

GROTON CONSERVATION COMMISSION**May 27, 2003****MINUTES**

Chairman Kris Corwin called the meeting to order at 7:00 p.m. C. Auman, K. Corwin, P. Morrison, B. Clements, and E. Owen were present. K. O'Connor arrived at 8:30 p.m.. Alix Chace was absent. Conservation Assistant Barbara Ganem was present. P. Morrison read the legal notice for the public meeting.

7:00 p.m. Bulldog Realty/14 Station Avenue - Request for a Determination of Applicability

Bernard Hamill and Aleta Manugian were present as the applicant's representatives

Burt Hamill explained that his client is proposing a five-unit condominium building in which parking and a leaching catch basin are located at the back of the building. The drainage system is designed to hold the 100-year flow, with suspended solids treated by water quality inlets. The soils on site tend to be heavy and silty. There is a stream (James Brook) behind the property, and 250 SF of Riverfront Area will be altered by the proposed project. B. Hamill stated that there is no defined parking currently on site. He estimates that most of the Riverfront Area is heavily wooded with brush in the understory. The amount of work is negligible in his opinion. C. Auman noted that neither the Bordering Vegetated Wetland (BVW) nor the Riverfront Area are marked in the field and requested that at minimum the Riverfront Area be marked. Because of the soil limitations, the drainage system cannot be placed elsewhere. E. Owen asked where the measurement for Riverfront Area was made, and B. Hamill replied it was taken from the first discernible break in the slope. He estimated that the BVW extended about 10' - 15' up the slope from the stream. The proposed work will occur no closer than 190' from James Brook according to B. Hamill. The area to be disturbed could be characterized as a thicket of second growth vegetation. C. Auman asked where snow would be stockpiled, and B. Hamill stated at the right rear and front of the property. He noted the limitations posed by a site of only 14,000 SF. C. Auman commented that the edge of the Riverfront Area is usually measured from the Mean Annual High Water line, and B. Hamill said that this line is usually lower than the bank.

A. Manugian, representing Bulldog Realty, said Mike, Ken, and Bob Bushnell have owned the property for two years and want to improve the building and provide off-street parking. The structure's façade will remain the same. B. Clement noted that the paving will occur within the 200' Riverfront Area, and B. Hamill commented that work on existing lots may alter up to 5,000 SF or 10% of the Riverfront Area, whichever is greater. P. Morrison said that he did not view this as a significant project, but there are questions that require additional input. He indicated that he is inclined to agree to a negative Determination with conditions, rather than require a Notice of Intent. Upon a motion by P. Morrison, seconded by E. Owen, it was

VOTED: to continue discussion on the Request for a Determination of Applicability to June 10, 2003 at 7:00 p.m., pending the demarcation of the Riverfront Area and staking of the lot lines.

The Commission reviewed the Presumptions of Interests and boilerplate conditions. Upon a motion by E. Owen, seconded by P. Morrison, it was

VOTED: to issue an Order of Conditions for DEP File #169-857 as drafted for 6 Hazelwood Avenue.

After further discussion, and upon a motion by P. Morrison, seconded by B. Clements, it was

VOTED: to strike the following condition, "The area shall be kept clean and trash removed as necessary in perpetuity" in the Order of Conditions for DEP File #169-857 for 6 Hazelwood Avenue.

In discussion on the Order of Conditions for Lot 1/18 Kemp St., Commissioners expressed concern that the finding will pave the way for other applicants to perceive a loophole in the Bylaw. The crossing of a wetland with a sewer line

appears to be a less intensive disturbance than a driveway would be. K. Corwin pointed out that the Commission cannot stop someone from accessing their property although they have some use of their land. According to the Bylaw the Commission may allow them to do a driveway crossing, and it does not appear to be possible for them to build on this lot without a crossing according to the alternatives analysis. C. Auman asked if putting the pipe through the wetland will harm the wetland. Members felt that the area should grow back if done properly. The area is currently pasture and, thus, cannot be regarded as pristine. C. Auman observed that the key question is whether the project is harming anything, not necessarily that it is precedent setting. Commissioners recommended including in the Order a statement that the Commission has found this alternative to be the most environmentally friendly plan, and it is recognized that there will be no permanent damage to the resource area. After the Commission reviewed the Interests of the Act and boilerplate conditions, upon a motion by P. Morrison, seconded by E. Owen, it was

VOTED: to issue an Order of Conditions for DEP File #169-854/Lot 1 adjacent to 18 Kemp St. as drafted.

