



Acton Conservation Commission
Meeting Minutes
August 21, 2019
7:15 PM
Acton Town Hall, 472 Main Street
Acton, MA 01720
Room 204

Present: Terry Maitland, Amy Green, Jim Colman, Suzanne Flint

Absent: Zywia Chadzyska, Tim McKinnon, Carolyn Kiely

Recording secretary: Fran Portante

Regular Business

7:15 Request for Determination: 5 Ticonderoga

Applicant Kenneth Zuckerman for a project at 5 Ticonderoga Road, town atlas plate G1, parcel 49. The project is the replacement of a failed septic system. Work will occur within 100 feet of wetlands.

Kyle Richie from Civil Solutions Inc. presented for the applicant. He described the area, noting that wetlands wrap around the back of the lot. The sewage disposal system is in the front of the house and the entire lot is within the 100 ft buffer. The current septic system has failed title 5 and must be replaced. The leaching field is outside the 75 but within the 100 foot buffer. A new tank will be installed 55 feet away from wetlands. Wattles and silt fencing will be installed for sedimentation and erosion control, at their closest point being 48 feet from wetlands. The new system will be installed in the same area as this existing one. The Board of Health has already approved the plan. Mr. Richie noted that driveway was flat and there would be no run off from that area and wattles would not be needed. A Geomat leaching system is being installed, which is small and requires less disturbance.

Decision: Ms. Green moved to issue a Negative 3 determination, meaning, work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent. Mr. Colman seconded the motion and the vote was unanimous.

7:30 Request for Determination: 4 Tenney Circle

Applicant James Babish for a project at 4 Tenney Circle, (Town Atlas Plate I-3, parcel 64-29). The project is the installation of a 2 foot by 2 foot concrete foundation for a ham radio antenna. Work will occur within 100 feet of wetlands..

Mr. Babish presented the project to the Commission. He would like to install a ham radio antenna in his yard. Tom Tidman, Natural Resources Director and Conservation Agent, met with him at the property and reviewed the area. He assisted him in creating the application request. Mr. Babish was asked about the placement of the concrete pad. The area is 75 feet away from a detention basin. The Building Inspector requires a 35 foot set back. Taking into account



the garden area, this is the only place in the yard that is suitable. Ms. Green asked if the area was sloped and Mr. Babish said that area is level, but is above the level of the on-site pond. He would like to install the pad in the fall. When asked about the fill that will be removed, he said it would be redistributed across the existing lawn. Ms. Green asked if he would consider installing wattles for erosion control around the pond. Mr. Babish said the pond area was in a naturalized setting, ducks frequently swim there, and blueberries grow around the edges. There is a natural buffer which should be sufficient. When asked about the steepness of the slope down to the pond, he responded that it wasn't very steep at all, and that he could drive a tractor across the area.

Decision: Mr. Colman moved to issue a Negative 3 determination, meaning, work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent. Ms. Flint seconded the motion and it passed unanimously.

7: 45 Notice of Intent: 6 Spencer Road

Daniel Goose for a project at 6 Spencer Road, town atlas plate G-2, parcel 6. The project is the replacement of a failed septic system, razing of a detached garage and the construction of an addition to the existing dwelling. Work will occur within 75 feet of wetlands.

Kyle Richie from Civil Solutions presented for the applicant. The proposed work area is between the 75 and 100 foot buffer zones. There are two existing driveways, one off of Spencer Road and the other off of Lothrop Road. The driveways are being removed and the Lothrop driveway, currently 23 feet from wetlands, is being moved to 25 feet from wetlands. Mr. Colman asked if those distances were approximate and Mr. Ritchie assured him they were accurate and would not deviate from the plan. The proposed addition will be 25 feet from wetlands. Straw wattles and silt fencing will be installed for erosion control. New and old impervious areas will be about the same, no net gain. The garage will be attached to the house and the existing deck entrance will be removed. The work will occur on lawn area, and an area for stockpiling removed fill has been designated. Mr. Tidman had flagged the wetlands.

The new septic system is a Geomat Leaching System. This requires a 2 foot elevation above ground water as opposed to older systems requiring 4 feet. An annual inspection is required and it must be recorded on the deed.

The project is expected to start in the fall.

Decision: Ms. Green moved to issue a standard Order of Conditions, Mr. Colman seconded the motion and it passed unanimously.

8:00 Notice of Intent: 90 School Street and 4 Piper Lane

Stephen Paquette, Piper Lane LLC, for a project at 90 School St. and 4 Piper Lane (town atlas plate H3-A, parcel 17, 3-2, & 3-1). The proposed project is the construction of a 28 unit townhome style development with associated roadway, utilities and stormwater control facilities. A portion of the property is within 100 feet of wetlands.



Bruce Ringwall of Goldsmith, Prest and Ringwall, Inc., presented for the applicant. He presented information on the history of the project. The original submission to the Board of Selectman and the Acton Housing Commission had raised concerns about a number of design elements (see the list of materials at the end of this document with links to the actual documents presented). The new design is proposing 28 units, rather than 40, two story buildings rather than four stories, better floor plan design, and reducing the access road to 1,060 feet. In addition, no homes are to be located on School Street, the available open space has been increased to 4.26 acres, with 2.59 acres (more than one-third) adjacent to Great Hill, and a dedicated and permanent connection to an existing trail network is included.

