

**CONSERVATION COMMISSION  
JANUARY 22, 2002  
MINUTES**

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

**Discussion – Groton School Stables – Attorney Robert Collins**

Attorney Collins showed the Commission a plan for changes to the stables at Groton School on Farmers Row. The existing asphalt will be taken out and replaced. A berm would be put in to contain surface runoff to the wetland in the back. All the work is in the buffer zone. Right now the sheds drain to the wetland. That will be eliminated. Vice chairman Corwin expressed concern that the disturbed area was 35 ft from the wetland and would now be 13 feet from the wetland.

Michael Crowley, engineer from Lindbeck Assoc. was present and said that they wanted it for vehicle access.

Attorney Collins said if it was not paved, the trucks would destroy it and make a mudhole.

Member Morrison asked if there would be maintenance of trucks in the building, with storage of things like gasoline and oil and weed killer.

Mr. Crowley said that they plan to put in gas and oil separators. There would be no new use other than what has been done now.

Chairman Owen said there is a gravelly area in that back that has been driven on in the past.

Vice chairman Corwin said she has no problem with the building but is concerned that the grass area would be tar. She would like to have the plan reworked and maybe rotate the building. 13 feet is too close.

The other members agreed.

Attorney Collins said he will talk to Gary MacMillen, the maintenance supervisor, and see what they need.

They will be submitting an NOI and a wetlands report.

**7:20 PM Discussion – Rocky Hill – Attorney Robert Collins**

Attorney Collins reported that a preliminary plan had been submitted to the Planning Board that shows the roadway. There were two concerns,

1. A wetland crossing for the roadway
2. An isolated area may be a wetland or vernal pool within the buffer zone.

Bob Pine planned it and he is very skilled. They will have a botanist's report before they come back.

Member Morrison said he wanted to see the report before making any comments.

The other members agreed.

Attorney Collins will come back with more information for a future meeting.

**7:35 PM Discussion – Deerhaven – Attorney Robert Collins.**

The Commission went to the site on Saturday, January 19, 2002 to look at the recent work that was not in compliance with the Order of Conditions.

Attorney Collins was representing David Moulton. He reported that the generator shed had been constructed in the buffer zone and was not shown on the plan. The area that was a problem a few years ago, that had been repaired, was disturbed when the pipe was put in to the leach bed. A berm had been placed between the area and the wetland.

Member Morrison expressed concern about the scarring of the earth to the edge of the detention basin. The main should be 80 feet from the detention pond. There is a 6 inch force main pumping 1000s of gallons of sewage a few feet from a detention basin that flows to a trout stream.

Attorney Collins said the only change was the generator shed, that is not shown on the plan. DEP wanted two of each, pump chamber and generator shed. He will get an As-built and a septic plan and come back to see the Commission.

Member Morrison said when there is water in the Spring, we may have a return of what happened before.

Attorney Collins said that Mr. Moulton built the berm to prevent runoff.

Member Morrison said he should have talked to the Commission before he did it.

Member Auman said the area stripped was a concern for erosion.

**7:50 PM Discussion – GDRSD**

Stephen Prendergast from the School Building Committee and Joseph Cataldo and Kevin Hunt from Littleton Construction were present to explain some changes to the proposed silt fence for the new high school construction. Mr. Hunt said the plans call for silt fence, hay bales and safety fencing to keep people from wandering on the site. They proposed a variation of fencing like is now being used on the Route 3 project. He showed pictures of the Route 3 silt fence.

The members had no problem with the proposed fencing.

The Building Committee will submit a change of plan for the safety fence.

**8:15 PM Pittenger – 23 Radio Road**

This was supposed to be a public hearing, but the Groton Herald had computer problems and never received the notice to be published, so the meeting proceeded as a discussion and the public hearing will take place on February 12, 2002.

Mr. Pittenger was present and explained that he did the first 49 feet of the replacement retaining wall and would like to continue with another section of 49 feet from the wall to the road.

Vice chairman Corwin said she was concerned that on Saturday during the site walk, the Commission observed that the finished section went onto the lake more than anticipated.

Mr. Pittenger explained that because of the configuration of the old wall, he had to place the new one as it is now. He will keep the new section back in closer and not get any more intrusive to the lake.

**8:28 PM Bochnowski – 102 Weymisset Road**

The situation was the same as the Pittenger hearing. The notice was not published. The Public Hearing will be on February 12, 2002.

Dan Wolfe from Ross Associates was present. He explained the application was for a new septic system. The old tank will be pumped out and backfilled.

The members walked the site on Saturday and had no problem with the plan.

**8:30 PM Ken-Chris Realty Trust – Hollis St and Mayfield Rd**

This also was to be a public hearing but the notice was not published.

Mr. Wolfe was present to discuss the wetland flagging with the Commission.

The owners, Ken-Chris Realty Trust, need to reconfigure the parking lot to meet Planning Board regulations.

The members had walked the site on January 5, 2002, with Lynne Remington, from Ross Associates, to verify the wetland flagging.

Mr. Wolfe wanted to know if the change in the parking lot would fit with the new bylaw. The driveway is going to go all around the building and come out on Hollis St, creating a new driveway.

Vice chairman Corwin said she would deem that the area was previously disturbed and exempt from the new bylaw but had some concerns about the corner.

The hearing for the Request for Determination will be held on February 12, 2002.

