CONSERVATION COMMISSION
AMENDED AGENDA

JULY 20, 2011

7:00 PM

TOWN HALL - 472 MAIN STREET - ROOM 204

7:05 **BUSINESS**

Discussion - 101 Nonset Path - Issue "Order to Show Cause" - Hawthorne Homes, LLC

15 Request for Determination - Mass Bay Commuter Rail *(020)*

TEC Associates: proposed vegetation control along the Massachusetts Bay Commuter Railroad right-of-way. Some vegetation management occurring within riverfront, wetland resource areas and wetland buffer zone through Acton from Boxborough to the Concord line.

7:30 Request to Amend - Order of Conditions - 354B Great Road, Skyline Drive - Residences at Quail Ridge *(030)*

Pulte Homes of New England, LLC Bohler Engineering
Proposed amendments to the site development plans for The Residences at Quail Ridge, (DEP File No. 85-986) [town atlas plates/parcels D-4/4, D-4/9 and C-4/29].

7:45 Notice of Intent - Mass Bay Transportation Authority - Fitchburg Commuter Line *(040)*

Jacobs Engineering Group, Inc.: proposed track improvements, signal system improvements and fiber optic and power cab le installation over a two mile section of railroad right-of-way from the Main Street Bridge to the Concord town line.

MINUTES

January 20 OSRP	forthcoming
March 3 OSRP	forthcoming
**March 23 CC & OSRP	forthcoming
June 15	pending review
July 6	forthcoming

CONSERVATION COMMISSION
MINUTES
JULY 20, 2011
7:00 PM
TOWN HALL - 472 MAIN STREET - ROOM 204

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

ASSOCIATE MEMBER(S): Jim Snyder-Grant

CONSERVATION ADMINISTRATOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Jim Bernardino, Steve DeCoursey, Stacy Angle, Jay Frolick, Kyle Fair, Mark Mastroianni, Reid Blute, Mike Turgeon

7:05 **BUSINESS**

Discussion - 101 Nonset Path - Issue "Order to Show Cause" - Hawthorne Homes, LLC

Mr. Maitland announced that prior to the wetland hearing continuation for 101 Nonset Path on August 17, 2011, the outstanding tax issue for the property must be resolved.

Upon query by Mr. Froberg, Mr. Tidman reported that John Murray, Town Treasurer and Assistant Town Manager, will conduct the hearing pertaining to Town of Acton, Chapter O proceedings.

Upon query by Jay Frolick from Pheasant Hill Road, Mr. Maitland reported that the Chapter O hearing will be held on August 17; at which time the Applicant will report if back-taxes have been paid or a payment plan has been established acceptable to the Town.

7:12 Mr. Arnold moved that the Administrator issue an Order to Show Cause under Chapter O, to the current owner of 101 Nonset Path, on August 17, 2011 at 7:15 PM; Ms. Portante 2nd, unanimous.

7:15 Request for Determination - Mass Bay Commuter Rail *(020)*

Kyle Fair from TEC Associates presented plans for proposed vegetation control along the Massachusetts Bay Commuter Railroad right-of-way. Some vegetation management will occur within riverfront area, wetland resource areas and wetland buffer zones through Acton from Boxborough to the Concord line. Sensitive areas along the right-of-way are noted on the plans. The colors are permanently marked on the tracks; sensitive areas include the entire 200' riverfront areas. Spraying only occurs within ten-feet on either side of the tracks. There will not be any application of herbicide in Acton this year; applications are done the first two weeks of July and the permits are valid for five years. The Department of Agriculture establishes guidelines and oversees all applications for the Vegetation Management Plan (VMP). A Yearly Operational Plan (YOP) covers any changes in herbicide mixtures used and who will be conducting the applications. The Mass. Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program reviews and can participate in the YOP. Herbicides used are a derivative of Roundup® which remains very local to the point of application, migrating less than a meter from the site of application. The herbicides act on target vegetation within seven to ten days. The Applicant requests Negative 5 Determination under 310 CMR 10.03 (6)(b) and 310 CMR 10.58 (6)(a).

7:42 Hearing no further comments or questions, Mr. Maitland closed the meeting.

[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings 07-20-2011 - (020)].

Determination of Applicability - Mass Bay Commuter Rail

Mr. Magee moved that the Commission find the area described in the Request is subject to protection under the Act and the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, 310 CMR 10.03 (6)(b) and 310 CMR 10.58 (6)(a) (Negative 5 Determination); no Notice of Intent is required; Ms. Portante 2nd, unanimous.

7:45 Request to Amend - Order of Conditions - 354B Great Road, Skyline Drive - Residences at Quail Ridge *(030)*

** Mr. Maitland and Mr. Magee both recused from the hearing process due to their employer's involvement with the property in question; both left the room.

