
ATTACHMENT E
OTHER VARIANCES AND PERMITS

Variations, Permits, and Other Special Permits Previously Issued by other Town Boards or State and Federal Agencies:

1. Sanitary Facilities Variance
 - a. A copy of the Variance is included within this Attachment.
2. Nagog Ozone Facility Special Use Permit, Site Plan Special Permit, and Flood Plain Special Permit
 - a. A copy of the Permit (Plan File #3405) is included within the Attachment.

Permits Required to complete the Proposed Work:

1. Town of Acton Special Use Permit
2. Town of Acton Site Plan Special Permit
3. MEPA Environmental Notification Form
4. Massachusetts Historical Commission Project Notification Form
5. MADEP BRP WPA Form 3 Notice of Intent
6. MADEP BRP 24 Approval to Construct a Water Treatment Facility
7. MADEP Chapter 91 Waterways License
8. United States Army Corps of Engineers General Permit
9. MADEP 401 Water Quality Certification
10. MADEP Disposal System Construction Permit (Title 5)
11. MADEP BRP US 06 Underground Injection Control
12. Town of Acton Building Permits
13. MADEP Certification for Solar Energy Project on Water Supply Land (BRP 2011-1)
14. NPDES Construction Stormwater General Permit
15. Hazardous Material Storage Notification/Licenses/Permits

Variations Required to complete the Proposed Work:

1. There are no Variations required to complete the proposed work.

Haley and Ward, Inc.

Civil and Environmental Engineers

October 24, 1995

Town of Acton
Board of Health
472 Main Street
Acton, MA 01720

Attn: Mr. Doug Halley, Health Director

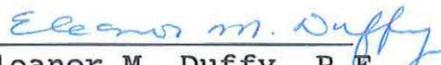
Re: Town of Concord
Nagog Pond Disinfection Facility
Request for Variance

Dear Mr. Halley,

We have obtained a variance from the requirement for sanitary facilities at the Nagog Pond Disinfection Facility. The variance was unanimously approved by the Board of State Examiners of Plumbers and Gas Fitters on their October 4, 1995 meeting. Enclosed please find a copy of the variance for your files.

Yours very truly,

HALEY AND WARD, INC.


Eleanor M. Duffy, P.E.

Enclosure

CON\021-058



The Commonwealth of Massachusetts

Division of Registration

Leverett Saltonstall Building, Government Center

100 Cambridge Street, Boston 02202

October 19, 1995

Eleanor M. Duffy, P. E.
Haley and Ward, Inc.
25 Fox Road
Waltham, MA 02154

Dear Ms Duffy:

October 4, 1995 the Board of State Examiners of Plumbers and Gas Fitters approved your application for a variance from the Massachusetts State Plumbing and Fuel Gas Code CMR 248, section 2.02 Principle #6 for the Nagog Pond Disinfection Facility, 339 Nagog Hill Road, Acton, MA.

Very truly yours,
For the Board

Louis J. Visco

Louis J. Visco, Executive Secretary
Board of State Examiners of Plumbers and Gas Fitters

emr:

IMPORTANT NOTICE

A copy of this approval must be filed by you with the local plumbing and/or gas inspector and if applicable the Board of Health.



TOWN OF ACTON

BUILDING PERMIT APPLICATION

Permit No. _____
Date Issued _____
Received 8/10/95

I. LOCATION OF PROJECT

At (Location) BEHIND 13 Rear Hazelnut Street
339 NAGOG HILL ROAD (No.) (Street) Zoning District RESIDENTIAL
Applicant _____ Phone _____
Lot Description: Parcel C 40 014 Plate _____ Latest Recorded Plan: Book NA Page NA
000

