

ACTON CONSERVATION COMMISSION

Minutes

December 2, 2015

7:15 PM

TOWN HALL - 472 MAIN STREET

ROOM 204

COMMISSIONERS PRESENT: Terry Maitland, Andrew Magee, Amy Green, Jim Colman,
Paula Goodwin

NATURAL RESOURCES DIRECTOR: Tom Tidman

RECORDING SECRETARY: Bettina Abe

VISITORS: See attachment a.

7:20 Notice of Intent: Ice House Pond

Tom Tidman, on behalf of the Morrison Farm Committee, for a project adjacent to Ice House Pond, 116 to 120 Concord Road (town atlas plates and parcels F4-34 and G4-27). The project objective is to improve conditions and access to an existing public open space area through the creation of a formal entrance drive, dedicated parking stalls, handicapped accessible trails and boardwalk, and improved stormwater management through the use of pervious pavement and wet swales. The project is located adjacent to Ice House Pond and associated with a bordering vegetated wetland, bank and flood plain.

Bruce Ringwall of Goldsmith, Prest & Ringwall Inc. (GPR) presented. This project will link the trail network at Morrison Farm to the Ice House Pond area, and is an approved CPA project. It will provide improved parking and entryway into the Morrison trail system and will provide on-site signage to highlight history of the site as well as recreational opportunities. Winter maintenance stipulates no sanding so the pervious pavement does not clog and degrade over time. Drainage calculations are included in the NOI. The parking lot will be expanded to provide 26 spaces. Plans include the removal of trees within the Ice House foundation. The parking lot will be surfaced with pervious pavement with approximately 2 feet of deep storage area for absorption/infiltration. Water will be directed into a wet swale for enhanced filtration before entering the pond.

A 5 foot wide trail is to be constructed along the pond, surfaced with a "Woodcarpet" bonded system with a 4 inch base of crushed stone. This is a maintainable system in that it permits decayed parts to be dug out and replaced, is universally accessible and re-sealable. There will be 2 sections of boardwalk, 6 feet wide with a 2 inch by 4 inch kick-stop, similar in design to the Arboretum. In areas where it is 30 inches or more above grade, handrails will be installed. Plans include the addition of picnic tables, a gazebo and 2 kiosks. Low impact BMPs will be used.

Mr. Magee, noting the berm along Concord Road causing drainage into the existing catch basin and culvert, asked if the catch basin should be replaced with a deep sump catch basin. Mr. Tidman is to follow up with Corey York. Mr. Magee requested that signage for "NO SANDING" be included in the Order of Conditions.. Additional signs may not be attractive, but might be necessary to remind plows. It requires "air sweepers" contracts on a busy schedule to keep it pervious as well as inspections for clogging. The total trail is over 600 feet long, including boardwalks. The

trail surface company will come and give a demonstration. Land Stewards should be invited to this demo.

Hearing closed 8:00 PM

Decision: Ms. Green moved to issue a standard Order of Conditions with one special condition: the parking lot will be a “No Sanding” area and a “No Sanding” sign will be posted. Mr. Colman seconded and the vote was unanimous.

8:05 Notice of Intent: Nagog Pond Water Treatment

Town of Concord Water and Sewer Division for a project at 180 and 182 Skyline Drive, (town atlas plate and parcels C4-14 and 32). The Town of Concord is proposing to make improvements to its public water supply located in Acton. The project includes the replacement of an existing 16 inch cast iron intake pipe, replacement of the existing treatment plant with a new Water Treatment Plant and installation of an accessory solar photovoltaic array field. Some of the work will occur in wetland resource areas.

Mr. Magee recused himself from the following hearing as he had worked previously with the Town of Concord on the Nagog Pond Water Treatment project, and did not return to the meeting following this hearing.

Steve Olson, the design engineer from Environmental Partners Group, presented for the Town of Concord. Alan Cathcart, Superintendent of Concord DPW, Melissa Simoncini, Senior Environmental and Regulatory Coordinator, and Chris Whalen, Concord Town Manager, were present at the hearing.

