

GROTON CONSERVATION COMMISSION

June 10, 2003

MINUTES

Chairman Craig Auman called the meeting to order at 7:05 p.m. C. Auman, K. O'Connor, E. Owen, and B. Clements were present. P. Morrison arrived at 7:30, and K. Corwin arrived at 9:15 p.m. A. Chace was absent. B. Ganem, Conservation Assistant, was also present. K. O'Connor read the legal notice for a public hearing

7:00 p.m. – Continuation of a Public Meeting/Request for Determination of Applicability – Bulldog Realty/14 Station Avenue

Burt Hamill of H-Star Engineering explained that major revisions have been made in the stormwater management system. Judith Nitsch Engineering, Inc. is reviewing the revised plans on behalf of the Planning Board. There is discussion about extending the parking area into the Riverfront Area, and B. Hamill estimates that about 40 square feet of Riverfront Area is disturbed with every one foot of intrusion. The parking area will be bermed to direct water to the catch basin. B. Hamill indicated that approximately 4 or 5 trees, over the height of 10' would be cut.

Informally, the Planning Board has expressed concern about the tight turning radius for using the parking lot. B. Hamill commented that there is a total of 250 SF of Riverfront Area on the lot, and the applicant is hoping for a negative Determination. C. Auman pointed out that it is preferable to wait for a final disposition from the Planning Board. The construction sequence, operation and management plan, stormwater management plan, and erosion control shown on the plan are the outstanding items for this filing. With the applicant's consent, upon a motion by K. O'Connor, seconded by B. Clements, it was

VOTED: to continue the discussion on the Request for a Determination of Applicability for 14 Station Avenue to June 24, 2003 at 7:45 p.m.

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

VOTED: to re-appoint Bruce Clements as the Conservation Commission's representative to the Earth Removal Advisory Committee.

Resident Stacey Laudenslager introduced herself to the Commission, stating that she was present to get a clearer understanding of the responsibilities of Commissioners and the wetland protection filing process. Commissioners invited her to join them on site visits, as well as regular Commission meetings.

B. Ganem noted that there are several projects that need attention at Sargisson Beach, including the installation of new grills and some general maintenance items. In addition, Bruce Dubey, who has previously mowed several conservation areas, has been hospitalized recently. E. Owen noted that John Greenhalgh has also helped out with mowing some parcels. Commissioners recommended placing an advertisement in the newspaper for someone to carry out these land management tasks.

7:30 p.m. – Continuation of Public Hearing/Notice of Intent DEP File #169-858 – Surrenden Farm/Farmer's Row LLC/Farmers Row and Shirley Road

Cynthia O'Connell, Landscape Architect, noted that Beals and Associates has submitted a list of lots which are in the 100-foot buffer zone. The multi-family clusters are on two separate lots, and it is the applicant's intention to file Notices of Intent for these at the same time they begin the site plan review process. C. O'Connell stated the town will hold the Conservation Restriction on 54 acres of privately owned agricultural land, keeping it a farm in perpetuity. The open space on the west side of the subdivision will be deeded to the town. She noted that additional Notice of Intent fees were submitted for one detention basin, as well as the installation of water lines and irrigation lines within the 100-foot buffer zone. The culvert details for the cross connection (and installation of the water line) will be done as part of the definitive subdivision planning for improvements to Shirley Road. She stated that the applicant prefers to continue this hearing in order to have time to respond to the comments from Judith Nitsch Engineering, Inc.

At the site visit on June 7, 2003, Commissioners found that the more northerly "manure" pit was significantly wet and questioned whether it should be filled. In addition, there is a preference to move the lower driveway further out of the buffer

zone, but mitigation might be fencing or some other form of demarcation. David Black has submitted a letter to the Commission about rare wildlife in the vicinity of this site, and this reinforces the idea of leaving the wet depression alone. E. Owen commented that the Commission needs to be specific about what kinds of activities will be allowed in the agricultural area to be subject to the Conservation Restriction. For instance, a true agricultural operation will typically need to have cold frames to start crops.

