

**CONSERVATION COMMISSION
FEBRUARY 1, 2006
AMENDED AGENDA**

7:10 Citizens' Concerns – Walter Tetschner RE: 26 Grasshopper Lane

7:15 Notice of Intent - 144 Great Road - Bravery Realty Trust - Powers Gallery
Stamski & McNary: for the construction of a parking lot, walkways, associated grading, drainage and utilities within 100' of wetlands.

7:20 Notice of Intent - 21 Nagog Hill Road - Herbert & Carol Claflin
R. Wilson Associates: for the replacement of the existing sewage disposal system within 100' of a wetland.

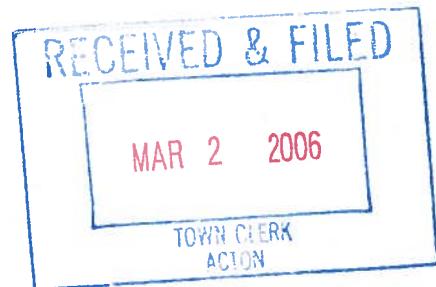
7:30 Notice of Intent - 33 Squirrel Hill Rd - Kristen Rivard
Acton Survey & Engineering: for proposed landscaping within 100' of a wetland.

7:45 Notice of Intent 1 - Woodlands @ Laurel Hill - Recreational Realty Trust
Places Site Consultants: Improvements to Westford Lane, construction of interior driveways and appurtenances; one building in the buffer zone wetland reconstruction for the Woodlands at Laurel Hill project.

Notice of Intent 2 - Woodlands @ Laurel Hill - Recreational Realty Trust
Places Site Consultants: Project is the construction of 64 townhouses of which one building and one drainage outfall are within the 100' buffer to the BVW as shown on Lot 4 of the Woodlands at Laurel Hill project.

MINUTES

January 4, 2006 comments rec'd by JA, ME
January 18 " " JA



**CONSERVATION COMMISSION
FEBRUARY 1, 2006
MINUTES**

MEMBERS PRESENT: Terrence Maitland, Janet Adachi, Julia Miles, Michael Eder, Cheryl Lowe, Linda Serafini, William Froberg

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea Ristine

VISITORS: Walter Tetschner, Mr. & Mrs. Kevin Melia, Russ Wilson, Susan Sullivan, Brian Butler, Mark Brooks

7:10 Mr. Maitland called the meeting to order.

7:10 Citizens' Concerns – Walter Tetschner (abutter) - RE: 26 Grasshopper Lane

Walter Tetschner from 27 Grasshopper Lane expressed concern regarding the active Order of Conditions (OOC) issued for 26 Grasshopper Lane. Mr. Tetschner submitted a letter from both him and Kevin Melia dated 2/1/06.

Upon query by Mr. Maitland, Mr. Tidman reported that he has been to the site recently. Mr. Tidman had also met with Mr. Kaufmann (owner) on site in June 2005 regarding removal of pine trees and the wetlands replication. The site is stable; all erosion control measures are in place, some haybales need replacement. There has been no activity regarding the house construction. The OOC is valid until June 2006. Mr. Tidman also noted that the owner, Mr. Kaufmann has also submitted a letter for the file to the Commission dated January 31, 2006.

Mr. Maitland gave a brief overview to new commissioners regarding the site's history, noting that there were appeals and a lawsuit between the previous owner and the abutters. Allowing the owner additional time under the OOC might be appropriate, given the time taken up by the legal proceedings.

Mr. Maitland stated that the Commission will investigate the abutters' concerns.

Kevin Melia, from 24 Grasshopper Lane, stated that he feels that the site is a mess.

Upon query by Mr. Froberg, Mr. Tetschner stated that he feels that the owner/builder is violating the OOC issued by the Commission. He feels that the builder has ignored the conditions set forth in the OOC.

Mr. Tidman stated that the abutters are questioning the timing of the replication planting. The lot has not been developed as quickly as proposed but all erosion control devices are still functional. Mr. Tidman reported that the wetland replication area was planted during this winter; the mild winter this year had allowed this to be done. Plants for the replication were stock piled in a controlled location and then planted. There has been no construction activity on the house with the exception of clearing.

Mr. Maitland suggested that a site walk be scheduled with some commissioners and the owner/developer.

Mr. Tidman stated that he has been to the site within the past two weeks and technically the owner is still within the one year time frame for the wetland replication planting as specified in the OOC.

