CONSERVATION COMMISSION

AMENDED AGENDA

MAY 4, 2011

7:00 PM

TOWN HALL - 472 MAIN STREET - ROOM 204

Citizen's Concerns - Kimberly Connors-Hughes, Historical Commission - Wheeler dam

7:00 Continuation - Notice of Intent - 95 Newtown Road

New information – none received

7:15 Notice of Intent - 2 Stow Street - Town of Acton [Caouette Property] *(020)*

Proposed excavation and removal of contaminated soil from Bordering Land Subject to Flooding and within 100' of wetlands (Town Atlas Plate H-2A, Parcel 62).

7:40 Land Stewardship Committee – Jim Snyder-Grant *(050 - 051)*
Update.

7:40 Continuation - Notice of Intent - Nonset Path (030)

Applicant has requested further continuance until May 18, 7:30pm

BUSINESS

- Elect Vice Chair
- Conservation Restriction - 193 Nagog Hill Road - Groener - *ConCom Signature (040)*

MINUTES

January 20 OSRP	forthcoming
March 3 OSRP	forthcoming
April 20	forthcoming
**March 23 CC & OSRP	forthcoming

CONSERVATION COMMISSION
MINUTES
MAY 4, 2011
7:00 PM
TOWN HALL - 472 MAIN STREET - ROOM 204

COMMISSIONERS PRESENT: Terry Maitland, Andrew Magee, Bill Froberg, Amy Green, Fran Portante

ASSOCIATE MEMBER(S): Jim Snyder-Grant

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Tom Tidman

VISITORS: Kimberly Connors-Hughes, Mark Donohoe, James Okun, Jeffrey Park, Carol Marcacci, Janet Adachi, Eric Hilfer, Paul Simeone, Terry Simeone, Clare Siska, Bruce Cherner, Michael and Tai Summers-McGuiness

Citizen's Concerns - Kimberly Connors-Hughes, Historical Commission - Wheeler dam

Kimberly Connors-Hughes gave a brief history of the Wheeler Lane/Robbins Mill dam site which dates approximately back to 1732, maybe longer. The Historical Commission is working to have the site listed on the state's historical register as an archeological asset. They would like to keep some of the integrity of the site, breeching the dam would greatly impact the visual appeal of the mill site. The Town is exempt from restrictions if it becomes an official listed historical place.

The Commission took Ms. Connors-Hughes concern under advisement.

7:00 Continuation - Notice of Intent - 95 Newtown Road *(010 – 011)*

Mark Donohoe from Acton Survey and Engineering presented revised plans dated 5/4/2011 indicating the location of the potential vernal pool north of the site based on a report from Charles Caron, Caron Environmental Consulting, dated 5/4/11. Mr. Caron reported that he felt that it is a marginal vernal pool. Mr. Donohoe stated that the proposed development will be outside of the 100' buffer zone of the vernal pool by moving the proposed house slightly.

Mr. Magee noted that the no-disturb area is 100' from the edge of the vernal pool, not the edge of wetlands.

Mr. Maitland stated that it seems that there are several issues still in flux: the Commission needs to see a plan that shows the 100' "no-disturb" setback around the vernal pool and the only wetland delineation flags that the Commission will accept are R2 through R4, R9 through R13 and A-1.

Mr. Maitland stated that since the amended plans are new to the Commission on this date, 5/4/11, the Commission requests a continuance of the hearing until 5/18/11 at 7:15PM to review the newly submitted information. Mr. Donohoe agreed.

[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings – 05-04-2011 - (010-011).]

7:35 Notice of Intent - 2 Stow Street - Town of Acton [Caouette Property] *(020)*

Mr. Maitland recused himself from the hearing stating that the he is an abutter within 300' of the site, 2 Stow Street; Mr. Maitland left the room. Mr. Magee opened the hearing.

James Okun from O'Reilly, Talbot & Okun (OTO) presented proposed plans for excavation and removal of contaminated soil from Bordering Land Subject to Flooding and within 100' of wetlands remediation. Mr. Okun reported that he is a licensed Site Professional. Mr. Okun reported that the site has areas with elevated levels of arsenic, lead and polycyclic aromatic hydrocarbons (PAH) which are common in old industrial sites. The compounds found in the soil are not soluble and tend to stay localized. The extent of contamination will be verified before the site is declared "clean". Most of the remediation area is located within the 100' wetland buffer zone.

Jeffrey Park from O'Reilly, Talbot & Okun reported that approximately 8,000 s.f. of soil will be removed from the 100' wetland buffer zone and approximately 3,900 s.f. with Bordering Land Subject to Flooding. The contamination area will be cleared, excavated, less than two-feet in depth, clean fill will be brought onto the site and re-seeded.

Upon query by Mr. Magee, Mr. Okun reported that the remediation process will involve installation of haybales to establish the limit of work, a portable "wheel wash" station (possibly two) will be constructed, and the general area of excavation will be marked in the field. A remediation contractor will be hired, work will be done and testing will be conducted to ensure that the area is clean.

Upon query by Ms. Portante, Mr. Okun stated that the truck access route and haul road will be via the existing dirt road, an estimated 200 cubic yards will be removed and trucks will be loaded outside the contamination area.

Ms. Portante stated that she would like to see the haul route and wash station(s) area depicted on the plan.

Upon query by Mr. Froberg, Mr. Okun reported that the level of contamination is high enough in concentration to cause concern and is well above state standards.

