

CONSERVATION COMMISSION
AMENDED AGENDA
JANUARY 16, 2008

7:30 Preliminary Review - 81 River Street - Mill Building- Levine

Discuss type of filing to be submitted.

7:45 Notice of Intent - 354 B Great Road - Residences at Quail Ridge - QRCC, LLC

Proposed installation of a wetlands crossing, construction of four single family units within the 100' Buffer Zone of a Bordering Vegetated Wetland, and general site preparation within the 100' Buffer Zone and 200' Riverfront Area consisting of roadways, associated grading and stormwater management devices.

MACC Annual Environmental Conference - March 1 (010)

http://maccweb.org/edu_aec_workshops.html

MINUTES

November 21	comments rec'd by	FP, TM, JA	<i>signature</i>
December 5	" " "	JA, FP, TT, TM	"
January 2	" " "	JA, FP,	

**CONSERVATION COMMISSION
MINUTES
JANUARY 16, 2008**

MEMBERS PRESENT: Terry Maitland, Janet Adachi, Frances Portante, Linda Serafini, Patty Lee

ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea Ristine

VISITORS: Dennis Ring, Joseph Levine, Jim Snyder-Grant, David Conrad, Andrea Almeida, Jay Peabody, Steve Graham, Sudhir Krishnan, Hart Millet, Nan Millet, Ed Flannery, George Dimakarakos, Ben Ewing, Steve Stubbs

7:29 MACC Annual Environmental Conference - March 1 (010)

Mr. Maitland encouraged Commissioners to attend the MACC annual conference, the Town will fund the registration fee.

MINUTES

Ms. Lee moved that the Commission accept the minutes for November 21, 2007, December 5, 2007 and January 2, 2008; Ms. Serafini 2nd, unanimous.

7:31 Preliminary Review - 81 River Street - Mill Building – Joseph Levine

Joseph Levine reported to the Commission with an update regarding the Emergency Certification for the recent partial building collapse into the riverbank. Mr. Levine will be filing with the Historic District Commission in the near future to partially demolish and rehabilitate the building. The current goal is to seal and preserve the outside of the building and to preserve the interior from the elements. Since the issuance of the Emergency Certification he has pulled the debris and consolidated it on the site. Construction crew availability is very dependent on the weather. Mr. Levine is seeking guidance from the Commission as to how to file for the preservation and clean-up of the site prior to filing for the new construction and renovations of the final design.

Upon query by Mr. Maitland, Mr. Levine stated that since the collapse on December 24th the debris has been removed from the site.

Mr. Maitland stated that the Commission would accept a Request for Determination filing for the demolition activity as described prior to the final design NOI filing.

Upon query by Mr. Maitland, Mr. Levine stated that he hopes to be before the Historic District Commission on February 3 or 17, 2008; the building has been structurally evaluated and is considered safe at this time.

7:45 Residences at Quail Ridge - 354 B Great Road - QRCC, LLC

Mr. Maitland expressed concern to the applicant since the Commission is being asked to open a hearing on a new Notice of Intent (NOI) filing with an active outstanding Order of Conditions (OOC) for a different project on the same property.

George Dimakarakos from Stamski & McNary reported that the outstanding OOC (DEP File No. 85-778) for the 18-hole golf course project can be completed by its April 2008 expiration date. Essentially the original project is in compliance with a majority of the existing conditions; not related to the proposed NOI today. If there are overlaps between the old and new projects he will identify outstanding issues and the Commission can include them in a new OOC. Mr. Dimakarakos does not feel that a new NOI filing creates a problem with an open OOC close to expiration.

Mr. Tidman reported that there are substantial conditions that have not been met under the current OOC but 95% of the work is done, noting that the temporary construction crossings have not been removed. Mr. Dimakarakos stated that if the Applicant cannot finish the current project and meet all of the outstanding conditions the Applicant would like to include the outstanding issues in the new OOC to comply with the outstanding OOC. The Applicant does not anticipate needing more time to complete the existing project. The Applicant can go through the two projects point by point; for example, there is a clear overlap where one of the new proposed permanent wetland crossings is a current temporary crossing. Another location shown on the proposed plans is a force main for effluent disposal at a current temporary crossing (at the wetland crossing on Fairway 1).

