

GROTON CONSERVATION COMMISSION**May 13, 2003****MINUTES**

Chairman Kris Corwin called the meeting to order at 7:10 p.m. with no quorum and only K. O'Connor, P. Morrison, and K. Corwin present. E. Owen arrived at 7:11 p.m.. Absent were members Craig Auman, Bruce Clements, and Alix Chace. Conservation Assistant Barbara Ganem was present. A. Chace arrived at 8:04 p.m. and left at 9:02 p.m. K. O'Connor read the legal notice for the public hearing.

7:00 p.m. Frances Carson/6 Hazelwood Avenue Notice of Intent

Speaking on behalf of the applicant, engineer Steve Marsden explained that the existing leaching pit will be pumped, crushed, and filled in place. The old well will be abandoned, and a new well re-drilled. He noted that there will be 660 SF of disturbance within the wetland buffer zone. In response to P. Morrison's question, Mr. Marsden stated that there was a distance of 42.5' between the well and the new tight tank. K. Corwin requested that sufficient erosion control measures be on site to assure that no sedimentation reaches the lake which is downslope from the work area. When E. Owen asked if wash from the well would be an issue, S. Marsden said that a driven point well rather than an artesian well is proposed. Upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to close the hearing for 6 Hazelwood Avenue.

The Commission agreed to require the filing of a Notice of Intent for the completion of the replication area at 269-271 Pepperell Road because this work is immediately adjacent to the resource area.

In response to the Request for a Certificate of Compliance for 16 Longley Road, Commissioners expressed concern that the french drain discharges beyond the limit of disturbance. If a drain is proposed, it should be directed to a dry well and shown on the plans submitted with the Notice of Intent. The discharge is located 24' from the resource area. The boulders do not appear to be a permanent barrier as specified in the Order of Conditions. In addition, the homeowner has been doing work in the buffer zone, such as the planting of the spruce tree. Upon a motion by P. Morrison, seconded by K. O'Connor, it was

(not) VOTED: to issue a Certificate of Compliance for 16 Longley Road.

The motion failed as four Commissioners voted against it.

B. Ganem commented that the original project involved the subdivision of three lots. A replication area was proposed on the middle lot in order to construct a driveway on the lot to the right which has access from Chicopee Row. Only buffer work was proposed at 16 Longley Road. Commissioners agreed that the applicant/homeowner should be notified of the outstanding issues previously noted. Removal of invasive vegetation is allowed, but it must be done under a permit. B. Ganem requested the list of invasive species the Commission uses.

Commissioners noted that the plans submitted with the Notice of Intent for a pool at 27 Heritage Lane did not show topography, a patio, or a retaining wall. After discussion and upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to issue a Certificate of Compliance for 27 Heritage Lane.

Based on a site visit by B. Ganem and B. Clements, and upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to issue a Certificate of Compliance for 28 Vose Avenue.

7:30 p.m. Boathouse Lane (Map 129, Parcel 225) Notice of Intent

Land Surveyor Russ Wilson presented revised plans and explained that it provided 1) details of the (he actually said well location) water main location, 2) construction sequence, 3) trees to be cut, 4) relocation of haybales/silt fencing to the toe of the slope, and 5) matting on the steepest portion of the slope. P. Morrison asked where soils would be stockpiled, and R. Wilson stated that there would be no excess fill as 6 feet of fill will be used to backfill around the foundation. He anticipates that the retaining wall will be constructed first. The leaching bed will be constructed to allow driveway traffic. The front portion of the house is currently supported by sonatubes, and the applicant plans to install a full foundation without changing the footprint of the house. (*The plans do not show this.*) Commissioners requested that R. Wilson check with the Earth Removal Committee to determine whether it will be necessary to file with them. Upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to close the hearing for Parcel 225 on Map 129, Boathouse Road.

