

**CONSERVATION COMMISSION
MARCH 19, 2008
MINUTES**

MEMBERS PRESENT: Terry Maitland, Janet Adachi, William Froberg, Fran Portante, Linda Serafini

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea Ristine

VISITORS: George Dimakarakos, Jay Peabody, Dennis Ring, Bruce Ringwall, Joseph Levine, Ed Flannery, Bud Flannery, Mark Junghans, Toni Hersey

7:15 Notice of Intent – 122 School Street - Kimberly & Peter Hocknell (010, 011)

George Dimakarakos presented proposed plans for two additions on the east and west sides of the existing house, driveway removal and relocation, relocation of the existing shed and connection to town sewer. All activities fall within 100' of Bordering Vegetated Wetland (BVW). The proposed additions meet current pre-existing non-conforming distances from wetlands.

Upon query by Mr. Tidman, Mr. Dimakarakos stated that the proposed driveway will be surfaced with $\frac{3}{4}$ " gravel but the applicant is considering asphalt; the old driveway location will be loamed and seeded.

Upon query by Mr. Tidman, Mr. Dimakarakos reported that the shed will be relocated from the west-back to the east back-side yard adjacent to the existing planter in the back yard; Mr. Dimakarakos will submit a revised plan showing the new shed location.

Upon query by Mr. Maitland, Mr. Dimakarakos stated that once the proposed sewer connection has been established the existing septic tank will be pumped out, ruptured and back-filled with sand.

Ms. Adachi stated that she noticed old tree stumps on the site indicating tree work possibly done within the Commission's jurisdiction without prior consultation.

Upon query by Mr. Tidman, Mr. Dimakarakos reported that both additions will have full foundations; all excavated materials will be temporarily stockpiled then hauled off site with the exception of fill needed for the driveway area.

Upon query by Mr. Maitland, Mr. Dimakarakos reported that the existing house is approximately 25' from the edge of wetlands.

Mr. Tidman reported that the wetland line is very defined, straight and channelized; historically, it was probably an old farm field.

Upon query by Mr. Froberg, Mr. Dimakarakos reported that the existing shed, to be relocated, sits on blocks with no foundation.

7:27 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Abutter, Mark Junghans from 5 Chadwick Street, stated that he supports the proposal with no objection.

7:29 Decision – 122 School Street

Ms. Adachi moved that the Commission issue an Order of Conditions (OOC) approving the project as presented, Ms. Serafini 2nd; unanimous.

7:34 NOI - Continuation – Residence at Quail Ridge (RQR)

Mr. Dimakarakos reported that the NOI Plan for RQR is currently being revised based on the Planning Board decision; the major issue is that the Applicant has been asked to pursue additional access to the property via several alternatives. The Applicant is requesting that the Commission continue the hearing for approximately six weeks.

Mr. Dimakarakos noted that the old OOC for QRCC 18-hole golf course will expire on April 9, 2008 (DEP File No. 85-778).

Dennis Ring, Project Manager for QRCC submitted a letter from QRCC, LLC dated March 19, 2008 outlining areas and conditions in non-compliance with the original OOC 85-778.

The issues outlined in the 3/19/08 letter pertain to Conditions 52, 53, 97, 98, 102 and 104; corrective actions have been discussed with Mr. Tidman and Mr. Maitland.

Condition #52: post construction violations were noticed by the applicant; Mr. Tidman was notified of deficiencies under the OOC and corrective actions were discussed.

- Fairway 12 - the wetland flagging was lost and the edge of wetland was encroached upon; the applicant is in the process of relocating the cart path outside of the 25' setback and restoring the wetland area.
- 4th Hole - a gazebo structure encroaches on the 100' buffer zone of a potential vernal pool. The location of the gazebo is within an area to become open space for the proposed RQR development which the Applicant feels will provide a public benefit along the trail connection to Nagog Hill Conservation Area; the lawn area around the gazebo will be allowed to naturalize.
- 3rd Green – a portion of the cart path encroached within the 100' buffer zone of the vernal pool; since this area is also within the proposed open space parcel; the Applicant feels that it is considered a public benefit as it too is along the trail connection to Nagog Hill Conservation Area.
- 2nd Green – the abandoned temporary gravel haul road is currently being loamed and seeded for stabilization.
- 10th Tee – inadvertent filling of wetlands. This area is near the proposed permanent road/wetland crossing for the RQR; the Applicant suggests no corrective action be taken at this time since a significant amount for work is proposed in this area which may include removal of fill or additional wetland replication for the proposed permanent crossing.

Upon query by Mr. Froberg, Mr. Ring noted that there are several areas that the Applicant does not intend to come into total compliance with the existing OOC, as outlined in his letter dated 3/19/08. Mr. Dimakarakos stated that under the State regulations the engineer submits a compliance statement with the Request for Certificate (Form 8A) that notes “substantial” compliance by the Applicant.

Mr. Tidman stated that there are some areas where certain conditions cannot be met which will be included in the new NOI filing for RQR; the Commission will have to assess the changes and address the issues as part of the new filing and decision.

Upon query by Ms. Adachi, Mr. Ring reported that once the issue of secondary access option has been decided a new hearing with the Planning Board will be scheduled.

Mr. Tidman also noted that if the Applicant reverts back to the original 18-hole plan a new NOI will be required to correct all problem areas currently not in compliance, given the old OOC's approaching expiration.

- 18th Hole - the detention basin was never fully completed with no corrective action proposed at this time; the new RQR NOI calls for some minor reshaping of this basin including the installation of an outlet control structure.

