

CONSERVATION COMMISSION
AUGUST 28, 2001
MINUTES

7:00 PM Chairman Owen called the meeting to order.

Present were Owen, Corwin, Auman, Clements, O'Connor. Morrison arrived 8:15 PM

Absent was Mischel.

Discussion – Casella – Lot 1B Longley Road – Change in Plan – 169-738

James Casella was present to submit a change in plan for the house on Lot 1B Longley Road. He would like to move the garage and driveway seven feet closer to the wetland.

Chairman Owen said if this is allowed a stone trench should be placed along the driveway. There are a lot of invasives and not a lot of wildlife habitat .

Mr. Casella initialed and dated the change on the plan.

Vice chairman Corwin moved to accept the change in plan for Lot 1B Longley Road as shown on the plan dated 8/28/01 initialed by James Casella.

The motion was seconded and passed 3-1-1. Clerk Clements voted no and Member O'Connor abstained.

7:17 PM Discussion – Groton Housing Authority – Station Avenue

Alicia Hersey, member of the Housing Authority, Christine Pude, director and Attorney Ray Lyons were present to discuss the possibility of constructing a duplex to replace the existing house on the MacGregor property on Station Avenue.

Attorney Lyons reported that Stanley Dillis had flagged the wetlands. Any work that would be done would be in the buffer zone. He was not sure where the house would be located

Vice chairman Corwin said the lot was previous disturbed and landscaped and didn't have a problem with it.

Attorney Lyons said it is a worthwhile project.

Chairman Owen agreed.

Clerk Clements said he thought the GHA could do a lot better with the money than this piece of property.

Mrs. Hersey said they want something in the center of town. This would be a good place for a handicapped unit.

Clerk Clements said there was no wetland problem, the price is too high.

Attorney Lyons said they were meeting with the ZBA tomorrow evening (August 29) and if they get ZBA approval, they will file an NOI.

Request for Certificate of Compliance – Carlson – 48 Martins Pond Road – 169-755

The members walked the site on Saturday. They observed that the grass had not grown in sufficiently to prevent runoff.

Vice chairman Corwin moved not to issue a COC for 48 Martins Pond Road. The motion was seconded and passed unanimously.

Request for Certificate of Compliance – Lot 8A Painted Post Road – 169-616

The members walked the site on Saturday and found the work to be in compliance with the OOC.

Vice chairman Corwin moved to issue a COC to Flavell Crossing Realty for Lot 8A Painted Post Road.

The motion was seconded and passed unanimously.

Request for Certificate of Compliance – Lot 2A Lowell Road – 169-658

The members walked the site on Saturday and observed that the grass had not grown sufficiently to prevent runoff and the silt fence was still in place.

Vice chairman Corwin moved not to issue a COC for Lot 2A Lowell Road. The motion was seconded and passed unanimously.

7:30 PM Public Hearing – Nicholson – 216 Hollis St

Clerk Clements read the public hearing notice to consider the Notice of Intent submitted by Allen Nicholson for the

construction of an addition to an existing house at 216 Hollis St. on Assessors' Lot 111/46. Stanley Dillis of Dillis and Mische, Inc. and Mr. Nicholson were present. Mr. Dillis described the removal of an existing shed, if it is in the way, and a new addition. The members had walked the site on Saturday. Vice chairman Corwin moved to close the hearing. The motion was seconded and passed unanimously.

OOCs Written

Groton School –Sewer Main -169-804

Vice chairman Corwin moved significance, regular and special conditions. The motions were seconded and passed unanimously.

The OOC is on file in the Commission office.

Nicholson – 216 Hollis St – 169-803

Chairman Owen moved significance, regular and special conditions. The motions were seconded and passed unanimously.

The OOC is on file in the Commission office.

7:45 PM Pittenger – 23 Radio Road

Clerk Clements read the public hearing notice to consider the Notice of Intent submitted by Brian Pittenger for the construction of a retaining wall on Lost Lake at 23 Radio Road on Assessors' Lot 9L4556A.

Mr. Pittenger was unable to attend the meeting.

The plan calls for leaving the old wall in place and building the new wall about six inches further into the lake.

Chairman Owen said if it is a repair it must keep the same footprint.

Vice chairman Corwin said it would be filling a wetland.

