

**Planning Board**

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**DECISION**

02-06

**Quail Ridge Country Club«project name»**

Special Permit for a Golf Course in a Residential District  
May 20, 2002

Granted with Conditions

Decision of the Acton Planning Board (hereinafter the Board) on the application of NorthWest Development LLC / Quail Ridge Country Club LLC (hereinafter the Applicant) for property in Acton, Massachusetts, owned by the Palmer Family Realty Trust, Gloria Palmer, Trustee, of 352A Great Road, Acton, the Town of Acton and the Town of Concord Water Department. The property is located at 354 Great Road, and shown on the 2001 Acton Town Atlas map C-4 - parcel 29, and map D-4 - parcels 2, 4, 7, 9, 16, and parts of 10, 17, 17-1, and 39 (hereinafter the Site).

This Decision is in response to an application for a special permit for a golf course in a residential district, received by the Acton Planning Department on December 17, 2001, pursuant to Section 3.5.17 of the Acton Zoning Bylaw (hereinafter the Bylaw) and the Special Permit Rules and Regulations for Golf Courses in Residential Districts (hereinafter the Rules). The name of the proposed golf course is Quail Ridge Country Club (hereinafter QRCC).

The Applicant presented the special permit application to the Board at a duly noticed public hearing on February 11, 2002. Representatives of the following firms assisted the Applicant with the presentation: Acton Survey & Engineering, Inc. (AS&E), Epsilon Associates, Inc. (Epsilon), Cornish, Silva & Mungeam, Inc. (CS&M), and Turfgrass Environmental Consultants (TEC). The hearing was continued four times to March 11, 2002, March 25, 2002, April 22, 2002 (no presentation or discussion), and May 6, 2002. Board members Patrick E. Halm (Chairman), Ken Sghia-Hughes (Vice Chairman), Hartley E. Millett, Gregory E. Niemyski, Edwin F. Pearson, Lauren S. Rosenzweig, Christopher R. Schaffner, and associate member Mobina F. Mohsin were present throughout the hearing. Mr. Michael Toohill of ENSR International served as advisor to the Planning Board throughout the hearing. The minutes of the hearing and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

**1 EXHIBITS**

Submitted for the Board's deliberation were the following exhibits:

- ✓ 1.1 QRCC - Golf Course Site Plan by AS&E, consisting of:
  - ✓ • Cover Sheet, last revised 4/3/02.
  - ✓ • Master Plan Sheet, last revised 4/3/02.
  - ✓ • Existing Conditions Plan, 7 sheets, last revised 4/3/02.
  - ✓ • Site Development Plan, 7 sheets, last revised 4/3/02.

- ✓ • Three Detail Sheets, last revised 2/21/02 (sheets 1 & 2), and 3/1/02 (sheet 3).
  - ✓ • Erosion & Sedimentation Control Plan, 1 sheet, dated February 2002.
  - ✓ • Valet Parking Plan for QRCC, 1 sheet, dated April 2002, by Acton Survey & Engineering.
  - ✓ • Plant List and Details, 1 sheet, last revised 4/3/02, by Joan D. Ferguson, Landscape Architects of Concord, MA.
  - ✓ • Architectural Plans, 2 sheets, dated March 2002, Floor Plan sheet last revised 3/29/02, by Janovsky/Hurley Architects, Inc. of Lexington, MA.
  - ✓ • Automatic Irrigation System Plan, 2 sheets, by Irrigation Design Services of Enfield, CT.
  - ✓ • Cover Sheet Existing Conditions Plan, last revised 3/1/02, with existing slopes 15% or greater shown.
  - ✓ • Cover Sheet Site Development Plan, last revised 4/3/02, with proposed slopes 15% or greater shown.
  - ✓ • Clubhouse Site Plan, last revised on 4/3/02.
  - ✓ • Proposed Planting Plan (clubhouse), last revised 4/3/02, by Joan D. Ferguson.
  - ✓ • Grassing Plan dated February 2002, by Geoffrey S. Cornish, Landscape Architect, of CS&M.
- 1.2 Documents related to filings at the Massachusetts Executive Office of Environmental Affairs - MEPA Unit under EOEA # 12503.
- Environmental Notification Form, dated 4/30/01.
  - Draft Environmental Impact Report, dated 11/15/01.
  - Final Environmental Impact Report (FEIR), dated 2/15/02.
  - Comments on the FEIR from the Massachusetts Department of Environmental Protection (3/25/02), MassHighway (3/25/02), and Massachusetts Historical Commission (3/25/02).
  - Certificate of the Secretary of Environmental Affairs on the FEIR, dated 4/1/02.
- 1.3 Documents, Letters, and Supplements submitted by or on behalf of the Applicant:
- ✓ • Copies of record plans and deeds for the Site.
  - ✓ • Certified abutters list, dated 4/11/01.
  - ✓ • Deep observation hole logs 4/12/01 and 11/1/01.
  - ✓ • Percolation test reports, dated 11/1/01.
  - ✓ • Plan excerpt with deep hole and percolation test locations, dated November 2001.
  - ✓ • WPA Form 4B - Order of Resource Delineation for Site, last issued on 11/28/01.
  - ✓ • Estimated Irrigation System Water Use Calculations, dated 12/6/01.
  - ✓ • A use description, dated 12/12/01.
  - ✓ • Earth removal calculations, dated 12/13/01, stamped 4/3/02.
  - ✓ • Application cover letter by Acton Survey & Engineering, dated 12/14/01.
  - ✓ • A properly executed special permit application form dated 12/17/01.
  - ✓ • Statement of acknowledgment of application / no objection by Town of Acton as owner of land on the Site, dated 12/17/01.
  - ✓ • Application filing fee, received 12/17/01.
  - ✓ • Letter from John Bresnahan, TEC, to Acton Conservation Commission, dated 2/5/02. Subject: Water Quality Monitoring Program.
  - ✓ • QRCC - Drainage Report & Stormwater Management Report by AS&E, last revised 2/5/02.
  - ✓ • Letter from John Bresnahan, TEC, to Acton Conservation Commission, dated 2/6/02. Subject: Audubon Cooperative Sanctuary Program.
  - ✓ • Letter from the Applicant to various Town Boards and Agencies, dated 2/7/02. Subject: QRCC time frame.