Mr. Froberg opened the hearing for the proposed amendments to the site development plans for The Residences at Quail Ridge, (DEP File No. 85-986) [town atlas plates/parcels D-4/4, D-4/9 and C-4/29].

Mark Mastroianni from Pulte Homes of New England, LLC reported that issues with the Town of Acton Bylaw, Chapter O and back-taxes have been settled with the Town Treasurer and Pulte Homes has an agreement with Quail Ridge Country Club (QRCC). There is an approved Order of Conditions (OOC) for Residences at Quail Ridge (RQR), DEP File 85-986. If the requested amendment is approved, Pulte Homes will be constructing the RQR as illustrated in the plans being presented for this request to amend. The current proposal is to reduce the number of units to 153 from 174 originally approved. The Planning Board closed their hearing for this proposal on July 19, 2011.

Upon query by Mr. Tidman, Mr. Mastroianni reported that Quail Ridge Road is a private drive but is open to the public. There is no easement allowing the public onto the trail head parking lot. There will be a six-foot high, 300' long stockade fence as a permanent buffer for the public trail.

Steve DeCoursey from Bohler Engineering gave an overview of the proposed amendments to the original RQR plan regarding roadway layout and changes proposed for work in wetland buffer zones. The proposed roadway has been realigned so that the units and roadway will be pulled farther away from the vernal pool; the originally proposed Bent Grass Lane has been removed as a result of the realignment. An increase of .08 acres of impervious surface will occur and 17 units will have a slightly greater impact; total buffer zone impacts will increase by 911 S.F.

Ms. Green asked if the existing green and tee-box behind units 109 and 110 would remain or if the buffer zone would be allowed to naturalize. Mr. Mastroianni stated that the buffer zone would be allowed to naturalize.

Ms. Green asked if the paved cart paths located within wetland buffer zones would be removed. Mr. Bernardino from Bohler Engineering agreed that the paved cart paths served no purpose and would be removed and stated that he would show the locations of the cart paths to be removed on a plan (exhibit) to be submitted to the Commission.

Upon query by Mr. Arnold regarding the easement to the Nagog Hill Conservation Area from the proposed trail head parking lot, Mr. Mastroianni stated that RQR is open to giving public access from the development to the conservation land. The Commission could impose a special condition requesting that an easement be made "prior to construction".

Mr. Arnold stated that the Commission could impose such a condition "post closing", such as within 30 days after the closing on the property with plan and easement language could be recorded within the OOC at the Registry of Deeds. Mr. Arnold stated that he would like to see a 20' wide public trail easement. The final layout of the trail easement and trail head parking lot shall be shown on a recordable plan.

The Commission discussed language in the proposed agreement that Pulte Homes would create an easement for public access to the conservation land trail head to be recorded with the deed.

Ms. Portante stated that the easement layout would need to be clearly defined and a plan submitted to the Commission for review.

Upon query by Ms. Green, Mr. Mastroianni stated that the stockade fence will not be in the buffer zone.

Upon query by Ms. Portante, Mr. Mastroianni stated that the replication area will be created in Phase 1 when the proposed wetland crossing is constructed during the low flow time of year.

Mr. Snyder-Grant referred to language in the easement documents; there will is a proposed 40' wide easement to the Concord Water Treatment Facility and a 20' wide easement in RQR property. The 170' long boardwalk has been approved under the Wetlands Protection Act and the Town of Acton Wetland Bylaw and will be designed to meet the Land Stewards boardwalk design standards. The boardwalk construction including materials will be funded by Pulte Homes. The 40' wide easement needs discussion with Pulte Homes to establish the sidewalk etc.

8:55 Hearing no further comments or questions, Mr. Froberg closed the hearing.

[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings 07-20-2011 - (030) – Residences at Quail Ridge - 2011 Request to Amend].

** Mr. Maitland and Mr. Magee returned to the Commission's meeting.

8:58 Notice of Intent - Mass Bay Transportation Authority - Fitchburg Commuter Line *(040)*

Mr. Maitland opened the hearing under the Wetlands Protection Act; this NOI is exempt from the Town of Acton's local bylaw, Chapter F.

Mike Turgeon from Jacobs Engineering Group, Inc. presented plans for proposed track improvements, signal system improvements and fiber optic and power cable installation over a two mile section of the railroad right-of-way from the Main Street Bridge to the Concord town line. The proposed installation of fiber optics will be done with a track-mounted-cable-plow to a depth of 31", 11' off the center line of the north track; the installation will take approximately one to two days. Access for the project will be within the existing gravel shoulders.

Hearing no further comments Mr. Maitland closed the hearing.

