

**CONSERVATION COMMISSION
MINUTES
OCTOBER 7, 2009**



COMMISSIONERS PRESENT: Terry Maitland, Janet Adachi, Fran Portante, Bill Froberg, Patty Lee, Toros Maksoudian

ASSOCIATE MEMBERS: Toni Hershey

NATURAL RESOURCES DIRECTOR: Tom Tidman

RECORDING SECRETARY: Andrea Ristine

VISITORS: Kanayo Lala, Bruce Ringwall, Stephen Demarco, George Dimakarakos, Mathias Rosenfeld, Terra Friedrichs

7:15 Notice of Intent - 420 Great Road - Richmond House Condominiums (010)

Kanayo Lala presented plans for the proposed repair of an existing culvert at the Richmond House Condominiums driveway entrance crossing Wills Hole Brook. The culvert entrance was constructed in the 1960's. The original corrugated metal pipe has corroded, collapsing and creating a sink hole in the paved driveway surface. Currently a one-inch steel plate has been placed over the sink hole. The Applicant will cut a three-foot wide trench where the corroded pipe will be replaced with a 36" high-density polyethylene (HDPE) plastic pipe; the new pipe will be placed slightly below existing grade and partially buried with a combination of crushed stone and sandy soils placed inside the bottom of the new culvert pipe to provide a habitat soil layer as recommended by US-EPA National Pollutant Discharge Elimination System (NPDES).

In response to a written letter from the abutting property owner of Le Lyonnais, Mr. Lala reported that the proposed work will not change the flow of Wills Hole Brook and should have no impact to abutting properties.

Upon query by Mr. Maitland, Mr. Lala reported that Wills Hole Brook is usually dry June through November.

Upon query by Mr. Froberg, Mr. Lala reported that the Applicant may need to pump water from the ponding area to do the replacement, with the water to be diverted downstream from the work area.

Upon query by Mr. Maitland, Mr. Lala reported that the proposed work should take approximately two days to complete and the disturbed roadway area to be repaved is approximately 9' x 24'.

Upon query by Mr. Tidman, Mr. Lala reported that the 'under water' trench work will involve approximately 72 sf of disturbance.

Upon query by Ms. Adachi, Mr. Lala reported that the ponding area adjacent to the culvert was dredged 11 years ago. Silt has resettled into the pond again and he would, if allowed, like to continue maintenance of raking the pond area.

Mr. Tidman noted that the work described in the NOI as written is for the culvert work only and not the pond area.

7:34 Hearing no further comments, Mr. Maitland closed the hearing.

Decision - 420 Great Road - Richmond House Condominiums

Ms. Adachi moved that the Commission issue a standard Order of Conditions for the Notice of Intent as written/submitted; Mr. Froberg 2nd, the motion passed unanimously.

7:35 Notice of Intent - 159-163 Nagog Hill Road - Bernard Haan, Nagog Hill Road Trust

Owner: J. Hudacheck DEP File No. 85-1030 (020-021)

Bruce Ringwall from Goldsmith, Prest & Ringwall presented plans for the proposed replacement of the existing culvert and installation of new water and natural gas services for a proposed single family dwelling within an existing common driveway serving 159 and 163 Nagog Hill Road (NHR). The existing water service will be upgraded from a one-inch to a two-inch main. The existing house at 163 NHR, located outside of the 100' buffer zone, will be razed and a new house will be constructed outside of the 100' buffer zone. Work activities within wetlands and buffer zone are limited to the area of the driveway culvert near NHR. The existing 12" corrugated metal culvert will be replaced with a 12" HDPE maintaining the same invert elevations this fall or next summer. The existing driveway will be resurfaced at current width and grades next summer.

Upon query by Ms. Adachi, Mr. Ringwall reported that the potential vernal pool near the proposed work has not been investigated but there is no work activity proposed other than the driveway as described.

Upon query by Mr. Maitland, Mr. Ringwall reported that the proposed resurfacing of the existing common drive and extension of the driveway to 163 NHR will be coordinated with the owners of 159 NHR up to the seam of their driveway entrance.

