

**CONSERVATION COMMISSION
AGENDA
SEPTEMBER 3, 2008**

7:30 Notice of Intent - 170 Willow Street - Sant Bani of Boston (010, 011)
Construction of a storage shed and children's playground within 100' of a wetland.

7:40 Notice of Intent - 107-111 Great Road - Wetherbee Plaza II - L. Bertolami (020 - 023)
Restoration of a degraded bordering vegetated.

8:00 Notice of Intent (NEW) - 44 Great Road - Mobil Oil Corp/Gilbarco, Inc. (030 – 032)
Repairs and upgrades to the existing gas station.

8:15 Notice of Intent - 108 Nonset Path - North Acton Treatment Corp. (040 - 043)
Replacement of a sewer pump station within 100 feet of a bordering vegetated wetland.

8:30 Notice of Intent - 56 Powdermill Road - Wayside Management Corp. - L. Bertolami (050, 051)
Proposed addition to an existing building and construction of a new loading dock within 100 feet of a vegetated wetland and within riverfront area.

8:45 Request for Determination - 6 Proctor Street - Proctor Street Realty Trust - L. Bertolami (060, 061)
Replacement and upgrade of the existing driveway and utilities.

Certificates of Compliance

Audubon Hill (070)
308 Old High Street 85-999 (071)
154 Prospect Street 85-977 (072)

MINUTES

May 21	comments rec'd by	JA, FP	
June 18	" " "	FP, JA, TT	SIGNATURE
July 16	" " "	FP, TT, JA, PL	

**CONSERVATION COMMISSION
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SEPTEMBER 3, 2008**

MEMBERS PRESENT: Terry Maitland, Janet Adachi, Fran Portante, Patty Lee, Linda Serafini, Bill Froberg,

ASSOCIATE MEMBER: Toni Hershey

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea Ristine

VISITORS: John Dittmer, Leo Bertolami, Mark Donohoe, Ben Ewing, Chuck Caron, Anthony Guba, Daniel Wagner, Pat Moore, Michael Coates, Patria Moore, Dan Wagner

7:31 Notice of Intent - 170 Willow Street - Sant Bani of Boston (010, 011)

John Dittmer presented plans for the proposed construction of a storage shed and a children's playground within 100' of a wetland; the proposed shed will be 75' from the edge of wetlands and the proposed playground will be approximately 90'.

7:40 Mr. Maitland closed the hearing.

Decision - 170 Willow Street

Mr. Froberg moved that the Commission issue a standard Order of Conditions, Ms. Portante 2nd; the motion passed unanimously.

7:42 Notice of Intent - 107-111 Great Road - Wetherbee Plaza II - L. Bertolami (020 - 023)

Chuck Caron, from Caron Environmental Consulting, presented plans for the proposed restoration of a degraded bordering vegetated wetland. The proposed improvement will alter 6,173 SF of Bordering Vegetated Wetland (BVW) and an additional 6,689 SF of buffer zone; 2,482 SF of buffer zone will be improved and restored and 1,520 SF of buffer zone will be converted to BVW. Removal of invasive plant species will involve the removal of a minimum of 6" of top soil from the area to be improved and replaced with topsoil that is as weed-seed-free as possible. The planting plan provides a dense amount of herbaceous shrubs that will also be wildlife beneficial; a detailed planting plan is included in the NOI filing.

Upon query by Mr. Maitland, Mark Donohoe from Acton Survey & Engineering reported that there is an Order of Conditions (OOC) that expired before the Applicant finished the original project according to the approved site plan.

Upon query by Ms. Adachi, Mr. Donohoe reported that although the plans reflect other site work this NOI pertains only to wetland restoration. Mr. Caron noted that the wetland restoration should remain as a separate NOI filing; if additional site work were included it would put the project over the 5,000 SF alteration threshold and require greater review.

The Commission felt that the Applicant should submit an amended plan depicting only the wetlands restoration project to prevent any confusion on the specifics of the project within this NOI filing.

Mr. Tidman noted that the previous OOC's for the site have expired and the work was never completed; he also agreed that the wetland restoration project should be separated from the site plan project. Mr. Tidman also asked the Applicant to consider the installation of a guardrail to prevent snow storage and accumulation of salt and sand from being plowed directly into wetlands.

Upon agreement by Mr. Donohoe, Mr. Maitland continued the hearing until September 17 at 7:30 PM to allow time for the Commission to conduct a site walk.

