



**Acton Conservation Commission**  
Meeting Minutes  
September 18, 2019  
7:00 PM  
Acton Town Hall, 472 Main Street  
Acton, MA 01720  
Room 204

**Present:** Terry Maitland, Amy Green, Jim Colman, Suzanne Flint, Carolyn Kiely

**Absent:** Tim McKinnon, Zywia Chadzynska

Natural Resources Director: Tom Tidman

Recording Secretary: Fran Portane

*Note: 150 Pope Road, 75 spruce and 7 Elm St., 22 Cowdrey Ln and 90 School St./Piper Lane were continued from their original scheduled hearings of the Sept. 4 Conservation Committee Meeting which was canceled due to lack of quorum.*

**Regular Business**

**7: 00 Notice of Intent: 150 Pope Road (continued)**

Applicant Nora McMillan, for a project at 150 Pope Road, (town atlas plate: F5, parcel 55). The applicant is proposing new landscaping within the 100 foot Buffer Zone and the 50 foot No Disturb Zone. The plan includes the removal of a select number of trees, as well as replacement, relocation, and limited installation of landscaping plants.

David Cowell, of Hancock associates, presented for the applicant Nora McMillan. Also present was Elizabeth Morss, architect, and Greg Gould, Project Manager. Mr. Cowell described the existing conditions. The property is surrounded on three sides by wetlands. The scope of work is primarily vegetation management, upgrading existing landscaping. Plantings are well maintained, and there is a mulched area adjacent to the driveway. The applicant would like to have a driveway turnaround constructed, and would like to use the existing mulched area for the turnaround. There is an existing stonewall and a firepit. She would like to add patio stones around the firepit. It's planned that 4 small pines that are spindly and dying would be removed, as well as the burning bush adjacent to the driveway. A new light post would be installed next to the driveway near the entrance to the property from Pope Road. Wiring will be brought out to the post by trenching along the driveway. The existing terrace will be removed and will be replaced by a stepping stone path. Existing ornamentals will be refurbished.

Ms. Green asked if there would be any excavating, and the response was that some gravel would be added to the drain. Mr. Colman asked if the other side of the driveway could be used, and Mr. Cowell said that side was all wetlands and was less than 10 feet from the property line. There is no plan to clear any vegetation on that side of the driveway. Mr. Tidman had walked property. The entrance is currently a grassed area and will remain so. The gravel turnaround is to be 20 by 20 feet. When asked if they were planning to park cars on the mulched area, the applicant stated that parking was only allowed on the driveway.

**Decision:** Mr. Maitland moved to issue a standard Order of Conditions with one special condition that no parking would be allowed on the mulched/gravel area for any future occupants. Ms. Green seconded the motion and it passed unanimously.

**7:20 Resource Area Delineation: 75 Spruce Street and 7 Elm Street (continuance)**

*Applicant Acton-Boxborough Regional School District has filed for a project at 75 Spruce St and 7 Elm Street, (town atlas plate E2, parcels 247 & 247-1). The Applicant is seeking confirmation of the delineated wetland boundaries including Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, and the Mean Annual High-Water Line of Fort Pond Brook.*

Paul McManus from EcoTec Inc, presented for the applicant, the Acton-Boxborough Regional School District. Fort Pond Brook, a perennial stream, runs between the two schools, and there is also Bordering Land Subject to Flooding. Mr. Colman, Ms. Kiely and Ms. Flint had all attended a sitewalk of the property with Mr. Tidman. The Gates side of the property has no “lawn” wetlands, but the Douglas property has wetlands right up to the edge of, and within, the lawn area. Mean Annual High Water was flagged and surveyed along the Douglas (Elm St.) side. Most of the area was field delineated, though some aerial photos were used for Riverfront delineation. None of the flagging was in question, and there was no need for a second walk.

Mr. Vanderhoff, from 4 Houghton Lane asked if this hearing would include a discussion of the impacts of the proposed project. Mr. Maitland responded that the hearing was to approve the delineation of resources areas and there would be no discussion of the project.

**Decision:** Ms. Green moved to approve the BVW, Flood-plain and Riverfront delineations; Mr. Colman seconded the motion and it passed unanimously with 5 votes.

**7:30 Request for Determination: 22 Cowdrey Lane (continuance)**

*James Morin for a project at 22 Cowdrey Lane (town atlas plate: E3, parcel: 95-3) for the replacement of a failed septic system. Work will occur within 100 feet of wetlands.*

James Morin, applicant, from North East Classic Engineering, presented the project to the Commission. The plan has been approved by the Board of Health. The system is in failure. The owners, James M. Allison and Kathleen A. Donnellan, will be upgrading the system. A Geomat leaching field system will be used, requiring no mounding, and no grade change. This is a gravity fed system, and no pump will be needed. The system is more than thirty years old. The new field will be placed in the same location as the current system, which is on the right side of the house. The owners are planning to sell, so this upgrade of the system is important. The conservation plan, originally submitted, will be amended to show erosion control line and the limit of work. Work is to begin immediately.

**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, subject to the following condition: the applicant will submit updated plans showing the erosion control line and the limit of work. Mr. Colman seconded the motion and it passed unanimously.

