



**TOWN OF ACTON**  
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**Engineering Department**

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***INTERDEPARTMENTAL COMMUNICATION***

**To: Board of Appeals**

**Date: 9/16/2016**

**From: Engineering Department**

**Subject: 31, 39 & 45 Martin Street – Comprehensive Permit**

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We have reviewed the plans titled “The New England Subdivision, 40B Comprehensive Permit Application, Martin Street, Acton Massachusetts” dated June 1, 2016. The plans are conceptual in nature however we have the following general comments:

1. The properties are located within the sewer district and have been assessed one sewer betterment unit (SBU) each; three SBU’s total. The initial sewer betterment for all three properties combined has an outstanding balance of \$20,769.28 which would be required to be settled at a minimum.

For developments which are an increase from the by-right calculated title 5 flow, a privilege fee is assessed for the additional sewer capacity per Chapter D10 of the Town Bylaw (attached). The bylaw requires a privilege fee of 1 SBU for each dwelling unit and 2/3rds of an SBU for multi-family units (i.e. condos) with two or fewer bedrooms. Assuming each building shown on the plan is a single dwelling unit, a privilege fee based on an additional 29 SBUs (32 units shown minus the initial 3 SBU assessment) at \$12,311.52 per SBU equals approximately \$357,034.08.

We would require the floor plans for each of the units to confirm the final privilege fee. The applicant may request from the Sewer Commissioners (Board of Selectmen) a waiver or reduction in the fee which the Commissioners may consider based on the attached Sewer Commissioner Policy.

2. The applicant will be required to comply with applicable stormwater requirements. We have attached a copy of the Town Policy for compliance with the Town Bylaw Chapter X
3. Martin Street averages 3,500 vehicles per day which classifies it as a Collector Road. We recommend the applicant address any traffic impacts that the development may have.
4. The plans show additional parking at the entrance of the driveway. This area is located near the South Acton train station and the reserved spaces at Jones Field. The applicant,

while working with the Acton Recreation Department at Jones Field, should work with the Acton DPW and Police Departments to address the best solution for parking in this area.

5. The applicant will be required to address the sidewalk requirement. The three existing properties do not have a sidewalk along their frontage.
6. We recommend naming the proposed driveway and giving each unit an address for that roadway. In our experience, developers of smaller developments have found it advantageous to avoid using "4" or "44" as a street number as those numbers are less marketable. We request clarification from the applicant as to which units will be individually owned or owned by an association for tax identification purposes.
7. Any street signs should be MUTCD compliant and explicitly state that the road is a private way if the roadway is to remain private. There should be an agreement among the owners or association that assigns responsibility for the roadway, drainage system and sewer to the owners.
8. The Fire Department should comment on the accessibility of a fire truck. The Acton Fire Truck template is slightly larger than an SU-30 template.
9. Two temporary benchmarks should be provided that won't be disturbed during construction.
10. The applicant should add a note stating that any fill material used shall be free of hazardous material and free of construction debris.
11. The applicant will be responsible for providing an as-built plan certified by a PLS and a statement by a PE stating that the subdivision has been constructed as designed and if not, any differences shall be noted in the statement.

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## SEWER COMMISSIONER POLICY 2010-01

### PURPOSE

The purpose of this document is to provide the Sewer Commissioners with a consistent and fair mechanism to utilize when considering requests for relief from the Sewer Assessment Bylaw D-10 5-b. This section reads as follows:

- b. The Sewer Commissioners may establish reasonable fees pursuant to G.L. c. 83, § 17, to cover costs of construction of common sewers and other facilities required to serve land previously assessed a sewer betterment based on its existing use and/or its existing zoning potential where such land is later developed and/or subdivided for more intensive use (such as through a comprehensive permit under G.L. c. 40B, a zoning change, a subdivision, an approval not required plan, or other means). This fee shall be calculated based on the number of Sewer Assessment Units attributable to the intensified use of the land minus the number of Sewer Assessment Units originally assessed to the land, and may be adjusted by such other factors as the Sewer Commissioners, by regulation promulgated pursuant to this bylaw, determine to be appropriate. This fee shall be paid before any sewer connection permit or building permit is issued for the intensified use or, if a sewer connection permit or building permit is not required for the intensified use, before that use is commenced. The Sewer Commissioners may, by regulation promulgated pursuant to this bylaw, divide this fee among the land involved.*

### POLICY

When the Sewer Commissioners receive a request from an applicant for relief from payment of a privilege fee prior to the issuance of a sewer connection permit or a building permit they shall take the following under consideration:

1. Is the intensified use requiring the privilege fee a Local Initiative Project or similar type of project as supported by the Acton Zoning Bylaw as specified in section 4.4.?
2. Is the intensified use requiring the privilege fee providing a public benefit; such as affordable housing, historic protection, open space or other benefit as interpreted by the Sewer Commissioners?
3. Is the applicant requesting the relief agreeing to pay an Interest Rate for the Interest Period starting upon the issuance of a sewer connection permit or building permit (whichever is issued first) to the date of the issuance of an Occupancy Permit?
4. Is the applicant requesting the relief in good standing with the Town in that no taxes or fees are outstanding as either an individual or as a corporate entity?