Since 1909 Concord has used Nagog Pond as a drinking water reservoir. The water in the pond is of high quality and is a critical resource to the town of Concord as well as 70 customers in the Town of Acton. The project has several components, the first of which is an expansion of the existing facility to three times its existing size. Use of the existing footprint, which originally required blasting underlying bedrock, eliminates any further incursion. They will also use the same hole for storage tanks of water. A photovoltaic array to power the facility is also planned. There will be 46,000 square feet of total clearing, up to the 25 foot boundary, and the solar array will be installed up to the 50 foot boundary. There will be some disturbance on the pond to replace old metal pipe, a total of 1,000 square feet. on the pond bottom, with a new plastic in-take pipe. Concrete collars will be attached every 10' to keep the pipe submerged. A narrow pathway will be dredged for 1,000 feet to install pipe as the pond bottom is not flat. Acton Fire Dept. requires the paved access road be at least 18 feet wide. There will be 3 catch basins and 3 areas of stormwater recharge. Rip rap swale will be reused to drain paved driveway water. Clearing of forested area is required for installing photovoltaic arrays. Habitat will convert from forest to meadow. Projects will be phased. Building the photovoltaic array will be first, and is expected to be online by 2016. Second will be the treatment plant and finally the intake pipe. Clearing has been minimized as much as possible and the solar array made as small as possible in order to power the facility.

Mr. Colman asked if there was any planned mitigation. Mr. Olsen offered the following possible mitigation strategies being considered:

1. Create a new wetland mitigation area.
2. Remove invasive species from the Nagog Brook area.
3. Help fund a conservation project for the Town of Acton that would be of Public Benefit.

Ms. Green asked if the solar array was within the 200 foot riverfront area. Mr. Olsen pointed out that it was not riverfront but an intermittent stream. It becomes perennial past Quail Ridge. Ms. Green then asked if there was a seed mix for under arrays and was told it was not a specific mix, just native species not requiring irrigation. Certain seed mixes could encourage nesting birds. Mr. Maitland asked how the area around the array was maintained and was told that it was mowed twice yearly between the rows. The woody growth must be kept low so solar panels aren't shaded. Ms. Goodwin asked how the solar field was sized for the project and it was explained that they had looked at the entire watershed for alternate energy possibilities, including wind power. Concord did an analysis to determine what was most feasible. Ms. Goodwin again asked if the proposed array would meet all their energy needs. It was explained that, at 300,000 kilowatts, it would not entirely power the operations, and would be supplemented with power from the grid, *Eversource* being the supplier.

Mr. Maitland opened the hearing to citizens. Carolyn Kiely of 11 Parkland Lane presented a list of reasons why the project should be denied. Her statements appear as **Attachment B** to this document. Paul Scopa of 19 White Path also addressed the Commission and submitted his comments in writing, appearing as **Attachment C**. Barry Elkin of Skyline Drive expressed his opposition to the project because of the removal of woodlands and destruction of wildlife habitat. He doesn't believe solar is a necessity and considers it detrimental. He also has concerns about traffic and noise, and doesn't see the project as providing any public gain to Acton.

Mr. Maitland said the commentary needed to be examined and peer review was an option. A mitigation fund was also an option, and the Commission, under the circumstances, was not prepared to move forward tonight. Mr. Colman asked if the solar installation had to be located at this site, since Concord would be eligible for solar credit offsite. He asked if Concord could return with alternative locations. Mr. Maitland stated the Commission was not expert in these areas. Ms. Green suggested that Concord develop, in a table format, a list of pre and post development impacts. Mr. Maitland noted that there were sufficient past deliberations over the intermittent versus perennial nature of the stream and should not be revisited. Ms. Kiely's comments would be available on the public website. Concord would also like to make corrections to some technical facts in writing and would be ready by the 12/16 meeting. Items they will address include the seed mix and the Wildlife Habitat Study. Residents asked that information be made available two weeks before the meeting. Asked by Ms. Green what other permits were needed, Concord replied they needed a Storm Water permit from the Engineering Department and a Special Permit from the Board of Selectman or the Planning Board. Carolyn Kiely stated it will be on Jan. 25 according to what she was told today.

Mr. Colman asked that they research other locations for solar in Concord using Eversource's Form Z. A resident asked if fencing cuts off wildlife access to the solar array and Mr. Maitland replied that would be a question on the table. Residents were asked to

send in their questions and they would be compiled into a list that would be posted on docushare. When asked if new questions would be accepted in addition to what was raised during this meeting, Mr. Maitland said a comprehensive list was in order as relevant to this hearing. Concord should be able to respond to salient points. Concord asked when peer review would occur and Mr. Maitland said he would confer with the Natural Resources director on the subject of peer review. Concord would like to start construction in early spring in order to comply with the timeline for the solar grant application that expires January, 2016.