Upon query by Ms. Lee, Mr. Ringwall reported that the proposed trench work for the utilities will be approximately three feet wide and five feet deep; stockpiling of excavated materials will be on the side of the paved surface and will be back-filled daily.

Upon query by Ms. Portante, Mr. Ringwall reported that proposed construction of the new house will start around the end of October, 2009 and completed next summer, once the house is completed the driveway resurfacing will take a approximately two days.

7:46 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 159-163 Nagog Hill Road - DEP File No. 85-1030

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

7:47 NOI - Continuation - 37 Stoneymeade Way - DEP File 85-1024 (030 & 031)

The Commission received a supplemental letter dated 9/29/2009.

Owner, Stephen Demarco presented a revised plan dated 10/6/2009, noting that the proposed addition has been moved to comply with the setbacks required under the Bylaw.

Upon query by Ms. Portante, Mr. Tidman reported that the engineer added a stone drip-line trench around the proposed addition.

7:54 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 37 Stoneymeade Way - DEP File 85-1024

Ms. Lee moved that the Commission issue a standard Order of Conditions for the amended 10/6/09 plan as presented; Ms. Adachi 2nd, unanimous.

New Commissioner!

Mr. Maitland welcomed Toros Maksoudian as a full commissioner; upon query by Mr. Maitland, Mr. Maksoudian noted that he is an environment scientist with Camp Dresser & McKee.

7:58 Notice of Intent - 525-541 Mass Ave & 3-7 Spruce St. - W.A.V.E. - 531 Mass Ave. LLC

West Acton Village Ecology (WAVE)

George Dimakarakos from Stamski & McNary introduced plans for the proposed construction of a multi-use facility with associated parking, drainage, utilities and septic system with 100' of wetlands and riverfront area associated with Fort Pond Brook.

Mathias Rosenfeld reviewed the existing conditions of the site noting that the proposal will transform several existing properties, including The Offices of Michael Rosenfeld into a location with a more public-village atmosphere. The project has a conditional permit from the Board of Selectmen (BoS).

Audience (and BoS) member Terra Friedrichs noted that the BoS's permit is "very conditional."

Mr. Rosenfeld noted that the south-facing buildings are designed to take advantage of passive/active solar and provide a historic village setting. The current public playground has limited parking; the WAVE proposal will provide nine new parking spaces for the playground. Several existing buildings will be relocated and renovated to provide office/retail space and allow access to the proposed rear 'under building' parking area. All existing old buildings that are to remain in place will be lifted to allow construction of new foundations. The Applicant still plans a public cultural element although the funding for the originally planned theater has been withdrawn. (Renderings of the proposed village were presented.)

Mr. Dimakarakos presented the plans pertaining to wetlands, grading, drainage and utilities plan, noting that the wetlands and riverfront area follow along the rear of the site; the recently constructed parking area and associated drainage structures were permitted by the Conservation Commission through OOC, DEP File #85-847.

Upon query by Mr. Maitland, Mr. Dimakarakos reported that the Applicant has not yet requested a Certificate of Compliance for the completed work under DEP File # 85-847.

Mr. Dimakarakos noted that the proposed planting plan includes significant plantings along slopes, buffer zone, riverfront and along Mass Ave. Mr. Dimakarakos also noted that he prepared and submitted an alternative analysis at the request of DEP.

Upon query by Mr. Froberg, Mr. Dimakarakos reported that a sewer system for the village is unfeasible. Activities proposed to the east of the site were not included in the OOC for File # 85-847; most of the newly proposed activities will occur in this area and he feels that the proposal meets the interests of the Act and Bylaw.

Upon query by Mr. Maitland, Mr. Dimakarakos reported that based on multiple meetings with town staff, including the Board of Health (BoH), the Applicant has added sewage-disposal-system treatment. The BoH suggested that the Applicant file with the Commission before the BoH permitting process. Currently there are several existing septic systems serving the separate properties encompassed within this proposal, including leaching pits and a cesspool with no advanced treatment, all of which are to be removed and tied into the proposed sewage disposal and treatment system.

