

CONSERVATION COMMISSION

AMENDED AGENDA

MARCH 17, 2010

7:15 NOI - Continuation - 113 Main Street - Erikson's Dam (*continued from 2/17*)

7:35 Request for Red-line Change - 107-115 Great Road - Wetherbee Plaza (*010 - 011*)
Acton Survey & Engineering

7:45 Notice of Intent - Mass. Bay Transportation Authority (*020 - 021*)

Holly Palmgren, MBTA: proposed track work, track demolition, power and fiber optic cable installation within the existing MBTA right-of-way. The work area extends from the Acton/Concord municipal boundary west to the Acton/Boxborough municipal boundary. Please refer to Exhibit B, "Proposed Work" for a detailed description of the project.

8:00 Request for Red-line Change - 81 River Street - Lots 2A thru 2E (*030 - 031*)

Bruce Ringwall - Goldsmith, Prest & Ringwall

Court of Honor - Brian Chen - April 25 (*040*)

Nagog Hill Conservation Area (NHCA) - Brian chose to build a 40-ft-long boardwalk over a swampy section of NHCA. Visitors to the conservation area often left the trail to avoid the mud, creating unwanted paths that disturbed wildlife and damaged the grounds. Hikers made a habit of scaling a dangerous, rocky wall to go around the swamp. By constructing the boardwalk, Brian added a safe, environmentally friendly element to the NHCA.

Request for Certificate of Compliance - 10 Breezy Point Way - DEQE 85-451 (*050*)

Minutes

February 3	comments rec'd by	JA, FP, PL	signature
February 17	“ “ “	JA, FP, TM	signature

**CONSERVATION COMMISSION
MINUTES
MARCH 17, 2010**

COMMISSIONERS PRESENT: Terry Maitland, Janet Adachi, Fran Portante, Patty Lee

ASSOCIATE MEMBER(S): None present.

RECORDING SECRETARY: Terry Maitland, Janet Adachi, Fran Portante, Patty Lee

VISITORS: Alan Orsi, Chuck Caron, Leo Bertolami, Mike Turgeon, Philip Brake, Bob Guba, Bruce Ringwall, Joe Levine

7:15 NOI - Continuation - 113 Main Street - Erikson's Dam (*continued from 2/17*)

Alan Orsi of Pare Corporation reported that the Applicant will be filing this week with the Historic District Commission, which will hold its hearing on April 27th.

The recent flooding due to heavy rainfall caused some displacement of stones in the center of the dam.

Upon query by Ms. Lee, Mr. Orsi said that in the bank area where the Applicant will be removing some trees, the applicant will use a small excavator on rubber wheels or a small crane with a bucket or lift-straps to move boulders into place.

7:29 DECISION - 113 Main Street - Erikson's Dam - DEP File #85-1036

Ms. Adachi moved that the Commission issue a Standard Order of Conditions, Ms. Lee 2nd, unanimous.

7:32 MINUTES

Ms. Portante moved that the Commission approve the minutes of 2/3/2010 and 2/17/2010, Ms. Adachi 2d, unanimous.

7:33 Court of Honor - Brian Chen – April 25 (040)

Mr. Maitland noted that the Commission has in the past sent a representative to the Boy Scout events and perhaps should reinstitute the practice. Ms. Portante suggested that the Commission send a letter of congratulations; Ms. Adachi added that if a Commission representative were at the event, he/she could read the letter aloud.

7:35 Request for Certificate of Compliance – 10 Breezy Point Way – DEQE 85-451 (050).

Mr. Maitland reported that the project had been completed for ten years but never closed.

Ms. Lee moved that the Commission issue a Certificate of Compliance, Ms. Portante 2nd, unanimous.

7:37 Request for Red-line Change - 107-115 Great Road - Wetherbee Plaza (010 – 011)

Chuck Caron explained the three minor differences between the proposed project that the Commission approved previously, and the revised project.

- 1) The proposed catch basin – It has not been installed yet but will be installed as originally proposed, contrary to the representation in the letter of March 9, 2010 from Mark Donohoe of Acton Survey & Engineering. The catch basin will be in the parking area on the east side, and the paving will be re-graded to tilt toward the catch basin.
- 2) The paved sidewalk on the northerly side of the Carriage House – In the original proposal, the sidewalk went over the westerly corner of the septic system. In the revised proposal, the sidewalk will be 6 – 7' closer to wetlands. In mitigation, the Applicant will plant a row of evergreen cover on the wetlands-side of the sidewalk. The trees already are in and there will be shrubs in between.

Upon query by Mr. Maitland, Applicant Leo Bertolami said that the location of the septic system had been marked out on the surface, and that the asphalt installer was the one who decided that the sidewalk could not be installed in the originally approved location because the installation would crush the underlying portion of the septic system.

