

ACTON CONSERVATION COMMISSION
MINUTES
September 17, 2014
7:15 PM
TOWN HALL - 472 MAIN STREET
ROOM 204

RECEIVED

OCT - 3 2014

TOWN CLERK
ACTON

COMMISSIONERS PRESENT: Terry Mattland, William Froberg, Tom Arnold, Andrew Magee, Amy Green, Jim Colman

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Adria Osborne, Russell Barton (Wilcox & Barton), Rachel Watts (Goddard Consulting), Jim Snyder-Grant, William Klauer, W. Hoyt (Acton Chrysler), Brian Butler (Oxbow Associates), Bill Hall (Stamski & McNary), Erin Marshall

7:15 Pencil Factory presentation, Bill Klauer

Mr. Klauer presented a status update on the pencil factory site. The state archeologist has found that the old pencil factory site is of state interest. The Commonwealth has asked those responsible for the Bruce Freeman Rail Trail design to research the property. He then gave a brief history of the site: Pencils were being made at this site as early as 1830, and is possibly one of the earliest pencil factories in the country. The Mass. Historical Commission has grant money to do an archeological/historical dig at the site. The Historical Commission is working with the Mass. Historical Commission to get permission from the Conservation Commission to move forward with further excavation and exploration at the site to see what other items of interest may be there. The Board of Selectmen will also have to approve the project. The Mass. Historical Commission would ultimately like to see this site listed on the National Registry of Historic Sites.

Decision: Mr. Magee moved that the Conservation Commission approve the continued exploration and research of the Pencil Factory site to support the possible future listing of the site on the "National Register of Historic Places." Mr. Arnold seconded. Unanimous vote.

7:40 Notice of Intent: 12 Summer St. Continuation 85-1148 (010)

Rachel Watsky, from Goddard Consulting, presented for the applicant, Mt. Laurel Realty. Additional materials were submitted for this continued hearing as follows:

1. Sheets four and five of the site plan were edited. Sheet 4 now shows the property line and the limit of work. Sheet 5, section F/F shows the proposed grades and limit of work at the retaining wall, and a scale has been added to the plan.
2. Impacts to each buffer zone area are now included in the cover letter.
3. The Wetland Replication area now shows the red maples to be saved and actions to be taken to protect the critical root zone.
4. Invasives species management control plan is not included.
5. FEMA floodplain has been overlaid on the plan; Ms. Watsky indicated that Lealdon Langley of DEP had said that he has seen this method used.
6. Request to DEP for "hardship" consideration: response from DEP was that they prefer to leave the decision to the local commission's discretion.

Mr. Arnold suggested several times that the Commission solicit Town Counsel's advice about whether the applicant had created a hardship by splitting his lot into two lots. Mr. Colman commented that it would be interesting to see if there was any case law pertaining to the "Hardship" issue. Mr. Magee asked about the status of the conservation restriction proposed for the remaining green space on the property. Is Steve Marsh moving forward with the CR for this property? Third party review has been agreed to and will be arranged.

Hearing continued to October 15, at 7:15 PM.

8:05 Notice of Intent: 114 River St. Continued, withdrawn 9/16

A letter of withdrawal for 114 River St. Notice of Intent was submitted September 16. Mr. Maitland read the letter of withdrawal into the record.

8:10 Notice of Intent: Great Road Sidewalk, Davls to Main, Continuation 85-1157 (020)

Bill Hall, from Stamskl & McNary Inc., continued the presentation for the Town of Acton. He addressed concerns expressed from the previous hearing:

1. The State has no plans to replace the bridge in the next five to ten years.
2. Borings have been done at the bridge footing location and they found sandy soils.
3. The de-watering location has been added to the plans. Dewatering to a silt sack will be used to filter pumped water.
4. Borings show ground-water at 140 feet above sea level in the boring location. The bottom of the boring is at 138.5 feet.
5. Sheet piling will be used at the footing locations

Concerns were raised at the site walk. Rip-rap will be added on the one-to-one slope. Mr. Magee asked when that would occur; Mr. Hall responded that it would be some time next year. Mr. Magee further asked if it would be a problem performing this activity during the high water period. Mr. Hall said his note indicated that this could only be done during the low water period. Mr. Magee noted that there was a gauging station in Acton on Nashoba Brook, upstream of the project, where information could be obtained. Mr. Hall said that the sidewalk project was extensive and would take at least a month.

Hearing closed: 8:15.

Decision: Mr. Froberg moved to issue a standard order of conditions, excluding special conditions 18 and 19. Mr. Colman seconded. 5 in favor; one abstention.

8:16 Notice of Intent: 94 Great Road (Bursaw) 085-1162 (030)

Mr. Maitland disclosed that his company had hired Wilcox & Barton in the past but did not feel it would impact his review of the project. They have no current business with Wilcox & Barton.

Mr. Barton, of Wilcox and Barton, presented the project for the applicant, Jeff Bursaw. The project involve the installation of an underground propane storage tank and upgrading the existing sub-surface drainage/storm-water system.