Upon query by Ms. Lee, Mr. Dimakarakos reported that the proposed treatment system will not change depending on what tenants and uses the multi-use facility attracts; as different uses or businesses are introduced to the facility, their needs will result in adjustments to the allowances for the remaining unoccupied areas.

Upon query by Mr. Froberg, Mr. Dimakarakos reported that the closest activity to wetlands will be within currently filled wetlands, for the removal of the existing shed (located behind 525 Mass Ave.)

Upon query by Ms. Lee, Mr. Dimakarakos reported that the existing haybales in place currently are depicted on this new site plan.

Upon query by Ms. Adachi, Mr. Rosenfeld reported that assuming all permits are in place, proposed activities will commence in the spring of 2010, in phases, starting with temporarily moving the buildings onto the existing parking lot in order to rebuild the foundations then continuing with the larger phase of the project.

Upon query by Mr. Maksoudian, Mr. Rosenfeld reported that the first phase (rebuilding foundations of buildings to remain in place) should take approximately 18 months.

Upon query by Ms. Lee, Mr. Dimakarakos reported that the closest point of grading activities will be 25' from the edge of wetlands.

Upon query by Ms. Adachi, Mr. Rosenfeld stated that the principal owners of the proposed project will be responsible for the management and maintenance of the drainage system.

Upon query by the Commission, Mr. Dimakarakos stated that the amount of impervious surface would increase by about twenty-five percent (25%), but that the treatment of stormwater also would improve.

Upon query by Mr. Maitland, Mr. Dimakarakos reported that the Acton Engineering Department will be reviewing the site plan; if amendments are deemed necessary, then the Applicant will come back to the Commission for appropriate amendments.

Upon query by Mr. Maitland, Mr. Rosenfeld reported that he has met with Acton Citizens for Environmental Safety (ACES), but he has not had any feedback from this group.

At the request of Ms. Friedrichs, Mr. Maitland requested that the Applicant continue the hearing in order for additional information and/or questions to be submitted to the Commission pertaining to stormwater management.

Upon query by Mr. Tidman, Mr. Rosenfeld reported that he has met with abutters to the site, they were notified prior to the recently finished construction activities and also received the required notice of this public hearing.

Upon query by Mr. Tidman, Mr. Dimakarakos stated that the Applicant has met with the Fire Chief prior to this hearing and it is his understanding that an additional emergency access entrance will not be required.

Upon query by Mr. Tidman, Mr. Rosenfeld reported that the proposal still includes restaurant space; the overall intent of the entire project remains the same as in File # 85-847 but the project has been scaled back, with a shift toward rentable space given that the donor of the intended theater has backed out of the project due to the current economy. The Applicant wishes to receive all Town permits prior to entering into the process with Mass Highway.

Upon query by Mr. Portante, Mr. Dimakarakos reported that the proposed expansion of available parking at the Gardner Field playground will involve requesting that Mass Highway move the threshold of the state highway to the east of the project site in West Acton, with the Town taking control of the newly local portion of Rt. 111 as the State does not allow on-street parking on a state highway.

Upon query by Mr. Maitland, Mr. Rosenfeld and Mr. Dimakarakos agreed to continue the hearing until October 21, 2009 at 7:30 PM.

Certificate of Compliance - 10 Centennial Lane (pka Lot 2A Renwick Way) 85-979

Based on the recommendation of Mr. Tidman, Ms. Adachi moved that the Commission issue a Certificate for 10 Centennial lane; Mr. Froberg 2nd, unanimous.

98 Newtown Road - 85-1018

Mr. Tidman reported that the owners of 98 Newtown Road wish to reconsider their approved wetland crossing which would result in reduced disturbance within the resource area and buffer zone. The Commission agreed that the owners could request a red-line change.


DEP Site Walk - Pacy Land - 41-43 Central Street

Mr. Tidman informed the Commission that there will be a site walk with a representative from DEP pertaining to the appeal filed by the abutter Joan Apkin.

MINUTES

Ms. Portante moved that the Commission approve the minutes for August 19 and September 2, 2009; Ms. Lee 2nd, unanimous.

9:20 Meeting adjourned.


Terrence Maitland, Janet K. Adachi.
Chair Vice Chair

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