II. TYPE AND USE OF BUILDINGS

| | | | | | | | | | | |
|---|---|--|--------------------|----------------|--|----------------|---------------------|----------------|--|----------------|
| <p>A. TYPE OF IMPROVEMENT</p> <p><input checked="" type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair, Replacement <input type="checkbox"/> Wrecking, Demolition <input type="checkbox"/> Moving, Relocation <input type="checkbox"/> Swimming Pool <input type="checkbox"/> Sign <input type="checkbox"/> Other - Specify _____</p> | <p>COMMERCIAL ONLY</p> <p>B. TYPE OF CONSTRUCTION (Section 401 Mass. State Bldg. Code)</p> <p><u>3B</u></p> <p>USE GROUP CLASSIFICATION (Section 301 Mass. State Bldg. Code)</p> <p><u>F-2</u></p> | <p>C. FLOOR AREA (Based on Exterior Dimensions in square feet)</p> <p>Basement, (Unfinished) _____ Basement, (Finished) <u>1400</u> First Floor <u>1400</u> Second Floor _____ Third Floor _____ Garage _____ Porch/Deck _____ Other - Specify _____</p> <p>D. RESIDENTIAL BUILDINGS ONLY</p> <table> <tr><td>Number of Bedrooms</td><td>Existing _____</td></tr> <tr><td></td><td>Proposed _____</td></tr> <tr><td>Number of Bathrooms</td><td>Existing _____</td></tr> <tr><td></td><td>Proposed _____</td></tr> </table> | Number of Bedrooms | Existing _____ | | Proposed _____ | Number of Bathrooms | Existing _____ | | Proposed _____ |
| Number of Bedrooms | Existing _____ | | | | | | | | | |
| | Proposed _____ | | | | | | | | | |
| Number of Bathrooms | Existing _____ | | | | | | | | | |
| | Proposed _____ | | | | | | | | | |

F. DESCRIBE PROPOSED USE OF STRUCTURE OR BUILDING IN DETAIL.
PUBLIC DRINKING WATER TREATMENT

DEPARTMENTAL APPROVALS:

| | Approved | Disapproved | Not Applicable |
|---------------------------------|--|-------------|-------------------------------------|
| ENGINEERING DEPARTMENT: | | | |
| Street Number | <input checked="" type="checkbox"/> | _____ | _____ |
| Street Cut | _____ | _____ | <input checked="" type="checkbox"/> |
| Plate & Parcel | <input checked="" type="checkbox"/> | _____ | _____ |
| Flood Plain | <u>10-18-94</u> | _____ | _____ |
| Other <u>SPECIAL USE</u> | <u>10-18-94</u> | _____ | _____ |
| | <u>PERMIT</u> | | |
| PLANNING BOARD: | | | |
| Lot Release (date _____) | _____ | _____ | _____ |
| Bond Posted (date _____) | _____ | _____ | _____ |
| ANR Plan | _____ | _____ | _____ |
| Special Permit | <u>10-18-94</u> | _____ | _____ |
| Other _____ | _____ | _____ | _____ |
| CONSERVATION COMMISSION: | | | |
| Wetlands | <input checked="" type="checkbox"/> | _____ | _____ |
| Other <u>W. 8/17/95</u> | <u>9-8-94</u> | _____ | _____ |
| HEALTH DEPARTMENT: | | | |
| <u>ADP 8/14/95</u> | <input checked="" type="checkbox"/> | _____ | _____ |
| | <u>HAZ. MAT. PERMIT REQUIRED PRIOR TO OCCUPANCY.</u> | | |

Health



RECEIVED & FILED

DATE October 18, 1994

Barbara Brown
for TOWN CLERK, ACTON

MASSACHUSETTS

BOARD OF APPEALS

DECISION NO. 94-19

DECISION ON THE PETITION BY TOWN OF CONCORD PUBLIC WORKS COMMISSION, 133 KEYES ROAD, CONCORD, MA

A public hearing of the ACTON BOARD OF APPEALS was held in Room 126 of the Acton Town Hall, Acton, Massachusetts on Monday, September 12, 1994 at 8:00 PM on the petition by Town of Concord Public Works Commission for a PETITION FOR A VARIANCE from the Acton Zoning Bylaw, for all Sections of the Bylaw that apply, in order to allow the construction of a drinking water disinfection facility for the Nagog Pond water supply facility in Acton, Map C4/Parcel 14 and Map B4/Parcels 101034 through 144446.

The public hearing on September 12th was continued to September 19, 1994 at 8:00 PM due to the lack of a quorum on September 12th.

