

**CONSERVATION COMMISSION
AUGUST 14, 2001
MINUTES**

7:00 PM The meeting was called to order by Vice Chairman Corwin.
Present were Corwin, Morrison, Clements and O'Connor.
Absent were Mischel and Owen.

Discussion – Anctil – Shenandoah Road – 169-648

Robert Anctil was present to speak to the Commission about some changes to the landscaping on his property at 7 Shenandoah Road. He submitted a plan showing an additional retaining wall approximately 3 to 4 feet from the water, where Blueberry bushes will be planted.

The members decided that the addition of the wall would not significantly change the original plan and accepted the new plan as submitted.

7:15 PM Public Hearing (con't) – Batten Woods Village – 169-768

Clerk Clements read the public hearing continuation notice to consider the Notice of Intent submitted by Orion Homes, Inc. for the development of the roadway and single family dwellings in the Batten Woods Village on Forge Village Road on Assessors' Lot V-38-1, 38-2 and 41A.

Andrew Morrill from Diversified Civil Engineering was present to update the Commission on Batten Woods Village. They will be meeting with the Planning Board on August 23, 2001.

The Planning Board had requested that stone bounds be put in place on all corners of lots and parcels. Some of these bounds will be in the wetland and under water.

The members want the stone bounds put in place. They are to be hand dug to lessen the impact to the wetland.

A letter will be sent to the Planning Board explaining this decision.

Member Morrison moved to continue the hearing to August 28, 2001. The motion was seconded and passed unanimously.

Minutes

Member Morrison moved to accept the minutes of August 14, 2001 as amended.

In the section for **Landwest**. The word "stream" should be added after the words "Flat Pond".

The motion was seconded and passed unanimously.

Salzman – Request for COC – 78 Old Ayer Road – 169-759

The members inspected the site on Saturday, August 11 and decided that the grass was not established enough. The Commission will inspect the site again when the homeowner notifies the Commission that the grass has been established.

Caldwell Smith Subdivision – Sawtell Drive – Request for COC 169-564

Member Morrison moved to issue a Certificate of Compliance to Cyril Lunn for 169-564 the Caldwell Smith Subdivision roadway and drainage system.

The Commission inspected the site on Saturday, August 11, 2001 and had concerns about the functioning of the fire pond and the replication area.

The Fire Chief will be asked to inspect the pond.

Another site walk will be held on August 25, 2001

The motion was seconded and was defeated. 0-4.

7:30 PM Public Hearing (con't) Wiewel – Skyfield Drive – 169-782

Clerk Clements read the public hearing continuation notice to consider the Notice of Intent submitted by Wiewel, Inc. for a wetland crossing for a driveway on Assessors' Lot 222/14 Skyfields Drive.

Leon and Katherine Hurd, abutters to the property, were present and asked to speak to the Commission about a

proposal for the land.

Mr. Hurd showed the members a plan of the land. He plans to buy the property from the Wiewel's for \$350,000. He has given them a \$100,000 deposit. He has a purchase and sale agreement and will pay the remaining \$250,000 at closing.

He will retain 2.05 acres for himself, deduct \$20,650 from the sale price and sell the remaining 34.7 acres to the Conservation Commission for \$329,350.

Member Morrison thanked him for caring enough about the property to purchase it and keep it from being developed. Vice chairman Corwin said the Commission will take time to think about it and will walk the site again on August 25, 2001 before making a decision about purchasing the land.

Member Morrison moved to continue the hearing to August 28, 2001.

The motion was seconded and passed unanimously.

7:50 PM – Discussion – Lot 4 Lovers Lane – 169-631

Carmel and Kenneth Donoghue, owners of 45 Lovers Lane (Lot 4) were present to speak to the Commission about the runoff from their property.

Mr. Donoghue explained that they excavated down to gravel and put rock back in the excavated area to stop erosion on the hill. The water coming off the hill is now clear.

