

CONSERVATION COMMISSION  
MINUTES  
APRIL 6, 2005  
8:00 AM

**MEMBERS PRESENT:** Jeffrey Rogers, Terry Maitland, Cheryl Lowe, Julia Miles

**ASSOCIATE MEMBER:** Janet Adachi

**CONSERVATION ADMINISTRATOR:** Tom Tidman

**RECORDING SECRETARY:** Andrea Ristine

**VISITORS:** Jennifer Shea, Steve Graham, George Dimakarakos, John Bresnahan, Dore' Hunter, Mike Toohill, Jay Peabody

8:00 Mr. Rogers called the meeting to order.

Steve Graham thanked the Commission for putting together a special meeting and for getting out and visiting the Quail Ridge site on April 5, 2005. He reported that Mike Toohill will be handling all on-site environmental monitoring from this point on and Mr. Dimakarakos will be submitting revised water balance calculations to the Commission in a timely manner. After the summer and fall of 2004, when Bruce Stamski was doing the environmental monitoring, most work activities were confined to work outside of the Commission's jurisdictional areas in uplands and around the family center. The applicant is requesting a three year extension of the Order of Conditions, though they are confident that the project will be completed sooner.

Ms. Miles, referring to the environmental monitor's (EM) notes dated 2/20/04, inquired of the status of the water balance calculations, and the status of moving irrigation ponds to different locations. Mr. Graham stated that they will be submitting plans that satisfy the water balance requirement. Mr. Dimakarakos stated that he will have on-site topography done and as-built plans to the Commission by the middle of May, 2005.

Upon query by Ms. Lowe, Mr. Toohill stated that he plans to be on site starting 4/11/05.

Ms. Lowe expressed concern regarding the number of locations that erosion has occurred stating that it needs to be addressed immediately.

Upon query by Ms. Miles regarding Well BE-2, Mr. Bresnahan stated that BE-2 will only be used for monitoring, no water will be pumped from the well. It will only be used as a monitoring well not for irrigation.

Ms. Miles inquired as to how the water monitoring data is being used noting that generally base line data is collected and one works from there. Mr. Bresnahan stated that specifically ortho-phosphate testing is done with multiple samples taken including split samples and duplicates. They expect no negative impact to Nagog Brook or change to the health of the brook with respect to Ortho-phosphate and phosphate.

Mr. Rogers asked that the applicant follow quality assurance and quality control (QA/QC) procedures and to make certain that they are all included in the reports. Total phosphates currently are not included in the reports and should be.

Ms. Miles expressed concern noting that the Commission is looking for information that should have already been submitted under the requirements of the OOC. Based on the site walk, a partial opening of the golf course by June '05 is a very optimistic time frame. Mr. Graham

stated that they will address the Commission concerns stated during the recent site walk immediately.

Upon query by Ms. Lowe regarding total phosphates pertaining to the letter submitted to the Commission by Matt Liebman, Mr. Bresnahan stated that .05 ppb is very low for what they are testing for.

Mr. Rogers stated that the Commission is in a predicament and limited to the Commissioners present at this time regarding QRCC and agreed to have this special meeting and it is obvious that there are many more questions.

Mr. Graham stated that the Commission still has enforcement provisions available but if the Commission could agree to extend the OOC and provide a list of questions they will provide answers. The applicant needs flexibility in the field because the nature of the project is different from development of subdivisions. They will be sure to make the Commission aware of any changes.

Ms. Miles expressed skepticism with trust specifically addressing with the notes submitted by Mr. Stamski over a period of months seeing that one concern of his is over a year old that has not been addressed. Mr. Graham noted that the applicant changed engineering firms in the middle of the project and they feel that they are in substantial compliance with the OOC's. A majority of what was asked has been done and they will have an environmental monitor (EM) in the field. The applicant didn't feel the urgency regarding the absence of the EM since work wasn't occurring at the time.

Ms. Lowe suggested that the Commission approve the Extension Permit, provide a list of items to be addressed, let Mike Toohill set a deadline, and the applicant should aim for the end of April '05 to pull all the information together.

Mr. Rogers agreed that a time table should be set for the outstanding issues.

Upon query by Ms. Lowe, Mr. Rogers stated that the OOC does specify that a plan be provided and details of the plan need to be discussed

Ms. Lowe stated that if a time schedule is set and not met that gives the Commission the option to issue an Enforcement Order.

Upon query by Mr. Maitland, Mr. Tidman reported that town counsel did not like the idea of staggering extension dates between the Town and State DEP OOC.

Ms. Miles expressed concern regarding the siltation into the vernal pool at Fairway 10, noting that Fairways 10 and 18 seem to have issues coming up repeatedly.

Mr. Maitland moved that the Commission issue a three year Extension Permit for the OOC issued for QRCC 85-778. Ms. Lowe 2<sup>nd</sup>.

Discussion: Ms. Lowe noted to the applicant that this is based on the understanding the time lines will be specified.

The motion passed unanimously.

Ms. Miles excused herself from the meeting.

#### Further Discussions:

Ms. Lowe noted that the Water Supply District of Acton has a vested interest in this project and its effects.

The Commission will create a list of the issues that the applicant must address/answer.

Mr. Graham stated to the Commission that Matthew Liebman and Andrew Magee are recused from QRCC discussions for a reason but have a significant level of expertise regarding issues on this site. He is concerned about 'back room' participation with the sitting Commissioners regarding this site.

Ms. Lowe stated that she does not take anyone's expertise as absolute truth. She is learning the issues of water quality on her own for her benefit.

Mr. Graham suggested that Mr. Tidman talk to town counsel; he does not want the Commission to be in situation of being prejudiced and would not want to have to press legal suit against the Commission or any individuals.

Selectmen, Dore' Hunter stated that the Board of Selectmen are concerned if there is any participation of recused members of the commission. Ms. Lowe agreed that she will confer with Mike Toohill as the expert.

Upon query by Mr. Maitland, Mr. Tidman stated that he will have a meeting with Mr. Toohill to go through the list of special conditions and concerns of the Commission.

8:36 Meeting adjourned.

Terence Maitland, Acting Chair  
Jeffrey Rogers  
Chair

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