Members of the Board of Appeals present on September 19th were Duncan Wood, Chairman; Nicholas Miller, Member and Acting Clerk; Janet Clark, Alternate Member; and Valerie Grier, Board of Appeals Secretary. Also present were Harold Storrs, representing the Town of Concord, Petitioner; Maurice Caron, Town of Concord; Jack O'Connell, Haley & Ward; and Michael Griffin.

Mr. Wood opened the hearing, introduced the Board Members, read the petition, noted file contents, and explained hearing procedures.

The Board of Appeals, after considering the materials submitted with the petition together with the information developed at the public hearing, finds that:

(1) The Town of Concord is attempting to comply with USEPA requirements for disinfection of all surface water based public water supplies. The project proposes to install a ozonation based treatment process in a new building to be built on land owned by the Town of Concord just to the south of the existing dam where Nagog Brook discharges from the reservoir.

(2) The project site is located in woods at a location that currently lacks vehicle access. The property also lacks frontage on a public way, due to the history of how the land was acquired by the Town of Concord.

(3) In order to provide vehicle access to the site, a driveway is proposed to connect the site to the Acorn Park subdivision which is currently under construction. This access also requires an easement across property owned by Palmer. The treatment facility is proposed on the south side of Nagog Brook, thus requiring a crossing of the brook. The proposed location of the crossing is a location where relatively little flood plain storage exists due to the steepness of the stream channel and the narrowness of the valley.

(4) The location of the treatment building is isolated and remote from any other active land use. Most of the adjacent land is controlled by either the Town of Concord as a water supply protection district or is Acton Conservation Land. The only abutting private property (Palmer) is undeveloped and is likely to be transferred to the Town of Concord as part of a proposed land swap.

(5) The project has already received an "Order of Conditions" from the Acton Conservation Commission. Partly in response to that review, the design of the crossing was modified to reduce the volume of flood plain fill. Revised calculations for the wetland and floodplain fill volume were submitted by Haley & Ward at the hearing.

(6) The specific provisions of the Acton Zoning Bylaw that may require variances for the proposed design, and a paraphrased summary of the requirement, are as follows:

Section 4.1.8.1.b Retain 98% of the existing natural floodplain storage without construction of compensatory storage areas.

Section 4.3.6.2 Retain volume of groundwater recharge occurring on site to pre-development condition.

Section 5.2.2 Frontage on a street is required for a building lot.

Section 6.7.3 Access driveways should consist of a 24 foot wide pavement.

Sections 6.7.5, 6.7.6, and 6.7.7 Specific requirements for landscaping around the perimeter of the project site and within designated parking areas.

Section 10.4.3.1 No increase in the peak rate of runoff from up to a 10-year design storm.

(7) The Town of Concord's design has attempted to be sensitive to the issues raised in the sections of the Bylaw listed above, but certain aspects of the requirements that are intended for more conventional site plan layout are not fully met, and the need for frontage can not be met.

Without the requested variances the project is either infeasible, or will require more extensive tree cutting and grading alterations to the natural environment in that location.

(8) Protection of water resources is a specific goal of the Acton Master Plan. Granting appropriate variances to allow the construction of the disinfection facility is consistent with the

objectives of the Master Plan.

As a result of the above findings, the Board of Appeals concludes that:

(1) The proposed project will benefit the safety of the water supply resources serving the Town of Concord and a portion of Acton.

(2) The volume of floodplain storage that will be lost is limited to approximately 400 cubic feet. It can not reasonably be determined whether this exceeds 2% of the storage on the site without a much more detailed topographic survey and a decision on what existing volume should be considered, since the fill is within an easement crossing the brook at some distance from the actual construction site for the treatment building. The strict application of Section 4.1.8.1.b at this location is not appropriate given the character of the stream valley, the limited loss of storage volume that has been engineered, and the dominating flood control benefit provided by the Nagog Pond, just upstream of the crossing location.

(3) The proposed drainage swale, if lined with stone, will limit the loss of groundwater recharge resulting from the project. The actual existing recharge in the area of the proposed building is currently limited due to the steep slopes and density of vegetative cover. The strict application of Section 4.3.6.2 is not appropriate for this particular project, but the design of the drainage swales should include an enhanced opportunity for the recharge of runoff from the site.