B. Ganem pointed out that the Commission had discussed excluding the cows from grazing the area to be re-vegetated after the sewer line is installed. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to include a condition in the Order of Conditions for DEP File #169-854 specifying that grazing animals shall be kept out of the area to be re-vegetated.

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7:45 p.m. – Public Hearing – 751 Lowell Road/Douglas Hatch – Notice of Intent

P. Morrison read the legal notice and commented that he is an abutter to an abutter but estimates that he is more than 300' from the site. Stan Dillis, representing the applicant, indicated that the septic system for this existing house failed an inspection and requires replacement. He noted that there are limitations posed by the lot's configuration and size. The work will take place within an existing plateau in the backyard and will involve very little disturbance. The work is 88' from a perennial stream (Burnt Meadow Brook) and 65' from the Bordering Vegetated Wetland. S. Dillis noted that he does not anticipate much excavation, and the Order of Conditions can specify that materials be stockpiled outside the 100-foot buffer. K. Corwin asked where machinery will enter, and S. Dillis responded that it would use the existing driveway. An abutter, Janet Sheffield of 794 Lowell Rd., asked if this project would contribute to flooding, and S. Dillis stated that there would be no increase in runoff. He noted that currently the area where the project is proposed is bare soil which will be stabilized with vegetation at the completion of the project. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the hearing for 751 Lowell Road.

In drafting the Order of Conditions for Boathouse Road, Commissioners agreed on the interests of significance and upon a motion by P. Morrison, seconded by E. Owen, it was

VOTED: to approve the draft Order of Conditions for DEP File #169-856, Parcel 225 on Map 129 on Boathouse Road.

Regarding the appointment letters recently received from the Board of Selectmen, Evan Owen indicated his willingness to continue serving on the Conservation Commission and Lost Lake/Knops Pond Weed Management Advisory Committee, and both Kris Corwin and Peter Morrison agreed to continue on the Conservation Commission. Kathleen O'Connor said that she would be unavailable to continue serving on the Conservation Commission during the next year.

8:00 p.m. – Public Meeting – Prescott St./TABCOM/Sprint Spectrum, L.P. - Request for Determination of Applicability

Matthew Varrell from Vanasse Hangin Brustlin, Inc., representing Sprint Spectrum, explained that this filing has been done under the local Wetlands Protection Bylaw and was not submitted to DEP. The proposed work involves the installation of underground utilities in a trench beside an existing paved roadway. The small wetland depression to the

left of the roadway is marginal and is currently mowed lawn. M. Varrell noted that it was flooded in April and, thus, flagged. The second depression, on the right of the roadway, is in a forested area and is more extensive. The trench will generally parallel an existing gravel trail for the remainder of the installation. Entrenched silt fencing will be used to control erosion and mark the limit of disturbance for the length of the roadway. B. Clements asked if the second wetland might be a vernal pool, and M. Varrell indicated that he did not observe vernal pool species but did not make a full investigation.

