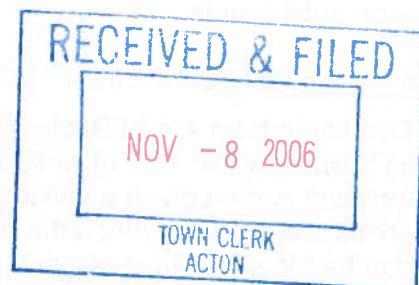


CONSERVATION COMMISSION  
AGENDA  
OCTOBER 4, 2006

- 7:15 Notice of Intent - 18 Alcott Street - Carolyn Randolph - Stamski & McNary  
Replacement of a sewage disposal system for the existing single family home.
- 7:30 Notice of Intent - 30 Stow Street - NOI - Mark Lombardo - A & M Realty Trust  
Reconstruction of roof lines on the existing building within 100' of wetlands and within the Fort Pond Brook riverfront resource area.
- 7:45 Notice of Intent - 953 to 976 Main Street - Water District - Geosyntec Consultants  
Drainage and watershed improvements from and monitoring and analysis of stormwater at the Kennedy and Marshal Well Fields; activities will occur within 100' of wetlands and the Nashoba Brook riverfront resource area.
- 8:00 Notice of Intent - 11 Munroe - Art Dirik  
Installation of an in-ground pool within 100' of wetlands.
- 8:15 Notice of Intent - 77 Esterbrook Road - Mary & Bill Unger  
Installation of an in-ground pool within 100' of wetlands.
- 8:30 Notice of Intent - 348 Main Street - Michael King - Stamski & McNary  
Construction of a single family home and associated grading within 100' of a wetland.

Minutes

August 16	comments rec'd by	JA, JM, TM signature
September 6	awaiting comments	TM
September 20	awaiting comments	TM



CONSERVATION COMMISSION  
MINUTES  
OCTOBER 4, 2006

**MEMBERS PRESENT:** Terry Maitland, Janet Adachi, William Froberg, Linda Serafini

**STAFF/RECORDING SECRETARY:** Andrea Ristine

**CONSERVATION ADMINISTRATOR:** Tom Tidman

**VISITORS:** Mark Lombardo, Jane Ceraso, Sehnaz Dirik, Linda & Steve Noone, Hugh Oxnard, Mary & Bill Unger, Ron Beck, Mark Donohoe, Wendall Graham, Michael King, Matthew Allison, Andrea Braga, Tara Hajjar, Frank Ferrari

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

7:17 Notice of Intent - 18 Alcott Street - Carolyn Randolph - Stamski & McNary

Matthew Allison from Stamski & McNary presented plans for proposed replacement of a sewage disposal system for the existing single family home. The proposed 1,500-gallon septic tank will be 58' from the edge of wetlands at the closest point. The Applicant has Board of Health approval. A roof drain outlet will also be installed approximately 20' from the edge of wetlands.

7:25 Hearing no comments or questions, Mr. Maitland closed the hearing.

Decision - 18 Alcott Street

Ms. Adachi moved that the Commission issue a standard Order of Conditions. Mr. Froberg 2<sup>nd</sup>; unanimous.

Acton Arboretum

Mr. Tidman reported that the Friends of the Acton Arboretum will be coming before the Commission to discuss the issue of leashing dogs between the hours of 9AM and dusk at the Arboretum. The Board of Selectmen will be asking for the Commission's opinion of a leash law in general throughout town. The issue is that dogs are out of control even though dog owners state that they are in control; some dogs are being attacked by others. This same situation also exists at NARA Park. The Board of Selectmen has received enough complaints that something has to be done in the near future. Dog owners not picking up their pet's feces is another issue, but the bigger issue is dog control on public lands.

7:30 Notice of Intent - 30 Stow Street - NOI - Mark Lombardo - A & M Realty Trust

Mark Lombardo from A & M Realty Trust presented plans for the reconstruction of roof lines on the existing building within 100' of wetlands and within the Fort Pond Brook riverfront resource area. The Applicant had received a building permit to replace the roof lines, which did not require Conservation approval. During the reconstruction rotted sills were discovered and therefore the Applicant had to excavate a six-inch perimeter around the building to expose all of the sills. This excavation was the only surface work involved with this project.

Mr. Maitland noted to the Commission that the building permit issued never circulated through the Conservation Department since all activity was to be within the existing building's foot print, the problem arose with the necessary excavation around the perimeter of the building.

Mr. Tidman stated that the Building Commissioner signed off and issued the building permit since the owner was rebuilding the existing walls with no proposed expansion. Had Mr. Tidman known that the sills had to be exposed he would have had the owner file a Request for Determination. This Notice of Intent filing provides proper paperwork after the fact; the Commission is hearing work that is essentially complete.

