

LITTLETON CONSERVATION COMMISSION  
MINUTES OF MEETING  
APRIL 7, 2008

Present: Ian Gunn, James Pickard, Peter Tierney, Sarah Seaward, Dan Lord, Frank Matheson, and Carl Melberg and Anita Harding, recording secretary.

The meeting came to order at 7:30 p.m. in Room 230 of the Littleton Town House

A motion was made by Sarah to accept the minutes of March 31, 2008 as written. It was seconded by Peter and the vote was unanimous.

1. **Discussion. Request for Extension for Orders of Conditions for Clean Lakes Committee for DEP files 204-438, 204-513 and 204-582.** Ian explained that these files were for the herbicide spot treatment of Spectacle Pond, Long Lake, Doleful Pond, off Newtown Rd. Ian made the motion to extend the Orders of Conditions and Peter seconded the motion and the vote was unanimous
2. **Discussion. 3 Great Rd. File 204-612.** Having made a site visit, Ian made a motion to issue a Certificate of Compliance for 3 Great Rd and Peter seconded the motion. The vote was unanimous.
3. **Richard O'Neill, 43 Matawanakee Trail (NOI 204-635).** A representative from Norse Environmental Services Inc. presented plans for the work to be done at 43 Matawanakee Trail. He stated that he had added a Construction Sequence to the plan which the Commission requested. He explained that several layers and tiers of erosion control will be used during construction and that a small rubber track machine will be all that is needed to remove materials and spread materials around. There will be no stock piling. Sarah asked which side of the property would be used to get down to the water's edge and was told the driveway side. With no further concerns by the Commission, Ian made a motion to issue an Order of Conditions which was seconded by Jim and the vote was unanimous.
4. **Discussion. 1 Emerson Dr.** Dan explained that Mr. Finch would be selling his property and it was within 100 feet of Long Lake. The existing septic system located behind the house. Mr. Finch has been instructed to contact someone from Ross Associates to determine if the existing system meets Title 5 and if it does then sell the house as is. There was no action taken by the Commission.
5. **Discussion. Hiring of an Administrative Assistant.** Ian brought the Commission up to speed on the progress that has been made to date. The first candidate has had an interview with Keith Bergman, Maren Toohill and Beverly Cyr already and the other candidate will be interviewed on Thursday April 10. Everything else seems in order to hire someone. There will be a meeting on April 14 for the Commission to discuss and determine whom they will make an offer to hire.
6. **Richard Halloran.** Mr. Halloran, of 370 Harwood Ave. was present to discuss the ongoing situation at his location. Jim stated he had visited the site today and found a lot of run-off at the bottom of the hill. There were no hay bales in place at the bottom of the hill. It was decided at the meeting that Sarah, Dan, Ian and Jim would visit the property with the owner on April 8, 2008 at 10:30 a.m. At that time the members would instruct Mr. Halloran just where to place the hay bales and also a silt fence needs to be put in place. Once this has been done, to try to stabilize the site, it will be necessary for Mr. Halloran to submit a Notice of Intent. The cease and desist order will remain in place until the Notice of Intent is filed and can be discussed in a future meeting.