The Natural Heritage Map does show a rare species polygon covering most of the work area, and Mr. Varrell stated the NHESP staff confirmed blue spotted salamanders in the area. They indicated that it would be unnecessary to file with them unless work was within 100 feet of a wetland that is jurisdictional (Isolated Land Subject to Flooding with adequate volume) under the state Wetlands Protection Act. M. Varrell noted that there are 2 jurisdictional wetlands on site, but the work is more than 150' away from these areas. He commented that his office is debating the merit of enclosing the entire work area in silt fencing in order to assure that no salamanders get crushed. He anticipates a June start-up date, with work completed in 6 to 8 weeks. In response to a question about how much of the trench will be open at a time, M. Varrell indicated that the 3' - 4' deep trench would be dug and closed at the end of each work day, with silt fencing remaining in place until the work is done. K. Corwin expressed concern that the erosion control measures could interfere with juveniles emerging from pools in July although it is preferable to have a minor re-direction rather than mortality. M. Varrell stated the project itself is minor in nature, and the gravel trail will not create a future barrier. The closest point of disturbance to a wetland is 35' from the wetland on the left and 80' from the wetland on the right. There being no questions from the audience, P. Morrison made a motion to issue a negative #3 Determination which was seconded by E. Owen.

The Commission discussed the merits of requesting a Notice of Intent (NOI), and C. Auman read the guidelines from the MACC handbook. Whether or not it is in an ACEC is one of the criteria (it is), but it was noted that it would be the same plan and same discussion under an NOI. K. Corwin commented that a Determination is not as legally enforceable as an NOI, but P. Morrison noted that if they do not follow the conditions of the Determination, the Commission could issue an Enforcement Order. C. Auman pointed out that the timing of the activity is critical, and Sprint could begin the work that is outside of the buffer now. Following up on the earlier motion, it was

VOTED: to issue a negative #3 Determination for the Sprint Spectrum installation of a telecommunications facility on Prescott St. providing the work is done in accordance with the submitted plan with silt fencing to delineate the length of the work area. All silt fencing shall be removed no later than September 1.

Commissioners noted that this discussion should play a part in the promulgation of the new Regulations, particularly having the flexibility to do what is best for the site when something is relatively minor in nature.

8:15 p.m. – Appointment/Steve Carter – 16 Longley Road

Mr. Carter stated that he was not aware that cleaning up (the removal of vegetation) within the 100-foot buffer of wetlands in his backyard was not allowed without a permit. He indicated that he did not plan to extend the lawn, but was concerned about his family's safety around the large boulders used for permanent demarcation in his backyard. Commissioners explained that the permanent barrier could be bushes rather than boulders and that removing dead trees or trash is acceptable. S. Carter distributed plans showing a proposed barn. Commissioners noted that, without an as-built plan or wetland flagging in the field, it is difficult to judge how far from the wetland the barn is to be located. Commissioners explained that, under the Groton Wetlands Protection Bylaw, no buildings are allowed within 100' of wetlands unless the Commission determines that it is a previously disturbed area. The Commission requested that Mr. Carter file a Request for Determination of Applicability outlining all of the work he proposes in his yard. The location of the barn should be staked in the field, and the Commission will do a site walk prior to the public meeting.

8:45 p.m. – Appointment/Craig Heusser – proposed bridge at Sorhaug Woods

Eagle Scout Craig Heusser explained that he is planning to construct a bridge for the first wetland crossing on the trail

behind the Williams barn. He has considered telephone poles but there are environmental concerns because of the creosote. Pressure treated timbers are another option, but there is a question of arsenic. Both materials are easy to work with. P. Morrison pointed out that it is likely that hazardous components have already leached out after 20 years of use as telephone poles. C. Auman noted that there is pressure treated lumber available that has not been treated with arsenic. C. Heusser indicated that he plans to design a bridge that will accommodate horse traffic but is uncertain about whether railings are necessary. With a one-foot drop to the water from the bridge, Commissioners felt railings were not required. The bridge will be constructed of several 12' x 2' support beams with planking across the top and an overall length of 10 feet. Commissioners recommended that he run the building plans by an engineer to assure that it will support the weight of a horse.

