

Acton Conservation Commission
Meeting Minutes
Virtual Meeting
July 1, 2020
7:15 PM

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

Absent: Tim McKinnon

Natural Resources Director and recording secretary: Tom Tidman

Virtual Meeting: Host: Fran Portante

Regular Business

3:00: Terry Maitland read the virtual meeting guidelines.

3:05 Request for Determination: 155 Summer St.

Walter Erikson, Stonehill Properties for a property at 155 Summer Street, (town atlas plate F1, parcel 15). The project is the installation of a fence within 100 feet of Wetlands.

Walter Eriksen, representing the owners, presented to the Commission. New owners would like to install a 4' high vinyl coated chain link fence along the backyard and a 4' vinyl stockade along the side yard. The wire fence to be installed at the rear of the house will be located within the existing lawn and will not require the removal of any trees; all work is outside of the 50' natural buffer.

The Meeting closed at 3:10pm.

Decision: Mr. Colman moved to issue a negative 3 determination, meaning work will occur within a resource area but will not require a "Notice of Intent." Amy Green seconded the motion, and a roll-call vote was conducted. The motion passed unanimously.

3:10 Notice of Intent: 75 Spruce & Elm Street (Twin Schools)

Acton-Boxborough Regional School District, for a project at 75 Spruce and Elm Street (town atlas plate E2, parcel 247 & 247.1) The project is the construction of a new school, demolition of an existing school, utilities, construction of a boardwalk, mitigation, grading and site work, within the 200' Riverfront zone and within 100' of wetlands.

Mr. Maitland opened the hearing noting that a significant wetlands violation had been brought to his attention. The chairman expressed his dismay considering the Commission had given recent approval under a Request for Determination filing for work that ordinarily would need to have been filed as a Notice of Intent, and that it was made clear to the applicant at the time, that no other site work associated with the school project would be permitted until a full Notice of Intent was submitted and approved. He asked Scott Morrison, with EcoTec, Inc. and representing the School Department, to explain what had happened. Scott Morrison acknowledged that a significant amount of site work had been done beyond the area approved under the Request for Determination filing. Scott mentioned that he had walked the site with Commissioner Amy Green and town agent Tom Tidman and Consigli site superintendent Jay Rodriguez on July 1st, after the violation was brought to his attention.

Emily Grandstaff-Rice with Arrowstreet Architects, acknowledged the error stating that the general contractor was not informed about the limit of clearing. Weekly meetings will now be had to discuss site work with Consigli.

Amy Green noted that the SWPP is being done by the contractor Consigli, maybe it should be done by a third party. Commissioners discussed the breakdown in communication between the architect, engineer, environmental team and site supervisor, Consigli. The Commission asked that the area approved under the RDA filing be surveyed and staked in the field to mark the limit of work. The Commission tabled the discussion about site violations and proceeded with the Notice of Intent presentation.

Scott Morrison gave an overview of the twin school project, noting this this will be a net zero energy project, with geothermal heating. Approximately 65 wells, each drilled to a depth of 600', will be installed for the closed geothermal system. All wells will be located on the Gates School property within the 200' Riverfront Area. Upon completion of the permanent parking lot, the temporary parking lot, a turf area and an area that is currently paved and used as a basketball court will be restored to natural conditions creating more than 79,000 sq ft of buffer zone naturalized habitat. The parking lot will be constructed of pervious pavement, and the Commissioners asked about an O&M for this parking lot. All stormwater falling on this site will either be re-used or infiltrated back into the ground.

Mr. Morrison noted that all compensatory storage for impacts to BLSF will be excavated on the Douglas School side of the project. Plans are to completely reconstruct the existing boardwalk, including the addition of a roof, as many guests to the new school will be required to park on the Douglas School side of the project. The new boardwalk will be 8' wide. The Commission asked what type of lighting had been considered to illuminate the new boardwalk. Mr. Morrison stated that he would get back to them with ideas for lighting that didn't impact wildlife.

Mr. Maitland noted that the next step for the Commission on the Notice of Intent review would be to walk the site. Mr. Maitland then opened the Notice of Intent hearing up for public participation and questions.