C. Auman asked about the possibility of using pavers in the traffic circles where the goal is to quieten traffic. C. O'Connell noted that sometimes this is an issue with the Highway Department because of plowing. Josh Degen, former chair of the Planning Board, pointed out that the current design for Surrenden Farm places a detention basin in Ayer, and he recommended that the Commission talk with the Ayer Conservation Commission. Commissioners noted that if everything is out of the 100-foot buffer or 200-foot Riverfront Area, Conservation Commissions do not have any jurisdiction. It is important to look at stormwater treatment to assure that the wetlands and water quality of James Brook are not affected by this project. E. Owen agreed that this is worth looking into. There being no questions from the audience, upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to continue the hearing to June 24, 2003 at 8 p.m

Regarding debris piles at Williams Barn, Bruce Clements noted that it is the intention of the Williams Barn Committee to remove them once equipment is available which may not be until July or August. Vic Burton concurred that the trash is unsightly, and the Committee would like to get it removed as soon as possible. He noted that they will need equipment to load it into a dumpster. He said that they have just completed seven weeks of work doing the eaves around the barn, with scaffolding in place, and the exterior is practically finished. There remains material underneath the barn which must be cleaned out and then a base material and some drainage work completed, followed by grading around the premises. E. Owen noted that it is his recollection that Bob Black is to remove the collapsing shed from the site.

Josh Degen explained there is a large silo foundation, the underground portion of which is filled with tires and glass. He estimated that the debris is at least 15' deep. Some of this material has been removed to see if there are any artifacts worth saving. He feels that the Williams Barn Committee budget could cover the removal of wood waste generated by the project, but his equipment is not available until mid to late July at the earliest. He estimates that there are 5-6 dumpsters worth of debris within the silo. V. Burton explained that the silo is essentially a hole in the ground with partitions where silage and grains were kept. It has masonry walls and formerly had a pitched gable roof to prevent spoilage of the stored materials. He noted that it is something that should be restored at some time because of the historical significance of the structure. It is a bunker silo.

In response to the Commission's question about what the Williams Barn Committee is looking for from the Commission, J. Degen pointed out that there is not enough money in the Williams Barn budget to cover removal of all the material, but the Committee is willing to donate time to the effort. He noted that it might be necessary for someone with larger equipment, such as Ben Black, to actually excavate the material that is 15' deep. To assure that the silo is not a safety hazard until a decision about excavation, debris removal, and restoration is made, it is possible to secure the area by placing beams and chain link fencing across the top of the hole. The material that has already been removed can then be hauled away in July.

J. Degen said there are two other matters which he wanted to bring to the Commission's attention: 1) Depending on how the property is to be used in the future, there is an existing well, with a concrete cover, which could provide water to the building and 2) 8" of material must be removed from underneath the barn in order to install starpack drainage material, with a perimeter drain installed under the front sill of the barn. T-shaped trenches with a beehive infiltrator (8' deep) will be installed at the back of the barn to control drainage. There is no work within the 100-foot buffer zone. B. Clements noted that Town Counsel is to make recommendations as to the future use of the structure, beyond its use for nature studies. It may be necessary to cut it off from conservation land. Josh Degen estimated that there are 144 cubic yards of material (60 – 72 tons) in the silo, and the cost would be around \$5,000.

In discussion on the documentation necessary to issue Certificates of Compliance, the requirement for a statement from an engineer certifying that a project was completed in accordance with an Order of Conditions may not always be appropriate or adequate. P. Morrison pointed out that the Commission could deny a Certificate of Compliance if the project is not in compliance. It is the proponent's responsibility to come before the Commission if there are any changes. E. Owen pointed out that with Allen Trail and Baddacook Woods, we had to have independent confirmation of an engineer's statement. He noted that it is practically impossible to get the exact same measurements from the proposed project to the actual product. B. Ganem noted that the Commission approved a condition in the first Moose Trail Order that addresses the issue of requiring as-built

plans for new projects. Upon a motion by E. Owen, seconded by P. Morrison, it was

VOTED: to include the following wording in future Orders of Conditions, in appropriate cases:

Upon completion of this project (or within one year of issuance of an Occupancy Permit), the applicant shall submit the following to the conservation Commission to receive a Certificate of Compliance per DEP Condition #11:

- a) a Request for a Certificate of Compliance (DEP WPA Form 8A).
- b) An as-built topographic plan signed and stamped by a registered land surveyor. The as-built should show all grading, construction, and resource area locations.
- c) A written statement from a registered professional civil engineer or land surveyor of the Commonwealth certifying that the work has been completed in compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). A statement to the effect that the project is "substantially" compliant (or a similar statement) will not be sufficient. Any discrepancies shall be noted.

