

CONSERVATION COMMISSION
OCTOBER 21, 2009
AGENDA

- 7:15 Request for Red-Line Change - 98 Newtown Road 85-1018 (010)
- 7:20 Notice of Intent - 98 Newtown Road - Landscape Design Inc. (020 - 021)
Proposed removal of four trees, landscaping and upgrade of an existing gravel parking area within 100' of wetlands.
- 7:25 Request for Determination - 358 Great Road -Thomas Buckborough Associates (030)
Proposed construction of a gravel access road within riverfront area and construction of a gravel storage area within 100' of wetlands located at 358 Great Road.
- 7:30 NOI - Continuation - WAVE

MINUTES

October 7 - forthcoming

CONSERVATION COMMISSION

MINUTES

OCTOBER 21, 2009

COMMISSIONERS PRESENT: Janet Adachi, Fran Portante, Bill Froberg, Patty Lee,

ASSOCIATE MEMBERS: Toni Hershey

NATURAL RESOURCES DIRECTOR: Tom Tidman

RECORDING SECRETARY: Andrea Ristine

VISITORS: George Dimakarakos, Terra Friedrichs, David Howe, Carol Holley, Angela Kearney, Thomas Buckborough, Paul Messina, Mathias Rosenfeld

7:21 Request for Red-Line Change - 98 Newtown Road - 85-1018 (010)

George Dimakarakos, from Stamski & McNary, stated that the owners have changed their plans for the replacement of the existing wetland crossing. The original plan was to remove the culvert and provide retaining walls with a proposed truss bridge. At this time, the owner wishes to exclude the proposed bridge, construct retaining walls with the associated culvert crossing, repave the driveway as originally proposed and install stone guard-walls, keeping the culvert without a bridge crossing; the existing wooden guard rails will be removed.

Upon query by Ms. Adachi, Mr. Dimakarakos reported that the crossing would remain within the same footprint but there will be less impact and activity within the buffer zone. The new red-line change is significantly more cost-effective.

Upon query by Mr. Tidman, Mr. Dimakarakos reported that once the culvert crossing is completed the Applicant will work on a planting plan; some existing vegetation will be replanted, lawn will be allowed to re-naturalize and the planting plan will provide for total re-stabilization of the slopes.

David Howe, contractor, stated he intends to use a wetland seed mix.

Mr. Tidman stated that the invasive plant species can be replaced with specific native plantings and he will work on an acceptable planting plan with the Applicant.

Ms. Lee stated that a planting plan for the entire area would be desirable.

Upon query by Mr. Froberg, Mr. Dimakarakos stated that this red-line change will involve less disturbance than the original approved plan, and that haybales will be provided on both sides of the crossing as shown on the plan. The proposed activity will not affect the intermittent stream channel and will not need to be done during the dry season as work will be above the existing culvert. The new retaining wall will be poured concrete.

Mr. Howe stated that the installation of the proposed retaining walls should take approximately two-and-a-half weeks. Installation will be done from the surface of the existing driveway with no disturbance to wetland. The invasive plant species are mostly bittersweet which will be removed with minor disruption to wetlands around the proposed retaining walls. The Applicant will provide a planting plan once the disturbed areas are stabilized.

Decision - Red-line Change – 98 Newtown Road

Mr. Froberg moved to accept the red-line plan as presented, Ms. Lee 2nd; unanimous.

7:35 Notice of Intent - 98 Newtown Road - Landscape Design Inc. DEP File No. 85-1031 (020 - 021)

Mr. Dimakarakos presented plans for the proposed removal of four trees, landscaping and upgrade of the existing gravel parking area within 100' of wetlands. The edges of the existing gravel parking area will be restored, some existing boulders will be moved and native plantings will be used.

Upon query by Mr. Froberg, the contractor, David Howe, reported that the four white pines located to the north of the house are in compromised condition and also inhibit the ability to stabilize the existing slope; the slope will be re-graded at a less steep elevation. The existing boulders will be relocated and used to help stabilize the slope.

Upon query by Ms. Portante, David Howe stated that the parking area upgrade will involve replenishing the gravel surface, re-grading, and outline it with granite cobble stones. The size of the driveway will be reduced to allow the stabilization of the slope with less disturbance in the buffer zone. Grading of the parking area will allow storm runoff to pitch away from wetlands.