Upon query by Mr. Melia, Mr. Maitland stated that it is up to the owner to allow abutters access to the site, not the Commission.

7:15 Notice of Intent - 144 Great Road - Bravery Realty Trust - Powers Gallery

George Dimakarakos from Stamski & McNary presented revised plans dated January 31, 2006 for the construction of a parking lot, walkways, patio, deck, associated grading, drainage and utilities within 100' of wetlands. This house is known as the historic John Robbins House built in the 1800's and will be converted to an art gallery. The rear property line is bound by the old Penn Central Railroad track which will be the site of the future rail trail. Nashoba Brook and associated bordering vegetated wetland (BVW) are located on the opposite side of the rail bed from this property. There is no proposed activity within the 200' riparian zone for Nashoba Brook. All proposed activities will be within existing lawn area. The proposed drainage infiltration bed, retaining wall, 9-stall parking area, patio and walkway will be partially within 100' of wetlands. The closest point of activity from wetlands is 60'. The proposed plan meets all setbacks under the Bylaw. The Board of Selectmen have reviewed the site and a decision is pending. Runoff from impervious surfaces will be collected to an oil sediment separator which will flow to the proposed infiltration bed where it will then be infiltrated for groundwater recharge. The owner/applicant will also be providing a 20' wide pedestrian access easement from Great Road to the future rail trail. The Town will be responsible for the construction the pedestrian path and wetland filing with the Commission.

Upon query by Ms. Lowe, Mr. Dimakarakos reported that post-development stormwater runoff rates will be below pre-development rates.

Upon query by Ms. Lowe, Mr. Dimakarakos reported that existing plantings will remain. New plantings are not proposed over the groundwater infiltration bed because they do not want the root systems to interfere in the future.

7:38 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision – 144 Great Road – Powers Gallery

Ms. Miles moved that the Commission issue a standard Order of Conditions (OOC) for the amended plans dated 1/31/06 as presented.

Mr. Froberg 2nd. The Commission discussed plantings. The motion passed unanimously.

7:40 Notice of Intent - 21 Nagog Hill Road - Herbert & Carol Claflin

Russ Wilson from R. Wilson Associates presented plans for the replacement of the existing sewage disposal system within 100' of a wetland. The site has limited area for a new system. The proposed leaching area will be 95' from the edge of wetlands. The system is designed with a poly-barrier and will also have a pump chamber.

7:42 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision – 21 Nagog Hill Road

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

7:45 Notice of Intent - 33 Squirrel Hill Rd - Kristen Rivard

Mark Donohoe from Acton Survey & Engineering presented plans for proposed landscaping within 100' of a wetland. This lot was filed with the Commission and developed under the previous Bylaw setbacks; construction of the house was recently completed and received a Certificate of Compliance. The new owners of the property would like to extend the back yard to the 50' no-disturb setback under the current Bylaw. Due to the steep slope at the rear of the house the owners are proposing a low stone retaining wall. They also propose Barberry plantings along the boulder line. If the Commission would allow it they also would like to make a further modification, not shown on the NOI plan, extending one section of the backyard to inside the 50' setback so that the backyard edge would be straighter instead of simply paralleling the wetland line; the additional change would not meet the current Bylaw setbacks.

Upon query by Mr. Eder, Mr. Donohoe reported that the plan, as shown, meets the current Bylaw setbacks.

Upon query by Ms. Miles, Mr. Donohoe stated that the original limit of clearing was established by the builder as a convenience at the time of construction, at a time when the builder could have received permission from the Commission to clear vegetation up to 25' from wetlands under the Bylaw then in effect, but did not do.

Upon query by Ms. Miles, Mr. Maitland stated that the proposed plan as shown is within the Applicant's rights under the current Bylaw.

Upon query by Ms. Lowe, Mr. Donohoe reported that due to the steep slopes in the left side-yard and shady conditions a grass lawn will not survive. The owners therefore propose planting this area with a ground cover and shrubs, along with installing the proposed one-foot high stone wall.

Upon query by Mr. Froberg, Mr. Donohoe reported that he estimates that 300 cubic yards (cy) of soil will be needed to fill in the proposed extension of the back yard.

Upon query by Mr. Tidman, Mr. Donohoe reported that heavy equipment will be brought in through the left side of the property to do the work.

