

3.8 Other Permits and Variances

Permits Required to Complete the Proposed Work

Town of Acton Planning Board – Senior Residence Special Permit

MEPA – Notice of Project Change

Mass DEP – Water Withdrawal Permit per Conditions of ACO Settlement Agreement

Mass DEP – Groundwater Discharge Permit

Town of Acton Board of Health – Permits as Required

Mass DEP/Town of Acton Conservation Commission – Notice of Intent

U.S. EPA – National Pollutant Discharge Elimination System (NPDES) Permit

Acton Water District – Water Main Extension Permit

Town of Acton Engineering Department – Permits to Construct Within a Public Way

Town of Acton Building Department – Building Permits

Section 3.8 – Other Permits & Variances

Previously Issued Permits, Special Permits & Variances

MEPA – FEIR Certificate issued 4/1/2002

MEPA – Notice of Project Change issued 11/24/2003

Massachusetts DEP – Administrative Consent Order issued 9/17/2003

Town of Acton - Special Permit for a Golf Course in a Residential District issued 5/20/2002

Town of Acton - Amendments 1-8 to Special Permit Decision 02-06 issued 6/02 thru 8/05

Mass DEP/Town of Acton – Wetland Protection Bylaw Order of Conditions issued 4/4/2002

Town of Acton - Order of Conditions - General Special Conditions & Clarifications

Town of Acton – Sewage Disposal System Permit issued 5/23/2003

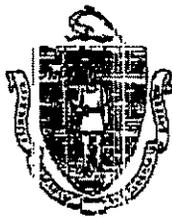
Town of Acton - Certificates of Compliance issued 5/5/2004 thru 8/1/2005

Town of Acton – Definitive Subdivision Decision for Skyline Drive issued 1/14/2003

Massachusetts Highway Department - Access Permit for Skyline Drive issued 10/30/2003

Massachusetts Highway Department – Permit for Water Main Connection issued 6/30/2003

Massachusetts Highway Department – Permit for Sidewalks issued 6/10/2004



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

251 Causeway Street, Suite 900

Boston, MA 02114-2119

April 1, 2002

LANE SWIFT
GOVERNOR

BOB QUHARD
SECRETARY

Tel: (617) 626-1000

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<http://www.mass.gov/oea>

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Quail Ridge Country Club
PROJECT MUNICIPALITY : Great Road - Acton
PROJECT WATERSHED : Concord River
DEFA NUMBER : 12503
PROJECT PROMONENT : NorthWest Development, LLC
DATE NOTICED IN MONITOR : February 23, 2002

As Secretary of Environmental Affairs, I determine that the Final Environmental Impact Report (FEIR) submitted on the above project adequately and properly complies with the Massachusetts Environmental Policy Act (MGL, c. 20, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

As described in the FEIR, the proposed project consists of the construction of an 18-hole golf course with a driving range, a 28,000 square foot (sf) clubhouse, three tennis courts, a swimming pool with changing rooms, and a 5,000 sf turf management/cart storage building. Several modifications have been made by the proponent to reduce impacts to the wetland buffer zones. The proponent has increased the number of surface parking spaces to 227 spaces and reoriented the parking lots, tennis courts, and the swimming pool. The project site contains approximately 154.7 acres.

The FEIR resolved many of the remaining issues outlined in the Certificate on the DEIR. According to the Department of Environmental Protection's (DEP) comment letter, it will require additional information on wastewater, water supply and water management during the permitting process. The proponent must address these issues to DEP's satisfaction. I concur that DEP has sufficient permitting authority to ensure that these remaining issues are adequately addressed.

At this time, the proponent is not actively pursuing the

EOEA #12503

FEIR Certificate

April 1, 2002

alternative residential development. If it revises its Preferred Alternative to be a residential subdivision, the proponent must submit a Notice of Project Change (NPC) in accordance with 301 CMR 11.10.

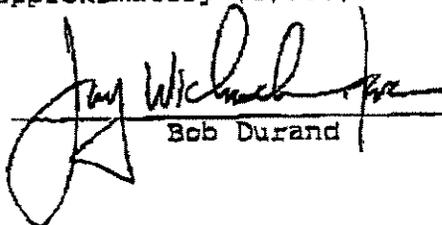
Mitigation:

In the FEIR, the proponent has committed to the following mitigation measures:

- Design and implement geometric improvements and install a stop sign at the intersection of Great Road/Skyline Drive (approximately \$40,000);
- Install new traffic signal lenses and detectors at the intersection of Great Road/Main Street (approximately \$5,000 - \$10,000);
- Provide pavement markings at the Harris Road and Skyline Drive approaches to Great Road (approximately \$250);
- Fund enhancements (approximately \$15,750) to pedestrian facilities to the Town of Acton's sidewalk fund;
- Implement a Traffic Demand Management (TDM) Program;
- Implement a monitoring program for the irrigation well and install a state-of-the-art irrigation system that minimizes water usage;
- Fund an independent wetlands monitor for monitoring construction activities (approximately \$7,500);
- Design the stormwater system to meet the Department of Environmental Protection's (DEP) Stormwater Management Guidelines;
- Construct an on-site wastewater system (approximately \$50,000);
- Provide the Massachusetts Historical Commission (MHC) with an additional consultation to resolve all boulder quarry locales and further mitigation measures; and
- Install erosion and sedimentation controls and stabilized construction entrances (approximately \$5,000).

April 1, 2002

DATE



Bob Durand

cc: David Murphy, DEP/Boston
Mary Gardner, DEP/CERO

NOEA #12503

FEIR Certificate

April 1, 2002

Comments received:

- ADFW, 2/28/02
- Carol Holley, 3/19/02
- Carol Holley, 3/24/02
- Eleven Concerned Acton Citizens, 3/25/02
- DEP/CERO, 3/25/02
- MAD, 3/25/02

312503
RD/WTC/wza



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

251 Causeway Street, Suite 900

Boston, MA 02114-2119

MITT ROMNEY
GOVERNOR

November 24, 2003

Tel. (617) 626-1000

KERRY HEALEY
LIEUTENANT GOVERNOR

Fax (617) 626-1181

<http://www.mass.gov/envir>

ELLEN ROY HERZFELDER
SECRETARY

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Quail Ridge Country Club
PROJECT MUNICIPALITY : Great Road - Acton
PROJECT WATERSHED : Concord River
EOEA NUMBER : 12503
PROJECT PROPONENT : NorthWest Development, LLC
DATE NOTICED IN MONITOR : October 25, 2003

Pursuant to the Massachusetts Environmental Policy Act (MGL, c.30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and determine that it **does not require** further MEPA review.

