

CONSERVATION COMMISSION  
AMENDED AGENDA

JUNE 15, 2011

7:00 PM

TOWN HALL - 472 MAIN STREET - ROOM 204

- 7:00 Discussion - Wetherbee Forest Management Plan - Chuck Caron (070)
- 7:10 Business - Friends of the Acton Arboretum - Fees (010)
- 7:15 Notice of Intent - 25 High Street - R & M Kemmit – DEP File 85-1064 (020)  
R. Wilson Associates & ABC Cesspool - proposed upgrade of an existing sewage disposal system within 100-feet of wetlands (town atlas plate H-3A, Parcel 54).  
*If voted – need to amend #18 & 19 of Town's Conditions.*
- 7:30 Notice of Intent - Continuance - Nonset Path (030 - 032)
- 7:45 Notice of Intent - MBTA – Fitch-Track & Cable (tb 040)  
*Continued to July 20 @ 7:45pm upon Applicant's request.*
- 8:00 Request for Determination - 16 Wheeler Lane - Town of Acton (050)  
Proposed removal of a derelict structure, located within 100' of wetlands at Nashoba Brook Conservation Area (town atlas plate D-5, parcel 6).

OTHER BUSINESS

LSCom Bench Policy recommendation (060)

\*\* Confirm quorum availability for July 6 – AG, TA, AM & FP have confirmed \*\*

MINUTES

January 20 OSRP	forthcoming		
March 3 OSRP	forthcoming		
**March 23 CC & OSRP	forthcoming		
May 4	comments rec'd by	AG, JSG, TM, FP	signature
May 18	comments rec'd by	TT, TM, FP	"

**CONSERVATION COMMISSION  
MINUTES  
JUNE 15, 2011  
7:00 PM  
TOWN HALL - 472 MAIN STREET - ROOM 204**

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

**ASSOCIATE MEMBER(S):**

**CONSERVATION ADMINISTRATOR & RECORDING SECRETARY:** Tom Tidman

**VISITORS:** Charles Caron, Richard Harrington, Kirk Ware, Joan Cirillo, Michael Krol, Jey Jeyaseelan, Earl VanHorn, Maria Membrino, Bob & Judi Knowlton, Ziping Jaing, Linda Onuska, Bernice Baran, Cathy Hatfield, Bettina Abe, Lou Levine

7:00 Discussion - Wetherbee Forest Management Plan - Chuck Caron (070)

Mr. Caron reported that he is ready to submit the Forest Stewardship Plan to the Mass Dept. of Conservation and Recreation (MDCR), many Commissioners walked the site last fall. The first phase of the stewardship program will be discussions with the Land Stewardship Committee (LSCoM), inviting them to visit sites with existing Forest Management Plans to see how selective cutting and removal of invasive plant species has improved forest diversity.

Upon query by Ms. Green, Mr. Caron reported that once an actual cutting plan is decided upon, the document becomes very specific; diversifying habitat is fundamental to a plan.

Upon query by Mr. Maitland, Mr. Caron reported that outreach to the LSCoM would happen immediately; actual cutting can be done when they are ready. Optimally, cutting would be conducted during the summer.

Joan Cirillo stated that the plan will need a buy-in.

Mr. Magee stated that this is an iterative process; the Commission has asked a forest expert to simply develop a plan.

Mr. Maitland stated that this is the first step, following the State's guidelines for a forest management plan.

Mr. Caron stated that this plan represents a starting point, it does not mean the plan cannot be modified after it has been submitted to the MDCR.

Mr. Magee moved that the Commission accept the Forest Management (Stewardship) Plan and report and submit it to MDCR, Ms. Portante 2<sup>nd</sup>; unanimous.

*[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings 06-15-2011 - (070 & 071)].*

7:35 Business - Friends of the Acton Arboretum - Fees (010)

Cathy Hatfield and Bettina Abe stated that it is time for the Commission to discuss and consider charging fees for events held at the arboretum. They presented an outline for proposed fees for events (i.e. weddings, etc.) at the Acton Arboretum. Potential funds from the proposed fees could be collected and deposited into a revolving fund for future projects at the Arboretum. The Recreation Department uses a liability clause, the Arboretum friends could possibly use similar wording.

The Commission, in general, is in favor of the idea and thanked the "Friends" for all the volunteer work they do at the Acton Arboretum.

