

**CONSERVATION COMMISSION  
AMENDED AGENDA  
MAY 21, 2008**

7:15 Notice of Intent - Bridge Repair/Rehab - Acton Engineering Dept. (010 - 019)

- ♦ River Street over Fort Pond Brook at Carriage Drive,
- ♦ River St. over Fort Pond Brook at Merriam Lane,
- ♦ River St. over Fort Pond Brook at Vanderbilt Road,
- ♦ Martin Street over Fort Pond Brook
- ♦ Brook Street over Nashoba Brook.

7:30 Notices of Intent (6) - 81 River Street - Lots 2A - 2F - Lothrop Mill LLC (020 – 029)

Redevelopment of an existing site involving partial demolition and renovation of an existing building into a multi-family dwelling and construction of five single-family dwellings all located at 81 River Street (Town Atlas Plate H-3, Parcel 138). Activities occur within 100' of a wetland and 200' of Fort Pond Brook.

8:00 Notice of Intent - 44 Great Road - Mobil Oil Corp. / Gilbarco Inc. (030 – 033)

Proposed upgrade of existing underground storage tanks and piping components and associated site work located at 44 Great Road (Town Atlas Plate G-5, Parcel 76). Work activities will occur within 100' of wetlands and 200' of Nashoba Brook.

8:15 Notice of Intent - 120 Prospect Street - Westchester Corp. (040 – 041)

Proposed razing of an existing single-family dwelling and construction of two single-family dwellings within 100' of a wetland located at 120 Prospect Street (Town Atlas Plate G-2, Parcel 20).

Community Preservation Committee Appointment – Janet Adachi

MINUTES

May 7                      comments rec'd by                      JA, TM, FP                      *signature*

**CONSERVATION COMMISSION  
MINUTES  
MAY 21, 2008**

**MEMBERS PRESENT:** Terry Maitland, Janet Adachi, William Froberg, Fran Portante, Patty Lee

**CONSERVATION ADMINISTRATOR:** Tom Tidman

**RECORDING SECRETARY:** Andrea Ristine

**VISITORS:** Bruce Ringwall, Mark Szela, Kathryn Bachmann Acerbo, Matthew Liebman, Steve Rubner, Holly Ben-Joseph, Lon Chiang, Ruth Thatcher, Charles Rogers, Russ Wilson, Cornelius Harrigan, Peter Mosbach, Monica Weil, Betsy Piercell, Patricia Moore, Richard Lenox, John Wicks, Mark Zolas, Ed Flannery, Joe Levine

7:20 Notice of Intent - Bridge Repair/Rehab - Acton Engineering Dept. (010 - 019)

Corey York reported that the following bridges need to be repaired:

- ♦ River Street over Fort Pond Brook at Carriage Drive,
- ♦ River St. over Fort Pond Brook at Merriam Lane,
- ♦ River St. over Fort Pond Brook at Vanderbelt Road,
- ♦ Martin Street over Fort Pond Brook
- ♦ Brook Street over Nashoba Brook.

These are corrugated metal culverts, some with twin barrels, that all need a new protective coating to prevent further deterioration. The culverts date to the 1930's, 1960's and 1980's. Repairs will also be made to headwalls where necessary. The Brook Street culvert falls within Wood Turtle habitat, and that part of the project currently is under review by the Massachusetts Natural Heritage & Endangered Species Program (NHESP). Repairs will require temporary dewatering and water diversion. The Town hopes put the project out to bid and have a signed contract by this summer.

Upon query by Mr. Maitland, Mr. York reported that culvert repairs involving twin barrels, the Town will divert the water to one side, dewater and make repairs on the opposite side. Then the water diversion will be switched to enable repairs on the second pipe. Repairs on single culverts will be done one-half at a time.

Upon query by Ms. Adachi, Mr. York reported that sediments will be filtered when pumping is necessary.

Upon query by Mr. Froberg, Mr. York reported that the selection of the five bridges included in this filing was based on an evaluation by Chas. H. Sells, Inc.

