



CONSERVATION COMMISSION
472 MAIN STREET
ACTON, MASSACHUSETTS 01720
(508) 264-9631

MINUTES FOR
OCTOBER 19, 1988

MEMBERS PRESENT: Andy Sheehan, Ken Dow, Janet Waldron, Bob Young, Carol
Place (7:55)

ASSOCIATE MEMBER: John Chalmers

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Harry Donahue, Roy Smith, John Kelly, Mr. & Mrs. Perley,
David Moulton, Mr. & Mrs. Larry Kerpelman, Mr. & Mrs. Richard
Lynch, Greg Patterson, Peter Karassik, Tina & John Close,
Gail & Scott Leggat, Neil Dionesotes, Keith Gregory, James
Steller, David Danke, Jill Pontias, Ali Beyranevand,
Christopher Ashman

7:40 CITIZEN'S CONCERNS

There were no concerns stated.

CONSERVATION SIGN LOGO

The Administrator asked the Commission for a decision on the sign
logo that will be used as trail markers on conservation lands.

Mr. Dow moved to accept the logo as designed by the Administrator
for use on conservation trails. Mr. Sheehan seconded the motion.
The motion passed three (3) aye, one (1) nay.

7:45 MEADOWVIEW DEVELOPMENT

The Commission discussed the issues of the Notice of Intent filing
for Meadowview.

REQUEST FOR EXTENSION - 458-480 Great Road 85-238/75-158
Lot B - Acorn Park

The Administrator reported that the above noted project is requesting a (2) two year extension under the Town Bylaws for the reason that the State Order of Conditions will expire in two years.

Mr. Young moved to grant a (1) one year extension effective November 1988. Mr. Sheehan seconded the motion. The motion passed unanimously.

8:00 PRELIMINARY REVIEW - Audubon Hill

The Commission reviewed plans presented by Roy Smith, Harry Donahue, and John Kelly for Audubon Hill dated August 1, 1988. Mr. Smith also provided a DRAFT copy of the "Audubon Hill Condominiums Conservation Restriction".

The Commission will arrange a site visit.

8:30 REQUEST FOR DETERMINATION - Lot 28A (#10) Puritan Road 9/27/88
D-88-21

Ms. Place opened the meeting under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the construction of a house within 100' of a wetland.

Mr. Perley stated that this lot has been a storage lot throughout the development of the property since 1978.

Mr. Young stated that there has been, in his opinion, a violation of the Wetlands Protection Act on this particular lot.

Mr. Moulton stated that there was work done for a trench and interceptor pipe for a septic tank, but it could not have been within a wetland or its buffer zone, due to negative perc tests.

Mr. Perley stated that the wetland on the site is not a significant wetland, restating the negative perc tests.

Mr. Kerpelman, 9 Puritan Road, stated that this lot is not an aesthetically pleasing area to look at, and would prefer to look at a house on the lot, rather than what it is now.

Mr. Leggat, 2 Gerald Circle, stated that his understanding of the purpose of a wetland is for wildlife and flood storage. The wetland on this lot has no flood storage capability, and it is not aesthetically pleasing, in his opinion.

Upon the Commission's request, Mr. Perley withdrew the filing for a Request for Determination, and agreed to file a Notice of Intent. The Commission stated that this site would be discussed, and a site visit would be conducted.

9:00

CONTINUATION - NOTICE OF INTENT - Meadowview Development 75-180

Ms. Place opened the hearing for the continuation of the Notice of Intent filed under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the construction of a subdivision road and detention ponds within 100' of a wetland.

Due to the Planning Board denial of the submitted plans, the Commission requested that the applicant withdraw the filing until definitive plans are approved by the Planning Board, and at that time resubmit a Notice of Intent with the Commission.

Mr. Peter Karassik agreed, and withdrew the plans as submitted. The Commission accepted the withdrawal, and granted the time to discuss the water issue.

Mr. Patterson stated that in a meeting with the Water District of Acton, the Water Commissioners recommended connecting the water main from Nash Road to the Meadowview Development, creating a loop for south Acton. To connect this water main loop the Water District will have to attain an easement through residents of Nash Road. There was a letter sent to the residents of Nash Road, and no response followed. This connection will create the need to cross a 350 foot span of wetlands and Fort Pond Brook, temporarily disturbing a 20' wide path the entire length of the 350' span.

Mr. Patterson stated that the Water District is asking for feedback from the Commission regarding this water main loop. The Water District will get the easement for this loop even if it must take the land by eminent domain.

The Commission thanked Metwest Development for the review of the proposed water main loop.

9:35 Discussions followed regarding Meadowview Development.

9:59 Ms. Place excused herself from the meeting.

10:00 NOTICE OF INTENT - 42-54 Nonset Path 75-186 10/11/88

Mr. Sheehan opened the hearing under MGL Chapter 131, Section 40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the shape change of an existing retention basin, and the installation of two fountains within that retention basin.

Mr. Ashman stated that he proposes to clear brush and alter the landscaping around the existing retention basin, and also add two fountains to the basin. The purpose of doing this is for aesthetic reasons. They propose to loam and seed any disturbed grades of the retention basin.

The Commission requested a 15' wide natural buffer be left surrounding the basin (i.e. bark mulch, shrubs, natural growth) to protect it from exposure of fertilizers from the maintenance of the surrounding turf. Mr. Beyranevand agreed that the area from the water edge to a proposed walking path around the pond would be landscaped with shrubs and then bark mulched. This area will not be fertilized.

Mr. Dow moved to issue a standard Order of Conditions for 42-54 Nonset Path. Ms. Waldron seconded the motion. The motion passed unanimously.