Decision: Hearing continued to Jan. 6 at 7:30 PM.

9:10 Notice of Intent: Great Rd Sidewalk

Corey York of the Town of Acton Engineering Department for the construction of a sidewalk along Great Road, from Main Street to Meyer Hill Drive with associated grading and drainage. The majority of the site is along Will's Hole Brook, Riverfront Area, and there is Bordering Vegetated Wetland along the east of the proposed sidewalk.

James Melvin from Stamski & McNary presented for the Town of Acton. A sidewalk will be built on the east side of Great Road, a portion of which is within the 100 foot buffer zone and within Riverfront of Wills Hole Brook, as indicated on the plan. There will be a catch basin constructed along the bufferzone and Riverfront sections.

Ms. Goodwin asked if there was any filtering of water as it drained into the catch basin and was told it was just existing drainage along Great Road. Ms. Green asked if there would be any treatment of stormwater and was told there would not. Mr. Melvin also explained that the resource area was on the other side of the road. Mr. Colman asked if it was in the buffer zone and it was explained that it was buffer zone and riverfront. Mr. Maitland asked when the work would start and was told it was not known at this time. Ms. Green asked how much impervious area is being added to the Riverfront and Buffer Zone. Mr. Melvin answered about 16,447 square feet in riverfront and 446 square feet in inner riparian area will be disturbance only, not sidewalk itself.

Hearing closed 9:18 PM

Decision: Ms. Green moved to issue a standard Order of Conditions. Mr. Colman seconded, vote was unanimous.

9: 25 Notice of Intent: 34 Robbins Street: Continued to January 6, 2016 meeting, 7:05.

The applicant submitted a hand-written letter to the Commission as follows:

“The applicant for 34 Robbins Street requests the Acton Conservation Commission to continue the Notice of Intent Application to a date /time certain to be the first scheduled meeting in January (and prior to any continuation for Concord Water). Although we

were in attendance this evening, we recognize that the hearing scheduled prior may take several hours.

Thank you,
Jim Bernhard
Jeffrey Brem

Ms. Green moved to accept the request, Mr. Colman seconded and the vote was unanimous.

Decision: Hearing was continued to January 6 at 7:05 PM.

9:29 Notice of Intent: 267 Great Rd.

Town of Acton Wetland Protection Bylaw, the Conservation Commission will hold a public hearing on a Notice of Intent filed by Stephen Steinberg of Acton Management, Inc. for a project at 268 Great Road, town atlas plate E-3, parcel 13. The project entails the removal of an existing shed and remaining gravel driveway and the construction of two single family dwellings and associated grading within 100 feet of an Isolated Wetland.

James Melvin of Stamski & McNary presented for the applicant. There is an existing Order of Conditions operating for this site. This filing is for the inland resource area covered under the Town of Acton Bylaw. The applicant is proposing to construct 4 dwellings on the site, which has been cleared of the trash and litter left over from previous owner. The objective of tonight's hearing is to get feedback from the Commission as to the viability of their plan. They have submitted a revised plan, amending the initial volume of work. The proposed driveway is not closer to the isolated wetland. Portions of the dwellings are within the 75 foot and 100 foot buffer zones. The proposed driveway is 50 feet away from the buffer zone, while the existing driveway is 37 feet away.

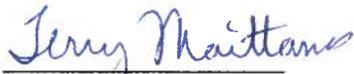
Ms. Green pointed out that the original NOI was for 2 houses in front and an existing chicken shed. It is now amended to remove the houses and shed and construct 4 new houses. Mr. Colman asked how much of Unit 1 would be in the Buffer Zone. Ms. Green took issue with Unit 1 going into the 75 foot Buffer. Mr. Melvin explained that the shed is more like a structure. Ms. Goodwin asked if there was a dirt floor or concrete, and he answered that he was not sure. Mr. Colman pointed out that the structure of a shed is quite different than the structure of a house. Mr. Melvin said getting rid of the shed was a benefit since it was closer to the wetland, and the proposed house would just be slightly within the 75 foot buffer. Ms. Green agreed getting rid of the shed was beneficial but there was no benefit to public interest in building a house within the Buffer Zone. Mr. Colman added that no waivers would apply to this case. Ms. Green noted that restoration would be in the public interest. This would require approval by the BoS. Mr. Maitland said they would continue the hearing per the applicant's request but it was not likely to be approved. A shed is not a "like structure" with a house. He noted that there are a lot of attempts to build within the 75 foot buffer but the Commission remains very strict in adhering to these limits, and that one third of a house within the 75 foot no-build buffer doesn't work for the Commission. It would be better to look at redesigning.