Upon query by Ms. Lee, Mr. Howe stated that 60% of the on-site drainage north of the house is towards the gravel parking area. Only four pine trees will be removed along with the other invasive crab grasses and bittersweet. Mr. Dimakarakos stated that the existing 3:1 slope will be softened by 50% and the parking area is a few feet above groundwater.

Upon query by Mr. Froberg, Mr. Howe reported that there will be some machine work but most of the work will be by hand.

Ms. Lee requested that a landscape/planting plan using native plant species be submitted by the Applicant.

7:48 Hearing no further comments or questions, Ms. Adachi closed the hearing.

Decision – 98 Newtown Road

Ms. Lee moved that the Commission issue an Order of Conditions for the plans as presented with the following special conditions:

- 1) All slopes within the buffer zone requiring re-grading shall be stabilized and seeded with a conservation mix.
- 2) A planting plan detailing the number and type of native plants to be used to replace invasive species shall be submitted for approval by the Conservation Administrator prior to commencement of work.

Mr. Froberg 2nd; unanimous.

7:49 Request for Determination - 358 Great Road -Thomas Buckborough Associates (030)

Angela Kearney from Minglewood Designs presented plans for the proposed construction of a gravel access road within riverfront area and construction of a gravel storage area within 100' of wetlands located at 358 Great Road. The site consists of two commercial buildings (music school and architectural office) with paved and gravel parking areas. Most of the property is within the 200' riverfront area of Wills Hole Brook with a steep slope upwards towards the buildings and Great Road. The proposed activities will be within the existing lawn area; no other vegetation will be removed for the proposed project. The Applicant wishes to add a ten-foot wide gravel access drive (800 s.f.) within the 100-200' riverfront area and a gravel storage (900 s.f.) area within 0-100' riverfront area and wetland buffer zone with a small portion within the 75' wetland setback. The project should take approximately two days. Siltation prevention is not proposed due to the existing grades with the proposed area of activity. Excavated materials will be removed from the site at the time of excavation. Proposed mitigation will be the installation of a 4,200 s.f. rain-garden (see planting plan) which will include native trees, shrubs, and perennials. The proposed rain-garden will reduce mowing and capture drainage from the existing asphalt and gravel drive on the east side of the property. The proposed gravel drive will have limited access only to the Applicant and will have a chain barrier; the Applicant has no future intention of paving the proposed gravel drive or storage area.

Upon query by Ms. Adachi, Ms. Kearney reported that the proposed storage area will be for work equipment. Currently a storage container is located on the existing driveway which will be moved onto the proposed storage area once completed; the goal is to turn the property/building into a green-resource research business.

Upon query by Ms. Portante, Ms. Kearney stated that using porous pavers instead of the proposed gravel surface is cost-prohibitive for this project. The proposed gravel surface will be a sufficient base

to maintain drainage. The proposed storage area will be a shallow excavation with 12" compacted blue-coat gravel and ¾" pea-stone that will be slightly lower than the existing grade without an edge.

Upon query by Mr. Tidman, Ms. Kearney stated that only tools and supplies will be stored in the storage area and container; no gasoline or contaminants will be stored on the property. Currently existing supplies and equipment are stored on-site a under a tarp.

Upon query by Mr. Froberg, Ms. Kearney stated that the storage units are containers without footings. Mr. Froberg stated he would prefer that the storage area be located outside of the 75' wetland setback. Ms. Kearney stated that the Applicant could move the storage area outside of 75' setback but one challenge would be maneuvering vehicles around since the drive is as feasibly narrow as possible.

Upon query by Ms. Portante, Ms. Kearney stated that runoff from Great Road will be directed to the rain-garden to mitigate vehicle pollutants; the gravel access-drive and storage area will have immediate infiltration. Drainage pipes can not be installed due to the existing grades.

Ms. Lee agreed with Mr. Froberg stating that she would prefer that the storage area be located outside of the 75' setback, although it may compromise the size of the proposed rain-garden.