Upon query by Ms. Green, Mr. Okun reported that he does not believe that the contamination zone intercepts groundwater.

Ms. Green noted that provisions for erosion control are not depicted on the plans.

Upon query by Mr. Magee, Mr. Park reported that proposed re-planting will be specified ten-feet on center and a plant list will be included in the awarded contractor's documents.

Mr. Magee stated that the Commission will need to see a detailed restoration plan.

Upon query by Mr. Arnold, Mr. Okun reported the estimated remediation and restoration time will be approximately four to six weeks.

Ms. Green stated that the Commission will need to see erosion control and greater detail pertaining to re-planting depicted on the plans.

Carol Marcacci from Acton Citizens for Environmental Safety (ACES) stated that ACES would appreciate a copy of the plans submitted before the Commission for this hearing.

Upon query by Ms. Marcacci, Mr. Okun reported that testing will be done along the haul-route and activity will stop before reaching the railroad tracks.

Eric Hilfer from ACES inquired if different levels of contamination will be mixed together; will the rail-trail site be cleaned afterwards and could that cause problems for the newly cleaned field?

Mr. Okun reported that there will not be any mixing of different levels of contaminated materials on site; timing of the rail-trail project does not allow for both areas to be cleaned up at the same time.

Upon query by Paul Simeone, Mr. Okun stated that they will coordinate the remediation schedule with Mr. Simeone to limit impacts with farm-field planting.

Upon query by Ms. Portante, Mr. Magee agreed that the Commission will make a list of questions for OTO.

Upon query by Tai Summers-McGuiness, Mr. Okun stated that the Town will provide everything on the Town website, including construction schedules etc.; dust control is an important part of any remediation activity and will be a part of the specifications that will be provided to the contractors involved with the project.

8:25 Upon agreement by Mr. Okun, Mr. Magee continued the hearing until May 18, 2011 at 8:00 PM.

[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings – 05-04-2011 - (020).]

Mr. Maitland returned to the meeting.

7:40 Continuation - Notice of Intent – 101 Nonset Path *(030)*

Mr. Maitland reported that upon the Applicant's request the hearing will be continued until May 18, 7:30pm. *[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings – 05-04-2011 - (030).]*

Land Stewardship Committee – Jim Snyder-Grant *(050 - 051)*

Jim Snyder-Grant, Chairman of the Land Stewardship Committee (LSC) updated the Commission and outlined the need to add two additional stewards to better serve all of the major conservation lands.

The Commission reviewed renewing discussions with the Commonwealth to develop a new lease agreement for the Wetherbee Street conservation land.

The Commission reviewed renewing discussions with the Commonwealth to develop a new lease agreement for the Wetherbee Street conservation land. Mr. Snyder-Grant agreed to send Mr. Maitland background information on previous concerns he had raised about this issue.

Mr. Snyder-Grant inquired if anyone knew how to obtain permission to maintain or modify the existing informal trail that connects Wetherbee conservation land with Hosmer Street that goes over state-owned land now protected by the extensive Conservation Restriction that protects much of the open space next to Rte 2 near the Acton/Concord boundary. Ms. Adachi agreed to

explore this question with the Commonwealth, and the related question of whether access to that trail is allowed by pedestrian users of Wetherbee at all.

Mr. Snyder-Grant noted that a proposed updated charter for the Land Stewardship committee will be coming to the ConsCom for their review later this year.

Mr. Magee moved that the Commission approve two additional stewards to the LSC's membership positions; Mr. Froberg 2nd, unanimous.

[See file in the Conservation Office also located in DocuShare: Conservation Commission - 2011 Meetings – 05-04-2011 - (050-051).]

Conservation Restriction - 193 Nagog Hill Road - Groener - *ConCom Signature (040)*

Mr. Arnold stated that he has questions regarding the conservation restriction that he would like to address to town counsel.

The Commission tabled the issue until their next meeting on May 18, 2011

BUSINESS - Elect Vice-Chair

Mr. Arnold moved that the Commission nominate Andrew Magee; Ms. Portante 2nd, unanimous.

8:45 Meeting adjourned.

Terry Maitland

Terry Maitland,
Chairman

TT:ahr
ahr.concom.minutes.05-04-2011

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05-04-2011

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PDF	0001 - May 4 Amended Agenda	naturalres	05/02/11	94 KB	
PDF	0001 - May 4 Amended Agenda (2).pdf	naturalres	05/03/11	94 KB	
PDF	010 - 95 Newtown Road - Caron Environmental Letter 5-4-11	naturalres	05/17/11	267 KB	
PDF	011 - 95 Newtown Road NOI Site Plan Sheet 1 of 2 5-4-2011	naturalres	05/17/11	524 KB	
PDF	020 - Notice of Intent - 2 Stow Street (Caouette Property)	naturalres	05/03/11	53 MB	
PDF	021 - 2 Stow Street - Notification of DEP File Number 85-1063 with Notes	naturalres	05/03/11	15 KB	
PDF	030 - Nonset Path - Request for Continuance until 5-18-2011	naturalres	05/02/11	33 KB	
PDF	040 - Conservation Restriction - 193 Nagog Hill Road	naturalres	04/28/11	802 KB	
PDF	041 - Draft Groener CR2-3 (2)	naturalres	05/04/11	57 KB	
PDF	050 - LSC Associate Increase Membership - Memo (JSG 3-8-2011)	naturalres	05/03/11	13 KB	
PDF	051 - LSC Current Members Parcels 4-13-2011	naturalres	05/03/11	16 KB	