Andrew Beggs, an abutter from 1 Gabriel Lane, a Habitat for Humanity house, asked about drainage. Mr. Maitland responded that the Engineering Department would check on the drainage. Mr. Melvin explained that water would drain into catch basins and infiltrate below the surface. Mr. Beggs noted that water is in his sump pump on a rainy day and is concerned that the water table may be high in that area. Mr. Melvin said that test pits indicated no water for at least 10 feet below the surface. Ms. Goodwin asked if water would be treated before going into the drains. Mr. Melvin pointed out the manhole location on the plan. Mr. Maitland reiterated his previous comments. The applicant should revisit the design; the Commission is not disposed to waive the 75 foot setback limit; a shed is not a like structure. There is no public benefit in replacing a shed with a house.

Decision: Hearing continued to Jan 6 at 7:15.

Notice of Intent: 176 Central St/12 Summer Street, continued to December 16, 2015

Minutes: November 18, 2015, pending



Terry Maitland
Chairperson

**December 2, 2015
7:15 PM
TOWN HALL - 472 MAIN STREET
ROOM 204**

Attachment A.

VISITORS:

Barry Elkin	57 Skyline Drive
Candice Hurdle	510 Acorn Park Drive
Paul Scopa	19 Ryder Path
Carolyn Kiely	11 Parkland Lane
Bruce Ringwall	GPR Inc., Ayer, MA
Alan Cathcart	Concord Water Department
Chris Whelan	Concord Water Department
Paul Reine	Concord Water Department
Melissa Simoncini	Concord Water Department
John Ravis	6 Beechnut Drive
Kristie Johnson	9 Greenside Lane
Janet Klagge	18 Parkland Lane
Dana Snyder	18 Parkland Lane
Geoff Purdom	7 Hazelnut Street
Chester Li	26 Grasshopper Lane
Robert Labadini	56 Skyline Drive
Barbara Labadini	56 Skyline Drive
David Hergert	69 Skyline Drive
Robert E. Kingman	30 Parkland Drive
John Kovach	13 Parkland Drive
Pat Kovach	13 Parkland Drive
Steve Olsen	Environmental Partners Group
Havsh Walia	5 Chestnut Street
Rahul Raina	11 Hazelnut Street
Mindy Salvaggion	16 Quail Ridge Drive
Fred Salvaggio	16 Quail Ridge Drive
T.J. Melvin	Stamski & McNary
Catherine Utt	523 Acorn Park Drive
Suneel Krishnaswamy	523 Acorn Park Drive

Jana Kertener	23 Parkland Lane
Margaret Nichols	21 Parkland Lane
Robert Sakuler	17 Parkland Lane
Jeff Clyner	5 Walnut Street
David Campanella	21 Ryder Path
Fang Xie	Hazelnut Street
S.B. Jones	96 Skyline Drive
Erike Hanley-Oakes	2 Hazelnut Street
Peter Sousounis	499 Acorn Park Drive
Del Friedman	4 Beechnut Street
Angel Boheim	1 Parkland Lane
Steve Boheim	1 Parkland Lane
Sungyung Lim	537 Acorn Park Drive
Yingnu Zhong	17 Hazelnut Street
Andrew Beggs	1 Gabriel Lane
Ganesan Vedavinayagam	9 Beechnut Street
Wenkai Zhu	697 Acorn Park Drive
Jim Bernhard	34 Robbins Street
Jeffrey Brem	Meisner Brem Corp
Peter Foley	73 Skyline Drive
Mike Lollie	5 Palmer Lane

Attachment B:

My name is Carolyn Kiely. I live at 11 Parkland Lane in the Quail Ridge section of Acton. I serve as a member of the Quail Ridge Board of Advisors (advising the Board on matters until the time that the residents comprise 100% of the Board). I also am a former Chair of the Carlisle Conservation Commission, as well as a former Senior Staff Member for the Committee on Natural Resources and Agriculture at the Massachusetts State House, having written many of the components of the Massachusetts hazardous waste laws (specifically Chapter 21E) as well as being the staffer responsible for the inclusion of wildlife habitat into the interests protected under the Wetlands Protection Act (originally, wildlife habitat wasn't a protected interest under the Act). My professional experience is working with engineering companies, including Massachusetts-based Camp Dresser & McKee, as well as working directly for the American Council of Engineering Companies (ACEC the trade association for engineering companies) in Washington, DC.

I am speaking here tonight on behalf of the residents of Quail Ridge, who may also have other concerns to raise tonight.

Comments:

1. The newly proposed building is sited entirely within the 100 foot buffer zone. and a variance should not be provided.

a. Explanation:

i. This is an extremely environmentally-intrusive project in a sensitive site. The entire footprint of the proposed new building is within the 100 foot buffer zone for projects. THE ENTIRE FOOTPRINT. A portion of the building is within the 50-to-75 foot buffer, and the majority of the newly proposed building is within the 75-100 foot buffer.

ii. Under your rules, waivers may only be granted when "such action is in the public interest and is consistent with the intent and purpose of the bylaw." There is no public interest served to Acton by the location of the new building here, and the intent of the bylaw is to protect resources, not destroy resources.

1. The burden of proof for proving that the proposed work will not harm the interests protected by the Bylaw is with the applicant, and Concord has NOT met that standard.

iii. Because the standard for granting waivers is not met by this building, we urge you to NOT waive your bylaw provisions and allow this significant building expansion to be placed at this location.

2. The newly proposed building, much of the expanded driveway including truck turnaround site, and many of the solar panels. are sited within the 400

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foot "no build" zone around lakes and ponds. This setback was established under the Massachusetts River Protection Act of 1996.

a. Explanation:

i. It is a violation of the Rivers Act to permit building including solar panels and new construction within this 400 foot zone.

Siting the building and solar panels within this 400 foot buffer is in violation of the Rivers Act and should not be allowed.

ii. The purpose of this 400 foot setback is to protect the water body from destruction, preserve a natural buffer, and protect wildlife and wildlife habitat, as well as protect the source of the drinking water.

iii. I am not aware of any public policy that allows you to waive this setback. There is an allowable reduction of the buffer zone in “urban areas,” but this site does not fit the definition of an urban area. Therefore, the 400 foot no build setback under the Rivers Act must be maintained.

3. Concord incorrectly describes the purpose of the new building to be exactly the same as the old building to comply within section 3.3 of your wetlands rules and regulations. but this is incorrect. The new building is a **SIGNIFICANT EXPANSION OF THE PURPOSE OF THE OLD BUILDING.**

a. Explanation:

i. Under your Rules and Regulations Section 3.3, your Commission “may permit new like activity or structures as close to the Wetland Resource Area as the existing like activity” meaning the current small ozone treatment facility presently at the site.

ii. Concord is trying to argue that this expansion is a “similar like activity.” However, it is anything BUT a similar like activity. In fact, Concord’s “Existing and Proposed Use Description” (Attachment D on Acton’s Docu-Share Site) calls the present building an “OZONE DISINFECTION FACILITY.” Then this document goes on to say that “the principal use of the site will **REMAIN THE SAME THE PROVISION AND TREATMENT OF PUBLIC DRINKING WATER.**” That statement that the principal use of the site will remain the same is blatantly incorrect. That statement is an attempt to get the new, larger building to fit within the provisions of Section 3.3 of your Rules and Regulations.

iii. The newly proposed building will be an ozone facility AND (Read from the MEMO Attachment D relevant portions quoted in the hearing reprinted as an Attachment to this written testimony).