The project originally consisted of the construction of an 18-hole golf course with a driving range, a 28,000 square foot (sf) clubhouse, three tennis courts, a swimming pool with changing rooms, and a 5,000 sf turf management/cart storage building. The project would consume about 150,000 gallons per day (gpd) or 22 million gallons annually of irrigation water. It would be supplied by two onsite bedrock wells. The project site contains approximately 154.7 acres. The FEIR was found to be adequate on April 1, 2002.

On October 14, 2003, this NPC was submitted for MEPA review. The proponent is now proposing to withdraw less than 100,000 gpd from its three bedrock wells. It will expand and line an existing on-site pond to create an approximately 9.4 million-gallon capacity storage pond of which 7.1 million gallons are useable as irrigation water on the project site (June through September). It will fill the storage pond during non-peak periods (October to May) from its wells. The Acton Water Supply District has also agreed to sell water to the proponent on a temporary and seasonal basis, consistent with the Town of Acton's water use restrictions and as a back-up measure. On September 18, 2003, DEP signed an

EOEA #12503

NPC Certificate

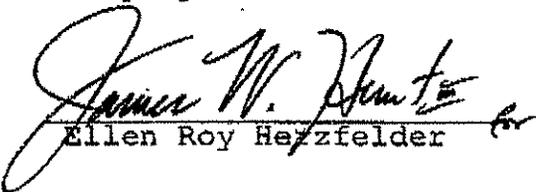
November 24, 2003

Administrative Consent Order (ACO) with the proponent that outlines the above specifics. According to DEP's comment letter, the proponent is still subject to a Water Management Act permit because its actual use will exceed 9 million gallons in 90 days, which allows DEP to request additional information if necessary and to conduct periodic inspections of the proponent's operations.

Based on a review of the information provided by the proponent and after consultation with DEP, I find that the potential impacts of this project change have been addressed through the ACO between the proponent and DEP and do not warrant the preparation of a Supplemental EIR. The mitigation commitments listed in the Certificate for the FEIR must be implemented by the proponent. As stated in the ACO, the proponent is required to submit a list of measures taken to reduce total and peak irrigation demands and to identify the total number of irrigated acres. While this information was not specified in the NPC, it will be resolved with DEP. The proponent must also forward an electronic copy of the Section 61 findings to DEP. No further MEPA review is required for this above project.

November 24, 2003

DATE


Ellen Roy Hezzfelder

cc: Paul Anderson, DEP/CERO

Comments received:

DEP/CERO, 11/17/03

NorthWest Development, 11/19/03

PCC12503

ERH/WTG/wtg



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Central Regional Office, 627 Main Street, Worcester, MA 01608

MITT ROMNEY
Governor

ELLEN ROY HERZFELDER
Secretary

KERRY HEALEY
Lieutenant Governor

ROBERT W. GOLLEDGE, Jr.
Commissioner

Ron Peabody
Managing Member
Quail Ridge Country Club LLC
178 Great Road
Acton, MA 01720

COPY

ACO-CE-03-5F-002

Dear Mr. Peabody

I have enclosed for your files an executed original of the Consent Order entered into between the Department and Quail Ridge Country Club LLC to resolve the compliance issues concerning the Water Management Act.

Should you have any questions concerning the Consent Order, please contact me at (508) 767-2802 as soon as possible.

Very truly yours,

Paul Anderson
Section Chief

9/23/03
Date

/
cc: Acton Board of Health
DEP, BAS, FCO, Boston
DEP Office of Enforcement, Boston

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED

SEP 17 2003

DEP - CERO

In the matter of:)

Quail Ridge Country Club LLC)

ACO-CE-03-5F-002

ADMINISTRATIVE CONSENT ORDER

I. THE PARTIES

1. The Department of Environmental Protection ("the Department") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7. The Department maintains its principal office at One Winter Street, Boston, Massachusetts 02108, and its Central Regional Office at 627 Main Street, Worcester, Massachusetts 01608.
2. Quail Ridge Country Club LLC (the "Company") is a Massachusetts limited liability company that is constructing an 18-hole golf course facility at 178 Great Road, Acton, Massachusetts 01720 (the "Facility").

II. STATEMENT OF FACTS AND LAW

3. The Department is responsible for the implementation and enforcement of M.G.L. c. 21G (the "Water Management Act") and the regulations promulgated thereunder at 310 CMR 36.00.
4. On December 20, 2002, the Company submitted a Water Management Act permit application (TR# W031136) (the "WMA permit application") to the Department.
5. The Company has requested several extensions prior to receiving Department comments on the WMA permit application. The most recent extension will expire on September 15, 2003.
6. The Company informed the Department that it intends to withdraw the WMA permit application because a number of specific mitigation measures have been constructed as part of the Facility that will, if implemented as proposed, maintain the Facility's water usage below the threshold quantities for purposes of the Water Management Act. Specifically, the Company has constructed and lined a 9.4 million gallon capacity pond of which 7.1 million gallons are useable as irrigation water, and has obtained a temporary construction permit from the Acton Water Supply District. The District has agreed to sell water to the Company on a temporary and

seasonal basis, consistent with the Town of Acton's water use restrictions. However, the Board of Water Commissioners reserves the right to immediately, and without notice, revoke the right to use this temporary construction meter.

7. The parties have agreed to enter into this Consent Order because they agree that it is in their own interests, and in the public interest, to proceed promptly with the actions called for herein.

III. DISPOSITION AND ORDER

For the reasons set forth above, the Department hereby issues, and the Company hereby consents to, the following Order:

8. The Department's authority to issue this Consent Order is conferred by M.G.L. c. 21G and 310 CMR 36.00.

9. The Company agrees to take the following actions:

- A. Within five days of the effective date of this Consent Order, the Company will submit to the Department a written request to withdraw the WMA permit application. In that request, the Company will provide to the Department a list of the measures that have been taken since the submittal of the WMA permit application to reduce total and peak irrigation demands, and shall identify the total number of irrigated acres.
- B. Within ten days of the effective date of this Consent Order, the Company shall submit a Notice of Project Change ("NPC") to Executive Office of Environmental Affairs (EOEA) pursuant to 310 CMR 11.10(1) because of the material change in the project as originally proposed.
- C. The Company will pump groundwater from on-site bedrock wells at a rate not to exceed 0.1 million gallons per day (MGD) or 9 million gallons within 90 days, to remain under the Water Management Act threshold.
- D. The Company will pump up to 7.1 MG of surface water from the lined pond. The pond will be recharged from the on-site bedrock wells at a rate not to exceed 0.1 million gallons per day (MGD) or 9 million gallons within 90 days. In order to remain below threshold, the Company will not recharge the pond during periods of high irrigation demand, May through September, each year.
- E. The Company will separately meter each source of water used to irrigate the site, including bedrock irrigation wells, water pumped from the pond, and purchased water. The metered withdrawal data will be tabulated monthly and submitted to the Department quarterly using WMA annual statistical report forms. The statistical reports must be signed by a responsible corporate official.