Mr. Arnold and Mr. Tidman will look into ways to make event fees possible at the Arboretum. This would include approval by the Selectmen, and consideration of whether any fees would go into the general fund or whether such fees could remain earmarked for Arboretum improvements. *[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings 06-15-2011 - (010).]*

7:45 Notice of Intent - 25 High Street - R & M Kemmit - DEP File 85-1064 (020)

Russ Wilson from R. Wilson Associates presented plans for the proposed upgrade of an existing sewage disposal system within 100-feet of wetlands (town atlas plate H-3A, Parcel 54). Mr. Wilson reported that B & C Associates delineated the wetlands on this site. The proposed sewage disposal system will be an advanced, Enviro-Septic<sup>®</sup> (Presby) System, allowing a three-foot offset from groundwater. The existing cesspool is approximately seven-feet from the edge of wetlands. The new system will be located 50' from the edge of wetlands and will be a pump system and enclosed within retaining walls. To date, the proposed design has not been approved by the Board of Health (BoH).

Hearing no comments or questions, Mr. Maitland closed the hearing.

Decision - 25 High Street – DEP File 85-1064

Mr. Magee moved that the Commission issue a standard Order of Conditions, contingent upon BoH approval. Standard Town Bylaw Conditions 18 & 19 are not applicable. Ms. Portante 2<sup>nd</sup>, unanimous.

*[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings 06-15-2011 - (020).]*

8:05 Notice of Intent - Continuance - Nonset Path (030 - 032)

Rich Harrington from Stamski & McNary reviewed the current plans for the proposed project; the plans have been amended to reflect 12 single-family homes (Presentation Plan, June 15, 2011, Progress Print - Post Development Drainage Map). Mr. Harrington also reported that B & C Associates recently reinvestigated the site and has not found conclusive evidence of a vernal pool; to date, his report has not been submitted. Alternatives Analysis has been reviewed and submitted to the Commission. Discussions have continued between the Applicant and Nagog Woods (NW); an agreement has not been reached for a proposed entrance from NW.

Mr. Magee stated that DEP regulations require that wetland replication 1:1 for limited projects, but that the Commission likes to see a greater replication. Mr. Magee noted that this is not an insignificant wetland filling, he's not sure the Commission will want to allow replication at the minimum level as proposed. Typically, wetland replication is 1.5:1 or 2:1 for a good success rate. He also asked if the proposed basins could be moved away from existing wetlands.

Mr. Harrington stated that this plan calls for less density, namely 12 houses. Mr. Crossman of B&C Associates will submit a written report detailing his investigation of the possible vernal pool.

Upon query by Mr. Maitland, Mr. Harrington confirmed that the proposed replication plan is a 'finished' plan.

Mr. Arnold inquired about the signed letter from the owner authorizing Thomas E. Geagon to act on her behalf.

Mr. Magee noted that this is not insignificant wetland filling, he's not sure the Commission? will want to allow replication at the minimum level as proposed. Typically, wetland replication is 1.5:1 or 2:1 for a good success rate.

Upon query by Ms. Green, Mr. Harrington stated that he will provide stormwater calculations; recharge will be supplied; the applicant is required to provide recharge to the extent possible.

Mr. Magee asked if the proposed locations for detention basins, entirely within the buffer zone have changed.

Mr. Magee noted for the record two items that the Commission needs: (1) amended stormwater management plan and (2) vernal pool report.

Attorney Lou Levine noted several comments and questions to the Commission:

- Do provisions for a common-driveway only require a 12' wide wearing surface; the Fire Chief has not yet provided his written report.
- 1988 Policy – DEP's Wetland Policy 88-2 (Access Roadways - an interpretation of 310 CMR 10.53(3)(e) Limited Projects: Access Roadways or Driveways (DWW Policy 88-2) issued February 29, 1988
- Mr. Levine referenced his letter to the Commission dated May 16, 2011.
- Mr. Levine stated that back taxes are owed on the property; it is Mr. Levine's understanding that the Commission cannot issue a permit until back taxes are paid under the Town of Acton Bylaws, Chapter O.

Kirk Ware representing Hawthorn Homes, LLC stated that he was surprised to receive a letter from Atty. Levine on this date. He has met with town boards and determined this is a "by right" development. Back-taxes will be paid once the property is sold to Hawthorn Homes, LLC.

Michael Krol stated that the use of the proposed development is restricted to five single-family homes; there is a use agreement.

Mr. Ware reported that the 'use agreement' has expired; it was a 30 year agreement.

Robert Knowlton, from Great Elm Way, stated that a 50-foot "use area easement" was established in 1977.

Mr. Levine reiterated that back-taxes need to be paid before moving forward.