- A statement concerning mortgages (none), dated 2/27/02.
- A letter authorizing Town entry into the Site to complete work items, dated 2/27/02.
- Letter from Mark A. Mungeam, CS&M, to Mr. Ian Rubin, AS&E, dated 2/27/02.  
Subjects: American Society of Golf Course Architects membership and Environmental Principles for Golf Courses in the United States, with attached copy of Mr. Mungeam's 4/29/93 certificate of Membership in The American Society of Golf Course Architects.
- Letter from Ian Rubin, AS&E, dated 3/1/02. Subject: Response to review comments.
- Note from Public Archeology Lab, Pawtucket, RI, dated 3/11/02, with attached memorandum from Massachusetts Historical Commission, dated 12/6/90. Subject: Disclosure of archeological sites and assets.
- Internal Epsilon memo to Victoria Fletcher, dated 3/11/02. Subject: Number of parking spaces at other golf courses.
- Letter from the Applicant to Town Planner, dated 3/12/02. Subject: Business Plan.
- Internal Epsilon memorandum, dated 3/12/02. Subject: Well BE-2 Pump Test Discharge Water.
- Memo from TEC to Applicant, dated 3/12/02. Subject: Modifications to Water Quality Monitoring Plan.
- Revised and expanded version of business plan, dated 3/18/02.
- QRCC - Water Balance Calculations Revisited, by AS&E, dated 3/20/02. Attachments: Pre- vs. Post-Development Effects on Wetlands, Water Balance Calculations, and Well Location Plan.
- Letter from Epsilon to Acton Conservation Commission, dated 3/20/02. Subject: Supplemental information.
- A completed Development Impact Report, form DIR, received 3/25/02.
- From the desk of Laura E. Rome, Epsilon, received by Planning Department 3/25/02. Subject: Correction to queue analysis at Great Road / Main Street intersection.
- Letter from AS&E to Town Planner, dated 3/25/02. Subject: Supplemental information.
- Letter from John Bresnahan, TEC, to Town Planner, dated 3/25/02. Subject: Turfgrass Management Plan - responses to review comments.
- Responses to Board questions by CS&M, received 3/25/02.
- Letter from Water Supply District of Acton to Epsilon, dated 3/26/02. Subject: Public water service at Great Road Condominium.
- Depth to groundwater sampling data, dated 3/26&27/02.
- Letter from Janovsky/Hurley Architects, Inc. to Board, dated 3/27/02. Subject: Exterior lighting details; with attachments.
- Letter from the Applicant to the Acton Fire Chief, dated 4/2/02. Subject: Emergency Plans.
- Memorandum from Joan D. Ferguson, dated 4/4/02. Subject: Parking lot planting plan and area calculations.
- Qualifications of Golf Course Superintendent, QRCC, Acton, MA, received 4/5/02.
- Epsilon responses to 3/21/02 review comments, received 4/5/02.
- Letter from CS&M to Applicant, dated 4/5/02. Subject: Practice area cross sections. Attachments: Section A, section B, section location plan.
- Letter from AS&E to the Board, dated 4/8/02. Subject: Responses to 3<sup>rd</sup> review.
- Memorandum from CS&M to Applicant, dated 4/19/02. Subject: Plan revisions for permitting.
- Letter from Applicant to Town Planner, dated 4/23/02. Subject: Resolution of outstanding issues.
- Fiscal Impact Assessments for QRCC and housing development alternative, received 4/25/02.

- "Response to Acton Planning Board Questions" from CS&M, dated 4/29/02.
- Letter from AS&E to the Board, dated 5/3/02. Subject: Revisions to 18<sup>th</sup> hole. Attachment: QRCC - Revisions to 18<sup>th</sup> Hole, plan dated 5/3/02.
- Letter from AS&E to the Board, dated 5/3/02. Subject: drainage works of parking lot.
- QRCC - 10<sup>th</sup> hole revision, received 5/3/02.
- Wetland crossing and shrub management cross-sections by CS&M, received 5/3/02.
- Received 5/6/02 - Epsilon responses to 4/16/02 review comments.
- Received 5/6/02 - Epsilon responses to 5/2/02 review comments.
- Letter from the Applicant to Town Planner, dated 5/3/02. Subject: Bylaw sections 10.3.5.1-5 - required findings.
- Turfgrass and Integrated Pest Management (IPM) Plan for QRCC, Acton, MA, by CS&M and TEC, last revised 5/6/02.

1.4 Plan Review Comments from:

- Acton Building Commissioner, dated 1/24/02;
- Acton Engineering Administrator, dated 1/28/02 (with attached groundwater district zone 2 delineation and flood plain data); 3/20/02 (with attached flood plain data), and 4/18/02 (with attachment: MassHighway permit # 3-040-96);
- Acton Finance Director, dated 1/4/02;
- Acton Fire Chief, dated 2/7/02, 3/22/02 (e-mail with attachments), 3/25/02, and 4/18/02 (e-mail);
- Acton Health Director, dated 1/16/02 and 3/18/02;
- Acton Historical Commission, dated 1/9/02;
- Acton Planning Department, dated 2/7/02 (with attachment re. number of parking spaces), 3/5/02, 3/21/02, 4/16/02, and 5/2/02;
- Acton Recreation Director, dated 1/10/02;
- Acton Tree Warden & Municipal Properties Dir., dated 1/25/02, 3/11/02 and 4/19/02;
- Acton Water District, dated 3/14/02, 4/11/02; and
- ENSR (Michael Toohill), dated 4/11/02 (Peer Review Findings) and 5/6/02 (Summary).

1.5 Correspondence:

- Acton Water Supply District to Epsilon, dated 11/13/02. Subject: Potable water supply.
- Letter from Acton Citizens for Environmental Safety, c/o Carol Holley, to Board of Selectmen, dated 1/28/02. Subject: QRCC - potential harm to the environment (with attachment re: Audubon International).
- E-mail from Carol Holley to Planning Department, dated 2/12/02. Subject: good job.
- E-mail from Carol Holley to Planning Department, dated 2/20/02. Subject: golf course questions.
- Lauren Rosenzweig, Board member, to Town Planner, dated 3/4/02 (Questions for consultant on Quail Ridge) and 3/13/02 (QRCC - safety).
- Open letter to the Town of Acton by +/- 110 residents, dated 3/9/02. Subject: Support for private golf course.
- Letter from Ian Moncrieff, 5 Hazelnut Street, Acton, dated 3/11/02. Subject: Quail Ridge golf course permitting process.
- Town Planner to Sharon Mendoza, Applicant, dated 3/13/02. Subject: Business plan.
- Letter from Giles and Marilyn Forman, 16 Walnut Street, Acton, received 3/18/02.