8:10 Notice of Intent (NEW) - 44 Great Road - Mobil Oil Corp/Gilbarco, Inc. (030 – 032)

Anthony Guba from Ayoub Engineering presented plans for the proposed repair and upgrade to the existing gas station. Mr. Guba reported that this is a new NOI filing; the original NOI filed in May, 2008 has been withdrawn. Mr. Guba noted that the Commission had previously inquired about the on-going site remediation, so the Applicant is providing two of the most recent environmental reports submitted to DEP in February & August, 2008; the reports are also on file at the Memorial Library. Mr. Guba noted that the Commission also had expressed concern regarding groundwater treatment and discharge. Mr. Guba gave a brief overview of the existing groundwater treatment system that was installed and is maintained by Groundwater Environmental Services, Inc. (GES).

Mr. Guba reported that the current proposal is not related to the previous groundwater treatment. An environmental consultant will be on site to screen all soils excavated during the proposed site work in case volatiles are encountered. Catchbasins on site will be upgraded to deep-sump hooded catchbasins to control sediment and capture any potential first level contamination prior to entering the infiltration system. The Operation and Maintenance Plan (OMP) addresses future maintenance of the proposed catchbasins; the proposed OMP is typical for the proposed structures.

Upon query by Ms. Lee, Mr. Guba reported that the drainage system is designed for a two-year event or greater.

Upon query by Mr. Maitland, Mr. Guba reported that the proposed project involves minor building/fascia work to the existing building, replacement of existing single-wall underground storage tanks and associated piping components with double-walled tanks and associated piping, which will provide significant improvement to safety and operation of the facility. Proposed sumps under the dispenser tanks will have electronic monitors.

Upon query by Ms. Adachi, Mr. Guba reported that the facility has on-site alarm indicators in case of electronic monitoring failure. GES monitors the facility on and electronically off site.

Patricia Moore, Trustee from Pillar House Condominiums, reported that GES has been responsive and provides information regarding site status and events if any; although some chemical levels don't quite meet the standards, Pillar House is positive about the proposed project.

Dan Wagner from 54 Great Road stated that he feels that the Applicant should be required to conduct a study on this facility and the abutting parcels based on past incidents before being allowed to proceed with today's proposal. Mr. Wagner stated that he feels that Mobil should be required to set money aside for the Town to hire an outside consultant to review the reports and inform abutters of any issues.

Mr. Maitland stated that the existing environmental reports address issues raised by Mr. Wagner and the request is outside of the Commission's jurisdiction. Mr. Wagner disagreed.

8:56 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision – 44 Great Road

The Commission discussed the fact that the appropriate entities are involved with ongoing monitoring and regulations pertaining to Mass Contingency Plans etc.

Ms. Adachi stated that she felt comfortable with the project, given the proposed upgrading of catchbasins and additional information about ongoing monitoring.

9:04 Ms. Adachi moved that the Commission issue a standard Order of Conditions for the plans as presented; Ms. Lee 2nd. The motion passed unanimously.

9:05 Notice of Intent - 108 Nonset Path - North Acton Treatment Corp. (040 - 043)

Ben Ewing from Stamski & McNary presented plans for the replacement of a sewer pump station within 100 feet of a vegetated wetland. The goal is to replace the pump station without taking the system off line. The existing pump station is approximately 32' from the edge of wetlands and the

proposed pump station will be 22' from the edge of wetlands within the existing grass area. This proposed location adjacent to the existing pump station will allow the use of the existing power service to be extended.

Upon query by Ms. Adachi, Mr. Ewing reported that the permit is pending with the Board of Health at this time.

Upon query by Mr. Froberg, Mr. Tidman noted that Section 4.2 of the Bylaw allows for repairs and replacement of a facility servicing the public if it is to be the same capacity; the Bylaw also allows a facility to be closer if it is to be located in a previously disturbed area.

Upon query by the Commission, Mr. Ewing reported that the project should take approximately one week to complete; the pump station services six single-family homes, 33 condominiums, club house and one industrial building.

9:19 Mr. Maitland closed the hearing.

Decision – 108 Nonset Path

Ms. Lee moved that the Commission issue a standard Order of Conditions for the plans as presented; Ms. Serafini 2nd, unanimous.

9:20 Notice of Intent - 56 Powdermill Road - Wayside Management Corp. - L. Bertolami (050, 051)

Mark Donohoe of Acton Survey & Engineering presented plans for the proposed addition to an existing building and construction of a new loading dock within 100 feet of a vegetated wetland and within the inner riparian zone associated with the Assabet River. The proposed addition will be a cantilevered out from the existing building. An application has been filed with the Natural Heritage Endangered Species Program (NHESP) due to the presence of two types of freshwater mussels in the Assabet River. Proposed work along the edge of the bank will be done manually; invasive species will be hand removed from the site.

