

**CONSERVATION COMMISSION  
JULY 23, 2002  
MINUTES**

**7:00 PM** The meeting was called to order by Chairman Corwin.

Present were Corwin, Owen, Morrison, Auman, O'Connor, Clements and Chace.

**PUBLIC HEARING – FLETCHER - 90 RIDGEWOOD**

Clerk O'Connor read the public hearing notice to consider the Notice of Intent submitted by Alan Fletcher to construct a new deck, walkways and patios at 90 Ridgewood Road on Assessors' Lot 122/66.

Michael Mische from Dillis & Mische made the presentation. They are proposing to build a deck and brick patio type walkway. It will be done dry without any water. There are no plans to take trees down. Member Morrison asked if it will be cement or sona-tubes, hand dug or machine. Mr. Mische replied sona-tubes and hand dug. Member Chace asked if there were any precautions for work near the water? Member Morrison said there would be gangways to let water go through on the brick walkway. Vice chairman Owen asked if there was any pitch on the patio and will assume that it will face towards the pond. Member Clements stated that some sort of drain to catch the runoff would be smart. Clerk O'Connor move to close the public hearing at 7:21 PM. The motion was seconded and passed unanimously.

**DEERHAVEN**

Attorney Robert Collins was present to represent David Moulton. Mr. Collins explained that there was a very subtle berm separating the area of the sewer pipes. Chairman Corwin stated that last time the Commission was out there, there was a berm. Mr. Collins explained that was a temporary measure. There actually is a very subtle berm. Member Morrison stated that there was a problem that caused impact to the wetlands, spoke to Mr. Moulton and stabilized the whole area. All the stabilization measures were gone and the berm was there when they went back out there in the fall. He said to stabilize the berm and get the grass growing. He was concerned that it is causing some severe impact to the detention basin, more importantly the wetlands. Mr. Moulton stated that he attempted to intercept the water, and since he did this he has been watching the water carefully. Member Morrison stated that the Commission would feel a lot more comfortable if they knew of these changes before they happened and not after the fact. Mr. Moulton asked if the Commission would feel more comfortable if they moved the pile away from the detention basin. Member Chace asked what the approximate proximity of the edge of the loam pile, not having been to the site. Mr. Collins answered maybe 50 ft. Chairman Corwin stated that the ground is not stable, slopes are too long, and would like to see a filing. Member Clements asked if the water in the detention pond was supposed to be there all the time. Mr. Collins answered it is storage and recharge. Member Clements asked what was in the bottom of it. Vice chairman Owen replied cattails.

Chairman Corwin said she expects to see a change in plan.

**NRWA – Nashoba Paddlers – Mass Bass**

Chairman Corwin explained to the audience the reason for the hearing, that the speed limit on the river is not being enforced and how to alleviate the problem. Member Clements asked if there was a way to control speed, location, and direction of boats. The President of Mass Bass was present to offer views on how everyone obeys the boating laws but the problem is they can't patrol everyone, only within their own association. Chairman Corwin asks if it is possible to turn in license or boat numbers to the state. Member Morrison suggested to turn it into Jack Shepard. Bob Goss felt that the Bass Fishing Community tends to be more visible. An audience member made a couple of suggestions to designate space for boats and canoes, more space at the ramp area and add gravel, also marine patrol, limitation on the number of boaters to canoes 75% rule. Neal Menschel of Nashoba Paddlers stated that no one wants to eliminate motor boats or bass fishing, just to take down the numbers of the boats that are going too fast. Mr. Menschel's main issue is the environmental impact on the river in reference to the number of motor boats on the river. Two stroke engines mix oil with gas and exhaust underwater. He stated the river is a biological superhighway and with increased traffic it disrupts the effect. Member Morrison asks from the boat launch heading south is that speed limit being pretty much adhered to. Mr. Menschel replied that an average of four to ten boats a day are not adhering to it. Mr. Morrison asked if the Commission posts it in a central area would it be easier to enforce headway speed. Mr. Menschel replied that he is not sure if it is enforceable. Chairman Corwin asked if there was a way to get someone to try to patrol the river. Clerk O'Connor asked if they would need it during the week or the weekends. Mr. Menschel replied more on the weekends. Edgar Rossi stated that the Groton Police Department has an older police boat that does work, and suggested that it be taken out of Lost Lake and put in the river. John Sampson from the audience, suggested that we need to focus on education and sharing the resource. Mr. Menschel maintained that the major concern is that no one will look at the environmental impact. In closing Chairman Corwin thanked everyone for their input and

suggested that we work on signage on the bridge, police, and state cooperation and see if it is any better.

### **JAMES ROBERTS – EAGLE SCOUT PROJECT**

James Roberts, scout participant from Troop 1 in West Groton, explained his proposal for his Eagle Project to benefit the town and build safety stations at high traffic areas such as the Town beach or Boat launch. His suggested locations were Flat Pond, Bertozzi, Petapawag, Baddacook, and Sargisson. The safety station would consist of various apparatuses such as Ten foot reach pole, ring buoys, 50 ft of rope, a hook ring, and a first aid box. There were two designs he proposed. Design A was more visible yet more costly. They will have reflectors on them so they will be visible to automobiles. Design A would cost around \$75.00 and Design B would be around \$50.00. Fundraising will be done to try to cover costs. Work would not be able to start until Spring of 2003. Clerk O'Connor supported the Eagle Scouts. The Commission thanked James Roberts for his presentation and requested notification as to the start of the project.