The driveway has a catch basin that runs across to a dry well between the driveway and the road.

Member Morrison explained that the OOC states no net increase to runoff. They should try to get the water to go down rather than out of the hill onto the road.

Mr. and Mrs. Donoghue said they have complied with all the recommendations from Michelle Collette.

8:00 PM Public Hearing – Groton School – Sewer Main

Clerk Clements read the public hearing notice to consider the Notice of Intent submitted by Groton School to replace the main leading to the school sewerage treatment plant on Assessors' Lot N-43.

Present were Attorney Robert Collins, Daniel Nitzsche (Baystate Environmental Consultants Inc.) Kelly Whalen (Building and Grounds) and Hale Smith (Assistant Headmaster).

Portions of the work are in the buffer zone which will result in 25,800 sf of impact.

It will take 2-3 days per trench. The trench will be closed at the end of each workday.

Vice chairman Corwin moved to close the hearing.

The motion was seconded and passed unanimously.

8:15 PM Req. for Det. – Cotter – 48 Martins Pond Road

Clerk Clements read the public notice to consider the Request for Determination submitted by Michael Cotter to rebuild a foundation of a barn at 48 Martins Pond Road on Assessors' Lot 111/52.

Mr. Cotter was not present but the Commission had walked the site on Saturday and was familiar with the project.

Member Morrison moved to issue a negative determination with the conditions that hay bales are to be on site in case they are needed between the sonatubes and the wetland and no machinery is allowed on the wetland side of the barn.

The motion was seconded and passed unanimously.

8:18 PM Discussion – Trails – Longley II

Wendy Good and Paul Funch from the Trails Committee were present.

The Commission had walked the areas in Longley II that the Trails Committee wants to establish trails.

They will place posts in the fields to designate the trail locations.

The members expressed their appreciation to the Trails Committee.

8:20 PM Public Hearing (con't) Gibbet Hill Farms, LLC – Lots 25 & 26 Martins Pond Road

Clerk Clements read the public hearing continuation notice to consider the Notice of Intent submitted by Gibbet Hill Farms, LLC to construct a single family house, on-site waste disposal system and associated grading on Assessors' Lot 234/01 Martins Pond Road.

Larry Beals (Beals Associates) Joshua Webber and Stephen Webber (owners) were present.

Mr. Beals feels that Martins Pond Brook is an intermittent stream because there is a beaver impoundment, it is a first order of stream, there is no gauge station, the water shed is .46 square miles. He contends that the stream goes dry,

making it an intermittent stream.

He requested that the hearing be continued.

Member Morrison referred to a letter received from Edward McNierney stating that there have been drought conditions. Boston has a gauge station but Groton would come under the Pepperell gauge station.

Mr. Beals will look into if there was a drought or not.

Clerk Clements said it shows on the USGS map as perennial. There was substantial flow on Saturday and if the beavers were not there the flow would be greater. During a drought a perennial stream can go dry. It is perennial unless it is recognized by impartial data.

Vice chairman Corwin said it shows on the USGS map as perennial. The beaver hold back the water.

Mr. Beals said the beaver dam is gone and the stream is scoured because of the breaking of the dam by the Town and anything downstream of the dam cannot be determined by flow.

Member Morrison said that by looking at all the criteria, he would have to say it is intermittent.

Mr. Beals asked to continue until they get additional information. They could file an RDA for the stream.

Joshua Degen asked if DEP would come out and look at it.

Member Morrison said if the Circuit Rider is still working.

Member Morrison moved to continue the hearing to August 28, 2001. The motion was seconded and passed unanimously.

8:50 PM Public Hearing (con't) Landwest – Academy Hill

Clerk Clements read the public hearing continuation notice to consider the Notice of Intent submitted by Landwest, Inc. for the construction of a roadway, utilities, subsurface drainage, clearing for building envelopes and subsurface waste disposal systems for each of the proposed single family lots in the Academy Hill subdivision.