Upon query by Mr. Tidman, Mr. York reported, although they are independent projects, the Town will try to coordinate the River Street culvert work with the proposed construction of Lothrop Mill.

Upon query by Mr. Maitland, Richard Lenox, from Chas. H. Sells, Inc., expects repairs to take two to three months per bridge crossing but hopes to conduct repairs on more than one bridge simultaneously. The Town will attempt to conduct the work during low-flow periods with an aggressive schedule but work within potential calendar restrictions the Commission may impose; NHESP may also limit periods of work on Brook Street due to the Wood Turtle habitat. Mr. Tidman added that the Brook Street site is the only sensitive area that may affect timing.

Upon query by Ms. Portante, Mr. York reported that the goal is to conduct maintenance to prolong the life of the bridges and culverts without doing a total replacement. He is also

hopeful that the Town will receive guidance from Mass. Highway regarding procedures and timing.

Upon query by Mr. Froberg, Mr. Lenox reported that excavators or heavy equipment will not work in the brooks; work within the culverts will be done by hand with wheel-barrels.

Upon query by Ms. Lee, Mr. Lenox reported that bridge work will mostly involve repointing and casting, and if machinery is needed it will be operated from the roadway.

Upon query by Mr. Froberg, Mr. York stated that priorities will be set in the contract but the Martin Street site is the highest priority and the others have moderate rusting.

7:45 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - Bridge Repair/Rehab - Acton Engineering Dept.

Mr. Froberg moved that the Commission issue an Order of Conditions for the plans as presented with two special conditions:

1. The Applicant shall conduct activities involving water diversion during periods of low flow where feasible.
2. The Applicant shall report to the Commission regarding project status at the end of the work season in 2008, and shall provide such further updates as the Commission may request.

Ms. Lee 2<sup>nd</sup>, unanimous.

7:49 Notices of Intent (6) - 81 River Street - Lots 2A - 2F - Lothrop Mill LLC (020 – 029)

Bruce Ringwall from GPR, Inc. presented plans for the proposed redevelopment of an existing site involving partial demolition and renovation of an existing mill building into a multi-family dwelling and construction of five single-family dwellings all located at 81 River Street within 100' of a wetland and 200' of Fort Pond Brook. Mr. Ringwall stated that the entire site is 126,150± SF (2.9 acres) all within the 200-foot riverfront area of Fort Pond Brook; 68,000 SF is 'degraded riverfront' consisting of an existing mill building, associated gravel parking/access with stockpiled debris and material with little vegetation. Due to current compacted site conditions there is minimal water absorption. Five new single-family homes are proposed in addition to the renovation of the mill building; four of the single-family homes will share two common driveways and the fifth (adjacent to the mill building) will have its own driveway. Runoff from the first 20' of proposed driveways' pavement will be directed towards River Street and runoff from the remaining length of the driveways and rear of the lots will be directed to the rear of the property into a proposed stone diaphragms then evenly overflow over a vegetative strip into proposed bio-retention cells. The bio-retention cells will be seeded with a New England meadow mix which will further benefit habitat and stormwater management.

Post-construction runoff will be less than the current rate of runoff. Stormwater management standards require removal of 80% of Total Suspended Solids (TSS) but the Applicant can only meet 75%.

Mr. Ringwall described the proposed construction sequence. During the dry season the Applicant will start the renovations to the mill building, clean the wetlands of debris, construct the drainage structures closest to the wetland then start construction of the proposed houses after the drainage systems are working. The Applicant is requesting, in writing, waivers under the Bylaw and the Rules and Regulations. Currently there is no existing vegetation in the buffer zone and 75' setback and the Bylaw allows the Commission discretion for activities if the Applicant provides improved environmental benefits (see written request for waiver on file).

Upon query by Ms. Lee, Mr. Ringwall stated that stormwater management structures are designed for the 100-year storm.

Upon query by Mr. Maitland, Mr. Ringwall reported that the Applicant has been in contact with the Historic District Commission (HDC); the building design has been well-received but the details have not been finalized.

Upon query by Mr. Froberg, Mr. Ringwall reported that the development will have municipal sewer and water service.