7. **Discussion. Vandalism on Newtown Hill.** Ian explained that the Water Dept. has replaced the fence. They have also closed the first gate below the community garden area. There still needs to be large rocks placed beside of the fence. John Bowers has offered to repair the fence and the Commission will purchase the necessary rails for the fencing and the Water Dept. will furnish the large rocks and put them in place.
8. **Beavers Grist Mill Rd.** Carl has determined that the beavers are not on Town Property and therefore they are the land owner's problem. Since the owner of 17 Grist Mill Rd raised a particular concern that the increase water level would damage his septic system, Ian spoke with Jim Garreffi, of Nashoba Board of Health, to get advice as to what to do. Jim Garreffi explained that bringing in more fill to place between the water and the septic system would only cause more harm. He stated that the owner definitely had a legitimate case and should ask for an emergency permit and engage a licensed trapper to remove the beaver from the pond.
9. **Discussion. Articles 24 Accept MGL.C 39, sec23D.** Town Board Quorums at Adjudicatory Hearings. Ian explained that the Board of Selectmen are sponsoring this article at Town Meeting and would like the Conservation Commission to support the article. This article would simply allow a member of a Board or Commission to miss one of the meetings of the hearing and still be able to vote the decision after he/she were able to read all evidence presented at the meeting that he/she missed. This is important because some hearings are continued for several meetings and all members might not be able to be at every meeting. Sarah made a motion to support the Article and the motion was seconded by Peter and the vote was unanimous.
10. **MDM Rodgers Family L.P. 169 King Street. (NOI 204\*\*\*)** A public hearing came to order at 8:00 p.m. to discuss plans for a high quality dog care facility at 169 King Street. Eric Rudenauer of GPR Civil and Structural Engineering was present to explain plans for the project. The plan is to demolish the red barns that are on the property at the present time and to construct a 27,500 square foot building, which will house the dog care facility. The old house nearest King St will remain and the driveway will be moved to the right of the house. The only impervious areas will be the two parking areas and the driveway down to the building. The rest of the site will be a green area. Dr. Chang, consultant to the Planning Board will be reviewing all drainage calculations including the run-off from the roof drains. There will be no encroachment of the wetlands. There will be a Construction Sequence provided on the plan and the engineer must show where the staging areas will be. Silt fencing and hay bales will be place wherever they are needed. The applicant asked that the hearing be continued until June 2 so that all information can be reviewed and accepted by the Planning Board. Ian stated that would be fine and since a good plan has been submitted that meets the requirements within in our jurisdiction, there should be no reason not to issue an Order of Conditions on June 2
11. **Discussion. Acton Medical Associates/Places Sites Consultants.** Ian explained that Acton Medical had requested an extension until April 28, 2008.
12. **Ryan Bettez, 5 Charter Way (NOI 204-631)** After the Commission met with Mr. Bettez, at the 5 Charter Way site the plan was submitted to move the driveway 5-6 feet to the left of where it exists, create a parking area at the bottom of the driveway, replace the existing drainage pipe with a large pipe, stabilize the construction area with hay bales, install hay bales where the tight tank is to be installed. An abutter of the property expressed extreme concern for the wetland area and stated that Mr. Bettez had cut several trees down which she believed were in the wetland. The Commission

assured her that if that were the case the Commission would have jurisdiction. However, the trees were not in the wetland and the owner of the property has the right to do on his property. The Commission's jurisdiction is limited to what is set out in the Wetlands Protection Act and DEP's Regulations, and can only address what occurs in that jurisdiction. Ian made a motion to issue an Order of Conditions for this property and it was seconded by Dan and the vote was unanimous. Ian explained to the abutter that she had 10 days to appeal this decision and warned the property owner that no work was to begin until the end of the appeal period. The owner was very aware of that stipulation.

13. **Discussion. Evan Burnett.** Evan came before the Commission as a boy scout working on his Eagle Badge. He submitted plans to build a small wood bridge over a brook that is located on the Morgan property. The Morgan property is owned by the Town and is located off King St. behind the Fitch House. Up until now the Highway Dept and/or Mr. Biagioni have been mowing the lower part of the property but are unable to cross the brook as the existing bridge is all broken down. Evan purposes to dig two trenches and fill them with gravel and lay telephone poles along them for a distance of 9 feet. The bridge will be built into the banks of the brook, as required, and the bridge itself will be built with 2 x 12 boards. The bridge will only be about 7 feet wide to accommodate the small mower that is used. The Commission asked that Evan stake the site and contact the office when he has completed the task and the Commission will go out and take a look.. It will be necessary for Evan to apply for a Request for Determination and any other paperwork that will be necessary for him to complete the task. When asked, he stated he had the forms and would be filling them out and returning with more definitive plans. He was asked to think of other materials besides wood and telephone poles for the piling that will be needed. The Commission stated that they are in favor of this project.
14. **Mark Montanari/Acton Survey and Engineering Inc 242 King St.** Seth Donohue, from the engineering firm was present to present a plan for a driveway that will cross the flood plain at one small point. Other than that there will be no work done in the wetland or buffer zone. There will be some stock piling and the plan will show the designated area to be used for that purpose. There will be a 10 inch pipe installed under the driveway and the flood plain area to control the flow of any water and erosion control measures will be used during the construction. There will be a well for water supply on the site because it is too cost prohibitive to run Town water to the site of the house. Ian made a motion to issue a negative determination and it was seconded by Dan and the vote was unanimous.
15. **Discussion. 323 King St.** Tom Perivolotis, representing Joseph Brine and Livia Demaggio to discuss a septic plan that had been reviewed by the Commission. Last year the Commission issued a negative determination. The land owners would like to do more at this time. They have built a corral and the water flows through the middle of the corral and they would like to redirect the flow. There is a catch basin in The Four Brothers Trail at one side of the property and that leads to a culvert under King St. Mr. Perivolotis purposes to install a 12 inch solid pipe 200 feet and connect it with the catch basin and then the water will go down into the culvert. The catch basin is big enough because it has been able to handle all additional flow due to the amount of rainfall we have had this Spring. Ian stated that he feels that the negative determination still applies but suggested that Mr. Perivolotis run the plan past the Board of Health. Mr. Perivolotis stated he had already planned to do that.
16. The meeting adjourned at 9:15.