1.6 Other:

- Acton Conservation Commission Order of Conditions, 4/9/02, MADEP File #85-778.
- Environmental Principles for Golf Courses in the United States, 1996, Center for Resource Management, Salt Lake City, UT.
- Audubon International Selkirk, NY, various program publications.

- Public hearing/decision extension agreements and requests dated 2/11/02, 3/25/02, and 4/18/02.

Exhibits 1.1, 1.2 (not including comments submitted to MEPA), and 1.3 are referred to herein as the Plan.

## **2 FINDINGS AND CONCLUSIONS**

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The majority of the Site is located within the Residence-10/8 zoning district. A small portion near Great Road is within the Limited Business District. The entire Site is within the Affordable Housing Overlay Sub-District A. Groundwater Protection District Zones 2 and 3 are near Great Road, the remainder of the Site is within Zone 4. A flood plain district borders Nagog Brook, which traverses the Site north to south.
- 2.2 The proposed golf course may be allowed on the Site by special permit in accordance with section 3.5.17 of the Bylaw.
- 2.3 The Plan shows an 18-hole golf course on +/-155 acres with a clubhouse, a maintenance and cart storage building, a pool, tennis courts, and a practice range with up to 75-foot high netting immediately next to a residential complex. The netting at the proposed height appears necessary to provide adequate protection for the abutting residents, their cars in the parking lot, and their children playing on the grounds surrounding the buildings. Section 3.5.17 of the Bylaw authorizes the Board to require suitable screening to protect abutting residences.
- 2.4 The proposed clubhouse has 25,500 square feet of net floor area; the maintenance and cart storage building has 10,200 square feet. Together with other smaller buildings on the Site, the total proposed net floor area is +/- 37,000 square feet. The Bylaw allows a maximum of 60,000 square feet.
- 2.5 The majority of the Site is shown as Parcel B on the preliminary subdivision plan "Skyline Drive", which the Board approved on January 28, 2002.
- 2.6 The Site also includes +/- 11 acres owned by the Town of Acton - parcel D-4/9 on the Town Atlas). Town Meeting has approved the sale of the land and rezoned it to Residence -10/8 to allow its use for a golf course. As currently anticipated, transfer of parcel D-4/9 to QRCC will be in exchange for parcel D-4/22 to be transferred to the Town. The Applicant stated that he has D-4/22 under agreement so that he may accomplish the described land swap.
- 2.7 The Acton Conservation Commission, on April 9, 2002, issued an Order of Conditions to QRCC with requirements for plan changes, conduct during initial construction, and ongoing operational aspects of the golf course. The Order of Conditions requires periodic reporting to the Commission and stipulates that future changes to the turfgrass management plan require the Commission's approval.
- 2.8 The Applicant has agreed to seek certification of the QRCC under the Audubon International Signature Cooperative Sanctuary Program. Audubon International is a non-profit organization that "specializes in sustainable natural resources management". Its broad mission is "to improve the quality of life and the environment through research, education, and conservation assistance". Audubon International created the Signature Program in 1992 "to help encourage, educate, and assist developers, landowners and managers to follow sustainable resource management principles" and to "foster a stewardship ethic that leads landowners ... to internalize environmental, rather than just economic costs and benefits in their decision making ..." (quotes from Audubon

International literature). As part of the Signature Program, Audubon International conducts periodic audits for certification and re-certification. While environmental regulations and permits applicable to the initial design and construction of the course appear exemplary (the Applicant's and the Board's consultants both stated during the hearing that Massachusetts' environmental regulations are among the most stringent in the country), the availability of resources for future and ongoing monitoring is not so certain. Certification under the Audubon International Signature Program promises the benefit of a periodic independent environmental audit of QRCC.

- 2.9 Considerable doubt remains if the proposed irrigation wells (BE-2 and BE-5) would be capable of supplying sufficient irrigation water. The Conservation Commission has placed withdrawal limits on BE-2 to prevent the de-watering of surrounding wetlands. BE-5 shows off-site impacts that have not been adequately delineated or quantified to rule out detrimental effects on other water supply wells in the area. The Applicant has indicated that QRCC will search for additional irrigation water sources in other portions of the Site once they become accessible during site preparation and construction. Before extracting irrigation water, QRCC must obtain a Water Withdrawal Permit from the Massachusetts Department of Environmental Protection (MADEP). In addition, the Board of Health will hold a hearing regarding the water withdrawal for irrigation purposes and requires documentation of the impacts of water withdrawals on surrounding public and private wells.
- 2.10 Under the Bylaw, the Board is authorized to require that sidewalks be installed along the Site frontage. The installation of sidewalks is also a subdivision requirement. The Board will address sidewalks during the definitive plan review of the Skyline Drive subdivision.
- 2.11 The Bylaw authorizes the Board to require public access to, over, and near the proposed golf course via pedestrian and bicycle paths. The applicant has agreed to provide public trail connections and sidewalks along the outside of the Site's western and southern perimeter.
- 2.12 The Board of Health noted in its comments that it requires permits for the proposed storage of hazardous materials, including fertilizers and pesticides, for the proposed food services, for the pool, and for any activities within Zone 2 of the Groundwater Protection District.
- 2.13 The Board has received comments from various Town departments and others, which are listed in the Exhibits above. The Board considered these comments in its deliberations, made them available to the Applicant, and incorporated them into this decision as it deemed appropriate.
- 2.14 The Plan, as amended herein, and the proposed use as approved herein is consistent with the Master Plan; in harmony with the purpose and intent of the Bylaw, specifically Section 3.5.17; will not be detrimental or injurious to the neighborhood; is appropriate for the Site; complies with all applicable requirements of the Bylaw, and appears consistent with "Environmental Principles for Golf Course in the United States", The Center for Resource Management, 1996.

### 3 BOARD ACTION

Therefore, the Board voted to approve the Plan and **GRANT** the requested special permit subject to and with the benefit of the following Plan modifications, conditions, and limitations:

#### 3.1 PLAN MODIFICATIONS

The Building Commissioner shall not issue a building permit for any building or structure on the proposed golf course, nor shall any construction activity other than clearing and grubbing begin on the golf course, until and unless he finds that the Plan is revised to include the following additional,

*foundations allowed - Sect. #?*

corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons or agencies other than the Building Commissioner, the Applicant shall be responsible for providing evidence of such approvals to the Building Commissioner.