(4) The lot where the treatment facility is to be built lacks frontage. The strict enforcement of Section 5.2.2, would prohibit the project without the purchase of significant additional land for no purpose other than to reach a public way. Given the nature of this project there is no overriding need for frontage on a street as long as access has been provided via permanent easements.

(5) The site will be visited once per day by a water system operator. There will not be a significant traffic using the driveway. Thus the need for a driveway with a 24 foot wide pavement does not exist.

(6) The site is in the midst of an existing woodland. The specific requirements for landscaping are not appropriate to this location.

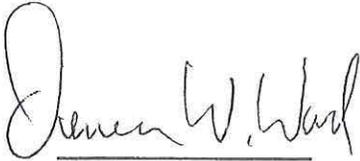
(7) The impact on drainage patterns resulting from construction of this project will be very limited due to the small size of the treatment structure and the narrow width of the access road surface, and the small parking area.. The waterway or swale along the northern side of the access road should include an enhanced opportunity for the recharge of runoff from the site.

Based upon the findings and conclusions, the Board voted unanimously to GRANT a general variance to Sections 4.1.8.1.b, 4.3.6.2, 5.2.2, 6.7.3, 6.7.5, 6.7.6, 6.7.7, and 10.4.3.1 of the Zoning Bylaw for the construction of this project, subject to the following condition.

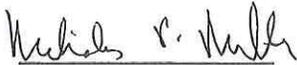
(1) The drainage swale along the northern side of the access driveway will have a crushed rock bottom at least 12 inches deep and two feet wide. The purpose of the crushed rock bottom in the swale will be to encourage infiltration of runoff from smaller storm events and to reduce erosion in the trench during larger storms.

Any person aggrieved by this decision may appeal pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 17, within twenty (20) days after this decision is filed with the Acton Town Clerk.

**TOWN OF ACTON
BOARD OF APPEALS**



Duncan Wood
Chairman



Nicholas Miller
Member-Acting Clerk



Janet Clark
Alternate Member

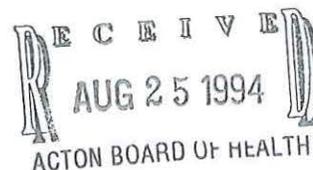
I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on Oct. 18, 1994.



Valerie Grier
Secretary
Board of Appeals

Application

Site Plan Special Permit



3.2 Certified Abutters List

List of Abutters and List of Abutters and Other Interested Parties attached.

3.3 Use Description

The project involves the construction of a drinking water disinfection facility for the existing surface water supply at Nagog Pond. The purpose of the project is to provide disinfection of the drinking water as required by new EPA regulations. The principal use will be a municipal waterworks facility.

The work will involve the construction of a small building (approximately 50' x 30') to house air preparation equipment, ozone generators and associated equipment; construction of two ozone contact chambers beneath the building; and an access road to the facility from Acorn Park Development. The access road includes a culvert crossing at Nagog Brook.

The facility includes two (2) ozone generators each capable of producing seventy-five pounds per day of ozone gas. The generators will require a Hazardous Waste Permit.

3.4 Other Permits and Variances

The following permits are considered relevant to the project:

| <u>Permit</u> | <u>Agency</u> |
|---|---|
| Order of Conditions | Acton Conservation Commission Central Region DEP |
| Programmatic General Permit | Army Corp of Engineers |
| Water Quality Certification | Department of Environmental Protection |
| Environmental Notification Form | MEPA |
| Archaeological Survey | Mass. Historical Commission |
| Site Plan Special Permit | Acton Board of Selectmen |
| Floodplain Special Permit | Acton Zoning Board of Appeals |
| Variances from Subdivision Rules and Regulations | Acton Zoning Board of Appeals |
| Variances from Zoning Bylaws | Acton Zoning Board of Appeals |
| Hazardous Waste Permit | Board of Health |

3.5 Recorded Plans

A copy of the general location plan for the lot on which the work will take place is attached.

