

Scott Mutch

From: Janet K Adachi [jkajeg@msn.com]
Sent: Tuesday, May 20, 2014 3:07 PM
To: Planning Department
Cc: Mark Hald; Steve Ledoux
Subject: FW: 848 Main St - Conservation Commission history?

FYI. Perhaps the applicants and abutters should see this as well. Thanks. Janet

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From: ttidman@acton-ma.gov
To: jkajeg@msn.com
CC: mhald@acton-ma.gov
Date: Tue, 20 May 2014 09:02:44 -0400
Subject: RE: 848 Main St - Conservation Commission history?

Good Morning Janet,

My opinion is, "no, the property at 848 Main Street doesn't include wetlands with wetlands setbacks".

That said, this is a parcel with a past.... In 1974, long before the Wetlands Protection Act as we now know it was enacted, records show, there was a pond at the rear of the lot. That pond (assumed to be natural and therefore a wetlands) was filled, with permission from the town, and a "fire pond" constructed where the natural pond had been. The fire pond was designed to be 0.97 acres in size, the natural pond had been 1.87 acres in size. I view wetlands jurisdiction of the constructed fire pond in the same way we would administer the 'Act' to detention structures.... man-made structures allowed to be maintained and not wetlands.

Just to add to the confusion, in 1995, the owners of 848 Main Street, Deck House, Inc., filed a "Request for Determination" with the Conservation Commission for the installation of two above ground fuel tanks. Permission was granted for the tanks. Interesting, the Commission viewed the fire pond as exhibiting wetlands characteristics in granting a 'negative 3' determination. On the surface, I can see how that determination was made, the fire pond does look like a natural pond. I'm sure the Commission or staff did not research the 1970's file before rendering their decision.

- Tom

From: Janet K. Adachi [mailto:jkajeg@msn.com]
Sent: Tuesday, May 20, 2014 7:15 AM
To: Tom Tidman
Subject: 848 Main St - Conservation Commission history?

Hi, Tom,

Does the parcel at 848 Main (Acorn Deck Homes/Trudeau) included wetlands or wetlands setbacks that would have resulted in the Commission's reviewing and issuing orders respecting work on the site? During the BOS's hearing last night on the Axe Brothers' proposal for a firewood operation on the area abutting the Inn at

Robbins Brook residences, some audience members claimed that the stored wood was in a wetlands setback and was subject to the Commission's jurisdiction. Jacob Abraham said that he had conferred with you about the fire pond on the site and you had said it didn't involve wetlands.

The BOS has continued the hearing to 6/23 to allow time to collect information on a number of issues, including the wetlands one. Janet

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