Should the Sewer Commissioners find that the request for relief meets all of the above conditions, the requirement for payment of the privilege fee prior to issuance of a sewer connection permit or a building permit may be changed to payment prior to the issuance of an occupancy permit.

**Definitions**

Local Initiative Project – Consistent with the Comprehensive Permit Policy, Appendix D, as adopted by the Board of Selectmen and Planning Board, April 2006.

Interest Rate - \$15.00 per month per privilege fee unit during the interest period

Interest Period – The start of the period shall be the first day of the month when a sewer connection permit or a building permit is issued (no matter which day the permit is actually issued) and shall continue to the last day of the month when an occupancy permit is issued.



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**INTERDEPARTMENTAL COMMUNICATION**

**To:** Board of Selectmen  
Conservation Commission  
Planning Board  
Zoning Board of Appeals  
**Date:** 8/19/2016

**CC:** Manager's Office  
Water Resource Advisory Committee

**From:** Engineering Department  
Land Use Department

**Subject:** *Chapter X Stormwater Bylaw – Land Disturbance Permit – Town Policy*

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Purpose

The purpose of this memo is to outline the Town's policy regarding the implementation of the Stormwater Management and Sediment and Erosion Control Bylaw, Chapter X of the Town of Acton Bylaws (BYLAW) passed by Town Meeting November 10, 2015 and in effect May 10, 2016.

According to the BYLAW, it "is intended to address gaps in jurisdiction for stormwater management requirements in the Town of Acton Bylaws and the Massachusetts Wetlands Protection Act". The BYLAW authorizes the Board of Selectmen to select an Implementing Authority (AUTHORITY) to enact rules and regulations for the BYLAW. On July 11, 2016 the Board of Selectmen chose the Land Use Department and the Department of Public Works as the joint AUTHORITY. The BYLAW requires the AUTHORITY to create rules and regulations to implement the BYLAW and for applicants to obtain a Land Disturbance Permit (PERMIT) for projects that meet certain thresholds. Until such time as the Rules and Regulations are created and approved by the Board of Selectmen, this memo will provide applicants with the guidance to obtain a PERMIT. In addition to addressing the gaps in stormwater jurisdiction between existing processes, the intention of this memo and the Rules and Regulations will be to promote the requirements of the Town's federal stormwater (MS4) permit.

Typical Projects

Typical projects that may require a PERMIT include, but are not limited to:

- New & Common Driveways

- Building & Demolition Permits
- New Septic Systems
- Approval Not Required (ANR) Subdivisions
- Definitive Subdivisions
- Special Permits
- Variances
- Comprehensive Permits

### Thresholds

The following thresholds for any project shall require the Applicant to obtain a PERMIT from the AUTHORITY:

- Disturbance OR development of 1 acre of land
  - This includes the development of lots created through the Approval Not Required (ANR) subdivision process. For example, if a 1-acre lot is divided into five lots, a PERMIT will be required prior to obtaining a building permit. An applicant can choose to apply for a PERMIT for each lot (despite each lot being 1/5<sup>th</sup> of an acre), or one PERMIT for a stormwater management system accommodating all five lots.
- Disturbance OR development of 5,000 square feet in areas with a 10% slope or greater
  - This also includes construction on lots made during an ANR subdivision.
- Disturbance OR creation of 5,000 square feet or more of impervious area
  - This includes repaving existing areas. For example, a 5,000 square foot parking lot is proposed to be repaved with 0 additional square feet of paved area. The project requires a PERMIT despite no net increase in impervious area. The intent is to utilize sediment and erosion controls during land disturbance activities, and add stormwater management best management practices where practicable.
  - Impervious areas include but are not limited to roofs, pools and other impervious surfaces where stormwater infiltration can't be reasonably expected (see Acton Zoning Bylaw § 4.3.3.9)
  - This also includes construction on lots made during an ANR subdivision.
- Construction of a new drainage system OR alteration of an existing system
  - Alteration includes but is not limited to changing pipe materials, pipe sizes, structures (manholes and catch basins), etc. The intent is to upgrade system and implement BMPs when possible.