Upon query by Mr. Maitland, Mr. Ware stated that he would prefer to continue the hearing rather than withdraw his application; he believes that he can provide answers to questions raised at this meeting.

Mr. Maitland continued the hearing to July 6, 2011 at 7:45 PM.

*[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings 06-15-2011 - (030 – 032 and Extra Information)].*

9:20 Notice of Intent - MBTA - Fitch-Track & Cable (040)

At the request of the Applicant, Mr. Maitland continued this hearing to July 20, 2011 at 7:45 PM.

9:25 Request for Determination - 16 Wheeler Lane - Town of Acton (050)

Tom Tidman presented proposed plans for the removal of a derelict structure, located within 100' of wetlands at Nashoba Brook Conservation Area (town atlas plate D-5, parcel 6). Mr. Tidman reported that there is an existing wooden structure he wishes to remove this summer; it is in a state of disrepair. The project is expected to take four days to complete. There is a future proposal for a boardwalk and viewing platform for which a future Notice of Intent will be filed.

Hearing no comments, Mr. Maitland closed the meeting.

*[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings 06-15-2011 - (050)].*

Determination - 16 Wheeler Lane

Mr. Magee moved that the Commission the work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent (-2); Mr. Froberg 2<sup>nd</sup>, unanimous.

OTHER BUSINESS

LSCom - Bench Policy Recommendation (060)

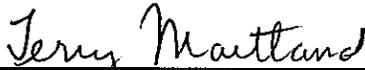
Tom Arnold and Tom Tidman briefly outlined the draft policy in place for a bench to be gifted at the Jenks Conservation Land. The Commission was generally in favor of the draft policy, but questions arose regarding security of the bench, type of materials, any town liability, ongoing maintenance, etc.

Mr. Maitland and tabled the conversation to be discussed at a later date. *[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings 06-15-2011 - (060)].*

MINUTES

Mr. Magee moved that the Commission approve the minutes of May 4 and 18, 2011; Ms. Green 2<sup>nd</sup>, unanimous.

9:55 Meeting adjourned.



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Terry Maitland  
Chair

TT:ahr  
ahr.concom.minutes.06-15-2011

## 06-15-2011

Type	Title	Owner	Edited	Size	Actions
	<a href="#">Extra Information</a>	naturalres	06/20/11	3	
	<a href="#">00001 - June 15 Amended Agenda</a>	naturalres	06/13/11	98 KB	
	<a href="#">0001 - June 15 Agenda</a>	naturalres	06/09/11	97 KB	
	<a href="#">010 - Collecting Fees for Events at the Acton Arboretum</a>	naturalres	06/09/11	93 KB	
	<a href="#">020 - Notice of Intent - 25 High Street - DEP File 85-1064</a>	naturalres	06/13/11	1 MB	
	<a href="#">030 - 101 Nonset Path, 2, 4, 6 Henley Road - Current Deed Bk 56256 Pg 409</a>	naturalres	06/09/11	1 MB	
	<a href="#">031 - 101 Nonset Path - 05-16-2011 - June Peters Letter - Power of Attorney</a>	naturalres	06/09/11	957 KB	
	<a href="#">032 - 101 Nonset Path - 05-27-2011 - Wilson &amp; Orcutt Letter - Hawthorn Homes LLC</a>	naturalres	06/09/11	75 KB	
	<a href="#">040 - Request to Continue - MBTA Fitch Track &amp; Cable</a>	naturalres	06/15/11	18 KB	
	<a href="#">050 - 16 Wheeler Lane - Request for Determination</a>	naturalres	06/13/11	1 MB	
	<a href="#">060 - L.SCom Bench Policy - Minutes 05-18-2011</a>	naturalres	06/09/11	20 KB	
	<a href="#">070 - Wetherbee Conservation Land - Caron Environmental - Compiled plan for emailing</a>	naturalres	06/13/11	7 MB	
	<a href="#">071 - Email from Jim Snyder-Grant - L.SCom - Wetherbee plan</a>	naturalres	06/13/11	18 KB	

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**Extra Information**

Type	Title	Owner	Edited	Size	Actions
	<a href="#">6-15-2011 - Extra Information - NONSET PATH ALTERNATIVE ANALYSIS</a>	naturaires	06/20/11	751 KB	
	<a href="#">6-15-2011 - NONSET PATH CONCEPT3B PRE-DRAINAGE-6-15-11</a>	naturaires	06/20/11	662 KB	
	<a href="#">6-15-2011 - NONSET PATH CONCEPT3B POST-DRAINAGE-6-15-11</a>	naturaires	06/20/11	835 KB	

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