P. Morrison read the protected interests and the draft Order of Conditions, and upon a motion by E. Owen, seconded by P. Morrison, it was

VOTED: to issue an Amended Order of Conditions for DEP File #169-853, Moose Trail, Map 130, Parcel 48.

E. Owen read the protected interests and the draft Order of Conditions, and upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to issue an Order of Conditions for DEP File #169-859, 751 Lowell Road.

To follow up on the June 7th site visits, E. Owen commented that the boat may be on the property line on Hawtree but any correspondence with the homeowner should include the question of where the boundary is and the request that it not be regularly mowed so that private property can be distinguished from the public trail. He said that he would try to look for the rebar. E. Owen also pointed out that there has been some grading and invisible fencing put in on the trail to Carmichael II. Some of these residents appear to be under the impression that using the land could result in adverse possession when, in reality, public land is not subject to adverse possession. If the area is rough mown, it is more obviously a trail. B. Clements stated that he mowed an approximately 8'-10' wide trail, leaving tall grasses at the edge on the Skyfields trail, and Commissioners felt this made a clearly defined trail. The trail on the Hurd parcel, however, has very tall grasses that would be difficult to mow at this stage. It appears that Peter Myette is mowing the entrance to the Hurd parcel, and Commissioners requested that a thank you letter be sent to him.

K. O'Connor explained that she had talked with Steve Legge about a newspaper article addressing residents who deposit landscape wastes, particularly grass clippings, on conservation land. It is hoped that the article will raise public awareness of trail access issues, cleaning up chemically treated lawn wastes, and how it is inappropriate for wildlife habitats. K. O'Connor noted that it was her understanding that the Trails Committee, as the frontline ambassadors in neighborhoods, was preparing a draft article to be reviewed with the Conservation Commission.

B. Ganem reported that she had met on the new high school site with the clerk of the works and a representative from the landscape architect to discuss the replication area. The area to the southwest of the emergency access wetland crossing appears to have better hydrology and will require less disturbance of the tree canopy than the location originally proposed on the east side of the crossing. After discussion, and upon a motion by P. Morrison, seconded by K. O'Connor, it was

VOTED: to accept the proposed change in the location of the replication area from the east to the west side of the wetland crossing, with the preparation work of grubbing the area to proceed as soon as possible, and a fall planting schedule acceptable. The square footage of the replication area is to remain the same.

Concerning the spot diquat treatment in selected areas at Lost Lake/Knops Pond on June 9, 2003, Commissioners agreed that last year's test results showed that levels were significantly below the standards set by the state when the entire Lake was treated. It is anticipated that testing results this time would be even lower due to the reduced application. The Order of Conditions for the herbicide treatment, DEP File #169-824, specifies two tests, one immediately after application and a second to follow two weeks later. Commissioners recommended that the follow up test be done as soon as possible; if the expedited results show no impact, it would be unnecessary to do a second round of testing. It was noted that Sargisson Beach remained

closed last year until the first round of testing confirmed there was no impact.

(K. Corwin arrived at 9:15 p.m.)

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

VOTED: to approve the minutes of April 28, 2003 as drafted.

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

VOTED: to approve the minutes of May 13, 2003, as amended.

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

VOTED: to approve the minutes of May 27, 2003, as amended.

In discussion on land management issues, Commissioners were concerned about finding someone to take care of miscellaneous maintenance tasks and mowing of conservation areas. Upon a motion by K. O'Connor, seconded by K. Corwin, it was

VOTED: to place an advertisement in the newspaper to determine interest in helping to maintain conservation land, including mowing and other maintenance tasks at such areas as the Eliades property and Sargisson Beach.