1. **THAT’S DEFINITELY NOT THE SAME AS THE EXISTING ACTIVITY, WHICH IS OZONE TREATMENT.** It’s a

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significant expansion of the existing facility’s use and purpose.

iv. Your rules specifically states that “work associated with pre existing structures not presently in compliance (and the

present structure isn't in compliance because it's within the 75 and 100 foot buffer zone) (and I quote) "MAY NOT INCREASE THE DEGREE OF NON-CONFORMANCE OF THOSE STRUCTURES."

b. Therefore, since it's an expansion and not the same as the present usage, Section 3.3 of your rules do not apply. **IN FACT, THIS RULE EXPRESSLY PROHIBITS YOU FROM ALLOWING THE EXPANDED ACTIVITIES BECAUSE IT INCREASES THE DEGREE OF NON CONFORMITY OF THE STRUCTURE.**

c. That means that you have no legal obligation or necessity to waive the setback provisions of your existing rules for this particular building project.

4. Many of the solar panels (more than 50% in my layman's estimation) are proposed to be located within the 100 foot buffer zone.

a. Explanation:

i. As previously indicated, Acton's wetlands bylaw has a 100 foot buffer around wetlands.

ii. There is no reason to waive the wetland bylaws to allow the solar panels within 100 feet of the wetland.

iii. The solar array is extremely large and is accessory to the project. The proposed plant can be operated with power that isn't from solar, just like the present plant is operated without solar power. There is a reasonable alternative to solar power to run this plant. And the alternative electric or other form of power, or solar arrays that are sited in Concord that would allow the present building to be powered. It is not a hardship to Concord to not allow the solar panels within this buffer zone.

iv. The standard for granting waivers from the wetland bylaw setbacks is not met with regard to the solar panel location.

5. Clear-Cutting of Trees well beyond the specific area where the solar panels are located will be required.

a. As you know, vegetation such as established and mature trees provides significant protection of wetland and water supplies, especially where protection of drinking water is present.

b. Acton's Design Review Board (DRB) points out in a memo that "extensive portion of woodlands will need to be cut on the south side." That's to make sure that trees adjacent to the solar array are not blocking the sunlight to the solar panels.

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c. I remain-concerned about the environmental impact of the cutting of the trees.

i. Runoff into the pond and stream

ii. Wildlife and wildlife habitat impacts

iii. Visual impacts from the pond and from adjacent conservation lands.

d. I also am concerned because Quail Ridge and Acorn Park own land immediately abutting the proposed solar site on the south side. I am concerned that mature, tall trees on our lands will be cut to facilitate the provision of sunlight to the arrays.

i. From the map, it looks like the solar panels are being constructed almost to the property line with Quail Ridge and Acorn Park. Neither party is allowing trees on our lands to be cut. Therefore, without the cutting, the efficacy of the solar panels remain in question and they probably should not be installed at all.

6. The expansion of the driveway from a one-lane road, to include a new truck turn-around and larger footprint because of a larger parking area around the building and space for outbuildings and tanks, means that the site will have significantly more impervious surface than presently exists.

a. The area surrounding the site is a legally protected pond and shoreline, and a legally protected wetland and buffer zone. The more impervious surface that is added, the more likely it is that runoff and other hazardous chemicals and materials will run off into the wetland and pond.

b. The expansion of paved road and impervious surfaces will have a detrimental impact on the environment and must not be allowed.

7. Your Rules have a provision discussing “Cumulative Adverse Effects.”

a. Quote: “an effect on a wetland or buffer resource area that is significant when considered in combination with other activities that have occurred, are occurring simultaneously or that are reasonably likely to occur within that resource area.”

b. Under the Cumulative Adverse Effects doctrine of your Rules, you are allowed to deny projects when the overall cumulative impact of a project is detrimental.

i. **THE OVERALL CUMULATIVE IMPACT OF THIS PROJECT, TAKEN AS A WHOLE, IS DETRIMENTAL TO THE SENSITIVE ENVIRONMENTAL ECOSYSTEM THAT ENCOMPASSES THIS PROJECT.** We therefore urge you to deny this project outright.

8. Perennial vs. Intermittent Stream: We understand that this Commission previously ruled on the status of the stream that runs behind the proposed solar panels as an intermittent stream. We disagree with this determination, but recognize that it’s already been voted upon and that we can’t change that

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determination at this point. However, I would like to point out that, had the determination been made that the stream is in fact perennial (as was the original DEP determination), none of the solar panels would be allowed to be sited where they are presently proposed because a perennial stream has a 200 foot buffer zone. All of these solar panels are within the 200 foot zone, so this proposal would not be before us but for the intermittent determination for this stream.

a. I urge you don’t make a second mistake with regard to this property.