### **PUBLIC HEARING - ANRAD – GIBBET HILL ORCHARD – FARMERS ROW**

Clerk O'Connor read the public hearing notice to consider the Abbreviated Notice of Area Resource Delineation submitted by Newbury Street Development to define the wetland resource areas between Shirley Road and Farmers Row on Assessors' Lot 220/32 and 33.

Present were Larry Beals (Beals Assoc), Don Yonika (biologist), Joseph Falzone (developer) and Mark West (West Environmental)

Mr. West stated that there was a lot of topsoil from all the years of farming. Most of the depressions had indications of vegetation, all of them were field type wetlands except for a few. The rest is pasture. Mr. West showed where the Commission went out and looked at a ditch, a pond, and a wet meadow. The meadow had a lot of vegetative indicators. There was a lot of seepage. Member Auman asked which areas were flagged? Mr. West replied the Farmers Row side. Member Clements asked how extensive is the underground drainage system, and if these were disturbed will they create the wetlands they have drained? Will it change the hydrology of the area? Mr. West answered that he is not sure what occurs. The other area was more of a ditch. Did not define what area is disturbed. But would say it is not a huge impact due to the slope of the area. Clerk O'Connor stated that she would like to take a closer look on the next site walk, set for August 10, 2002.

Don Yonika explained they are attempting to maintain the Orchard Area. He asked if the Commission would consider the orchard previously disturbed. To maintain the aesthetics. There was difficulty in achieving this with the buffer zone. Severely limits the project area. The Commission is being asked to consider allowing the penetration of these areas based on the provision that allows it to be altered in order to maintain the aesthetics and open space. Member Auman asks if the orchard is being maintained? Mr. Yonika said this is the second year it has not been maintained. But it is mandatory that the field be cut. Member Clements asks if the Open Space Plan is not followed through what is the alternate? Mr. Yonika explained that the Planning Board process on how they would vote. The Planning Board has to decide on the conventional plan of 75 lots or the Open concept plan.

### **REQUEST FOR DETERMINATION - ZADROSNY – 23 FAWN TERRACE**

Clerk O'Connor read the public notice to consider the Request for Determination for the installation of a pool at 23 Fawn Terrace.

Beth Montgomery filed the RDA because the contractor for the pool did not file it correctly so rather than bring it to the Commission and the Commission tell them to file Beth went ahead and did it for them. Chairman Corwin explained the situation that the proposed pool is 160 ft from the riverfront. Mrs. Zadrosny (owner) was present and stated that it is only a stream and not a river. Member Morrison explained that the stream that goes behind the owners property to a pond is called a riverfront, even though it may not seem what is considered a riverfront, that is what it is officially categorized in the state law as a riverfront area. Member Morrison expressed his concern of draining the pool, chlorine control, and concerns of the water seeping into the stream. Chairman Corwin asks what about a dry well, and explained to the owner what a dry well is. The owner asked about building up the property in the back. Member Morrison explained that the dry well is easier and less expensive. The owner drew a small dry well on the plan and signed and dated it. Chairman Corwin explained a negative determination to the owner of the property. Member Morrison moved to issue a negative determination for 23 Fawn Terrace with conditions that there be a dry well installed as per the plan modified this evening. Member Owen requested discussion, and inquired if this is the location that the owner plans on. The motion is seconded and passed unanimously.

### **PUBLIC HEARING - PITTINGER – 23 RADIO ROAD**

Clerk O'Connor read the public hearing notice to consider the Notice of Intent submitted by Brian Pittenger to repair and upgrade existing retaining wall at 23 Radio Road on Assessors' Lot 9L4556A.

Mr. Pittenger was present and explained that this is the third installment of the repair of this retaining wall on his property. Clerk O'Connor told him to trim around the brush area and not attempt to move anything. No further discussion member

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

### **REQUEST FOR DETERMINATION – DELANEY - 402 CHICOPEE ROW**

Clerk O'Connor read the public notice to consider the Notice of Intent submitted by Robert T. Delaney to construct a pole barn at 402 Chicopee Row on Assessors' Lot 321/85.

Mr. Delaney presented his proposal to put up a pole barn. It is within the buffer zone but not in the wetland area. The area where the barn would be is protected by a five foot high berm, and the soil slopes away from the area so there is no chance of runoff into the stream area. The area is 20' x 24' and would require the removal of one tree that is inside some brush, 480 sq ft barn. Member Morrison asked of an issue of restoration of the stream. Mr. Delaney stated that he did not do a filing due to a beaver dam up stream that let go twice and took out his driveway. Member Morrison stated that his thinking for that would be a Notice of Intent so the Commission has three years at least extendable in case it happens again. Mr. Delaney said in order to prevent this from happening again he is looking into building a stonewall or as chairman Corwin suggested replace the culvert with something larger which will need another filing. Member Morrison moved to issue a negative determination for 402 Chicopee Row. The motion was seconded and passed unanimously.