Present were Larry Beals and Bruce Wheeler.

Mr. Beals reported that they have completed the “perc” tests for all the lots and submitted a plan to the Planning Board.

There will be a site walk on September 18 and 19 with Pat Huckery of NHESP.

Vice chairman Corwin asked if the rare species inventory had been completed.

Mr. Beals said it has not.

Joshua Degen said the Planning Board needs a decision by September 6 as to whether or not Flat Pond Stream is perennial or intermittent. The decision will affect the roadway.

Member Morrison said the Commission will make a determination at the meeting on August 28.

Member O'Connor moved to continue the hearing to August 28, 2001. The motion was seconded and passed unanimously.

9:15 PM Req. for Det. – Town of Groton Bandstand – Lawrence Playground

Clerk Clements read the public notice to consider the Request for Determination submitted by the Town of Groton Board of Selectmen to construct a bandstand on the Lawrence Playground (Town Field) off Main Street and Broadmeadow Road.

The members walked the site on Saturday.

Member Morrison moved to issue a negative determination. The motion was seconded and passed unanimously.

Other business

Land Donation – Cyril Lunn – Sawtell Drive (Caldwell Smith Subdivision)

The members reviewed the deed submitted by Cyril Lunn to donate two parcels in the Caldwell Smith Subdivision to the Commission. Parcel A contains 35,497 sf and Parcel B contains 30 acres that abut the Torrey Woods, Groton Hills and Baddacook Conservation Areas.

Member Morrison moved to accept the donation. The motion was seconded and passed unanimously.

Request for COC – Lot 5 Lovers Lane – 169-652

The Commission received a letter from Ross Assoc. requesting a Certificate of Compliance for 65 Lovers Lane (Lot 5).

After much discussion it was decided that the goal to keep runoff from entering the wetland was accomplished. There

is no siltation and what is there is working. The house and driveway were out of the Commission's jurisdiction. Vice chairman Corwin moved to issue a COC. The motion was seconded and passed 4-1, Member O'Connor opposed.

Sargisson Beach – Quotes

The Commission is still in the process of acquiring quotes for the repair of the retaining wall at Sargisson Beach. The quotes are extremely high.

Joshua Degen said he could do the job a lot cheaper if the Town would supply the boulders. Thomas Delaney, Highway Surveyor, should be contacted to see if he could supply them. The boulders should be between 24 and 42 inches.

New Member

There were four people interested in filling the vacancy on the board.

James Judge filled out a volunteer interest form and submitted to the office. He was not in attendance.

Paula Fucchetti, a former member of the Westford CC, who now lives in Groton, called the office to express interest but also was not in attendance.

Alix Chace, an associate to the Commission, submitted a letter. She was at the meeting earlier but had to leave.

Craig Auman, an associate, was present and submitted a letter expressing interest.

The members were familiar with Mr. Auman and all the work he has done for the Commission in the past. He played a major part in writing the new bylaw that is waiting for Attorney General approval.

Member Morrison moved to recommend to the Board of Selectmen to appoint Craig Auman to fill the vacancy left by the resignation of Gordon Row. The term is to expire June 30, 2002. The motion was seconded and passed unanimously.

Regulations

Craig Auman reminded the members and staff that the Regulations should be established to go along with the new bylaw.

Town Counsel Elizabeth Lane will be contacted and asked how to handle "Limited Projects" that was left out of the bylaw when it was presented at Town Meeting.

Comments to Planning Board

Tiden and Baker – Island Pond Road

A NOI will be required for any of the lots that are within 100 feet of Island Pond.

Rocky Hill (Four Corners) – Proposed Development by Lacombe and Moulton

The Commission is looking forward to receiving a land donation. There are many environmental issues.

Crowley – North Main Street – Sprint Cellular Tower

There are no wetland issues on this site.

10:00 PM With no further business the meeting was adjourned.

Respectfully submitted,

Elizabeth A. Montgomery
Conservation Assistant

