



+ TOWN OF ACTON AGRICULTURAL COMMISSION

Meeting Minutes 26 Oct, 2021

6:00 PM

Virtual Meeting

Present: Morene Bodner, Patrick Hearn, Joe Hebert, Heidi Porten, Paul Simeone

Natural Resources Assistant, Zoom host, and recording secretary: Bettina Abe

Attendees: Acton Conservation Trust President Susan Mitchell-Hardt , Alison Field-Juma Executive Director OARs.

Absent: Peggy Hebert, Paul Simeone

Regular Business:

Heidi convened the meeting at 6:04 PM

The virtual meeting advisory was read in its entirety

1. Alison Field-Juma Update on Watershed Dam Removal

Alison is Executive Director of OARS, the watershed group for the Sudbury, Assabet and Concord rivers. She has approximately 2 decades of experience involving dam removal and mentioned there are thousands of dams in Massachusetts and many dams and their associated water bodies can be personal and important for a variety of reasons while some no longer serve any purpose. However, a free-flowing river is a healthier river. Dams create a different ecology and some have esthetic value. Ecological differences include extended water surfaces, water birds, silt accumulation, slowing and warming of water, fish kills, replacement of river fish species with pond species, nutrient accumulation, and excessive aquatic plant growth, etc. In this region, today, we typically have run-of-river unmanaged dams with self-regulated spillways that do not have controlled closures or releases as they once did when water powered mills required periodic refilling of their mill reservoirs. (There are some regional rivers that do have managed flow dams but none that affect Acton). There is a misperception that Run-of -River dams reduce flooding. The effect can be more accurately described as raising water level upstream which can result in worse flooding upstream due to a smaller flood plain. Without the dam there would have been a larger flood plain upstream and greater natural upstream storage capacity for high precipitation periods.

OARs takes a site-specific view of all dams and works closely with the Office of Dam Safety who is actively assessing dams and may require either repair or removal. A recent example is the work done on the Damon mill dam on the Assabet River in West Concord where the spillway breaching caused by a hurricane was “completed” by the owner rather than repaired. An Order from the Office of Dam Safety typically initiates thinking on the value of the dam, the cost of replacement, and future liability and this determines the action taken by the owner. The state will only intervene to ensure that if the dam is kept in place it must be in good repair. A “High Hazard” classification of a

dam does not mean the dam is not in good repair but instead means that the dam would create large damage if it fails.

Financial assistance can be available for dam removal. Federal assistance may be available where the dam removal would restore migratory fish passage from the ocean which is presently an issue involving a dam on the Concord River in Billerica. Upstream migration is an issue that proceeds inland from the ocean dam by dam precipitating a long-term process of mitigation. Mitigation can be dam removal or sometimes fish ladders or elevators. The Billerica dam fish migration issue will potentially proceed upstream to Nashoba Brook in Concord and then upstream from there.

Bettina asked whether the agricultural use of water that would be affected by adjustment or removal of the Erickson Grain Mill dam would be sufficiently important to justify the preservation of the dam. Alison replied that in assessing the value of retaining a dam the preservation of town drinking water supply was a non-negotiable factor and other issues like agricultural irrigation were also important and should be looked into. She also emphasized the dam owner is the decision maker. Patrick asked who simulates and predicts the requirements for dams and dam management within a watershed given the anticipated increasing annual rainfall and who is the enforcing authority for these requirements. Bettina explained that once an issue arrives at the Office of Dam Safety a study is done to understand the watershed hydrology and the dam requirements. These studies are done by private sector engineering firms and the enforcement is through the Office of Dam Safety. Morene asked who is the owner of Ice House Pond Dam in Acton. That was not immediately clear and will be looked into. Alison commented that future rainfall forecasts are now very much a part of understanding watersheds and we are past the point of considering only historical rainfall.

2. Citizen's Concerns

There were no citizen concerns raised

3. Approval of the 28 Sept meeting minutes:

Minutes were unanimously approved by roll call vote.

4. Letter of Support for Stonefield Farm Grant Application

A letter was drafted in support of BAG's (Stonefield Farm) request for a Food Security Infrastructure Grant from the State. A role call vote was unanimously in favor. Paul and Heidi were recused in this vote.

5. Expanded Protection for The Morrison Farm Property

The proposal to form a non-profit corporation that would hold the Morrison Farm house, barn and minimal surrounding land as a historical property was circulated amongst the town committees with all positive feedback. Bettina, Morene, Bill Alstrom, Kristen Guichard and Kaila Sauer met on the Morrison Farm site. Kristen is Acton planning director and Kaila is the assistant planner. The lot as originally proposed with minimal footprint would not conform to rules governing occupied housing lots and

would be discouraged by the planning board. After Kristen's conversation with town counsel a 99-year lease for the non-conforming lot was proposed as a means to avoid this problem. If leased the land remains town property and prevailing wage laws would apply. Prevailing wage is very much higher than minimum wage and would preclude volunteer work so the 99-year lease would create a much more expensive renovation for the proposed Friends of Morrison Farm. Further investigation regarding pros and cons of various approaches are ongoing between Planning and Town Counsel. Pat proposed the lot be made conforming and transferred to avoid the prevailing wage issue and Morene added that restrictions could be included with the conforming transferred property to thoroughly protect the land use and be compatible with town intentions for Morrison Farm. There was general agreement in the Ag Comm on having a conforming lot and that it would be a good idea to have Ag Comm and Planning members sit with Town Counsel together to work through this. Susan Mitchell-Hardt added that simple four corner boundaries are a desirable feature in property definitions. Discussion is ongoing pending further inputs from Acton Planning and Counsel.

6. New Property in Consideration

Susan reported there are new thoughts on the Wetherbee Street property and that she would report on that when appropriate.

7. Nov 23rd 2021 Meeting Agenda

- 1. Virtual Meeting Advisory**
- 2. Citizen's Concerns**
- 3. Approval of Oct 26thth minutes**
- 4. Extended Protection for Morrison Farm**
- 5. New Property in Consideration**
- 6. Ag Comm Table for Earth Day**
- 7. Date for Stonefield Farm Walking Trail on Site Meeting with SVT and Boston Area Gleaners (BAG)**
- 8. Next Meeting Agenda**

The meeting was adjourned at 7:15 PM

Linked relevant documents and meeting materials can be found in the Agricultural Commission's page on the Town website or through the following link. <http://doc.acton-ma.gov/dsweb/View/Collection-12706>