

**CONSERVATION COMMISSION****JUNE 25, 2002****MINUTES**

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

Present were, Corwin, Owen, O'Connor, Morrison, Auman and Clements. Chace arrive 7:55 PM.

**Certificate of Compliance – Hommeyer – 18 Blossom Lane 169-809**

The members had visited the site on Saturday.

Vice chairman Owen moved to issue a COC to James and Penelope Hommeyer for a garage at 18 Blossom Lane. The motion was seconded and passed unanimously.

**Certificate of Compliance – Provost – 77 Boathouse Road – 169-656**

The members had visited the site on Saturday.

Member Morrison moved to issue a COC to Michael and Nellie Provost for septic system and house renovation at 77 Boathouse Road. The motion was seconded and passed unanimously.

**Land Management Plan for Conservation Property on Skyfields Drive**

Member Morrison moved to accept the Land Management Plan for the Skyfields Drive property as written by Clerk O'Connor. The LMP is a requirement for the Self-Help Grant reimbursement.

**Replenish Sand at Sargisson Beach**

The members visited the beach on Saturday and agreed that more sand was required. The original OOC was still in effect.

Member Morrison moved to allow the Highway Department to replenish the sand on Sargisson Beach under the original OOC issued June 2000. The motion was seconded and passed unanimously.

**7:08 PM- Discussion – Jack Sheppard – DFWELE – Nashua River**

Mr. Sheppard from the Department of Environmental Management, Division of Fisheries and Wildlife Environmental Law Enforcement, was present to speak to the Commission about the Nashua River.

Chairman Corwin explained that there had been some complaints about the speed on the Nashua River.

Mr. Sheppard said that his department has the final say on boating regulations. They can hold a public hearing to get public input and come back with a decision on whether to limit the speed and horsepower on the river.

Chairman Corwin said that even though there are speed limits in certain parts of the river, they are not being observed.

Mr. Sheppard said that the Environmental Police are on the river but when people see them, they slow down.

Chairman Corwin said it sounds like putting speed restrictions would not have that much effect.

Member Morrison asked if there was any problem if the Commission decided to go through the process and restrict this section of the Nashua. Is there any problem that happens because it is not restricted downstream and not restricted upstream, and now it is restricted in between. Do people travel the length of the river and not know about the restrictions? What do you do about those cases? There is headway speed in some places.

Mr. Sheppard said according to State law, the State would place restrictions after getting input from a public hearing.

Member Morrison said there was success between the canoeist and Mass-Bass when the boat launch was rebuilt. It has deteriorated over time. Maybe it is time for another community project.

Mr. Sheppard said that before a public hearing, they would try to get Town boards together to discuss the problem and invite Mass Bass and Nashoba Paddler.

Larry Porter, Shirley Road, said he uses the river several times a week and suggested that the Town limit the number of boats using the river.

George Moore of Nashoba Paddler, said he is on the river a lot and the boaters are mostly courteous and suggested contacting Mass Bass about limiting horsepower. There is already a speed limit in place.

Diane Carson, Nashoba Paddler, said the speed limit is 22 mph to the Pepperell Pond and safety is a definite issue.

There are at least five boats that speed all the time, but erosion of the bank and turbidity and heavy metals from the

boats have environmental impact.

Chairman Corwin asked if it was possible to work with the Environmental Police? If you have a couple of people who are continually doing the same thing, turn in their boat number.

Mrs. Carson said it is not for lack of trying but it is hard to get the boat number.

Martha Morgan NRWA, aid they have gotten reports of excessive speed and they are concerned with erosion. It is a good idea to limit the speed and have more enforcement. The police could video tape speeders. They would be open to a forum.

Bill Cassidy, Pepperell, said he has a 24 ft boot on the river and some of the canoeists paddle in the middle of the river.

Chairman Corwin said the Commission will discuss what course of action to take.

### **7:40 PM Skyfields Drive – Trail**

Julie Marin, 79 Skyfields Drive, was present to discuss the trail and posts abutting her property. She agrees with the placement of two of the posts that are close to the incline, there is a second set of posts that are placed eight feet away from the first set of posts, put in place two or three weeks ago. She thinks it breaks up the harmony of her front yard with those posts placed where they are. If you approach the trail from either side, the woods or the meadow that slopes up the hill, when you get to either of these markings, it is a straight line, so you do need the end posts, but to place two in the middle 80 ft apart is repetitive and she would like to request the removal of those two.

