

ACTON CONSERVATION COMMISSION
MINUTES
May 6, 2015
7:15 PM
TOWN HALL - 472 MAIN STREET
ROOM 204

COMMISSIONERS PRESENT: Terry Maitland, William Froberg, Tom Arnold, Andrew Magee, Jim Colman, Paula Goodwin

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

NATURAL RESOURCES ASSISTANT & RECORDING SECRETARY: Bettina Abe

VISITORS: Jim Snyder-Grant, Marta Nover, Kristin Guichard, Janet Adachi, Rebecca Williamson

7:15 **Notice of Intent:** Assabet River Rail Trail, Continuance 85-1171

Mr. Maitland again recused himself from the continuation of the hearing because he is an abutter. Mr. Magee assumed the chairmanship for the hearing continuation.

Ms. Nover reviewed the materials she had prepared in response to requests from the Commission; specifically, a letter dated May 6, 2015, providing detailed construction information regarding the boardwalk and a letter from DEP describing the impact for work under the boardwalk which will be 5 feet above the scrub swamp. Because of this height, the tussock sedge will remain, although some of the larger shrubs will need to be cut. Both drainage basins will be de-watered for the pilings to be driven. Ms. Williamson, GPI Engineering, indicated she would let the Commission know how long the basins will be de-watered.

The five foot height above wetlands is based on DEP guidance for small dock heights. This assumes that at five feet above a salt-marsh, there is limited impact. The Commission discussed whether the boardwalk would be considered a permanent impact and whether the two replication areas will be necessary. The Commission then discussed the possibility of utilizing the drainage basins for the de-watering process. The Commission also discussed how to address sediment laden water generated during the helical pile installation, deciding that it should be the contractor's responsibility to get approval from the Commission or its agent for the silt removal process to be used, prior to starting the de-watering process.

The hearing closed at 8:30 PM.

Decision: Mr. Colman moved that a standard order of conditions be issued approving the multi-use recreational trail, "The Assabet River Rail Trail," with the following special conditions:

1. Any silt laden water generated during the de-watering process associated with the helical pile installation shall be pumped from the project site and filtered through a dewatering filter bag or other similar product. The project contractor is required to submit for approval, by the Conservation Commission or its agent, the method of silt removal best suited to the dewatering process.

2. A 15-foot wide zone, including the area considered temporary BVW disturbance, on both sides of the 14 foot wide boardwalk shall be cleared of invasive species and removed of red maple saplings, the intent being to increase the available sunlight accessing the area below the five foot high boardwalk and ultimately increasing the success of wetlands vegetation in the area under the boardwalk. The Commission will require this to be done for a period of two growing seasons.

And the following Finding of Fact:

The Commission finds that the proposed restoration area at the end of Sylvia Street ("Replication Area #3) is unnecessary and should not be constructed. The basis for this restoration area was the assumption that the entire area beneath the boardwalk represented permanent wetland impact. The Commission finds that, at five feet above the wetland, the function of the wetland lying beneath the boardwalk is not likely to be permanently or entirely impaired. More specifically, the Commission finds that the area beneath the south side of the boardwalk will receive adequate light so as to fully preserve the existing wetland function and vegetative assemblage. Hence, the Commission finds that the construction of wetland Replication Area #4 will adequately mitigate any and all permanent impacts associated with the proposed boardwalk.

Mr. Magee seconded the motion; 4 aye, 1 nay, motion passed.

8:30 Conservation Land Regulations

The Land Steward Committee brought three prior versions of the Conservation Land/Town Land rules to the Commission for consideration and update. Mr. Colman has assimilated the three versions (one posted on the Land Stewardship Committee website www.actontrails.org; another printed in the trail guidebook; and a third that had been approved by the Acton Conservation Commission on May 4, 1994) into a single, updated red-line draft, which was emailed to the commissioners prior to the meeting for their review.

During the discussion, it was decided that the Commission would speak for itself and the present conservation lands only, but state in the regulations that at some point in the future, these rules and regulations may be applied to other types of lands (for example, Morrison Farm or Town Forests) that may someday come under their relevant purview.

Various additional updates will be made, such as removing references to public shade trees, adding the current procedure for obtaining permits for overnight camping at Camp Acton through the Recreation Department, and increasing the fine for infractions to \$500 per violation, per day.

It was decided that Mr. Colman would create a new draft and the commissioners would consider approving that version at an upcoming meeting. Mr. Colman will research whether or not any of these updated rules conflict with standing State statutes.

MINUTES:

April 1, 2015: Reviewed by AM, PG

Mr. Magee moved to approve the minutes, Mr. Froberg seconded, unanimous vote.

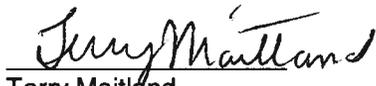
April 9, 2015: Reviewed by AM, TM

Mr. Magee moved to approve the minutes, Mr. Froberg seconded, unanimous vote.

-April 15, 2015: Reviewed by AM, PG

Mr. Magee moved to approve the minutes, Mr. Froberg seconded, unanimous vote.

Meeting adjourned at 9:30.



Terry Maitland
Chairperson