Mr. Maitland expressed concern that if the original project is not finished by April, 2008 and the applicant rolls outstanding issues into the new NOI it defeats the purpose of OOC deadlines. Mr. Maitland inquired about the possibility of the Applicant's requesting a partial Certificate of Compliance prior to the issuance of a new OOC as a result of the unfinished project.

Mr. Dimakarakos stated that it would be foolish for the Commission to require compliance on all of the outstanding issues if the project is to change; in some cases complying with all of the conditions of the outstanding OOC would involve doing work and then undoing it to make the changes proposed in the new NOI. Approximately 90 to 95% of the current project has been completed. The project proposal has changed for a variety of reasons not pertaining to the environment; there is no reason not to start the new filing process given that the project is to change. The Commission has the right to expect the Applicant to address the outstanding issues and complete the project; he does not disagree with the Commission's concern but it is illogical to not start the process at this time.

Upon query by Mr. Maitland, Mr. Dimakarakos stated that there is a lot of information to get through; plan changes are anticipated in conjunction with the forthcoming Planning Board's decision along with site walks.

Mr. Tidman expressed concern with the existing "temporary" wetlands crossings at Fairways 1 and 12 noting that both should be removed and completed by April 2008 or the Applicant should file a new application respecting the unfinished work in these locations.

Mr. Dimakarakos reported that there is a proposed sewer main crossing proposed with the new project at Fairway 1. Steve Graham from Graham & Harsip stated that the Applicant's objective is to complete the original proposal by the April 2008 deadline. Mr. Tidman stated that the wetland crossing areas may be planted but not considered successful since they will not have gone through a full growing season.

Mr. Maitland stated that the Applicant should submit a new filing for unfinished work and request a partial certificate for finished portions.

Mr. Tidman stated that there are existing construction roads crossing wetlands and he has had discussions on site with the Applicant's representatives who had indicated that they may request to make the temporary crossing at Fairway 1 a permanent crossing for vehicular access.

Ms. Adachi expressed concern about the Commission's trying to review and decide a new NOI that will require changes in conditions of the current OOC that the Commission still is obligated to enforce.

Mr. Dimakarakos reiterated that circumstances not relating to the environment have brought the Applicant here with a new proposal.

Mr. Graham stated that one reason for the proposed change in the project is financial; the golf course is not functioning as originally hoped. The Applicant needs to redefine the project to make the lender comfortable but, if the proposed changes are approved, hopes to complete the golf course by April 2008.

Mr. Maitland stated that the Commission does not want to have too many issues open at the same time; this is a complicated site and situation. Mr. Maitland agreed to proceed with opening the hearing. He does not want the Commission to be put in a position of making concessions.

Mr. Dimakarakos stated that the two projects overlap and he will provide a narrative of what will go forward and what will not.

8:10 Notice of Intent – 354 B Great Road - Residences at Quail Ridge – QRCC, LLC

Mr. Maitland opened the hearing for the proposed NOI for the Residence at Quail.

Mr. Dimakarakos presented plans for the proposed installation of a wetlands crossing, construction of four single-family units within the 100' Buffer Zone of a Bordering Vegetated Wetland, and general site preparation within the 100' Buffer Zone and 200' Riverfront Area consisting of roadways, associated grading and stormwater management devices. The residences will be 174 senior resident condominium units with a nine-hole golf course (out of the 18 existing holes). The Planning Board process is closed and he anticipates a decision by February 14th. He expects that the Commission will see any changes to the plans based on the Planning Board's decision. Skyline Drive (existing) will provide access to the proposed 174 units, existing tennis courts, and existing pool and family center with sidewalk-access to Great Road. Nagog Brook was classified as intermittent under the previous ANRAD filing in May, 2001 but the classification now may change to perennial as there was perennial flow found during the period of a drought advisory from DEP in 2007.

