

CONSERVATION COMMISSION

AMENDED

AGENDA

MARCH 2, 2011

7:15 PM

TOWN HALL - 472 MAIN STREET - ROOM 204

7:15 Notice of Intent - Nonset Path – Hawthorne Homes, LLC (010)

Stamski & McNary: for the proposed improvement and extension of an existing driveway within 100' of a wetland and crossing a wetland to provide residential access to uplands (town atlas plate B-4, parcel 12).

Certificate of Compliance – 141 Great Road – 85-278 (020)

Determination of Applicability - 18 Wheeler Lane - Nashoba Brook Conservation Area

Rescind 2/3/2011 vote - revote determination as Negative 2

MINUTES

January 20 OSCP forthcoming

February 3 OSCP	comments rec'd by	ADM TT, TA	} signature
February 3 CC	“ “ “	ADM, FP, TA	
February 9 OSCP	“ “ “	ADM, FP	
February 16	“ “ “	TT, ADM, FP	

**CONSERVATION COMMISSION
MINUTES
MARCH 2, 2011
7:15 PM
TOWN HALL - 472 MAIN STREET - ROOM 204**

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

ASSOCIATE MEMBER(S): Christine Perraud

RECORDING SECRETARY: Tom Tidman

CONSERVATION ADMINISTRATOR: Tom Tidman

VISITORS: Bob Knowlton, Bernice Baran, K. Dolan, Thomas Wester, Joanna Ziping Jiang, James Shope, Prasad Kommineni, Brian Butler, Geraldine Abrams, Kenneth & Betty Sundberg, Victoria Mohar, Imade Mohar, Jayke Mohar, Korey Mohar, Barbara Meglis, Lisa Levine, Sue & Peter Balkus, Michael & Elizabeth Krol, Kate & Alison Chung, Tom Geagan

7:20 Notice of Intent - Nonset Path (town atlas plate B-4, parcel 12) - Hawthorne Homes, LLC (010)

Mr. Maitland reported to the open meeting, due to weather conditions, the Commission has not been able to access the site to conduct a site walk and will ask the applicant to continue the hearing.

Rich Harrington from Stamski & McNary agreed that the applicant will allow a continuation of this hearing; a site meeting was held between himself, Mr. Maitland, Kirk Ware and Mr. Tidman on February 25, 2011 plans were discussed while standing on Nonset Path, the site was not accessible.

Mr. Harrington presented plans for the proposed improvement and extension of an existing common driveway within 100' of a wetland requiring crossing and filling wetlands to provide access to a proposed residential development. There is an existing 20' easement to Nonset Path with an existing 12' wide driveway currently servicing three homes that the applicant proposes to widen to a 16' paved roadway as a single access to a proposed 15 duplex development. The wetland has been delineated by B & C Associates and is identified as a red maple swamp with an intermittent stream that flows under Nonset Path into Wills Hole Brook. The proposed access roadway and sewer connection has been filed under 310 CMR 10.53 as a Limited Project that will require wetland filling.

Mr. Harrington's presented a proposed drainage area including a predevelopment drainage map and soil map and constructed stormwater wetlands detail and sediment forebay design plan. There will be a culvert under the drive to connect two sections of the stormwater wetland and outlet through replication area. A retaining wall will be provided on both sides of the proposed drive to reduce wetland alteration. A gravity fed six-inch sewer line will connect to an existing six-inch main in the common drive. All storm water will enter one of two sediment forebays and then into the constructed stormwater wetland, then the wetland replication area. There will be a six-foot wide berm between proposed detention structure and replication area. The proposed development does not have access from Henley Road, an abutter owns the lot; the applicant does not have a right to access. Nagog Woods development is a private gravel drive with utilities and development. Stormwater from Nagog Woods's stormwater enters the wetland area from Pheasant Hill Drive through Sub-Catchment Area 1B. All on-site stormwater from Sub-Catchment Area 1A enters into the constructed stormwater wetland basin. Residential "A" – is a "by right" development allowing up to 36 multi-family units, the applicant has opted to construct 30 dwellings. Development of proposed multi-family homes is entirely outside of the wetland buffer zone; this will be a private

driveway, maintained and controlled by homeowners. Project complies with stormwater management guidelines.

