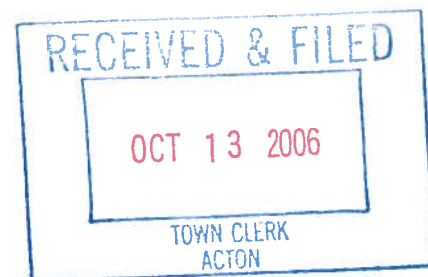


**CONSERVATION COMMISSION  
AMENDED AGENDA  
AUGUST 16, 2006**



- 7:15 Eagle Scout Presentation - David Newey
- 7:25 Andrew Magee - Select Conservation Commissioner for Water Resources Authority Committee
- 7:30 Notice of Intent Continuation - 693 Mass. Ave. - Acton Water District - for the replacement and expansion of the existing garage building

Request for Determination - 60 Liberty Street - M. Kennedy - for the replacement of an existing garage

Notice of Intent - 15 Grasshopper Lane - G. Rautiola - for the replacement of an existing retaining wall and landscaping

ANRAD - Continuation - 48 & 50 Nashoba Road - J. Kotanchick

Notice of Intent - 163 Pope Road - R. Tomes - for the replacement of the existing bridge crossing wetlands to access an existing single family home

NOI - Continuation - Quarry Road (rear) Town Atlas Plate C-5, Parcel 11 - Y. Peet - ***continued until September 6 - pending septic approval***

Notice of Intent - Spring Hill Common 411, 419, 421 Great Road and 25 & 33 Harris Street Equity Residential Properties Mgt. Corp. - for the construction of wastewater collection, treatment and disposal facilities within 100' of wetlands and crossing of wetlands to service the Spring Hill Commons apartment complex

Request for Determination - Intersection of Nonset Path (northerly end) & Great Road (Rt. 2A) - Recreational Realty Trust, LLC - for traffic safety improvements

Certificate of Compliance - 4 Lothrop Road - septic replacement - 85-558

Enforcement Order - 26 Grasshopper Lane - signature

Minutes

June 7	comments rec'd by	LS, JA	signature
June 21	" " "	JA TT	signature
July 19	forthcoming		

**CONSERVATION COMMISSION  
MINUTES  
AUGUST 16, 2006**

**MEMBERS PRESENT:** Terry Maitland, Julia Miles, Janet Adachi, William Froberg

**STAFF/RECORDING SECRETARY:** Andrea Ristine

**VISITORS:** Martha Kennedy, John Kendall, Tom Mahanna, Andrew Magee, Kevin Klein, Jim Deming, Ed Wells, Greg Winter, Ruth Porter, Richard Porter, Julia and Jim Kotanchik

7:17 Mr. Maitland called the meeting to order.

7:25 Water Resources Authority Committee (WRAC) - Andrew Magee

Mr. Magee reported to the Commission that the recently formed WRAC requires an active representative from the Conservation Commission. Through the Environmental Notification Form process for the sewer project, the Massachusetts Environmental Policy Act (MEPA) Office allowed the project to proceed but required the Town of Acton to produce a Wastewater Management Plan. A study on how the Town should proceed has been submitted to MEPA and the Department of Environmental Protection (DEP). MEPA and DEP will provide recommendations to the Town. . The WRAC will implement the recommendations respecting the wastewater management plan and the emphasis may be on sewers. The residents of the Flint Road area have serious problems with a high water table; residents of other areas may or may not like to see the Town provide sewers. The WRAC comprises 13 members representing the Board of Selectmen, Board of Health, Conservation Commission, Planning Board, Water District, the Schools and two citizens at large. All members have been identified with the exception of the Conservation Commission representative. The first WRAC meeting is scheduled for September 20<sup>th</sup> at which time members should be able to review the Secretary Certificate from the Secretary of Environmental Affairs and familiarize themselves with the Wastewater Management Plan in order to move forward with the suggestions made in the Certificate. This Committee will be an ongoing committee for four to five years or more and will meet once a month.