- ✓ 3.1.1 Submit two complete sets of revised Plans and specifications - two plan sheet sets (as listed in exhibit 1.1) and two books with supporting documentation. The revised Plans shall incorporate all modifications made, committed, or agreed during the hearing and review process (see list under Exhibit 1.3) and those required herein. The books with supporting documentation shall include the final revised versions of the use description, Business Plan, Turfgrass and Integrated Pest Management (IPM) Plan (with all tables, attachments, and appendices), Water Quality Monitoring Plan (including all tables, maps, and plans), Drainage and Stormwater Management Reports, Water Balance Calculations, Stormwater Management System Operations and Maintenance Manual, Pipe Size Calculations, and Earth Works Calculations. All documents shall be signed, stamped, or certified (as customary) by the appropriate licensed professional.
- ✓ 3.1.2 Make all Plan changes required in the Conservation Commission's April 9, 2002 Order of Conditions (MADEP File Number 85-778), as amended.
- ✓ 3.1.3 Modify the groundwater quality monitoring plan (table and map) by adding or relocating a groundwater monitoring well into Zone 2 (or into Zone 3 as close as possible to Zone 2) generally east of the 17<sup>th</sup> hole green and the 18<sup>th</sup> hole tee. Sampling of this well shall follow the same schedule as other groundwater monitoring wells on the Site as described in the Water Quality Monitoring Plan and as further required in the Conservation Commission's Order of Conditions.
- ✓ 3.1.4 Following approval by the Conservation Commission of the water balance re-calculation required under the Order of Conditions, resubmit a water balance calculation, certified by a Registered Professional Engineer, documenting compliance of the Site as a whole with section 4.3.6.2 of the Bylaw (no post-development loss of recharge to groundwater). The calculation shall be consistent in its assumption and methodology with that approved by the Conservation Commission.
- ✓ 3.1.5 At the practice range show a minimum 40-foot no-cut / no-grading buffer zone along the Site boundary that abuts Great Road Condominium. Show the netting, which is hereby required to protect the abutting residential complex, along the boundary line to the Great Road Condominium for a length approximately as shown on the Plan at a distance of not less than 40 feet from the boundary line. Specify the maximum installation height of the netting and support poles to be as required to effectively protect the abutting land use but not higher than 75 feet. Add a plan note that, upon completion of the practice range and the installation of the netting, the Board or its designee may require additional plantings in the buffer zone where the existing vegetation density is sparse.
- ✓ 3.1.6 On the Grassing Plan, identify all wetland enhancement planting areas as specified in the FEIR or as otherwise required by the Conservation Commission with a list of suitable planting materials and approximate planting density.
- ✓ 3.1.7 On the Grassing Plan, select and identify suitable scattered locations for dense enhancement plantings in low-activity areas (in addition to wetland enhancement plantings). The planting areas shall measure in total at least 2 acres (+/-5,000 square feet per hole). The planting materials list shall specify flowering bushes, shrubs, and small trees that bear fruits and nuts, and the approximate planting density. The list shall be subject to approval by the Acton Tree Warden.

- ✓ 3.1.8 On the Grassing Plan and the Site Development Plan, show and identify existing stone walls. Stone walls shall be preserved wherever possible and those designated for preservation shall be identified and labeled on said plans.
- ✓ 3.1.9 On the landscaping plan for the club house compound, add area calculations to show compliance with the requirement for at least 10% interior area landscaping in addition to the required perimeter landscaping (Bylaw, section 6.7.7), and make appropriate adjustments to avoid conflicts between proposed shade trees and underground utility lines.
- ✓ 3.1.10 Add a plan showing:
- a) A foot trail starting at an existing trail in the Nagog Hill Conservation Area (starting location to be determined by the Acton Natural Resources Director) and leading via parcel D-4/22 as shown on the Town Atlas through the land owned by the Massachusetts Department of Fisheries and Wildlife to Main Street; and
  - b) A 6-vehicle trail head parking lot at Main Street.
- Construction specifications for the trail and the parking lot shall be consistent with other comparable facilities on Acton conservation lands. The plan shall be subject to approval by the Acton Director of Municipal Properties. (Tom)
- ✓ 3.1.11 Add a plan showing a sidewalk from the said trail head parking lot along Main Street to the intersection with Great Road. If the sidewalk is shown on the easterly side of Main Street and arriving in the south-quadrant of the Great Road intersection, include specification for intersection and traffic signal modifications to accommodate pedestrian activated signal phases crossing Main Street to the westerly side, and Great Road to the easterly side. Construction specifications for the sidewalk shall be generally consistent with the standards contained in the Acton Subdivision Rules and Regulations, and modifications at the Main Street and Great Road intersection shall comply with MassHighway standards. Also, submit this plan for technical approval to the Acton Engineering Department.
- ✓ 3.1.12 On the Site Development Plan sheets, show a public pedestrian trail, within a +/-20-foot wide easement or parcel along the northern tier of the Site (alongside the 4<sup>th</sup> hole fairway), connecting Hazelnut Street with an existing trail in the Nagog Hill Conservation Area. Construction specifications for the trail shall be consistent with other comparable trails in Acton conservation lands. It is understood that construction of the trail within 100 feet of a wetland falls within the jurisdiction of the Acton Conservation Commission. The applicant shall exercise due diligence in obtaining Conservation Commission approvals for the foot trail. *See A.#1*
- ✓ 3.1.13 Submit to the Fire Chief for his approval a comprehensive emergency plan.
- ✓ 3.1.14 Add a plan detail showing the proposed pavement markings on Harris Street at Great Road consistent with MassHighway permits issued for this intersection (refer to MassHighway permit #3-040-96 and plans referred to therein).
- ✓ 3.1.15 Adjust the silt barrier along Nagog Brook by the side of the staging area near "temporary access #1" to at or above the flood plain elevation.
- ✓ 3.1.16 In note 1 of the Master Plan sheet, state that parcel 29 is on Town Atlas page C-4.
- ✓ 3.1.17 In the zoning table of the Master Plan sheet, reverse the line titles "permissible maximum" and "total".
- ✓ 3.1.18 On the Site Development Plan sheet, show the wastewater facilities for the pool house and the maintenance building (outlines only).