3.6 Drainage Calculations

The project includes an access road with culvert crossing over Nagog Brook and a small parking area in front of the building. The building and parking area are shown on the Site Plan G-1. Plans of the access road include G-4, G-5, G-6 and G-7. Drainage calculations with documentation are attached.

3.7 Water Balance Calculations

The project site is located within Groundwater District 4. We respectfully request relief from the requirement of water balance calculation for pre- and post-development conditions due to the minimal alteration of ground surface as outlined on Drawing G-3 "Grading Plan".

3.8 Earth Removal Calculations

We respectfully request relief from the requirement of earth removal calculations.

3.9 Plans

The following plans are included with this application.

| | |
|-----|--|
| G-1 | Site Plan |
| G-3 | Grading Plan |
| G-4 | Roadway Cross Section at Box Culvert Sta. 0+0 to -1+0 |
| G-5 | Roadway Cross Sections Sta. 0+50 to 2+0 |
| G-6 | Roadway Cross Sections Sta. 3+0 to 6+0 |
| G-7 | Roadway Profile |
| A-1 | Building Floor Plan |
| A-2 | Building Elevations and Architectural Details |

3.9.2 Locus Plan

A section of a USGS of the site is included as well as the general location plan.

3.9.3 General Site Characteristics

Site characteristics are shown on Drawing G-1 "Site Plan".

3.9.4 Natural Site Characteristics

Refer to Drawing G-1 "Site Plan" for natural site characteristics. Proposed contours of the land are shown on Drawing G-3 "Grading Plan".

3.9.5 Site Improvements

Erosion and sedimentation control measures are summarized in the attached Specification for Environmental Controls to be included in the Contract Documents. Additionally, a Notice of Intent has been filed with the Conservation Commission.

An outline of the proposed structures is shown on Drawing G-1 "Site Plan". Drawing A-1 shows floor plan of the building. Building elevations and architectural details are shown on Drawing A-2.

No signs are proposed for the facility.

No sidewalks are proposed for the facility. Under a separate application for variances from certain sections of the Zoning Bylaws, we are requesting relief from requirements for roadway width, structured drainage facilities, sidewalks, driveway requirements, and parking facilities. No handicapped access to the building will be provided.

3.9.6 Phasing

The project is not to be built in phases.

3.9.7 Site Utilities

At the present time, underground telephone and electrical service are proposed in the access road. Utilities will be brought into the site from the Acorn Park Development stub road. No emergency power facilities are included in the project.

No underground storage tanks for fuel or other chemical storage are included in the project. Above ground propane gas storage tank, on a concrete pad, is proposed for space heating of the building.

No potable water service is provided within the facility. Process water is supplied from Nagog Pond.

One fire hydrant is proposed, located within 500 feet of the principal building. However, the water main at this location is not pressurized.

3.9.8 Waste Disposal Facilities

No waste disposal facilities will be provided at the facility because this activity is inconsistent with the watershed protection bylaw.

We intend to apply for a variance from this requirement from the Massachusetts Division of Plumbing and the Massachusetts Department of Environmental Protection.

3.9.9 Construction Details

Construction details are outlined in contract drawings submitted with the application.

3.9.10 Landscape Plan

No landscaping will be provided for the site. The site is to be restored to its preconstruction condition of woodland and wooded wetlands as much as possible.

3.9.11 Building Elevations

Refer to Drawing A-2 for building elevations and architectural details.

3.9.12 Floor Plans

Refer to Drawing A-1 for building floor plan.

3.9.13 Plan Notes

We request that the required notes be inserted into the contract specifications rather than appear on the contract drawings.

3.9.14 Traffic Study

Two vehicle trips per day are estimated for operation and maintenance. We respectfully request relief from the requirement for a traffic study as the project will have a minimal impact on traffic.

ENS

DECISION of the Board of Selectmen (hereinafter the Board) on the petition of Harold W. Storrs for the Town of Concord (hereinafter the Petitioner) for the property located behind 339 Nagog Hill Road, Acton, Massachusetts. Said property is shown on Acton Town Atlas Map C4, parcel 14.

