

ACTON CONSERVATION COMMISSION
Minutes
January 6, 2016
7:00 PM
TOWN HALL - 472 MAIN STREET
ROOM 204

COMMISSIONERS PRESENT: Terry Maitland, William Froberg, Tom Arnold, Andrew Magee, Amy Green, Jim Colman, Paula Goodwin

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

VISITORS: See Attachment a.

7:05 Notice of Intent: 34 Robbins Street continuation

Jeff Brem, of Meisner, Brem Corporation, updated the Commission on the activity to date for this property.

- The fill, associated with the original Enforcement Order and the subsequent NOI filing, has been removed.
- The walkway project, as submitted in the RDA filing, is underway.
- Moving the shed to be used as a temporary garage will not be done.
- Reconstruction of the driveway requires most of the work to be in the buffer zone and will be partially composed of permeable pavers.
- Septic system re-grading is required since the existing slope is too steep and must be corrected to a 3 to 1 slope.
- Trimming is planned to improve the sight-line.
- A “mother-in-law” apartment is planned.
- Removal of the existing patio and construction of a new deck is also planned.
- The proposed garage location is in the buffer zone and floodplain. They propose a 5 to 1 compensatory volume for flood plain impact.

These components will be implemented over the next several years. An extension may be required.

Mr. Maitland asked about the sequencing of the work, and Mr. Bernhard responded that safety concerns will be addressed first. Sequencing will be as follows: #1 New steps and walkway, and #2 Sight-line trimming are scheduled for spring. #3 Grading the septic area is targeted for the summer. #4 Driveway, #5 Mother-in-law apartment, and #6 Garage will be done probably in the next two years. #6 Construction of a new deck is a lower priority and depends on cost.

Mr. Magee noted that the required boulders really delineate the edge of wetlands. It's very clear that there needs to be a delineation. Mr. Colman asked for a firm schedule for the boulder installation. He also noted the need to discuss the future location of the shed, if it is closer to wetlands. The Commission also needs to discuss the imposition of a penalty.

Mr. Maitland, noting the number of issues remaining to be resolved, suggested the hearing be continued. Mr. Brem agreed and asked that the hearing be continued to February 3rd at 7:15 PM.

8:45 Notice of Intent: 267 Great Road: continuation

Mr. Dimakarakos from Stamski & McNary, presented modified plans for this project. He pointed out that the house was modified to meeting the 75 foot setback, and the patio was adjusted to be 65 feet from the edge of wetlands. Mr. Magee commented that a boulder line along the 50 foot buffer was needed. Mr. Colman inquired about the proposed driveway being within the 75 foot buffer zone. Mr. Dimakarakos responded that they would remove the existing driveway where it encroaches on wetlands. Ms. Goodwin asked if they have a stormwater design and was told that, yes, there is an extensive Stormwater Plan, along with a Stormwater Operation and Maintenance plan for the Homeowners Association.

Mr. Beggs of #1 Gabriel Lane asked about the roadway that was within the 75 foot buffer. Mr. Colman noted that the new footprint of the driveway was more compliant.

Mr. Maitland closed the hearing.

Decision: Mr. Magee moved to issue a Standard Order of Conditions under the Town of Acton Bylaw with the following special conditions:

1. A row of 3 to 4 foot diameter boulders shall be placed, 10 feet on center, and buried to half their depth, along the 50 foot natural buffer. The Boulder-line will start at the property line east of unit 1, and conclude at the toe-of-slope for the new access drive.
2. All disturbed areas within the 50 foot natural buffer will be seeded with an approved New England meadow mix. Seed mix will be approved by the Conservation Administration prior to planting.

Mr. Colman seconded, and the motion was passed unanimously.

9:00 Notice of Intent: Concord Water Treatment Plant, continuation from December 2.

Note: Mr. Magee recused himself from the hearing.

A Revised Notice of Intent Filing and Solar Feasibility Study were submitted for this meeting.

Mr. Cathcart reported that all written requests had been addressed, answers submitted and documents posted on Acton's public website. He also pointed out that, with the revisions to the filing, Concord is not asking for any waivers from the Acton Bylaw. He said that the answers posted include a history of Concord's interest in this area.