- ✓ 3.1.19 On the Clubhouse Site Plan sheet, indicate the location for the water service for fire protection and specify pipe sizes for all water lines.
- ✓ 3.1.20 Add the Groundwater Protection District Zone lines to the Automatic Irrigation System Plan sheets.
- ✓ 3.1.21 To the extent that plan changes are necessary for proposed publicly accessible buildings to meet requirements of the Massachusetts Architectural Access Board (MAAB), show such changes on the Architectural Plan sheets, Clubhouse Site Plan sheet, and Clubhouse Landscaping Plan sheet. Consult with the Building Commissioner for compliance with MAAB rules.
- ✓ 3.1.22 If the tennis courts are intended for evening use, show locations and type of lighting fixtures for the tennis courts in compliance with section 10.4.3.2 of the Bylaw.
- ✓ 3.1.23 The Plan shall be modified to comply in all respects with the Bylaw. Unless directed otherwise by this decision, the Plan shall also be modified to comply with all requirements of the Rules, and to address all departmental comments received by the Board in a manner that resolves any concerns raised therein to the satisfaction of the Board.

### 3.2 CONDITIONS

The following conditions shall be binding on the Applicant and its successors and assigns. Failure to adhere to these conditions shall render this Special Permit null and void, without force and effect, and shall constitute grounds for the revocation of this Special Permit, and of any building or occupancy permit issued hereunder. The Town of Acton may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

- ✓ 3.2.1 No building permit shall be issued for the golf course unless and until the Board has approved the definitive subdivision plan for Skyline Drive.
- ✓ 3.2.2 No work shall be done on the land shown on the Acton Town Atlas as parcel 9 on page D-4 until and unless the Town has granted permission to do so or the Applicant has acquired the land.
- ✓ 3.2.3 All work on the Site and the ongoing operations of QRCC shall be performed in compliance with the applicable law and regulations protecting wetlands and wildlife habitat in the Town of Acton including the Order of Conditions of the Acton Conservation Commission issued on April 9, 2002 (MADEP File Number 85-778), as amended. Future changes to the Turfgrass and Integrated Pest Management (IPM) Plan as approved hereunder (last revised May 6, 2002, including all its tables, appendices, and attachments), which are made in conformance with said Order of Conditions or are otherwise approved by the Conservation Commission in subsequent years, shall be deemed in compliance with this special permit.
- 3.2.4 QRCC shall seek at a minimum Bronze Membership in the Audubon International Signature ~~Cooperative Sanctuary~~ Program and shall seek to maintain Bronze Membership status at all times. Upon initial acceptance and annually thereafter, QRCC shall file with the Board proof of Bronze certification by Audubon International. If for any reason, QRCC should fail or be unable to achieve Bronze certification within three years from the date of this decision, or fail or be unable to achieve Bronze re-certification at any time thereafter, QRCC shall notify the Board immediately with an explanation why certification or re-certification was not obtained. The Board reserves the right to require as a condition of compliance with this Special Permit that QRCC shall take the necessary and reasonable steps to achieve Audubon International Bronze certification, or if the Board finds that this is not possible or practical, to require alternative mechanisms that will ensure annual environmental audits. Sec A#1

3.2.5 Before pumping of well BE-5 for irrigation supply purposes or before the issuance of a building permit for the golf course, whichever is first, the Applicant shall submit a letter to the Building Commissioner from an authorized representative of the abutting Great Road Condominium confirming that the well, which the Applicant used for monitoring purposes during the BE-5 pump test, is no longer used for domestic or emergency water supply purposes.

3.2.6 All MADEP Water Withdrawal Permit applications for irrigation wells on the Site shall include draw-down measurements for Nagog and Will's Hole Brooks during pump tests and monitoring data for all wells within a half-mile radius of the proposed irrigation wells. Such data may be omitted if the application includes conclusive scientific evidence that a particular proposed irrigation well will not impact one or more of the named brooks or wells. Copies of all Water Withdrawal Permit applications shall be filed with the Board of Health, the Conservation Commission, and the Planning Board concurrently with their submission to MADEP.

3.2.7 The netting at the practice range shall be taken down and removed during golfing off-season (generally from November 30<sup>th</sup> through March 15<sup>th</sup>). The supporting poles may stay in place.

3.2.8 In accordance with the Applicant's stated intentions, QRCC shall be:

- a) Available at no charge twice a year to the Town of Acton, or any of its agencies, for fund raising or other events approved by the Board of Selectmen.
- b) Offered at no charge to the Acton - Boxborough High School Golf Team as their home course.
- c) Available during the off-season at no charge to the general public for winter recreational opportunities, such as cross-country skiing or snow shoeing.

3.2.9 As necessary during hours of anticipated peak usage, QRCC shall engage valet parking services. QRCC shall strictly enforce the Valet Parking Plan and make it available to the valet parking operators. Emergency access and egress lanes shall always remain open. At no time, shall overflow parking extend onto Skyline Drive.

3.2.10 At least one month before scheduled tournaments or other events, during which parking (including valet parking) may not suffice to meet the needs of event participants and spectators, QRCC shall notify the Acton Police and Fire Departments.

3.2.11 Prior to the issuance of any occupancy permits for any building on the golf course or the beginning of any public or membership golfing at QRCC, the Applicant shall have completed the trail from the Nagog Hill Conservation Area to Main Street, the trail head parking lot at Main Street, and the sidewalk with traffic signal adjustments as necessary, all as specified to be shown on additional plans required under Plan Modifications above. Work required hereunder that is on land owned or controlled by State agencies, shall be subject to approval by them. The Applicant shall make every reasonable effort to obtain such approvals in time to finish the work as scheduled herein. The Board reserves the right to modify this condition to not unreasonably withhold the occupancy permits or use of the course in the face of State agencies' lack of approvals.

See A#1  
S. 3.4.

3.2.12 There shall be no construction vehicle access via Hazelnut Street.

3.2.13 All outdoor lighting fixtures on the Site shall be consistent with those shown in the Plan, with adjustments authorized herewith as may be required for compliance with section 10.4.3.2 of the Bylaw.

→ 3.2.14 Potable water, provided by the Acton Water District, shall not be used for irrigation of landscaping anywhere on the golf course including around the clubhouse compound and parking lot, unless specifically approved by the Acton Water District on a case-by-case basis. No public water shall be used for washing of maintenance vehicles or golf carts unless the Acton Water District has approved such use of public water. All non-potable hose bibs shall be appropriately marked "for non-potable use only".

→ 3.2.15 If public water supply is proposed for the fountain in front of the clubhouse, it shall be subject to special approval from the Acton Water District.