**7:45 Request for Determination: 4 Valley Road**

*Applicants Michael and Patricia Estabrook for a project at 4 Valley Road, town atlas plate I-3, parcel 33. The work consists of replacing a failed sewage disposal system. The proposed leaching area is outside the 75 foot buffer but within the 100 foot wetland buffer zone.*

Kirk Fitzpatrick, from Civil Solutions, presented the project for the applicants. The system is sized for three bedrooms. The property failed Title 5 inspection. They will be installing a Geomat system, which requires only 2 feet above the water table, minimizing the change to grade. The existing leaching field is 86 feet from BVW. The new field will be placed on existing lawn area and no work will be conducted in the 75 foot buffer zone. The existing tank will remain in place and be crushed and filled. The system has been approved by the Board of Health.

**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 it was passed unanimously.

7:30 **Notice of Intent:** 90 School Street and 4 Piper Lane (continuance)

*Ms. Kiely noted that, while she missed the last meeting when this Hearing had been presented, she is familiar with the filing, having participated in the site-walks and read all the materials associated with the project.*

Bruce Ringwall provided and discussed the following additional information requested from the Commission at the 8/21/2019 meeting:

- Stormwater Analysis points are shown on the Pre and Post watershed plans (attached to the Stormwater Reports and sent to the ACC immediately after the 8/21 hearing)
- Pages 36 to 49 of the Stormwater Regulations, Volume 2 / Chapter 2 regarding the different types of Constructed Stormwater Wetlands (CSW)
- Address and plan location of a CSW on a site in North Andover
- Percentage numbers relative to the Constructed Stormwater Wetlands (CSW)
- Exhibit plan with potential vernal pool (VP) and cross section added to Sheet C5.1
- Detail sheet C8.3 showing the construction specifications of CSW, the size and dimensions of the various level spreaders and detail of the CSW
- Test pit logs and locations shown on sheet C6.1
- Hydrology budget for down gradient wetlands
- Construction sequence of CSW and road salt (provided in memo dated 9/11/2019)

[This material has been stored on docushare and can be accessed via the following link:  
<http://doc.acton-ma.gov/dsweb/View/Collection-11416>]

Mr. Ringwall reviewed all these items in detail. No work is proposed within 100 feet of the vernal pool. The Constructed Stormwater Wetlands (CSW) will cut through the seasonal high groundwater table, which is necessary for constructed wetlands. The constructed wetland will not reduce the amount of groundwater reaching the wetlands. During construction, the earthen berm and pool area within the CSW will serve as a BMP measure. Fine silty materials are useful in CSWs to help hold stormwater. He also explained the construction sequence for the CSW, noting that 4 to 6 inches of topsoil are added to the CSW to promote plant growth. He reviewed the constructed volumes for the CSW and contended that more water gets to the wetlands post-construction but that the additional water to the wetland is not an issue. He also said that the construction of the CSW is very straightforward and contractors can just follow the "menu". Ms. Green questioned this given the exact water depths they need to attain and how field conditions may require adjustments.

Ms. Kiely asked where the 50 foot buffer ran and Mr. Ringwall said it ran right through the middle of the CSW. Ms. Green noted that it appeared the upper portion of the wetlands will receive less groundwater and surface water post construction. Mr. Ringwall said base flow would not be affected by the introduction of a CSW. Mr. Colman commented that there was no analysis of the impact on wildlife and the wetlands if there is more water for a longer period of time. Mr. Ringwall contends there will be no impact because the rate will be the same, even though the volume will double.

Judy Katchluck noted that water from the CSW would not be the same as the current runoff because it would be runoff from roofs and driveways, so the quality of the water would be impacted. The natural runoff would be changed no matter what the claim. Mr. Ringwall contended it would not be impacted.

Jeff Horner on 13 Piper Rd also asserted that ground water would change. And, since everything has to be altered, the wetlands will be disturbed.

Gail Mooney noted that there was a natural stream flowing down the site and asked what was the effect on the surrounding areas?

Jeff Corwin, in agreement with the above, also contended that the water table will be reduced and flow-through rates will be changed resulting in an increase in flow to the wetlands. All wetlands around the vernal pool, if and when it's certified,

become a resource. He noted that there was construction right up to the edge of wetlands. There needs to be more modeling of groundwater in this area.

Michaela Moran read a peer review from Patrick Garner, a wetland scientist and hydrologist (included in the references). She also had more questions about 40B regulations.

Mr. Colman pointed out that 40B projects are exempt from local bylaws.

Ms. Moran would like to see the ZBA consider these issues.

Judy Werner presented photos of storm events in recent years (also included in the references). She noted that water currently comes down heavily near her home and is worried about the impact of the development on her property.

Alisa Nichol researched CSWs and said some of her findings were in direct contradiction to Mr. Ringwall assertions. Her sources stated that CSWs should not be used to control runoff during construction. Remediation metrics were not very positive, indicating that the effectiveness of CSWs for the removal of pollutants declines in winter and fall and there is little run off in summer, so they would be most effective in spring. Based on her findings, she questions the benefits of the CSW. She thanked Natural Resources for applying for Vernal Pool Certification. She noted that amphibians on her property were seen much further away from the VP than the 100 foot buffer.

