

## CONSERVATION COMMISSION

JUNE 11, 2002

### MINUTES

**7:05 PM** The meeting was called to order by Chairman Corwin.

Present were Corwin, Owen, O'Connor, Clements, Auman, Morrison and Chace (arr. 7:15).

#### **Discussion – Marin – 79 Skyfields Dr – Trail Markers**

Julie Marin called the office to say she could not attend the meeting and asked to be put on the agenda for June 25, 2002.

There were people in attendance who wished to express their interest in the trail off Skyfields Drive to the Wiewel Conservation Land.

Bruce Easom said that Wendy Good from the Trails Committee was here previously to talk about the trail that runs from the Skyfields Drive at the top, that runs down toward Bruce Clement's house. At the time the subdivision was created, the developer put in some posts to mark, what is not an easement, but an actual piece of Town owned property that would allow pedestrians and equestrians to get from Skyfields down toward Boston Road. The Commission recommended additional posts along that parcel, even though the parcel was something on the order of 50 ft wide, CC recommended posts that were no less than 30 ft apart and at intervals of about 100 ft. So he and Wendy went up there and laid out exactly where they wanted to put the additional posts. They called dig safe and they marked it out, and apparently Ed McNeirney and Wendy went up the following weekend and after consultation with the abutters, decided to forego using the five by five white cedar posts and put in four by four pressure treated posts, as what the developer had put in. Some of the abutters would like the posts either removed or moved to a different location and he really couldn't speak to what their desires are, but he could say in talking with Mrs. Funch over email, who was up there no too long ago, noticed that there was a great improvement in being able to walk up and over the crest of that hill and walk down the road that Bruce Clements lives on. Before the posts were about 300 ft apart from one set to another when you came over the crest of the hill, it was quite uncertain as to where you were supposed to be going and people tended to think they were walking over peoples front yards and lawns and were intimidated about being able to use the public land. His wife also rides up that trail with the horses, periodically.

Mrs. Easom said it is easy now, you can't miss it

Mr. Easom showed a map indicating from Skyfields Drive, you walk up through the trees in the woods. There is a sign at Skyfields Drive to identify the parcel. When you got over the rise in the hill, you had about a 320 ft to gauge where your next spot was going to be. They did talk to the abutter, Gary Rutherford, and pointed out on the map where Julie Marin lived. Gary has had a situation that people ended up riding around or walking around his front yard, being unaware of where the trail went after they came up. Mrs. Easom and Mrs. Funch suggested that the additional markers at 100 ft intervals, really shows how to get from here to here (indicating on the map) and feel fairly confident that you are not trespassing on the abutters property.

Mrs. Eason said Mr. Rutherford is upset that there are that many posts. The posts have not been painted yet and she assumes they will be painted like the other ones.

Mr. Eason said that according to a note he got from Wendy, they have been painted but they ran out of paint and have not has a second coat and are not a dark brown as the other posts.

Member Auman asked if the only thing that has changed is the additional posts.

Bruce Clements, abutter, said the developer put in the posts but not enough of the full length of the land and not enough to show where the trail goes.

Mr. Easom said in one sense it improves things, in another sense it is a worse situation. It improves the marking of the trail so that pedestrians are less likely to be walking on the neighbors and abutters property. On the other hand it may be considered unsightly by some of the neighbors. He was hoping they would be here tonight to talk about their concerns. At one hundred foot intervals, there are roughly three sets of posts, five feet tall.

Vice chairman Owen said he found one rebar. Did they find enough rebars to be confident to know?

Mr. Easom pointed on the map where Gary Rutherford said the first set of posts were located. Mr. Rutherford resurveyed and showed that one post was closer to the property boundary and perhaps Gary picked up one post that was on his property and moved it. As far as he knows, his survey is accurate. Looking at it on the ground, you can't tell one way or the other. As a trail user he doesn't have any problem with it one way or the other.

Gail Greenlaw, a horseback rider, was present and reported that she went out with Wendy Good last Fall to observe

the property. Wendy moved the posts so they would not end up in front of the abutter's front door. People didn't know where to go before the posts were put in. Someone mows the whole area.

Mrs. Clements said people are intimidated and don't know which way to go.

The trail is supposed to be 50 feet wide and the posts are 20 feet apart.

Mr. Clements said he was speaking as an abutter. When the development was built, it was planned that the conservation land was to be given to the Town and with negotiations with some of the neighbors, the previous owner was willing to create the trail across the top of the hill for those who wanted to walk from Skyfields Drive. However, it is his understanding that he left 40-50 ft, something like that, but when the posts were put in and it still prevails today, they are not on the boundaries of the Town land. They are close, so in affect, what is happening is, the Town owned land on either side of those is a gift to the abutters. You are going to lose sight of where the Town land is because it is open field.

