CONSERVATION COMMISSION

AGENDA

APRIL 21, 2010

7:20 Notice of Intent - 900 Main Street - Robbins Brook - RRV, LLC (010)

Completion of site work involving the installation of a foundation drain outfall, side gate assembly in two basins and re-grading within Riverfront Area and within 100' of wetlands (town atlas plate C-5, parcels 6, 8, 12), re-filed for expired OOC 85-937.

7:30 Request for Determination -16 Heritage Road - C & L Perraud *(020)*

Proposed addition to an existing single family home within 100' of wetlands (town atlas H-4, parcel 105-31)..

7:45 Notices of Intent - 81 River Street - Lot 2F & Lot 2G - Lothrop Mill LLC

Residential redevelopment of an existing site for two single-family dwellings (lots 2F & 2G) and associated grading within Riverfront Area and within 100' of wetlands (town atlas plate H-3, parcel 138, Lot 2).

Requests for Certificates of Compliance

- 253D Pond Ridge Road - 85-969
- 886 Main Street - Acton Senior Living - 85-646
- 900, 908 Main Street & 8 Eastern Road- Acton Senior Living - 85-815
- MBTA – Central Street/Culvert Replacement - 85-1019

Minutes

March 17	awaiting comments	
April 1	comments rec'd by	FP, JA

CONSERVATION COMMISSION

MINUTES

APRIL 21, 2010

COMMISSIONERS PRESENT: Terry Maitland, Tom Arnold, William Froberg, Fran Portante, Toros Maksoudian, Patty Lee

ASSOCIATE MEMBER(S): Toni Hershey

RECORDING SECRETARY: Tom Tidman

VISITORS: Ron Beck, Bruce Ringwall, Todd Bachmann, Pam Rogers, David Honn, Terra Friedrichs, Frank Melon, Christine Perraud, George Dimakarakos Stephen Vazza, Joe Levine, Michaela Moran, Harvey Schmidt, Pam Rogers

7:20 Notice of Intent - 900 Main Street - Robbins Brook Senior Living Community - RRV, LLC *(010)*

George Dimakarakos from Stamski & McNary presented plans for the completion of site work involving the installation of a foundation drain outfall, side gate assembly in two basins and re-grading within Riverfront Area and within 100' of wetlands (town atlas plate C-5, parcels 6, 8, 12), re-filed for expired Order of Conditions (OOC) 85-937. Mr. Dimakarakos reported that Robbins Brook is in the final phase of development with 90% of the work within the Commission's jurisdiction already completed.

Upon query by Mr. Maitland, Mr. Dimakarakos reported that the original OOC 85-937 expired approximately six months ago; a request for an extension permit was not submitted.

Upon query by Ms. Lee, Mr. Dimakarakos stated that there are no changes from the original approved plan under 85-937.

Upon query by Mr. Arnold, Mr. Dimakarakos reported that the storm-drain system is identical to the original and is already in place; the only change is that a slide gate will be added to one of the basins along with an emergency spillway.

Upon query by Mr. Froberg, Mr. Dimakarakos stated that silt prevention devices will have to be restored on site.

Stephen Vazza, site developer, gave a brief overview of the site history and circumstances that delayed completion of the final phase of the Robbins Brook development.

7:30 Hearing no further comments or questions, Mr. Maitland closed the hearing.

DECISION - 900 Main Street - Robbins Brook Senior Living Community - 85-1039

Mr. Arnold moved that the Commission issue a standard Order of Conditions for the plans as presented; Ms. Portante 2nd, unanimous.

7:40 Request for Determination -16 Heritage Road - C & L Perraud *(020)*

Christine Perraud presented plans for the proposed addition to an existing single family home within 100' of wetlands (town atlas H-4, parcel 105-31). The existing house is approximately 40' from the edge of wetlands with the proposed addition being 55'; proposed construction will occur within existing lawn area.

Contractor, Frank Melon, stated that excavation will be five feet in depth done with a small back-hoe, all excavated materials will be removed from the site.

7:47 Hearing no further comments, Mr. Maitland closed the hearing.

