

**BRUCE FREEMAN RAIL TRAIL**  
**Draft of Special Conditions**

**Include Standard Conditions 1-20** with the following exception:

**Delete Standard Condition 15**

**Delete Standard Conditions 17, 18 and 19 of the bylaw**

**Add to Standard Condition 8:** A preconstruction meeting shall be held at least two weeks prior to commencement of any site work (including staking of erosion controls) in order to review the project with the Contractor, discuss schedule, and obtain 24-hour contact information of a person responsible for the site. This meeting shall include, at a minimum. The Contractor, Engineer, Mass DOT representative, the Wetland Scientist/ Environmental Monitor and the Conservation Commission and/or its agent. **(Amy's)**

**Add the following Special Conditions:**

- 1.** Hire or designate an Environmental Monitor (EM). This person could be in addition to the Wetland Specialist (WS; Spec. Item 755.7) or the same person. This person could also be the inspector for the SWPPP but must also demonstrate experience in monitoring wetland resource area impacts and restoration (including BVW, Bank, LUWW, floodplain and Riverfront Area). The qualifications of these monitors shall be similar to that outlined in Spec Item 755.7, except that the EM shall provide additional qualifications for general construction monitoring and erosion control monitoring. The EM and/or WS must be qualified in Bank, Land Under Water and Waterways (LUWW), Bordering Vegetated Wetland (BVW), Bordering Land Subject to Flooding (BLSF), Riverfront Area and wildlife construction impact and restoration issues. No EM and/or WS may be hired without the approval of the ACC. The qualifications shall be submitted to the ACC simultaneously with submittal to Mass DOT within 60 days following Notice to Proceed so that the ACC can provide input to Mass DOT. The WS shall have at least 10 years related experience.
  
- 2.** The EM and/or WS shall be authorized to talk directly to the ACC and have the authority to stop the contractor's work in order to consult with the ACC.
  
- 3.** "Because of the sensitivity of wetland resource areas along the right of way, the final limits of work shall be adjusted in the field so as to absolutely minimize the amount of vegetation removal and pruning in the buffer zone and resources areas. To this end the project contractor shall meet with the ACC and/or its agent to review and mark erosion control locations in the field prior to their installation, clearing or grubbing." **(Westford #25)**  
In areas where erosion controls are not proposed, the limit of work shall be marked in the field, prior to clearing or grubbing, for approval by the ACC or its agent. This limit of work can be marked by erosion controls, construction fencing, or similar method approved by the ACC or its agent. No other work shall occur in a given work area until erosion control/limit of work marking is approved and then installed.
  
- 3a.** Bank, BVW and LUWW impact areas shall be staked with identification (i.e. Station location) prior to the commencement of work so that it can be determined in the field that the estimated impact was not exceeded

and that, in the case of temporary disturbance, the area was ultimately restored to acceptable conditions. These areas shall be monitored by the EM and/or WS.

4. No work will commence until the ACC has inspected and approved the erosion control and limit of work locations.

5. Trees larger than 8-inch dbh and inside the proposed work area shall be marked in the field for review by the ACC or its agent prior to its removal to determine if the tree could remain. The ACC or its agent may flag trees to save .

6. The SWPPP shall be submitted to the ACC and its agent least two weeks before work commences, and shall be discussed at the preconstruction meeting.

7. Weekly compliance reports will be submitted to the ACC that include issues that were noted by the EM and/or WS, the ACC or its agent. These reports shall include information on rain events and issues, as per the SWPPP. This reporting period can be adjusted as the project proceeds.

8. Before work begins, there shall be an invasive species walk with Mass DOT or its agent to identify and locate areas for invasive species control and to discuss methodologies. Final Spec Item 102.3 shall be provided to the ACC at least 30 days before any invasive control work is to begin.

9. Any section of trail within 100 feet of a vernal pool shall be defined by a fence on the side of the trail parallel to the vernal pool. Vernal pools shall include areas that have been certified, as well as those that contain vernal pool characteristics. Locations of these areas shall be provided to the ACC and its agent for review and approval at least 30 days before any construction begins. This fence shall be similar to that provided in the NHESP target areas, specifically to allow passage under the fence of small wildlife species.