C. Heusser noted that presently there are a series of logs in the streambed that cause the stream to widen out at the trail location. He will move the trail crossing slightly west to cross at a narrower section. Emergency or logging equipment would still be able to ford the stream. Commissioners felt that regular fording of the stream would cause erosion of the resource area. C. Heusser explained that he is considering other construction options such as a cribbing platform or felled oak trees on site. Paul Funch asked if there is any timetable for the forestry planned on site, and Commissioners indicated that is on hold for the moment. The final design and plans will be submitted to the Commission as part of a Determination filing.

John Diezemann has contacted the Commission to report that there will be a follow-up spot diquat treatment of Lost Lake/Knops Pond on June 9, 2003. Everything will be done in accordance with the Order of Conditions issued by the Commission in April 2002.

In response to a 5/13/03 memo from the Board of Assessors about an abatement allowed for property flooding because of wetland issues, Commissioners noted that this is a naturally occurring event caused by beavers. Because it is not a health and safety issue, it cannot be treated under the Emergency Certification process. B. Clements clarified that the situation involves water backing up onto someone else's property as a result of a beaver dam located, in this instance, on the Cronin Conservation Area. Commissioners noted that the Commission does not have the right or the resources to remove beavers. P. Morrison felt that it would be a no-win situation to discuss this in a meeting with the assessors or the neighborhood. Concerns were raised about liability for a private individual working on conservation land. Based on comments from the resident at 519 Longley Rd., there are several intermediate dams, as well as the main dam, at Cronin. C. Auman suggested contacting Alexandra Dawson to see what liability and responsibility the Commission has for flooding occurring on lands adjacent to conservation areas. B. Ganem asked what direction she could give the abutters, and Commissioners indicated they could consider filing a Notice of Intent with the Commission.

9:00 p.m. – Petapawag Canoe Launch/Stacey Chilcoate – Request for Determination of Applicability

S. Chilcoate explained that there are issues with the involvement of the Nashua River Watershed Association in the removal of poison ivy at the site. Although landscaping firms indicate that hand pulling the nuisance vegetation is not practical, there are concerns about using chemicals so close to the River. K. O'Connor noted that the Commission had visited the site this past Saturday and felt that the trails were not currently overrun, but it does spread quickly. Because this is a public space used for education, it appears that something should be done to control the ivy. P. Morrison asked if mowing or weed whacking would be effective. This may not be an option on the banks of the River. Commissioners noted that there is currently degradation of the River's shore. There are clearly no easy solutions, but S. Chilcoate said she is willing to research the issue further. Upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to continue the public meeting discussion to a future meeting date.

9:15 p.m. – Moose Trail/Steve Annese – Request for Amendment to the Order of Conditions for DEP File #169-853

The applicant's representative, Jeff Gray, presented abutter notification cards. In response to the Commission's request for the square footage of disturbance in the buffer with the revised plans, J. Gray stated that he did not calculate it. He said that most of the changes involved getting grading activities out of Smith Road. He indicated that there are substantial improvements in erosion control on site. The septic plans are under review by the Board of Health according to J. Gray. The new plans show that work will be no closer than 65' to the wetlands. C. Auman noted that

we really do not know whether things will move again as a result of Board of Health review. Commissioners encouraged Mr. Gray to keep the hearing open, pending the receipt of additional information, but J. Gray indicated that he wished to have the hearing closed. Mr. Gray stated that he would provide the requested figures tomorrow. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to close the hearing for an Amendment to the Order of Conditions for
DEP File #169-853, Moose Trail, Map 130, Parcel 48.

