

**CONSERVATION COMMISSION  
AMENDED AGENDA  
JUNE 2, 2010**

7:30 Notice of Intent - 381 - 389 Massachusetts Avenue - E & A Northeast, LP

Proposed culvert dredging of accumulated sediment and installation of a rip-rap apron (town atlas plate F-3, parcel 115).

Certificate of Compliance - 906 Main Street 85-937

New OOC 85-1039 replaces expired OOC.

MINUTES

March 17	comments rec'd by	FP, TM, PL	}	Signature?
April 1	comments rec'd by	FP, JA, TM, PL		
April 21	comments rec'd by	TT, FP, TM, PL		
May 19	comments rec'd by	TM, TMak, PL		

**CONSERVATION COMMISSION  
MINUTES  
JUNE 2, 2010**

**COMMISSIONERS PRESENT:** Terry Maitland, Fran Portante, Tom Arnold, Bill Froberg, Patty Lee

**ASSOCIATE MEMBER(S):** Toni Hershey

**RECORDING SECRETARY:** Terry Maitland

**VISITORS:** Sean Malone

7:30 Mr. Maitland called the meeting to order.

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Proposed culvert dredging of accumulated sediment and installation of a rip-rap apron (town atlas plate F-3, parcel 115).

Sean Malone of Oak Engineers of Newburyport presented for the Applicant Edens and Avant, a commercial real estate firm that owns the Roche Brothers mall. There are drainage issues behind Roche Brothers in that a 36-inch culvert drains a small unnamed stream behind Acton Medical and Roche Brothers, and the drainage continues under the Roche Brothers building and the parking lot out to Massachusetts Avenue and on to Great Hill. The culvert was probably installed 30 to 40 years ago. The invert of the pipe is probably 10 feet to 12 feet below the level of the pavement behind Roche Brothers, so the stream bed itself is about 13 to 15 feet down. Over time the culvert has become clogged with debris, sediment and tree branches, all of which have washed down the stream and clogged the culvert completely. During the storms of March, the stream flooded and overtopped the pavement behind the building to a depth of as much as five feet behind the plaza.

Mr. Malone showed photographs he had taken immediately after the storm, and also pictures of the culvert opening, which is not visible in the photograph because of the debris. After the storm, the engineers jettied out the culvert and open up a small six-inch opening. The project is to dredge out the culvert, install a rip rap apron to manage the flow of water and to prevent a big rush of water through the culvert. The culvert opening will have a grate welded in place to prevent debris from entering the culvert.

Mr. Malone also agreed to clean up the area of any debris, rusted grocery carriages, bottles, etc, while they are working at the site.

Upon query from Mr. Arnold, Mr. Malone explained in more detail the drainage system beneath the plaza and across Massachusetts Avenue.

Upon query from Ms. Portante, Mr. Malone explained that once the culvert is open at the source, there should be no further flooding problems behind the building or elsewhere in the plaza.

Upon query from Mr. Froberg, Mr. Malone reassured the commission that due to the grate and the controlled flow of water, no child could be drawn into the culvert

Upon query by Mr. Froberg, Mr. Malone estimated that 20 cubic yards of sediment will be removed from the culvert and the project site. Mr. Froberg asked about access to the site. Mr. Malone said that the equipment would remain on the pavement and would reach over the bank. Some small trees and scrub bushes would have to be removed to allow the bucket to have proper access.

Upon query by Mr. Maitland, Mr. Malone said it was possible that the trucks removing the sediments would trail mud as they left the area, and that they would try to construct some sort of a containment area.

Upon query by Mr. Arnold about the property line, which on the plan seems to be at the top of the pavement, Mr. Malone said that he was unaware whether the Applicant had permission or the legal right to enter onto the adjoining property, which is where the culvert is located, as well as the stream bed where they will be working. Mr. Malone acknowledged that the Applicant would need to have permission from the abutter (either the condominium complex or Acton Medical Associates) to perform such work.

Upon query by Mr. Maitland, Mr. Malone acknowledged that the sinkhole that had developed in the pavement adjacent to a storm drain that is a part of the same system, would be cut out and repaired at the conclusion of the job. The sinkhole and storm drain are located in the work area itself.

Mr. Maitland advised Mr. Malone that the decision of the Commission could not be released to him until the \$290 fee was paid under the Town of Acton Bylaw and the return-receipt-requested cards demonstrating notification to abutters were received. It was noted that the only two abutters within 100 feet of the project area were likely to be the condominium complex and Acton Medical Associates.

Mr. Maitland closed the hearing.

DECISION - 381 - 389 Massachusetts Avenue - E & A Northeast, LP

Mr. Portante moved that the Commission issue a Standard Order of Conditions with four Special Orders:

- S.O. 1 The culvert shall be inspected semi-annually and cleared of any debris as needed to allow flow to continue.
- S.O. 2 The Applicant is advised to clarify right of access to the project site on the adjoining property prior to commencing work.
- S.O. 3 The Applicant shall remove any debris from the project area to a distance of 50 feet upstream of the culvert.
- S.O. 4 The language of standard conditions of the Town of Acton Order of Conditions (Form E) 35 and 36 of the Standard Order of Conditions is hereby amended as follows: "except as noted in the Order of Conditions and on the record plan dated 4/1/2010."

Mr. Arnold seconded the motion; unanimous.

Certificate of Compliance - 906 Main Street

Mr. Arnold moved, Ms. Portante 2<sup>nd</sup>; unanimous.

MINUTES

Ms. Portante moved that the Commission accept the minutes for March 17<sup>th</sup>, April 1<sup>st</sup> and April 21<sup>st</sup>, Ms. Lee seconded; unanimous.

8:25 Meeting adjourned.

  
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Terry Maitland  
Chair

TM:ahr  
ahr.concom.minutes.2010.06022010