Resident Alan Streibel of 100 Paquawket Path explained that he is an abutter to the Cronin Conservation Area and is concerned about the right-of-way leading from Paquawket to the Rail Trail. He pointed out that the right-of-way is on his private driveway and noted that bikes, baby carts, and rollerbladers are using his driveway to access the Rail Trail. He stated that #96 and #98 are concerned about users as well, particularly from the viewpoint of safety and privacy. One of the options is to place signage limiting use to "foot traffic". It appears that the trail does not exactly follow the right-of-way and consequently, tree clearing could be necessary. Commissioners asked how neighbors would feel about cutting trees to more clearly delineate the trail. In addition, because no fee is charged to access the land, it is unlikely that residents would be responsible for injuries incurred by users. P. Morrison suggested contacting town counsel to determine the ramifications of an injury occurring on a town right-of-way located on private property, as well as the responsibility of the town, landowners, and users. Commissioners recommended a meeting with the three homeowners who abut the right-of-way to discuss any proposed marking and blazing of an appropriate trail. A possible solution is to retain the existing trail location and add signage. A sign noting the limitation to foot traffic only is acceptable in the interim.

(A. Chace arrived at 8:04 p.m.)

8:05 p.m. Lot 1/18 Kemp St./Gleason Notice of Intent

Stan Dillis stated that he has previously submitted written discussion of the alternatives to a wetland crossing for the development of this lot. It includes topography of the Pepperell Road site where he noted that a driveway would exceed the maximum grade and allowed cut standards that the Planning Board follows. Commissioners pointed out that this is one of several lots carved out of an existing larger lot. K. Corwin commented that the Wetlands Bylaw prohibits utilities in a resource area unless it is a better environmental alternative than, in this case, a driveway crossing which is allowed as a Limited Project. This decision sets a precedent on how the Commission will handle future incursions into resource areas. It appears that because lots were previously sold off, as well as zoning requirements and driveway construction standards, it is not feasible to avoid a crossing. In response to a question about the soils on Pepperell Road, S. Dillis indicated that there is sand with some ledge mixed in. The common driveway done for 269 and 271 Pepperell Road required a lot of blasting. The Planning Board issued a Special Permit for that common driveway. Commissioners observed that the applicant may have created his own hardship with the way in which the lot has been subdivided. S. Dillis stressed that this lot meets all other requirements for the creation of a lot, and the owner has a right to create this lot. P. Morrison commented that the Commission will not allow the septic system crossing unless it is clearly the better environmental alternative. E. Owen noted that not allowing this lot to be developed couldn't be regarded as a "taking" because there has already been some development allowed on the property. Splitting off yet another lot may not be justified. Upon a motion by K.O'Connor, seconded by P. Morrison, it was

VOTED: to close the hearing for the Lot 1/18 Kemp St. Notice of Intent.

Vic Burton from the Groton Trails Committee presented a map to the Commission showing the proposed location of a trail linking Duck Pond Road to Painted Post Road through the Flavell Crossing Conservation Area. He estimates that approximately one mile of trail clearing is necessary. This will be a lot of work due to the presence of lowbush blueberries and huckleberries, young white pine groves, and downed timber. He noted that the proposed route is scenic,

passing rock outcroppings and progressing to an open oak forest. This route will skirt the wetlands, thereby eliminating a wetland crossing. Regarding the time frame, V. Burton indicated that the Committee will begin work as soon as the Commission approves the route. The “dot-dash” trail could connect with E. Owen’s suggested route that requires a more extensive wetland crossing. Upon a motion by P. Morrison, seconded by K. O’Connor, it was

VOTED: to approve the proposed trail at Flavell Crossing as shown as the “dot-dash” trail on the submitted plan received May 13, 2003.

Commissioners discussed the appropriate follow up on the report of beaver flooding behind 519 Longley Road where it was noted (5/10/03 site visit) that the grading of uphill lots directs water to a catch basin at the back left corner of the driveway. Beaver dams on the Cronin Conservation Area exacerbate the poor drainage on this site. Commissioners noted that the use of beaver pipes at Cronin is probably unlikely due to both expense and access issues. K. Corwin suggested arranging a neighborhood meeting to discuss the maintenance, cost, and access issues to respond to the beaver flooding complaints from both this property owner and Mr. Streibel at 100 Paquawket Path.

8:30 p.m. – Appointment/Stacey Chilcoate – Petapawag Canoe Launch

S. Chilcoate noted that the presence of poison ivy at the Petapawag Canoe Launch is creating a hazard for participants in the River Classroom program that the Nashua River Watershed Association runs. She expressed concern that this nuisance vegetation is spreading and asked if the Commission has any policy regarding its removal. Mowing can sometimes control the spread, but this is not feasible on the banks of the River. This and other vegetation contributes to the stability of the bank. Discussion ensued on whether the judicious use of Round-Up through the painting of plant surfaces with the concentrated version would be feasible. S. Chilcoate indicated that she is interested in getting direction from the Commission on the best method for removal, particularly with regard to what is legally allowed. She stated that she would be willing to organize volunteers to do the removal. Commissioners recommended that a Request for Determination of Applicability be filed for work within the 100-foot buffer of wetlands, once she has determined the preferred method of treatment. Commissioners had reservations about spraying poison ivy because it could kill desirable plants as well. K. Corwin said that she understood that a fall application is likely to be the most effective time for treatment. Commissioners thanked Ms. Chilcoate for keeping them informed about land management issues at Petapawag.