Chairman Corwin said we did that on purpose because 50 ft apart, it is hard to tell the trail. You do that to guide the people through the section. You are not going to lose any land. The survey would still show where the bounds would be.

Mr. Clements said, lets assume the abutters want to plant some trees and he believes some trees are now planted on Conservation land. The fact that this is more like a lawn, it is intimidating. The previous owner made an agreement with the neighbors for access to the trail, since it is mowed like lawn, you can't tell where you are walking. Since Mrs. Marin was not present the discussion was tabled.

Clerk O'Connor moved to continue the discussion to June 25, 2002. The motion was seconded and passed unanimously.

#### **7:20 PM Request for COC – Rose – 16 Autumn Leaf Drive – 169-682**

Eric Rose was present to speak to the Commission about his request for a Certificate of Compliance for the construction of his house at 16 Autumn Leaf Drive (Lot 2) DEP # 169-682.

Vice chairman Owen moved to change the Order of Conditions to strike out #40 which read "After completion of work, the applicant shall permanently mark the limit of work from the proposed driveway and the north corner of the house to ensure no further inadvertent encroachment into wetland" and add "to the areas along the east side of the house".

Chairman Corwin said for clarification, originally was supposed to do this area (indicating it on the plan).

Member Morrison said now you are adding that additional requirement on the other part. That was not part of the original plan.

Vice chairman Owen said that was not supposed to be disturbed and now has grass.

Mr. Rose asked what was not to be disturbed.

Vice chairman Owen showed him the hatched area on the plan that was the area that was filled.

Mr. Rose asked where on the plan are the hay bales? Everything behind the hay bales is all shrub.

Vice chairman Owen said he has some small shrubs in one area and then it opens up and you could easily open up the lawn. Mr. Rose may not want it, but maybe the next person would. Anyhow that is the motion.

The motion was seconded and opened for discussion.

Member Morrison said, to add to the OOC the additional requirement of markers is after the fact, it should have been done before, we didn't.

Vice chairman Owen asked, how do we not get into these situations?

Member Morrison said we write them correct the first time.

Vice chairman Owen said we did write it correctly. That was the most area of impact. He changed the plan, didn't come before us, so now the most area of impact is here (indicating the location on the plan). We had no way of know that was going to be.

Clerk O'Connor said nothing we do in general. We will have to closely monitor on-going projects so we can catch things before they change.

Vice chairman Owen said, so we need a Conservation Agent, we are stretched thin. You think as a volunteer group we can do all those things.

Chairman Corwin said we do not have a policy of visiting every house lot.

Vice chairman Owen said don't you think we are stretched thin as it is already, serving on other boards and things like that. It is putting a lot of pressure on volunteers. It is harder to find volunteers, too.

Member Morrison said he would agree with all of that. If it was written now, he would agree to have permanent markings all the way down.

Vice chairman Owen said this is like a change in plan. What we are doing now after the fact, what we are doing now is giving every builder a green light.

Member Morrison said this has nothing to do with the builder.

Chairman Corwin said she is not comfortable adding a condition now.

Vice chairman Owen said it does not make sense, so it is no fault of our own.

Member Morrison said it is the fault of the builder. We should have caught it.

Vice chairman Owen said it is not reasonable to catch every open OOC.

Vice chairman Owen said he is willing to amend his motion.

Member Morrison said #18 of the OOC states "The erosion controls required in Condition #17 above shall delineate the limits of disturbance. Heavy equipment shall not transverse the limits of disturbance and the vegetation shall not be removed from the area to remain undisturbed in perpetuity".

Chairman Corwin said she is comfortable with the hay bale line being the limit of disturbance.

Member Auman said that it is a small lawn and easy to extend the lawn. Some kind of barrier is appropriate.

Member Clements said he agrees with the area of disturbance. The hay bales will not be there forever. Boulders could be taken away, too.

Member Chace there was a significant change in the plan.

Member O'Connor said the house was moved further from one part of the wetland and put closer in another area.

Member Morrison said it is 11 feet further.

Mr. Rose said the house has a lot of lawn and he is not interested in extending the lawn, he would rather not. He would rather put something unobtrusive.

Chairman Corwin asked Vice chairman Owen to clarify the motion. He indicated the area on the plan.

The vote was taken and the motion failed. 3 yea and 4 nay (O'Connor, Chace, Morrison and Corwin voted nay)

Member Morrison moved to modify the OOC and strike # 40. The motion was seconded and open for discussion.