- Temporary construction crossings - steps are currently being taken to remove the two temporary crossings at the 1st Fairway and 12th Hole. The temporary crossing located near the 10th Tee is proposed as a permanent roadway crossing under the new RQR NOI.

Condition #53: Compliance with the requirement that the Applicant obtain Bronze Membership Audubon International (AI) Signature Cooperative Sanctuary Program is not possible. During the application process for QRCC the Applicant found that it was either not eligible for the program or was no longer in existence. Since then the Applicant has been allowed, through an amendment of the Planning Board special permit, to contract with ENSR to provide a scope of services and meet requirements comparable to those required under Audubon's Bronze Membership. The primary goal of the Bronze Membership pertains to Integrated Pest Management (IPM) Turf Management plans, site review and environmental audits from peer review.

Upon query by Mr. Froberg, Mr. Ring reported that the issue with AI was resolved with the Planning Board but not amended formally with the Commission. It is Mr. Ring's recollection that the Commission was represented in the meetings where the amendment was discussed and was agreeable to the alternative arrangement; a copy of the amendment is included with his letter dated 3/19/08.

Condition #97: irrigation pond / detention basin shoreline planting plan - construction problems required that clay to be added and the applicant will submit a plan and begin implementation of the planting as soon as weather permits.

Condition #98: revegetate over-story clearing across wetlands - a site visit with the Commission is needed in order to reestablish and confirm the 25' buffer zone.

Condition #102 & 104: no clearing within 100' of vernal pool (in respect to Condition #52) - the gazebo and walkway are in noncompliance with the OOC; the new NOI proposal will provide naturalize vegetation to reestablish. A site walk will be needed to assess the adequacy of plantings within over-story management areas.

Mr. Ring noted that the Applicant hopes to include everything that is not currently in compliance or is not overlapping from the original OOC into account in the new NOI presently before the Commission.

Upon query by Ms. Adachi, Mr. Ring stated that pursuant to written clarifications of the OOC that the Commission provided at the Applicant's request, off-site mitigation for over-story removal under the previous OOC (Condition #109) was addressed with the use of the golf course, for public benefit, by allowing the high school golf team to use the course and host an annual tournament with proceeds benefiting the Acton Recreation Department.

The Commission discussed possible options with respect to the issuance of a partial certificate of compliance.

8:10 Hearing no further comments or questions, Mr. Maitland continued the hearing until May 7, 2008 at 7:30 PM.

Preliminary Review - 81 River Street (030 031)

Bruce Ringwall, from GPR, presented preliminary plans for the proposed redevelopment of 81 River Street. The site is degraded riverfront that currently has impervious surfaces from parking areas, storage area, stockpiled areas etc. The applicant proposes to maintain and renovate the existing mill building, construct a 10-space carport and five new single-family detached homes all within the 200' riverfront area and 100' wetland buffer zone. The site is 92,000 sf, with 68,000 sf of it being impervious and degraded; this preliminary proposal brings the impervious surfaces down to a total of 26,000 sf. All activities are within existing disturbed riverfront area which is considered "redevelopment" of riverfront. Proper stormwater management will be addressed as required under State regulations. Areas that will be allowed to revegetate will be loamed and seeded with a New England seed mix.

Upon query by Mr. Froberg, Mr. Ringwall reported that the preliminary plan shows proposed driveway locations and lengths based on requirements under zoning for the historical district under which the proposed garages cannot be located at the roadside; zoning requires that new units be setback 20' from the edge of the road. The Applicant has also been asked to keep the structures consistent with the character of the existing houses and mill style in this area along River Street but not appear to have been built in the same style by the same builder. Three proposed driveways will serve five of the proposed houses and the 10-space carport.

Upon query by Ms. Portante, Mr. Ringwall reported that the 10-space covered carport will provide parking for the mill building. The Applicant is still working with the Historic Commission on the final design of the proposed car port; roof runoff will be determined by the design of the roof line and will be directed to meet stormwater management standards.

Upon query by Mr. Tidman, Mr. Ringwall stated that the areas to be allowed to revegetate will be planted with native herbaceous plantings and imported clean loam in an effort to keep out invasive Japanese Bamboo. The Applicant is consulting with Oxbow Associates so that the proposed naturalized areas will be a wildlife corridor with beneficial plantings.

Upon query by Mr. Froberg, Mr. Ringwall reported that the proposed single-family units will be two-story with 1,000 sf to 1,100 sf foundations.

Mr. Maitland suggested that the Commission conduct a site walk prior to the hearing once the NOI is filed.

Pending Associate Member - Toni Hersey

Ms. Hersey reported that she is recently retired from the field of computer science, is interested in the environment and has various skills that may be helpful to the Commission.

Status Update - 70 Newtown Road

The Commission discussed the notice letter, complaint and enforcement order as drafted by counsel.

9:45 MINUTES

Ms. Portante moved that the Commission approve the minutes for February 26, 2008, Ms. Serafini 2nd; motion passed unanimously.

Ms. Adachi moved that the Commission approve the minutes for March 5, 2008, Ms. Serafini 2nd; motion passed unanimously.

9:50 Meeting adjourned.

Terrence Maitland
Chair

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**CONSERVATION COMMISSION
MARCH 19, 2008
AGENDA**

- 7:15 Notice of Intent – 122 School Street - Kimberly & Peter Hocknell (010, 011)
Proposed additions to an existing single family house within 100' of a wetland.
- 7:30 NOI - Continuation – Residence at Quail Ridge – no new information but will discuss closing of old
OOC
- 8:00 Preliminary Review - 81 River Street (030 031)

MINUTES

February 26 Executive Session comments rec'd by TT, TM, FP, JA
March 5 comments rec'd by TT, FP, JA, PL