- 3) The driveway going back to the Carriage House – The installed driveway is about 5' closer to the southerly edge of the wetlands, so the adjacent sidewalk is at the edge of wetlands.

Upon query by Mr. Maitland, Mr. Bertolami said that the original plan contemplated “stacked” parking in order to meet Planning Department requirements for parking. But Planning did not want stacked parking spaces, so the Applicant shifted the roadway to allow space for the required parking. Planning required 33 spaces; the roadway shift added 2 spaces for a total of 33. Without the roadway shift, there would have been only 31 spaces. Mr. Bertolami said that he did not realize how much closer to the wetlands the road was; he did not call Tom Tidman, Town Conservation Agent and Natural Resources Director when he discovered the issue.

Mr. Bertolami noted that the wetlands have been cleared of Japanese knotweed, as well as some abandoned cars, and is functioning as habitat for ducks.

Mr. Caron suggested that a location a few feet closer in a previously disturbed area perhaps would not make much difference. He noted that Mr. Tidman thought a split-rail fence to demarcate the edge of the wetlands would be a good idea.

Upon query by Ms. Adachi, Mr. Caron confirmed that the paved surface ended on the edge of the wetlands.

Mr. Maitland voiced concern about the possibility of stormwater sheeting from the road surface in to the wetlands, and asked about barrier-options other than a fence.

Ms. Lee said that she was more concerned about the possibility of plowed snow piling up and ending up in the wetlands.

Commissioners discussed the need, if the Commission were to approve the proposed changes, for a plan showing the location of the proposed fence extending from the retaining wall to the power transformer. Mr. Bertolami said that he could submit an as-built plan with the fence location added. Mr. Maitland added a reminder from Mr. Tidman that the Commission could not issue a Certificate of Compliance for the project until November 15, 2010 due to the need to wait two growing seasons to be certain that the restored wetlands area was successful.

8:05 DECISION - Request for Red-line Change - 107-115 Great Road - Wetherbee Plaza

Ms. Adachi moved that the Commission accept the red-line changes in two areas, subject to the Applicant's submitting an as-built plan reflecting the red-line changes:

- 1) the re-location of the roadway going back to the Carriage House and the adjacent sidewalk in the vicinity of the wetlands; and the proposed location of the rail fence demarcating the edge of wetlands from the retaining wall to the power transformer; and

2) the re-location of the paved sidewalk on the northerly side of the Carriage House.

Ms. Lee 2nd; unanimous.

Upon query by Mr. Maitland, Mr. Bertolami said that the work would be done in the next 45 days.

8:10 Notice of Intent - Massachusetts Bay Transportation Authority (020 - 021)

Mike Turgeon of Jacobs Engineering Group and Philip Brake, PE, of HNTB, presented a proposal involving a portion of the Fitchburg Commuter Rail Line for track work, track demolition, bridge replacement and installation of power and fiber-optic cable within the existing MBTA right-of-way. Portions of the right-of-way are within Riverfront Area and 100' of Bordering Vegetated Wetlands. The proposed work area extends from the Acton/Concord municipal boundary west to the Acton/Boxborough municipal boundary.

Mr. Brake said that the project does not involve the South Acton station. The Fitchburg Line is a 50-mile corridor. Funding for rail improvements is coming from three sources: Fitchburg Small-Starts (not relevant for this project but from east of Acton to Boston); the Double-Track Project, which in Acton extends from Massachusetts Avenue east through Acton and involves adding a second rail in the location of the right-of-way which formerly included a second track; and \$40 million in federal stimulus funds awarded to the state. Funding from one source ends in Acton and funding from another source starts in Acton. The stretch through Acton, Boxborough, Littleton and Ayer is about 10 miles.

The solicitation of bids will start in the spring. The 10-mile project, including a new station in Littleton, must be completed by December 2011. The MBTA will be the operator and doing most of the work.

The work will include upgrading the existing signal system in Acton, which is the oldest on the Line and dates back to the 1930s.

Mr. Turgeon reviewed the proposed work in the vicinity of resource areas. There will be minor repairs to the bridge at Fort Pond Brook. Currently there is a gravel roadway and timber wall holding down ballast; the Applicant proposes to insert sheet metal and remove the timber wall.

Bob Guba, the only abutter present, said some 2-3' of ballast have been in the bed of the brook for some time. He asked whether the Applicant had considered removal of the ballast. He said that a railroad crew about 20 years ago tried to dig out the ballast but found the task too difficult. Mr. Turgeon said that the Applicant would be willing to check the ballast in the brook during a low-flow period and determine whether or how the ballast might be cleaned out.