Member Morrison said that to strike #40 (he reread it) and said he would like to point out #18, erosion control shall delineate area of disturbance and vegetation not removed and remain undisturbed.

Vice chairman Owen said it is not compliant with #18.

The vote was taken and the motion passed, 5-2 (Owen and Auman voted nay)

Member Morrison moved to issue a Certificate of Compliance for 169-682. The motion was seconded and passed 6-1 (Auman voted nay).

### **7:45 PM Public Hearing (con't) – Ken/Chris Realty Trust – Hollis and Mayfield**

Clerk O'Connor read the public hearing continuation notice to consider the Notice of Intent submitted by Ken Chris Realty Trust to improve the parking area at Hollis Street and Mayfield Road on Assessors' Lot 112/136 & 137.

Dan Wolfe from David E. Ross Associates, Inc. represented the applicant.

He reported that they are meeting with the Historic Districts Commission next week and then the Planning Board for site-plan approval for the parking area, drainage, safety and flow of traffic. The Planning Board is granting a waiver from 42 to 30 paved spaces. The driveway is not changing. They proposed a 20 ft two-way and now it is one-way. The Planning Board wanted a defined walkway. Each catch basin has oil and gas separators and leaching basins and outlets for 100 year storm.

Member Auman asked what changed.

Mr. Wolfe said that it was 20 ft two-way and now it is 16 ft one-way with 4 ft sidewalk.

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

### **7:53 PM Public Hearing (con't) Rocky Hill ANRAD**

Vice chairman Owen left the room due to a conflict of interest.

Clerk O'Connor read the public hearing continuation notice submitted by Fox Meadow Realty Trust and Long Pond Realty LLC for Abbreviated Notice of Resource Area Delineation to verify wetland flagging on Sandy Pond Road on Assessors' Lot 120/2.

David Crossman, wetland consultant from B & C Associates represented the applicant and reported that the Commission had the second site walk on Saturday. He revised the plan to show the buffer zone overlay and marked vernal pool 2301 on the plan. He requested that the Commission accept the wetland line as shown on the plan.

Member Morrison moved to accept the plan; sheet one dated May 7, 2002 and sheet two dated June 7, 2002. The motion was seconded and passed unanimously.

## **8:00 PM Public Hearing (con't) Landwest, Inc. – Academy Hill**

Vice chairman Owen returned to the meeting.

Clerk O'Connor read the public hearing continuation notice.

Todd Lobo from Beals Association was present and asked if the members had reviewed the Notice of Intent. They made numerous revisions through the Planning Board process.

Through that process they submitted quite a bit of documentation to Judith Nitsch Engineering. They reviewed Stormwater Management, all the drainage calculations, pre and post development. Judith Nitsch Engineering needs to hear from the board what they need to review.

Member Morrison asked what areas of resource would be impacted with this plan?

Mr. Lobo said there was a small wetland crossing at Townsend Road and pointed out two more crossing with culverts on the plan and many turtle tunnels and a lot of environmental changes.

Member Morrison said then there would be three wetland impacts and three crossings. What significant areas are in the buffer zone?

Mr. Lobo pointed out which lots were in the buffer zone.

Mr. Morrison asked if all the houses inside the loop were in the buffer zone.

Mr. Lobo said not all.

Member Morrison said there is one Notice of Intent. When the Commission writes the Order of Conditions, they will not come back with Notices of Intent for individual lots. We are getting only one shot at this. When the hearing is closed, the Commission has 21 days to wrap the entire thing up in a nice little bundle.

Mr. Lobo asked if he should break it down by lot and designate houses and or grading that are within the buffer zone, by lot, then the Order will have them by lot number. That information can submitted to the board.

Chairman Corwin asked if it would be broken down houses versus yard.

Mr. Lobo said he would break it down by structures, which would be houses, square feet and then yards and grading.

Vice chairman Owen asked if they were at that stage yet?

Mr. Lobo said if you go to the grading sheets. They have houses on there that look like real houses, but if someone comes in and says he wants style X house and we have style Y on the plan, they our numbers may not be exactly the same. But it might give you the sense that the whole house is in the buffer zone not just a corner. We can call these plus or minus numbers, or he could say 3000 sf and in parenthesis say entire house. That way it gives you a feel for it. The plans all show the proximity.

Chairman Corwin said if he says which lot we can look at the individual map.

Mr. Lobo said they could give sort of a punch list, even beyond the lot, the roadway impacts as well.

Vice chairman said that the client typically turns around and sells these lots. He doesn't do the actual construction.

Mr. Lobo said his client's style is to typically build the houses. He believes he plans to do that here. A previous developer he has dealt with in the past and sold the house lots to a different entity. Right now he thinks Landwest will be building the houses.