There have been changes to the wetlands regulations that may change the classification of Nagog Brook. Wills' Hole Brook was found to be perennial under the previous filing.

The proposed housing on the northeast side of the property is outside of the Commission's jurisdiction. A wildlife corridor is proposed to the west of this area bordering on Nagog Brook. There are proposed improvements to the existing barn and paved parking area to the south of this sector within in riverfront area, there will be some grading within the buffer zone on the northwest section of this portion of the property. Proposed walking trails will follow existing cart paths.

The proposed roadway wetland crossing is currently the existing "temporary" construction crossing (overlapping old the OOC) that will be redesigned and constructed with retaining walls and culverts. The permanent crossing for Quail Ridge Drive will require the removal of the temporary wetland crossing at Fairway 10, along with the existing cart path. Total wetlands fill at the crossing will be 3,740 s.f., the proposed replication will be 9,820 s.f., requiring the removal of a tee-box on Fairway 10. A portion of one proposed unit is within the buffer zone; all other units are entirely out of the buffer zone with the exception of two and one parking area accessing open space. There is some proposed grading and detention basins surrounding the housing area within the buffer zone. Proposed emergency access is through Acorn Park which will result in some pavement within the buffer zone. The wetland crossing at Fairway 1 to the upland sewage disposal area is outside of all jurisdictional areas. The Planning Board has asked the Applicant to construct a sidewalk connecting the proposed project to the intersection of Skyline Drive and Great Road. The proposed sidewalk will be cantilevered from the side of the existing road at the existing wetland crossing; this design would be less intrusive and of lower impact to the resource area. The proposed Erosion & Sediment Control Plan addresses the construction and finished project; overall the wetlands impact is limited. Mr. Dimakarakos suggested that the Commission conduct another site walk along the wetland line to get a sense of the new project proposal's boundaries to the existing. The second proposed wetland crossing location was chosen because he feels that it is the best point to cross wetlands on the property.

Upon query by Ms. Portante, Mr. Dimakarakos stated that the current temporary construction crossing at Fairway 10 is now proposed as a permanent "Omega Bridge" roadway crossing.

The proposed roadway is 20' wide, which is the minimum width allowed, with a sidewalk; proposed retaining walls for the roadway wetland crossing will minimize the amount of fill required for the necessary culvert. The existing temporary construction road will be removed and the wooden bridge will remain.

Upon query by Ms. Lee, Mr. Dimakarakos reported that the width and length of the existing cart path and current temporary construction crossing is shown on Sheet 39, both of which will be disassembled once the Omega Bridge is in place. The area will be re-vegetated upon completion of the Omega Bridge.

Mr. Tidman asked, assuming the current project had been completed and the temporary construction road had already been removed, how the Applicant would cross the wetlands for the sewer force-main. Mr. Dimakarakos stated that the contractor would use a smaller back hoe that could cross and be supported by the wooden bridge.

Dennis Ring from Silver Star Construction, consultant for the Applicant, stated that the proposed leaching field will be excavated with small trenching machines, not large excavators and bulldozers, and the force-main will be four-to-six-inches in diameter connecting to the leach field.

Mr. Tidman stated that if the current project now were complete with just the wooden boardwalk-bridge crossing, the Applicant would have had to construct another construction road to access the leaching area; Mr. Tidman stated that he does not see the plan detail for the force-main. Mr. Dimakarakos stated that the detail has been submitted to DEP and the Applicant will provide it to the Commission; it was not available at the time of the NOI filing.

Mr. Ring stated that the Applicant has applied for the discharge permit with DEP; the location of the leaching field is certain but the construction detail and size of the line are not available at this time.