Upon query by Mr. Tidman, Ms. Kearney stated that the proposed rain-garden will not be a complex design; the grass layer will be removed and plants will be placed in pocketed areas within the existing sandy soils. She does not feel that the rain-garden will need a complex base layer.

8:10 Upon request by the Commission, Ms. Kearney agreed to continue the meeting until later this evening in order to make a red-line change to the plan showing the storage area located outside of the 75' setback.

8:11 NOI - Continuation - 525-541 Mass Ave / 3-7 Spruce St. - West Acton Village Ecology (WAVE) 85-1028

Ms. Lee expressed some concern regarding the landscape and rain-garden planting plans. Ms. Lee's experience with *Spirea japonica* is that it is invasive and she would like to see a substitute for this plant in the planting plan. Mr. Dimakarakos stated that the Applicant would be amenable to a special condition.

Ms. Lee noted that a few plants referenced on the plan are not cross-referenced in the key-code; some clarifications need to be made.

Upon query by Ms. Adachi, Mr. Dimakarakos noted that the west side of the site has a significant snow storage area along on Rt. 111; the east side is tight and steep but has a paved area between the barn and dumpster where snow can be stored to drain through the drainage system. Snow would have to be hauled off site after a major storm event.

At Ms. Adachi's request, Carol Holley read an email that Barry Rosen sent to the Commission this evening (10/21/2009 at 5:52 PM – see file) with a list of concerns pertaining to the project design.

Ms. Holley recalled that the plaza at Routes 2A & 27 has monitoring wells in specific locations on that site and suggested that WAVE be required to do something similar.

Upon query by Ms. Adachi, Ms. Holley reported that Barry Rosen is on the Water District's Water-Land Management Advisory Committee and the Town's Water Resources Advisory Committee.

Upon query by Mr. Froberg, Mr. Dimakarakos reported (as referenced in Mr. Rosen's letter to the Commission) that there may be new stormwater regulations released by the EPA in 2010; the Town's Zoning Bylaw does not currently have regs from an EPA perspective. The proposed project complies with DEP's stormwater regulations and the Town's groundwater protection area regulations. The EPA's proposed regs are a window into the future; this proposal complies with the current regulations "today."

Mr. Dimakarakos addressed questions raised in Barry Rosen's email dated 10/21/09:

1) Yes, water will reach wetlands after treatment through the drainage system.

- 2) Yes, treated stormwater will be collected from impervious areas.
- 3) Yes, the stormwater treatment system is addressed and well documented within the drainage specifications.
- 4) Sheet 7 of 8 outlines the maintenance & monitoring schedule.
- 5) The owner will be responsible for maintenance of the system, as stated on Sheet 7 of 8.
- 6) A monitoring report schedule is not required but the Applicant is amenable to a special condition in the OOC if issued by the Commission.
- 7) Terms of monitoring – a perpetual maintenance plan is part of the system; the Commission could issue enforcement order if maintenance standards are not met.

Upon query by Mr. Froberg, Ms. Lee stated that the Commission could create a special condition similar to a requirement on another site on River Street.

- 8) Change of use within the village would be under the Building and Health Department's purview; it is not within the Commission's purview as it is not site-work related. Mr. Dimakarakos noted that Ms. Lee inquired on this topic at the previous hearing and it was addressed 10/7/09.

Terra Friedrichs stated that she feels that "future discharge could violate future standards." Mr. Tidman stated that the Town Engineering Department reviews drainage calculations to ensure current standards are met.

8:44 The Commission tabled this hearing to continue with 358 Great Road.

Request for Determination - Continuation - 358 Great Road

Upon query by the Commission, Ms. Kearney stated that the Applicant does not want to cut into the slope since it would create a need for a retaining wall, thus causing more disturbance within the buffer zone. Ms. Kearney presented a red-line change, signed and dated 10/21/09, to the plan showing a different footprint of the proposed gravel storage area.

Ms. Lee stated that she would prefer that the Applicant not create any 'open' stockpiled construction materials (soils, stone, wood) that are not kept within the storage containers within the buffer zone or resource area.

8:47 Hearing no further questions or comments, Ms. Adachi closed the meeting.