Member O'Connor said if the work is done when it is dry, she doesn't see why the old wall can't be removed and the new one put in the same place.

The Commission had many questions and would like to speak to Mr. Pittenger.

Vice chairman Corwin moved to continue the hearing until September 11, 2001, when Mr. Pittenger can be present.

The motion was seconded and passed unanimously.

Squannacook River – Water Level Low at Thompson Mill Pond

The Commission office had gotten many phone calls from concerned citizens that the level of the water was very low. Elizabeth Taylor, Squannacook Drive, Shirley, faxed a letter with her concerns about the wetlands being affected on the Shirley side of the river.

The Commission observed the river on Saturday.

Peter Jackson (Fisheries and Wildlife) had been contacted and he made a site inspection and determined that the fish were not in danger at this time. He will continue to monitor it.

The Selectmen reported that the dam has not been changed since it was repaired in early Spring. They would like the level to remain low so they can start the dredging of Thompson Mill Pond. They are awaiting bids to cap the landfill and if there is sufficient money left in the budget the dredging should start soon. They did not specify when.

Thomas Delaney, Highway Surveyor, will be asked to place the coffer dam around Thompson Mill Pond so the water level in the river can be raised.

The Selectmen will be told to put the dam back in the proper position to allow the water level in the river to come back up.

8:00 PM – Public Hearing (con't) Batten Woods – Forge Village Road

Clerk Clements read the public hearing continuation notice to consider the Notice of Intent submitted by Orion Homes 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.

David Kelly from Diversified Civil Engineering was present. He reported that the Planning Board approved the subdivision plan revised July 19, 2001.

Vice chairman Corwin reminded Mr. Kelly that there is a vernal pool on the site and Blue-spotted Salamanders.

Member O'Connor moved to close the hearing. The motion was seconded and passed unanimously.

Regulations

Member Auman would like to get started writing the Regulations.

He asked if it would be a conflict to put the "Limited Project" in the regulations rather than the bylaw. "Limited Projects" was removed from the bylaw when presented at Town Meeting for approval.

The members were polled and felt that it should be put back in the bylaw.

Vice chairman Corwin suggested that the members review the regulations from Kingston and discuss regulations at the next meeting

8:15 PM Public Hearing (con't) Wiewel – Skyfield Drive

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.

The Commission continued its discussion from the previous meeting concerning the purchase of this property from Leon Hurd for \$329,350.

Vice chairman Corwin said she could not justify spending the money for this parcel.

Mr. Hurd was present and told the members that when it comes to the closing of the purchase of the land he will donate \$50,000 to the Commission making it \$329,350 that the Commission would end up paying. He would make the donation at the closing.

Clerk Clements said he did a lot of homework on what prices other parcels of land are being sold for in Groton and felt that this was a very good deal.

He also reported that the Master Plan places this property as #1 for conservation under "Hilltop and Scenic Vistas". He feels it would be a mistake to miss the opportunity and one that would be regretted if the Commission does not purchase it.

Vice chairman Corwin asked if there was a possibility of purchasing a Conservation Restriction.

Member Morrison explained that this was buying the development rights and Mr. Hurd would keep ownership.

Mr. Hurd said he does not want the land.

Wendy Good from the Trails Committee said that might cost more if there are 2-3 lots considering the high cost of building lots in Groton.

Member Morrison said that is for lots with approved perc tests and permits. The Commission could do an APR.

Chairman Owen said the State wants active agriculture land for APRs.

Clerk Clements suggested a "Self-Help Grant".

Attorney June Johnson (in the audience) said the time is over for applications for this year and added that we all value this hill. It is prominent when driving through Groton.

She suggested putting an article on the Fall Special Town Meeting warrant and letting the voters decide.

Clerk Clements said the Commission has the money to buy it now.

Member Morrison said the Commission should go for APRs with its money. It is not to buy land outright but to maximize its dollars like for APRs where the Commission pays 10 cents on the dollar. The former Mayfield Farm (now Sorhaug Woods) is a good example. The Commission purchased 93 acres for \$220,000.

Ed McNierney (Trails Committee and Trustee of GCT) said he wanted to thank Mr. Hurd for buying this property.