Mr. Brake said that two bridges to be repaired under the Small Starts Program were part of this application and also close to a certified vernal pool. The work on the bridges would require:

- 1) repair of wing wall via dry-sheathing;
- 2) replacement of superstructure (not sub-structure), including installation of piers behind the existing abutments.

Mr. Guba asked how the Applicant would protect the brook from ballast falling from the second rail, noting that the existing ballast reduced the water flow at times. Mr. Turgeon said that the proposed sheathing would provide the necessary protection. Mr. Brake added that the second bridge would have ballast retainers installed.

Mr. Guba asked whether the Applicant could use a clamshell to do brook cleanup during the project. Mr. Turgeon noted that the federal permit for the project presumed less than 5,000 S.F. of alteration, so the Applicant needed to be sure that any cleanup was within the scope of the permit. The Commission could include a condition that during periods of low-flow, the Applicant seek to do minimal removal of ballast blocking water flow with no disturbance.

Mr. Turgeon said that the work at Bridge MP 27.46, the second bridge, would be more complicated due to the Vernal Pool; Mr. Guba said that the second bridge area is near where he lives. Mr. Turgeon noted that the Applicant's filing with the Natural Heritage and Endangered Species Program (NHESP) did not include ballast cleanup, so if ballast cleanup were to be a requirement in the Vernal Pool area, the Applicant would have to confer with NHESP. Mr. Guba noted that the blockage had been helpful to the beavers, which had built dams, blocked the brook and caused flooding of the neighbors' property.

The rehabilitation work at the Arlington Street and Massachusetts Avenue grade-crossings is outside of the Commission's jurisdiction.

In the vicinity of MP 27.19, to the southeast of Central Street, the Applicant will build the track over the culvert. Behind Idylwilde are buffer zone and habitat. The railroad right-of-way comes out of and above the buffer zone and habitat area. The Applicant would add erosion control, not reflected in the plans, on the other side of the tracks, at 1444-1461, southeast of the Central Street grade-crossing where the signal cable moves from one side of the tracks to the other.

The Applicant will use standard railroad-track construction equipment, including dump trucks, backhoes, ballast regulators and on-track specialized equipment that picks up ties. The work will be from the bed and will not require much stockpiling. The ties already have been laid out. There will be no stockpiling of loose material. The work will consist of laying more ballast on top of existing ballast, laying the ties and shaking to settle the ballast.

8:57 DECISION - Massachusetts Bay Transportation Authority - DEP File #85-1038

Mr. Maitland moved to issue a standard Order of Conditions with three Special Conditions:

- 1) The Applicant shall install erosion control between Stations 1444 and 1461. The Applicant shall amend and re-submit Sheets T-106, T-107 and T-108 of the plans to the Commission to show the locations of the erosion control. Re-submission shall be within 30 days from the date of the Order of Conditions.
- 2) During a period of low flow the Applicant shall make best efforts to remove accumulated ballast from the stream beds at the bridges located at Mileposts 26.26 and 27.19. The Environmental Monitor for the project shall be present on-site and provide oversight during any ballast-removal.
- 3) At the completion of the project the Applicant shall clean up the construction areas and remove all construction debris and excess railroad materials. No Certificate of Compliance shall be issued until and unless the construction areas have been cleared to the satisfaction of the Town of Acton Conservation Agent, or the Conservation Commission.

Ms. Adachi 2d; unanimous.

9:00 Request for Red-line Change - 81 River Street - Lots 2A through 2E (030 - 031)

Bruce Ringwall of Goldsmith, Prest & Ringwall, and Joe Levine of Lothrop Mill, LLC presented proposed red-line changes, consisting of changes in the dimensions of building envelopes, variation in building setbacks, slight changes in elevations in the area between the buildings and the proposed bio-retention area, the addition of a sidewalk and the addition of decks. The buildings will be narrower and longer by about 2 - 2.5', and their setbacks from the street will be more varied than in the originally approved project. The bio-retention area is unchanged. The proposed changes were the result of a re-examination of grading and drainage and not suggestions from the Historic District Commission. Maintenance will be the responsibility of the homeowners' association.

After Town Meeting in early April, the Applicant will be back before the Commission with the other component of the project, involving two new buildings in lieu of the originally proposed

reconstruction of the old mill building, which has since been condemned and demolished. That proposal also will create less impervious surface and enlarge the bio-retention area.

9:20 Ms. Portante moved that the Commission accept the proposed red-line changes, Ms. Adachi 2nd, unanimous.

9:25 Meeting adjourned.


Terrence Maitland, Chair

JKA:ahr
ahr.concom.minutes.031709