved that the Commission approve the minutes for November 3, 10 and 17, 2010; Ms. Portante 2nd, unanimous.

9:40 Meeting adjourned.



Terry Maitland
Chair

TT:ahr
ahr.concom.minutes.2010.121510

Location: Home » Public Meetings » Conservation Commission » 2010 Meetings » 12-15-2010 Listing

12-15-2010

Refresh Actions Properties

Type	Title	Owner	Edited	Size
	0001 - December 15 Agenda	naturaires	12/09/10	17 KB
	0001 - December 15 AMENDED AGENDA	naturaires	12/13/10	17 KB
	010 - Notice of Intent - 18 Windemere Drive	naturaires	12/09/10	5 MB
	011 - 18 Windemere Drive - Stow Conservation Commission Letter of Concern 12-15-2010	naturaires	12/16/10	26 KB
	012 - 18 Windemere Drive - Response to Stow ConCom Ltr of Concern 12-15-2010	naturaires	12/16/10	63 KB
	020 - Request to Postpone - 21 Elm Street - Douglas - Gates Boardwalk	naturaires	12/09/10	197 KB
	030 - Request to Amend - Supplemental Information - 50-56 Powdermill Road - 85-1002	naturaires	12/13/10	2 MB
	040 - 57 Robbins Street - Lot 3 Beacon Court Caron Environmental Supplemental Ltr & Soil Data	naturaires	12/09/10	535 KB
	041 - 57 Robbins Street - Lot 2 Beacon Court - Amended Plan 12-9-10	naturaires	12/09/10	708 KB
	042 - 57 Robbins Street - Lot 3 Beacon Court - Amended Plan 12-9-10	naturaires	12/09/10	649 KB

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- 12-15-2010 Listing
- 2010 Meetings Listing
- Minutes, 2010 Listing