### **PUBLIC HEARING - CHOATE – NORTH STREET**

Clerk O'Connor read the public hearing notice to consider the Notice of Intent submitted by William Choate for the construction of a house, well and septic system on Parcel A, North Street on Assessors' Lot 229/32.

Mr. and Mrs. Choate and Jeff Hannaford from Norse Environmental were present. During the site walk on Saturday, the members observed an isolated wetland to the right of the property. It has been delineated and added to the plans also added was a disturbed area which is basically a temporary road for the installation of the well. Significant trees in the buffer zone have been added. The septic system has been revised. The house plans are for the garage under the house. The area of the house is at the top of a knoll. To put the garage on the left side of the house would not be feasible because this is its highest point of the property, so the applicant is requesting to remove the temporary road, re-vegetate that area and plant some vegetation so as to screen the house from neighbors on the right. It appears to Mr. Hannaford that there has been some work done on the adjacent property, which has created some sort of runoff. He does believe that the wetland was created but it is there so what is the next step? Member Morrison commented on the buffer zone how he would like something big, native and dense. Another concern is the driveway encroaching in the buffer zone 40 ft. Chairman Corwin states that this does not conform to our current bylaw. Vice Chairman Owen added as long as there is no viable alternative. Chairman Corwin asked if the driveway can be configured so that it comes right up close to the septic system. Mr. Hannaford stated that a turnaround area would not be able to be provided. Chairman Corwin asked about a turnaround in the other direction, or maybe behind the house. Mr. Hannaford asked to understand the applicant's plight. He is willing to replicate the area if need be. Vice Chairman Owen suggests leaving the reserves where they are and configuring the driveway without a turnaround. Mr. Hannaford explained the faults of not having a turnaround, and how the current plans are still under the minimum for a comfortable turning radius. The applicant decided not to close the hearing, and stepped aside in order to think of an alternate plan. After a short break the applicant decided to shift the house in order to be only ten feet in the buffer zone rather than the previous forty. Chairman Corwin motioned to close the public hearing. The motion was seconded and passed unanimously.

### **OTHER BUSINESS**

#### **First Parish Church**

Member Morrison made a motion that a letter be written to the Church expressing concern of runoff onto the street, which is in violation of the Order of Conditions. The motion was seconded and passed unanimously.

#### **Lost Lake/Knops Pond Weed Control**

Ms. Montgomery reported that two representative from the EPA came to the office to review the files of the weed control for Lost Lake and Knops Pond. They would be willing to meet with the Commission and the Board of Selectmen in a joint meeting to discuss the issue. The BOS will be notified.

#### **Helou – 134 Shelters Road – Request for Extension – 169-674**

Member Morrison made a motion to extend the Order of Conditions for Helou 169-674 for a period of two years. The motion was seconded and passed unanimously.

#### **Brooks Orchard – Request for Extension – 169-662**

Member Morrison moved to extend Order of Conditions for Brooks Orchard 169-662 for a period of three years. The motion was seconded and passed unanimously.

### **Boat Launches**

The parking attendants and lifeguards reported that a man insisted on launching a kayak from Sargisson Beach. The police were called and mistakenly told the man that it was public land and he could launch his kayak from the beach.

Ms. Montgomery will write a reminder to the Police Department that boats are not to be launched from the Point at Sargisson Beach so as to clear up any confusion.

### **Shattuck Baddacook Management**

Vice chairman Owen was asked if he planned to put his horses back on the Baddacook/Shattuck Conservation property on Martins Pond Road as part of the management plan to keep the field from growing in.

Vice chairman Owen stated that he has mowed some by hand. The invasive Black Swallow Wort is taking over the section towards Van Hoogen's house and the horses won't eat it. Chairman Corwin asks if mowing it keeps it in check. Vice Chairman Owen remarked that you have to do it before the pods dispense. Chairman Corwin made a motion to allow Ms. Montgomery to hire someone to mow it spending up to and no more than one thousand dollars. The motion was seconded and passed unanimously.

### **Town Beach**

Ms. Montgomery explained Grotonwood's request to use the Town Beach due to high E-coli reading at theirs. They were shut down. Town Beach has not been shutdown and they are testing.

Grotonwood can use Sargisson Beach until their water is tested safe for swimmers.

### **Stewardship Plan – Baddacook Woods - Allen's Trail**

The members reviewed the Stewardship Plan submitted in April by the residents of Allens Trail. They had not heard from the Commission and wanted to know if the plan was acceptable.

The members accepted by plan with the deletion of 6a and 6d.

The members want to allow snowmobiles to pass through the property (see minutes of April 24, 2001).

And with the permission of the Commission, some activities make take place after dark.

### **OOC – Groton School – Water Treatment Plant**

The OOC for Groton School DEP # 169-831 was written and copies are on file in the Commission office.

11:00 PM With no further business the meeting was adjourned

Respectfully submitted,

Regina Hull  
Land Use Assistant

**Approved as amended  
January 28, 2003**