K. Corwin reported that she has recently visited the replicated vernal pool created at Integrity Way and has concerns that no vernal pool species were in evidence. She noted that she is participating in a survey of mosquitoes that inhabit vernal pools to see if they are the type of mosquitoes that harbor West Nile virus, as well as a study on fairy shrimp. K. Corwin passed around bottled samples of live fairy shrimp and spotted salamander eggs that she collected from her man-made water garden that will be released to an existing vernal pool.

In response to a request from owner Ellen Weber of 27 Old Carriage Path, K. Corwin reported that she has observed fairy shrimp within a wet depression on that property. The proper documentation will be sent in to the Natural Heritage Program to certify the vernal pool. She noted that there had previously been a wetlands filing for this lot because of drainage issues. Although the proposed construction of an extended deck may be considered a minor exempt activity within the 50’-100’-foot buffer, Commissioners agreed that this work should go through the Wetlands Protection Bylaw permitting process and requested the filing of a Request for a Determination of Applicability.

K. Corwin reported that Kristen McEvoy had contacted her about sponsoring a talk on American chestnuts. Commissioners suggested that the Commissioners of Trust Funds might be a more appropriate vehicle for organizing a lecture although Conservation Commissioners are interested in the subject matter.

(A. Chace left the meeting at 9:02 p.m.)

9:00 p.m. – 28 Island Road/Richard Griffin – Request for Determination of Applicability

Mr. Griffin explained that although the structure is already framed, some modifications are necessary in order to bring it into conformance with building construction requirements. The work is approximately 75’ from Lost Lake. Four or

five sonatubes must be installed, by hand, and a pressure treated support beam is necessary. The holes will be hand-dug and require an excavation of about 4 feet. E. Owen asked what was there previously, and R. Griffin responded that there was a deck, but he has added a roof and screen to the area. The footprint is the same, but there is new framing that will eventually be encased in siding. K. Corwin asked how roof runoff will be handled, and Mr. Griffin noted that there is an area where plants grow under the existing roof dripline. Upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to issue a negative #3 Determination of Applicability with the requirement that haybales or silt fencing be installed between the work and Lost Lake and that an appropriate recharge structure be installed at the dripline for the addition.

After discussion, and upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to approve the following wording for a stone to be engraved and placed at the recently purchased Self-Help parcel on Skyfield Drive: "This 33 acre scenic area was made possible by the generous efforts of Leon and Katherine Hurd in conjunction with town and state resources sets aside by citizens for this purpose. June 2002."

K. Corwin voted in opposition.

9:15 p.m. – Appointment - Moose Trail/Steve Annese – Request for finding of insignificance for changes to DEP File #169-853

Jeff Gray, the applicant's representative, stated that he has made changes to the plan to address the concerns of the Board of Health and the Earth Removal Advisory Committee. In particular, he has 1) removed grading from Smith Road, 2) proposed riprap to mitigate the potential for erosion and sedimentation from the site, 3) made modifications in the driveway, 4) added additional silt fencing, 5) moved the well, 6) removed the clay barrier, 7) reduced the width of the driveway, 8) reduced impervious areas on site, 9) added additional notes about the retaining wall design, 10) added a graphic showing a cut view with proposed grading, 11) added a note that the embankment adjacent to the septic system is not to be disturbed, and 12) prepared a comprehensive erosion control plan for the project, covering both permanent and temporary measures. Mr. Gray said that the erosion control measures go far beyond those required in the Order of Conditions, and P. Morrison pointed out that the Commission can only condition those portions of the project within its jurisdiction. K. Corwin noted that these such substantial changes exceed paperwork or typographical corrections.