This Decision is in response to an application submitted to the Board on 8/25/94 by the Petitioner for a Site Plan Special Permit under Section 10.4, a Special Use Permit under Section 10.3, and a Flood Plain Special Permit under Section 4.1.8 of the Acton Zoning Bylaw (hereinafter the Bylaw) in effect on 5/24/94, to construct a 1400 square foot disinfection facility with associated parking.

After causing notice of the time and place of the public hearing and the subject matter thereof to be published, posted and mailed to the Petitioner's abutters and other parties in interest as required by law, the hearing was called to order on October 11, 1994 at 7:45 PM and the hearing was continued until 7:45 PM on October 25, 1994 so that the Petitioner could supply additional information. The Hearing was held in the Selectmen's Hearing Room at the Acton Town Hall. Board members Norman Lake, William Mullin, F. Dore' Hunter, Nancy Tavernier and Wayne Friedrichs were present throughout the proceedings.

The record of the proceedings and submissions upon which this permit is based may be referred to in the Office of the Town Clerk, or the Office of the Board.

Submitted for the Board's deliberation prior to the close of the hearing were the following exhibits:

EXHIBIT I

A properly executed application for Site Plan approval received 8/25/94; an addendum entitled "Application Site Plan Special Permit" outlining provisions of the rules and regulations for Site Plan Special Permits; location plan; environmental controls; cover letter to the Board dated 7/12/94 from Haley and Ward, Inc.; drainage calculations dated 8/23/94; calculations on fill (loss) of flood plain dated 8/23/94; list of permits; certified abutters list; a second cover letter to the Board dated 7/11/94 from Haley and Ward, Inc.

EXHIBIT II

An Interdepartmental Communication (IDC) from the Town Manager to staff requesting comments; Notice of the Hearing; letter dated 8/25/94 from the Town Manager's office to Ms. Eleanor Duffy, P.E.; letter to Beacon Publications dated 8/25/94 from the Town Manager's office.

EXHIBIT III

A set of plans prepared by Haley and Ward, Inc. noted as follows: Nagog Pond Disinfection Facility Site Plan; drawing G-1 rev. 8/11/94; site details, drawing G-2 rev. 8/5/94; Nagog Pond Disinfection Facility, drawing G-3 rev. 8/5/94; roadway cross sections at Box Culvert STA. 0+0 to -1+0, drawing G-4 rev. 8/5/94; roadway cross sections STA. 0+50 to STA. 2+0, drawing G-5 rev. 8/5/94; roadway cross sections STA. 3+0 to STA. 6+0, drawing G-6 rev. 8/5/94; Roadway Profile, drawing G-7 drawn June, 1994; Building Floor Plan, drawing A-1 rev. 6/28/94; Building Elevations and Architectural Details, drawing A-2 rev. 6/24/94; General Location Plan of Proposed Parcel, drawing 2 drawn September 1993.



EXHIBIT IV

The following IDC's were received:

1. Building Commissioner dated 9/26/94.
2. Conservation Administrator dated 9/28/94.
3. Town Planner dated 8/21/94.
4. Fire Chief dated 9/28/94.
5. Health Director dated 9/16/94.
6. Municipal Properties Director dated 9/2/94.

EXHIBIT III is hereinafter referred to as the Plan.

1.0 FINDINGS AND CONCLUSIONS

Based upon review of the exhibits and records of the proceedings, the Board found and concluded that:

- 1.1 The site is located in the Residential-8 Zoning District and "Other Public Use" is permitted by Special Use Permit.
- 1.2 The site is located in Zone 4 of the Ground Water Protection District.
- 1.3 The Petitioner is requesting a waiver from earth removal calculations. The Board finds that this request is appropriate and therefore granted.
- 1.4 The Petitioner is requesting a waiver from the water balance calculations. The Board finds that this request is not consistent with the purpose of the Bylaw and that post-development runoff should not exceed pre-development conditions.
- 1.5 The Petitioner has received variances from sections 4.1.8.1b, 4.3.6.2, 5.2.2, 6.7.3, 6.7.5, 6.7.6, 6.7.7, and 10.4.3.1 of the Bylaw from the Board of Appeals. The Plan presented reflects these variances.
- 1.6 The facility will produce ozone that will be used to treat the water from Nagog Pond. The Hazardous Materials Bylaw provides that a permit from the Board of Health is necessary to produce the gas.
- 1.7 The spur from Hazelnut Street will be used to access this site and provide future access to the Palmer property. This spur may one day become a subdivision street which could be accepted by the Town. The Plans, as provided, do not contain sufficient information on how the "box culvert" drainage manhole and drop inlet are to be constructed and installed. Because this may one day be maintained by the Town, these details should be provided.
- 1.8 The Fire Department feels that there is adequate monitoring of the site via leased telephone lines connected to both Concord DPW and the Concord Police therefore only a lock box is needed. The Board agrees with the Fire Department.
- 1.9 The Board of Appeals has granted a variance from the landscaping requirements. The Board believes that all disturbed surfaces should be covered with four inches of loam and a seeding with a naturalizing mix of perennial grasses.
- 1.10 The retaining wall around the building has a deferential in grade of more than four feet in several locations. When the grade exceeds four feet, a forty-two inch high barrier shall be installed.

- *****
- 1.11 The crossing at Nagog Brook may become a subdivision road. To avoid the need to rebuild the crossing, the plans should be prepared by an engineer so that the culvert and associated wing walls are designed for H-20 loading.
- 1.12 The Plan, as herein modified, will:
1. Protect the neighborhood and the Town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
 2. Provide for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site.
 3. Provides an adequate arrangement of parking and loading spaces in relation to the proposed USES of the premises.
 4. Provides adequate methods of disposal of refuse or other wastes resulting from the USES permitted on the site.
 5. Is consistent with the Master Plan.
 6. Is in harmony with the purpose and intent of this Bylaw.
 7. Will not be detrimental or injurious to the neighborhood in which it is to take place.
 8. Is appropriate for the site and complies with all applicable requirements of this Bylaw.

Therefore, the Board voted to GRANT the requested Site Plan Special Permit, Special Use Permit, and Flood Plain Special Permit subject to and with the benefit of the following Plan modifications, conditions and limitations.

2.0 PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected or modified information. The Building Commissioner shall not issue any building permit nor shall he permit any construction activity to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected or modified information. Except where otherwise provided, compliance with the requirements of this permit shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit any construction on the site. The Petitioner shall submit two copies of the final plans as approved for construction by the Building Commissioner to the Building Commissioner prior to the issuance of a building permit.

- 2.1 The Plan shall be modified to reflect that post-development runoff does not exceed

pre-development runoff and provide calculations.

- 2.2 Provide plan details on the box culvert, wing walls, drop inlet, and drain manhole in sufficient detail so that a contractor may install them. The box culvert and wing walls have to be designed by a Mass. registered structural engineer for H-20 loading.
- 2.3 Indicate on the plan that lock box approved by the Acton Fire Department shall be installed.
- 2.4 The site plan shall indicate that all disturbed surfaces will be covered with four inches of loam and a seeding with a naturalizing mix of perennial grasses.
- 2.5 Where the retaining wall around the building is in excess of four feet, a forty-two inch barrier shall be installed.

3.0 CONDITIONS

- 3.1 Prior to occupancy or use of the new building, an as-built plan will be supplied by the engineer of record certifying that the project was built according to the approved documents. The as-built plan shall show all pavement, building and drainage structure locations above and below grade in their true relationship to lot lines, and include appropriate grades and elevations. In addition to the engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor.
- 3.2 All necessary approvals of the Board of Health as it pertains to the size and location of the septic system shall be obtained prior to the issuance of the Building Permit if a variance is not obtained from the State. A Hazardous Storage Permit shall be obtained from the Board of Health.

4.0 LIMITATIONS

The Authority granted to the Petitioner by this permit is limited as follows:

- 4.1 This permit applies only to the site which is the subject of this petition. All construction shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 4.2 There shall be no further development of this site without written consent of the Board of Selectmen as outlined within the Acton Zoning Bylaw.
- 4.3 This Decision applies only to the requested Special Permit. Other permits or approvals required by the Acton Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The hauling of earth to and from the site shall be restricted to the hours between 9:00 AM and 4:00 PM Monday thru Saturday.
- 4.6 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the Acton Zoning Bylaw.