Member Clements asked if the Commission is concerned about the septic systems being in the buffer zone.

Mr. Lobo said they can't design septic systems in the buffer zone.

Vice chairman Owen said they can put the tanks in.

Mr. Lobo said they can put the tanks within a certain distance and some of the off grading can be in the buffer zone, but the actual leaching structure, you cannot.

Member Auman asked if the turtle walls will be identified on the plan.

Mr. Lobo said they would.

Chairman Corwin asked when the EIR will be done. She would like to the Conservation portion of that before the hearing is closed.

Mr. Lobo said his office is in the process of putting it together.

Member Morrison moved to continue the hearing to June 25. The motion was seconded and passed unanimously.

Chairman Corwin proposed that JNEI will be asked to look at wetland crossings, buffer zones around vernal pools, certified or uncertified, and any impact from steep grades to the wetland.

## **8:18 PM Request for Determination – Webber – Angus Hills**

Clerk O'Connor read the public notice to consider the Request for Determination submitted by Josh Webber to verify wetland flagging on Angus Hills on Assessors' Lot 234/1.

Mr. Webber was present and explained that the Determination done by the Campbell Trust three years ago had expired. He would like to get them reestablished.

He believes the lines remain the same and are accurate today. There has been nothing done, the use of the land has not changed at all. It is the exact same thing that has been done for 50 years. It is his hope to have it approved without having to walk it again, because it would take an enormous amount of time and a lot of money to do it. They are endeavoring to put the land in conservation and trying to find ways to conserve money in whatever way possible so they can protect as much land as possible. Hopefully, since this was so thorough the last time and since nothing is changed, this can be approved as is.

Member Clements asked that if the wetlands haven't changed, are the flags still in place? Should the Commission verify the flags are still in place?

Member Morrison said he doesn't believe much of it is still flagged as we had problems keeping it flagged from one week to the next. However, having that problem, we had every flag surveyed and put on the map by number so that any point in time, we could have somebody go out there and rehang the flags exactly where they are supposed to be. Vice chairman Owen said that, as far as being static, drumlins are kind of tricky, when we put the houses over here, water tended to spout out when you even stick a bean pole in the drumlins.

Member Clements asked if there was beaver activity?

Chairman Corwin said no more than was there three years ago.

Member Auman asked where the wetlands were located.

Chairman Corwin said a bunch along Schoolhouse Rd, Martins Pond Rd, a section along Shattuck and a little off Route 40. She had not walked this.

Member Morrison said we spent so much time and literally looked at every flag last time, he was pretty comfortable with it at this time and the fact that the flags are field located and marked on the plan and have an exact point of reference to go back and hang each flag if the need arises.

Chairman Corwin said the little pool off Shattuck Street, she hears wood frogs every Spring. Hydrologically, it may not be a vernal pool but it could function as one.

Member Morrison moved to issue a positive determination, specifically 2A that boundary delineation for the resource areas on the map dated June 8, 1999 are confirmed as accurate, therefore the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetland Protection Act and its regulations regarding such boundaries for as long as the Determination is valid.

The motion was seconded and open for discussion.

Mr. Easom asked if there was any construction along Shattuck St. in the past three years.

Mr. Webber said there has been one house built.

Mr. Easom said he spoke to Dr. Horowitz who lives at the foot of Shattuck St at Route 40 and they said that the drainage pattern to their property changed significantly since the house was put in above, so recommends that if the committee decides to have a site walk, they should pay attention to any changes that happened to the drainage on Shattuck St.

Vice chairman Owen said that was what he was talking about when he said about sticking a stick into the drumlin.

Chairman Corwin said that would not be our jurisdiction because it is out of the buffer zone, but the driveway cut was.

The motion passed 6-1 (Corwin abstained).

### **Discussion – Rail Trail at Longley II – NHESP**

Ms. Montgomery reported that she reported to NHESP (Pat Swaim) that the Trails Committee requested that part of the fence along the Rail Trail be removed to allowed access from one of the trails from Longley II. It is currently blocked per order of NHESP to protect a rare fern, but after a site walk it was determined that the fern was not in that location. Ms. Swaim will look at it and get back to the Commission. It is a State project and the State would have to remove that portion of the fence.

### **Discussion – Website**

Chairman Corwin asked who should be contacted to get our minutes and agenda on the Website. The last agenda was April 23 and the last minutes were February 22.

She will contact the Webmaster.

### **Discussion – Job Description**

Chairman Corwin said it was brought to her attention that the job description for the Conservation Assistant was out of date and asked for volunteers to update it.