Determination - 16 Heritage Road - D-10-5

Ms. Portante moved that the Commission find the work described in your request is within a Buffer Zone, as defined in the regulations, but will not alter an Area Subject to Protection under the Act and Bylaw (-3); Mr. Arnold 2nd, unanimous.

7:50 Notices of Intent - 81 River Street - Lot 2F & Lot 2G - Lothrop Mill LLC *(030-035)*

Bruce Ringwall, from GPR, Inc., presented plans for the proposed residential redevelopment of an existing site for two single-family dwellings (Lots 2F & 2G) and associated grading within Riverfront Area and within 100' of wetlands (town atlas plate H-3, parcel 138, Lot 2). Mr. Ringwall stated that the bio-retention area previously designed and approved to treat runoff from Lots A through E will be extended by approximately 75' to include both proposed Lots F and G. There will be significantly less impervious area on Lot F since the removal of the collapsed Flannery Mill structure. All runoff from Lot F will be directed to the bio-retention area for treatment. The buffer zone in and around the bio-retention area will be planted and naturalized. The closest point of development on Lot F is 48' from the edge of wetlands (corner of deck). Mr. Ringwall noted that this proposal is redevelopment within riverfront area and the proposed Lots F & G are pulled farther from the resource areas than the original approved proposal for these two lots. Mr. Ringwall gave an overview of the NOI Narrative noting the reduction of impervious area and outlining the alternatives analysis reviewing practicable and substantially equivalent alternatives for the lots and stormwater management through Best Management Practices (BMP) and the installation of the bio-retention area.

Upon query by Mr. Froberg, Mr. Ringwall reported that cleanup work has begun on Lots A through E (previously approved).

Joe Levine, developer, reported that he is still in the process of removing debris from the site.

Upon query by Mr. Arnold, Mr. Levine reported that construction has not commenced on the other lots.

Upon query by Ms. Lee, Mr. Ringwall reported that most of the original mill building has been demolished and removed from the site; a portion of the old foundation along the river has yet to be removed.

Upon query by Mr. Maitland, Mr. Levine reported that filing of Historic District application will occur within the next few weeks.

Upon query by Mr. Arnold, Mr. Ringwall reported that the total reduction of impervious surface as a result of this residential development is included in the NOI Narrative.

Upon query by Mr. Froberg, Mr. Ringwall stated that the original renovation of the mill building would have provided four residential units.

Upon query by Ms. Lee regarding landscaping of Lot G, Mr. Ringwall reported that the retaining wall will remain and the house will have a lawn and landscaping. The closest point from the proposed house will be 14' from the edge of Fort Pond Brook; this is an improvement from the original mill building location which extended out over the brook. All surface runoff from Lot G will be directed to the bio-retention area at the rear of the lot.

8:05 Harvey Schmidt, from 65 River Street, stated that he was not notified of this hearing as an abutter to the project. Mr. Ringwall reported that he obtained an official abutters list from the Assessors' Office, as required. The entire parcel of 81 River Street has been subdivided and recorded at the Registry of Deeds, 65 River Street is greater than 100' away from the two proposed lots before the Commission at this time, and thus 65 River Street was not included on the abutters list.

David Honn, from 105 School Street, expressed concern that the written request for waivers was not included with the NOI filings within the on-line agenda items. Mr. Honn also expressed concern that Lot G is pushing the setback requirements. He also inquired as to what stops future homeowners from future projects that do not meet the Town Bylaw setbacks.

Mr. Ringwall reported that this proposal is considered "redevelopment within riverfront area" and is addressed in the NOI Narrative; the original mill building was 0' from the brook and overhung the edge of the waterway. Mr. Ringwall cited the written request for waiver aloud which was included in the hard copy NOI's submitted to the Commission (error that the request for waiver was not provided electronically to staff).

Mr. Maitland stated to the public that only the work described in the filings before the Commission at this time is being considered for approval, any additional future activity would require a new filing with the Commission.

Todd Bachmann, from 50 River Street, noted this local area had severe flooding issues this spring and expressed concern about potential impact of the proposal to his property. Mr. Ringwall reported that flooding of 50 River Street will not be affected by this proposed development; flood storage capacity has been increased with this proposal. There will be no increase in the rate or volume of runoff from the site; low impact development practices will be utilized including grass lined swales, small stone catchment areas, and vegetative retention areas. Runoff will be directed to the bio-retention area, nutrients will be removed by plantings provided in the vegetative swale and bio-retention area; runoff will reach the brook at a reduced rate.