10:20 Meeting Adjourned.



Carol Place,
Chairperson

(13)

DRAFT

AUDUBON HILL CONDOMINIUMS CONSERVATION RESTRICTION

Roy C. Smith, Trustee, High Street PCRC Trust, under Declaration of Trust, dated _____, 198_, recorded in Middlesex South District Registry of Deeds, Book _____, Page _____, ("TRUST"), hereby grants to The Inhabitants of The Town of Acton, a municipal corporation, a Conservation Restriction in perpetuity on a parcel of land situated in Acton, Massachusetts.

The following conservation restrictions are intended to retain the aforesaid area predominantly in its natural, scenic and open condition in order to protect the natural and watershed resources of the town of Acton and to preserve the area for outdoor recreational and scenic enjoyment.

The terms of the conservation restriction are as follows: That neither TRUST nor its successors or assigns will perform the following acts nor permit others to perform them on any portion of the land described as "Conservation Open Space" as shown as

"The land on the easterly side of High Street, in Acton, Middlesex County, Massachusetts, being shown as Lots E, N, R and S on a plan entitled, "Open Space Plan of Audubon Hill, in Acton, Mass.", Scale: 1 Inch = 40 Feet, August 1, 1988, Acton Survey & Engineering, Inc., 277 Central Street, Acton, Mass., being sheets 39 through 42 of 46 sheets, to be recorded herewith in the Middlesex South District Registry of Deeds, reference to which plan may be had for a more particular description of said Lots.

"Lot E containing 72,414+ square feet, 1.6624+ acres; Lot N containing 1,235,084+ square feet, 28.3536+ acres; Lot R containing 56,066+ square feet, 1.287+ acres; and Lot S containing 1,739,835+ square feet, 39.9411+ acres, and being Lots E, N, R and S, as shown on said plan, however otherwise bounded, measured or described.

"There is excluded from the foregoing description the following named areas: A) Audubon Drive, Brewster Lane, and access drives and B) "Exclusive Residential Use" areas: Phase N-1 and N-2 containing 177,795 square feet, Phase N-3 containing 72,802 square feet, Phase S-1, S-2, S-3 and S-4 containing 341,529 square feet, Phase S-5 containing 76,162 square feet, and being Phases N-1, N-2, N-3, S-1, S-2, S-3, S-4 and S-5, however otherwise bounded, measured and described on the foregoing described plan."

hereby granting restrictions against all persons:

1. No building, sign, fence, utilities or other permanent structure will be constructed or permitted to remain on the area, without written approval from the Conservation Commission.
2. No soil, loam, peat, gravel, sand, rock or other mineral substance, refuse, trash, vehicles or vehicles parts, rubbish, debris, junk, waste or unsightly or offensive material will be placed, stored or dumped on the area.
3. No loam, peat, gravel, sand, rock or other mineral resource or natural deposit shall be excavated or removed from said parcel in such a manner as to affect the surface of the area permanently.
4. No trees or other vegetation shall be cut or otherwise destroyed, except that the grantor reserves for itself, its successors and assigns, the right to conduct or permit the following activities on the area;
 - a. The planting and cultivation of trees, shrubs, flowers and other vegetation.
 - b. The cutting or pruning of trees, brush, grass or other vegetation to improve the scenic view and to implement disease prevention measures, including the cultivation and harvesting of forest products in accordance with recognized forestry conservation practices.
 - c. The installation, use, maintenance, repair and replacement, of roads, paths and any underground utility lines and underground sewage disposal systems.
5. No poultry or livestock of any kind shall be raised or kept in said area.
6. This conservation restriction does not grant either the Town of Acton or the public any right to enter or use said parcel. However, there is granted to the Conservation Commission a permanent easement of access to enter said parcel for the purpose of inspecting the premises and enforcing the foregoing restrictions.
7. Nothing in the above shall prohibit or restrain reasonable recreational use of the premises by the owner(s) thereof. Examples of reasonable recreational use would be walking, hiking, bicycling, sailing, skating and related quiet sports. Motorized recreational vehicles are excluded in this area.

8. Nothing in this instrument shall be interpreted to prevent the Conservation Commission (upon the petition of the TRUST) from designating additional recreational areas upon which non-structural amenities such as jogging trails may be built for recreational use.
9. Nothing in this instrument shall be interpreted to prevent the TRUST from performing excavation and regrading activities reasonably necessary for the maintenance of existing trails, ponds, and drainage courses.
10. Notwithstanding the provisions of this Conservation Restriction, the Grantor, his successors or assigns may place a sign or signs, each of a size not to exceed three (3) feet by two (2) feet, on or about the granted premises for the purpose of indicating the ownership, and permitted or restricted use, of the premises. Such signs shall not be deemed in violation of this Conservation Restriction.
11. Notwithstanding the provisions of this Conservation Restriction, the Grantor shall not be prohibited from conducting such activities on the granted premises as are necessary or required in connection with the construction of the Residential Development under a Special Permit granted by the Town of Acton Planning Board under the PCRC By-Law, or any amendments to that By-Law, provided that such activities do not interfere with the permanent condition of the land for the purpose of this Conservation Restriction.

Signed and sealed this _____ day of _____, 1988.

HIGH STREET PCRC TRUST

By: _____
Roy C. Smith, Trustee

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. _____, 1988

Then personally appeared the above named Roy C. Smith, Trustee aforesaid and acknowledged the foregoing instrument to be the free act and deed of DGR Investment Realty Limited Partnership, before me.

Notary Public
Commission expires: _____

