

**ACTON CONSERVATION COMMISSION
AGENDA
JUNE 5, 2013
7:00 PM
TOWN HALL - 472 MAIN STREET
ROOM 204**

- 7:15 Request for Determination - 291- 307 Main Street - Edens & Avant, Inc. (*Acton Plaza*)
Bohler Engineering: proposed site maintenance, improvements and repairs to the Acton Plaza Shopping Center; some activities occur within 100' of wetlands (town atlas plate F-3, Parcels 81, 89, 89-1, 97, 97-1, 98 & 115).
- 7:30 Notice of Intent - 44 Ethan Allen Drive - Selina Maitreya - 85-1126 (*010*)
ABC Cesspool: proposed replacement of a failed septic system within 100' of a wetlands (town atlas plate G-1, parcel 101).
- 7:40 Request for Determination - 45 Powdermill Road - Swanson-Buick-GMC (*020-021*)
Acton Survey & Engineering: proposed landscaping improvements, paving and installation of a building/vehicle ramp within 200' of riverfront area (town atlas plate J-3, parcel 59-1).
- 8:00 Notice of Intent - 531 Great Road - Nagog Woods Community Corp. - 85-1125 (*030-031*)
Stamski & McNary: proposed connection of sewer service to an existing single family dwelling within 100' of wetlands (town atlas plate B-4, parcel 11).
- 8:15 Request for Determination - 339 Nagog Hill Road - Town of Concord, Water & Sewer Division (*040-043*)
Environmental Partners Group: proposed pilot study of water treatment technologies located at the existing Ozone Facility at Nagog Pond (town atlas plate C-4, parcel 14).
- 8:30 Abbreviated Notice of Resource Area Delineation - 4 Horseshoe Drive (*010*)
(applicant requests a continuance until June 19 @ 7:30 pm due to lack of newspaper legal advertisement)
- 8:45 Notice of Intent - 12 Summer Street - W. Chisholm - 85-1127 (*050-051*)
Goddard Consulting: Mt. Laurel Realty for the proposed construction of two single family homes and construction of a common driveway access from Central Street; activities involve a work within 200' of Riverfront Area, 100' Buffer Zone and within Wetland Resource Areas (town atlas plate F-2B & G-2, parcel 200).
- Request for Certificate of Compliance - 419 Great Road - 85-1093 (*060*)

MINUTES

May 1	reviewed by	AM, FP
May 15	" "	AM

**ACTON CONSERVATION COMMISSION
MINUTES
JUNE 5, 2013
7:00 PM
TOWN HALL - 472 MAIN STREET
ROOM 204**

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

NATURAL RESOURCES DIRECTOR: Tom Tidman

ASSOCIATE COMMISSIONER: Jim Snyder-Grant

RECORDING SECRETARY: Tom Tidman

VISITORS: Dick Dolan, Mark Donohoe, John Swanson, Josh Swerling, Keith Hague, Rich Harrington, Melissa Simoncini, Scott Goddard, Steve Marsh, Nancy Banks, Stephen Olsen, Bruce Metzker Jim D'Agostine

7:15 Request for Determination - 291- 307 Main Street - Edens & Avant, Inc. (*Acton Plaza*)

Josh Swerling from Bohler Engineering presented plans for proposed site maintenance, improvements and repairs to the Acton Plaza Shopping Center noting that the work will be primarily maintenance. The applicant will be reconfiguring parking to make it more pedestrian friendly. Proposed pavement resurfacing of the existing parking areas will reduce impervious surfaces by approximately 2,000 s.f.. There will be an additional new sidewalk installed along Main Street, and a new traffic entrance will be added to the parking area accessed from Route 111 (Massachusetts DOT approved). Current storm drainage flow patterns will be retained. There are three resource areas involved with this project. The new sidewalk on Main Street will not be closer to wetlands than existing paved surfaces. The existing parking areas will be milled, graded and resurfaced.

Upon query by Ms. Green, Mr. Swerling reported that the proposed activities will not be within 200' of the perennial stream. Mr. Magee noted that the Commission can issue a Finding in the Order of Conditions pertaining to the stream's status.

Upon query by Mr. Magee, Mr. Swerling reported that the total parcel is approximately 13 acres.

Mr. Froberg inquired if anything could be done to better filter the storm runoff by possibly adding rain-gardens.

Mr. Magee asked if the applicant would be changing any of the existing catchbasins.

Mr. Swerling reported that the Acton Engineering Department has reviewed the project and stated that no additional stormwater review was needed.

Mr. Maitland noted that many improvements have been made on this site over the past few years.

Ms. Green stated that she feels that this proposed project is a border line filing as a Request for Determination with no stormwater review.

7:45 Hearing no further comments, Mr. Maitland closed the meeting.

Determination of Applicability - 291-307 Main Street - Acton Plaza

Mr. Magee moved that the Commission find that the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act (-3). Therefore, said work does not require the filing of a Notice of Intent with the following Finding of Fact: The Commission makes no determination pertaining to the perennial nature of the stream; the proposed work will not create a negative impact on the values of the stream. Ms. Portante 2nd, motion passed six aye, one nay (AG).