Mr. Lombardo reported exposure of the rotting sill was required by the Building Inspector.

Upon query by Mr. Maitland, Mr. Lombardo stated that the line of haybales is the limit of work on site.

Ms. Adachi stated that she observed limited excavation at the perimeter of the building foundation.

Upon query by Mr. Froberg, Mr. Lombardo reported that the building was built in World War II and other sections were added to the building in subsequent years. The purpose of reconstructing the roof lines is to change the pitch of the roof and during the process they found that the foundation sill was not worthy and needed replacement. Installation of windows and siding is the only remaining work to be done.

Mr. Maitland reported that he had observed work activities on the site, but even though benign, one cannot work four feet from a river without conferring with the Conservation Commission; Conservation came in after the fact.

Mr. Froberg expressed discomfort with the plan submitted as it does not show mitigation and work activity involved with this NOI filing. The plan submitted is dated December 1986 for the bridge deck replacement done by the Town of Acton.

Mr. Tidman suggested that Mr. Lombardo add a red-line change to the plan to show the haybales and silt fence and a notation along the foundation for the six-inch wide excavated foundation trench.

Mr. Lombardo noted that his building foundation is depicted on the plan, he cannot change the existing footprint of building and didn't want to pay for a new surveyed plan for this project.

Mr. Maitland tabled the hearing until later in the evening for the purpose of the Applicant adding a red-line change depicting the excavation line and siltation prevention.

7:47 Notice of Intent - 953 to 976 Main Street - Water District - Geosyntec Consultants

Andrea Braga from Geosyntec Consultants presented plans for proposed drainage and watershed improvements and monitoring and analysis of stormwater in the areas of the Kennedy and Marshal Well Fields; activities will occur within 100' of wetlands and the Nashoba Brook riverfront resource area. Appendix B within the NOI filing details the project description. Part of the project is how to quantify the improvement of water quality in the Nashoba Brook sub-basin. The Nashoba Brook Basin has been designated as the only highly stressed sub-basin in the entire Sudbury-Assabet-Concord Watershed (SuAsCo) due to low flows measured Nashoba Brook in this area. This project will be implemented to intercept and treat road runoff prior to its discharge to the groundwater and surface water in the Kennedy/Marshall wellfields. A pre-cast bioretention cell (Filterra® unit) will be installed adjacent to the existing catch basin on Main Street between the Kennedy and Marshall well fields. The catch basin will be replaced with a deep sump catch basin to provide better filtration and recharge. A bioretention swale to intercept roadway runoff will also be constructed along Main Street towards the Kennedy well field. Once the two technologies are implemented the Water District will monitor the water quality based on historic baseline data to evaluate the project's success as compared to post-project conditions.

Jane Ceraso from the Water District reported that the project is being implemented in coordination with the SuAsCo Plan and the Water District has received a grant for \$42,000 to

fund part of this project for prevention of stormwater runoff from the roadway towards the Kennedy and Marshall well fields; the Water District will be matching 30% of the project costs. Main Street runs within Zone 1 for the Kennedy and Marshall wellfields which are the only source of public water in North Acton.

Upon query by the Commission, Ms. Braga reported that the Water District wishes to start the project as soon as possible before the onset of winter; the project should take two weeks to complete.

8:01 Mr. Maitland closed the hearing.

Decision - 953 to 976 Main Street

Mr. Froberg moved that the Commission issue a standard Order of Conditions for the plans as presented. Ms. Adachi 2<sup>nd</sup>; unanimous.

Notice of Intent - 30 Stow Street

Mr. Maitland brought 30 Stow Street back to the table. The Commission reviewed the red-line changes to the plan showing the excavation and erosion control devices as requested.

8:08 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 30 Stow Street

Mr. Froberg moved that the Commission issue a standard Order of Conditions for the plans as presented and amended on this date. Ms. Serafini 2<sup>nd</sup>; unanimous.

8:00 Notice of Intent - 11 Munroe Drive - Art & Sehnaz Dirik

Sehnaz Dirik presented plans for the proposed construction of 16' x 30' in-ground pool and chain link fence within 100' of wetlands. The proposed pool will be located within the existing lawn area; the wetland was flagged for this project by the Conservation Administrator. Mrs. Dirik also stated that in the future she wishes to create a foundation under her existing deck.

Upon query by the Commission, Tara Hajjar from Surfside Pools stated that the proposed in-ground pool requires water during the winter. The pool can be constructed with a cartridge filter system that will not require backwashing. A cartridge filter does not have a waste line; a submersible pump would have to be used to reduce the water level of the pool for any reason.

