



# OXBOW ASSOCIATES, INC.

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Wetlands Delineation and Permitting • Wildlife Studies • Herpetology • Vernal Pool Ecology

June 2, 2014

**Re: 184-196 Great Road, Acton, MA  
Wetlands Alteration and Remediation**

**To: Mr. Thomas Tidman  
Conservation Director  
Acton Town Hall  
472 Main Street  
Acton, MA 01720**

Dear Mr. Tidman:

On May 30, 2014 I met with Mr. Coleman Hoyt, President of Acton Chrysler at the subject property. At that time Mr. Coleman recounted the history of work at the site and that Mr. Wayne Lozzi (MA DEP NERO) had viewed the site on May 29 and instructed that work cease until such time as actions associated with a stream and Bordering Vegetated Wetland could be made compliant with applicable regulations. I assume that the matter will be handled through the DEP Central Regional Office (vs. Mr. Lozzi's office) and am copying Mary Ann DiPinto in anticipation. I am not aware of a file or incident number to associate with the activities at this time.

## **Summary of Work**

There is an unnamed tributary to Nashoba Brook that flows to the south of the Chrysler dealership on Great Road and separates the property at 196 Great Road from that located at 184 Great Road. The latter property has commercial facilities leased by the Chrysler dealership and a Dunkin' Donuts retail outlet.

In the recent past (< 6 months B.P.) a foot bridge with Trex type decking was installed over the brook, providing pedestrian access to/from the dealership and the leased commercial space and Dunkin' Donuts shop. This activity was not reviewed under the Act or the Acton Wetlands Bylaw. Overall, the installation of the foot bridge does not appear to have significantly impacted the resource area or its functions.

More recently (May 29), the vegetation within the wetland lying between the two above described properties was managed/cut, also without permit or approval. Evidently, this practice had been repeated at periodic intervals over the years, and resulted in an early-mid successional wetland community to the west of Great Road. The recent alteration included cutting of two maple trees, reportedly in poor health and form, as well as placement of wood chips in an area that may be partially BVW.

Surfaces within the adjacent, existing lawn between the dealership parking lot and the wetland were disturbed to install new topsoil and seed, and an occluded, existing roof drain outlet in the slope near the brook was exposed and cleared by workers. Herbaceous vegetation (e.g., skunk cabbage) was cut or weed-whacked, and woody shrubs (e.g., speckled alder) were cut flush with the ground. Older, grayed stumps show that this practice had been done in the past.

Over the weekend, the grounds crew that conducted the site work installed hay bales in areas where erosion may occur in their absence. They also loamed and seeded the disturbed patches of lawn near the brook. Additionally, a silt fence was installed at the edge of wetlands west and north of the area of concern. The siltation fence was not trenched-in since this activity would necessitate digging immediately adjacent to the wetland. However, the hay bales will preempt discharge to the resource area until a formal plan can be devised. The preemptive work by the landscapers resulted in a more stabilized site in anticipation of forecasted rain later this week.

My observations at the site on May 30 and June 2 indicate that there has been no discharge of silt to the stream; there appears to be considerable, historic deposition of road sand in the braided stream, but no recently deposited materials from the recent work were evident.

### **Jurisdictional Resource Areas**

The wetland in question is a tributary to Nashoba Brook which is located to the west across the abandoned rail bed from the dealership. Nashoba Brook is a perennial stream regulated under 310 CMR 10.58. The unnamed tributary is also shown on the applicable USGS quad as perennial, though it appears improbable that it does flow continually in non-drought years. We will evaluate the status of this stream in the course of future work.

Additional resource areas of significance to this matter include Bordering Vegetated Wetland (BVW: 310 CMR 10.55) and inland Bank (310 CMR 10.54). A portion of the property, though not the work area, is within an AE floodplain zone (BLSF: 310 CMR 10.57) according to the MassGIS datalayer (see attached orthophotographic figure). Finally, a small portion of the property, though again, not the area of activity, lies within mapped Estimated (EH 789) and Priority (PH 1159) habitat for state listed wildlife.

Pending future dialog with your office and/or DEP CERO we anticipate filing an after-the-fact Notice of Intent in order to bring the site into regulatory compliance at the earliest possible time.

Sincerely,

Oxbow Associates, Inc.

A handwritten signature in black ink, appearing to read "Brian O. Butler". The signature is written in a cursive, flowing style.

Brian O. Butler, President

Enclosure: Orthophotographic Site Figure.

Cc: C. Hoyt, President Acton Chrysler  
M. DiPinto, DEP CERO