Upon query by Mr. Maitland, Mr. Ringwall reported that the mill building overhangs the river by approximately ten feet which will allow for a deck with no living space. The Applicant will not be modifying the footprint of the existing mill building

Upon query by Mr. Maitland, Mr. Ringwall noted that the entire site is within the 200' riparian zone of Fort Pond Brook. The 50' no-disturb setback (under the Bylaw) falls in the middle of the proposed foundation footprint on Lot 2A; the other proposed lots do not meet the 75' no-build setback but will be an improvement to the degraded riparian zone. The existing site is disturbed and degraded. Lot 2A also has debris dumped over the existing embankment which the Applicant proposes to clean up. If the Commission approves the project the Applicant will also work with the Commission to remove other debris from the non-disturbed area on Lot 2A.

Upon query by Mr. Maitland, Joe Levine reported that the Applicant is in the process of finishing a full 21E Report.

Mr. Tidman expressed concern that the proposed bio-retention areas will be quickly overtaken by nonnative species. Mr. Ringwall stated that the Applicant will import clean soil for the bio-retention areas, as specified in the Stormwater Regulations, which should be devoid of any seeds but there is a possibility of on-site vegetation migrating into these areas. The Applicant has been working with Oxbow Associates who has proposed beneficial seed and plant material; it is expected that the process will take several years to ensure that the proposed beneficial plantings are dominant.

Kathryn Bachmann Acerbo from 50 River Street stated that she is also a member of the HDC and reported that the Applicant has not yet submitted a formal application. The HDC has done a conceptual review. The HDC is interested in reviewing the proposed building design and plantings to see how it fits into the historic district.

Upon query by Mr. Maitland, Mr. Levine reported that 21E contaminants are limited to the mill building location; a 500-gallon tank was recently removed.

Upon query by Mr. Tidman, Mr. Levine reported that the recent stockpiling of materials was permitted by the Commission through a Request for Determination (RDA) filing and the materials will be used in the construction on this site.

8:43 Hearing no further comments or questions, Mr. Maitland closed the hearings.

Discussion. The Commission tabled their decision until later in the evening.

8:45 Notice of Intent - 44 Great Road - Mobil Oil Corp. / Gilbarco Inc. (030 – 033)

Monica Weil from Ayoub Engineering, Inc. presented plans for the proposed upgrade of existing underground storage tanks and piping components and associated site work located within 100' of Bordering Vegetated Wetland and 200' of Nashoba Brook. Activities will occur outside of the 100' wetland buffer zone. Proposed work on the existing underground tanks will involve swapping fuel. The tanks will remain in place. The existing concrete surface will be opened up in order to conduct necessary pipe work and install under ground monitoring devices. The existing underground oil-storage tank at the rear of the property will be removed and replaced with a 275-gallon above-ground tank with connecting lines to the existing heating system. The Applicant will also be making upgrades to the existing face of the building and installing new signage.

Upon query by Mr. Maitland, Ms. Weil reported that the site is under a DEP order to remediate due to historic on-site fuel leakage. The Applicant has received a Certificate of Compliance for the OOC, DEP File 85-767 associated with the remediation.

Upon query by Ms. Lee, Ms. Weil reviewed the propose fuel swap for the fuel tanks as outlined in the project narrative; no treatment will be needed.

Upon query by Mr. Froberg, Ms. Weil reported that the concrete to be removed during activities will be removed from the site, conduit will be replaced and new concrete poured in the disturbed area; there will be no expansion of impervious surfaces.

Upon query by Ms. Adachi, Ms. Weil stated that she is unaware of the exact depth of the existing oil tank to be removed. Ms. Weil also reported that she cannot provide information regarding the current drainage system on the site at this time. Ms. Weil expects the proposed project to be completed within six weeks.

Mr. Maitland stated that the Commission will require that the Applicant provide more information regarding the existing drainage. Ms. Weil stated that she is willing to continue the hearing.

Upon query by Patricia Moore, Trustee from Pillar House Condominiums, Ms. Weil stated that the proposed placement of sensors will pick up any leak in the lines and tanks.