Ron Beck, from 80 Esterbrook Road, inquired as to how new homeowners will be made aware of the chemical-free Bylaw setback. Mr. Ringwall reported that each new owner will be made aware of the standard orders of conditions and any additional conditions that the Commission may impose; new proposed lawn areas will be prepared with sod.

Mr. Beck stated that he does not feel that this is a very good enforcement mechanism.

Mr. Ringwall noted that the bio-retention area will trap potential fertilizers from runoff before reaching the brook; low impact developments have very limited maintenance requirements.

Mr. Beck asked what mechanism informs new homeowners of the Bylaw setbacks limiting the use of fertilizers and what responsibility the developer has regarding this issue.

Mr. Ringwall stated that the Commission has the ability to impose special conditions that the seller be notified of the OOC. Mr. Maitland that no 'special condition' would be added in this regard.

Pam Rogers from 6 Haley Lane stated that she feels that the plans look great and the brook will be a much healthier environment once the project is completed.

Ms. Lee stated that she would like to see a planting project prepared for the buffer zone on Lot 2G.

9:05 Hearing no further comments or questions, Mr. Maitland closed the hearing.

<u>DECISION</u> - 81 River Street - Lot 2F - DEP File 85-1040

Mr. Arnold moved that the Commission issue an OOC for the plans as submitted with the following special conditions:

1. The waivers from the Town of Acton Wetland Bylaw are hereby granted as requested in the Applicant's written request for waiver dated 4/6/2010.
2. The Applicant shall submit a detailed Planting Plan that uses wildlife beneficial, native/indigenous species for the proposed expanded bio-retention areas and other planting areas on site. The Applicant shall present the Planting Plan to the Commission or its agent for approval prior to the commencement of work on the site.

3. The Applicant shall provide a Long-Term Management Plan for the bio-retention areas on all lots to ensure the success of native species and control of non-native species. The Applicant shall present the Long-Term Management Plan to the Commission or its agent for approval prior to the commencement of work on the site. Applicant and its successors shall be responsible for fulfilling the requirements of the Long-Term Management Plan. The Long-Term Management Plan shall remain a part of the Order of Conditions in perpetuity and shall be affixed to the property deed for each lot.
4. Standard Conditions 35, 36 and 37 are hereby amended as follows: "except as granted in the waiver request and as noted on the record plan "Residential Development, Grading, Paving and Drainage Plan, Sheet C4-1 dated April 1, 2010."

Mr. Froberg 2nd, unanimous.

DECISION - 81 River Street - Lot 2G - DEP File 85-1041

Mr. Arnold moved that the Commission issue an OOC for the plans as submitted with the same special conditions noted above; Mr. Froberg 2nd, unanimous.

CONCERN

Terra Friedrichs inquired of the Commission as to how enforcement and follow-up on approved projects is addressed, such as, how does the Town know the stormwater collection system designed by the engineer is actually working and designed correctly?

The Commission had a free form discussion with Ms. Friedrichs regarding "how do we know how things really work". The Commission noted that detention basins are designed to meet DEP approval standards by professional engineers who must 'stamp' their plans, certifying that they have designed they system to the standards accepted and their professional reputation is on the line.

Requests for Certificates of Compliance

Mr. Tidman reported that the four sites noted requesting certificates are in compliance and completed.

- 253D Pond Ridge Road - 85-969 - Ms. Lee moved; Mr. Arnold 2nd, unanimous.
- 886 Main Street - Acton Senior Living - 85-646 - Ms. Lee moved; Mr. Arnold 2nd, unanimous.
- 900, 908 Main Street & 8 Eastern Road - Acton Senior Living - 85-815 - Ms. Lee moved; Mr. Arnold 2nd, unanimous.
- MBTA – Central Street/Culvert Replacement - 85-1019 - Ms. Lee moved; Mr. Arnold 2nd, unanimous.

10:05 Meeting adjourned.

Terrence Maitland

Terrence Maitland
Chair

TT:ahr
ahr.concom.minutes.2010.04212010