E. Owen voted in opposition. The Commission will issue the Amended Order within 21 days.

9:30 p.m. – Surrenden Farm/Farmer’s Row, LLC/Farmers Row and Shirley Road – Notice of Intent

The applicants’ representatives, Larry Beals and Cynthia O’Connell, presented copies of the “Definitive Subdivision Application and Supplemental Data”(dated 5/22/03), a “Drainage Report”, and “Test Pit Logs, Percolation Test Logs and Test Pit Location Plans”, as well as one full size set and eight 11” x 17” reduced plans of the “Definitive Plan for the Subdivision of Land for Surrenden Farm”, 68 pages., dated 5/22/03. L. Beals noted that the applicant had previously filed an Abbreviated Notice of Resource Area Delineation in order to help with the planning process. In reviewing the project, he noted that a portion of the parcel is located within the Town of Ayer, along James Brook. Mr. Beals stated that the soils consist of stratified drift deposits (generally droughty), with 10’ to 12’ of sand and gravel on top of till. The arsenic in the orchard area is generally immobile, and with sand amendments added, should pose no hazard to development. He explained that 75 lots are possible under a conventional subdivision proposal. The Planning Board has expressed a preference for the cluster plan in which frontage requirements shrink to 100 feet, and the viewshed is substantially preserved. The cluster plan includes Approval Not Required (ANR) lots, condominiums, and age-restricted units with duplexes and triplexes. The Ayer Conservation Commission has recently issued an Order of Conditions for the repair of the bridge on Shirley Road.

Mr. Beals commented that the Board has previously expressed concern about the number of units within the buffer so this plan has been re-configured to address that issue. He explained that a concrete arch is planned for the wetland crossing. The wetland at the area of the crossing has been impacted by farm equipment. Three detention basins are proposed according to L. Beals, although these are not shown on the plan. He noted that 28 acres of land in Ayer will remain undeveloped. The applicant proposes stormwater management that will maintain the rural character of the site, i.e., no curbing, the use of vegetated swales, etc.

B. Clements asked if it is necessary to locate so much of the roadway in the buffer, and L. Beals said the wetland is insignificant. In fact, he said it is questionable as to whether they should be identified as wetlands at all. P. Morrison asked if there is flow in the wetland finger where the crossing is located, and is it possible for the road to form a dam and cause flow to go underground once the project is constructed. The plans for the open space include deeding some land to the Groton Conservation Commission, and approximately 54 acres will remain privately owned but under a permanent agricultural restriction. Commissioners asked who will hold the restriction, and L. Beals indicated that this was undecided at this time. He stated that greenhouses would not be considered an appropriate agricultural use.

L. Beals clarified that the submittal under review includes just the roadway, not the houses. Commissioners requested L. Beals to prepare a list of all the lots that contain buffer area and which may have portions of grading, septic systems, or driveways located within 100 feet of wetlands.

L. Beals stated that the applicant proposes filling the “manure pits” under this filing for aesthetic reasons. Replication of these filled areas is proposed. Each lot within the subdivision has to be tested before designing septic systems and the septic plans must be approved by the Board of Health. Commissioners noted that the wetland crossing falls under the Groton Wetlands Protection Bylaw, and the Commission has to be able to find that it is a better environmental alternative. Mr. Beals said that, of the 130 housing units, 68 will not have families with children and 13 are affordable. The applicant has agreed to provide an extra affordable unit to the Groton Housing Authority in exchange for Transfer of Development Rights that will allow the project to move forward more quickly. B. Clements strongly recommended that the roadway be moved outside of the buffer. C. Auman asked if there was any risk that the septic system designs might not be approved, and Larry Beals indicated that it would then be necessary to re-file. The Commission will plan

on visiting the site on June 7th, and upon a motion by C. Auman, seconded by K. O'Connor, it was

VOTED: to continue the hearing for Surrenden Farm to June 10, 2003

P. Morrison reported that he had attended the Ch.40 B informational meeting in Concord and had some information to be copied for Commissioners. The Oak Ridge project will be before the ZBA on June 11 while the Mill St. project hearing has been postponed until July due to the delineation of the wetland resource areas on the Stevens lot.

Larry Beals explained his request to the Commission to consider writing a letter to the West Groton Water District concerning a water main installation in the Ames Meadow Subdivision. The applicant proposes the extension of the water main from Town Forest Road to the first two lots on Wharton Row, projects which the Commission recently reviewed. The Water District has asked that the water main be brought in from Rt. 225, but it would mean either a separate wetland crossing or disturbing the previously constructed retaining walls and culvert crossing at Wrangling Brook. Commissioners felt that the over land route from Town Forest Road would be preferable and agreed to write a letter to the Water District informing them of this recommendation.