Kurt Marden at 195 Arlington Street asked questions concerning groundwater and the potential impact to abutters downstream of the new school, also the need for large amounts of structural fill to be brought onto the site for the building foundation. Steven Ventresca with Nitsch Engineering noted that currently all stormwater falling on impervious surfaces is sheet flowing directly into the adjacent wetlands and Fort Pond Brook. All impervious surfaces proposed for the twin school will be infiltrated onsite, and most of the parking lot surfaces will be made of porous pavement. The net effect is a reduction in runoff (on both sides of the wetlands). Mr. Ventresca stated that the runoff reduction leaving the property was evaluated for 2 , 10, 25 and 100 year storm events, utilizing NOAA Atlas 14 precipitation frequency estimates.

Amy Green asked if a third party would be reviewing the Stormwater Report, Mr. Ventresca responded, "yes," GCG Associates will be reviewing all engineering documents for the Town.

Mr. Maitland redirected the Commission to the wetlands violation, noting that the Commission had granted a Determination of Applicability far in excess of what would normally be granted, trusting that the School Department would closely monitor work permitted under the approval. Jay Rodriguez,, site superintendent with Consigli Corp apologized for the oversight, noting that the Consigli team along with Scott Morrison (EcoTec) and Chuck Adam, (Stanksa) met to discuss the oversight and ensure that communication would be improved.

Mr. Colman declared that corrective action was necessary for this violation of buffer zone, flood plain and riverfront resource areas and an Enforcement Order would be required. All work within resource areas must cease and desist until such time as an Order of Conditions has been issued. The Commissioners discussed the activities that had occurred within resource areas and the need for a site walk to review the unpermitted work done. The Commissioners then discussed the need for a fine to be imposed for the violations.

A fine of \$300 is levied for alteration of a wetland or vernal pool without an Order of Conditions issued pursuant to this Bylaw

A fine of \$200 is levied for work within the buffer zone without prior submittal of Request for Determination or Notice of Intent

Decision: Jim Colman moved to issue an Enforcement Order with the following immediate corrective actions:

1. All construction equipment will be moved outside of resource areas and 100 ft buffer.
2. Stockpiled material within buffer zone will be immediately stabilized and/or removed
3. All resource areas where violation has occurred will be delineated and all work within these resource areas and buffer zone areas **will cease** until an Order of Conditions has been granted. Delineation must be clearly marked in the field.
4. Conservation Commission will require a daily environmental monitor's report on the activities associated with the existing Determination of Applicability and the Order of Conditions yet to be

issued. Daily environmental monitor reports shall be submitted to the Acton Natural Resources Director.

5. Delineate clearly the areas where work is allowed pursuant to the Determination of applicability. Work allowed by that determination may restart upon approval of the Commission or agent.

Ms. Kiely seconded the motion and a roll-call vote was unanimous in support of the motion.

The Commissioners discussed arranging a site walk with Scott Morrison and Jay Rodriguez was for Monday July 6th at 1:30pm. This would be publically noticed.

The Notice of Intent hearing was continued to July 15th at 3:15PM.

Special Business: None

Consent Items:

Certificate of Compliance: 117 Arlington St, DEP No. 85-1169

Decision: Ms. Green moved to issue a Certificate of Compliance for this property; Mr. Colman seconded the motion and a roll-call vote unanimously approved the motion.

Minutes: Ms. Kiely moved to approve the minutes of June 3, 2020. Ms. Green seconded the motion and the minutes were approved by a roll-call vote of 6 to 0.

Minutes of 6/17/2020: Pending

The meeting was adjourned at 5:20 PM.

Documents and Exhibits Used During this Meeting

- Notice of Intent, WPA Form 3 and associated plans and descriptions for 75 Spruce Street
- Request for Determination, WPA Form 1, 155 Summer Street
- Request for Certificate of Compliance, WPA Form 8A, 117 Arlington Street

These documents may be found here: <http://doc.acton-ma.gov/dsweb/View/Collection-11847>


Terrance Maitland, Chair