

**TOWN OF ACTON  
CONSERVATION COMMISSION**

**Minutes**

**January 16, 2019**

**7:15 PM**

**TOWN HALL - 472 MAIN STREET  
ROOM 204**

**COMMISSIONERS PRESENT:** Terry Maitland, Amy Green, Jim Colman, Tim McKinnon, Jennifer Stolz, Suzanne Flint, Zywia Chadzynska

**NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY:** Tom Tidman

**VISITORS:** Michael Coutu, Janet Adachi, Matthew Selby, Peter Berry, Dave Cowell, Carlos Santos

**Notice of Intent:** 6 Colonial Path 85-1244, Continuance

Dave Cowell, from Hancock Associates, represented the client, Prakash Raman. He noted that the Commissioners have walked the site again. No changes have been made to the retaining wall design. Carlos Santos, from Plus Landscape Design, described how the wall functions. It's built with hollow blocks filled with gravel. The wall is constructed such that no water is retained behind the wall. Water passes through the seams between the blocks. There is a drain pipe at the base of the wall which discharges at the end of the wall. Roof drains will discharge into dry wells behind the wall. Mr. McKinnon stated that, should the Commission agree to grant a waiver, it would only be for the minimum length necessary.

Mr. Cowell noted that any erosion along the slope eventually enters wetlands. This design addresses the issue of erosion currently entering wetlands. In addition, invasive species will be removed. Mr. Prakash, the property owner, commented that he had noticed several feet of erosion over the past eight years.

Mr. Cowell summed his request for a waiver as based on 1. Necessity is as illustrated in the "alternatives analysis" included in the Notice of Intent; 2. Environmental improvements such as removal of invasives and control of erosion will result; 3. Net benefit is the retaining wall which will prevent future erosion and loss of usable lawn area, and create a safer situation.

**Decision:** Ms. Green moved to issue a standard Order of Conditions with the following special conditions:

1. Prior to construction, a wattle erosion control line shall be installed on the south side of the house, up-gradient of the project, to prevent storm runoff from impacting the work area.
2. Drywell design and locations for roof runoff infiltration will be added to an as-build plan.
3. The proposed drain pipe running along the base of the retaining wall will have a silt sock and riprap added to the point at which it daylights.
4. The Conservation Commission grants a waiver from the standard set-back requirements, specifically for the retaining wall, to address ongoing erosion issues. The retaining wall cannot be considered a non-conforming structure for future activities or development plans.
5. Standard Bylaw Conditions 18 and 19 are waived.

Mr. Colman seconded the motion and it passed unanimously.

**Notice of Intent:** 530 Main Street, 85-1247, Continuance

Greg Roy from Ducharme and Dillis Civil Design Group Inc. presented for the applicant, Home Goods Recycling of MA. New information had been submitted addressing the Commission's questions.

1. Roof drains have been relocated;
2. The plan has been updated to include Phase II, with a small amount of Riverfront work. This still results in a net reduction of approximately 1000 sq.ft. of impervious surface in Riverfront.
3. The proposed riprap on the slope has been replaced with a geotextile mat. This is a permanent fabric that allows plants to through. This is a 1:1 slope.
4. Boulders will be installed at the north end of the guardrail. They will also be added to the end guardrail.

The Commission expressed concern over the finding of a potential vernal pool just off the property in the southwest corner.

**Decision: Mr. McKinnon moved to issue a standard Order of Conditions with the following Special Conditions and Findings of Fact:**

**SPECIAL CONDITIONS REQUIRED BY THE ACTON CONSERVATION COMMISSION:**

1. Silt prevention devices shall be installed in the southwest corner of the property, starting at wetlands flag B1 and terminating at wetlands flag B13. The purpose for installing silt prevention devices in this location is to protect a potential vernal pool south of the property.
2. A row of boulders, 3 to 4 feet in diameter, spaced approximately 10 feet apart on center, will be added to the southern terminus of the guard rail at wetlands flags C1 through C4,

**Findings of Fact:**

Conservation Commissioners observed a potential vernal pool at the southwestern corner of the property and extending onto the abutting property. All efforts should be made to protect the potential vernal pool from construction impact. Installation of silt prevention devices, as required in Special Condition1, shall be coordinated with the Conservation Agent during the time of installation to ensure that amphibian migration is not impeded. The Conservation Commission based their findings and Order of Conditions on Ducharme & Dillis revised site plans dated 01-09-2019.

Mr. Colman seconded the motion and it passed unanimously.

## **Presentation: 53 River Street**

Minutes submitted by Bettina Abe

The 53 River Street Committee visited the Conservation Commission to provide an update on the project. Committee Chairman Peter Berry and Land Use Director Matthew Selby explained the process up to present day and that the committee had been meeting for about a year. The Office of Dam Safety and DCR have classified the dam as UNSAFE and a Significant Class II Hazard dam. Cost estimates to remove and replace would be \$2,000,000. To remove or breach the dam would cost approximately \$350,000 - \$650,000, according to GZA (engineering firm who did the Phase I Structural Inspection).

Mr. Selby stated that the committee wanted to get a sense of the type of permitting that might be required in the interim to unblock the flow through the culverts and remove the debris piled up against the dam. They want to know how the dam can be made safer today, before the next actions, such as removal or breach, take place. In particular, what type of oversight by the Conservation Commission would be necessary for the Acton Department of Public Works (DPW) to remove the debris and accumulated brush on and around the structure as routine maintenance including the sediment?

