

**ACTON CONSERVATION COMMISSION
MINUTES
April 15, 2015
7:15 PM
TOWN HALL - 472 MAIN STREET
ROOM 204**

COMMISSIONERS PRESENT: Terry Maitland, William Froberg, Tom Arnold, Andrew Magee, Jim Colman, Paula Goodwin

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Janet Adachi, BoS liaison; Paul Campbell, ToA Engineering; Sean McIntyre, GPI; Roland Bartl, ToA Planning; Kristen Guichard, ToA Planning; Marti Nover, Nover-Armstrong

7:05 Finalize Order of Conditions for 12 Summer Street, 085-1148

The Commissioners reviewed each of the "special conditions" developed at the special meeting, April 9. The question of total land subject to flooding was still open and would be requested from Ms. Watsky, Environment Consultant on the project.

7:55 Quail Ridge Conservation Restriction: review of most recent draft

Mr. Colman provided the Commissioners with a status update on progress in finalizing the CR. He said that the EOEEA has sent their comments to Town Counsel and Pulte Homes. Jim has reviewed and commented on the changes sent to him by Town Counsel. There were no significant changes and Jim believes the language is appropriate to the position of the Commission. If the Commission votes to approve the language, Mr. Colman will notify Town Counsel stating that they accept the language.

Decision: Mr. Magee moved to accept the language of the CR document as presented. Mr. Arnold seconded, vote unanimous.

8:00 Request for Determination of Applicability: Highway Department, Roadway Paving

The work is for the routine maintenance of multiple streets throughout the town, including parts of Robinwood Road, Arborwood Road, Brook Street, Parker Street, Newtown Road, Nagog Hill Road, West Road, Houghton Lane and Duggan Road.

Paul Campbell, of the Town of Acton Engineering Department, presented the project. He explained that the project is routine maintenance and no new surfaces are planned. Existing surfaces will be milled and resurfaced. Silt socks will be used near the wetland areas and street sweepers will be used along all resource areas after grinding.

Decision: Mr. Arnold moved to issue a Negative 3 determination, i.e. 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. Mr. Colman seconded, vote unanimous.

8:05 Request for Determination of Applicability: Central St. Sidewalk by Half-Moon Hill

The project is for the construction of a sidewalk about 450 feet long on Central Street to complete the connection between the sidewalk at Halfmoon Hill and the sidewalk at the MBTA train tracks. This is part of an ongoing effort, directed by the

Sidewalk Committee, to construct new sidewalks for the benefit of the public. The work is adjacent to three resource areas, Bordering Vegetated Wetlands, Riverfront Area and Bordering Land Subject to Flooding.

Paul Campbell presented for the Town of Acton. He explained that the new sidewalk is an extension of an existing sidewalk which will connect two segments on Central Street. The area lies within the flood plan, but the plan is to install the new portion at grade so as to not impact the floodplain.

Decision: Mr. Magee moved to issue a Negative 3 determination, i.e. 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. Mr. Colman seconded, vote unanimous.

8:15 Notice of Intent: Main St. Sidewalk by Wheeler Lane

The project is to construct a section of sidewalk, about 600 feet long, to complete the connection between the existing sidewalk on 816 Main Street to the sidewalk at 848 Main Street. (Town atlas plate C5, parcel 60). Some of the work is adjacent to Bordering Vegetative Wetlands.

Mr. Campbell again presented for the Town of Acton. He noted that there is 7 feet of space between the guardrail and wetlands, enough to install a 5 foot sidewalk. A small retaining wall will be installed between the sidewalk and wetland.

Finding of fact: the only justification for allowing the sidewalk within the 75 foot no-build and 50 foot natural buffer zones is that this is a public good.

Special Conditions required by the Commission:

1. A replacement tree should be added within the proposed work area, if feasible.
2. The applicant is required to remove all trash and debris from wetlands along the work area.
3. Conditions 18 and 19 of the Bylaw are waived.

Decision: Mr. Magee moved to issue a standard Order of Conditions with the special conditions above included. Mr. Arnold seconded, vote unanimous.

8:20 Notice of Intent: Brook Street Drainage Improvements

The project is to replace the existing drainage system on Brook Street which is aging and in need of maintenance. The Highway Department has identified Brook Street as a roadway in need of repaving this year. It is prudent to replace the existing drainage system prior to the roadway being repaved. Part of the drainage system falls within the 100 foot Buffer Zone of BVW.

Paul Campbell presented the project to the Commission, explaining that existing culverts at Brook Street are in need of replacement and new, concrete pipes will replace the existing corrugated pipes dating back to the 1970's. This is a Natural Heritage and Endangered Species area, but drainage improvements are exempt from Natural Heritage regulations. Silt socks will be installed along the limit of work for the culvert replacement. All work is being conducted in the buffer zone. Two catch basins will be replaced. Gas silt traps (oil/water separators) will be added to the catch basins.

Decision: Mr. Magee moved to issue a standard Order of Conditions, with one special condition, that oil/water separators be added to the catch basins. Conditions 18 and 19 of the Acton Bylaw conditions are waived.

8:35 Notice of Intent: Continuance: Assabet River Rail Trail DEP 85-1171

Marti Nover, of Nover-Armstrong, discussed the impacts to the shrub wetlands. Section 401 Water Quality Certification, and Section 404 of the Clean Water Act (EPA) deem the boardwalks to have no permanent impact. The Commission discussed the possibility of not requiring the two proposed replication areas.

Mr. Arnold asked if the DEP has review the project with no comments? Ms. Nover replied that was correct. Mr. Froberg asked if all other alternatives had been had been exhausted. Ms. Nover responded that, yes, this was covered in the NOI. Several options were ruled out because easement could not be obtained from the current owner of 20 Main Street. The Commission reviewed the various alternatives with Roland Bartl and Ms. Nover.

Mr. Colman asked if the two proposed wetland replication areas were necessary. He liked the buffer/wetlands edge way it currently exists. He suggested an information sign could be installed at the boardwalk crossing of the shrub swamp. Mr. Magee suggested the inclusion of "Findings of Fact" which would outline the Commission's position that replication would not be necessary.

There will be two parking lots at the north end of the trail. The one at the Maple Street site will have 9 parking spaces. The parking lot associated with the new MBTA station will have 36 slots added. Mr. Froberg asked about the construction sequence in the wetlands. Ms. Nover agree to provide information about how the piling would be driven into the substrate.

The hearing was continued to May 6 at 7:15PM.

Certificate of Compliance: 520 Main St., Franklin Place

Mr. Tidman had inspected the site and approved it. Mr. Colman moved to issue a Certificate of Compliance, Mr. Magee seconded, unanimous vote.

Minutes: April 1, 2015, pending

Meeting adjourned: 8:35


Terry Maitland
Chairperson

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AGENDA (Amended)
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7:50 Assabet River Rail Trail: Continuance DEP 85-1171

Certificate: 520 Main St., Franklin Place

Minutes: April 1, 2015, pending

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