[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings 07-20-2011 - (040)].

Decision - Mass Bay Transportation Authority - Fitchburg Commuter Line

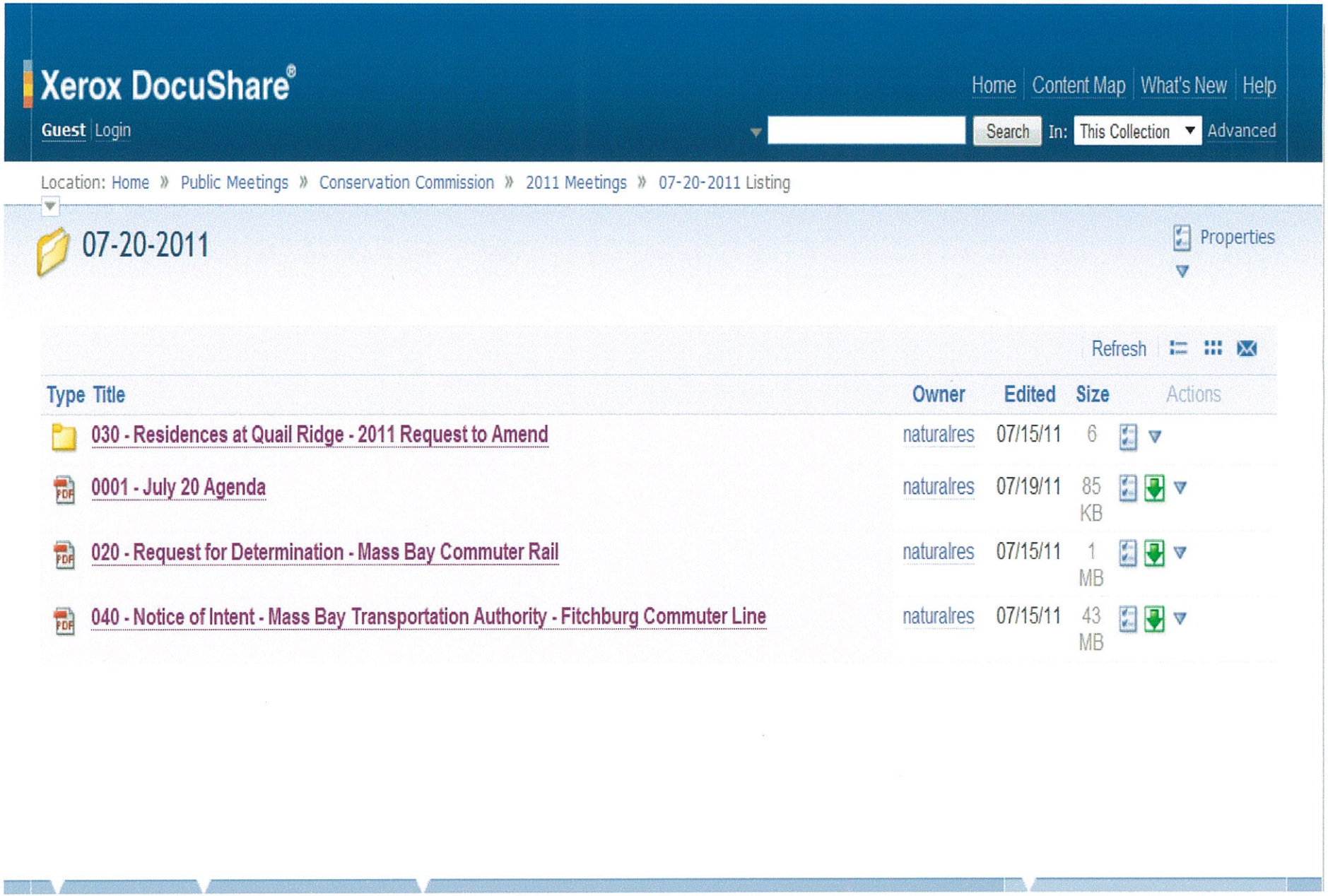
Ms. Portante moved that the Commission issue a standard OOC under the Wetland Protection Act; Mr. Magee 2nd, unanimous.

9:20 Meeting Adjourned.

