

Staff Report

Devens
Enterprise
Commission

Date: January 25, 2021

To: Devens Enterprise Commission

From: Neil Angus, Environmental Planner

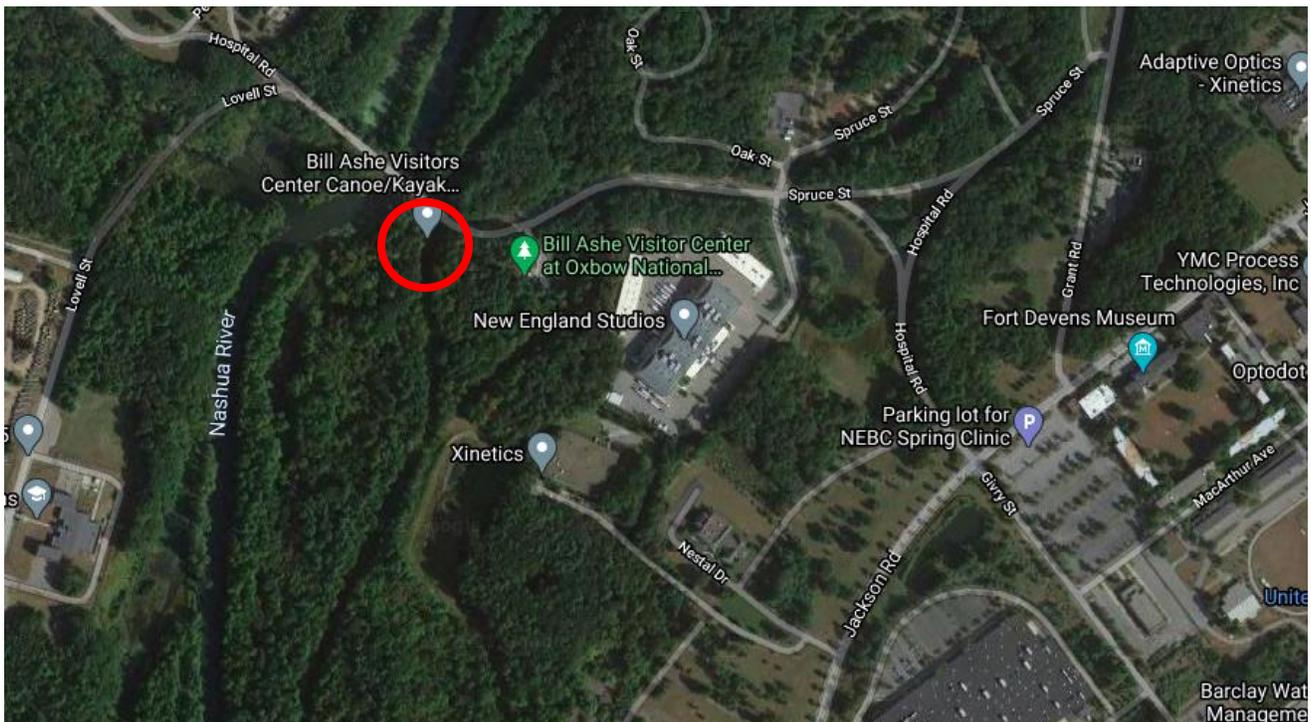
RE: USFWS Canoe Launch ADA Boardwalk Modification

Applicant/Owner: US Fish and Wildlife Service

Location: Hospital Road (south side, east of Nashua River and Hospital Road Bridge), Devens, MA

Zoning: Open Space & Rec., Watershed/Aquifer Water Resources Protection Overlay Districts

Proposed Project: The applicant is seeking an amendment to their 2011 Wetland Order of Conditions in order to construct an accessible walkway/boardwalk that will help provide universal access to views of the Nashua River and the existing canoe launch. The new boardwalk would extend off of the existing boardwalk/canoe access which has a series of steps that restrict access to the river for persons with disabilities. This project would provide Americans with Disabilities Act (ADA) compliant access to the river and the existing accessible canoe launch. The project is within the Oxbow National Wildlife Refuge (Refuge) land along the Nashua River right off of Hospital Road.