COPY

- F. After five years of submitting quarterly reports to the Department, the Company may request in writing to reduce the frequency of reporting.
- G. The Company will immediately commence collection of monthly water level data from each of the on-site bedrock wells, BE-1 through BE-7, and wetland piezometers (WL-1 through WL4). The data will be tabulated and graphed (water level elevation versus time) and submitted to the Department each quarter with the statistical report. All available pre-pumping data will be submitted to the Department with the first statistical report.
- H. The Company must monitor streamflow in Nagog Brook at an upgradient and a downgradient location on the site. Placement of the streamflow measuring device will be approved by Department staff prior to installation. The tabulated and graphical representations of the streamflow data will be submitted annually to the Department by February 15 of each following year.

All submittals required by this Paragraph 9 shall be made in writing to:

Paul Anderson, Water Supply Section Chief
Bureau of Resource Protection
Department of Environmental Protection
Central Regional Office
627 Main Street
Worcester, Massachusetts 01608

- 10. Actions taken pursuant to this Consent Order shall be taken in accordance with all applicable federal, state, and local laws, regulations and approvals. This Consent Order shall not be construed as, nor operate as, relieving the Company or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals.
- 11. The Company hereby waives its right to an adjudicatory hearing before the Department on, and judicial review of, the issuance and terms of this Consent Order and to notice of any such rights of review.
- 12. This Consent Order represents the full and final agreement among the parties concerning the matters described herein, and supersedes all prior oral and written agreements and discussions.
- 13. This Consent Order may be modified only by written agreement of the parties hereto. The provisions of this Consent Order are severable, and if any provision of this Consent Order, or the application thereof, is held invalid, such invalidity shall not affect the validity of other provisions of this Consent Order, or the application of such other provisions, which can be given effect without the invalid provision or application; provided, however, that the Department shall have the discretion to void this Consent Order in the event of any such invalidity.

14. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting (i) any legal or equitable right of the Department to issue any additional Order or to seek any other relief with respect to the subject matter covered by this Consent Order, or (ii) any legal or equitable right of the Department to pursue any other claim, action, suit, cause of action, or demand which the Department may have with respect to the subject matter covered by this Consent Order, including, without limitation, any action to enforce this Consent Order in an administrative or judicial proceeding.

15. This Consent Order shall not be construed or operate as barring, diminishing, adjudicating, or in any way affecting, any legal or equitable right of the Department with respect to any subject matter not covered by this Consent Order.

16. This Consent Order shall not be construed or operate as waiving any of the Company's rights in any other action or under any other written agreement, order, or permit with or from the Department, unless such rights are expressly waived or limited therein or in this Consent Order.

17. This Consent Order shall be binding upon the Company and upon its directors, officers, employees, agents, contractors, successors and assigns. No change in ownership or of the corporate or legal status of the Company will alter the Company's obligations under this Consent Order. Violation of this Consent Order by any of the foregoing persons or entities shall constitute violation of this Consent Order by the Company. The Company shall provide a copy of this Consent Order to each successor or assignee at such time that any succession or assignment occurs. The Company shall provide a copy of this Consent Order to each agent, contractor or employee who is engaged to implement the terms of this Consent Order.

18. The Company agrees to provide the Department, and the Department's employees, representatives and contractors, access at all reasonable times to the Facility for purposes of conducting any activity related to its oversight of this Consent Order. Notwithstanding any provisions of this Consent Order, the Department retains all of its access authorities and rights under applicable state and federal law.

19. The undersigned representatives certify that they are fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the parties that they represent.

SEP 17 2003

DEP-CERO

20. This Consent Order shall become effective on the date that it is executed on behalf of the Department.

QUAIL RIDGE COUNTRY CLUB LLC

By: *Ronald Peabody*
Ronald Peabody
[Title] Managing Member
[Address] 178 Great Rd
Acton MA 01720
[Telephone] 978-263-6166

Date: September 16, 2003

Federal Employer Identification No. 043534598

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: *Martin Suuberg*
Martin Suuberg, Regional Director
Central Regional Office
627 Main Street
Worcester, Massachusetts 01608
Telephone: (508) 792-7650

Date: 9/18/03

MS/



Planning Board

RECEIVED & FILED
DATE May 21 2002
Edward J. Kelly
TOWN CLERK, ACTON

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
planning@town.acton.ma.us
www.town.acton.ma.us

DECISION
02-06

FILE COPY

Quail Ridge Country Club
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. Comish, Landscape Architect, of CS&M.
- 1.2 Documents related to filings at the Massachusetts Executive Office of Environmental Affairs - MEPA Unit under EOE # 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 3rd 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 18th hole. Attachment: QRCC - Revisions to 18th Hole, plan dated 5/3/02.
- Letter from AS&E to the Board, dated 5/3/02. Subject: drainage works of parking lot.
- QRCC - 10th 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,

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 17th hole green and the 18th 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.
- J.P. 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.
- J.B. 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.
- GD 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.

GD 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.

- GD
- 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.

- GD
- 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 4th 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.

- 3/30/04
R.P. Chase
with review
by me
on 5/20/02
- 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.

- GD
- 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.

- 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 30th through March 15th). The supporting poles may stay in place.
- 3.2.8 In accordance with the Applicant's stated intentions, QRCC shall be:
- 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.
 - Offered at no charge to the Acton - Boxborough High School Golf Team as their home course.
 - 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.
- 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.

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- 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:
- 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.
- 3.2.23 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.