10. "No site work shall be performed in or within 100 feet of any Bank, LUWW or BVW between December 1 and April 1, except with the permission of the ACC or its agent." **(Westford # 35)**

11. No salting or sanding of the trail shall be used without prior approval by the ACC. And "Unless otherwise approved by the ACC or its agent, all disturbed areas shall be stabilized following completion of installation of the trail. Those areas not permanently stabilized by December 1 shall be temporarily stabilized for winter months by proper installation of erosion control blankets or other appropriate measures." **(Chelmsford #34)**

12. "Upon completion of the project the proponent shall request a Certificate of Compliance. A written report from the proponent's engineer shall be submitted with said request, certifying that the work was done in accordance with the approved Plan of Record and this Order of Conditions. Should the completed work differ from the original plan and conditions, the report/request shall specify and explain the deviations." **(Westford # 37)**

**13.** “All erosion controls shall be maintained in proper working condition until the site has achieved its final stabilized condition. The integrity of the erosion controls shall be inspected by the Contractor or Engineer in compliance with NPDES. Any signs of excessive erosion shall be immediately reported to the ACC or its agent and steps taken to stop the erosion and stabilize the affected areas. Upon notification by the ACC or its agent that modifications or additional erosion controls are required, the proponent shall within 24 hours install such measures.” **(Chelmsford #31 which is equivalent to Westford #31)**

**14.** “All railroad rails and ties removed in the course of the project as well as any waste asphalt generated by the project, shall be either immediately removed from the site to a proper disposal or recycling facility, or placed in a temporary storage area located more than 100 feet from any wetland or resource area.” Any stone dust (or other) stockpiles shall be kept 100 feet away from any Banks, BVW or LUWW unless fully protected by erosion controls. **(Westford #30, slightly modified based on our meeting)**

**15.** To minimize adverse impacts to wetland interests, the Applicant shall create a fund which may be spent by the ACC for the following purposes:

- a. Pumping of NARA septic system several times per year, to help mitigate effluent in the watershed and cost of supporting the comfort of so many non-Actonians visiting the BFRT.
- b. Protection to guarantee wetlands protection/restoration/mitigation?
- c. Building an educational information kiosk to teach about Acton’s natural history utilizing the Acton Land Stewardship Committee Plans <http://actontrails.org/NewKioskDesign.pdf>



- d. Construction of a rain garden at NARA picnic pavilion for mitigation to flood plain, including the purchase plants and/or excavation not to exceed \$~~X~~.

**16.** Compensatory flood storage areas shall be planted with native trees and/or shrubs to provide wildlife habitat mitigation. A plan for the plant species and locations shall be submitted to the ACC for approval prior to construction of the compensatory flood storage areas and shall be discussed at the pre-construction meeting.

**16a.** Temporarily disturbed Banks shall be restored as naturally as possible, with consideration of replanting of trees and/or shrubs or live stakes. Plan for this restoration shall be provided to the ACC at least 30 days prior to work commencing and shall be discussed at the pre-construction meeting.

**16b.** Any temporary/construction basins shall not result in an increase in the limit of work shown on the plans in buffer zones or resource areas without prior approval by the ACC or its agent.”

**17.** “Monitoring conducted by the EM and/or WS shall include the assessment of temporarily disturbed and then restored BVW, Banks and Land Under Water, as well as wildlife habitat provision for the Compensatory Flood Storage Areas. As per the Specifications item 755.7, monitoring shall occur twice yearly. A summary of the

spring monitoring shall be submitted to the ACC to qualitatively describe that the mitigation and restoration areas are performing as expected.” (Chelmsford #36)

18. In the course of construction, the contractors shall remove any trash and debris, such as tires and old wire fencing, within the right of way.

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The following items from Draft 1 were removed and the items above were renumbered accordingly:

~~6. There will be a pre-construction meeting at least one week prior to commencement of work (including staking out erosion control/limit of work locations).~~ **[this is in Standard Condition 8]**

~~7. A sequencing, staging and phasing plan including all access points will be filed with the ACC at least two weeks before work begins, and shall be discussed at the preconstruction meeting.~~ **(duplicate of 7a below)**

~~8. The Acton Conservation Agent, Tom Tidman, as well as any Acton Conservation Commissioners, may flag trees to save (with writing on the tape, “SAVE THIS TREE”). (Included with 5 above.)~~

~~9. Construction company will depict the limit of work by using wattles or a construction fence where wattles are not required. (Included with 3 above.)~~