Terry Maitland

Terry Maitland
Chair

TT:ahr
ahr.concom.minutes.2011.07-20-2011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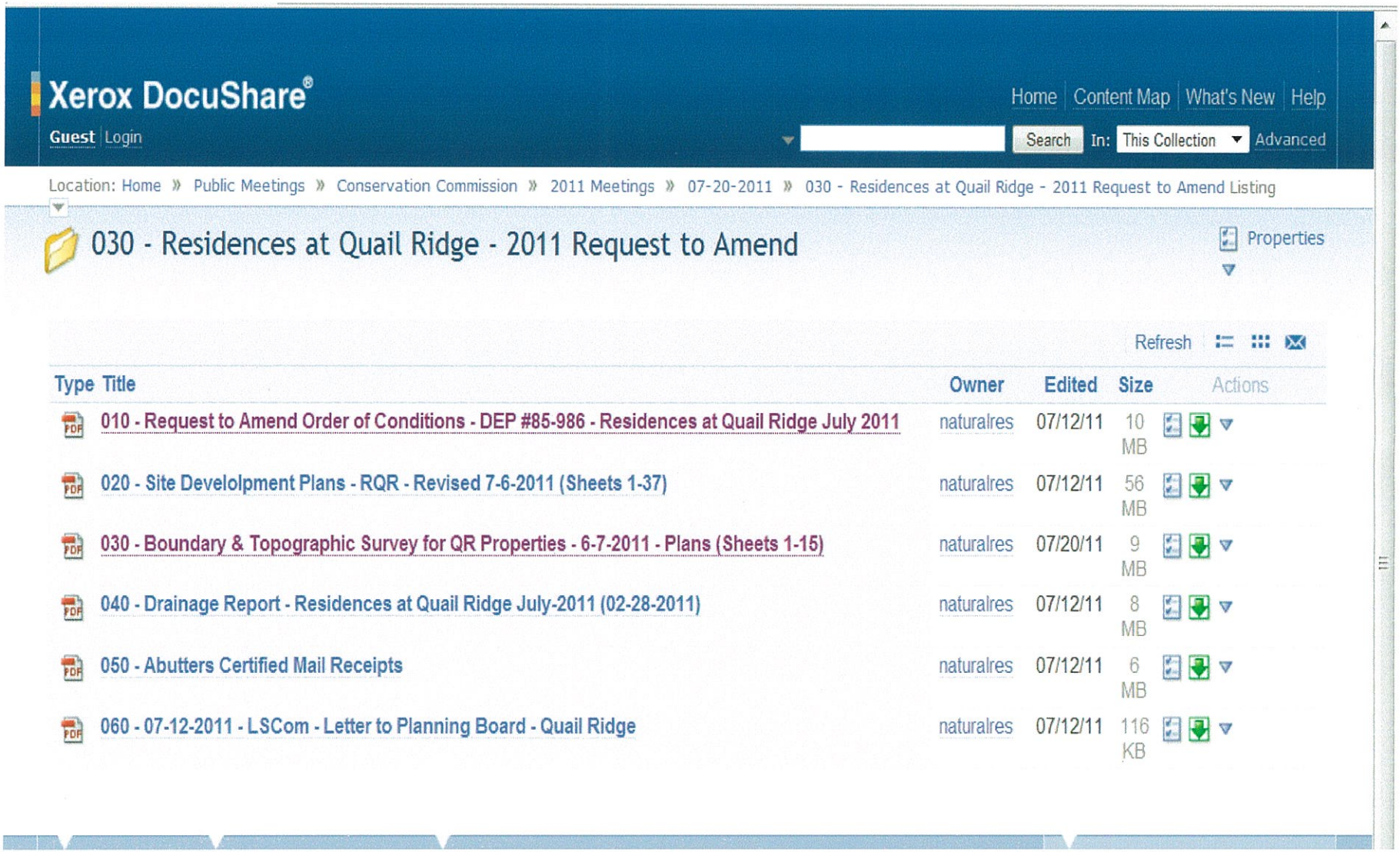
030 - Residences at Quail Ridge - 2011 Request to Amend naturalres 07/15/11 6
0001 - July 20 Agenda naturalres 07/19/11 85 KB
020 - Request for Determination - Mass Bay Commuter Rail naturalres 07/15/11 1 MB
040 - Notice of Intent - Mass Bay Transportation Authority - Fitchburg Commuter Line naturalres 07/15/11 43 MB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010 - Request to Amend Order of Conditions - DEP #85-986 - Residences at Quail Ridge July 2011 naturalres 07/12/11 10 MB
020 - Site Development Plans - RQR - Revised 7-6-2011 (Sheets 1-37) naturalres 07/12/11 56 MB
030 - Boundary & Topographic Survey for QR Properties - 6-7-2011 - Plans (Sheets 1-15) naturalres 07/20/11 9 MB
040 - Drainage Report - Residences at Quail Ridge July-2011 (02-28-2011) naturalres 07/12/11 8 MB
050 - Abutters Certified Mail Receipts naturalres 07/12/11 6 MB
060 - 07-12-2011 - LSCom - Letter to Planning Board - Quail Ridge naturalres 07/12/11 116 KB