**8:48 PM Lakefront Trust – 16 Redskin Trail**

This hearing notice did not get published. The hearing will be February 12, 2002.

Mr. Wolfe was familiar with the project. The owner was not present. A Request for Determination had been filed previously for the project to replace the existing structure with a new house.

Neighbors, Mr. and Mrs. Frank Veducio were present. They had no objection to the project. They were in attendance to see how the process worked.

**8:55 PM Request for Certificate of Compliance – Kimball – 169-568**

Vice chairman Corwin is part owner of the driveway and Chairman Owen does work for Michael Kimball so they both stepped down.

The members visited the site on January 19, 2002.

Clerk Clements said he observed two areas of steep banking not completely stabilized and thought a recharge on the same side of the road where the water comes down was needed.

Member O'Connor said there wasn't any space to put in riprap.

Member Auman said you would have to cut into the hill.

Member O'Connor said the second area was not stable but saw patches of grass.

Member Morrison said stabilization does not mean grass. There was no evidence of siltation. He was comfortable with the first hill.

Member Auman asked what was the agreement with the applicant.

Member Morrison said the applicant was told the Commission was happy with the driveway but needed an As-built.

Clerk Clements said that the wall was not built as on the original plan.

Member Chace said one hill was not stable.

Member O'Connor said there was no evidence of stream ravines or runoff and moved to issue a COC to Michael

Kimball for the shared driveway off Chicopee Row. DEP # 169-568.

The motion was seconded and passed unanimously.

### **Minutes – January 8, 2002**

Member Morrison said that under the section "Bylaw" on page 4, the 6<sup>th</sup> paragraph, he took exception to the statement that he met with the GLA . We are talking there about exemptions and how we were going to treat lake property. He takes exception because he was done a lot of meetings with a lot of people. The Commission was invited to come and provided with all the materials that he used and he reported back to the Commission on all of these occasions but more specifically would like the Commission to refer to the minutes of October 3, 2000 referring to areas that were already disturbed are exempt. He hoped that the intent of the bylaw was to look at the developers in Town, under new development and not going so much on the existing landowners who were not the target of the new bylaw. It would be in poor taste of the Commission to reinvent history now when we really needed the support of, especially the lake people, who gave us their support based on what we said as a Commission and at a public hearing, put on by the Commission. He does not want his name associated with private, off-line meetings.

Chairman Owen asked if the minutes of January 8, 2002 were accurate?

Member O'Connor said if the minutes are accurate then clarification of what was said is needed.

Member Morrison said a position of his was stated in his absence. He would like the minutes to be appended in defense of his position.

There was a lot of discussion on how to clarify what was said, since the minutes did accurately record what was said. You don't change what was said but you append the minutes of January 8 in a correction from Member Morrison about that statement.

Mr. Morrison said he wants to append what was said and what was meant. He was not at the meeting to defend himself. If these minutes stand as correct it is a record that he did something that is inaccurate. The issue was not the interpretation of the bylaw but the insinuation that he was making deals. He never went behind the Commission's back.

Member O'Connor moved to accept the minutes of January 8, 2002 with a footnote to see the minutes of January 22, 2002 with the corrections requested by Member Morrison.

The motion was seconded and passed 6 to 1. Member Morrison voted nay but his vote was not to correct that but to point out or add another star to the fact that there is a situation that someone has to do further investigation and look back to tonight's minutes to get a true reading of January 8 minutes.

### **Update Open Space Plan**

Ms. Montgomery reported that it is time to start thinking about updating the Open Space Plan that was approved in 1998. It is to be updated every five years.

Beals and Thomas did the original OSP and will be contacted again for a proposal to update it.

### **Request for COC for Eliades – Culver Road Extension**

The Commission visited the site on Saturday in response to a request from Joseph Belini, DEP. DEP had issued a Superceding OOC after an appeal from an abutter, but he was asking for the Commission's help in determining if it was ready for a COC. Mr. Eliades had requested one.

The members observed that the replication area was not established and two growing seasons had not passed. There was no evidence of grass.

Mr. Belini will be notified.

**38 Fitch's Bridge Road – Horse Corral**

Al Futterman, NRWA, had reported to the office that a new horse corral had been constructed at 38 Fitch's Bridge Road, right on the Nashua River. The members drove by on Saturday but did not enter the property. The corral was observed from the road.

The owner will be asked to come to the next meeting to discuss the corral and usage of the property. A manure management plan may be required.

**NRWA – Grant Request for Rail Trail – Ayer to Townsend**

The NRWA sent a fax to the office asking for the Commission's support for a Grant to establish a Rail Trail on the B & M Railroad bed from Ayer to Townsend.

The Commission would like more information before writing a letter of support.

**Email and the Open Meeting Law**

The members discussed sending emails. They were cautioned that that email should be used to pass along information but not opinions. It cannot be used to influence another member. Discussion should be done in an open meeting.

**Site walk January 2, 2002 with DEP – Martins Pond Road # 169-797**

Member Morrison reported that he and Ms. Montgomery met with Mary Ann DiPinto, from DEP along with Don Yonika from Beals Assoc.

Ms. DiPinto asked for more information about the original wetland verification and the Circuit Rider's report before making any decision about the appeal from Helen McNally, abutter, that Martins Pond Stream is perennial and not intermittent.

**9:47 PM** With no further business the meeting was adjourned.

Respectfully submitted,

Elizabeth A. Montgomery  
Conservation Assistant