Concerning the reorganization of the Commission, K. Corwin nominated C. Auman to serve as Chairman, seconded by P. Morrison. It was

VOTED: to elect Craig Auman as Chairman for the coming year.

Commissioners thanked K. Corwin for her excellent service as Chair for the past year. Upon a motion by K. O'Connor, seconded by K. Corwin, it was

VOTED: to elect Bruce Clements as Vice Chairman for the coming year.

Upon a motion by K. O'Connor, seconded by K. Corwin, it was

VOTED: to elect Peter Morrison as Clerk for the coming year.

B. Ganem reviewed a request from Leroy Johnson on behalf of Emergency Management to relocate emergency cots and sandbags that are currently stored in the bomb shelter at the High School on Main St. When that structure is renovated to become a Middle School, Emergency Management would like to temporarily (<2 years) store these emergency supplies in a storage trailer near the Groton Light Co. Because this area is highly disturbed, the Commission did not see a problem with any one of the three proposed locations providing there is no motor associated with the storage container.

Commissioners noted that there is a conflict with the next Commission meeting and the invitation from MassAudubon to participate in an informal meeting to discuss the proposed 520-acre Rocky Hill Wildlife Sanctuary. They are looking for public input for a management plan, and it appears to include plans to create an endowment fund for the Sanctuary. Commissioners agreed that MassAudubon has the prestige and capability to provide access and educational opportunities. It was agreed to send a letter in which the Commission will stress the sensitivity of the vernal pools on site, encourage the availability of programs and trails to be offered to the public, the development of a trail network, and concur with the ban on motorized vehicles. Commissioners also noted that it is Audubon policy to not allow either dogs or horses on their sanctuaries. Commissioners felt it was important to educate people about sensitive resources not suitable even for passive recreation while encouraging trails that are not close to sensitive habitat. It is good to see the land protected and preserved. K. Corwin agreed to attend the meeting on behalf of the Commission.

(P. Morrison and K. O'Connor left at 10:35 p.m.)

In discussion on comments to forward to the Planning Board, Commissioners endorsed the concept of maintaining a rural road on the Surrenden Farm site, through the elimination of granite curbing and some of the usual drainage infrastructure. Comments should also note that the Commission has requested a definitive list of lots in the buffer and

that we are in the preliminary stages of reviewing the project.

Regarding several areas of encroachment on conservation areas that the Trails Committee has noticed, Commissioners will plan on including these sites in the schedule for June 7th and request that members of the Trails Committee accompany us.

K. Corwin reported that she has completed the documentation for the vernal pool certification on the Mattbob property on Rt. 119/Boston Road. Our comments on Oak Ridge should note that this is important wildlife habitat, and the current proposal violates the Wetlands Protection Bylaw with grading in the buffer in addition to the wetland crossing. The applicant will be required to file a Notice of Intent with the Commission.

Commissioners discussed the proposal by the Wachusett Bassmasters Club to install Fishing Line Recycling Depository Tubes at the Petapawag Canoe Launch. Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to authorize the installation of a Fishing Line Recycling Depository Tube
at Petapawag Canoe Launch.

The Commission reviewed a letter from Hollingsworth & Vose, stating that boards are to be installed over Memorial Day weekend in their dam, in accord with the Order of Conditions for DEP File #169-641.

C. Auman indicated that he would contact A. Chace to determine whether or not she wishes to continue as a Commissioner. K. Corwin noted that she would be sending in the documentation for the Broz-Weber vernal pool certification shortly.

There being no further business, the Commission adjourned at 11:10 p.m.

Respectfully submitted,

Barbara V. Ganem

Approved, with amendments, 6/27/03