There are some of the nicest sugar bushes and maple forest in Town on this property. There is also a ridge line trail to the Bates Land and the Blackman's wants a trail on their property to the Hurd property that would make a loop.

Member Morrison suggested that the Commission and the GCT co-sponsor an article at the Special Town Meeting.

Attorney Johnson said it would be better if just the Commission sponsored it.

Attorney Charles VanderLinden (GCT) said to get public support, it would be best if the Commission would put up some funds. There would be public support because of the trail system.

Mr. Hurd said he will stick with his offer of \$50,000.

It was decided to continue the hearing until other avenues could be explored.

Vice chairman Corwin moved to continue the hearing to September 11, 2001. The motion was seconded and passed unanimously.

8:35 PM Public Hearing (con't) – Webber (Gibbet Hill Farms LLC) – 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 and utilities on Assessors' Lot 234/01 Martins Pond Road.

Present were Don Yonika, biologist, Steven Webber and Joshua Webber (owners) Helen McNally and Paula Harker

(abutters) and Ed McNierney.

Don Yonika reported on the site walk with Nancy Reed (DEP Circuit Rider).

Ms. Reed will be sending a report of her findings but it had not been received by the office as of the start of the meeting.

Mr. Yonika said it could be treated as a river and work with the applicant to achieve the best project possible.

Vice chairman Corwin referred to the letter from Mrs. McNally which stated she had never seen Martins Pond Brook dry.

Mrs. Harker agreed that she has never seen it dry.

Member Morrison made a motion "would the Commission consider posturing a plan such as this, that would move the house as far as practical or legal, away from the resource, provided all other aspects, 90-100 feet away"?

The motion was seconded and passed unanimously.

Member Morrison moved to continue the hearing to September 11, 2001. The motion was seconded and passed unanimously.

9:00 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 disposal systems for each of the proposed single family lots in the Academy Hill subdivision.

Don Yonika reported that they were meeting with the Planning Board on September 6, 2001. They will be proposing to build 86 houses and half of the property would not be developed. It would contain all the wetland systems and vernal pools, certified and those that may be certifiable, and clusters the development in the upland area. Each 40,000 sf lot would have 10,000 sf put in a Conservation Restriction.

Member Morrison asked if that was something where you would put some type of barrier like the Commission requires in OOC to prevent lawn creep?

Mr. Yonika said they have submitted a NOI for the entire subdivision and they are hoping the Planning Board will go for this and then they will invoke the plan the Commission presently has before it in NOI context, which is 86 lots spread over the entire landscape. So the NOI will invoke into this configuration and the Commission would have the ability to stipulate conditions.

Mr. McNierney said a Conservation Restriction is not worth much due to the enforcement issue. The Commission would not be able to do it.

Member Morrison said without a CR, lawns would go further and get closer to the wetland.

Mr. McNierney said that people will do what they want.

Clerk Clements said the roadway would have a devastating impact on the ecology of the land and the migration routes. Until we receive NHESP input this is meaningless. We need to respect the 100 ft buffer zone of the vernal pools.

Vice chairman Corwin said the Commission can continue the hearing until it hears from NHESP.

Member O'Connor moved to continue the hearing to September 11, 2001. The motion was seconded and passed unanimously.

Clerk Clements said that Nancy Reed also looked at Flat Pond Stream when she was out last Friday. Her findings will be in her report.

Mowing of Conservation Land

Member Morrison said that the Eliades Land should have been hayed and it is too late now. O'Neill Way looks abominable; it is supposed to be mowed. Ames Meadow was to be kept in agriculture. The Commission is not living up to what it was supposed to do.

Vice chairman Corwin asked if mowing it once a year would keep it from getting woody?

Chairman Owen said it is not growing in as hay.

Member O'Connor said we need a management policy. Land mows better in September.

Vice chairman Corwin said it is better after the frost, it dispenses the seeds and does not disturb the nesting birds.

Member Morrison moved to empower Ms. Montgomery to get the properties mowed. The motion was seconded and passed unanimously.

The Commission will hold a special meeting on September 18, 2001 requesting any parties interested in mowing, haying or maintaining Conservation land attend and discuss the properties. A notice will be placed in the Groton Herald.

9:50 PM With no further business the meeting was adjourned.

Respectfully submitted,

Elizabeth A. Montgomery
Conservation Assistant