George Medaris, the applicant's attorney, stated that the changes do not represent an increase in potential impacts to the wetlands on site. Commissioners pointed out that, under the Groton Wetlands Protection Bylaw, the 100-foot buffer is also considered a resource area. The revised plans represent a change in the slope to the wetland area and could possibly result in increased impacts. P. Morrison said that the Commission has observed two similar projects in which there was significant disturbance of wetlands as a result of work outside the 100-foot buffer. E. Owen noted that the limit of work marked by the silt fencing is closer to the wetlands on the revised plan than was originally presented to the Commission. He asked if there was more fill or less fill as a result of the changes, and J. Gray stated that the revised plan would result in less impact than the prior plan.

Due to the scope of changes outlined above, Commissioners recommended the applicant file for an Amended Order of Conditions. The plan of record will be the deciding factor in issuing a Certificate of Compliance, so it is in the applicant's best interest to have the correct plan on file with the Conservation Commission. Abutters must be notified, and a legal notice placed in the newspaper. The re-opened hearing will allow the public to comment on revised plans. The applicant should address the amount of surficial area to be altered under the revised plan in his presentation to the public. Upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to find the proposed changes significant, with the applicant required to pay for the advertisement of a re-opened public hearing and certified notice to the abutters.

E. Owen voted in opposition, noting that the changes were extensive enough to require the filing of a new Notice of

Intent.

To clarify the letter to Town Counsel, Commissioners requested that the inquiry determine 1) what the Town's liability is in relation to the right-of-way, 2) point out that the current path appears to not be in the right-of-way, and 3) whether the Commission has the right to do tree cutting or harvesting within the right-of-way.

B. Ganem noted that the Commission's request for review of the Bylaw Regulations is also still pending with Town Counsel. In addition, the Commission must consider including a definition of grading and driveway to include in the Regulations. The Commission asked B. Ganem to prepare a draft definition for review.

Regarding the staff evaluation distributed by the Personnel Advisory Committee, the Commission agreed to designate P. Morrison as the point person. He requested that Commissioners send their comments to him as soon as possible. The self-evaluation is due by May 16, and the final evaluation is due June 16th.

Both K. Corwin and B. Ganem are unavailable for the May 24th site visit; the remaining Commissioners indicated that they could attend, with P. Morrison providing access to Town Hall.

P. Morrison will plan to attend the Ch. 40B information session in Concord on May 20th. C. Auman may also be available for this. B. Ganem indicated that she is unavailable due to a conflict with GIS training May 19-20.

B. Ganem reported that Leroy Johnson is no longer able to serve as the Commission's Land Manager and requested that Commissioners give some thought to a replacement. He has mostly concentrated on cleaning up the Sargisson Beach and Petapawag areas although he reports that, recently, the bass fishermen have done a good job of monitoring Petapawag.

Upon a motion by E. Owen, seconded by P. Morrison, it was

VOTED: to approve the minutes of April 22, 2003 as drafted.

Commissioners noted that they had not received copies of the April 28, 2003 minutes. B. Ganem will re-send them.

B. Ganem indicated that the Eagle Scout who is working on the bridge for Sorhaug Woods needs direction from the Commission as whether this should be designed for horse traffic. Commissioners agreed that the design should accommodate equestrians as it is anticipated that this will be a prime connection with the Orchard Lane project.

In reviewing the plans for Hunt Club Meadows for comments to the Planning Board, Commissioners noted that an Abbreviated Notice of Resource Area Delineation covered Lot 1 only, not the full site. For the Lost Lake Fire Station, the Commission commented that there are no known issues at this time. The project proposed by Bulldog Realty at 14 Station Ave. will be reviewed by the Commission at its next meeting, and the issues there include re-development and work in the Riverfront Area. Concerning the Gunderson project, Commissioners noted that this is a significant viewshed, and there are likely to be extensive drainage tiles throughout the agricultural fields. There is a drainage ditch which, at minimum, qualifies as an intermittent stream.

Commissioners observed that the Brooks Orchard development proposed by the Groton Conservation Foundation on Orchard Lane will avoid using the orchard site due to possible lead arsenate contamination. Commissioners questioned whether the Abbreviated Notice of Resource Area Delineation has expired for the site.

The Commission will include 41 Martins Pond Road/Tom Hartnett in its Saturday site visit schedule to review a proposed change from plantings to a stone wall for the demarcation of a permanent limit of disturbance.

There being no further business, the Commission adjourned at 10:40 p.m.

Respectfully submitted,

Barbara V. Ganem

Approved as amended 5/27/03