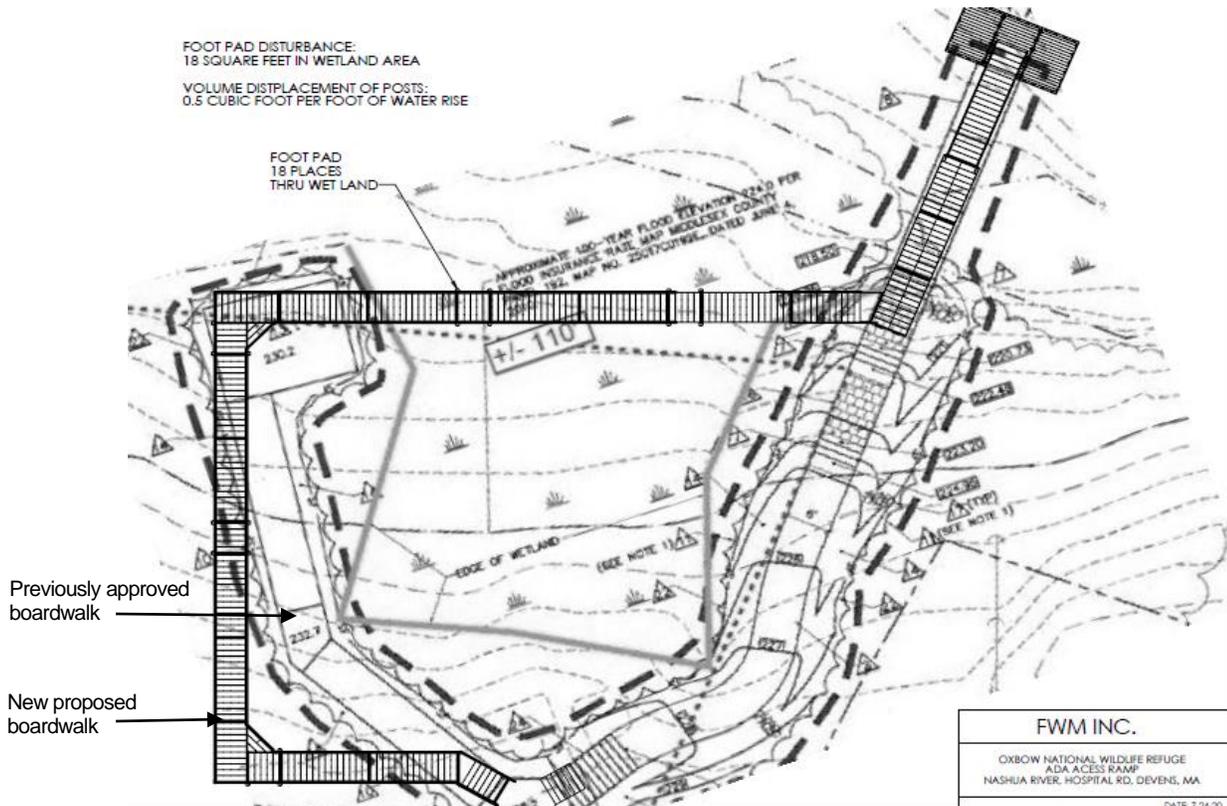


The original plans for the project had proposed a wildlife viewing platform in the same vicinity as part of the proposed boardwalk but it did not connect back into the existing river/canoe access. In order to make this connection, the proposed boardwalk must cross a wetland area. The new work will result in an alteration of approximately 18 square feet of Bordering Vegetated Wetlands (BVW) for the installation of additional boardwalk support posts. The platform will be constructed with modular aluminum sections that will require only basic hand tools for installation. Heavy equipment and machinery are not required for the walkway installation, thereby minimizing direct wetland impacts.

