

**CONSERVATION COMMISSION
SEPTEMBER 25, 2001
MINUTES**

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

Discussion – Casella – Lot 1A Chicopee Row

James Casella was present to discuss some changes to the original plan for Lot 1A Chicopee Row, DEP # 169-737. Mr. Casella has a perspective buyer who wants to put in a pool if he buys the house and wanted to know what to tell him.

Chairman Owen said he assumed he could do it with conditions.

Vice chairman Corwin said it would be exchanging lawn for a pool.

Member Morrison said the Commission may approve this now but may not approve others in the future. Drainage and recharge structures would have to be conditioned.

Mr. Casella also wanted to know how to handle the replication area when he sells the house.

He was told that he would have to work that out with the buyer, since a Certificate of Compliance cannot be issued until three growing seasons have passed.

During the site walk, the members observed that the plants in the replication area were upland and invasive plants.

Vice chairman Corwin suggested that Mr. Casella talk to a wetland biologist to find out what should be planted in the replication area.

Violation – Groton Country Club

The members observed the cutting of trees on a steep slope within 50 feet of Cady Pond at the Groton Country Club.

This is a violation of the new bylaw and there has not been any filing submitted to the Commission for the work.

The Country Club Authority will be notified and required to file a Notice of Intent and instructed to not touch the area by removing trees and stumps until an Order of Conditions has been issued.

Discussion – Lot 3 Allens Trail – 169-732

Joseph Laliberte, developer, was present with Keith Murray from Meisner Brem Corp. Mr. Laliberte met with the members at the site on Saturday. He was requesting a change in the Order of Conditions for Lot 3 Allens Trail in the Baddacook Woods subdivision. He would like to keep the area as it is at the present time and not permanently mark the 100 ft line. He felt that would cause unnecessary disturbance.

After much discussion, Member Morrison moved to amend the OOC 169-732 condition #39 to place permanent marking along the existing limit of disturbance as shown on the plan revised 6/15/2000. The motion was seconded and passed unanimously.

Member Morrison moved to modify condition # 31 to indicate organic fertilizer only to be used within the buffer zone. The motion was seconded and passed 4-1-1. Chairman Owen voted no and Member O'Connor abstained.

Discussion – Degroot – 295 Reedy Meadow Road – 169-799

Laura Degroot was present to submit a revised plan for the proposed play area at 295 Reedy Meadow Road. The actual play area would be 29' x 30' and the work would be 55 feet from the wetland not 62 feet.

Vice chairman Corwin moved to accept the revised plan for DEP # 169-799. The motion was seconded and passed unanimously.

Public Hearing – Hickey – 8 Valley Road

Clerk Clements read the public hearing notice to consider the Notice of Intent submitted by Paul Hickey to construct an addition and deck to an existing house at 8 Valley Road on Assessors' Lot 129/39.

Stanley Dillis of Dillis and Mische, Inc. represented Mr. Hickey.

Vice chairman Corwin said the stream appears on the USGS map as perennial not intermittent as stated in the application.

Mr. Dillis said he thought that when the boards go in at the dam that the stream dries up.

Chairman Owen said that the stream is never dry, even when the boards are in.

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

8:00 PM – Abbreviated Notice of Resource Area Delineation – Buck – 96 Hollis St

Clerk Clements read the public hearing notice to consider the Abbreviated Notice of Resource Area Delineation for Norman Buck at 96 Hollis Street on Assessors' Lot 112/108.

Present were Mr. and Mrs. Buck and Richard Hayward from David Ross Assoc.

The members had walked the site with Mr. Hayward on Saturday.

Clerk Clements remarked that there is a pond on the property that may be a vernal pool.

Vice chairman Corwin moved to accept as accurate the boundaries described on the referenced plan in the ANRAD in the Bordering Vegetated Wetland.

The motion was seconded and passed unanimously.

8:05 PM Request for Determination – Roberts – 739 Lowell Road

Clerk Clements read the public hearing notice to consider the Request for Determination submitted by Caroline Roberts Realty Trust for the replacement of a septic system at 739 Lowell Road on Assessors' Lot 127/10.

Calvin Mabvurunge from GPR, Inc. represented the applicant.

The Commission had walked the site on Saturday.

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

Certificate of Compliance – 20 Painted Post Road – Lot 12

The Commission had inspected the site on Saturday for requests for two COCs.

Vice chairman Corwin moved to issue a COC to Flavell Crossing Realty Trust for the building of the house, DEP # 169-625 and 169-742 to Kenneth Ferreira for the addition. The motion was seconded and passed 4 yes 2 abstentions.

Request for COC for Lot 7A Painted Post Road – 169-619

The members inspected the site on Saturday.

Vice chairman Corwin moved to issue a Certificate of Compliance to Flavell Crossing Realty Trust for 169-619. The motion was seconded and failed with the vote 3 yes and 3 abstained.

Some members thought the grass had not grown in sufficiently.

COC – Lot 72 Little Hollow Lane – 169-705

The members inspected the site on Saturday.

Vice Chairman Corwin moved to issue a Certificate of Compliance to Flavell Realty Realty Trust for Lot 72 Little Hollow Lane, DEP # 169-705. The motion was seconded and passed 4 yes 2 abstentions.

Request for COC – Janis – 270 Chicopee Row – 169-650

The members inspected the site on Saturday and observed upland species growing in the replication area.

During the site walk, Mr. and Mrs. Janis said they planted "Conservation Mix" per the instructions of Brian Butler, wetland scientist.

A letter will be sent to the Janis' asking them to ask Mr. Butler what was in the mix before the Commission will decide whether or not to issue a COC.

8:15 PM Public Hearing – Hommeyer – 18 Blossom Lane

Clerk Clements read the public hearing notice to consider the Notice of Intent submitted by James and Penelope Hommeyer to construct an addition to an existing home at 18 Blossom Lane on Assessors' Lot 225/76.

Mr. and Mrs. Hommeyer were present.

The Commission had walked the site on Saturday, September 8.

Member Morrison moved to close the hearing. The motion was seconded and passed unanimously.

Earth Removal – 96 and 100 Overlook Drive

The Commission received "A Request for Comment" from the Board of Selectmen for the proposed earth removal projects at 96 and 100 Overlook Drive.

There are no wetland issues but the properties abut Conservation Land.

Chairman Owen said a pipe should be put in to mark the boundary.

Land Donation – B Squared Corp – Labbe Road

Paul Bradley, B Squared Corp., sent a letter to the Commission offering to donate a lot on Labbe Road containing 10,000 sf. It abuts Carmichael Swamp.

Member Morrison moved to tell Mr. Bradley that the Commission is interested in accepting the donation on Assessors' Lot V-58-B.

The motion was seconded and passed unanimously.

Comments to Planning Board – Mill Run Place – Mill Street and Route 119

The Commission had reviewed the site under an RDA. There are no wetland issues. There are some marginal areas but they are out of the Commission's jurisdiction.

Modifying Deed from Cyril Lunn for Conservation Land in Caldwell Smith Subdiv.

The Commission had previously voted to recommend to the Board of Selectmen to accept a parcel of land in the Caldwell Smith Subdivision. The deed has not been recorded.

Since that vote, the Water Department considered this parcel as a potential water source and would like to have the deed rewritten to allow for this.

Member Morrison moved to modify the deed in paragraph 2 sentence 2, after the words....the Conservation Commission of said Town of Groton, insert the words "and for the potential installation and protective radius of a municipally operated water supply system for the Groton Water Department" and delete the words "in accordance with MGL Chapter 40, Section 8C".

The motion was seconded and passed unanimously.

8:35 PM -Discussion – Trails Committee

Member Morrison read the procedure for conducting a public hearing.

Present were Paul Funch and Wendy Good from the Trails Committee and residents from Longley II.

Longley II – Trails

The neighbors were present to discuss their concerns with the trails to be cleared on Conservation Land at the Longley II Subdivision. The access to the trails are off Drumlin Hill Road and Saddle Lane.

Mr. Funch had a list of concerns that some of the Longley II residents sent to the Trails Committee. He said he would try to address some of them.

- Abutters concern of not being notified before work was to begin.

He had not experience this in any previous trail work but recognized there should have been some notification to the abutters and will be in the future.

- Rail Trail parking congestion and traffic safety concerns.

The Rail Trail is about ½ mile from Longley II. There are many other accesses closer to the Rail Trail, it is unlikely Longley II trails will be used to access the Rail Trail. If a problem does arise, it can be addressed at that time.

- Question of having any Rail Trail access at all.

Some of the residents in Longley II may not want the trails, but many of their neighbors do desire a safe, convenient, easy access to the Rail Trail. It is not just the Rail Trail, there are other Conservation areas and recreations facilities. Many other in the community already have access to the Rail Trail and the public should have access over public land.

- Potential for illegal activity.

A survey from 372 Rail Trails shows that Rail Trails tend to reduce such activities due to the presence of other people and elimination of motorized traffic.

- Concern with motorized vehicles.

The Trails Committee recommends that motorized vehicles be prohibited from Longley II trails and the Cronin Conservation Land.

- Necessity of marking trails. Maybe they could be put in but not labeled, would be a suitable compromise.

The Rail Trail charter feels strongly that they should be marked where the public can go and no go. 4" x 4" wooden posts let the public know where they can and can't go. Marking the trails along the way keeps people on the trails and off private property.

- Hunting

The Trails Committee agrees with their concern and recommends it be prohibited and proper signage posted.

- Recommendation for a Four-season Evaluation.

The Trails Committee voted unanimously that all the issues it could address were already addressed satisfactorily and recommend that the work continue as soon as possible. All trail work is easily reversible in case any problems do occur and can be managed.

There are other points in the report that are on file in the Commission office. Mr. Funch highlighted the concerns the Trails Committee thought were most important.

Vice Chairman Corwin asked if the boundary markers had been established.

Mr. Funch said the bounds at the easement off Drumlin Hill Road have been found.

Vice chairman Corwin wanted to comment that she bought a lot that had a trail easement and trail and has not had any problems. As long as it is well marked, people stay on the trail and no one wanders off. The closest point is about 150 feet from her house and there hasn't been any problem.

Member Morrison asked if there was any beaver activity on any of these properties.

Mr. Funch said these are highland trails and he does not know of any beaver.

Chairman Owen said he would be happy to help with location of the bounds. It is important to know the exact location.

Clerk Clements asked why there were two trails to Saddle Lane.

Mr. Funch said they make a loop.

Clerk Clements said if it is convenient to neighbors its okay, if no, they are not necessary.

Mr. Funch said it is done in other neighborhoods for the convenience of the neighborhood.

John Goodale, 30 Drumlin Hill Road, presented a letter from the abutters. It expressed concern about access by motorized vehicles.

Member Morrison asked if there are motorized vehicles on the trails now.

Mr. Goodale said, yes, there are; snowmobiles, ATV's, etc. The neighbors are concerned about pedestrian safety.

Also, there are no as-built plans to show where the bounds are.

Kim Hannemann, 16 Drumlin Hill Road, said she spoke to Don Stoddard, DEM, who said there is a plan for controlling the Rail Trail. Will the Town of Groton be able to patrol it?

Vice chairman Corwin said that is a police issue.

Bernice Renninger, 54 Saddle Lane, said the bounds are not clearly marked.

Mr. Goodale wants to wait until the bounds are confirmed before any clearing is done.

Thomas Callahan, 5 Saddle Lane, said he doesn't agree with the petition to wait and see, that was submitted by some of his neighbors. Waiting a year will not solve the boundary question. He and his wife are in favor of the trails.

Joan Callahan, 5 Saddle Lane, said the survey was done, the stakes are in the ground, they know where the land is.

Joel Magid, 47 Drumlin Hill Road, said no one has seen a plan prior to this meeting. They have only seen the subdivision plan with three accesses to the Rail Trail, no plan from the Police Department for increased traffic.

Member Morrison said parking and traffic were addressed in a memo from the Fire Chief and Chief of Police. A copy was given to Mr. Magid.

Mr. Magid said they need to look at an 'as-built plan'. The trails will change the topo and there is a drainage pipe in the easement area.

Selectman Chamberlain was present and said he wanted to address the "fear of the unknown" about the Rail Trail. He visited the site on Sunday and thought only one or two cars would be parked in Longley II, based on his GCT knowledge. People will go to other areas to park that are closer to the Rail Trail. There wasn't any evidence of dirt bikes or ATV's. The trails would be an asset to the neighborhood.

Denise Cucchi-Boyd, 401 Longley Road, said she knows of only one trail in Longley II not three. She feels the trails are an asset and desires access to the conservation land. Where are the other two trails?

Member Morrison answered that they have not been cut yet.

Mrs. Renninger wanted to address the access and her concerns to connect to the Rail Trail. She thought the Conservation Commissions was supposed to access only Conservation Commission Land. There is a trail to the sand pits. They have been using it for 17 years with no complaints. Why trails? The Commission is supposed to conserve nature. Why not wait a year?

Vice chairman Corwin said the land is not just for the neighbors.

Member Morrison said there is no easy access now for others.

Mrs. Callahan said she has no clue where the accesses are; they need to be posted.

Wendy Good, 560 Longley Road, said to get to the State Forest, you must get through Longley I and II for safety reasons. She said she urged the Commission to proceed with haste.

Mr. Magid said they should wait to address the safety factors. There is no police plan in place.

Groton Police Lt. Jack Balonis was present. He said the police will respond to emergencies and patrol the Rail Trail. They currently have a bicycle patrol and they have an ATV to patrol the Rail Trail.

There have been statistical studies of the 372 trails in the country and the crime rate is less because of the public use. There is no spillover into abutting areas. People will park at Sand Hill where there is parking and access. The State DPW will turn the Rail Trail over to DEM and DEM oversees the Environmental Police. Longley I has seen a 50% reduction in dirt bikes in the last 4 weeks.

Kevin Boyd, 401 Longley Road, said if you cut trails, you let people in, if you don't cut trails you are keeping people out and not letting them use the Commission Land.

Bev Rodrigues from the Groton Conservation Trust said there needs to be provisions to make use of the artery. In light of the recent tragedy, we need to link up to a safe route. The trails are a positive thing.

Mr. Goodale asked if the Commission could set rules and regulations tonight?

Chairman Owen told him that requires a public hearing and thanked the people for coming in. Any decisions by the Commission will be reported to Mr. Goodale.

McLains Woods Conservation Land

Mr. Funch reported that the Trails Committed would like to maintain the trails. There is a meadow in the McLains Woods Conservation Land that should be mowed.

Member Morrison moved to allow the Trails Committee to do maintenance on McLains Woods Conservation Land.

Vice chairman Corwin wanted to see the meadow before permission was given to maintain any of the property.

A site walk will be conducted on Saturday, October 6, 2001 to observe the meadow.

Hawtree Conservation Land

Mr. Funch reported that the trail that had been cleared at Hawtree was now under water due to beavers. The trail should be moved up the hill.

Vice chairman Corwin moved to empower the Trails Committee to maintain and build a trail on Hawtree. The motion was seconded and passed unanimously.

10:00 PM Public Hearing (con't) – Landwest – Academy Hill

Clerk Clements read the public hearing notice to consider the Notice of Intent submitted by Landwest, Inc, to construct a subdivision called Academy Hill off Townsend Road and Route 119.

Don Yonika was present. He explained that the water is still at the culvert at the Flat Pond Stream and determined potential effects of the riverfront area. The road proposed off Townsend Road has a minor portion in the outer riparian zone. The inner riparian zone would not be compromised. The impact would be under the 10% allowed under the Regulations. They are still waiting for the Planning Board to make a decision for accepting the plan. Work is underway for alternatives to the NOI.

Member Morrison moved to continue the hearing to October 9, 2001. The motion was seconded and passed unanimously.

10:15 PM Discussion – Thompson Mill Pond

Jamie Greacen from the Landfill Capping Committee was present to update the Commission on the dredging project proposed for Thompson Mill Pond.

Littleton Construction had been hired to dredge the pond and use the material to cap the landfill.

When they showed up to do the work, they found the pond full of water and could not do the dredging. This made it a bigger project than originally envisioned. If they had been able to set up and dewater the pond, the work could have started. Now it will not happen by October 15th. They may have to abandon the dredging for now and consider alternatives. Perhaps they could do it in winter when the pond is frozen. If frozen, it would be less messy. They are looking for a situation to do it under a reasonable budget.

Member Morrison said they could come back to the Commission and ask for an amendment to the OOC to do it when frozen. OOCs usually say dry or frozen state.

10:20 PM Public Hearing (con't) – Wiewel – Skyfield Drive

Clerk Clements read the public hearing 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.

Mr. Dillis reported earlier that he would like the hearing continued to October 9, until the sale is final from Wiewel, Inc. to Leon Hurd.

Member O'Connor moved to continue the hearing to October 9, 2001. The motion was seconded and passed unanimously.

Longley II

The members continued the discussion about the trails on Longley II.

It was decided that Member O'Connor would go to the Registry of Deeds and get a copy of the endorsed Definitive Plan showing the property bounds, when Mr. Funch was satisfied with the bound locations, the work could proceed.

Member O'Connor moved to establish, with the best of the Commission's ability, the bounds and to work with the abutters and go ahead with the work. The motion was seconded and passed unanimously.

Member Morrison commented to make sure the Commission's trail is clearly marked.

Growth Management Advisory Committee

Member Auman reported that his term is up on the GMAC. He gave each member a handout. If no one on the Commission volunteers to fill his position, someone must be appointed. It could be decided at the next meeting.

Vacancy

Member O'Connor will get back to associate Alix Chace to see if she is interested in serving on the Commission.

11:05 PM With no further business, the meeting was adjourned.

Respectfully submitted,

Elizabeth A. Montgomery
Conservation Assistant