→ 3.2.16 Groundwater monitoring data shall be sent to the Acton Water District after the first full year of monitoring is completed, and again every years thereafter.

→ 3.2.17 All equipment that has been used for fertilizer or pesticide application shall be washed and cleaned within a containment area (such as shown at the maintenance building) where possible spills can be captured in a holding tank for proper and legal disposal.

3.2.18 Subject to Town Meeting acceptance, the pedestrian trail easement or parcel from Hazelnut Street to the Nagog Hill Conservation Area shall be deeded to the Town of Acton for public pedestrian use and Town maintenance and emergency vehicle access.

→ 3.2.19 The Applicant shall be diligent in complying with the erosion and sediment control plan. The Applicant shall not cause or permit the runoff of water or erosion that results in the flooding or siltation of any street, way or drainage facility owned or maintained by the Town. If such runoff or erosion occurs, the Building Commissioner may order the immediate cessation of any excavation, construction and building activities until the conditions that caused the runoff or erosion have been corrected.

✓ 3.2.20 Before the issuance of a building permit for the golf course, approval of the Skyline Drive definitive subdivision, or any work, including clearing and grubbing, begins on the Site, whichever occurs first, the Applicant shall submit to the Board a bond in the amount of ~~\$1,470,000~~ (rounded; \$1,457,050 for erosion control at \$16,100 per acre for 90.5 acres of disturbed area per MEPA ENF; plus \$11,000 for 36-37 replacement trees at practice range at \$300 per tree). The bond shall be available to the Board:

\$611 K  
with  
\$200 K Gov

See A.#1

- a) To clean-up, mitigate, and correct the source of severe erosion and siltation stemming from construction on the Site, and for general Site control and stabilization in case of the Applicant's failure to properly control erosion and siltation.
- b) To secure the Applicant's obligation to plant additional trees along the practice range, as may be determined by the Board in accordance with this decision

The bond shall be a deposit of money, negotiable securities, a letter of credit, or a tri-party agreement (no insurance bond) consistent with the requirements of section 6 of the Acton Subdivision Rules and Regulations.

→ 3.2.21 All requirements of the Board of Health must be met.

3.2.22 All taxes, and penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full before issuance of a building permit on the Site.

3.2.22

→ 3.2.23 All work on the Site shall be conducted in accordance with the terms of this special permit and shall conform with and be limited to the improvements shown on the Plan as modified herein.

→ 3.2.24 All water service lines shall be installed in accordance with the specifications of the Acton Water Supply District.

3.2.25 This Decision shall be recorded at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of a building permit on the Site.

*3.2.26 As-built Plan - see A.#4*

### **3.3 LIMITATIONS**

The authority granted to the Applicant under this Special Permit is limited as follows:

- 3.3.1 The foregoing required modifications and conditions have been stated for emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw and the Rules.
- 3.3.2 This Special Permit applies only to the Site identified in this decision and to the proposed use and activity as shown on the Plan.
- 3.3.3 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 3.3.4 This Special Permit shall lapse if substantial use thereof has not commenced within two years of the filing date of this decision with the Town Clerk, except for good cause, or if construction under this Special Permit is not continued through to completion as continuously and expeditiously as is reasonable. For substantial use to have commenced, clearing and grading of the land as approved hereunder must be under way. For construction to continue towards completion as continuously and expeditiously as is reasonable, construction activity shall not rest for more than 1 year. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates, and the Board herewith reserves its rights and powers to grant or deny such extension, to issue any appropriate changes to the Special Permit, and to require any appropriate modifications of the Plan.
- 3.3.5 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this Special Permit with or without a public hearing upon the request of the Applicant, his designees or assigns, or upon its own motion.

**4 APPEALS**

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, S. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

The Town of Acton Planning Board

---

Patrick E. Halm, Chairman

Ken Sghia-Hughes, Vice Chairman

---

Lauren S. Rosenzweig, Clerk

Gregory E. Niemyski

---

Edwin F. Pearson

Christopher R. Schaffner

---

Mobina F. Mohsin

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

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Ed Ellis, Town Clerk

Date

Copies furnished:

Applicant - certified mail #  
Engineering Administrator  
Natural Resources Director  
Police Chief  
Historical Commission  
Recreation Director

Building Commissioner  
Municipal Properties Director  
Town Manager  
Acton Water District  
Assistant Assessor

Health Director  
Town Clerk  
Fire Chief  
Owner  
MAGIC

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**Planning Board**

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**AMENDMENT #1  
OF DECISION  
02-06**

**Quail Ridge Country Club«project name»**  
Special Permit for a Golf Course in a Residential District  
June 24, 2002

This is an amendment by the Planning Board (hereinafter the Board) of its decision issued to NorthWest Development LLC / Quail Ridge Country Club LLC (hereinafter the Applicant) filed with the Town Clerk on May 21, 2002 (hereinafter the Original Decision).

It is in response to the request of the Applicant for an amendment of the Original Decision, which he presented to the Board on June 10, 2002. The Board discussed the request at its meeting on June 24, 2002.

Board members Patrick E. Halm (Chairman), Ken Sghia-Hughes (Vice Chairman), Gregory E. Niemyski, Edwin F. Pearson, Lauren S. Rosenzweig, Christopher R. Schaffner, and associate members James B. Eldridge and Mobina F. Mohsin were present. The minutes of the meeting and submissions, on which this decision is based upon, may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

**1 EXHIBITS**

The Board considered the following exhibits in its deliberation:

- 1.1 Letter from the Applicant to the Board requesting reconsideration of certain special permit conditions, dated 5/31/02.
- 1.2 Letter from Goulston & Storrs to the Applicant, dated 6/5/02.
- 1.3 Letter from ACES to the Board, dated 6/4/02, with attachments.
- 1.4 Letter from the Applicant to the Board concerning Audubon International programs, dated 6/5/02.
- 1.5 Miscellaneous Audubon International publications, program descriptions, and e-mail correspondences.
- 1.6 Correspondence from the Town Planner to the Board, dated 6/7/02.
- 1.7 Correspondence between Town Planner and Applicant regarding construction scheduling, dated 6/21 & 24/02.
- 1.8 Letters received from residents in the adjacent Acorn Park subdivision.

