

CONSERVATION COMMISSION
MINUTES
NOVEMBER 30, 2005

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TOWN CLERK
ACTON

MEMBERS PRESENT: Terrence Maitland, Cheryl Lowe, Janet Adachi, Julia Miles, Mike Eder, William Froberg

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea Ristine

VISITORS: Isabelle V. Choate, Sue Sullivan, Lou Levine, Dave Hale, Bill Murray, Dan Hill, Joel Kahn

6:40 Mr. Maitland called the meeting to order.

Woodlands at Laurel Hill

The Commission reviewed and discussed previous Conservation Commission letters sent to the Board of Appeals (BoA) and the Executive Office of Environmental Affairs (EOEA) in 2004 regarding the Environmental Notification Form.

Sue Sullivan from Places Site Consultants, Inc. reviewed the site's issues and the proposed development changes since the original plan was shown to the Commission in 2004. The subsurface detention basins have been removed from the original proposal. The latest plan has a similar entrance road but changes from the original plan. The size and configuration of the apartment buildings at the top of the hill have changed significantly. The wetland side (west side) of the entrance road still has grading but the northwest parking area has changed. The buildings in this area are still relatively in the same location. There is a planting plan for the 'reconstructed wetlands'. As per discussions with Mr. Tidman the wetland plantings proposed are diversified and will be submitted to the Commission with the NOI filing. She noted that the 2003 ORAD identified "constructed wetlands" which will be reconstructed wetlands previously started on site years ago. There will be a net increase of approximately 300 s.f. of wetland area compared to the previously disturbed as reconstructed wetlands. In an effort to have stormwater from the street drainage polished as much as possible before entering the on site wetlands, and all drainage will first enter forebays before entering the "constructed wetlands".

Upon query by Mr. Tidman, Ms. Sullivan reported that conservation easements as previously discussed, which might not be respected with the passage of time, so the Applicant is proposing a deeded conservation restriction with a row of boulders at the toe of slope. Their drainage calculations at the top of the hill are bare soil versus pavement. Their drainage analysis shows a minor decrease in the rate of runoff but the Applicant believes that the drainage system will still maintain current rates of runoff to the isolated wetlands to the south. The Applicant believes that the analysis proves that the detention basins will work; the future NOI filing will prove that all stormwater quality issues are addressed.

Attorney Dan Hill from Anderson Kreiger noted that it seems the Commission satisfied with the basic plan.

The Commission will advise the BoA in writing of their opinion, including any concerns not yet addressed. The Commission continues to be concerned regarding proposed setbacks from

wetlands that do not comply with the Bylaw. The BoA will rely on the Commission's recommendation on any the variances under the Bylaw.

The Commission asked that the applicant's representative provide a list of where their plan does not comply with the Bylaw.

Attorney Lou Levine from D'Agostine Levine & Parra noted that representatives have met with Commission staff and the assigned Commissioner, Andy Magee, on several occasions addressing setbacks and previous concerns noted in the letter from the Commission to the BoA dated December 2004.

Mr. Eder stated that he does not feel that the Commission has received a list of requested waivers and the explanation of why they are needed by the Applicant for this development.

Upon query by Ms. Lowe, Ms. Sullivan reported that the Applicant will need waivers for the 50' and 75' setbacks under the Bylaw for the wetlands reconstruction to the west.

Upon query by Mr. Eder, Mr. Tidman noted that the partially completed detention structures exhibit wetland characteristics and will be reconstructed with the forebays detention/polishing basin structure through which runoff will be directed before entering the wetlands. This will provide better control and will be an improvement to the existing conditions of the reconstructed wetlands into which silt currently flows with no controls.

Ms. Sullivan noted that the existing entrance road currently has erosion problems. The Applicant will be creating a narrower road than originally proposed that will be 25' from Wetland Basin D at its closest point.

Bill Murray from Places Site Consultants reported that the existing grades of the entrance road and basin slopes will be unchanged.

Ms. Sullivan noted that the proposal is a significant improvement to water quality from the existing silty conditions in the ponding areas due to erosion conditions. Rebuilding the drainage in this area and controlling runoff to prevent erosion is improving the net function of the entrance road. They will be removing uncontrolled erosion conditions.

Upon query by Ms. Miles, Ms. Sullivan reported that the roof runoff from Unit 10 will be clean runoff for groundwater recharge.

Upon query by Mr. Eder, Bill Murray noted that the Engineering, Fire and Police Departments mandated that the Applicant construct a secondary access. The configuration shown with the secondary access road behind Unit 11 is the only one feasible that meets the departments' requirements.

Upon query by Ms. Miles, Mr. Tidman noted that improvements to the existing secondary access road are permitted under 10.53 of the Act and is permitted under the Bylaw since it currently provides access to a construction yard.

Upon query by Ms. Miles, Ms. Sullivan reported that the steep slopes will have guardrails along the roadway.

Bill Murray also noted that the wetland area shown on the plans on Lot 2 will be included with the land to be put under a conservation restriction.

Mr. Tidman noted that there is nothing in the conservation restriction that would preclude the creation of a path for passive recreation purposes.

Upon query by Mr. Eder, Mr. Tidman noted that the existing conditions near Unit 11 are non-complying preexisting conditions. The old unfinished basins currently have silt and allow silt into the wetlands and a gravel road exists. The site as it exists has stockpiled loam and gravel. The proposed building units and parking areas meet the setbacks under the Bylaw.

Bill Murray stated that the area currently resembles a moonscape and this proposal will improve the water quality to the wetlands.

Dan Hill asked if the consensus of the Commission is that they are comfortable with the current proposal.

Bill Murray asked that the Commission's letter to the BoA be clear that its opinion is based on the preliminary information provided at this time and the NOI filing provide details that the Commission will review thoroughly.

Mr. Maitland stated that he is impressed with the changes shown in the plans from what was originally proposed and how the Applicant would improve existing conditions.

Ms. Lowe stated that the Commission will expect more details and all concerns expressed will be addressed within the NOI filing process.

Upon query by the Commission, Mr. Murray stated that the Applicant will file the NOI once the Acton Engineering Department approves the plans and not before.

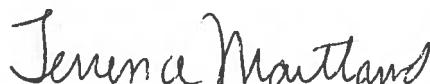
Upon query by Mr. Eder, Mr. Hill stated that the Acton Engineering Department should be sufficient as a third party review.

Mr. Eder stated that he would like the Applicant to file the written material from the other parties (Engineering, Planning, Fire and Police etc.) to be submitted within the NOI filing documentation.

Ms. Lowe volunteered to draft the letter from the Commission to the BoA and asked that all Commissioners' comments or questions to be included in the letter be submitted to her.

7:40 Discussion ended.

Meeting adjourned.



Terrence Maitland
Chair

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