Mr. Magee also noted that he has continues to be Conservation's representative on the Community Preservation Committee (CPC) due to his involvement in CPC matters pending when he resigned from the Conservation Commission. Now is the time to assign a new representative from the Commission to the CPC but he is willing to continue being the representative for the Commission if it so desires.

Mr. Maitland stated that he will fill in as alternate on the Open Space Committee in the temporary absence of Cheryl Lowe.

The Commission will have to discuss who can represent the Conservation Commission as an alternate and full member of the WRAC and a representative on the CPC.

7:31 Continuation - Notice of Intent - 693 Mass. Ave. - Acton Water District - for the replacement and expansion of the existing garage building

Tom Mahanna reported that the Applicant had requested a continuation of the hearing pending a response from the Natural Heritage & Endangered Species Program regarding this proposed project. Natural Heritage responded in a letter noting the presence of Wood Turtle habitat and has suggested special conditions to the Commission.

Ms. Miles noted that the conditions address concerns for the Wood Turtle's nesting season.

Upon query by Mr. Maitland, Mr. Deming stated he has no problem following the suggested conditions from Natural Heritage.

Upon query by the Commission, Mr. Mahanna reported that chlorine storage will be moved off site and the diesel storage will be moved to a small double-walled storage tank in the new building.

Upon query by Mr. Froberg, Mr. Deming stated that one of the purposes for the new building is to store all vehicles on site in the new building. The new building will block the area adjacent to wetlands currently being used for parking and storing of vehicles.

Upon query by Mr. Froberg, Mr. Mahanna reported that there are no floor drains proposed; everything will be diverted to tight tanks. Mr. Deming stated that there will be no water in the building.

7:39 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision – 693 Mass. Ave. - Acton Water District

Ms. Miles moved that the Commission issue an Order of Conditions with the following special conditions:

To protect the Wood Turtle species (*Glyptemys insculpta*) the Applicant shall follow the conditions as stated in the letter from the Division of Fisheries & Wildlife, Natural Heritage & Endangered Species Program dated July 26, 2006.

- 1) Work completed during the period extending from:
  - a) November 15 - March 30 OR
  - b) The entire limit-of-work is completely surrounded by silt fencing by March 30. This will prevent turtles from entering the work site during their active season. The bottom of silt fencing must be carefully buried in a 4-6 inch trench and completely encircle the site.

Mr. Froberg 2<sup>nd</sup>; unanimous.

Request for Determination - 60 Liberty Street - M. Kennedy

Martha Kennedy presented proposed plans for the replacement of an existing garage. The existing garage will be razed and a new 38' x 40' garage will be constructed 87' from the edge of wetlands.

Mr. Froberg reported that he walked the site with Mr. Tidman; the yard is currently maintained up to 50' from the edge of wetlands. This 50' buffer is heavily vegetated, the area was dry but probably has standing water certain times of the year. The area is relatively flat with nice buffered landscaping between 50' and 75' from wetlands.

Upon query by Mr. Froberg, Ms. Kennedy reported that the wetland was flagged by Mr. Tidman in July 2006.

Upon query by Ms. Miles, the Commission agreed that only silt fence will be required for erosion control during construction activities.

7:47 Hearing no further comments or questions, Mr. Maitland closed the meeting.

7:48 Decision – 60 Liberty Street

Ms. Adachi moved that the Commission find the work as proposed to be within its jurisdiction but will not have a negative impact to the resource area (negative determination 3 under the Act and the Bylaw). The Applicant advised that the use of silt fence for erosion control; installation of haybales is not required. Ms. Miles 2<sup>nd</sup>; unanimous.

Notice of Intent - 15 Grasshopper Lane - Gary Rautiola

Troy Guinther from Old Village Landscape presented plans for the proposed replacement of an existing retaining wall and landscaping. The wetland was delineated by the Conservation Administrator. The owner of the property wishes to level a portion of the yard to make it more useable; it is currently a grassy hill with a failing railroad-tie retaining wall. At the suggestion of the Conservation Administrator the proposed plan reflects the establishment of a 25' natural vegetative buffer. The height of the proposed retaining wall will be higher than the existing to allow leveling of the yard closer to the house.