Steve Olsen, from Environmental Partners, presented changes made to the plan since the first hearing. He noted that (a) the width of the access road would be 14 feet wide with 2 foot gravel shoulders; (b) the new building would not be closer to wetlands than the existing building; (c) of the options for the installation of the new intake pipe, dewatering the pond nearest the treatment plant, involving the installation of a coffer dam, seems to make the most sense.

Barry Elkin, of 57 Skyline Drive, discussed the size and location of the new treatment plant, and questioned if the building is truly a "like use" facility, since the new plant will be a "full" treatment plant, not just an ozone facility. Mr. Elkin also noted that the new treatment plant could be constructed anywhere along the water main line to Concord. It doesn't need to be located at Nagog pond.

Carolyn Kiely of 11 Parkland Drive questioned the use of open space parcels, purchased with state funds under Article 97, being used for the installation of solar panels. Would the installation of such panels constitute a "change of use" for land intended for open space? Ms. Kiely also noted that not all lot-lines were clearly indicated on the plans, and she questioned whether the new building and solar array field would be permitted within the 400 foot buffer of Nagog Pond.

There was an inquiry about the proposed increase in quantity of water being removed and its impact on wildlife and recreation. Mr. Cathcart reported they could withdraw up to 2 million gallons per day (MGD), peaking at 1.5 MGD and averaging 1 MGD.

Mr. Olsen contended that the new plant conforms to like activity, in that it is to be used for the production and treatment of public drinking water. Mr. Colman? asked that they provide clarification that the parcels, where work will occur, were purchased for water treatment. Other citizens voiced questions about the barges and if there would be noise once the plant was completed.

Hearing was closed at 10:20 PM.

Decision: Mr. Colman moved to issue a standard Order of Conditions with the following special conditions:

1. A detailed de-watering sequence and environmental impact report shall be submitted for Conservation Commission review prior to the commencement of de-watering. The report will include an analysis of wildlife habitat impacts, both aquatic and buffer zone.
2. At the applicant's expense, a third party monitor, approved by the Acton Conservation Commission, will be retained to be on-site periodically throughout the de-watering process. The monitor will be responsible for scheduling weekly meetings with the Acton Natural Resources Department to review environmental compliance.

Ms. Green seconded the motion and it carried unanimously.

Notice of Intent: 176 Central Street continuation, originally scheduled for 8:00 PM.

- Letter from George Peabody
- Applicant requested hearing be continued to March 18 and is scheduled for 8:00 PM.

Certificate of Compliance:

900 Main Street, Robbins Brook, 85-1039

Decision: Mr. Froberg moved to issue a Certificate of Compliance for this project, Ms. Green seconded, motion passed unanimously.

330 Nagog Hill Road 85-1117

Commission requested a site-walk be scheduled for early spring before the issue the Certificate.

Minutes:

12-2-2015, reviewed by TM, PG, AM

Mr. Colman moved to accept the minutes, Ms. Green seconded; motion passed unanimously.

12-16-2015, pending



Terry Maitland
Chairperson

Attachment a: Attendees

1. Samuel & Olga Jones 96 Skyline Drive
2. Jim & Nancy Hess 10 Parkland Lane
3. Geoff Purdom 7 Hazelnut Street
4. Paul Scopa 19 Ryder Path
5. Nancy Scopa 19 Ryder Path
6. Bernie Dennis 42 Greenside Lane
7. Joyce Dennis 42 Greenside Lane
8. Kathy duFour 43 Greenside Lane
9. Dave duFour 43 Greenside Lane
10. Ruth Fishbein 160 Skyline Drive
11. Jim Bernhard 34 Robbins St.
12. Karen Foster 33 Greenside Lane
13. Eva & Robert Hynes 38 Greenside Lane
14. Barry Foster 33 Greenside Lane
15. Regina Erickson 41 Greenside Lane
16. Linda Pellegrini 36 Greenside Lane
17. Dave Fouhy 9 Quail Ridge Drive
18. Jane Walsh 37 Greenside Lane
19. Andrew Walsh 37 Greenside Lane
20. Michael Brandy 71 Skyline Drive
21. Steve Olsen Environmental Partners Group
22. Rich Reine Concord Public Works
23. Terri Fitch 8 Ryder Path
24. David Hergert 69 Skyline Drive
25. Thomas Falwell 21 Greenside Lane
26. Shen Puguten 35 Greenside Lane
27. Carol Root 40 Greenside lane
28. Edward F. Root 40 Greenside Lane
29. Janet Adachi Acton BoS
30. Robert Sekuler 17 Parkland Lane
31. Richard Petroff 67 Skyline Drive
32. Michelle Brady 68 Skyline Drive
33. Lynn & Eric Kib 166 Skyline Drive

