

**CONSERVATION COMMISSION
JULY 1, 2009
AMENDED AGENDA**

CANCELLED 7:15 Preliminary Review - 26 Duggan Road - Rich Rago

7:30 Notice of Intent - 53 River Street - River Street Nominee Trust - R. Lazaro (010 - 011)

Proposed remediation of contaminated soil located at 53 River Street (town atlas plate H-3A, parcel 47).

7:45 Notice of Intent – 40 Sudbury Road - ALC Corp. (020 - 025)

Proposed restoration and stabilization of slope within the 100' of a wetland and restoration of filled wetland located at 40 Sudbury Road (town atlas plate J-3, parcel 59).

MINUTES

May 20	comments rec'd by	TM, LS, JA	signature
June 3	comments rec'd by	PL, FP, JA	signature
June 17	forthcoming		

CONSERVATION COMMISSION
JULY 1, 2009
MINUTES

COMMISSIONERS PRESENT: Terry Maitland, Janet Adachi, Julia Miles, Bill Froberg, Fran Portante

RECORDING SECRETARY & CONSERVATION ADMINISTRATOR: Tom Tidman

VISITORS: Todd Lobo, Leo Bertolami, Todd Bachmann, Leigh Davis-Honn, George Dimakarakos, Doug Fife

7:30 Notice of Intent - 53 River Street - River Street Nominee Trust - R. Lazaro (010 - 011)

George Dimakarakos from Stamski & McNary presented proposed remediation of contaminated soil located at 53 River Street. Mr. Dimakarakos reported that the Applicant found an area on site with localized contamination. The remediation will be overseen by Licensed Site Professional (LSP); all contaminated soils will be hauled off site. The Applicant is also seeking approval of the wetland delineation on site; the on-site raceway is not considered a resource area under the Wetlands Protection Act. No construction is proposed at this time.

Upon query by Mr. Maitland, Mr. Dimakarakos reported that the depth of contamination below grade is outlined in the NOI.

Upon query by Ms. Miles, Mr. Dimakarakos stated that the Health Department may have provided some oversight during the removal of on-site re-fueling tanks years ago, there is no record of the location of the tanks on file with the Town.

Upon query by Mr. Froberg, Mr. Dimakarakos stated that the on-site re-fueling tanks that were the source of the contamination are gone. The existing monitoring wells will be evaluated in the future. The area around activity will have filter mitts installed to prevent potential stormwater runoff during excavation.

Mr. Maitland noted that the Commission has not been able to evaluate the wetland delineation through the entire site.

Mr. Dimakarakos agreed to continue the hearing to allow the Commission to further inspect the wetland delineation.

Upon query by Todd Bachmann from 50 River Street, Mr. Dimakarakos reported that the total remediation process should be completed within two weeks. The contaminants found on site are primarily petroleum and are low risk and adhered to the soils. Remediation will be done according to State standards and overseen by an LSP.

Leigh Davis-Honn from 105 School Street stated that the potential for air-borne particles during excavation is an extremely important issue to the abutters.

Upon query by Mr. Maitland, Mr. Dimakarakos reported that the LSP will be present at the continued hearing and asked that technical inquiries be put in writing to the Commission and forwarded to him to be addressed by the LSP.

Mr. Maitland continued the hearing until August 5, 2009 at 7:15 PM.

8:05 Notice of Intent – 40 Sudbury Road - ALC Corporation (020 - 025)

Todd Lobo from Beals Associates presented plans for the proposed restoration and stabilization of slope within the 100' of a wetland and restoration of filled wetland. Mr. Lobo reported that slope failure occurred during the summer of 2008 with a significant amount of surface water flowing down a 2:1 slope. Slope-failure soils flowed into the Bordering Vegetated Wetland (BVW) and Land Subject to Flooding. The proposal is to remove the accumulated sand and

gravel from the BVW by excavating to an elevation below 130' (below the water surface). The buffer will be revegetated to repair the slope. The armored slope (blast rock) will be placed at a slope of 1:1 overlaid with a mix of sand and loam with a slope of 2:1 such that the surface will support plant growth.

Upon query by Mr. Maitland, Mr. Lobo reported that four bids were received for the proposed work; all bidders stated that they could work down the slope by cutting a work-road down it and work their way back out and up the 2:1 slope.

Mr. Bertolami inquired about placing the excavated sand and gravel into an existing stone swale for two reasons (a) to make it more economical to remove the sand and (b) mitigate a potential safety hazard.

Mr. Maitland stated that the Conservation Commission would like to get some direction from the Historical Commission (HC) regarding the potential filling of the stone swale; the Commission is inclined to not allow the filling for the swale.

Ms. Adachi suggested that it would be helpful if a representative from the HC were to address the Commission in person regarding the HC's concerns.

Mr. Lobo stated that there will be a slight net increase of wetland resource area due to the proposal to over-excavate the ponding area and provide slightly greater storage capacity. The Applicant wishes to start work as soon as possible because the 40B construction project at the top of the slope has been idle since August of 2008. Watering and monitoring of wetland replication plants will occur through the late summer and fall by the contractor hired by the Applicant. A solid core berm on top of the slope will be provided as well.

Mr. Bertolami stated that he feels that Beals Associates has done a good job. Mr. Bertolami also feels that the stone swale is a potential liability/safety factor for him given the potential number of children who might move into the 350-unit 40B project..

8:45 Mr. Maitland closed the hearing.

DECISION - 40 Sudbury Road - ALC Corporation

Ms. Miles moved that the Commission issue an Order of Conditions for the plans as presented with the following special condition:

Sand and gravel excavated from the replication site (pond) may be used to fill the sluiceway as illustrated in the "Soils Mitigation Site Plan" dated 6/16/09, pursuant to a review by the Historical Commission and express written permission from the Town of Acton Conservation Agent; should the Historical Commission deem the sluiceway to be of historic significance and worthy of being retained in its current state, no filling (or perhaps partial filling) will be permitted. In either event, the Conservation Agent will make a determination in writing.

Ms. Adachi 2nd, unanimous.

MINUTES

Ms. Miles moved that the Commission accept the minutes for May 29 and June 3, 2009; Ms. Portante 2nd, unanimous.

8:55 Meeting adjourned.



Terrence Maitland
Chair