1. A 30,000 gallon propane tank was to be installed. The area shown on the plan was the only location where the tank could be located while meeting zoning/property line setbacks. The propane tank is 35 feet from wetlands at its closest point.
2. Over the many years Bursaw has been located at this site, materials have been dumped over the slope between the parking lot and wetlands. This buffer zone area will be cleaned up and allowed to naturalize.
3. A row of boulders will be added to define the limit of work and protect the buffer.
4. Five proposed monitoring wells have been added to the plan.
5. Three catch basins will be upgraded with a "snout" (oil separator to a distribution box) to a 1500 gallon oil water separator before being discharged to the river.
6. O&M: a plan inspection log will be required for the storm water system.

Mr. Magee asked if the size of the boulders was specified in the plan. Mr. Barton replied that it had not but it could be added to the plan.

Hearing closed at 8:55 PM

Decision: Mr. Magee moved to issue a standard order of conditions with the following special conditions added:

1. Boulders to be placed as shown on the plan shall be 3 to 4 feet in diameter, placed 5 feet on center and buried to ½ depth.
2. The Conservation Administrator shall work with the Applicant to design a rehabilitation/planting plan.
3. A report form for cleaning the catch basin/storm-water system is mandated to be submitted once annually and thenceforth as needed.
4. The Applicant shall notify the Administrator prior to installation of riprap at the stream bank.
5. The project, as approved, shall be exempt from Acton Wetlands by-law conditions 18, 19 and 21.

Mr. Arnold seconded, unanimous vote.

9:05 **Notice of Intent:** 196 Great Road: continuation (040)

Mr. Brian Butler of Oxbow Associates Inc., recapped the history of the violation. He explained the impacts to the wetlands and the corrective actions to be taken. He also mentioned the reasons why a board walk was installed over wetlands..

1. Invasives in the impacted wetlands will be managed.
2. Woodchips, which have the greatest negative impact on wetlands, will be removed.
3. Four pin oaks will be planted to compensate for the two red maples that were removed.
4. Boulders, 3 to 4 feet in diameter, will be added to discourage additional creep by parked cars and to limit snow storage.

Mr. Arnold inquired how many square feet of wetlands had been violated. Mr. Butler responded that there was approximately 1000 to 2000 square feet of disturbance. Mr. Colman suggested that the boulders be located 5 feet on center. Mr. Arnold then added that he felt a penalty should be imposed for the violation and suggested \$300 per day.

Hearing closed at 9:20 PM.

Decision: Mr. Magee moved that a standard order of condition be issued with the following special conditions: 1. Standard conditions 18 and 19 be waived. 2. Boulders, 3 to 4 feet in diameter, and placed 5 feet on center, be placed on the east side of the disturbed area in line with the dead cedars. Mr. Arnold seconded, unanimous vote.

Additional finding: The Commission found that the penalty for the two days they were in violation could have been up to \$600, at \$300 per day.

Mr. Colman moved that a fine of \$250 be imposed for the illegal filling of Bordering Vegetated Wetlands and altering of wetlands habitat. Mr. Arnold seconded, 5 aye, 1 nay.

9: 45 **Discussion and Update:** Quail Ridge Conservation Restriction (050)

Mr. Colman updated the Commission, furthering the discussion on the issue of structures. The CR subcommittee met yesterday. Counsel advised that the town would be required to take "reasonable" action to ensure safe conditions on the CR land.

Mr. Magee moved to accept the language of the Quail Ridge CR as revised to be sent to Puite. Mr. Colman seconded, unanimous vote.

Mr. Colman will send the Commission endorsement to Town Counsel, then to be forwarded to Puite for comment.

MINUTES: 08-20-2014, reviewed by AM, TM, TPL

Mr. Magee moved to accept the minutes, Mr. Colman seconded, unanimous vote.

Meeting adjourned 10:05 PM.


Terry Mattland
Chairperson

**ACTON CONSERVATION COMMISSION
AGENDA
September 17, 2014
7:15 PM
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ROOM 204**

7:15 Pencil Factory presentation, Bill Klauer

Bill will be asking the Commission's approval to move forward with documents to have the pencil factory site listed on the National Registry of Historic Sites.

7:20 Notice of Intent: 12 Summer St. Continuation 85-1148 (010)

7:25 Notice of Intent: 114 River St. Continued, date to be determined

7:30 Notice of Intent: Great Road Sidewalk, Davis to Main, Continuation 85-1157 (020)

7:45 Notice of Intent: 94 Great Road (Bursaw) 085-1162 (030)

The project is for work at 94 Great Road (*town atlas plate G4, parcel 122*) and includes the installation of a 30,000 gallon steel propane underground storage tank (UST) on the eastern portion of the property and upgrades to the existing stormwater conveyance system on the central portion of the property. This work will occur within the 100 foot buffer zone of bordering vegetative wetlands and within 200 feet of the portion of Nashoba Brook running adjacent to the site.

8:30 Notice of Intent: 196 Great Road: continuation (040)

Discussion and Update: Quail Ridge Conservation Restriction (050)

MINUTES: 08-20-2014, reviewed by AM, TM, TPL

09-17-2014

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| <input type="checkbox"/> | 011 - 12 Summer revised SH5 85-1148 | naturakes | 09/11/14 | 423 KB | |
| <input type="checkbox"/> | 012 - 12 Summer St. Additional Information 85-1148 | naturakes | 09/11/14 | 3 MB | |
| <input type="checkbox"/> | 014 - 12 Summer SL CR donation | naturakes | 09/11/14 | 28 KB | |
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| <input type="checkbox"/> | 030 - 94 Great Road _NOI 85-1162 | naturakes | 09/11/14 | 3 MB | |
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