Upon query by Mr. Eder, Mr. Donohoe reported that the left side yard is very steep and will erode so the owners are proposing the herbaceous groundcover, shrubs and the short stone wall to help stabilize this area.

Upon query by Mr. Eder, Mr. Tidman stated that the potential for erosion on this lot is fairly high and he feels that this proposal will be an improvement.

Upon query by Ms. Lowe, the owner Ms. Rivard stated that she has no intention of installing formal irrigation on the property.

Mr. Maitland noted that the informal request for additional permission to fill within the 50' setback to straighten the line of the back yard complicates the proposal but the plan as submitted and presented is permissible under the Bylaw.

Upon query by Ms. Miles, Mr. Donohoe reported that the owners will use silt fence, sand bags and woodchips for erosion control until the disturbed areas are stable.

Upon query by Mr. Froberg, Mr. Donohoe reported that there will be a four-foot change of elevation at the rear of the lot but it will be blended to existing contours at the property line.

Ms. Lowe suggested using a different ground cover than what is proposed on the plan because the proposed groundcover eventually will spread into the resource area. Ms. Lowe suggested a choice of plans that would be more appropriate for the resource area such as Hay Scented Fern.

8:20 Hearing no further comments or questions, Mr. Maitland closed the hearing.

The Commission tabled decision until later in order to continue with scheduled agenda items.

8:21 Notice of Intent 1 - Woodlands @ Laurel Hill - Recreational Realty Trust

Sue Sullivan from Places Site Consultants gave a overview of the site and noted that the Applicant has filed two separate NOI's for the proposed development of the 38 acres in Acton. NOI 1 involves the proposed apartment buildings and is for the proposed improvements to Westford Lane, construction of the interior driveways and appurtenances; one building in the buffer zone wetland reconstruction. Since the proposal is being developed under a Comprehensive Permit both NOI1 and NOI2 are filed with the Conservation Commission under the Wetlands Protection Act only.

A total of eight buildings including 296 apartment units and club house are proposed. There will be two access points from Nagog Park Drive and Westford Lane with booster stations for water service at both ends and a sewer pump station on Westford Lane. The site has wetlands and drainage issues. The Applicant modeled the site with bare soils and as a wooded area. The design meets the requirements for a two-year storm. Detention basin C will be a forebay to pretreat before runoff enters into Basin D. Basin D will be a sediment forebay during the construction process. Basins I, J, K and L area located in areas already disturbed. They will be adding a controlled outlet structure at Westford Lane to match the flow rates for different storms and a grate over the outlet structure will allow overflow to go under the road instead of over. This was provided in the design because storm runoff did overtop Westford Lane during December 2005.

Upon query by Mr. Froberg, Ms. Sullivan reported that the detention structures (constructed wetlands) were designed in accordance with Finding of Fact #12 of the ORAD issued by the Commission on December 3, 2003; and will be preserved long-term in the tributary drainage basin. A construction sequence plan is provided in the NOI filing. Basin D will be used during construction for filtration. The previous site disturbance shows that colonization of wetland vegetation will do well and they will be providing wetland soils since none currently exists below the silt on site. Ms. Sullivan also reported that the wetlands soils will be created with clean loam so that the seeds of invasive plant species such as phragmites and loosestrife will not be in the soils to start with.

Upon query by Mr. Froberg, Ms. Sullivan reported that Basin C will likely have to be cleaned out with the passing of time. This responsibility will be included in the O&M Management Plan for the property management company and property owners. The reconstructed wetland basins will be located within the conservation restriction area so the Commission will have the ability to detect and monitor any issues.

Ms. Sullivan reported that the site will be serviced with the existing Acton water main within Nagog Park Drive the water main within Westford Lane will be extended with a booster station, in addition to looping through to Nonset Path. They will be tying into the Littleton water main (located within Great Road) to serve the proposed development.

Upon query by Mr. Tidman, Ms. Sullivan reported that the offsite improvements have to be completed before occupancy permits can be issued for the first building. Off site improvements will happen in the early part of the construction phase.

Ms. Sullivan reported that activities associated with the water line extension will be 15' from the edge of wetlands at the closest point.

Ms. Sullivan also reported that there is an existing cast iron pipe that will be replaced, with the same 12" size, connecting two separated wetlands on the fire access road off of Nagog Park Drive. Mr. Butler noted that the watershed in this area is not large and flows from west to east.