3.3 LIMITATIONS

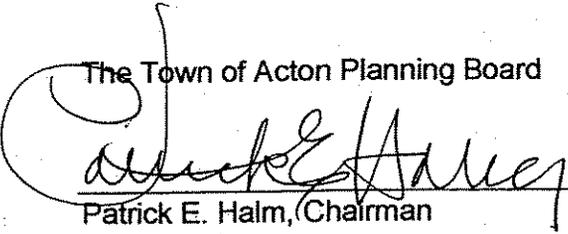
The authority granted to the Applicant under this Special Permit is limited as follows:

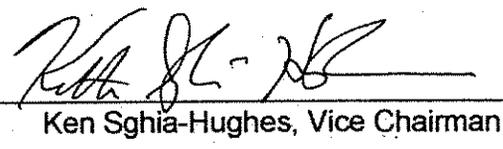
- 3.3.1 The foregoing required modifications and conditions have been stated for emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw and the Rules.
- 3.3.2 This Special Permit applies only to the Site identified in this decision and to the proposed 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

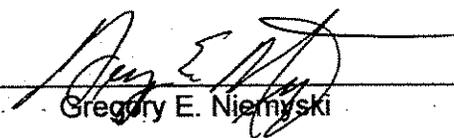
Appeals, if any, shall be made pursuant to MGL, Ch. 40A, S. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

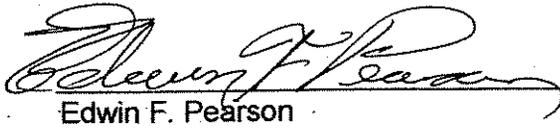
The Town of Acton Planning Board


Patrick E. Halm, Chairman

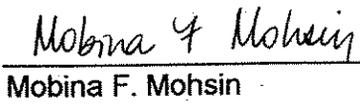

Ken Sghia-Hughes, Vice Chairman


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.

Ed Ellis, Town Clerk

Date

Copies furnished:

- | | | |
|--|-------------------------------|-----------------|
| Applicant - certified mail # ^{7001 1940 0007} 5460 0970 | Building Commissioner | Health Director |
| Engineering Administrator | Municipal Properties Director | Town Clerk |
| Natural Resources Director | Town Manager | Fire Chief |
| Police Chief | Acton Water District | Owner |
| Historical Commission | Assistant Assessor | MAGIC |
| Recreation Director | | |

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COPY



Planning Board

RECEIVED & FILED

DATE June 27, 2002

[Signature]
TOWN CLERK, ACTON

TOWN OF ACTON
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planning@town.acton.ma.us
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AMENDMENT #1
OF DECISION

02-06

Quail Ridge Country Club

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



Roland Bartl, AICP, Town Planner

Copies to:

Applicant - certified mail #70011940 0007 5460
1151
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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DATE February 26, 2003

Edward Jellis
TOWN CLERK, ACTON

TOWN OF ACTON

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AMENDMENT #2
OF DECISION
02-06

FEB 27 2003

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 4th 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 4th 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 4th tennis court reduces the available parking spaces by two, counting use of the proposed 4th 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


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.doc



Planning Board

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DATE Sept 29, 2003
E. Brown
TOWN CLERK, ACTON

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AMENDMENT #3
OF DECISION
02-06

RECEIVED
SEP 29 2003

BY:

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.

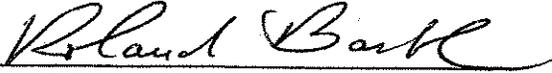
3 BOARD ACTION

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


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

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Planning Board

**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

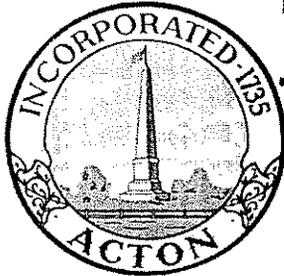
Roland Bartl, AICP, Town Planner

Copies to:

Applicant
Engineering Administrator
Natural Resource Director

Building Commissioner
Municipal Properties Director
Town Manager

Board of Health
Town Clerk



Planning Board

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DATE August 16 2004

Maureen McLaughlin
TOWN CLERK, ACTON, MASS.

AUG 1 2004

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**AMENDMENT #5
OF DECISION**

02-06

Quail Ridge Country Club

Special Permit for a Golf Course in a Residential District

August 10, 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), #3 (9/25/03), and #4 ((3/23/04) (together the Original Decision).

This amendment addresses the change in the irrigation water supply source since the original approval on May 20, 2002. The Board discussed this amendment at its meeting on August 10, 2004. Board members Gregory E. Niemyski, Stacy S. Rogers, Christopher R. Schaffner, William F. King, and associate members Edmund R. Starzec and Gary R. Sullivan participated. Chairman Lauren S. Rosenzweig appointed Edmund R. Starzec and Gary R. Sullivan to sit on the Board to act on the decision amendment. Then Ms. Rosenzweig recused herself from the discussion as she is a member of Quail Ridge Country Club. The minutes of the meeting may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

1 FINDINGS

- 1.1 The Applicant has developed a new primary irrigation well, BE-7, in the southeast portion of the Site and proposes to use well BE-5 only as a back-up. Well BE-2 has been effectively eliminated as an irrigation water supply source.
- 1.2 The Massachusetts Department of Environmental Protection (MADEP) on September 16, 2003, issued an Administrative Consent Order (ACO-CE-03-5F002) following the Water Management Act application by Quail Ridge Country Club. The ACO sets water withdrawal limits from bedrock wells to 0.1 million gallons per day or 9 million gallons within 90 days, which is below the Water Management Act threshold.

3 BOARD ACTION

In accordance with section 3.3.5 of the Original Decision, the Board voted on August 10, 2004 unanimously and on its own motion to amend the Original Decision by deleting sections 3.2.5 and 3.2.6 and replacing them with following new sections 3.2.5 and 3.2.6:

- 3.2.5 All water withdrawals on the site shall be in compliance with the MADEP ACO of September 16, 2003, and with any future MADEP administrative consent order or Water Management Act Permit that MADEP may issue for the Site in the future.
- 3.2.6 Well BE-7 shall be the primary well used for irrigation water withdrawal purposes. Well BE-2 shall not be used. Well BE-1 shall be used only for monitoring purposes. Well BE-5 shall be

used only as an emergency back-up irrigation supply well subject to the following conditions:

- 3.2.6.1 Before use of Well BE-5 the pre-pumping static water level in monitoring Well BE-1 shall be recorded.
- 3.2.6.2 During pumping of BE-5, water levels in BE-1 shall be monitored and recorded continuously, and the monitoring data shall be read and inspected daily.
- 3.2.6.3 Pumping of well BE-5 shall cease immediately if drawdown in BE-1 has reached 10 feet or more. Following this event, BE-5 shall be rested until BE-1 has fully recovered to the pre-pumping static water level.