Upon query by Ms. Adachi, Mr. Guinther noted that Mr. Tidman suggested removal of invasive plant species within the vegetative buffer and providing plantings that are more wildlife beneficial.

Gary Rautiola stated that there are some large viburnum shrubs on his property that he could move, along with additional plantings, in the proposed 25' natural vegetative buffer.

Upon query by Ms. Miles, Mr. Guinther reported that the existing retaining wall is 2.5 feet tall; the proposed stone retaining wall will be approximately four feet tall with a ten-foot wide break without steps to allow access to the lower elevation of the yard.

Upon query by Ms. Miles, Mr. Guinther said that depending on the quality of the existing soils the excavated materials from just below the proposed retaining wall will be used as backfill behind the wall.

Upon query by Ms. Adachi, Mr. Guinther reported that the Applicant is not looking for a turf-grade yard. Mr. Rautiola stated that he just wants a useable area that is currently mostly a weedy grass surface.

Upon query by Ms. Miles, Mr. Rautiola stated that in order to maintain privacy; he will not be removing more trees on the west side of the lot. There will be no change of grade around the treed area or property line.

Upon query by Mr. Froberg, Mr. Rautiola reported that the wetland area is dry in summer months but does puddle during storm events since it is a low spot.

8:02 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 15 Grasshopper Lane

Ms. Miles moved that the Commission issue an Order of Conditions with the following special conditions:

- 1) The Conservation Administrator will be notified within 30 days of the completion of site work in order that the Administrator may inspect the site and determine a schedule for the removal of the haybales. Haybales will be removed from the site per the direction and schedule so determined by the Conservation Administrator.
- 2) The Applicant shall submit a planting plan providing wildlife beneficial plantings of indigenous species for the proposed 25' naturalized buffer area. The purpose of this vegetative buffer is to protect and enhance wildlife habitat. The planting plan shall be submitted for review and approval of the Conservation Administrator prior the commencement of work.

Mr. Froberg 2<sup>nd</sup>; unanimous.

8:05 ANRAD - Continuation - 48 & 50 Nashoba Road - J. Kotanchik

Matthew Alison from Stamski & McNary gave an overview of the plans submitted. A site walk was conducted on August 1. The brook is 246' away from the edge of the bordering vegetated wetland delineated on this site.

Ms. Miles noted that there is a suspected vernal pool area partially on this site to the west end of the property and suggested that the Commission condition the Order to have the potential vernal pool investigated and if applicable certified.

8:14 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Notice of Intent - 163 Pope Road - Rita Tomes

Owner/Applicant, Rita Tomes stated that she needs to replace the existing deteriorating bridge crossing wetlands to access her existing single family home. The existing bridge consists of concrete blocks and wood planking.

Steve Williams, contractor, stated that he will replace the existing culvert and reconstruct the bridge making it more solid with stone and reinforced concrete.

Ms. Adachi reported that she visited the site and noted that the wetlands are immediately adjacent to the existing driveway. Mr. Williams reported that he will not be altering the width of the bridge and will control water by replacing the culvert prior to construction of the bridge with silt fence placed along each side of the bridge during the construction process.

Upon query by Ms. Miles, Mr. Williams stated that he will remove the necessary existing boards in order to replaced the steel culvert with a pre-cast concrete culvert. The proposed concrete culvert will involve approximately 6" of excavation (in place of the old culvert) to set the proposed culvert.

Upon query by Ms. Adachi, Mr. Williams reported that the existing concrete abutments will be removed, crushed stone will be laid as a base for the abutments.

The Commission expressed concern noting that the bridge crosses wetlands and a demolition and construction sequence detail is not included with the NOI. The Commission requested that more detailed information be submitted by the Applicant.

Upon agreement by the Applicant, Mr. Maitland continued the hearing until September 6 at 8:15 PM.