Upon query by Ms. Adachi, Mrs. Dirik stated that she would be willing to add native shrub plantings along the existing toe of slope.

Upon query by Mr. Froberg, Mr. Tidman reported that there are no existing catchbasins in Munroe Drive. The Commission can implement a special condition that any pool water discharge shall be outside of the 100' buffer zone.

Steve Noone from 61 Washington Drive expressed concern regarding the placement of the proposed pool noting that topography of 11 Munroe Drive directs surface runoff towards his property and the adjacent wetlands as well as the Oxnard property located at 59 Washington Drive. Both Mr. Noone and Mr. Oxnard have recently had to replace their septic systems and are concerned that the construction and grade changes will impact their properties. Mr. Noone noted that the sump pump in his home now operates 365 days a year and didn't prior to the development of Munroe Drive.

Upon query by Mrs. Noone, Ms. Hajjar stated that an in-ground pool only requires the draw down of three inches of water elevation for winter preparation.

Mrs. Noone expressed concern noting that in recent years since the development of Munroe Drive she feels that the character of the adjacent wetland has changed and expanded. Based on the perc

tests for her recently replaced septic system groundwater elevation levels and flows have also changed probably due to the blasting and fill that was involved with the development.

Mr. Maitland noted that the Commission agrees that the cumulative effect of development and construction ultimately does affect land and natural drainage flows.

Mrs. Dirik stated that she feels that if proper precautions are taken the proposed in-ground pool should not affect the wetlands or adjacent properties.

Upon query by Mr. Maitland, Ms. Dirik stated that she hopes to start construction of the proposed pool this fall and finish in the spring of 2007.

Mr. Maitland stated that although the proposed pool should not impact the Noones' property, due to the circumstances in the immediate area, the Commission will need more detailed information to be provided on the plans submitted regarding the pool decking & patio dimensions, water discharge, pump shed location, fencing, and proposed plantings.

Mrs. Noone stated that she understands and has heard "no effect" but unfortunately past construction activities have affected her property and she is concerned. Mr. Maitland noted that the wetland setbacks under the Bylaw have been increased since the recent development of Munroe

Drive. The proposed pool location meets the current 75' no-structure setback from wetlands and the Commission will require that any water discharge be outside of the 100' buffer zone.

8:51 Upon query by Mr. Froberg and Ms. Adachi, Ms. Dirik stated that apart from the proposed pool project, she does wish to pour a cement foundation under the deck. Ms. Adachi noted that this is not referenced in the NOI.

Upon request by the Commission, Ms. Dirik agreed to continue the hearing until later this evening in order to amend her plan to reflect details requested by the Commission.

8:56 Notice of Intent - 77 Esterbrook Road - Mary & Bill Unger

Frank Ferrari from Aquascape Pool Designs presented plans for the proposed installation of a 23' x 40' in-ground pool within 100' of wetlands.

Ms. Adachi stated that the plan does not appear to be complete in showing existing conditions; it appears from a recent site visit that a number of trees have been recently removed.

Mary Unger reported that there were some scrap pine trees removed from her property; she had spoke with Mr. Tidman prior to their removal regarding replacement plantings that would be more wildlife beneficial. She had spoke with Mr. Tidman twice and was under the understanding that the pine tree removals were acceptable; she noted that bittersweet was overtaking the trees.

Upon query by Mr. Froberg, Mrs. Unger stated that there is an existing patio not shown on the plans; the well head location servicing her house prevents constructing the proposed pool closer to the house. More tree removals would be necessary if the proposed pool were located closer to the street. The pool equipment (pump) can be placed outside of the 100' buffer zone.

Upon query by Mr. Froberg, Bill Unger stated that discharge of any amount of pool water for whatever reason can be done outside of the 100' buffer zone.

Upon query by Mr. Maitland, Mrs. Unger reported that fencing would be installed around the perimeter of the yard but it would not inhibit passage of the existing path used by pedestrians and equestrians.

Ms. Adachi stated that she would like to see clarification on the plans regarding the tree removals and proposed plantings in the back yard.

Ron Beck from 80 Esterbrook Road raised concerns noting that this neighborhood area is a complicated area for other reasons. There is a large amount of wetlands in the vicinity. All residents in this area have private water wells and wetlands have a significant role. A nearby area in the

neighborhood has tested positive for perchlorate. The "scrap pine trees" that were removed had large root systems. He is not sure that the plan being presented accurately shows the edge of wetlands; and feels that the edge of wetlands needs to be reevaluated and surveyed noting that he has observed a lot of standing water since the original survey depicted on the plans was done in 2001. He feels that the Applicant should be more specific about pool water discharge since his well head is approximately 100+' from the proposed pool. Given the complexity of the local water supply and wetlands he feels that pool chemicals should be monitored in the adjacent wetlands. The adjacent wetland system connects directly to Nashoba Brook. An in-ground pool is the same as a house foundation in disturbing subsurface and surface water flows.