Upon query by Ms. Lowe, Ms. Sullivan reported that the steep slopes may have to have hydro seed or an erosion mat, everything else will be loamed and seeded with a wetland seed mix. An erosion mat will also be used in the water travel ways.

Upon the request of the Commission, the applicant agreed to continue the hearing in order for the Commission to conduct a site walk at the water main connection.

9:38 Hearing no further comments or questions, Mr. Maitland continued the hearing until February 15, 2006 at 7:30 PM.

9:39 Notice of Intent 2 - Woodlands @ Laurel Hill - Recreational Realty Trust

Sue Sullivan from Places Site Consultants presented plans for the proposed construction of 64 townhouses of which one building and one drainage outfall are within the 100' buffer to the BWV as shown on Lot 4 of the Woodlands at Laurel Hill project.

Ms. Sullivan noted that the project has been filed as two separate NOI filings since the project has two types of developments that may not be built at the same time. A pool identified as Spoon Pool, in Westford, is a vernal area that Blue Spotted Salamanders have been found. Brian Butler of Oxbow Associates worked out the 31.4 acre conservation restriction that encompasses the vernal pool areas and wetland area on Lot 4 and then wraps around the townhouse development. Only Building Units 26 – 28 are within the 100' buffer zone. Respecting the setbacks for structures under the Bylaw as much as possible; they located Detention Basin P to that its berm will be more than 75' from the edge of wetlands. Due to the slopes on this site runoff has the potential to gain velocity and cause erosion so they added two man holes and flared riprap at the outlet; the overflow pipe is the only thing that doesn't meet the Bylaw at this location.

Upon query by the Commission, Mr. Butler reported that there are no rare or endangered species within the conservation restricted land located in Acton; there are also no vernal pools located within the Acton portion of the property.

Upon query by Mr. Tidman, Mr. Butler reported that there is significant habitat behind Units 1 – 16. Ms. Sullivan noted that this area will be demarcated in the field with a retaining wall that will be eight to ten feet in height in some areas which should make it protected status clear. Mr. Tidman expressed concern that landscapers will dump debris in this sensitive area.

Upon further query by Mr. Tidman, Mr. Butler reported that there is a 200' undeveloped area around the vernal areas with very steep grades and the 34 acres of conservation-restricted land is adjacent to Westford Conservation Land.

Ms. Lowe asked if there is preconstruction migratory habitat movement. Mr. Butler reported that a majority of the migration is within 100' of the wetlands with dependent variables. This is a terrestrial landscape at large. To enhance the shallow ponding area is dependent on rainfall because it does not cut into groundwater.

Ms. Lowe suggested that it may be of value for the Commission to set a condition regarding landscape management noting no use of pesticides on the site adjacent to the resource areas.

Mr. Tidman stated that he would like to see more detail in the buffer area regarding the proposed patios.

Upon query by the Commission, Ms. Sullivan stated that the Commission can issue a decision on the NOI filing before MEPA issues their decision.

Mr. Tidman asked the applicant if it is realistic to assume that the construction of the second phase (NOI 2) would start within the three years for which the Order of Conditions is valid for. David Hale stated that there is a high probability that the second phase will start before the apartment construction (NOI 1) is complete.

The Commission asked for more detailed information for the proposed work behind Units 26-28.

Mr. Tidman suggested that there be stone or granite monuments to demarcate the limit of disturbance in the field such as the ones used on another site in Acton on Railroad Street.

Ms. Lowe questioned the large use of American Ash noted on the planting plan; American Ash is more susceptible than Green Ash to various issues and disease. Ms. Sullivan stated that she would pass this information on to the landscape architect.

Upon agreement by the applicant, Mr. Maitland continued the hearing until February 15, 2006 at 7:30 PM.

The Commission will conduct a site walk on February 8, 2006 at 4:00 PM.

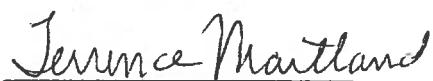
Decision - 33 Squirrel Hill Road

Ms. Miles moved that the Commission issue a standard Order of Conditions for the plans as filed, dated January 16, 2006 with the following special condition:

- 1) All proposed plantings will consist of native and or indigenous (non-invasive) species. A plant list shall be resubmitted for review and approval by the Commission or its agent prior to planting.

Ms. Lowe 2nd; unanimous.

10:45 Meeting adjourned.



Terrence Maitland
Chair