We already have lost the ability to protect between the 100 and 200 foot buffer from the water body. Let's not give up the protection of the first 100 feet just because this is a supposedly environmentally friendly project.

b. The real beneficiary of this project is Concord. This project does not benefit Acton at all. In fact, this project, if allowed as proposed, would destroy significant mature trees, wildlife habitat, and shoreline all to the detriment of Acton's open space.

In the event that you are inclined to go forward with issuing an order of conditions for this project, we request that you continue this hearing and obtain an independent Peer Review of the technical aspects of the project. using an outside consultant. DEP regulations allow you to bill the applicant for the Peer Review. Such a review will ensure that this project and any conditions are well thought-out and ensure protection of the environment. This is too intrusive a project to rush it through. Once the mature trees are cut, the habitat and environmental protection offered by the trees is gone. We urge you to deny this project outright, and in the alternative, to conduct a peer review prior to acting on this application.

Thank you for allowing me to address you this evening.

Sincerely,

Carolyn M. Kiely, Esq.

ATTACHMENT: Text from the Town of Concord (through its consultant, Environmental Partners Group, Inc.) Technical Memorandum dated November 20, 2015 (Attachment D on Acton's Docu-Share web-site for the Nagog Water Treatment Plant

- The text below was quoted by Carolyn Kiely during testimony in comment 3.a.iii

"The principal use of the site will remain the same the provision and treatment of public drinking water ..The new Nagog Pond WTP (Waste Treatment Plant) will

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incorporate several physical and chemical water treatment processes, including: pre-oxidation with potassium permanganate (Carolyn's comment that's a new use of the facility and isn't done there now); coagulation with polyaluminum chloride (Carolyn's comment that's a new use); two-stage, tapered flocculation (Carolyn's comment that's a new use); clarification using dissolved air flotation (DAF) (Carolyn's comment that's a new use); primary disinfection using ozone (Carolyn's comment that's the sole present use of the site); filtration using granular activated carbon (GAC) media (Carolyn's comment that's a new use); pH adjustment using potassium hydroxide (Carolyn's comment that's a new use); corrosion control using zinc polyphosphate (Carolyn's comment that's a new use); secondary disinfection using sodium hypochlorite (Carolyn's comment that's a new use); and fluoridation using sodium fluoride (Carolyn's comment that's a new use). The proposed Nagog Pond WTP will be state of the art and allow for the consistent production of high quality water for Concord's water supply customers

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Attachment C:

December 2, 2015

- Thank you for the opportunity to speak this evening.
- My name is Paul Scopa. I live at 19 Ryder Path at Quail Ridge. I, too, am a Resident Advisor to the Board of Directors.
- I am a retired science teacher and a retired science textbook publisher, ~~but a very active volunteer science teacher at the Gates Elementary School.~~
- It becomes apparent that the town on Concord is planning on significantly expanding their water treatment plant at Nagog Pond, and to install a solar panel array at the end of Skyline Drive adjacent to what Quail Ridge Residents refer to as Phase 2.
- According to the "Environmental Partners Technical Memorandum," the project's engineering firm, submitted to the Town of Acton, the existing structure of 1,291 square feet will be increased to a net floor space of 9,338 square feet. The total lot size for this proposed structure will increase from 17,374 square feet, to 47,526 square feet.

**ACTON CONSERVATION COMMISSION
AGENDA
December 2, 2015
7:15 PM
TOWN HALL - 472 MAIN STREET
ROOM 204**

7:15 Notice of Intent: Ice House Pond: 085-1187

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7:30 Notice of Intent:: Nagog Pond Water Treatment: 085-1188

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7:45 Notice of Intent: Great Rd Sidewalk: 085-1186

Corey York of the Town of Acton Engineering Department for the construction of a sidewalk along Great Road, from Main Street to Meyer Hill Drive with associated grading and drainage. The majority of the site is along Will's Hole Brook, Riverfront Area, and there is Bordering Vegetated Wetland along the east of the proposed sidewalk.

8:00 Notice of Intent: 34 Robbins St. Continued: 085-1184

8:15 Notice of Intent: 267 Great Rd.

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Notice of Intent: 176 Central St/12 Summer St., continued to 12/16

Minutes: November 18, 2015, pending

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