The proposed ADA ramp is to be installed on raised piers allowing the unobstructed flowage of water, and the ramp will be constructed of open-cell material to allow adequate light penetration to the ground beneath the decking surface to maintain vegetation growth:



The Massachusetts Wetlands Protection Act permits the installation of boardwalks and similar structures as a Limited Project under 310 CMR 10.53(j) provided such structures are constructed on pilings or posts so as to permit the reasonably unobstructed flowage of water and adequate light to maintain vegetation growth.



The proposed boardwalk expansion is within the 100-year floodplain however due to its construction method, there will be no net loss of flood storage. The project plans include erosion and sediment controls to separate the limits of disturbance in the 100 foot buffer zone and the Applicant has included a sequencing of construction

plan in accordance with condition #2 of the original Wetland Order of Conditions. If the DEC is in agreement that this is a limited project and will result in no net loss of flood storage, the DEC should make a finding to this effect and not require any compensatory flood storage (to address Special Condition #6).

Wetland Impacts. Portions of the boardwalk are proposed to be placed in wetlands. There will be 18 support posts that will be hand-driven into the wetland soils, resulting in approximately 18 square feet of wetland disturbance. The Applicant has developed a site-specific erosion control plan to ensure impacts to wetlands are avoided to the maximum extent possible. This includes keeping construction equipment out of wetlands and the buffer area when not in use, avoiding compaction of wetland soils through low-impact construction methods (to avoid altering the drainage characteristics of the soil and protecting the structure and function of wetlands). The boardwalk height and decking should be sufficient to allow for light to reach underneath the platform to avoid any permanent alterations to wetlands beyond the 18 square feet.

Invasive Species Management. There are a number of invasive plant species in the proposed boardwalk area and vicinity that will need to be managed during and after construction to prevent spread. Hand pulling, proper disposal and spot treatments using approved foliar herbicide applications are a critical part of this management plan. As invasive species management will be an ongoing issue, control of invasive plant species and associated site stabilization should be permitted as a long-term non-expiring condition as long as activities are performed using the Applicant's proposed methods and any best management practices approved by the MA Invasive Plant Advisory Group and MA DEP. This has been included as a new proposed special condition.

Soil Stabilization: All disturbed areas are proposed to be stabilized following construction activities. For bare soil in the upland areas, they will use New England Conservation/Wildlife Mix. Any bare soils in wetlands (from invasive species management) will be planted with native shrubs and small trees for filling gaps or seeded with a New England Wetland Seed Mix. For stabilization on any slopes they will use, 100% biodegradable erosion control blankets over the seeding. The blanket should be 70% straw and 30% coir in a biodegradable (non-plastic) netting.

Nashua River Impacts. Portions of the proposed boardwalk are within the floodplain of the Nashua River. Under the Clean Water Act, proposed projects that may impact any navigable waters of the United States are subject to the jurisdiction of the US Army Corps of Engineers and the US Environmental Protection Agency. Due to the minor nature of this project, a permit is likely not required but will be made a condition of approval, if applicable.

Proposed Waiver Requests: None

Process: The application was submitted on December 8, 2020 (#D20-108) and a Determination of Completeness was issued on December 11, 2020. Copies of the application were received by the surrounding Towns on December 29, 2020. Legal notices were placed in Nashoba Publications on December 25, 2020 and January 1, 2021. All abutters were notified by certified mail. The 30-day Town comment period expires on January 28, 2021. To date, no comments have been received.

Recommended Action: The 30-day town comment period has not yet expired. Once all questions and comments have been made by the Applicant, Commission and public, the DEC should continue this hearing to the February 4, 2021 meeting at 7:30AM. Staff will prepare a draft Record of Decision and revised Wetland Order of Conditions for the Commission's consideration at that meeting.