

**CONSERVATION COMMISSION
OCTOBER 9, 2001
MINUTES**

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

Request for Determination – Driscoll – Kemp Woods

Kevin Driscoll was present with Scoutmaster Ray Lyons, to present his plan to build a walkway on the path into the Kemp Woods Conservation Land owned by New England Forestry Foundation. This is an Eagle Scout project. Kevin proposes to build a 358 foot long raised (floating) walkway above the resource by using old telephone poles with 2" x 6" boards nailed to them. Some saplings would have to be cut. Member Auman said the cutting of trees alters the wetland. Vice chairman Corwin said the road is man-made and was previously disturbed. Chairman Owen said it is a temporary structure. Member Morrison said there are bridges like this all over town. It is not the intent of the Bylaw or WPA to stop paths. Member Auman said he wanted to make people aware of concerns for altering wetlands. Member Morrison moved to issue a negative determination. The motion was seconded and passed 4-1-1. Member Auman voted no and Member O'Connor abstained.

7:10 PM Discussion – Groton Country Club – Tree Cutting

The Country Club had not submitted a NOI for the cutting of trees next to Cady Pond as requested by the Commission. The trees had been cut without a permit. Member O'Connor moved to issue an Enforcement Order to the Groton Country Club. The motion was seconded and passed unanimously.

7:15 PM Discussion – Walker Property – Chicopee Row

Vice chairman Corwin stepped down since she is an abutter to the property. Member Morrison explained that the Commission walked the site on Saturday, with Patrick Fairbairn from Normandeau Associates, to see if the Commission would extend the RDA for wetland delineation that would have expired on September 9, 2001. Member Morrison said the area looks like it did 2-3 years ago, except for a bad logging job, it looks the same. Clerk Clements said the flags should be restored before any project can begin and asked if it was easier to put the flags back or delineate the wetlands over again. Chairman Owen said it is their call. There is no way of telling, it might be same. Member O'Connor said she was uncomfortable with extending the RDA and wants to see new flags. Member Morrison moved to not extend the RDA, the applicant must re-delineate. The RDA has expired. There are no significant changes and don't anticipate any changes when they do the delineation. The motion was seconded and passed unanimously.

Discussion – Public Hearing Date for Longley II Rules and Regulations

Paul Funch from the Trails Committee was present. It was decided to hold a public hearing on October 23, 2001 at 7PM and allow 1/2hour for the hearing to establish rules and regulations for Longley II. Mr. Funch requested that this include the Cronin Property and the Cold Spring Pond Land (previously the Holland property) as well as Longley Estates II. The Selectmen had also requested that the Commission meet with them to discuss protocol for future trail clearing. The members would be willing to meet with the Selectmen at their next scheduled meeting.

Cert. Of Compl. – Carlson/Brickley – 48 Martins Pond Road – 169-755

The members re-inspected the site on Saturday. Member Morrison moved to issue a COC to the Carlson Estate c/o of Kim Brickley for 48 Martins Pond Road, DEP# 169-755. The motion was seconded and passed unanimously.

Cert. Of Compl. – Sullivan – 30 Madeline Drive – 169-503

The members re-inspected the site on Saturday. Vice chairman Corwin moved to issue a COC to Michael and Adele Sullivan, 30 Madeline Drive, DEP # 169-503. The motion was seconded and passed unanimously.

Cert. Of Compl. – Bradstreet – 133 Smith Street – 169-577

The members inspected the site on Saturday and found that the grass had not grown in sufficiently. Vice chairman Corwin moved to not issue a COC at this time, there is not enough grass at 133 Smith Street. The motion was seconded and passed unanimously.

Report on Meeting of October 3, 2001 with DEP for Thompson Mill Dredging

Member Morrison reported that at the meeting at the NRWA on October 3 with Martin Jalonski from DEP, Yvonne Unger, DEP Waterways, Heidi Roddis and Ann Gagnon, Shirley Conservation Commission, Mr. and Mrs. Carl Canner, Selectman Peter Cunningham, Highway Surveyor Thomas Delaney, Joanne Carr EOE, Elizabeth Ainsley-Campbell and Martha Morgan, NRWA, Peter Morrison and Kathleen O'Connor, Groton Conservation Commission, Elizabeth Taylor, Shirley resident, Jamie Greacen, Landfill Capping Committee and Joseph Cataldo, Littleton Const. Mr. Jalonski said that DEP would look favorably on winter dredging, but it needs Patricia Huckery's blessing.

It was reported that there was so much disturbance to date, there may not be habitat.

Clerk Clements said the Commission's approval should be contingent on the approval of others.

Member Morrison said the Commission doesn't have to make approval contingent on others.

Clerk Clements said he has no idea if it is feasible to do it at that time of year.

Vice chairman Corwin was concerned that there could be a problem like the one that occurred at Broadmeadow with the frogs. She would not be comfortable before Ms. Huckery approves it.

Member Morrison moved to send a letter to DEP indicating support for the concept of dredging Thompson Mill Pond per the Order of Conditions 169-697 issued on January 31, 2000. The Commission looks favorably upon this project being done in the winter provided it is not injurious to the performance standards.

The motion was seconded and passed 4-2. Vice chairman Corwin and Clerk Clements opposed.

7:40 PM Public Hearing – Defreitas – 47 Boathouse Road

Clerk Clements read the public hearing notice to consider the Notice of Intent submitted by Phil Defreitas to replace a septic system at 47 Boathouse Road on Assessors' Lot 129/196.

Steven Marsden, Marsden Engineering and Attorney Ray Lyons represented the applicant.

Attorney Lyons reported that the ZBA required parking spaces for this seasonal house which dictated the location of the tank. Some of the trees will have to come down, but some sort of low shrubs will be planted. The large trees would have an intrusion of roots into the septic tank.

The retaining wall will be done before the tank is installed.

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

7:50 PM Public Hearing (con't)– Gibbet Hill Farms LLC – Martins Pond Road

Clerk Clements read the public hearing 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.

Don Yonika, biologist, Steven Webber, owner, and Joshua Webber were present.

Steven Webber presented pictures of Martins Pond Brook in a dry condition, taken a month ago. He dated the pictures for the CC file.

Mr. Yonika also showed the members a video taken last Friday, October 5, 2001 at 4 PM showing some moisture. Today there was no flow.

Mr. Yonika said that according to the DEP Circuit Rider's report, evidence of no-flow means it is not a riverfront area.

Clerk Clements said that the Circuit Rider said October is not good for evidence because of beaver activity.

Mr. Yonika said the still pictures were taken above the dam in September.

Clerk Clements said he had concerns with the project and wanted to be very sure it is not perennial for other projects.

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

8:00 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. to construct a subdivision on Townsend Road and Route 119.

Mr. Yonika reported that the Planning Board has not made a decision for accepting a plan. Three plans were submitted for its consideration. Plan # 3 provides 57% of the area designated Open Space.

Member Morrison moved to send a letter to the Planning Board supporting Plan #3 the plan that provides 57% as Open Space to be conveyed to the Town of Groton.

Clerk Clements said plan #3 could allow as much as 95 lots to allow for affordable housing.

Chairman Owen said the Commission can only comment on what has come before it now.

The motion was seconded and passed 5-1. Clerk Clements opposed.

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

Vacancy on Conservation Commission

Member O'Connor reported that she has not heard from Alix Chase and suggested that the Commission re-advertise. Another ad will be placed in the next two issues of the Groton Herald.

Vacancy on GMAC

Member Auman reported that the Commission must appoint a representative to the Growth Management Advisory Committee. It can be a member of the Commission or someone it chooses to appoint.

There are two meetings a month and some project work.

The members will make a decision at the next meeting.

8:15 PM Public Hearing (con't) – Wiewel – Skyfields 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.

It was reported to the office that Mr. Hurd has not purchased the land yet. They are still doing title searches.

Clerk Clements reported that Self-Help money is available. The Town could be reimbursed up to 58% of the amount paid to purchase the property.

Member O'Connor said the Commission would still have to front the entire amount of \$330,000 and there is no guarantee that it would be reimbursed. It would be better to put before the Town at the Annual Town Meeting.

Member O'Connor moved to continue the hearing to October 23, 2001. The motion was seconded and passed unanimously.

8:20 PM –Areas of Critical Environmental Concern - Nomination Report

Member Clements reported on the progress of the ACEC nomination. He urged the members to attend a meeting on October 10, 2001 at the NRWA.

Members received an overview of the ACEC program in their packets.

8:25 PM Longley II Trail Clearing

Longley II residents were in attendance to ask about trail clearing.

Chairman Owen said it had been agreed that when everyone agreed that the bounds were correct, the clearing could begin immediately.

Joel Magid wants to see an as-built.

Vice chairman Corwin said no date has been set to cut where there are questions about the bounds.

Mr. Magid wanted to know what the appeal process was for appealing decisions made by the Commission for maintenance of Conservation Land.

Vice chairman Corwin said there is no appeal above the Commission for managing conservation land.

Mr. Magid insisted that the Commission investigate this and not take any action until the Board of Selectmen make a decision.

Chairman Owen said the Commission would have an answer at the next meeting.

Change in Plan – Lot 6 Autumn Leaf Drive – 169-774

The Commission inspected the proposed replication area at Lot 6 Autumn Leaf Drive at the request of developer Donald Desrosiers. Mr. Desrosiers would like to eliminate the replication area on this lot. There was a large replication area on lot 2.

The members agreed that it doesn't make sense to put the replication in as proposed on the plan but there should be some compensation whether it be in the form of a donation of land, replication somewhere else, a contribution to the Conservation Fund or something else that would be acceptable to the Commission.

Mr. Desrosiers will be informed to make a suggestion to the Commission for consideration in place of the replication.

Deed for Land Donation by B Squared on Labbe Road

The deed for the donation of 10,400 sf of land on Labbe Road by Peter Bradley and Paul Bradley was submitted to the Commission for approval.

Member Morrison moved to send a letter to the Board of Selectmen recommending acceptance of the donation. The motion was seconded and passed unanimously.

The members signed the deed.

Comments to Planning Board

Concept Plan – Kobrin – Skyfields Drive

The members reviewed the concept plan submitted to the Planning Board by Robert and Elizabeth Kobrin. There are no wetland issues associated with this plan.

Omni Point – Steven Webber – Gibbet Hill LLC

There are no wetland issues associated with this plan. The proposed work is more than 100 ft from wetland. Not under CC jurisdiction.

James Rutledge – Townsend Road

A Notice of Intent must be filed with the CC if the parking spaces are to be paved.

Peterborough Oil – Boston Road

CC has grave concerns with the accuracy of the wetland flagging. The flags are not indicative of where the Commission believes the wetlands are located based on past site walks at that location.

Comments to BOS for Keyspan

The Commission has no problem with the road opening by Keyspan to install new gas lines from Lowell Road to Old Ayer Road.

Report on Meeting with NHESP and GDRSD

Clerk Clements reported on the meeting on September 28, 2001 at the GDRSD Administration Building to discuss the access road at the new high school site.

Patricia Huckery, NHESP, recommended that the access road be rerouted through the upland and cross the intermittent stream at the narrow part or a 270 foot long bridge would have to be constructed to span the area that is now covered by water. The beavers have flooded the roadway. The site should be re-delineated.

Victoria Fletcher, Patricia Huckery, Peter Morrison and Bruce Clements went to the site after the meeting. They observed two sections of the road to be re-delineated. One section was hard-packed clay under 4" of water and one section was mostly hydric with wetland grasses.

The project has impact to the habitat of spotted turtles.

Orders of Conditions

Hickey – 8 Valley Road – 169-811

Chairman Owen moved significance, regular and special conditions for Paul Hickey, 8 Valley Road for an addition to existing structure. The motions were seconded and passed unanimously. The OOC is on file in the Commission Office.

Hommeyer – 18 Blossom Lane – 169-809

Member Morrison moved significance, regular and special conditions for James and Penelope Hommeyer, 18 Blossom Lane for an addition to existing house. The motions were seconded and passed unanimously.

Minutes

The minutes for September 18, 2001 were approved with the following corrections:

“Three” was misspelled in the H & V section , It had three “e”s.

Vice chairman Corwin stated that the flags were lost due to logging not Chairman Owen on page three in “Walker Property” paragraph.

Page one “Certificate of Compliance – Sawtell” the vote was 5-1 with Chairman Owen abstaining.

Signs for Conservation Land

Member Auman distributed a sketch showing an idea for signs for Conservation properties. It is important land that should be identified.

Member Morrison moved to accept the spec’s from the ground up. It would be determined how to put them in the ground.

The motion was seconded and passed unanimously.

9:55 PM With no further business the meeting was adjourned.

Respectfully submitted,

Elizabeth A. Montgomery
Conservation Assistant