## Exemptions

The following activities are exempt from obtaining a PERMIT with the AUTHORITY:

- Activities approved by the Acton Conservation Commission as part of an Order of Conditions
  - See Standards section regarding applicability of MA Stormwater Standard thresholds
- Normal maintenance of or emergency repairs to Town owned Public Way drainage systems
  - Does not apply if improvement to public way includes an expansion of impervious area of 5,000 or more square feet
- Normal maintenance and improvement of land in agricultural use defined by the Wetland Protection Act
  - When agricultural use is questionable for the AUTHORITY, applicant may be required to submit an RDA to the Conservation Commission or their Agent to determine applicability
- Maintenance and repair of septic systems
  - This does not include replacement of failed systems or construction of new systems. New systems as part of a larger project with approved stormwater systems (i.e. Definitive Subdivisions) will not require a separate, standalone PERMIT
- Construction of fencing
- Emergency repairs to existing utilities (gas, water, sanitary sewer, electric, telephone, cable, etc.)
  - Normal replacement or upgrading of utilities not deemed an emergency by the utility company will require a Land Disturbance Permit. It is encouraged for utility companies to contact the AUTHORITY to coordinate efforts with the Town.
- Normal maintenance of or emergency repair to any stormwater treatment facility deemed necessary by AUTHORITY
  - Intent is to upgrade system and implement BMPs when possible

## Standards

As previously mentioned, the AUTHORITY will create Rules and Regulations as required by the BYLAW. The BYLAW states that in the interim, the Massachusetts Stormwater Handbook Standards shall apply. This section will outline the standards required for a PERMIT by the AUTHORITY until such time the Rules and Regulations are written.

### *Compliance with the MA Stormwater Handbook*

To the extent practicable, the Applicant will be required to demonstrate compliance with the MA Stormwater Handbook standards. Since the intent of the BYLAW is to address the gaps between the MA Wetland Protection Act and the Acton Zoning Bylaw, the thresholds for applicability given in the MA Stormwater Handbook do not apply. The applicant will be required to meet the standards of the Handbook if the project meets the thresholds created by the BYLAW.

*Example: A 4-lot subdivision or a single family home, outside the jurisdiction of the Wetland Protection Act, disturbing an acre of land. Though the proposed project does not meet the applicability threshold for the MA Handbook, the project requires a PERMIT if it meets the BYLAW threshold.*

In addition to this requirement, the Water Quality Volume required in Standard 4 of the MA Handbook shall be required for the first inch of stormwater runoff in all conditions. This requirement meets the standard of the Acton Zoning Bylaw and the Town's MS4 permit.

### *Compliance with other Acton Standards*

All other Acton Standards found in, but not limited to the Acton Zoning Bylaw and Subdivision Rules & Regulations are required for a PERMIT. The following highlights are given for additional clarification:

- LID designs are encouraged. See the MA Stormwater Handbook for additional guidance
  - Requirement for diversion of the first inch of stormwater runoff to clay lined basins can be satisfied using other BMPs that meet the intent of the zoning bylaw requirement
- Groundwater Protection District Standards still must be met, including the Water Balance requirement
  - Recognizing that stormwater has the potential to infiltrate, runoff or evapotranspire in a given area, the Applicant will provide calculations demonstrating that the volume of stormwater infiltrated on an annual basis will not be decreased from pre-development to post-development
  - The post-development volume can include the volume of additional sources of groundwater such as, but not limited to, Title 5 estimated flows

### Other Minimum Standards/Conclusion

The intent of this BYLAW and PERMIT is to have the applicant, at a minimum, provide erosion and sediment control for their project. Compliance with the NPDES General Construction Permit and the MA Stormwater Handbook Standards shall be met to the maximum extent practicable

### *Permit Process*

For any typical project (see "Typical Projects" above), the Applicant will be required as part of the typical permit process (building permit, etc.) to demonstrate whether the project requires a PERMIT. For typical projects that require a public hearing before a Board (Planning, Selectmen, Zoning, etc.):

- The AUTHORITY will comment to the Board regarding the applicability of the BYLAW
- If BYLAW is applicable, the Board as part of their decision and/or approval will require the Applicant to satisfy the PERMIT requirements with the AUTHORITY. The Board decision/approval will serve as the PERMIT
- If changes to the plan, required by the PERMIT, are deemed by the AUTHORITY to be significantly altered from the approved Board plan, the Applicant may be required to resubmit the altered plan to the original Board.

For typical projects that do not require a public hearing before a Board, the AUTHORITY will require a PERMIT prior to any land disturbance taking place

### *Contact*

- It is recommended that the Applicant contact the AUTHORITY, specifically the Engineering Department at 978-929-6630 or [engineering@acton-ma.gov](mailto:engineering@acton-ma.gov), prior to any project involving any land disturbance to question if the project may require a PERMIT
- The Applicant shall provide the name and phone number of a contact person who will be responsible for the implementation of the PERMIT
- After obtaining an approved PERMIT, but prior to any land disturbance taking place, the applicant will be required to contact the AUTHORITY to inspect the erosion control measures and other requirements of the PERMIT
- The Applicant may be required to provide a bond or other form of performance guarantee prior to issuing the PERMIT.