Upon query by Mr. Maitland regarding alternative access options, Kirk Ware, from Hawthorn Homes, LLC, reported that his initial meeting with North Acton Woods went well but he never heard back from them. Mr. Ware has not yet contacted the homeowner at the end of Henley Road but plans to. Currently there is not legal access from Henley Road to the proposed development.

Upon query by Mr. Maitland, Mr. Harrington stated that they will try to tie utilities through North Acton Woods and if that is not possible they will access through the frontage on Nonset Path.

Upon query by Mr. Froberg, Mr. Harrington stated that the proposed access drive will be within the existing 20' wide private access easement and the existing common-drive would be extended along that easement.

Upon query by Ms. Green, Mr. Harrington reported that the wetland was delineated by B & C Associates which will be better described during the future site walk.

Ms. Green asked if there are wetland delineation data forms, noting that there appears to be a perennial stream near Wills Hole and asked if the site is within 200' of the perennial stream. Mr. Harrington stated that he will check on both.

Mr. Maitland noted that the Fire Department typically requires a secondary emergency access. Mr. Harrington explained "by right".

Upon query by Mr. Arnold, Mr. Harrington reported that the proposed development will not be built to "subdivision standards" it will remain a private way.

Upon query by Mr. Froberg, Mr. Harrington stated that the proposal will fill approximately 1,759 s.f. of wetland resource area and the proposed replication area will provide 1,827 s.f.

Upon query by Ms. Green, Mr. Harrington stated that the temporary wetland disturbance will be within the existing right-of-way.

Mr. Harrington noted that the constructed stormwater wetland A and B are divided by the proposed roadway which will allow collection of stormwater coming from Sub-Catchment Area 1A.

Stormwater will enter Basin A through two sediment forebays, then under the driveway (northerly direction) into Basin B, then through the outlet control structure into the proposed replication area.

Upon query by Mr. Maitland, Mr. Ware stated that he will contact the abutter on Henley Road to discuss potential alternative access through that parcel.

Upon query by Ms. Green, Mr. Harrington reported that the design plan is in compliance with the required stormwater regulations except for the area where minor widening of the access road access from Nonset Path will occur.

Upon query by Mr. Maitland, Mr. Harrington reported that the proposed sewer line connection will connect to the existing six-inch main in the common drive and then out into Nonset Path.

Upon query by Mr. Arnold, Mr. Harrington reported that the existing 6" sewer line is sufficient and will be extended into the proposed development.

Upon query by Ms. Green, Mr. Harrington reported that the proposal is a Limited Project and, based on the design, has the capacity to meet recharge requirements in the basins. Ms. Green asked that Mr. Harrington re-check this as she does not feel that it appears the design meets the regulation requirements. Mr. Harrington agreed to check.

Ms. Green also stated that she does not feel that the level of design detail for the wetland replication has been met.

Mr. Maitland reviewed a letter received by the Commission from D'Agostine, Levine, Parra & Netburn, PC (DLPN) dated 3/2/2011 which requests a continuation of this hearing and states that there is a conflict between the record owner and the applicant regarding ownership and the right to access 101 Nonset Path.

Mr. Ware reported that he has a contract to purchase.

Mr. Maitland stated that the Commission will provide a copy of Attorney Parra's letter to the applicant.

James Shope, from Nagog Woods Community Corporation (NWCC), noted to the Commission that NWCC has contracted DLPN and Brian Butler from Oxbow Associates, Inc. to represent their community. Mr. Shope expressed concern stating that it does not appear that there is a right-of-way indicated within the deeds for the three existing house lots or NWCC. Mr. Shope also noted that the Notice to Abutters was only sent to NWCC's management office and not all abutters were notified of this hearing.