Terra Friedrichs asked if the Commission would say "no" to the project given the current design. The Commissions response was that they were still discussing the project and had not made a determination to approve or deny the project.

There was discussion of how the process with Town approval occurs given that this is a 40B project.

Mr. Ringwall said he would like to review the documents presented at the meeting. Ms. Kiely suggested the Commission conduct their own peer review. Mr. Colman expressed a concern about the impact of this project on wetlands and wildlife.

The hearing was continued to October 16, at 7:30 PM. (Time was later adjusted to 7:40 due to scheduling conflicts.)

#### 9: 15 **Request for Determination:** 471 Great Road

*Applicant William E. Douglas Jr. from Cascade Designs, for a project at 471 Great Road, town atlas plate C4, parcels 19-1 and 19-3. The project is the removal of trees and minor grading in a wooded area within 200 feet of the riparian zone of a brook; limited filling in the vicinity of a catch basin; raising the catch basin to limit ponding in the area; and installation of a fence along the property line between apartments on Sachem Way.*

Pamela Brown of Brown and Brown P.C., represented the applicant. Mr. Douglas purchased the Acton Carpet building and lot and would like to turn the property into a nursery. The entrance to Sachem Way runs inside his property line. Acton Housing authority owns and manages the housing development in the rear. The wetland resource area is on the other side of Great Road. The determination request is for three activities: 1. tree cutting; 2 grading; 3. installation of a fence. The existing condition is a wooded area that contains many invasives. The applicant wants to clear the area, regrade some of it and turn into nursery. Grading is proposed to level areas that are uneven. No new fill is being introduced. There is a catch basin that will be raised somewhat and a stockade fence proposed along the edge of the property line for esthetics.

Mr. Colman questioned the reason for leveling. This area is not in the buffer zone. The Lawn area will be lifted and regraded. The contractor for Sachem Way is working with the applicant to redesign the road way to prevent runoff onto this property. The catch basin to be raised runs under Sachem Way. Ms. Green noted that there should be erosion control around the catch basin area during construction.

**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, subject to the following condition: a silt sack or similar erosion control will be installed over the catch basin. Ms. Kiely seconded the motion and it was passed unanimously.

9:30 **Request for Determination:** Acton Water District, Main Street and Post Office Square  
*Applicant Acton Water District for a project at Post Office Square and the existing Conant II well: (town atlas plate E4, parcels 47-1 and 47-4.) The proposed project involves the construction of the Central Acton Water Treatment Plant, the repurposing of an existing water main and the installation of a new water main along Post Office Square, and the lining of an existing water main along Main Street. Some work will occur within the 100 foot buffer zone of bordering vegetated wetlands.*

The Project Engineer from Wright-Pierce provided some background for the filing. An analysis of the site indicated it was not up to regulations. Chuck Carron, principal of Carron Environmental Consulting, explained the project to the Commission. It was originally expected that an NOI was required, but as the project developed, they determined that the impact on surrounding wetlands was minimal. They were able to repurpose an existing 6 inch water main pipe for the new plant. A new distribution pipe will be installed and the new Central Acton Water Treatment Plant will be constructed on the site of the existing Conant II Well and pump station. All work to construct line or repurpose water mains will take place within roadways. The driveway to the well site is within already disturbed road shoulders, and no culvert replacement or alteration is proposed and no directional drilling necessary. Therefore, most work falls outside of the resource area

**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 it passed unanimously.

**Special Business:** Michaela Moran, 80 School Street; Easement for 34 School Street.

Ms. Moran came to the Commission on the advice of the Open Space Committee. She was seeking advice and direction. Currently a right of way (ROW) runs through the edge of her property. The town owns it but has never used it. In addition, the parcel is not being maintained, is overgrown with invasives and is unsightly. Ms. Moran would like to purchase the property from the town to secure it permanently, so the town cannot decide in the future to exercise their right to access.

The Commission provided the following three suggestions for inquiry that can assist her:

1. What is the source of the funding used to purchase the property?
2. Is the ROW part of Conservation Land?
3. Discuss the situation with Town Counsel through the Town Manager.

## Consent Items

### Meeting Minutes:

The meeting minutes from the Conservation Commission's meeting of **August 7, 2019** were reviewed and approved by a vote of 5 to 0.

August 21, 2019: pending

**At 10:10 p.m., it was moved and seconded to adjourn the meeting.  
The motion was approved unanimously.**



Terry Maitland  
Chairperson

## **Documents and Exhibits Used During this Meeting**

- NOI filing for 150 Pope Road
- ANRAD for 75 Spruce St. and 7 Elm St.
- RDA Filing for 22 Cowdrey Lane
- ANRAD filing for 75 Spruce and 7 Elm St. Twin Schools Project
- RDA filing for 4 Valley Road
- NOI filing and additional requested documents for 90 Schools Street and 4 Piper Lane (see reference above)
- Letter from Patrick Garner
- Photos from Judy Werner
- RDA filing for 471 Great Road
- RDA filing for AWD, Conant II Well

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-10615>