Upon query by Mr. Maitland, Mr. Donohoe reported that a portion of the adjacent property, 60 Powdermill Road, also owned by the Applicant, has a conservation restriction.

Upon query by Mr. Tidman, Mr. Donohoe reported that the proposed addition will replace a portion of the building that had fallen off; it was not a part of the original historic building.

Upon query by Ms. Adachi, Mr. Donohoe reported that the Applicant will raise the northeast side of the existing building to replace the foundation, construct the proposed cantilevered addition and the loading area.

Upon query by Mr. Maitland, Mr. Donohoe reported that the easement shown on the plan does not line up with the old abutments along the river associated with this parcel.

Upon query by Ms. Adachi, Mr. Donohoe reported that small tree saplings within 10' of the building will be removed to prevent future damage to the building.

9:38 Mr. Maitland closed the hearing.

Decision - 56 Powdermill Road

Mr. Froberg moved that the Commission issue a standard Order of Conditions for the plans as presented; Ms. Adachi 2nd, unanimous.

9:40 Request for Determination - 6 Proctor Street - Proctor Street Realty Trust - L. Bertolami (060, 061)

Mark Donohoe from Acton Survey & Engineering presented plans for the proposed replacement and upgrade of the existing driveway and utilities. Mr. Donohoe reported that the plan submitted with this NOI is based on GIS maps without an actual survey. There is a large wetland as well as some isolated wetlands throughout the site covered under the Bylaw but not applicable under the Wetlands Protection Act. The driveway will remain in the same location, the existing culvert will be replaced

and the Applicant proposes three-foot-wide grass shoulders thus making the driveway 18' wide. Existing overhead utilities will be changed to underground along the proposed driveway replacement. The Applicant proposes to remove the large old trees and intends to maintain the driveway shoulders with semi-annual mowing. The buffer zone includes the driveway for the abutting property, which is between the proposed work area and the wetland.

Upon query by Mr. Froberg, Mr. Tidman described the site as having many pockets of isolated wetlands and high groundwater; proposed activities only involve buffer zone work and the site is relatively flat without a much topographical change.

9:50 Mr. Maitland closed the hearing.

Determination - 6 Proctor Street

Ms. Adachi moved that the Commission find the work as proposed to be within its jurisdiction but will not impact the wetlands with the following special conditions:

- 1) The Applicant shall not remove any trees without the prior approval of the Town Conservation Agent, pursuant to an on-site inspection and individual identification/marking of each tree approved for removal.
- 2) The Applicant shall add any silt fencing or other siltation control that the Town Conservation Agent, based upon a review of on-site conditions may determine to be necessary.

Mr. Froberg 2nd; unanimous.

CERTIFICATES OF COMPLIANCE

Audubon Hill - 85-365 (070) - Mr. Tidman reported that the site has long since been completed and is in compliance. Mr. Froberg moved that the Commission issue a Certificate as recommended by Mr. Tidman; Ms. Lee 2nd, unanimous.

308 Old High Street 85-999 (071) - Mr. Tidman reported that the septic system is in and the site is stable. Ms. Adachi moved that the Commission issue a Certificate as recommended by Mr. Tidman. Mr. Froberg 2nd, unanimous.

154 Prospect Street 85-977 (072) - Mr. Tidman reported that the project is complete and ready for Certificate. Ms. Portante moved that the Commission issue a Certificate as recommended by Mr. Tidman. Mr. Froberg 2nd, unanimous.

MINUTES

Ms. Lee moved that the Commission accept the minutes for May 21, June 18 and July 16, 2008; Ms. Serafini 2nd, unanimous.

Lothrop Mill LLC - 81 River Street – Lot 2F

Mr. Maitland reported that the mill building has been condemned by the Building Commissioner, therefore the restoration project has changed.

Mr. Tidman reported that he and Ms. Adachi have been on site since the building was condemned. The Applicant must replace the foundation. The Applicant assumed that the OOC issued in May for Lot 2F, DEP File No. 85-996, would cover the foundation work but the NOI and NOI plans provided no details and the Applicant did not cover the work in detail during the hearing. A Certificate for work not completed will be needed and a new NOI will be filed for Lot 2F.

10:10 Meeting adjourned.

Terrence Maitland
Terrence Maitland, Chair

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