Determination - 358 Great Road -Thomas Buckborough Associates

Mr. Froberg moved that the Commission find the work as presented to be within its jurisdiction but will not impact the resource areas with the special condition that: No construction materials (e.g., soils, stone, wood, etc.) shall be placed within the wetland buffer zone or resource area except those materials stockpiled within the enclosed storage containers to be located on the proposed gravel driveway. Ms. Portante 2nd, unanimous.

8:49 Continuation - NOI - 525-541 Mass Ave / 3-7 Spruce St. - WAVE - 85-1028

Upon query by Ms. Friedrichs, Mr. Dimakarakos stated that the Commission can require a special condition that the Applicant submit an annual monitoring report that addresses the operation maintenance plan.

Ms. Lee affirmed Mr. Dimakarakos' previous statement that Mass. DEP stormwater regulations are being met with the design plans as submitted.

Upon query by Mr. Froberg, Mr. Dimakarakos reported that "monitoring" of the drainage system is an accepted set of best-management practices for basins, rain gardens, etc.; removal of 80% of total suspended solids (TSS) is required before stormwater is discharged outside of the drainage system, and the standards assume most contaminants are caught with the system as designed. If the facilities are built correctly and maintained the expectation is that the standard is being met.

Upon query by Ms. Friedrichs, Mr. Tidman noted that the existing older homes' septic systems within this design proposal are in a degraded situation and this proposal will upgrade the situation. Mr.

Dimakarakos also added that Acton's Board of Health has high standards pertaining to septic systems and the Health Department monitors and tests the streams in Acton.

Upon query by Ms. Friedrichs regarding discharge to the stream, Mr. Dimakarakos stated if the drainage system is built according to the standard it will function as required.

Ms. Friedrichs stated that she feels that once constructed the system should be tested to be sure it meets the standards.

Mr. Dimakarakos continued addressing questions raised in Barry Rosen's email dated 10/21/09:

- 9) The owner/applicant will pay for maintenance of the stormwater drainage system devices and records will be kept on-site; annual reports can be submitted for the file.
- 10) The Stormceptor is only one part of the entire system proposed for treatment of drainage and designed for a 100-year storm. The proposed drainage system does not rely on any single one device through the entire system. The system as proposed is over-designed for the proposed needs; the infiltration basin alone will remove 80% of the TSS.
- 11) A performance bond is utilized during the construction process. The performance guarantee is the issuance of an occupancy permit which requires a certified as-built plan, then, there is a Certificate of Compliance that can only be issued by the Conservation Commission.

Upon query by Ms. Lee, Mr. Dimakarakos affirmed that the construction work is covered by a performance bond but does not cover the site after construction. The Building Dept. has a procedure that can require a bond on unfinished parts of a project within an allowed time-frame.

Upon query by Ms. Friedrichs, Mr. Dimakarakos stated that other comments can be submitted during the Site Plan Special Permit process.

Ms. Lee noted to the public that if any significant changes are made to the plan the Applicant will need to file for an amendment with the Commission.

Ms. Friedrichs asked if it is in the best interests of the Town to allow work within the buffer zone. Ms. Adachi stated that the proposed project before the Commission is considered redevelopment of an existing disturbed area and proposes improvements to existing conditions. Mr. Froberg added that the proposed work is within the Commission's jurisdictional area so Commission review is necessary but the work need not be prohibited.

Upon query by Mr. Froberg, Mr. Dimakarakos reported that there is very little increase of impervious surfaces from current conditions.

Upon query by Ms. Adachi, Mr. Dimakarakos reported that 525 Mass. Ave. currently has no stormwater treatment but will with this proposal.

9:25 Hearing no further comments or questions, Ms. Adachi closed the hearing.

Decision - 525-541 Mass Ave / 3-7 Spruce St. - WAVE - 85-1028

Ms. Portante moved that the Commission issue an Order of Conditions with the following special condition: the Applicant shall submit an annual (stormwater treatment/drainage system) maintenance report to the Commission, in a format acceptable to the Commission, until the Commission determines and notifies the Applicant that the annual report is no longer required.

Ms. Lee 2nd, the motion passed unanimously.

9:30 Meeting adjourned.



Terrence Maitland
Chair

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