**2 FINDINGS AND CONCLUSIONS**

The Applicant requested reconsideration of the following requirements and conditions of the Original Decision:

- 3.1.10.a) & 3.2.11, relating to the foot trail from the Nagog Hill conservation area to Main Street. The Applicant cited agreements, pending or finalized, that he made with the Acton Board of Selectmen about a related land swap, which specifically excludes the construction of the trail. The Board finds that its powers as special permit granting authority are independent from the Board of Selectmen. However, the Board appreciates the Applicant's concerns over additional wetlands permitting that may be required for the trail.
- 3.1.12 & 3.2.18, relating to the foot trail along the northern tier connecting Hazelnut Street with the Nagog Hill conservation area. The applicant objected to public access over the golf course citing potential injury risk, added liability, and higher insurance costs. The Board finds that any potential risk could be greatly diminished if the trail were physically separated from the #4 fairway. Such separation seems possible because the Plan shows a wide woodland strip remaining between the fairway and the property boundary. The question of this trail can be revisited after construction in this area has progressed.
- 3.2.20, relating to the required erosion control bond. The applicant requested a lower bond amount and suggested a \$100,000 partial cash bond with the rest in a surety bond. The applicant stated that under the planned construction schedule not more than 50% of the land that is subjected to earthwork would be exposed to erosion at any one time.
- 3.2.4, relating to the requirement for Audubon International Signature Program Bronze certification. The Applicant expressed preference for the Audubon International Cooperative Sanctuary Program. The difference appears to be one of independent outside review of the golf course in the case of the former, and more or less the completion of a self-evaluation form in the case of the latter. The Board's primary goal is to establish procedures for annual environmental audits of the golf course by an independent outside entity. Audubon International appears well qualified to fill that role, but has expressed reservations about certification of the golf course without involvement in its design. The Original Decision offers the Applicant three years to achieve Bronze certification, and notes that the Board may determine alternatives to Audubon International should the Applicant not succeed.

The amendments as set forth herein are minor in nature and do not change the purpose and intent of the Original Decision or the nature of the golf course approved thereunder. Therefore, a public hearing is not warranted.

### 3 BOARD ACTION

Therefore, the Board voted to **AMEND** the Original Decision as follows. Except as modified herein, the Original Decision, and the plan approved thereunder, shall remain in effect.

- 3.1 Delete section 3.1.12 of the Original Decision and replace it with a new section 3.1.12 as follows:

3.1.12 On the Site Development Plan sheets, indicate a proposed trail within a +/-20-foot wide public pedestrian easement or parcel along the northern tier of the Site, connecting the street right-of-way stub off Hazelnut Street in the east with the Nagog Hill Conservation Area in the west. Attach a note stating that the final disposition of the trail easement and location of the trail is subject to the Board's further review and determination after the clearing and grading work for holes #4 and #5 is completed. The Applicant shall notify the Board when this work is done.

- 3.2 In section 3.2.4 of the Original Decision delete the title "Audubon International Signature Cooperative Sanctuary Program" and replace it with "Audubon International Signature Program".

- 3.3 Relative to section 3.2.20, the overall bond amount is hereby adjusted to \$611,000, \$200,000 of which shall be posted as a cash bond.

3.4

Notwithstanding anything stated to the contrary, the Town of Acton will apply for all local and State permits and approvals that may be necessary for the construction of foot trails, parking lot, sidewalk, and traffic signal modifications required under sections 3.1.10, 3.1.11, 3.1.12, and 3.2.11 of the Original Decision. The Town will prepare the permit applications and represent the Town's interest at hearings or otherwise as may be necessary to obtain such permits and approvals. The Applicant shall be responsible for the preparation of all necessary plans, calculations, and documentation in support of said applications made by the Town, and the Applicant shall construct and complete such trails, parking lot, sidewalk, and traffic signal adjustments after the necessary permits and approvals have been granted. The Applicant shall make every reasonable effort to prepare plans and documents as soon as possible, and the Town will make every reasonable effort to obtain permits and approvals in time to meet the original schedule for the items set forth in section 3.2.11 of the Original Decision.

Signed on behalf of the Acton Planning Board

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Roland Bartl, AICP, Town Planner

Copies to:

Applicant - certified mail #  
Engineering Administrator  
Natural Resources Director  
Police Chief  
Historical Commission  
Recreation Director

Building Commissioner  
Municipal Properties Director  
Town Manager  
Acton Water District  
Assistant Assessor

Health Director  
Town Clerk  
Fire Chief  
Owner  
MAGIC

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**Planning Board**

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**AMENDMENT #2  
OF DECISION  
02-06**

**Quail Ridge Country Club**  
Special Permit for a Golf Course in a Residential District  
February 25, 2003

This is an amendment by the Planning Board (hereinafter the Board) of its Decision 02-06 issued to NorthWest Development LLC / Quail Ridge Country Club LLC (hereinafter the Applicant) on May 20, 2002, including Amendment #1 of June 24, 2002 (together hereinafter the Original Decision).

It is in response to the Applicant's request for approval of certain amendments to the Plan approved in the Original Decision. The Applicant presented the proposed amendments to the Board at its meeting on February 11, 2003.

Board members Ken Sghia-Hughes (Chairman), Lauren S. Rosenzweig (Vice Chairman), Gregory E. Niemyski, Edwin F. Pearson, and associate member Mobina F. Mohsin were present. The minutes of the meeting and submissions, on which this decision is based upon, may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

**1 EXHIBITS**

Submitted for the Board's deliberation were the following exhibits:

- 1.1 A Plan entitled " Quail Ridge Country Club, Site Plan as Approved", dated 1/8/03, Janovski/Hurley Architects, Inc. (JHA).
- 1.2 A plan entitled "Quail Ridge Country Club, Site Plan Showing Proposed Family Center and 4<sup>th</sup> Tennis Court w/ Auxiliary Parking, dated 1/8/03.
- 1.3 A plan entitled "Quail Ridge Country Club, Site Plan Showing Proposed Family Center and 4<sup>th</sup> Tennis Court w/ Auxiliary Parking, also showing valet parking layout, dated 1/23/03.
- 1.4 A Plan entitled Quail Ridge Country Club, Proposed Planting Plan", by Acton Survey and Engineering, dated February 2002.
- 1.4 A letter from Sharon Mendosa of Quail Ridge Country Club to the Town Planner, dated 1/29/03.
- 1.5 A letter from Mark T. Donohoe, PE of Acton Survey & Engineering, Inc. to Quail Ridge Country Club, dated 1/29/03 with drainage calculations attached.
- 1.6 Calculations by Northwest Excavating on the change in impervious cover, dated 1/29/03.
- 1.7 Correspondence from the Acton Town Planner, dated 2/7/03.