9:00 Mr. Maitland continued the hearing until June 4, 2008 at 7:15 pm.

9:01 Notice of Intent - 120 Prospect Street - Westchester Corp. (040 – 041)

Russ Wilson from R. Wilson Associates presented proposed plans for razing of an existing single-family dwelling on a 1.5 acre parcel and construction of two new single-family dwellings within 100' of a wetland. The existing house to be razed is non-conforming but the proposed structures will meet the required setbacks under the Bylaw. There will be no changes of grade between the 50' and 75' setbacks with minimal grading between the 75' setback and 100' buffer zone.

Upon query by Mr. Maitland, Mr. Tidman reported that he found the delineation to be accurate and conservative.

Upon query by Ms. Adachi, Mr. Tidman reported that most of the parcel is forested. The limit of disturbance as shown on the plan is allowed under the Bylaw. Mr. Wilson stated that the Applicant would be amenable to the placement of fencing, signs or boulders along the no-disturb setback.

Matthew Liebman from 27 Tuttle Drive encouraged the Commission to require that a physical barrier such as boulders be placed along the 50' no-disturb setback.

Steve Rubner from 4 Lothrop Road expressed concern regarding potential drainage changes; his property is currently dry and he has a drainage culvert under this driveway. Mr. Maitland reported that the proposal should not change surrounding drainage according to the plan.

Mr. Wilson stated that there will be the same amount of proposed surface flow as existing. Additional stormwater management calculations are not required for the construction of two single-family homes.

Mr. Liebman stated that, roughly 15 years ago, there was an open wetland that connected to the intermittent stream behind 4 Lothrop Road.

Holly Ben-Joseph expressed concern regarding proposed tree removals and clearing. Mr. Wilson reported that the two proposed houses will overlap the area of the existing house and garage to be razed, and there will be minimal grading on the site with only a 30% increase of impervious surface from existing on the entire parcel.

Upon query by Mr. Liebman, Mr. Maitland stated that the Commission would not require pervious pavement for the proposed driveways since they are outside of the 100' buffer zone and it is a minimal increase of impervious surface.

Upon query by Mr. Tidman, Mr. Wilson stated that he is unsure of the location of the existing septic system; it will have to be investigated since Title 5 requires that the system to be abandoned be filled with sand.

Mr. Tidman noted that the existing septic system would have generated minimal flow while the current owners, a retired couple, lived on the property and there will also be less groundwater flow from the two proposed homes since they will tie into the town sewer system.

Upon expressed concern by Ruth Thatcher from 124 Prospect Street, Mr. Wilson reported that there are no proposed grade changes on her side of this parcel and proposed activities should not involve tree removals in that area.

9:30 Hearing no further comments or questions, Mr. Maitland closed the hearing.

#### Decision – 120 Prospect Street

Ms. Adachi moved that the Commission approve the project as presented with the following special condition:

1. The Applicant shall install a row of three-to-four-foot-diameter boulders buried to half their depth. The boulders shall be placed no farther apart than five-feet on center along the haybale-delineated limit-of-work line shown on the Notice of Intent Plan dated May 7, 2008.

The line of boulders shall be placed along the limit-of-work line, beginning at the intersection with the 188-foot contour line on Lot 1 and terminate at the intersection with the 196-foot contour line on Lot 2. No work, grading, clearing, lawn installation or any other activity may occur beyond this line of boulders at any time now or in the future; this area shall remain indefinitely as a "natural buffer".

Mr. Froberg 2<sup>nd</sup>; the motion passed unanimously.

#### MINUTES

Ms. Adachi moved to accept the minutes from May 7, 2008; Ms. Lee 2<sup>nd</sup>. The motion passed unanimously.

#### Decision - 81 River Street - Lots 2A - 2F - Lothrop Mill LLC

Ms. Lee moved that the Commission issue a decision and six Orders of Conditions for 81 River Street (Lots 2A - 2F) for the plans as presented. Ms. Portante 2<sup>nd</sup>, the motion passed unanimously (see file for the decision, findings and special conditions)

10:35 Meeting adjourned.

  
Terrence Maitland  
Chair