NOI - Continuation - Quarry Road (rear) Town Atlas Plate C-5, Parcel 11 - Y. Peet - continued until September 6 - pending septic approval

8:35 Notice of Intent - Spring Hill Common 411, 419, 421 Great Road and 25 & 33 Harris Street

Greg Winter from Equity Residential Properties Management Corporation reported that the Applicant has an Administrative Consent Order from DEP outlining the proposed design, regulatory review and construction timelines associated with upgrading the on-site sewage disposal facilities through the installation of tertiary level wastewater treatment and disposal facilities for Spring Hill Common. DEP is mandating the elimination of all of the septic systems that serve the complex.

Kevin Klein PE from Norfolk Ram Group, LLC presented the proposed plans. The apartment complex consists of a total of five buildings; three are located on Great Road (one of which is unoccupied due to a fire) and two on Harris Street. The two parcels are divided by wetlands and this proposal is the only feasible method to connect the two sites. Currently the complex functions on five separate septic systems in or near groundwater. Construction of the proposed sewage disposal facility will involve approximately 300' of wetland crossing. The proposed leaching field will be raised with 3:1 slopes and designed to take 20,000 gallons/day. The proposed sewer plant will be designed to take 40,000 gallons/day for excess capacity but any additional connection beyond the proposed 20,000 gallon/day leaching field will need its own leaching facility. The associated wetlands consist of an intermittent stream and historic man-made ditches within the wetlands. Stormwater runoff from Great Road flows to the ditches within the wetlands. The property has shallow depth to bedrock which prevents directional drilling under the wetlands for the force main so the Applicant has no choice but to cross the wetland with temporary disturbance for the trench work needed to place the force main. The force main trench work will be done in 15'

sections. Excavated soils for the temporary disturbance involving the force main trench wetlands crossing will be cast aside in layers onto geo-membranes in a process to allow the materials to be replaced in the same layers as they were originally. A significant planting plan with an extensive monitoring plan has been provided for the disturbed areas to ensure vegetation stabilization.

Upon query by Mr. Froberg, Mr. Klein reported that he has been involved with this proposed project for approximately seven years; the properties are over 30 years old. DEP considers the two sites associated with this apartment complex as one requiring construction of the wastewater treatment plant serving both. Approximately five years ago the owner sought to challenge DEP's single-site determination but ultimately was unsuccessful and recently agreed to a consent order with a tight time frame. The consent order was signed by the owner/applicant on March 24, 2006 and construction of the plant must be completed by October 2007 and functional by November 2007.

Upon query by Mr. Froberg, Mr. Klein stated that if the Great Road and Harris Street sites could be considered as separate parcels the Applicant could construct a separate septic system for each of the two sites, but since the complex is owned by one common owner and not a condo association, DEP considers the complex to be a single site, necessitating the construction of a sewage treatment plant. This proposed project will cost over \$2million.

Upon query by Ms. Miles, Mr. Klein reported that there is also private property adjacent to the wetlands that separate the two apartment sites. This private parcel is a strip mall with pavement up to edge of wetlands

Greg Winter stated that the Applicant is under strict time constraints and has to be able to control the situation by staying on their own property. Having the project cross other private property also would create liability issues and have other legal ramifications for the Applicant.

Upon query by Mr. Maitland, Mr. Klein noted that each pump station will have the capability of being connected to a generator in case of power loss. Monitoring is required for the plant and water quality; a monitoring report will be submitted to DEP and the Board of Health as required. The Applicant will also be requesting a variance from the Board of Health for the use of methanol and sodium bicarbonate.

John Kendall from Harris Street expressed concern noting a number of issues, including the impact of the project on stormwater flooding in the area. Mr. Winter stated that the wetland resource areas, including the adjacent duck pond probably receive bacteria during storm events. DEP is mandating this project to improve the groundwater condition. The Applicant is willing to offer buffer landscaping. The net public benefit will be the design of the sewer plant to include additional capacity of 20,000 additional gallons per day of treatment.

Nancy Seaburg from 51 Harris Street displayed pictures of the stormwater flooding of Harris Street during the recent June storm events.

9:34 End of mass discussion among Applicant, Commission members and public.

Upon query by Mr. Maitland, Mr. Klein stated that the Applicant wishes to start construction in February 2007.