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 -



Roland Bartl, AICP, Town Planner

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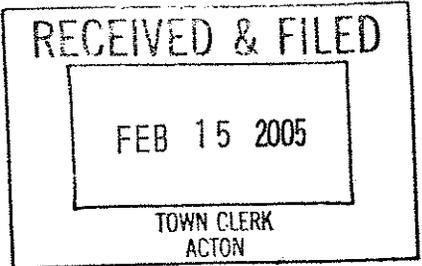
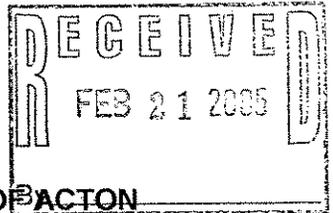
Applicant
Engineering Administrator
Natural Resource Director

Building Commissioner
Municipal Properties Director
Town Manager

Board of Health
Town Clerk

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**AMENDMENT #6
OF DECISION
02-06**

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

February 11, 2005

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), #3 (9/25/03), and #4 (3/23/04), and #5 (8/10/04) (together the Original Decision).

This amendment is in response to a request for approving a change in the maintenance building and related parking areas. The Board discussed this amendment at its meeting on February 8, 2005. Board members Gregory E. Niemyski, Stacy S. Rogers, Christopher R. Schaffner, William F. King, Ruth M. Martin and associate member Edmund R. Starzec participated. The minutes of the meeting may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

1 EXHIBITS

- 1.1 A cover letter from Ms. Jennifer Shea, Quail Ridge Country Club, LLC, dated 01/27/05.
- 1.2 A plan entitled "Valet Parking Sketch Plan", by Stamski and McNary, Inc. last revised 01/27/05.
- 1.3 Acton Planning Department memorandum dated 02/04/05.

1 FINDINGS

The Applicant has proposed a redline change that would modify the maintenance and cart storage building from a two-story building to a single story building. The resulting net floor area on the building would be less, but its footprint would be larger. 10 parking spaces, originally located immediately in front of the building, would be relocated alongside the nearby tennis courts. Also, valet parking would be relocated from the lower to upper tennis court with no change in the number of parking spaces. The proposed redline change is consistent in scope and scale with the project as originally approved. This minor plan amendment does not warrant a public hearing.

3 BOARD ACTION

In accordance with section 3-3.5 of the Original Decision, the Board voted unanimously on February 8, 2005 to approve the requested redline change subject to the following modifications:

- 3.1 Directly recharge roof run-off from the maintenance building into the ground. The proposed change increases impervious cover and run-off. Recharging roof runoff ensures that the site's drainage system does not get overcharged.

- 3.2 Add perimeter landscaping designation at the sides of the relocated parking lots to comply with ZBL section 6.7.6. Landscaping materials shall be equivalent to those on the originally approved plan.
- 3.3 Submit to the Planning Department a revised red-line plan that shows these modifications.

Except as modified herein, the Original Decision, and the Plan approved thereunder, shall remain in effect.

Signed on behalf of the Acton Planning Board -



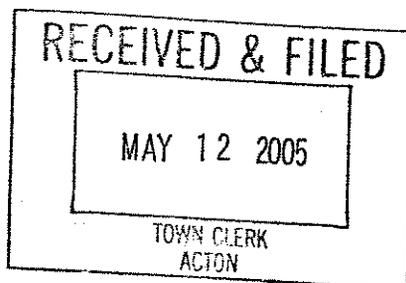
Roland Bartl, AICP, Town Planner

Copies to:		
Applicant	Building Commissioner	Board of Health
Engineering Administrator	Municipal Properties Director	Town Clerk
Natural Resource Director	Town Manager	

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**AMENDMENT #7
OF DECISION
02-06**

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

May 10, 2005

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), #3 (9/25/03), and #4 (3/23/04), #5 (8/10/04), and #6 (2/11/05) (together the Original Decision).

This amendment follows discussions with the Applicant that extended over public meeting sessions since the fall of 2004 concerning the Applicants inability to attain Bronze Membership in the Audubon International Signature Cooperative Sanctuary Program as required in paragraph 3.2.4 of the Original Decision.

This amendment was acted upon at the May 10, 2005 public meeting of the Board. Board members Gregory E. Niemyski (Chairman), William F. King, Ruth M. Martin, Stacy S. Rogers, Christopher R. Schaffner, Edmund R. Starzec, and Gary R. Sullivan were present. The minutes of this and prior meeting, and of the materials on which this amendments 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 Nov. 23, 2004 letter from Jay R. Peabody, Graham & Harsip, P.C. re: Quail Ridge Country Club/Audubon International.
- 1.2 Correspondence between Howard A. Jack, Audubon International and Steven R. Graham, Graham & Harsip, P.C. dated Dec. 13 and Dec. 20, 2004, and Jan. 5, 2005.
- 1.3 Memorandum dated Feb. 2, 2005 from Jay R. Peabody of Graham & Harsip, P.C. regarding Environmental Monitoring/Quail Ridge Country Club with attachments.
- 1.4 March 2, 2005 Draft Scope and Fee Estimate for Environmental Review Services to Quail Ridge Country Club, prepared by Michael J. Toohill, of ENSR.
- 1.5 March 11, 2005 letter from Jane Ceraso of the Acton Water Supply District re: 'shift in oversight responsibilities for environmental monitoring at the Quail Ridge Country Club'.

- 1.6 April 12, 2005 Revised Scope and Fee Estimate for Environmental Review Services Related to Quail Ridge Country Club, prepared by Michael J. Toohill of ENSR. In it, Mr. Toohill outlines the following scope of an annual audit program of the Quail Ridge Country Club:

Task 200 IPM/TM Peer Review

Since the outset of this project the Acton Planning Board had looked towards the Audubon International (AI) Signature Program as the peer reviewer of the ongoing Integrated Pest Management/Turf Management program at the course. It was also assumed that AI would provide environmental audit services of the operations at the course. Conditions 2.8 and 3.2.4 of the Planning Board Special Permit and Special Condition 53 of the Order of Conditions issued by the Acton Conservation Commission establishes the need for enrollment in the AI Signature Program "Bronze" level.

We understand that AI will not be providing these services and that the Planning Board is seeking an alternative peer reviewer for these issues. ENSR is prepared and qualified to offer these services using the team assembled for the initial peer review. To accomplish this, ENSR proposes to conduct on-site reviews twice a year (May and October). The reviews would be accomplished by a team which includes the Quail Ridge Golf Course Superintendent, a golf course superintendent from another local facility using IPM/TM practices and/or an IPM expert, and an environmental audit professional from ENSR. The on-site reviews would be conducted with advance notice to the Quail Ridge Superintendent.