7:50 Notice of Intent - 44 Ethan Allen Drive - Selina Maitreya - 85-1126 (010)

Dick Dolan from ABC Cesspool presented plans for the proposed replacement of a failed septic system within 100' of wetlands. The new leaching field system will be constructed in place of the old failed system and elevated approximately three feet; the old tank will be crushed and the new tank will be placed almost in the same location. The system has been approved by the Board of Health.

7:55 Hearing no comments or questions, Mr. Maitland closed the hearing.

Decision - 44 Ethan Allen Drive - 85-1126

Mr. Magee moved that the Commission issue a standard Order of Conditions; Ms. Green 2nd, unanimous.

Request for Determination - 45 Powdermill Road - Swanson-Buick-GMC - (020-021)

Mark Donohoe from Acton Survey & Engineering presented plans for proposed landscaping improvements, paving and installation of a building/vehicle ramp within 200' of riverfront area. The showroom will be moved to the existing lower building closer to Powdermill Road, along with significant landscaping improvements; work is within riverfront area. The project design will decrease both impervious surface and stormwater runoff from the site.

Upon query by Mr. Arnold, Mr. Donohoe reported that stormwater runoff flows to two catchbasins on Powdermill Road (Route 62). The soils on this site are coarse sand and gravel with ground water at six feet below grade.

Upon query by Mr. Magee, Mr. Donohoe reported that there are no existing catchbasins on site and there will be four employees located on site. All stormwater flows to basins along Powdermill Road.

Upon further query by Mr. Magee, Mr. Donohoe reported that he has not installed pervious pavement before. This is a new pervious pavement technology developed at University of New Hampshire.

8:05 Hearing no further comments or questions, Mr. Maitland closed the hearing.

Determination of Applicability - 45 Powdermill Road

Ms. Portante moved that the Commission find that the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent (-3).

Mr. Magee 2nd, unanimous.

8:06 Notice of Intent - 531 Great Road - Nagog Woods Community Corp. - 85-1125 (030-031)

Rich Harrington from Stamski & McNary presented plans for the proposed connection of a sewer service line to an existing single family dwelling within 100' of wetlands. Mr. Harrington reported that the existing septic system is in failure; the applicant will connect to the existing sewer system for Nagog Woods. The proposed sewer line will be 22' away from wetlands at the closest point; work will occur mostly within existing lawn area.

Upon query by Ms. Portante, Mr. Harrington reported that change of elevation on the site is approximately 12' over the course of the sewer pipe installation.

Upon query by Melissa Simoncini from the Concord Water & Sewer Division, Mr. Harrington reported that the new sewer line will tie into the maintained existing sewer line; this project is an improvement since they are removing an existing failed septic system.

8:15 Hearing no further comments or questions, Mr. Maitland closed the hearing

Decision - 531 Great Road - 85-1125

Mr. Magee moved that the Commission issue a standard Order of Conditions amending standard Bylaw conditions 18 & 19 for the plans as presented; Mr. Colman 2nd, unanimous.

Request for Determination - 339 Nagog Hill Road - Town of Concord, Water & Sewer Division (040-043)

Mr. Magee recused himself from the meeting as he is currently working as a sub-consultant to Environmental Partners Group on this project.

8:20 Stephen Olsen from Environmental Partners Group presented plans for the proposed pilot study of water treatment technologies located at the existing Ozone Facility at Nagog Pond. It was reported that Concord is working on a watershed master plan; this is a pilot study for water treatment.

There will be two trailers located at the treatment facility; water will be pumped from the pond to the trailers; overflow of clean water will flow overland back to Nagog Brook; samples will be taken. They plan to be on site for three weeks in the summer and again in the winter.

The pilot treatment will remove turbidity and organics from the water at 50 gallons per minute. Treatment will occur within the two trailers.

Mr. Arnold asked if the project could be expanded to accommodate the actual treatment of water from the pond, on a much larger scale.

Upon query by Ms. Green, Mr. Olsen reported that the rip-rap is already existing on site; the activity is temporary and within the buffer zone. Solids will be collected by filter fabric and removed from the site.

Ms. Green expressed concern regarding erosion through the rip-rap. Melissa Simoncini from the Concord Water & Sewer Division reported that she is on site frequently and will check for erosion.

The Commission discussed concerns with erosion and potential special conditions.

Decision - 531 Great Road - 85-1125

Mr. Froberg moved that the Commission find that the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent (-3) with the following special conditions:

- 1) The applicant shall notify the Conservation Department 24 hours prior to commencement of the pilot project.
- 2) The applicant shall monitor for erosion through the length of the duration of the project.

Ms. Portante 2nd, unanimous.

8:49 Abbreviated Notice of Resource Area Delineation - 4 Horseshoe Drive (010)

Mr. Maitland stated to the public at the request of the applicant the hearing will be continued to June 19, 2013 at 7:30 pm due to lack of newspaper legal advertisement.