Member Morrison said he has a lot of information from when it was done three years ago.

Members O'Connor, Morrison and Auman volunteered to review it.

### **Minutes - May 14, 2002 and May 28, 2002**

Member O'Connor said that under the section for naming the Skyfield Conservation Land, it says the motion to name the property for Isabel Beal said it was approved unanimously. That is incorrect. The motion failed.

Chairman Corwin said the minutes did not mention that it was temporarily named Groton Conservation Land.

Member Morrison said we can rename land anytime we want to rename land.

It was named Groton Conservation Land so we could order a sign to meet the State grant requirements.

Chairman Corwin said that in the section on rules for the Skyfield property, the minutes state that Mr. Hurd said he called Division of Wildlife and said that you can't go on land without permission. Didn't he say that you can't hunt without permission?

Member Clements said that in the Determination for Bunn, it says "all chemicals are prohibited. It should have said all pesticides, herbicides and fertilizers of any kind are prohibited.

The Determination was issued with the wording "all chemicals"

Clerk O'Connor moved to accept the minutes as corrected. The motion was seconded and passed unanimously.

Chairman Corwin asked if anyone had time to read the minutes of May 28, 2002.

Vice chairman Owen said that in the paragraph that he agreed to continue as representative to the Earth Removal Committee he wanted added "after asking the other members"

Member O'Connor moved to accept the minutes of May 28, 2002 as corrected. The motion was seconded and passed unanimously.

### **8:40 PM Public Hearing (con't) Town of Groton – Beaver Dam West Main St**

Clerk O'Connor read the public hearing notice.

The Commission kept the hearing open pending a letter from NHESP since the work was in an area noted on the Estimated Habitat Map. The Commission received the letter that states that "It is our opinion that this project, as currently proposed, will not adversely affect the actual habitat of a state-protected rare wildlife species".

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

### **Discussion – Williams Barn**

Member Clements reported to the Commission that a 200 amp electrical service will be installed in the Williams barn. Josh Degen is digging the trench free of charge. There is a \$100 connection fee from GELD and they are hoping to get the permit fee waived. The committee is paying for the panel.

Member Clements said that right now the electric bill will be paid out of the Williams Barn fund. He needs the Commission's permission to allow a monthly bill.

Member Morrison said when the fund runs out the electricity charges will be added to the Commission's budget.

### **Discussion - Sale of Hurd property to the Conservation Commission**

Town Counsel, Deborah Eliason, sent the draft deed from the Hurds. She agrees to the form except the purchase and sale did not provide for a charitable trust. She requested that the additional language make it clear none is created and recommended that the language be inserted, and does the Commission insist on this language?

Member Morrison said with that inserted, the Commission has more control over the property. He moved to insert "but not as a charitable trust". The motion was seconded and failed 0 yes 7 no.

Member Morrison said he didn't like being force but is not willing to jeopardize the sale.

Member O'Connor move to accept the language in the deed for the Hurd property as written. The motion was seconded and passed 6-1 (Morrison abstained).

### **Discussion – Nashua River – Neal Menschal**

Mr. Menschal was present to speak to the Commission about the increase of motor boats on the Nashua River. There are safety and environment issues.

He contacted the environment police and was advised to contact a Town Board to petition the Public Access Board to hold a public hearing to establish a speed limit and horsepower limit.

The environmental concern is about the heavy metals in sediment on the bottom of the river. Issues in wake and erosion, muskrat pups can't swim, blackbirds build their nest at waterlevel.

Ms. Montgomery said she spoke to Jack Sheppard from DFWELE, and he is willing to come to the next Commission

meeting to discuss the problem and advise the Commission on the process.

### **Order of Conditions Written**

Clerk O'Connor moved significance, regular and special conditions for the Town of Groton to install a flow control device at the dam on West Main Street at the Squannacook Sportsmen's Club DEP # 169-829.

The motions were seconded and passed unanimously. The OOC is on file in the Commission office.

Member Morrison moved significance, regular and special conditions for Ken-Chris Realty Trust to reconstruct the driveway at Mayfield Drive and Hollis Street, DEP # 169-827. The motions were seconded and 6-1 (Chace abstained). The OOC is on file in the Commission office.

### **Minutes on Website**

Vice chairman Owen said the minutes of February 12 and February 26 on the Website were not the corrected minutes. He checked the hard copies and they were corrected.

### **Comments to Planning Board – Hannaford – Mill Run**

There are no wetland issues associated with this plan.

**9:30 PM** With no further business the meeting was adjourned.

Respectfully submitted,

Elizabeth A. Montgomery  
Conservation Assistant