The review will incorporate the following tasks:

1. Look at the ongoing operational IPM/TM practices.
 - a. Scouting reports
 - b. Local environmental conditions
 - c. Pathogen diagnosis
 - d. Soil analysis
 - e. Tissue analysis
2. Conduct visual inspections of the equipment maintenance area.
 - a. Oil/solvent disposal
 - b. Parts wash station
 - c. Fuel tanks
 - d. Overall appearance of equipment maintenance area
3. Inspect equipment washdown areas.
 - a. Runoff of clippings and wash water contained/recycled
 - b. Assure that washdown system is functional
4. Review pesticide/fertilizer storage, mixing, and recordkeeping procedures.
5. Review irrigation system leak detection and maintenance plan.
6. Review water conservation practices.
 - a. Pumphouse flow meters
 - b. Monthly withdrawal records
 - c. Irrigation system computer
7. Conduct on-course inspections of areas in close proximity to environmentally sensitive receptors.
 - a. Turfgrass/native grass buffer zones are working properly
 - b. Runoff should be detained before wetland areas

ENSR will prepare a summary report of each site visit for submission to the Planning Board, the Conservation Commission, the Board of Health, The Acton Water Supply

District, and the Quail Ridge Country Club Superintendent. This report will identify any deficiencies noted during the site visit and the steps recommended to correct each deficiency.

In addition to the on-site reviews, ENSR will review the water quality and quantity information being submitted to the Town for compliance with the Special Permit and Order of Conditions (Special Conditions 78 and 96). The ENSR team will also review the annual IPM/TM reports which the Quail Ridge Superintendent will be submitting annually to the Town (Special Condition 88). ENSR will prepare a letter report of its review findings for submission to the Planning Board, the Conservation Commission, the Board of Health, the Acton Water Supply District, and the Quail Ridge Country Club Superintendent. This report will identify any recommended changes to the upcoming year's IPM/TM plan.

- 1.7 Solicitation for comment on April 12, 2005 Revised Scope and Fee Estimate for Environmental Review Services Related to Quail Ridge Country Club, by Roland Bartl, Town Planner, dated April 29, 2005.
- 1.8 Reply to April 29, 2005 solicitation for comment on April 12, 2005 Revised Scope and Fee Estimate for Environmental Review Services Related to Quail Ridge Country Club from Jim Deming, Manager of the Acton Water Supply District.
- 1.9 Miscellaneous other correspondences and memos on the subject matter by Town of Acton staff, ENSR staff, and QRCC representatives since the Fall 2004 into Spring 2005.

2 FINDINGS AND CONCLUSIONS

2.1 Paragraph 3.2.4 of the Original Decision states:

" QRCC shall seek at a minimum 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."

2.2 The Applicant has demonstrated that Quail Ridge Country Club will not and cannot achieve Bronze Membership in the Audubon International Signature Cooperative Sanctuary Program. Three years from the date of the Original Decision, it is therefore time to implement alternative mechanisms for environmental audits as contemplated in paragraph 3.2.4 of the Original Decision. The scope for an annual audit as prepared by Mr. Toohill (see Exhibit 1.6 above) is an equivalent substitute for the Audubon International program.

2.3 This amendment is made in accordance with paragraph 3.3.5 of the Original Decision wherein the Board reserves its right for amendments and modifications. It further implements and specifies a provision of the Original Decision and therefore is within its scope and does not require a new public hearing.

3 BOARD ACTION

Therefore, at its meeting on May 10, 2005 the Board voted unanimously to AMEND the Original Decision as set forth below. Except as modified herein, the Original Decision, and the plan approved thereunder, shall remain in effect.

Paragraph 3.2.4 of the Original Decision is hereby deleted and replaced with the following new paragraph 3.2.4:

3.2.4 QRCC shall retain a professional consultant with experience in environmentally responsible management of golf courses (Consultant) who shall perform the following annual auditing and reporting tasks:

The Consultant shall conduct on-site reviews twice a year (May and October). The reviews shall be accomplished by a team which includes the Consultant's environmental audit professional, the Quail Ridge Golf Country Club's golf course superintendent, and a golf course superintendent from another local facility using Integrated Pest Management/Turf Management (IPM/TM) practices and/or an IPM expert. The on-site reviews shall be conducted with advance notice to the Quail Ridge Superintendent.

The review shall incorporate the following tasks:

1. Look at the ongoing operational IPM/TM practices.
 - a. Scouting reports
 - b. Local environmental conditions
 - c. Pathogen diagnosis
 - d. Soil analysis
 - e. Tissue analysis
2. Conduct visual inspections of the equipment maintenance area.
 - a. Oil/solvent disposal
 - b. Parts wash station
 - c. Fuel tanks
 - d. Overall appearance of equipment maintenance area
3. Inspect equipment washdown areas.
 - a. Runoff of clippings and wash water contained/recycled
 - b. Assure that washdown system is functional
4. Review pesticide/fertilizer storage, mixing, and recordkeeping procedures.
5. Review irrigation system leak detection and maintenance plan.
6. Review water conservation practices.
 - a. Pumphouse flow meters
 - b. Monthly withdrawal records
 - c. Irrigation system computer
7. Conduct on-course inspections of areas in close proximity to environmentally sensitive receptors.
 - a. Turfgrass/native grass buffer zones are working properly
 - b. Runoff should be detained before wetland areas

The Consultant shall prepare a summary report of each site visit for submission to the Planning Board, the Conservation Commission, the Board of Health, The Acton Water Supply District, and the Quail Ridge Country Club Superintendent. This report shall identify any deficiencies noted during the site visit and the steps recommended to correct each deficiency.

In addition to the on-site reviews, the Consultant shall review the water quality and quantity information being submitted to the Town for compliance with this Special Permit and the Conservation Commission Order of Conditions (Special Conditions 78 and 96). The Consultant shall also review the annual IPM/TM reports which the Quail Ridge Superintendent will be submitting annually to the Town (Conservation Commission Order of Conditions - Special Condition 88). The Consultant shall prepare a letter report of its review findings for submission to the Planning Board, the Conservation Commission, the

Board of Health, the Acton Water Supply District, and the Quail Ridge Country Club Superintendent. This report will identify any recommended changes to the upcoming year's IPM/TM plan. Upon the Board's request, the Consultant shall attend a regularly scheduled meeting of the Board to present its report answer questions by Board members and the attending public.

Immediately upon receipt of this amendment, QRCC shall inform the Board of its choice of Consultant to perform this annual task beginning with this year's (2005) growing season. Thereafter, QRCC shall give the Board 60 days prior notice before contracting with any new Consultant to perform this task, including the Consultant's name, title, resume, and other relevant information to document his/her qualifications to perform this task. The Board reserves the right to reject any such Consultant selection if the documentation submitted does not provide reasonable evidence that the chosen Consultant possesses the expertise and experience to perform this task to the satisfaction of the Board. In the event of a Consultant rejection by the Board, Quail Ridge Country Club shall reopen its search and select another consultant as quickly as possible and without missing a growing season.