8:50 Notice of Intent - 12 Summer Street - W. Chisholm - 85-1127 (050-051)

Scott Goddard from Goddard Consulting presented plans for the proposed construction of two single family homes and construction of a common driveway access from Central Street; activities involve work within the 200' of Riverfront Area, the 100' Buffer Zone and within Wetland Resource Areas. Mr. Goddard reported that the proposed PCRC development of two new single family homes and common driveway has been approved by the Planning Board. The resource area is Bordering Vegetated Wetland (BVW) and a perennial stream; Muddy Brook also flows through the site with associated flood plain falling within approximately the same location as the edge of BVW. There are limited uplands on the site. Many of the wetland delineation flags are missing; new survey work is underway as well as staking the center line of the proposed common driveway. The applicant proposes to fill 830 s.f. of BVW for the construction of the common driveway. Mr. Goddard reported that he delineated the wetlands in January of 2012. There is no proposed activity within the riverfront area; 830 s.f. of disturbed/filled wetlands is proposed with 1,375 of wetland replacement. Mr. Goddard will have the following items for the next meeting:

- 1) Wetland flags will be restored on site;
- 2) center line of the driveway will be staked on site;
- 3) the property line will be staked;
- 4) cross sections along the driveway will be done;
- 5) an amended plan will be submitted at a scale that allows a clearer review of the wetland alteration areas.

Steve Marsh, representing the applicant, noted that some of Mt. Hope Cemetery's driveway is located on this private parcel and the frontage is located on Central Street. A conservation restriction will be placed on all but one acre of the property.

Upon query by Nancy Banks, Mr. Marsh reported that the existing trails along Muddy Brook will remain and be open to the public.

Mr. Magee stated that the Commission will need to know when this lot was created; the proposed project will require a hardship determination for the wetland fill and he feels that the applicant may have created his own hardship by creating a lot that requires wetlands to be filled in order to be developed. The Commission had concerns during the site visit regarding the location of a number of the wetland flags, some of which were more than 20 feet off of the apparent wetland line and will need to see more evidence. A third party may be necessary to review the wetland delineation.

Mr. Goddard stated that he will start with re-delineating the wetland line as it was originally flagged in January 2012.

Ms. Green stated that she would like the Commission have a third party review the delineation. Mr. Goddard asked that be delayed long enough to allow him to complete the re-delineation.

Mr. Magee stated that he would like to see calculations for the amount of impact within the 50' and 75' setbacks under the Bylaw; he wants to see trees greater than eight-inch caliper marked that are to be removed and all stream channels on the property need to be shown.

Upon query by abutter Bruce Metzker; Mr. Goddard reported that the proposed common driveway will be 12' wide.

Mr. Metzker reported that this area has extreme flooding.

Mr. Maitland noted that it seems like the division of this lot created the hardship which challenges Acton's Wetland Protection Bylaw.

Upon agreement of the applicant's representative, Mr. Maitland continued the hearing until July 17, 2013 at 7:30 PM.

Request for Certificate of Compliance - 419 Great Road - 85-1093 (060)

Ms. Portante moved that the Commission issue a Certificate; Mr. Magee 2nd, unanimous.

9:45 Meeting adjourned.



Terry Maitland
Chair

TT:ahr
ahr.concom.minutes.2013.06-05-2013
ar rec'd 6/11/13

 06-05-2013

Type ↑	Title	Owner	Edited
	Acton Plaza	naturalres	05/29/13
	010 - Notice of Intent - 44 Ethan Allen Drive	naturalres	05/29/13
	020 - Request for Determination - 45 Powder Mill Road	naturalres	05/29/13
	021 - 45 Powdermill Road - Letter from AS&E 6-3-13	naturalres	06/03/13
	030 - Notice of Intent - 531 Great Road	naturalres	05/29/13
	031 - 531 Great Road - Sewer Connection Plan	naturalres	05/29/13
	040 - Request for Determination - 339 Nagog Hill Road (Nagog Pond)	naturalres	05/29/13
	041 - 339 Nagog Hill Road - Nagog Pond Pilot Treatability Study - Appendix D	naturalres	05/29/13
	042 - 339 Nagog Hill Road - Nagog Pond - Wedeco - EFFIZON Ozone Generator - Operating Instructions	naturalres	05/29/13
	043 - 339 Nagog Hill Road - Nagog Pond -Enflo-DAF - Pilot Plant Technical Information	naturalres	05/29/13
	050 - Notice of Intent - 12 Summer Street - Lot 2	naturalres	06/03/13
	051 - 12 Summer Street - PCRC - Central Street Site Plan	naturalres	05/29/13
	060 - Request for Certificate of Compliance - 411 & 419 Great Road - Spring Hill Comons 85-1093	naturalres	05/29/13
	070 - Request for Continuance - 4 Horseshoe Drive	naturalres	06/03/13