Brian Butler, from Oxbow Associates, Inc., stated that Data Sheets (Delineation Field Data Form) are necessary for qualitative wetland evaluation. Essentially 1:1 wetland replication is required but more could be asked for by the Commission. An alternatives analysis is necessary. 310 CMR 10.53 – Limited Project – requires the applicant to demonstrate compliance. The Town may wish to have a peer review of the design engineering.

Prasad Kommineni from 109 Nonset Path stated that he moved into his home in 1988, he requested permission to add pavement to his driveway and was denied; this proposal will create 60 cars per day on what is currently a one lane driveway. Human impacts should be looked at as well.

Michael Krol from 25 Henley Road expressed concern regarding potential impacts to wildlife as result of the proposed project and the potential impact to his artesian water well. He stated that the proposed project is on property that is a swamp in the spring that floods, it is a wet area that does not drain well.

Kenneth Sundberg from 20 Henley Road inquired about potential impacts to the existing water wells if blasting is necessary.

Upon query by Ms. Green, Mr. Harrington reported that test pits have not been done on this site.

Upon query by Kate Chung from 117 Nonset Path, Mr. Ware reported that the moratorium has been lifted and there is sufficient sewer system capacity for this proposed development.

A Henley Road abutter expressed concern regarding pooling water and the mosquito population

Mr. Ware stated that the building permit application process will cause all of the units to be reviewed in great detail and there is a proposed 50' natural vegetated buffer provided around the proposed development.

Ken Sundberg asked if the property has been investigated for vernal pools

Mr. Krol stated that he is a geologist and the soil maps may not be accurate for this lot and needs additional investigation.

Victoria Mohar stated that Nagog Woods Condominium IV residents are very concerned about flooding that may be caused to their basements resulting from this proposed development.

Upon agreement by the applicant, Ms. Green moved that the Commission continue the hearing until March 16, 2011 at 7:40 PM, Mr. Arnold 2nd; unanimous.

Certificate of Compliance - 141 Great Road - 85-278 (020)

Mr. Tidman reported to the Commission that this is a very old outstanding Order of Conditions; the project has been complete for many years and is ready for a Certificate.

Mr. Froberg moved that the Commission issue a Certificate of Compliance for DEP File No. 85-278, 141 Great Road as recommended by Mr. Tidman, Mr. Arnold 2nd; the motion passed unanimously.

[See file in the Conservation Office also located in DocuShare: Conservation Commission – 2011 Meetings – 03-02-2011 - (020).]

Determination of Applicability - 18 Wheeler Lane - Nashoba Brook Conservation Area

Mr. Froberg moved that the Commission rescind the previous vote made on 2/3/11 as a -3, Ms. Green 2nd; the motion passed unanimously.

Ms. Portante moved that the Commission find 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 2nd; the motion passed unanimously.

[See file in the Conservation Office also located in DocuShare: Conservation Commission – 2011 Meetings – 02-03-11 - (010).]

MINUTES

Ms. Portante moved that the Commission approve the minutes for the meetings held on February 3, 2011, Ms. Green 2nd; unanimous.

9:45 Meeting adjourned.



Terrence Maitland,
Chair

Location: Home » Public Meetings » Conservation Commission » 2011 Meetings » 03-02-2011 Listing

03-02-2011

Type	Title	Owner	Edited	Size	Actions
	0001 - March 2 - Amended Agenda	naturalres	03/02/11	95 KB	
	0001 - March 2 Agenda	naturalres	02/24/11	92 KB	
	010 - Notice of Intent - Nonset Path (town atlas plate B-4, parcel 12)	naturalres	02/24/11	54 MB	
	020 - Request for Certificate of Compliance - 141 Great Road 85-278	naturalres	03/02/11	6 MB	

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