Exhibits 1.1 through 1.6 are referred to herein as the Revised Plan.

✓ **2**     **FINDINGS AND CONCLUSIONS**

✓ 2.1     The Revised Plan shows a 'Family Center' building in place of and larger than the previously shown pool house. The pool itself is somewhat enlarged. The addition of a 4<sup>th</sup> tennis court reduces the available parking spaces by two, counting use of the proposed 4<sup>th</sup> tennis court as auxiliary parking. Valet parking would remain unchanged.

✓ 2.2     The Revised Plan represents a minor change. It is in keeping with the purpose and intent of the Original Decision and the Plan approved thereunder. Therefore, a public hearing is not warranted.

✓ **3**     **BOARD ACTION**

The Board voted to **APPROVE** the Revised Plan as shown. Except as modified herein, the Original Decision, and the Plan approved thereunder, shall remain in effect.

Signed on behalf of the Acton Planning Board

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Roland Bartl, AICP, Town Planner

Copies to:

Applicant  
Engineering Administrator  
Natural Resources Director  
Town Assessor

Building Commissioner  
Municipal Properties Director  
Town Manager  
Historical Commission

Board of Health  
Town Clerk  
Fire Chief

02-06 ch2, qrcc special permit

**AMENDMENT #3  
OF DECISION  
02-06**

**Quail Ridge Country Club**  
Permit for a Golf Course in a Residential District

September 25, 2003

This amends Decision #02-06 of the Planning Board (hereinafter the Board) issued to NorthWest Development LLC/Quail Ridge Country Club LLC (hereinafter the Applicant) on May 20, 2002, including Amendments #1 and #2 of June 24, 2002 and February 25, 2003 (together hereinafter the Original Decision).

This amendment is in response to the Applicant's request for an amendment of the Original Decision, section 3.1 – Plan Modifications, to allow the construction of foundations for the clubhouse, family center, and maintenance building on the golf course before all modifications required in sub-sections 3.1.1 through 3.1.23 of the Original Decision have been made.

**1 EXHIBITS**

Submitted for the Board's deliberation were the following exhibits:

- 1.1 A letter from Quail Ridge Country Club, LLC to the Town Planner, dated 9/18/03.

**2 FINDINGS AND CONCLUSIONS**

- 2.1 The request is for a minor change in keeping with the purpose and intent of the Original Decision and the Plan approved thereunder. Therefore, a public hearing is not warranted.
- 2.2 The Applicant has submitted documents and plans to show compliance with sections 3.1.1 through 3.1.23 of the Original Decision. They are currently under Town staff review.
- 2.3 It is reasonable and sensible to allow the construction of foundations at this time so that work may continue through the winter.

**3 BOARD ACTION**

Therefore, the Board voted at its meeting on September 23, 2003 to **APPROVE** the requested amendment and to allow the construction of foundations at this time as requested. Except as modified herein, the Original Decision, and the plan approved thereunder, shall remain in effect. Board members Lauren S. Rosenzweig (Chairman), Edwin F. Pearson (Vice Chairman), Patrick E. Halm, Hartley E. Millett, Mobina F. Mohsin, Gregory E. Niemyski, Christopher R. Schaffner and associate member Stacy Rogers were present. The minutes of the meeting and submissions, on which this decision is based upon, may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

**3.1 CONDITIONS**

- ✓ 3.1.1 The Building Commissioner shall not issue any building permits for work on buildings or structures on the golf course except to allow foundations as provided herein.
- ✓ 3.1.2 The Applicant shall remove any foundation for which he fails to obtain a full building permit to complete the building or structure for reason of non-compliance with the Original Decision.

Signed on behalf of the Acton Planning Board

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Roland Bartl, AICP, Town Planner

Copies to:

Applicant  
Engineering Administrator  
Natural Resource Director  
Town Assessor

Building Commissioner  
Municipal Properties Director  
Town Manager  
Historical Commission

Board of Health  
Town Clerk  
Fire Chief

**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (978) 264-9636  
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planning@acton-ma.gov  
www.acton-ma.gov

**Planning Board**

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**AMENDMENT #4  
OF DECISION  
02-06**

**Quail Ridge Country Club**

Special Permit for a Golf Course in a Residential District

March 23, 2004

This amends Decision #02-06 of the Planning Board (the Board) issued to NorthWest Development LLC/Quail Ridge Country Club LLC (the Applicant) on May 20, 2002, including Amendments #1 (6/24/02), #2 (2/25/03), and #3 (9/25/03) (together the Original Decision).

This amendment recognizes that the golf course construction to date is somewhat inconsistent with the Plan approved with the Original Decision as evident from observations by the Conservation Commission's site monitor and the Applicant's acknowledgement to the Board at an earlier meeting. The Board discussed the amendment at its regular meeting on March 23, 2004. Board members Edwin F. Pearson (Vice Chairman), Patrick E. Halm, Hartley E. Millett, Christopher R. Schaffner and associate member Stacy Rogers participated. The presiding Vice Chairman appointed Stacy Rogers to sit on the Board to act on the decision amendment. The minutes of the meeting may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

**3 BOARD ACTION**

In accordance with section 3.3.5 of the Original Decision, the Board voted unanimously on March 23, 2004 to amend the Original Decision by inserting a NEW CONDITION 3.2.26 as follows:

**3.2.26** Upon completion of all work on the Site as determined by the Board, the Applicant shall submit to the Board an as-built plan for the Site with the information required under sections 3.13.3, 3.13.4, 3.13.5, and 3.13.6 (as far as applicable) of the applicable Special Permit Rules, Drainage and Water Balance Calculations, and all other documentation necessary and appropriate to show compliance with the special permit granted with the Original Decision and applicable requirements of the Zoning Bylaw and said Rules. All plans and supporting documentation shall be prepared and certified by a Massachusetts Registered Professional Engineer.

Except as modified herein, the Original Decision, and the Plan approved thereunder, shall remain in effect. This minor administrative and procedural amendment does not warrant a public hearing.

Signed on behalf of the Acton Planning Board

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Roland Bartl, AICP, Town Planner

Copies to:

Applicant  
Engineering Administrator  
Natural Resource Director

Building Commissioner  
Municipal Properties Director  
Town Manager

Board of Health  
Town Clerk