K. Corwin commented that she has recently reviewed several legal items, including the *Environmental Handbook for Massachusetts Conservation Commissions* which suggests that filling certified vernal pools not be allowed (12.6.7, pgs. 132-133). In addition, Policy 88-2 [Access Roadways: Interpretation of 310 CMR 10.53(3)(e)] notes that if an applicant creates his own hardship, it is up to the Commission to determine if it's acceptable. In the example of retaining walls at the Lake, the Commission should require a wildlife study for projects that affect more than 50 feet of bank, in accordance with 310 CMR, Section 10.60 Wildlife Habitat Evaluations (1) Measuring Adverse Effects on Wildlife Habitat.

Regarding the upcoming ZBA hearings on Comprehensive Permits, K. Corwin noted that there has been a problem in abutter notification on the Boston Road project. She, P. Morrison, and C. Auman plan to attend the June 11th meeting of the ZBA. Regarding the Mill Road project, Groton Residential Gardens, no new plans have come in to the Commission as yet.

After reviewing the new Natural Heritage Estimated Habitat and Rare Species Map, Commissioners requested a letter go to the Program asking why the vernal pools on the Throne, Raddin Road, and the new high school were not included.

E. Owen reported that, while his walk was not well attended, many Biodiversity Blitz Day activities were conducted throughout town. K. O'Connor estimated that about 30 people attended the Mass Audubon discussion on the new Rocky Hill Wildlife Sanctuary. Discussion centered on how fundraising will proceed in the development of this education center and trail network. They are encouraging feedback from residents. Developer Bob Lacombe put in \$36,000 for a wildlife study of the property, and it would be useful for the Commission to have the full report. Mass Audubon has been seeking property in the central portion of the state for some time, and it is believed that negotiations have been taking place since 1998 on this particular property.

B. Ganem explained that, as part of site plan review of Approval Not Required (ANR) lots on Gratuity Road, the Planning Board required that a trail easement be put in place prior to development of the parcel. As part of the approval process, the Commission must agree to accept the trail easement under Ch. 40, §8C. Upon a motion by E. Owen, seconded by B. Clements, it was

VOTED: to accept and sign off on a permanent trail easement for Gratuity Rd., on property currently owned by Barry Cunningham of Breezy Hill Realty.

Alexandra Dawson of MACC has shed some light on several issues currently before the Commission. While the town can be held responsible for something under its control, it is clear that flooding caused by beavers is a natural event. If it is a

question of health and safety, which the Board of Health says it isn't, the matter becomes grayer. The Commission may want to consider filing a Notice of Intent before itself. It is generally a matter of political liability according to Ms. Dawson. Another issue that has come up is that of landscaping companies removing water from local wetlands, and A. Dawson suggested that this could be viewed as an alteration of water level which could be considered a wetland violation, depending on the size of the resource area, the time of year, and amount of water withdrawn.

Regarding work on land of another, A. Dawson suggested that this is really a matter for the Planning Board and Land Court. What typically happens is that the approved plan is not accurately drawn, leaving the question of jurisdiction in limbo. In the case of the right of way from Paquawket Path, the Commission does not become involved if there are no wetland issues.

To follow up on the Hidden Valley Rd./Duck Pond Rd. site visits, the Commission asked B. Ganem to send a thank you to the residents (74 and 82 Hidden Valley Rd.) who are letting the grass grow more naturally. Also, a letter should go to the residents where the trail posts were removed (59 and 77 Hidden Valley Rd.) requesting their cooperation in helping to maintain this conservation area for the public.

Commissioners expressed concern about A. Chace's failure to attend meetings and site visits. C. Auman said that he would follow up and ask for her resignation. There will be a vacancy on the Commission with K. O'Connor's departure, and the Commission asked B. Ganem to place a notice about the opening in the newspaper.

There being no further business, the Commission adjourned at 9:46 p.m.

Respectfully submitted,

Barbara V. Ganem

Approved as drafted 6/27/03