Chairman Corwin asked if they were on Conservation land and all in line?

Mrs. Marin showed on the plan the location of the posts.

Member Morrison asked if she was willing to take the consequences if the posts were removed and anyone got lost.

Mrs. Marin said they already do, even with the posts.

Chairman Corwin said that traditionally the Commission has asked the Trails Committee to put posts approximately every 100 ft, because we have had a problem with people not knowing where the trail is or wandering off onto peoples yards and that causes a problem, and so the Commission has asked them to put markers frequently, especially if it is going across a wide open area where it is hard to tell where trail is versus yard.

Mrs. Marin said in this situation it is rather easy to tell where they do need to walk.

Vice chairman Owen asked if 2-3 ft high posts would blend better?

Mrs. Marin said the original posts were already replaced with something smaller.

Vice chairman Owen said that was dimensionally smaller, we're talking about height-wise.

Mrs. Marin said she would prefer to have them removed all together because when you are on the trail you can see exactly where to go.

Vice chairman Owen said when he was there before, it is kind of intimidating.

Mrs. Marin asked if he thought that extra set is necessary?

Vice chairman Owen said as long as they two end ones are visible. There is a tree obscuring one and are there still two at the far corner at Rutherford's.

Mrs. Marin said there are still two there. It is very open and people can see the point between the two posts and know where to go.

Vice chairman Owen said we are trying to make it user friendly. If they didn't mow it and make it look like all the same land, or if it was mowed different or if there were wood chips down or something like there, but where it all looks like a manicured lawn, it is a little intimidating.

Mrs. Marin said there are now eight posts to show you where to go and her request is for six.

Member Auman asked if they are in her view?

Mrs. Marin said they are 150 ft from her front door.

Bruce Easom, Trails Committee, said they discussed this at their meeting on June 18 and unanimously recommended that the Conservation Commission adopt the following policy:

Conservation Commission lands should be distinguishable from manicured lawns, this policy would keep Conservation land and trail right-of-ways distinguishable from private lawns. In other words, this problem would go away if the abutters would stop mowing Town-owned land and let the Trails Committee or some other Town organization or the Conservation Commission maintain the trail.

Mrs. Marin said she does not mow it, Gary Rutherford in Lot 7 does.

Rachel Barlow, 77 Skyfields Drive, said there are four sets of posts and if you walk up to the top of the hill from Skyfields Drive, when you are standing there, even without these posts, you have to make a conscience decision to trespass and not stay on the trail. She didn't know how you could legitimately with a straight face say you can't figure

out where the trail is.

Chairman Corwin said we have had this problem with numerous other trails, when we don't mark it frequently, people wander off and the neighbors, understandably get upset because people are trespassing across their land. This has been a recurring problem we are trying to address.

Mrs. Barlow said that it seems that where two posts are put in, one would really suffice. This is every 80 ft instead of every 100 ft and there is absolutely no ambiguity.

Wendy Good, Trails Committee, said that the reason that they are 80 ft apart is because they are 130 ft apart at one point, so they would not be put in front of their front door. Even after they were put in, the Trails Committee has had requests for more posts as you come up the hill as they are still somewhat ambiguous. So we are familiar with it but new people that come to the area do have a problem. If the Commission took over mowing it twice a year so it is more defined where the pathway was it would be a lot easier for trail users, and in the master plan, Conservation land is supposed to be wildlife corridors.

Mr. Eason said the Trails Committee would like to see the mowing stopped at the property boundaries, not at the posts. Chairman Corwin said the Commission will revisit the site on Sunday, June 30 at 2:30 and discuss it at the next meeting.

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

Clerk O'Connor read the public hearing continuation notice.

Don Yonika from Beals Assoc. was present and showed colored development plans. Light red is all the wet areas, yellow is the 100 ft buffer zone and the dark red is the disturbance in the 100 ft buffer zone. There is no wetland filling for lot development.

He submitted a list of the lots and proposed that they be allowed to file a Request for Determination to release any lots listed that do not have any work in the buffer zone.

Member Morrison wanted to know if that would release these lots from the previous Notice of Intent. MACC should be consulted.

Ms. Montgomery said it was done that way for Partridgeberry Woods. An RDA would indicate which lots are not under the jurisdiction of the Order of Conditions.