Mr. Maitland stated that the Commission would like to see the Applicant address abutters' concerns regarding flooding and buffering. The proposed project will increase discharge to groundwater and tree removals will increase runoff. Mr. Klein stated that the Applicant is trying to balance imperatives required for the project and public relations concerns.

Ms. Miles stated that she would like to know why the Commission should accept the pre and post rates of stormwater runoff and what alternatives the Applicant considered.

The Commission will require project approval from the Board of Health prior to issuance of an Order of Conditions.

Upon request by the Commission the Applicant agreed to continue the hearing until September 20 at 7:45 PM.

Request for Determination - Intersection of Nonset Path (north) & Great Road  
Recreational Realty Trust, LLC

Sue Sullivan from Places Site Consultants presented plans for the proposed traffic and safety improvements. The Massachusetts Environmental Policy Act (MEPA) mandated the proposed traffic improvements on Great Road. Pavement will be added within the existing gravel shoulder with the addition of a sidewalk on grade on the east side of Great Road. The design also provides the addition of a grass swale to the existing paved swale which will provide pretreatment of runoff so that it does not discharge directly into the wetland. The Concord Public Works Water/Sewer Division has addressed its concerns in a letter dated August 14, 2006 regarding stormwater runoff into Nagog Pond; the proposed design allows current grades and slopes to remain unchanged. The surface of Great Road will be milled one to two inches and resurfaced to meet existing grades, which will address the Town of Concord's concerns. Siltation prevention is provided along the limit of work. Estimated construction time is approximately two weeks. The Mass Highway Department does not allow work between November 15 and April 15; pending other permits the Applicant will do the work this fall or next spring.

Upon query by the Commission, Ms. Sullivan reported that the Applicant chose to file the project as a Request for Determination because the work proposed is within the buffer zone and within existing roadway and road shoulder. The impact to wetlands is minimal and there are over 400 abutters to this site. The Applicant has presented and informed the Nonset Path Condo Association of the project.

The Commission noted a concern raised by the Conservation Administrator regarding improvements to the current siltation where direct runoff from Nonset Path is entering the wetlands and asks what can be done for water/runoff treatment before entering wetlands. Ms. Sullivan reiterated that the design provides a swale for pretreatment of runoff before discharge to wetlands. The design also provides a curb that will prevent road overflow from entering wetlands without going through the swale first.

10:12 Hearing no further comments or questions, Mr. Maitland closed the meeting.

Determination - Intersection of Nonset Path (north) & Great Road

Ms. Adachi moved that the Commission find the work as proposed to be within its jurisdiction but will not negatively affect the resource area (under the Bylaw and Act) with the special condition that the Conservation Administrator will be notified within 30 days of the completion of site work in order that the Administrator may inspect the site and determine a schedule for the removal of the haybales. Haybales will be removed from the site per the direction and schedule so determined by the Conservation Administrator.

Ms. Miles 2<sup>nd</sup>; unanimous.

Certificate of Compliance - 4 Lothrop Road - septic replacement - 85-558

Mr. Maitland reported that he has inspected the site and it is ready for a Certificate. Mr. Froberg moved that the Commission issue a Certificate of Compliance. Ms. Miles 2<sup>nd</sup>; unanimous.

### Minutes

Ms. Miles moved that the Commission approve the minutes for June 7 and June 21, 2006.  
Ms. Adachi 2<sup>nd</sup>; unanimous.

### Enforcement Order - 26 Grasshopper Lane – signature

The Commission ratified the Enforcement Order issued to the owner/builder on July 27, 2006 mandating completion of the project by September 15, 2006.

### Order of Resource Area Delineation – 48 & 50 Nashoba Road

Ms. Miles moved that the Commission find the delineation as accurate with the special condition that the Applicant shall investigate the wetland area to the south near Wetland Flags 1 & 2 in the spring of 2007. If evidence is found supporting vernal pool activities the Applicant shall certify the vernal pool with the Natural Heritage and Endangered Species Program. The Applicant shall submit a written report of the investigation and, if applicable, include a copy of certification documentation to the Commission.

Ms. Adachi 2<sup>nd</sup>; unanimous.

10:30 Meeting adjourned.



Terrence Maitland  
Chair

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