Mr. Tidman stated that he needs to meet with the engineer to review the filing fees; he feels that there may be additional fees that have not been included based on the plans. Mr. Dimakarakos agreed that there may be augmentation to the fees submitted.

Upon query by Ms. Portante, Mr. Dimakarakos stated that the replication area at Fairway 10 will be constructed first in the sequence according to the requirements of the Bylaw.

Upon query by Ms. Portante, Mr. Dimakarakos stated that temporary road crossing will be removed as soon as preliminary requirements are designed and submitted. Once the permanent road is constructed it will provide access to the other portion of the property for the additional units to the west.

Mr. Tidman noted that the Applicant chose not to file a new Abbreviated Notice of Resource Area Delineation (ANRAD) and the previous Order of Resource Area Delineation (ORAD) has expired. Mr. Dimakarakos stated that the Applicant was concerned about timing considering the potential appeal process for an ANRAD also the new proposal does not really involve work close to wetlands and the Applicant feels that addressing the wetland line instead of the proposed project would not be beneficial. He and the Applicant have a very good sense of where the wetland resource areas are.

Mr. Tidman noted that he has walked the property numerous times but there are new members of the Commission that have not been on site. Mr. Tidman asked if the Applicant had a botanist re-delineate the wetland line. Mr. Dimakarakos reported that the flag locations presently on site are based on the previous filing's surveyed flag locations. The Applicant is actively working on site and Mr. Dimakarakos does not feel that there are significant changes on the site since the original ORAD; a vast majority of the proposed housing is outside of the buffer zones.

Mr. Maitland reported that the Commission had hired an outside botanist to help the Commission review the delineation during the ANRAD process. Mr. Dimakarakos stated that he would provide a botanist to meet with the Commission on site if the Commission desires.

Ms. Adachi noted that the original ORAD dated back to 2001 and had expired and that site conditions may have changed since the original filing due to intervening activities. Updating the delineation would be advisable even if only to change that the prior delineation has not changed and is accurate.

Mr. Tidman stated that it is challenging to review wetland line at this time of year. Mr. Dimakarakos stated that he recently spoke with Dave Crossman who had reported that he had delineated a wetland recently with snow cover.

Andrea Almeida an abutter from Acorn Park expressed concern regarding stormwater runoff. Mr. Dimikarakos reported that the existing stream flows away from Acorn Park and stormwater runoff from the western portion of the proposed housing will flow east and south into Nagog Brook. The proposed design includes a stormwater management basin adjacent to the wetland crossing at Fairway 10. A combination of proposed catch basins and infiltration trenches throughout the site will disperse runoff and mitigate the rate and volume and stormwater will still flow away from Acorn Park as it does naturally.

Upon query by Mr. Tidman, Steve Stubbs from Acorn Park reported that the Applicant has legal access points, one being through Acorn Park. Mr. Stubbs stated that the Town Planner does not feel that an additional access to RQR through Acorn Park will be as significant of an impact as the residents at Acorn Park feel it may be. The Planning Board seems to be struggling with the issue. There is legal access through Acorn Park but RQR also may be able to gain access through Great Road Condominiums.

Upon query by Mr. Tidman, Mr. Graham reported that the development of RQR should not require traffic lights at Skyline Drive and Great Road; statistically left turns off Great Road (westbound) will not back up to the intersection of Great Road and Main Street (Route 2A/27)

Mr. Tidman was concerned that seniors leaving the RQR would not be able to make left turns safely onto Great Road from Skyline Drive.

Upon query by Nan Millet, a member of the Acton Land Stewardship Committee, Mr. Graham confirmed that the proposed development will be for residents 55 years and older. A unit can have an occupant younger than 55 years of age but living with a senior resident; condo documents will require that at least one occupant be 55+.

Upon agreement by the applicant's representatives, Mr. Maitland continued the hearing until February 6 at 7:30 pm; the Commission scheduled a site walk for January 24 at 8 AM.

9:20 Meeting adjourned.

Terrence Maitland

Terrence Maitland

Chair