Chairman Corwin said we could list the lots in the OOC that have no wetland, but they would still be bound under the Order of Conditions that is recorded with the deed until it is released.

Ms. Montgomery said if it is spelled out and an attorney calls to release a lot, a copy of the OOC would be sufficient.

Member Morrison asked if we are ready to close the hearing.

Vice chairman Owen had a question. Some of the lots that are being worked on in the buffer because of reserves, are you building them out to grade now or are you talking about work in the future?

Mr. Yonika said the answer is yes they are building out to grade now.

Chairman Corwin asked if we have received the Environmental Impact Report.

Mr. Yonika said probably in the Fall. They are working on the archeology part.

Chairman Corwin asked if it is possible to get it and take a look at the turtle information. It would be pertinent to the Commission to see it before the hearing is closed.

Member Morrison moved to close the public hearing. The motion was seconded and failed. 1 yes (Chace), 5 no, and 1 abstain (Morrison).

Member O'Connor moved to continue the hearing to July 9, 2002. The motion passed 6 to 1 (Chace abstained).

### **8:45 PM Discussion – Enwright – Boathouse Road**

Mark Enwright was present to talk to the Commission about the work he is doing on Boathouse Road.

Chairman Corwin explained that during another site walk on Saturday, the Commission observed a backhoe near the wetland on the lot next to house number 14.

Mr. Enwright explained that he recently purchased the lot and was cleaning it up.

Chairman Corwin said that generally work done within 100 feet of the wetland requires a filing with the Commission to keep the members informed with what was going on.

Mr. Enwright said the machinery never entered the wetland and he notified Ms. Montgomery that he was going to clean up the lot.

Ms. Montgomery responded that he never said he was going to use a backhoe.

Vice chairman Owen said there was loose fill 20 to 30 feet from the wetland.

Mr. Enwright said that was from removing trash. He was filling the second dumpster.

Chairman Corwin reminded him to notify the Commission in the future.

### **8:50 PM – Dumping on Shattuck Property on Martins Pond Road**

Tom Delaney had reported to the office that there was trash added to the existing pile of debris on the Shattuck property on Martins Pond Road, now owned by the Town.

Clerk O'Connor moved that since this property is under the control of the Board of Selectmen, a letter be sent to the Selectmen that the Commission strongly recommends that a letter be sent to the offending party and ask him to refrain from dumping materials onto Town-owned land.

The motion was seconded and passed unanimously.

### **8:55 PM – Dumping on Sorhaug Woods**

Member Clements reported that the abutter to the property paved an area on his property and when the work was done, the contractor dumped old railroad ties on the Commission's property.

Chairman Corwin asked if anyone was familiar with where the property line is?

Vice chairman Owen said there are wood stakes taped in and the brush has to be recut and suggested that eventually the Commission put up a post and rail fence on the driveway.

Clerk O'Connor suggested sending a letter to the abutter that during the paving process, some materials were placed on the Commission's property and we would appreciate prompt removal of the material.

Member Morrison suggested hiring someone to survey the property line.

Vice chairman Owen said to get prices first.

Member Morrison moved to research getting bounds established for Sorhaug Woods along the abutting property. If it is less than \$1500, Ms. Montgomery is authorized to have the bounds surveyed for the two front abutting properties.

The motion was seconded and passed unanimously.

Clerk O'Connor moved to send a nicely worded letter to the abutter, asking him to remove the articles that were inadvertently placed on our land. The motion was seconded and passed unanimously.

### **Continued Discussion for Nashua River Speed Limit**

Member Morrison suggested asking the Groton Police to monitor the river with their jetski when there is heavy use.

Vice chairman Owen said it is heavily used all the time.

Chairman Corwin thought the canoeists should get numbers and then turn them in. It is an enforcement problem.

Member Morrison suggested taking a picture of the offenders and turning it in to the Environmental Police. He explained that headway speed is 3 mph and the speed limit is 22 mph from the boat launch down to the Pepperell Pond.

Chairman Corwin suggested getting everyone together; the bass fishermen, Nashoba Paddler, NRWA and Jack Sheppard (DFWELE) for an informal discussion, at the end of July.

9:20 PM With no further business the meeting was adjourned.

Respectfully submitted,

Elizabeth A. Montgomery  
Conservation Assistant