Upon query by Mr. Maitland, Mr. Tidman stated that he feels that the wetland delineation shown on the plan is accurate; it hasn't changed but agreed that there has been significant clearing of vegetation recently. Mrs. Unger interjected stating that that she had spoken with Mr. Tidman regarding the tree removals and proposed native species plantings.

Mr. Tidman noted that there was a previous wetland filing for an addition to the existing house and clearing of trees and additional landscaping with native species was discussed at that time.

Upon query by Mr. Maitland, Mrs. Unger reported that she has not completed the landscaping on her property pending the approval of the proposed pool construction.

Mr. Unger noted that the wetland is behind his house and extends to Pope Road; Mr. Beck's property is located across the street and a far distance from the proposed pool location.

Mr. Beck expressed concern, regardless of distance, regarding the aquifer associated with the existing wetlands. Wetland resources are protected since they function in groundwater recharge. The adjacent wetland is a wooded wetland with standing water after storm events and there are definitely some areas where there is no wetland buffer; he noted that the north side of the existing house at 77 Esterbrook Road has been cleared and is not vegetated.

Upon query by Mr. Froberg, Mr. Tidman stated that he would have to revisit the site to see if there are additional wetlands off site to the north as described by Mr. Beck.

Upon the request of the Commission, Mr. Unger agreed to continue the hearing until November 1 at 7:30 PM in order to investigate the abutting property to the north for potential wetlands.

The Commission will conduct a site walk prior to the continued hearing.

9:35 Notice of Intent - 348 Main Street (Lot 2) - Michael King - Stamski & McNary

Mark Donohoe presented plans for the proposed construction of a single family home and associated grading within 100' of a wetland. The proposed house and drip line recharge trench meets the 75' no-build setback required under the Bylaw. The proposed house will be constructed within the existing cleared area on the property. A 3' wide by 1' deep stone filled trench is proposed for surface runoff from the adjacent property to the north.

Upon query by Mr. Maitland, Mr. Tidman reported that he feels that the wetland flagging is accurate and conservatively delineated.

Wendall Graham from 352 Main Street expressed concern stating that she didn't realize current zoning would allow two houses on this lot but realizes that Mr. Kings did purchase a small amount of additional land from an immediate abutter behind 348 Main Street. Ms. Graham stated that the environment is important to her and she is concerned that the currently woodland will be invaded and feels that the existing plant population and wildlife will be affected by this development. Ms. Graham noted that there is an old carriage trail along Route 2 adjacent to this lot used as wildlife passage. Ms. Graham is also concerned that the construction will impact the root systems of the trees on her property since the proposed garage will be 10' from the property line. Ms. Graham also reported that she can hear Spring Peepers at the rear of this property.

Mr. Donohoe reported that the proposed house will be located within the existing lawn area and no additional clearing is proposed.

Mrs. King stated that she does not want to remove additional trees from the property in order to build the proposed house.

9:48 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Decision - 348 Main Street (Lot 2)

Ms. Adachi moved that the Commission issue a standard Order of Conditions for the plans as proposed contingent upon Board of Health approval of the sewage disposal system. Ms. Serafini 2<sup>nd</sup>; unanimous.

NOI - Continuation - 11 Monroe Drive

Upon query by the Commission Ms. Hajjar reported that the pool water level will only be dropped by 3" in the fall every year for winter preparation.

Red-line changes on the plan address all concerns raised by the Commission previously on this date.

10:00 Mr. Maitland closed the hearing.

Decision - 11 Munroe Drive

Mr. Maitland moved that the Commission issue an Order of Conditions for the plans as presented and amended on this date with the following special conditions:

- 1) Prior to the commencement of any pool construction activities, the 75' no-structure setback shall be clearly marked on the lawn. The 75' buffer demarcation shall remain until all pool construction activities have concluded. No work may occur within the 75' no-structure setback.
- 2) Any significant amount of pool drawdown greater than 3" in depth shall be discharged into a truck and removed off site. This condition stands in perpetuity.
- 3) A small amount of seasonal drawdown from the pool must be directed away from abutting improved properties and discharged to the east of the pool between the 50' and 75' setback from the edge of wetlands, or to an area outside of the 100' buffer zone.

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

Minutes

Ms. Adachi moved that the Commission accept the minutes for August 16, 2006. Mr. Froberg 2<sup>nd</sup>; unanimous.

10:15 Meeting adjourned.

Terrence Maitland  
Terrence Maitland  
Chair

