

**CONSERVATION COMMISSION
NOVEMBER 13, 2001
MINUTES**

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

Nathan Harker – Eagle Scout Project – Sorhaug Woods

Eagle Scout Candidate, Nathan Harker, was present to report to the Commission what he had done for his project at the Sorhaug Woods Conservation Area.

He cleared the trail for hiking and horseback riding and placed chipped wood material and mulch on the trails. (The complete report is on file in the Commission office).

The members were grateful for all Nathan's hard work and expressed their appreciation.

Chairman Owen signed the project paper to be submitted to the Boy Scout leaders.

Discussion – Northwoods Conservation Area – Clearing Around Pond

The members inspected the wildlife pond at the Northwoods Conservation Area on Nashua Road in response to a complaint that a homeowner was mowing his lawn onto the Conservation Commission property to the pond.

The members observed the activity on Saturday. At the meeting, they looked at the plan and determined that the homeowner had encroached onto Conservation Commission property.

The homeowner will be asked to attend the next meeting to discuss the situation.

Discussion - Cleanup of Sorhaug Woods

Bruce Dubey, Transfer Station Supervisor, volunteered his time and the Town's equipment to remove debris from the Sorhaug Woods Conservation Area. It was estimated to cost \$3000. When the project was completed, the cost exceeded the estimate by \$1400. Three dumpsters were required to remove the debris and dispose of it properly.

Member Morrison moved to expend the necessary funds to pay the debt to clear Sorhaug Woods. The motion was seconded and passed unanimously.

Robert Black and Brian Lagasse were contacted and asked to submit quotes for the demolition and removal of the small barn on the Sorhaug Woods land.

Mr. Black submitted a quote of \$1200.

Mr. Lagasse has not submitted a price yet.

Clerk Clements reported that there is an ash tree near the Williams barn that is mostly dead. It is a threat to the barn. He will speak to someone at the electric light department to see if they will come in with a cherry picker and take it down. The Williams barn committee will dispose of the fallen tree.

Vice chairman Corwin moved to authorize the Williams Barn Committee to take care of the ash tree problem. The motion was seconded and passed unanimously.

Signs for Conservation Commission Land

Member Auman reported that he and Clerk Clements are ready to put the signs in for the Ripley, Baddacook Woods and Williams properties.

He is getting prices for lumber for additional signs.

COC's

The members inspected the following sites on Saturday and Member Morrison moved to issue Certificates of Compliance for:

169-642 – Katzenberg – 106 Broadmeadow Road

169-639 – Carpenter – 571 Old Dunstable Road

169-508 – Town of Groton – Culvert on Route 40

169-608 – Town of Groton Sewer Commission – Sewer Line on Hollis St

169-673 – Integrity Building and Design – 1 Integrity Way
169-545 – Town of Groton Country Club – Irrigation System (work never performed)
169-600 – Town of Groton Country Club – Cady Pond Brook – clean-out
169-691 – Town of Groton – Broadmeadow Road – dredging
169-598 – Newbury Street Development – Broadmeadow Sewer Line (work never performed).
The motions were seconded and passed unanimously.

7:30 PM – Public Hearing (con’t) – Town of Groton Country Club

Clerk Clements read the public hearing continuation notice to consider the Notice of Intent submitted by the Town of Groton Country Club for the clearing of trees near the Upper Cady Pond on Whitman Road.

Brad Durrin, country club manager, was present.

He presented a plan from an engineer for the work that was already performed without a permit.

Vice chairman Corwin reminded Mr. Durrin, that under the new bylaw this project would not have been allowed if they had come to the Commission beforehand.

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

Chairman Owen named some plantings as a suggestion to replace the trees that were cut.

The OOC will stipulate conditions for replanting of the slope.

The motion was passed unanimously.

7:50 PM Request for Determination – Shammas – 616 Old Dunstable Road

Clerk Clements read the public notice to consider the Request for Determination submitted by Sandra Shammas for a replacement septic system at 616 Old Dunstable Road.

Richard Hayward from D. Ross Associates was present.

The members had walked the site previously.

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

Discussion – Lavalley – 740 Townsend Road

The Commission drove past the Lavalley house at 740 Townsend Road on Saturday in response to a report to the office that Mr. Lavalley was observed using a backhoe to remove material from the pond on his property.

Ms. Montgomery spoke to Mrs. Lavalley on the telephone. Mrs. Lavalley said that they have a problem with beavers damming the pond and causing flooding to their septic system.

Mrs. Lavalley was instructed to obtain a permit from the Board of Health to deal with the beaver problem.

Discussion – McElroy – Mayfield Drive

Daniel McElroy was not present at the meeting, but he had called the Commission office earlier in the day and wanted to know if he could continue on with the work he was doing on his property on Mayfield Drive to prepare the fields for winter.

Chairman Owen asked if the members observed any work in the wetlands when the members visited the site on Saturday.

Member Morrison said they cleaned the ditches and planted 137 apple trees and the Commission asked Mr. McElroy to supply the Commission with the farm plan from NRCS, which he has done.

Vice chairman Corwin said they were given a partial OOC to clean out the ditches.

Chairman Owen said he understood that they were ok to do the upland, but to do the wetland they had to file for a limited project.

Member Morrison said they were told to not go any further than clearing out the drainage with out talking to the Commission.

Vice chairman Corwin agreed.

Chairman Owen said that was down below, as far as draining all the ditches through the whole property, they would have to file.

Vice chairman Corwin said it was for all existing drainage ditches.

Member Morrison said it was for all existing drainage ditches. They had hired Peter Whiting to do that work and now he would like to turn that land over and get it ready for spring planting.

Chairman Owen said the only problem is can you consider this active agriculture because the cows have been there.

Vice chairman Corwin said do you think it has not really been farmed.

Member Morrison said it was in 61A and in his opinion it has been actively farmed because it was owned by Gibbet Hill and Gibbet Hill is in the business of doing a farm.

He wanted to know if the Commission wants to promote farming or not in this town, if not he will have to change his attitude about what we do with all this stuff.

Chairman Owen said he is just looking at the process and since they had it actively fenced for the cows, you would say it was agriculture.

Vice chairman Corwin said she was concerned with promoting agriculture. She thought the Commission's job was to uphold the WPA that talks about existing agriculture, It is not trying to promote one view versus another or one use versus another.

Member Morrison said MACC has taken a very pro-agriculture stance on a lot of things.

Vice chairman Corwin said our job is just to interpret that.

Member Morrison said he thought they have come right out and said to promote agriculture in Massachusetts. That's why you have all the exemptions for agriculture and all these rules.

Chairman Owen asked if that letter from NRCS a farm plan? It just touched on what he is up to. The ones he has seen in the past were quite detailed. Usually they show a plot plan with plantings and drainage.

Member Morrison said they are asking for permission to finish off things and they also want to build a dairy barn. He is asking for the Commission's blessing.

Vice chairman Corwin moved to inform Mr. McElroy that that the barn and apple trees are an exempted activity and thank you for informing us.

Member Morrison seconded the motion.

Member O'Connor asked if it is an exempt activity, can the Commission ask him to try to not get any manure the wetland.

Vice chairman Corwin amended her motion to ask him to follow best-management manure practices. The motion was seconded and passed unanimously.

Member Morrison said the second thing they want to do is turn over the fields that are drained in preparation for planting. Do you want to tell him he can do that, he can't do that or that he is exempt?

Chairman Owen said they are in the wetland. They will be changing the agriculture use. If they came in with a full-blown agriculture plan, he wouldn't have any problem.

Member Morrison said than we have a chance of stopping them from doing it this year, because they can't turn it over when it is frozen.

Chairman Owen asked what they were turning it over for?

Member Morrison said to prepare it for seeding this Spring.

Chairman Owen said it will be under water.

Vice chairman Corwin said not if they stay out of the beaver dams and trenched it.

Chairman Owen said 20-30 years ago before the beaver problem there was still a lot of water there. He doesn't even know where all this is taking place.

Vice chairman Corwin asked if we were talking about the area that was spread with fresh loam.

Member Morrison said it is where the dirt was taken out of the trenches and spread around.

Chairman Owen said that is behind the Pietras's property on Martins Pond Road.

Member Morrison said he thinks it is directly down from Mayfield Drive and the Senior Citizen Home between Mayfield and Willowdale.

Chairman Owen said that area is dry and he has no problem there, but he saw someone excavating behind Herald's house on Martins Pond Road.

Member Morrison said that is where they are restoring the farm roads.

Vice chairman Corwin asked if that is an activity that has come before us?

Member O'Connor asked if is allowable for them to prepare the land for planting in the Spring?

Chairman Owen said he wants to see a Farm Plan.

Member O'Connor asked if they are exempt because it is agriculture, are they still subject to the WPA? The question becomes whether or not it is wetland.

Chairman Owen said unless it was already actively in agriculture. The thing was it was grazed before and whether turning it over is a new use, as normal activity is to rotate such a fashion. You can rotate to let your land go fallow for awhile. They are not specific where and what they want to do.

The members looked at the aerial view picture submitted with the letter from NRCS.

Clerk Clements wants to go to the site and see where and what he is going to do.

Chairman Owen said what they submitted is not a farm plan.

Member Morrison moved that the activity is exempt for sections 1,2,3,4,5,6 and 8, everything but 7 for agriculture use on the plan from NRCS.

The motion was seconded and failed. 1-4-1. Member Morrison voted yes, and Member O'Connor abstained.

Interviews to fill vacancy

Two candidates were present.

Alix Chace, 152 Broadmeadow Road, and Stephanie Janis, 270 Chicopee Row.

They each gave a brief background and interests.

Chairman Owen thanked them for their interest and said the commission would take their applications under consideration.

8:30 PM Public Hearing (con't) Wiewel – Skyfields Drive

Clerk Clements read the public hearing continuation notice to consider the Notice of Intent submitted by Wiewel, Inc. to cross a wetland for a driveway on Skyfields Drive.

Member Morrison moved to close the hearing. The property was purchased by Leon Hurd and it will not be developed and the wetland crossing is not necessary. The motion was seconded and passed unanimously.

Discussion – Leon Hurd – Purchase of Wiewel Land on Skyfields Drive

Mr. Hurd was present and reported that he had purchased the land and would like to get some of his money back. So far he has spent about \$400,000. He would sell 32 of the 34 acres to the Commission for \$279,000. It thinks it is a good cause, to save the land.

Clerk Clements said it is well worth the money and the Commission could apply for a Self-Help Grant.

Member O'Connor distributed Self-Help Grant information to the members.

Chairman Owen reported that Richard Muehlke, President of the Groton Conservation Trust, said that someone from the Trust will help with the application.

June Johnson, GCT, was present and explained that this is a valuable, visible piece of land that should be preserved. It is a viewshed on a main route and the Commission has an obligation to follow through with the purchase of this land or it won't be voted money again at the next Town Meeting. People deserve to see how the money is spent. The Townspeople need to see how the money is used. The Commission has a commitment to buy this land and it should vote to purchase it.

Arthur Blackman said he is indebted to the Hurds for taking this property off the market. It is unique land and the Commission has the funds to purchase it.

Wendy Good said the Trails Committee voted to urge the Commission to purchase this property.

Marion Stoddart thanked the Hurds for purchasing the property. It creates a valuable trail linkage. The Commission should apply for a Self-Help Grant.

Member Morrison moved to have the Commission commit to, with a Self-Help Grant, purchase the Hurd property, consisting of 32.6 acres, for \$279,000.

Clerk Clements said the motion makes it contingent on the Self-Help Grant.

Clerk Clements remarked that the two appraisals are needed, who will bear the cost?

Member O'Connor said appraisals cost approximately \$2500 each and we need to act quickly. The grant application is due January 4, 2002.

Vice chairman Corwin said that they property is originally 34 acres and Mr. Hurd is keeping two acres for himself, it appears that the Commission is funding his building lot.

Mr. Hurd pointed out on the plan that the two acre lot he plans to keep is not a buildable lot.

He could take some land from his present property and add to this lot and make it a buildable lot.

Mr. Hurd said it is all wetland.

Clerk Clements said a buildable lot requires 80,000 sf of dry land. This lot would not qualify.

June Johnson said she would like another motion.

Vice chairman Corwin moved to amend the original motion by deleting the portion that referred to the Self-Help Grant and have the Commission commit to purchasing the Hurd 32.6 acres for \$279,000. The motion to amend was seconded and passed unanimously

Member Auman asked if the Commission considered this land top-priority.

Member Morrison said it is among the top-priority with Gibbet Hill.

Marion Stoddart said Farmers Row was also top-priority and well as land along the Nashua and Squannacook Rivers. The motion as amended was passed unanimously.

Member O'Connor moved to pursue the Self-Help Grant for the acquiring the Hurd property. The motion was seconded and passed unanimously.

Member Morrison moved to expend the necessary funds required for appraisals for the Hurd property. The motion was seconded and passed unanimously.

Member O'Connor was designated chairman of the committee to pursue the grant.

Signs

The members decided to order 50 metal signs from Voss Co., with white letters on green background, diamond shape, with the Town Seal at the top. The signs will read "Groton Conservation Commission, No Hunting, No Motorized Vehicles".

Minutes

Vice chairman Corwin moved to accept the minutes of September 23, 2001 as amended by adding the words "On Conservation Commission land" on page 4 under Longley II – Trails, third line and corrected some typo's. The motion was seconded and passed unanimously.

Vice chairman Corwin moved to accept the minutes of October 9, 2001 as amended by changing the word "he" to "Member Morrison" in the fourth line under the Walker property discussion on page one and by changing the word "he" to "Don Yonika" on page three under Public Hearing – Gibbet Hill Farms on the 6th line and adding the word "still" before the word "pictures" on the 13th line and by adding the words "for managing Conservation land" after the word "Commission" on the ninth line under Longley II Trail Clearing on page 5. The motion was seconded and passed unanimously.

Vice chairman Corwin moved to accept the minutes of October 23, 2001 as amended by changing the word "immaterial" to "material" on page 8 on the 29th and 30th lines. The motion was seconded and passed unanimously.

Comments to Planning Board

Tidan Corp – Island Pond Road

They must file an NOI for any work near the pond.

Discussion – Thompson Mill Pond

The Commission received a letter from Camp, Dresser and McKee asking for an amended OOC to allow the dredging to take place in the winter.

It was decided that an amendment is not necessary since the original Order does not designate a specific time for the dredging to be done.

A letter will be sent to CDM.

Discussion

Member O'Connor suggested that the Commission contact the Groton Community School and get permission to enter its property to study the land for the grant.

Appointment to fill vacancy

The members discussed the two applicants, Alix Chace and Stephanie Janis.

Member Clements moved to recommend to the Board of Selectmen to appoint Alix Chace to fill the vacancy left by the resignation of Andrea Mischel. Term to expire June 30, 2002. The motion was seconded and passed unanimously.

Vice chairman Corwin moved to make Stephanie Janis an associate of the Commission. The motion was seconded and passed unanimously.

Discussion – Bylaw

Member Auman requested that Town Counsel be asked to draft an article for the Annual Town Meeting for the correction required by the Attorney General concerning collection of fees.

Grotonwood Baptist Camp

Chairman Owen reported that he observed flagging on the Camp's property and would like to know what it is for. Mr. Socia, director of the camp, will be contacted and asked about the flags.

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

Respectfully submitted,

Elizabeth A. Montgomery
Conservation Assistant