There will be eight 2 bedroom units, and the remaining will be 3 bedroom units. Seven of the units will be “affordable.” There will be a turnaround at the end of the 1,060 ft. drive. The project consists of 8 buildings, one of which, a 3 unit building, is within 100 feet of wetlands.

Mr. Ringwall included a detailed description of the Stormwater Management Plan, using low impact development BMPs, according to the Town of Acton’s Chapter X Stormwater Management guidelines. He described the Constructed Wetlands, a key component of the SMP. For this project, the “Pocket” design will be used. (See link to supporting documents.)

The Constructed Wetlands are adjacent to the natural wetlands. It has the advantage of not needing regular maintenance. Sediment builds over time and eventually it becomes self-sustaining wetlands. A trail surrounds the retention basin. Boardwalks will also be installed as well as fences and railings for safety. A potential vernal pool is located off site, though no work is proposed within the 100 foot vernal pool buffer or within 100 feet of wetlands.

Ms. Green asked if there was only one infiltration basin not near the wetlands. Mr. Ringwall pointed out that there were basins at all the point sources which feed into the forebay and into the Constructed Wetlands. He showed photos of a site in Andover. He pointed out that these structures were included in the BMP Guidelines since 2006.

A number of questions came up about the vernal pool. It had been flagged by Mr. Tidman and Bettina Abe, but had not yet been submitted for certification. No other vernal pools were noted. The project does not impinge on the 100 foot vernal pool buffer. Mr. Colman asked how the Constructed Wetland is better than the existing natural wetland systems, and Mr. Ringwall conceded that, while it may be the best SWM, it is not better than what exists naturally.

A number of abutters, about 20, were in attendance and presented questions to the Commission and Mr. Ringwall. Alissa Nicol asked the Commission to state the purpose of the meeting. Mr. Maitland explained the Commission’s jurisdiction is wetlands, and the Applicant is seeking an Order of Conditions granting approval for the project under the Wetlands Protection Act with certain conditions according to State and Federal guidelines. However, because the project is being developed as a 40 B, it is exempt from the conditions of the Town of Acton Bylaw.



Jeff Horman, expressed concern over sodium contamination of the wetland from snow cover melt. Ms. Nichol again expressed concern over the jurisdictional limitations. Also she reported her research had suggested that a 100 foot buffer for vernal pools was insufficient to adequately protect the wildlife and that sufficient access to uplands was important for year round wildlife sustainability. Bruce responded to questions about the placement of the Constructed Wetlands. He stated that the design was due to the number of units and the appropriate soil conditions in that area. The density of the development drove the need for a sophisticated drainage system.

Other concerns raised, from abutters, was the potential for flooding, the need to explore federal regulations more thoroughly for possible funding. Asked about the size of the detention basin, Mr. Ringwall said it was one half acre. Questions were raised regarding the vernal pool and it's proximity to the property boundary. Ms. Abe stated that she had just checked the location the day before this meeting. It is located more than 100 feet from the property edge. Asked if the outlet pipe from the Constructed Wetlands could be moved to the other side, Mr. Ringwall pointed out that the discharge pipe isn't going directly into wetlands but has a range to dissipate.

Mr. Maitland asked if there were any examples of Constructed Wetlands in Acton. Mr. Ringwall said there may possibly be one at NARA. They have been around for a while, since the 2006 Storm Water Act. Mr. Maitland stated he would like to actually see one. Mr. Ringwall agreed to provide addresses of several. An abutter again raised concerns about "unintended consequences" since there is so much wetness on the property.

Mr. Colman asked if the road would be public or private. Mr. Ringwall said it would be a private road. Mr. Colman asked that attention be paid to prohibiting the use of road salt since that would drain into the wetlands.

Ms. Green provided a list of follow-up questions and information requests to Mr. Ringwall centered primarily on the construction and impacts of the Constructed Wetland . A partial list follows:

What are the buffer zone impacts?

What are the hydrology impacts?

Show cross section of Constructed Wetlands (CW).

Provide construction sequence.

What is the impact of doubling peak volumes?

How is Constructed Wetland being protected from sediment?

Where are test pits and analysis points?

Show exhibit plan of C51 with potential vernal pool and cross section.

How will site be protected over winter?

Provide more detail on riprap.

What salt and sand material will be used?

Can you provide the regulation that exempts 40B from municipal bylaws?

Can you provide language from the Army Corp that states they don't regulate vernal pool impacts unless a project is in a wetland?



Hearing is continued to Sept 18, at 7:30PM.

Special Business None

Consent Items

Certificates of Compliance:

Bruce Freeman Rail Trail Phase I: 85-1449: not ready

Mr. Colman moved to issue Certificates of Compliance for the following Projects: 144 Prospect Street, DEP No. 85-1233; 146 Prospect Street, DEP No. 85-1234; 148 Prospect Street, DEP No. 85-1235; and 150 Prospect Street, DEP No. 85-1236. Ms. Green seconded the motion and it passed unanimously.

Approval of Meeting Minutes:

Minutes of the Conservation Commission meeting of July 17, 2019 were reviewed and approved by a vote of 4-0.

Adjournment

At 9:45 p.m., it was moved and seconded to adjourn the meeting.

Terry Maitland
Chairperson

Documents and Exhibits Used During this Meeting:

Request for Determination filing for 5 Ticonderoga Road

Request for Determination filing for 4 Tenney Circle

Notice of Intent for 6 Spencer Road

Notice of Intent for 90 School Street and 4 Piper Lane Condo Development

“Powerpoint” Presentation of proposed development with emphasis on Stormwater Management

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-10613>