Signed on behalf of the Acton Planning Board



Roland Bartl, AICP, Town Planner

Copies to:

Applicant
Town Engineer
Natural Resource Director
Town Assessor

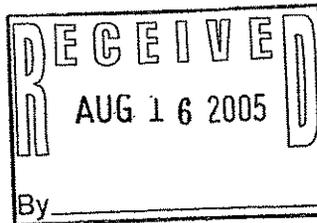
Building Commissioner
Municipal Properties Director
Town Manager

Board of Health
Town Clerk
Fire Chief

I:\planning\planning board\decisions\02-06 ch7, qrcc special permit.doc



Planning Board



COPY

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
pb@acton-ma.gov
www.acton-ma.gov

**AMENDMENT #8
OF DECISION
02-06**

Quail Ridge Country Club

Special Permit for a Golf Course in a Residential District

August 10, 2005

This amends Decision #02-06 of the Planning Board (the Board) issued to NorthWest Development LLC/Quail Ridge Country Club LLC (the Applicant), hereinafter QRCC, on May 20, 2002, including subsequent Amendments #1 through #7 (together the Original Decision).

This amendment was acted upon at the August 9, 2005 Board meeting. Members Gregory E. Niemyski (Chairman), William F. King, Ruth M. Martin, Christopher R. Schaffner, Edmund R. Starzec, Gary R. Sullivan and associate member Michael C. Densen were present. The meeting minutes and related materials may be viewed at the Acton Town Clerk or Planning Department.

1 EXHIBITS

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

- 1.1 6/13/05 letter from Mr. Dennis Ring of QRCC to the Acton Building Commissioner.
- 1.2 6/16/05 and 6/29/05 letters from Mr. Ring to the Acton Director of Public Works.
- 1.3 6/20/05 memorandum from the Director of Public Works to the Building Commissioner.
- 1.4 7/22/05 memorandum from the Town Planner to the Board.

2 BOARD ACTION

The Board voted unanimously to AMEND the Original Decision to accept a \$60,000 donation in fulfillment of condition 3.2.11 of the Original Decision, as amended, to construct a sidewalk on Main Street. The donation shall be used by the Town for constructing a sidewalk on Main Street. This action is subject to the acceptance of said donation by the Acton Board of Selectmen. Except as modified herein, the Original Decision, and the plan approved thereunder, shall remain in effect.

Roland Bartl, AICP, Town Planner, for the Acton Planning Board

Copies to:

Applicant; Building Commissioner; Engineering Department; Town Clerk; Town Manager

DEP File No: 85-778
Applicant: Northwest Development



COPY

Order of Conditions
Wetlands Protection Bylaw
Chapter F

From the ACTON CONSERVATION COMMISSION Issuing Authority

To Northwest Development, LLC Palmer Family Realty Trust
(Name of person making request) (Name of property owner)

Address 178 Great Road, Acton, MA 01720 Address 352 Great Road, Acton, MA 01720

This Order is issued and delivered as follows:

- by hand delivery to person making request on Sharon Mendonca 4/9/02 (date)
- by certified mail, return receipt requested on _____ (date)

This project is located at 352 Great Road (Town Atlas Plate D-4, Parcels 2, 4, 7, 10, 16 & 17)

The property is recorded at the Registry of Middlesex South

Book 674 Page 71

Certificate (if registered) _____

The Notice of Intent for this project was filed on December 10, 2001 (date)

The public hearing was closed on March 20, 2002 (date)

Findings

The ACTON CONSERVATION COMMISSION has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the ACTON CONSERVATION COMMISSION at this time, the ACTON CONSERVATION COMMISSION has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection under the Act (check as appropriate):

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Public water supply | <input checked="" type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input checked="" type="checkbox"/> Private water supply | <input checked="" type="checkbox"/> Storm damage prevention | <input checked="" type="checkbox"/> Fisheries |
| <input checked="" type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |

Total filing fee submitted under Acton Wetlands Protection Bylaw \$ 2,735.00

Therefore, the ACTON CONSERVATION COMMISSION hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The ACTON CONSERVATION COMMISSION orders that all the work shall be performed in accordance with the said conditions and with the Notice of Intent references above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, bylaws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the ACTON CONSERVATION COMMISSION on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in the size bearing the words, "Massachusetts Department of Environmental Protection, File Number 85-778".
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

**** PLEASE READ THE FOLLOWING GENERAL CONDITIONS REQUIRED BY THE
TOWN OF ACTON WETLANDS BYLAW ****

18. No work shall be undertaken until the Order of Conditions has been reviewed and is clearly understood by the Contractor or his agent. It is the Applicant's responsibility to see that the Contractor clearly understands all items herein.
19. This Order of Conditions shall apply to any successor in interest or successor in control.
20. Members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate compliance with the Order and to require the submittal of any data deemed necessary by the Commission for that evaluations.
21. All drainage facilities and related structures and equipment shall be continually operated and maintained so as to comply with this Order of Conditions. The operation and maintenance of the facilities and structures shall be on-going and will not expire at the end of one year or with the issuance of the Certificate of Compliance.
22. Any change made, or intended to be made, in the plans shall require the applicant to file a new Notice of Intent, or to inquire of the Commission, in writing, whether the change is substantial enough to require a new filing.
23. The Conservation Commission shall have the right to file this Order of Conditions in the Registry of Deeds should the applicant fail to do so within 60 days.
24. Accepted engineering and construction standards and procedures shall be followed in the completion of this project.
25. The Commission shall be notified in writing 10 days prior to the commencement of any site work. Failure to so notify the Commission shall result in the issuance of an Enforcement Order.
26. The Petitioner is advised that this Order in no way absolves him of responsibility to other property owners upon whose land he discharges water directly or indirectly.
27. Erosion control measures consisting of staked haybales unless otherwise approved by the Commission shall be installed during the first phase of construction and the Commission shall be notified of their placement and no work shall begin before inspection by the Commission.
28. Any materials collected by the erosion control measures shall be removed and properly disposed of.
29. All work shall be completed as quickly as possible to minimize the duration of exposure of disturbed areas. If work is suspended for a significant period of time (i.e. as during winter months), then temporary stabilization methods must be employed and maintained during the period of inactivity.
30. No salt or other deicing chemicals shall be used on roadways and parking areas on the site.
31. This order applies only to the work described in the Notice of Intent and shown on the plans referenced in Condition 12. A Determination of Applicability Form must be filed for any additional work on site in areas governed by the Town of Acton Wetlands Protection Bylaw.
32. All disturbed areas shall be top soiled six inches and seeded.
33. Violation of any condition of this Order may result in the issuance of an Enforcement Order. Such Enforcement Order, if issued, will require the immediate cessation of all work until a hearing is held; such hearing will be held not more than 10 days from the issuance of the Enforcement Order.