34. Bill Fletcher	65 Skyline Drive
35. Pat Lindsay	18 Greenside Lane
36. Margaret Lever	27 Quail Ridge Drive
37. Linda Foley	73 Skyline Drive
38. Peter Foley	73 Skyline Drive
39. Bernie & Pat Kosicki	39 Fort Pond Road
40. Leon Mintz	646 Pheasant Hill
41. Norma Jones	5 Quail Ridge Drive
42. Barbara Bisson	7 Greenside Lane
43. Len Bisson	7 Greenside Lane
44. James Cutler	171 Skyline Drive
45. Meredith Cutler	171 Skyline Drive
46. Barbara J. Labadini	56 Skyline Drive
47. Steve and Angela Boheim	1 Parkland Lane
48. Andrew Beggs	1 Gabriel Lane
49. Alan Cathcart	Concord Public Works
50. Melissa Simoncini	Concord Public Works

**ACTON CONSERVATION COMMISSION
AGENDA
January 6, 2016
7:00 PM
TOWN HALL - 472 MAIN STREET
ROOM 204**

Note starting time of meeting: 7:00

7:05 Notice of Intent: 34 Robbins Street continuation 85-1184

7:15 Notice of Intent: 267 Great Road continuation (Bylaw only)

- Site plan revisions submitted for review

7:30 Notice of Intent: Concord Water Treatment Plant, continuation 85-1188

- Revised Notice of Intent Filing and Solar Feasibility Study submitted for this meeting

8:00 Notice of Intent: 176 Central Street continuation 85-1148

- Letter from George Peabody

Certificate of Compliance:

900 Main Street, Robbins Brook, 85-1039

330 Nagog Hill Road 85-1117

Minutes:

12-2-2015, reviewed by TM, PG, AM

12-16-2015, pending

Type Title	Owner	Edited	Size	Actions
<input type="checkbox"/> 001 - Agenda 01-06-2016	naturalres	12/30/15	18 KB	
<input type="checkbox"/> 020 - 267 Great Rd revision letter Bylaw	naturalres	12/30/15	277 KB	
<input type="checkbox"/> 021 - 267 Great Rd Site Plan revised	naturalres	12/30/15	2 MB	
<input type="checkbox"/> 030 - 85-1188 - Nagog Pond Water Treatment Plant NOI - Revised Plans Response to Comments 12 22 15	naturalres	12/30/15	6 MB	
<input type="checkbox"/> 031 - 85-1188 - Quail Ridge Residents' Suggested Questions for Peer Review	naturalres	12/30/15	175 KB	
<input type="checkbox"/> 032 - 85-1188 - Nagog Pond Watershed and Solar Feasibility Study 7-17-13	naturalres	12/30/15	7 MB	
<input type="checkbox"/> 033 - 85-1188 - ENF Supplemental Information 12 22 15 - P1-14 - Cover and Plans	naturalres	12/30/15	1018 KB	
<input type="checkbox"/> 034 - 85-1188 - ENF Supplemental Information 12 22 15 - P15-26 - Intake Inspection	naturalres	12/30/15	254 KB	
<input type="checkbox"/> 035 - 85-1188 - ENF Supplemental Information 12 22 15 - P27-107 - PV Study	naturalres	12/30/15	6 MB	
<input type="checkbox"/> 040 - 176 Central St Peabody Letter	naturalres	12/30/15	63 KB	
<input type="checkbox"/> 060 - 85-1114 - 330 Nagog Hill RCoc & Inspection Letters	naturalres	12/30/15	105 KB	
<input type="checkbox"/> 85-1188 Nagog Pond Water Treatment Suppl NOI info	naturalres	01/08/16	41 KB	

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