4.7 This Site Plan Special Permit shall lapse on July 12, 1996 if a substantial use thereof has not commenced sooner except for good cause. Any request for an extension of the time limitation set forth herein must be made in writing to the Board at least thirty (30) days prior to said expiration date and the Board herein reserves its rights and powers to grant or deny such extension as herein provided unless it finds that the use of the property in question or construction on the site has not begun except for good cause.

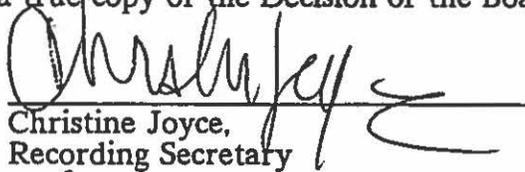
5.0 APPEALS

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

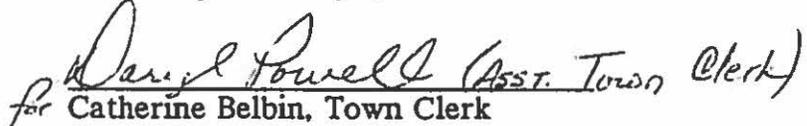
Witness our hand this 23 day of NOV, 1994.


Norman Lake, Chairman

I, Christine Joyce, hereby certify that this is a true copy of the Decision of the Board of Selectmen.


Christine Joyce,
Recording Secretary

November 23, 1994
Date filed with Town Clerk


for Catherine Belbin, Town Clerk (Asst. Town Clerk)

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Decision of the Town of Concord has passed and there have been no appeals made to this office.

Date

Catherine Belbin, Town Clerk

cc: Petitioner - Certified Mail # 298 682 993
Building Commissioner
Planning Board
Engineering
Conservation
Board of Health
Town Clerk
Planning Boards - Littleton, Westford, Maynard, Carlisle, Concord,
Boxboro, Stow, Sudbury

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 9/26/94

TO: Don P. Johnson, Town Manager
FROM: Engineering Department P.R. D.A.
SUBJECT: Site Plan # 8/25/94-346
Concord Water Works Disinfection Facility

We have reviewed the site plan referenced above and have the following comments.

1. The drainage calculations do not compare pre and post development run-off as required by Section 10.4.3.1 of the Zoning Bylaw.
2. The plan shows a leaching catchbasin near the driveway with a pipe extending towards the proposed building. There is no further description or detail to indicate the purpose of this basin.
3. There are no construction details for the drainage manhole or the drop inlet at the culvert crossing.
4. The applicant has requested a waiver from Section 4.3 of the Bylaw regarding water balance calculations. This is a relatively easy calculation which to our knowledge has never been waived on previous site plans. In our opinion, the plans should incorporate a detention basin designed to recharge the groundwater and limit the post development rate of run-off from the site.
5. The plans for the culvert at the brook crossing are, in our opinion, insufficient to insure proper installation. Over the last several years the Acton Engineering Department and Highway Department have designed and installed 8 precast culverts of various sizes. We have developed a good sense of the level of detail required on a plan for this type of work and suggest at a minimum the following additional information.
 - a) A plan view of the culvert crossing at a sufficient scale to clearly show the existing topography, horizontal dimensions of the proposed wing-walls, skew angle of the culvert, etc.
 - b) The cross-section of the culvert does not indicate invert elevations.
 - c) The cross-section indicates 24" of bank gravel as a base under the culvert. Our experience has told us that the work below the culvert is often done in water, even during dry periods of the year. A 12" base of crushed stone provides the support necessary while still allowing work in the groundwater. A gravel base could too easily become muddy and unusable.

- d) The plans also indicate the use of poured in place retaining walls at each end of the culvert. The footings for these walls extend 4 to 5 feet below the culvert. Given sufficient detail, most culvert manufacturers can also provide designs for pre-cast wing-walls and header sections to conform to special site applications. A precast or granite cut-off wall at each end of the culvert provides a level and stable base for installation of the retaining sections. It is likely that a crane will be required to install the culvert sections. Given the limited mobility and the lifting hardware required, installing the sections between the poured in place headwalls is a difficult construction problem to solve.

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