34. The work authorized hereunder by the Acton Wetlands Protection Bylaw shall be completed within three years from the date of this Order unless the Order is renewed prior to expiration.
35. A twenty-five (25) foot setback of natural vegetation shall be maintained up-gradient from the wetland and except where a waiver has been granted under the Order of Conditions.
36. No construction, either temporary or permanent shall occur within forty (40) feet of the edge of wetlands. This shall include driveways, roadways, residential, commercial or industrial structures, etc. except where a waiver has been granted under the Order of Conditions.
37. There shall be no use of fertilizers, pesticides, herbicides or chemicals of any kind within the forty (40) foot no construction zone except where a waiver has been granted under the Order of Conditions.
38. There shall be no underground storage of gasoline, oil or other fuels or hazardous materials within the one-hundred (100) foot buffer zone.
39. The Commission reserves the right to impose additional conditions to mitigate any actual or potential impacts resulting from the permitted work.
40. The work shall conform to the following plans and special conditions:

PLANS:

Title	Dated	Signed and Stamped by:	on file with:
Quail Ridge Country Club NOI Submittal Set	REV.3/1/02	Ian Rubin, Civil # 33758	Acton Conservation
<u>SEE ATTACHED DOCUMENT SUPPLEMENTAL LIST</u>			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**SEE ATTACHED DOCUMENTS FOR
FINDINGS
AND SPECIAL CONDITIONS**

Issued by the

ACTON

Conservation Commission

Signature(s)

[Handwritten Signature]
Terence M. Hartman
[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]

This Order must be signed by a majority of the Acton Conservation Commission.

On this 4th day of April, 2002, before me personally appeared Barbara J. Epstein to me known to be the person described in, and who executed, the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

[Handwritten Signature]
Notary Public

February 27, 2009
My Commission Expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7) within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the ACTON CONSERVATION COMMISSION prior to commencement of work.

To ACTON CONSERVATION COMMISSION Issuing Authority

Please be advised that the Order of Conditions for the project at 352 Great Road, Acton (Quail Ridge Country Club)

File Number 85-778 has been recorded at the Registry of Middlesex South and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on 19

If recorded land, the instrument number which identifies this transaction is

If registered land, the document number which identifies this transaction is

Signature Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 5 – Order of Conditions

85-778

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

From:

ACTON
Conservation Commission

This issuance is for (check one):

- Order of Conditions
 Amended Order of Conditions

To: Applicant:

Northwest Development, LLC
Name
178 Great Road
Mailing Address
Acton MA 01720
City/Town State Zip Code

Property Owner (if different from applicant):

Palmer Family Realty Trust
Name
352 Great Road
Mailing Address
Acton Ma 01720
City/Town State Zip Code

1. Project Location:

<u>352 Great Road</u> Street Address	<u>Acton</u> City/Town
<u>D-4</u> Assessors Map/Plat Number	<u>2, 4, 7, 10, 16 & 17</u> Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

<u>Middlesex South</u> County	<u>574</u> Book	<u>71</u> Page
----------------------------------	--------------------	-------------------

Certificate (if registered land)

3. Dates:

<u>December 10, 2001</u> Date Notice of Intent Filed	<u>March 20, 2002</u> Date Public Hearing Closed	<u>April 9, 2002</u> Date of Issuance
---	---	--

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

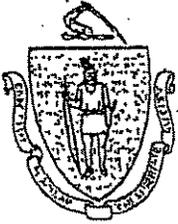
<u>See Document Submittal List.</u> Title	 Date
--	----------

5. Final Plans and Documents Signed and Stamped by:

Ian Rubln, Civil # 33758, Acton Survey & Engineering, Inc.
Name

6. Total Fee:

\$ 13,675.00
(from Appendix B: Wetland Fee Transmittal Form)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

85-778
 Provided by DEP

B. Findings

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Public Water Supply | <input type="checkbox"/> Land Containing Shellfish | <input checked="" type="checkbox"/> Prevention of Pollution |
| <input checked="" type="checkbox"/> Private Water Supply | <input checked="" type="checkbox"/> Fisheries | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| <input checked="" type="checkbox"/> Groundwater Supply | <input checked="" type="checkbox"/> Storm Damage Prevention | <input checked="" type="checkbox"/> Flood Control |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetlands regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

General Conditions (only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

85-778

Provided by DEP

B. Findings (cont.)

4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words:

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]

"File Number 85-778"

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable times to evaluate compliance with the conditions stated in this Order, and may require the submittal of data deemed necessary by the Conservation Commission or Department for that evaluation.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

85-778
 Provided by DEP

B. Findings (cont.)

15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention control if it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

Special Conditions (use additional paper, if necessary):

See document for Special Conditions

Findings as to municipal bylaw or ordinance

Furthermore, the Acton hereby finds (check one that applies):
Conservation Commission

that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Name _____ Municipal Ordinance or Bylaw _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

that the following additional conditions are necessary to comply with a municipal ordinance or bylaw specifically:

Chapter F—Wetland Protection Acton Town Bylaws
 Name _____ Municipal Ordinance or Bylaw _____

The Commission orders that all work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

85-778
 Provided by DEP

B. Findings (cont.)

Additional conditions relating to municipal ordinance or bylaw:

See attached listing and variance approvals

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Date April 9, 2002

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office (see Appendix A) and the property owner (if different from applicant).

Signatures:

[Signature]
[Signature]
[Signature]
[Signature]

On 4th Day of April, 2002 Month and Year

before me personally appeared

Barbara J. Epstein

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Signature]
 Notary Public

February 27, 2009
 My Commission Expires

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested

4/9/02
 Date

Date



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

85-778
 Provided by DEP

C. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

D. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

ACTON
 Conservation Commission



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

85-778
 Provided by DEP

D. Recording Information (cont.)

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

ACTON
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

352 Great Road, Acton
 Project Location

85-778
 DEP File Number

Has been recorded at the Registry of Deeds of:

Middlesex South
 County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions Issued on:

Date

If recorded land, the Instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant