

**CONSERVATION COMMISSION
DECEMBER 11, 2001
MINUTES**

7:10 PM The meeting was called to order by Chairman Owen.

Present were Corwin, Auman, Clements, Owen, Morrison, O'Connor and Chace (arrived 7:25 PM)

Discussion – Meadowbrook Replication Area – Nashua Road

James Patierno, developer of Meadowbrook Subdivision, was present to discuss the replication area at the entrance to the subdivision on Meadowview Road at Nashua Road. The land has been sold and the seller (George Kirk) had requested a Certificate of Compliance for the property. The Commission is holding a \$7500 bond for the replication. The Commission visited the site on Saturday and needed clarification that wetland species are growing there.

Clerk Clements suggested requiring verification from a wetland scientist.

Mr. Patierno said that was a reasonable request.

Member Morrison moved to issue a Certificate of Compliance for DEP # 169-462. The motion was seconded and failed. Members O'Connor and Morrison voted yes, Chairman Owen, Clerk Clements and Member Auman voted no and Vice chairman Corwin abstained.

Mr. Patierno asked what the report should say.

He was told that it should state that the replication area is in the right location and it has been established with wetland species.

Discussion – Renda – 5 Chestnut Road

Michael Renda was present to speak to the Commission about the threat to his well due to the increase of the wetland area caused by a beaver dam.

He plans to breach the dam and then install waterflow control devices (pipes). He had a problem in 1986 and the State issued a permit to breach the dam at that time and then sent a trapper to remove the beaver. He has not had a problem since then until now.

The beaver dam is on the Rider property.

Mr. Renda was given permission to breach the dam as an emergency measure, but he must file with the Commission for any long term solution such as putting in the pipes.

The Board of Health will be notified.

Trails Committee – Sawtell Drive

Wendy Good from the Trails Committee was present to ask the Commission for approval for clearing the old cart path and putting trail markers on the Sawtell Conservation Land.

Member Morrison said the deed has not been accepted by the Board of Selectmen yet. The Town does not officially own it.

The Trails Committee will come back when the Town owns the land.

7:30 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 Academy Hill Subdivision on Townsend Road.

Don Yonika was present and explained that they were meeting again with the Planning Board on January 9, 2002.

The PB voted to reconsider the Flexible Development Plan and Cluster Development. They will amend the NOI that was submitted. The new plan is for 86 units with 8 affordable lots for a total of 94 units with 65% of the property for open space. This includes the fire road.

Clerk Clements asked if MEPA would do a job on this plan.

Mr. Yonika said he didn't think so.

Member Morrison moved to continue the hearing to February 12, 2002. The motion was seconded and passed unanimously.

COC – Candlelight Realty Trust – Autumn Leaf Road – Roadway and Drainage System – 169-527

The members inspected the roadway and drainage system for Autumn Leaf Drive on Saturday, Dec. 8, 2001. Member Morrison moved to issue a Certificate of Compliance for 169-527. The motion was seconded and passed 5-2. (Corwin and Chace abstained)

Request for COC – 169-657 – Lot 1A – 577 Lowell Road

The members inspected the site on Saturday and found that the recharge trench had not been put in. There was crushed stone under the deck but not along the roof drip line.

Member Morrison moved to issue a COC for 169-657. The motion failed 6 no -1 abstention (Chace abstained).

Appraisals – Hurd Property

Conservation Assistant Montgomery reported that she was waiting for the appraisals for the Hurd property. Two firms have been hired, Foster Co. and Avery Co. Foster Co. has been to the property. The appraisals will probably be in near Christmas. All the firms are very busy now.

Conservation Restriction – Shattuck Homestead – Baddacook Pond

The members had read the draft Conservation Restriction Application to be sent to EOEA for the Shattuck Homestead on Baddacook Pond.

Clerk Clements moved to accept the Conservation Restriction Application as written to be sent to Joel Lerner, Director, EOEA. The motion was seconded and passed unanimously.

Discussion – Lavalley – 740 Townsend Road

Mr. Lavalley had come to the Commission office in response to a telephone call to him about the activity around the pond on his property at 740 Townsend Road.

Mr. Lavalley said he just cleaned debris from the culvert caused by beavers and the fresh wet dirt that the Commission observed from the road on the driveway was from the culvert and had not been dredged from the pond. He was not going to apply to the Board of Health for an emergency permit because his well and septic system were not threatened but his road has been flooded because of the beaver activity.

He would not give the Commission permission to enter his property.

The members decided not to take any action at this time but to continue to monitor the area from the road.

8:00 PM – Public Hearing – McElroy – 114 Hollis St

Clerk Clements read the public hearing notice to consider the Notice of Intent submitted by John McElroy for regrading, removal of stumps and replacement of a culvert at 114 Hollis St.

Chairman Owen stepped down since his father is an abutter to this property.

Mr. McElroy was present with Stanley Dillis, who gave the presentation and stated that when Mr. McElroy purchased the property it was overgrown with blackberry bushes, 6-8 feet high and he cleared them out. There are three resource areas marked by Oxbow Associates. One connects to a larger wetland system, two smaller areas, which, by virtue of their size, are not jurisdictional. They are less than ¼ acre foot, which is required to make them isolated land subject to flooding. One is about 4000 sf and one is 2000 sf. He showed maps. The map from 1961 shows it was all pasture.

The photo from 1995 shows a wetland system. The street runoff comes into this area, and over time, the culvert and swale were blocked and not functioning and the water sat in there. There is a letter from the previous owner who says he used it agriculturally until he sold it. From 1979 to 1990 he supported a family of 6 off of this piece of property. From 1990 to 2000 he cut back. That is when all the blackberry bushes grew up. When they regraded, they pulled out the culvert. When they did the work they put a pipe in but it does not do anything. So they are proposing to relay the pipe to allow the water to have somewhere to go.

Vice chairman Corwin confirmed that they want to reestablish the pipes as shown on the plan from B1 to B2 and from B2 to the vegetated wetland. Why connect them?

Mr. Dillis said the water comes from the street drain and they will create a vegetated swale.

Member Morrison asked if the construction for the house is part of this.

Mr. Dillis said the construction for the house is 70 feet from area B.

Member Auman asked if the plan would impact the abutters property.

Mr. Dillis said the way it is planned would not impact the abutters property.

Vice chairman Corwin asked if this would pass the new bylaw.

Member Morrison said it is already disturbed. It was actively farmed. The pond exists because of the road drainage.

Clerk Clements asked if the loss of the 2000 sf was degrading to the function of the wetland and would replication serve a purpose.

Mr. Dillis said what was lost had no wetland value.

Putting the culvert in is preventing flooding.

Alfred Irelan, abutter, said his property used to drain a lot better, but it has grown in over the years and the wetland got larger.

Mr. Dillis said the original culvert was pulled out.

Mr. Irelan said he thought it was imperative that the pipe be reestablished because he has to pump his basement for six weeks in the spring. He is in favor of this plan.

Evan Owen, participating as an abutter, said that the street drain is a red herring. Even if the houses were not there, you would still have water collecting there. He would like to see the inverts established to how they were previously and not drain the whole thing. It may be a vernal pool.

Vice chairman Corwin said if it is a vernal pool and now you drain it, it will not function as a vernal pool. You could wait until spring and see what species are in there.

Mr. Dillis said it does not meet the criteria for wetland. It is small enough to not meet the criteria for Isolated Land Subject to Flooding. It ceased to have a hydrolic connection to the other side. By the WPA it is not a wetland.

Vice chairman Corwin said it may be, according to the new bylaw. Any potential vernal pool could be.

Member Morrison said it was all previously disturbed which makes it exempt from our bylaw.

Vice chairman Corwin said if we think it is a vernal pool, it has to be proven otherwise.

Mr. Dillis said the area was historically used for agriculture and grazing.

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

8:40 PM Request for Determination – Murray – 306 Boston Road

Clerk Clements read the public notice to consider the Request for Determination submitted by Sherry Murray for an addition to existing house at 306 Boston Road on Assessors' Lot 225/17.

Mrs. Murray was unable to attend the meeting. The members had walked the site on Saturday. It was determined that this project was allowed under the new bylaw which permits construction of an accessory structure associated with an existing structure and that there is no increased adverse impact on the associated wetland.

Member Morrison moved to issue a positive determination #4. The applicant must file a Notice of Intent. The motion was seconded and passed unanimously.

8:48 PM Request for Determination – Kirk – Wyman Road

Clerk Clements read the public notice to consider the Request for Determination submitted by George Kirk for a wetland delineation at 21 Wyman Road on Assessors' Lot 229/10.

Mr. Kirk was present with wetland scientist David Cameron. Mr. Cameron made the presentation.

The members had walked the site on Saturday and observed a series of drainage ditches.

Mr. Kirk is considering applying for an Agricultural Preservation Restriction.

It was decided that the ditches were intermittent streams, all surface water and not from ground water.

Member Morrison moved to issue a positive determination (2A) that the Commission accepts the boundary delineations as shown on the "Plan of land, Groton Mass, for Wanita M. Kirk and George C. Kirk, dated October 14, 1988 by Amherst Survey and Plan of Resource Area Boundaries Enlarged "Area of Interest" Lot 11 (Western Portion) Kirk Farm, 21 Wyman Road, Groton MA Nov. 2001." The motion was seconded and passed 6-1 (Chace abstained).

8:55 PM Request for Determination – Groton Fire Station – 20 Station Avenue

Clerk Clements read the public notice to consider Request for Determination submitted by the Town of Groton Fire Department for an addition to the existing fire station at 20 Station Avenue.

The members walked the site on Saturday and determined that an addition to the existing building would be allowed under the new bylaw.

Member Morrison moved to issue a positive determination (2B) that the boundaries are not confirmed by the Determination. When the Commission has a more mature plan, it will review the plan at that time. The motion was seconded and passed unanimously.

Budget 2003

The only change in the budget will be to increase the Land Management line item to \$5000. In the 2002 Budget, that

line item was \$1500. Everything else will be level funded.

Wicks/Emanuoil – 10 Island Road

The members visited 10 Island Road on Saturday in response to a report that work was being performed within 100 ft of Knops Pond without a permit.

They found work being done on the cottage (new windows, doors and roof) and steps placed from the roadway to the lake.

The homeowner will be told to notify the Commission in the future if any work is to be performed near the lake.

Pittenger – 23 Radio Road

Mr. Pittenger sent a letter requesting permission to continue the retaining wall replacement on Knops Pond.

Mr. Pittenger will be notified to submit a new NOI for the proposed work.

Town Report

The members reviewed the draft Town Report for 2001.

It was decided to add a sentence that the Commission was actively working toward studying and maintaining Conservation Commission Land.

ENF – Mill Run Place – Mill Road and Main Street

Member O'Connor reviewed the ENF and determined that there were no Conservation Commission concerns in the document. The Commission will not be submitting any comments.

Minutes

Vice chairman Corwin moved to accept the minutes of November 27, 2001 as written. The motion was seconded and passed unanimously.

Gleason – Lot 1A Pepperell Road – Driveway Paving

The members went to Lot 1A Pepperell Road on Saturday in response to a request from Flaherty Builders to pave the driveway for the new home on the Gleason property (169-638).

A letter will be send granting permission to pave the driveway but the hay bales and silt fence must be repaired before the paving begins. No salt will be allowed within 100 feet of the vernal pool.

Comments to Planning Board for Academy Hill

The members prefer a plan to conserve more open space. They also have concerns for cutting up the migration paths. The trails should be preserved and there are concerns that the work being done is close to wetlands.

Certificates of Compliance Issued

American Baptist Camp – Grotonwood – 169-409

Member Morrison moved to issue a COC to The American Baptist Churches of Massachusetts at Grotonwood for dam repair. The motion was seconded and passed unanimously.

Stephens – West Main Street – 169-583

Member Morrison moved to issue a COC for 169-583 that the OOC is invalid since the work was never performed and the OOC has expired. The motion was seconded and passed unanimously

B Squared – Lot 1 Townsend Road – 169-634

Member Morrison moved to issue a COC for 169-634 that the work was never performed and the OOC has expired. The motion was seconded and passed unanimously.

B Squared – Lot 2 Townsend Road – 169-635

Member Morrison moved to issue a COC for 169-635 that the work was never performed and the OOC has expired. The motion was seconded and passed unanimously.

Order of Conditions Written – McElroy – 169-816

Member Morrison moved significance, regular and special conditions for 169-816 for John McElroy, 114 Hollis Street. The motions were seconded and passed 5-1-1. Vice chairman Corwin opposed and Chairman Owen abstained. The OOC is on file in the Commission office.

Bylaw Review

Member Auman suggested that the new bylaw be discussed at the next meeting. He said we need to get all on the same page and interpretation.

Member O'Connor said we need to apply standards.

It will be discussed at the January 8, 2002 meeting.

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

Respectfully submitted,

Elizabeth A. Montgomery
Conservation Assistant