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ASE 5180

August 14, 2014

Acton Conservation Commission
472 Main Street
Acton MA 01720

Re: 107-115 Great Road
DEP 085-1159

Dear Commission Members:

The purpose of this letter is to provide an explanation of our understanding of your bylaw as it pertains to our client's proposed "cottage addition" to the existing tower structure [replication of original windmill] at Weatherbee Plaza Extension.

The last paragraph of Section F8.3 allows states ... "no new structure shall be located closer to the edge of wetlands or vernal pools than existing non-conforming like activities or structures,"...

- The "station Master's House" [Atir Nails] is located 26.5 feet from the edge of BVW
- The proposed cottage addition is over 30 feet from constructed or natural BVW
- The structures are "like" each other in construction

Section F8.3 further states that ... "the Commission may permit ... structures as close ... if it finds that such activities will not affect the interests protected by the Bylaw"...

Notwithstanding that while the cottage addition is not as close to the BVW as the Station Master's House, it is our opinion that as the cottage addition will result in the removal of a parking area directly above the wetlands the addition should be deemed to potentially have less adverse impacts to the Interests protected by the Bylaw and the Act.

It is our opinion that the cottage addition is not prohibited and must be allowed unless it is determined to adversely impact that ability of the wetland resource areas to protect the Interests of the Bylaw and Act. As noted in the Notice of Intent, the project will result in a decrease in impervious area at the site and incorporate recharge works adjacent to a building that presently does not have any. These improvements will both serve to further protect the interests of the Act and Bylaw at this site. Please inform us if we may provide the Commission with additional information concerning impacts to the Interests.

Very truly yours,

Mark T. Donohoe, PE
for: Acton Survey & Engineering

cc: Leo Bertolami
Richard Nylén, Esq.