

**CONSERVATION COMMISSION
MINUTES FOR
JANUARY 2, 1991**

MEMBERS PRESENT: Andrew Sheehan, Peter Shanahan, Ann Shubert, John Chalmers, Charlotte Timlege

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Dean Charter, Carl Sletten, Dee Febla, Charlie Kadison, Steve Callichman, Anthony Bonjourno, Leo Cunningham

7:33 PROPOSED LAND DONATION - Leo Cunningham

Mr. Cunningham stated that he owns 46 Martin Street (Parcel 41.3), which is all floodplain and wetlands. This parcel is undevelopable, and he wishes to donate it to the Town for conservation use to alleviate his tax burden.

Mr. Shanahan moved to pursue the acceptance of this land donation. Ms. Timlege seconded the motion. The motion passed unanimously.

7:41 STONEYMEADE DEVELOPMENT

Charlie Kadison stated that he represents both the Concord Cooperative Bank of Concord, and Anthony Bonjourno of the DiMare Group, both of whom are the present owners of Stoneymeade Development.

Mr. Kadison reported that the original developer, Mark Gallagher - Stoneymeade Realty Trust, agreed to replicate 4500 s.f. of wetlands to compensate for the wetlands filled for the entrance road. Mr. Gallagher also agreed to build a six car parking area for users of the conservation land. Mr. Kadison reported that there have been many changes, such as the ownership, and there will no longer be a sewer treatment plant. Parcel C is presently the proposed site for the parking area. Parcel C is not convenient for the parking area.

Mr. Kadison reported that the bank is willing to supply the materials for the proposed parking area, but as the Town Zoning Bylaw reads presently, it would have to be paved. The bank is willing to provide the materials and gravel for a turn-around behind Lot 7 & 8 and for the first 60' of drive; and reimburse the town for equipment time, and purchase of a lockable gate.

Mr. Kadison admitted that there was an agreement by the prior owner/developer to fully replicate and restore the wetlands filled for the entrance way. Instead of a full replication, they propose to give the Town the funds necessary to excavate the existing cart path at Lot 2 Pope Road and its' related gravel, and replace with organic soils, and seed it to fulfill part of the replication area.

8:08 The Commission stated that consideration will be taken under further discussion.

8:09 NOTICE OF INTENT - 118 Nagog Hill Road - 85-298 / 75-229

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the construction of a single family house and driveway within 100' of a wetland.

Harry Donahue, of Acton Survey & Engineering, reported that the lot is 71,607 s.f. with existing wetland and floodplain. The proposed house, driveway and part of the septic are within 100' of the wetland. The closest point of construction to the wetland is 40', to meet the no-build setback. Haybales and silt prevention are proposed. The existing stonewall on the site will remain, although part of the wall nearest the proposed house and driveway will be removed. The actual house plans are different than what was filed with the Conservation Office, but the foundation footprint placement, and size will be the same.

8:23 Hearing no further comments or questions, Mr. Sheehan closed the hearing.

Mr. Chalmers moved to issue an Order of Conditions, provided that the plans stay within the setbacks presented. Mr. Shanahan seconded the motion. The motion passed unanimously.

PRELIMINARY REVIEW - Notice of Intent - Arboretum Wildlife Impound

The Conservation Administrator presented plans for a proposed "wildlife impoundment" at the Arboretum. The area is a wet meadow near the newly donated cork tree. There is a drainage ditch through the proposed pond area. Historically the area was an apple orchard, which had died back through the years. The Town proposes to excavate the area to a maximum depth of six to seven feet at a 3:1 slope, and a one to two foot bank. This proposed pond would fall within the Commission's jurisdiction, and the Wetlands Protection Act allows such "wildlife impounds" with the approval of the Commission. The pond as proposed will be approximately 3,400 s.f. of surface area, but will only be excavating \pm 2,000 s.f. of earth. The existing drainage ditch would be the inlet and outlet to transitional wetland areas. The Town also proposes to create a 25' natural buffer of indigenous wetland species around the pond. Excavation of the pond will be done by the Highway Department in the winter months while the ground is frozen to reduce impact, and the

excavated materials will be taken off site. Friends of the Acton Arboretum would be involved in planting around the pond. He also proposed to create a path with a bridge around the pond that would be handicapped accessible. At the outlet of the proposed pond (part of the existing drainage ditch) he proposes six haybales and a silt fence to prevent silted water from draining down stream during excavation.

8:55 DISCUSSION - Stoneymeade Subdivision

The Commission reviewed concerns of the subdivision, and the proposals presented earlier during this meeting.

Mr. Shanahan moved to have the new owner/developer fulfill the 4,500 s.f. of wetlands replacement agreed to by the original developer, with engineered plans filed with a full Notice of Intent, and supply the materials and labor. Mr. Chalmers seconded the motion. The motion passed unanimously.

Mr. Chalmers moved to require the applicant to provide the necessary funds, to be determined by town staff, for the construction of the driveway and parking area on conservation land as shown on the plans. Ms. Timlege seconded the motion. The motion passed unanimously.

9:24 DISCUSSION - Potato Cave

Dean Charter, Director of Municipal Properties, reported that staff has been told to assume that the Town is in litigation with Mr. Buck, who owns the land that the easement runs across.

Mr. Charter reported that he has been contacted by Phil Harris, Acton Monument, who has offered to restore the potato cave in its original dry masonry, free of charge.

Mr. Chalmers moved to pursue the offer made by Mr. Harris on the restoration of the potato cave. Mr. Shanahan seconded the motion. The motion passed unanimously.

The Administrator reported that Eagle Scout Mike Hinke is having his Court of Honor on January 6, and would like a Commissioner to be present. Mr. Chalmers stated that he would attend as representative of the Commission.

9:37 Meeting Adjourned.


Andrew Sheehan, Chairman