Mr. Colman stated that Mr. Selby should speak to Mr. Tidman, the conservation agent, stating a list of all proposed activities, and perhaps file an RDA. Mr. Tidman would have to look at the plans and make a decision about what type of filing is required.

Mr. McKinnon asked if the sediment was contaminated. Mr. Selby answered that a Phase II Environmental Study was performed prior to the land purchase, and it revealed some elevated levels of lead and arsenic. The samples were taken from upstream of the dam as well. Mr. Selby stated that the 2019 CPA application includes additional sediment sampling. Sue Flint asked if historic due diligence research has been done on the site. Mr. Selby replied yes, the history of the site and the brook, including upstream for Ironwork Farm, includes the apple and coal industries, as well as a shoddy wool company.

Mr. Maitland asked what the final design and usage of the site would be. Mr. Selby replied it would be an ecologically restored public park hopefully including a fishing and viewing platform, and trails. Ms. Green asked if the raceway could become a high water resource area. She recommended filing an NOI for each component; but it would depend on the level of work necessary to rehabilitate the raceway. Mr. Tidman mentioned that removing live trees off the headwall would definitely require an NOI. Mr. McKinnon asked if the dam provided any flood control now. Mr. Selby stated it did not, but it does appear to modulate the flow volume somewhat. Mr. McKinnon stated that more land will be created upstream. Would perhaps a partial breach be performed in order to retain the larger wetland resource area? Could a channel be dug for the brook to retain more water? Answers to those questions depend on the H&H studies and dam feasibility studies.

Ms. Flint stated that generally dam removal is classified as a limited restoration project. Ms. Green stated a variance would not be needed because dam removal is considered environmentally beneficial, not a loss. Conversion to a connected stream is an ecological benefit.

Mr. Berry stated that the vision is for the park to be accessible and the concrete building removed and perhaps converting into a picnic pavilion. The committee favors preserving some portions of any historic structures on site that could be made safe and educational for future visitors. Mr. Berry stated that the Conway students suggested that the raceway might need to be filled in for future safety of park-goers. Mr. Colman stated that the raceway is likely a wetland and is no riskier than the brook itself. The brook will definitely be the park's signature feature. Mr. McKinnon stated that the spillway is a resource area and could be a wetlands replication and planting design opportunity.

**Amended Order of Conditions: Bruce Freeman Rail Trail, 85-1149**

The Commission signed the Amended Order of Conditions that included the addition of Sheet 39, as approved at the meeting of August 15, 2019.

**Discussion: Definition of "Like Structures"**

Mr. Colman led the discussion, which focused in defining "Structure" as it pertains to wetlands protection. He noted that in a discussion with Roland Bartl, Director of Planning, Mr. Bartl pointed out that the use of the term as it applies to planning and zoning has a different connotation, since the term is used for different purposes. Context is the defining factor for defining the term "Structure."

**Minutes of December 19, 2018**

**Decision:** Ms. Green moved to approve the minutes of Dec. 19, Mr. McKinnon seconded the motion and it passed unanimously.

**Minutes of January 2, 2019**

**Decision:** Ms. Green moved to approve the minutes of Jan. 2, Mr. McKinnon seconded the motion and it passed unanimously.

**Amend Minutes of November 7, 2018**

**Decision:** Ms. Green moved to approve the amended minutes of Nov. 7, Mr. McKinnon seconded the motion and it passed unanimously.

**Meeting adjourned at 9:05PM.**



Terry Maitland  
Chairperson

**CONSERVATION COMMISSION  
AGENDA  
January 16, 2019  
7:15 PM  
ACTON TOWN HALL  
472 MAIN STREET  
Room 204**

**7:15 Notice of Intent:** 6 Colonial Path 85-1244, Continuance

**7:20 Notice of Intent:** 530 Main Street, 85-1247, Continuance

**7:40 Presentation:** 53 River Street

**8:10 Amended Order of Conditions:** Bruce Freeman Rail Trail, 85-1149

**8:15 Discussion:** Definition of "Like Structures"

**Minutes:**

December 19, 2018: TM, JS, TMc

January 2, 2019: Reviewed by AG, TMc

November 7, 2018: amended

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File Name	Owner	Modified Date	Size	Actions
001 - Agenda 01-16-2019	naturals	01/16/19	12 KB	View Star ...
85-1149 - 85-1149 BFRT MOOS IMAGES 1	naturals	01/10/19	265 KB	View Star ...
85-1149 - 85-1149 BFRT MOOS IMAGES 2	naturals	01/10/19	265 KB	View Star ...
85-1149 - BFRT 2A NOI Plan Set 030918 (Sheet 39).pdf	naturals	01/10/19	567 KB	View Star ...
85-1149 - BFRT Minor Project Change 2A - 20180801.pdf	naturals	01/10/19	169 KB	View Star ...
85-1244 - 6 Colonial Path Revised Plan and Restoration Submittal	naturals	01/14/19	3 MB	View Star ...
85-1247 - 530 Main St Imp SurfPlan	naturals	01/14/19	443 KB	View Star ...
85-1247 - 530 Main St Rev Site Plan	naturals	01/14/19	4 MB	View Star ...
85-1247 - 530 Main Street Rev NOI Cover Letter	naturals	01/14/19	94 KB	View Star ...
Like structures definition discussion 01-16-2019	naturals	01/10/19	22 KB	View Star ...

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