

**TOWN OF ACTON
CONSERVATION COMMISSION**

Minutes

June 21, 2017

7:15 PM

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

COMMISSIONERS PRESENT: Terry Maitland, William Froberg, Amy Green, Jim Colman, Tim McKinnon, Paula Goodwin

NATURAL RESOURCES DIRECTOR & RECORDING SECRETARY: Tom Tidman

VISITORS: Susan Phelps, Robert Adams

7:15 Request for Determination of Applicability: 19 Overlook Drive

Applicant Susan Phelps for a project at 19 Overlook Drive, (*town atlas plate G2, parcel 193.4*). The project entails landscaping within 100 feet of wetlands.

Susan Phelps presented the project to the Commission. She wishes to remove existing planting beds within 100 feet of wetlands. The yard is very uneven and the trees that were in the planting beds have died. Mr. Colman asked, what is the nearest distance to wetlands that work will occur? Ms. Phelps responded that the nearest work will be approximately 45 feet. The lawn will be leveled and seeded. Mr. Froberg asked, if there are stumps or roots under the beds, will they be removed? Ms. Phelps responded that this is just a mounded garden bed. Work will commence either this summer or early fall.

Decision:

Mr. Froberg moved to issue a negative 3 determination, meaning the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent. Mr. Colman seconded the motion and it passed unanimously.

Certificate of Compliance

20 Longmeadow Way 85-633

Mr. Colman moved to issue a Certificate of Compliance. Mr. Froberg seconded the motion and it passed unanimously.

100 Harris Street 85-516

Mr. Colman moved to issue a Certificate of Compliance. Mr. Froberg seconded the motion and it passed unanimously.

Commission Business: Commissioners reviewed the letter from Concord Public Works, dated 6/21/2017, outlining several security breaches that had occurred at Nagog Pond dam and gatehouse. Commissioners agreed that security measures were warranted to protect the public drinking water supply.

See pages 5-7

Minutes:

June 7: Reviewed by JS, AG

Mr. Froberg moved to accept the Minutes of June 7. Ms. Goodwin seconded the motion and it was approved unanimously.

Meeting adjourned 8:00 PM


Terry Maitland
Chairperson

**CONSERVATION COMMISSION
AGENDA
June 21, 2017
7:15 PM
ACTON TOWN HALL
472 MAIN STREET
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ALAN H. CATHCART
SUPERINTENDENT
VIA E-MAIL

CONCORD PUBLIC WORKS

Water and Sewer Division

135 KEYES ROAD
CONCORD, MASSACHUSETTS 01742-1601

June 21, 2017

Tom Tidman, Natural Resources Director

Acton Conservation Commission

Acton Town Hall

4 72 Main Street

Acton, MA 01720

Re: Installation of Temporary Fencing at Nagog Pond

Dear Tom:

TEL: 978-318-3250

FAX: 978-318-3204

On behalf of the Town of Concord Public Works Department, I am writing to thank you, the Acton Conservation Commission members, and Acton Board of Selectmen member Janet Adachi, for participating in a site walk at the Nagog Pond dam on Friday, June 16, 2017. As we

discussed during the site visit, Concord has recently experienced several security breaches at the

dam and gatehouse. Due to these security risks, Concord is taking temporary measures to restrict access to the dam and gatehouse at Nagog Pond.

The first major incident was reported on June 1, 2017 and involved the forced removal of a security padlock installed on a former window/access way into the gatehouse. Based on other site conditions and controls, it was determined the gatehouse had not been entered and critical

assets within it had not been tampered with or compromised. In response to this incident, MassDEP drinking water program was contacted and a battery of water quality tests were conducted to ensure there was no contamination of the public water supply. In addition to these

costly and time sensitive testing activities, Concord implemented some additional security measures to harden protections at this site. Concord also modified its site inspection protocols to

increase the frequency of inspections around the gatehouse.

After implementing several new security measures at this site, following the June 1 incident, another attempted security breach was reported during the afternoon of Friday, June 9, 2017. Shortly after 3:00PM, Concord operations personnel received notice of another attempted entry

into the gatehouse. Concord Public Works personnel responded immediately to the incident and

found the door to gatehouse was slightly ajar. They also discovered that a temporary window

guard had also been tampered with. The inspectors concluded that there had been an attempt to

enter the facility, but access was not achieved.

Acton Police were contacted and responded to both incidents. Concord appreciates the assistance Acton Police provided during these events. During a review of the second incident,

Tom Tidman, Natural Resources Director

June 21, 2017

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Concord agreed to provide notification to the Acton Police whenever it receives notice of a security breach at Nagog Pond gatehouse.

In addition to the attempted breaches noted above, Concord personnel have witnessed several blatant acts of trespass at the gatehouse and dam during this same time period. Earlier this month, Concord staff observed individuals fishing from the dam, which is expressly prohibited.

On Saturday, June 10, 2017, Concord's Watershed Ambassador encountered an abutter to Concord's lands in the immediate vicinity of the dam area. She was talking loudly when he arrived. In response to questions, she indicated that she was leaving a message for the security camera at the dam.

On Tuesday, June 13, 2017, a Concord Public Works employee performing work at the dam and

gatehouse witnessed an individual horseback riding in the area. When the rider came upon the

work area, she directed the horse to walk up onto the dam structure and used the dam to cross over to Concord's land west of the dam.

In response to the forced entry attempts into the Nagog Pond Gatehouse as well as the blatant

trespass incidents observed around this critical infrastructure, Concord is erecting temporary fencing to block access to the gatehouse and dam area. This work will complement more advanced surveillance technology and equipment that will also be installed at this site. All of the

proposed work will occur well within Concord's restricted public water supply lands.

Though this work *will* take place in an area subject to the Wetlands Protection Act and Regulations, a filing is not required pursuant to 310 CMR 10.02(2)(a)(2) because the work is

being done to "maintain, repair or replace, but not substantially change or enlarge an existing lawfully located structure or facility used in the service of the public and used to provide ... water ... services." There is a similar exemption for work related to public water supply

in the Acton Wetlands Bylaw at Section F4.2.

Because of the sensitive nature of this work, Concord appreciates your timely response to our request for this site visit and cooperation and understanding offered through this process. As we

have noted in the past, any potential breach of critical drinking water infrastructure is taken very

seriously as it can have serious consequences with respect to public trust and safety. I will keep

you apprised of any related activities and look forward to collaborating with you on these important security issues at Nagog Pond.

Sincerely,

~ _ _ _

Alan H. Cathcart

Concord Public Works, Superintendent

cc: *(via electronic mail)*

Richard Reine, Director, Concord Public Works

Tom Tidman, Natural Resources Director

June 21, 2017

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Christopher Whelan, Concord Town Manager

Jane Hotchkiss, Chair, Concord Select Board

Andrew Boardman, Chair Concord Public Works Commissioners

Steve Ledoux, Acton Town Manager

Peter Berry, Chair, Acton Board of Selectmen