

GROTON CONSERVATION COMMISSION

June 24, 2003

MINUTES

Chairman Craig Auman called the meeting to order at 7:05 p.m. Peter Morrison, Evan Owen, Craig Auman, Kris Corwin, and Bruce Clements were present. Alix Chace was absent. Barbara Ganem, Conservation Assistant, was also present.

In discussion on the request for a Certificate of Compliance for 246 Lowell Road, DEP #169-760, P. Morrison commented that the proposed plan does not match what is in the field, specifically the steps, retaining wall, and lack of visible recharge structures. The builder, Michael Dermody, was present and noted that he had terraced the backyard and changed the house location. He stated the house is actually further from the wetlands than was proposed in the Notice of Intent. He stated that there is a perimeter drain that discharges near the septic system. P. Morrison explained that the Commission is concerned that soils will erode into the wetlands from roof runoff, and the screened-in porch does not appear to have a recharge structure. Commissioners felt that a Certificate cannot be issued because of the discrepancies between proposed and as-built. They recommended that M. Dermody submit a surveyed plan showing the as-built structures in relation to the wetlands before re-applying for a Certificate.

M. Dermody explained that the Erosion Control Committee has agreed to the concept of terracing the downhill portion of 256 Lowell Road and, in order to avoid the above-noted problems, he is proposing a change to the plan approved in the Order of Conditions, DEP #169-761. M. Dermody indicated that it is his intention to bring the house further away from the wetlands through terracing. In order for an Amended Order of Conditions to be issued, Commissioners explained the hearing must be re-advertised and abutters notified. M. Dermody said that stones have already been dropped off for the terrace as he was not aware of this process. E. Owen asked if the proposed work is within the building envelope proposed on the original plan, and M. Dermody stated he is moving the house 15'-20' further way from the wetlands. Commissioners felt the proposed changes appear to be an improvement, and upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to find the proposed changes significant and the applicant required to file for an Amendment to the Order of Conditions for DEP #169-761.

7:15 p.m. – Public Meeting/Request for Determination of Applicability – 16 Longley Road

P. Morrison read the legal notice, and applicant Steven Carter explained that his project involves placing a garden, removal of invasive vegetation, and construction of a 26' by 26' barn within the 100-foot wetland buffer. In response to E. Owen's question about the proposed barn foundation, S. Carter answered it will probably be a concrete slab or possibly wood. He was unsure whether a frost wall would be necessary. He plans to access the barn from the existing driveway. No trees will be removed, but it will be necessary to remove invasive shrubs (honeysuckle) at the construction site. Commissioners noted that some type of recharge structure is necessary to handle roof runoff. B. Clements pointed out that the Commission should make a determination about whether the proposed project complies with the Wetlands Protection Bylaw.

C. Auman commented that there is some evidence it is a previously disturbed site. He stated that the Notice of Intent for the house was filed on June 27, 2000, but K. Corwin said this is new construction, filed under the new Bylaw. E. Owen asked how are we defining "previously disturbed". S. Carter said that the site has many invasive species, and he has removed 3 truckloads of trash that included pipes, concrete, and steel. C. Auman said the Commission needs to evaluate the impact of building within the buffer zone. K. Corwin thought that previously disturbed means land that is not suitable wildlife habitat due to the presence of lawn. E. Owen noted that the removal of invasives should be viewed as wildlife habitat improvement.

P. Morrison suggested that the Commission also consider an alternative analysis. He pointed out that the proposed location of the barn seems appropriate in view of zoning setback requirements (50' from Longley Rd.) and its use as an accessory structure. The Wetlands Bylaw states "Construction of an accessory structure associated with an existing

structure where the Commission finds that: no practicable alternative site outside the Adjacent Upland Area is available; the size and impact of the proposed structure have been minimized; and the structure is located so as to minimize impact on the Resource Area.” [Section 215-7 (2)(g)] If the size and impact are minimized, the Commission could approve the project. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to issue a positive Determination of Applicability for 16 Longley Road, requiring the applicant to file a Notice of Intent.

Commissioners recommended that the project be bundled to include the barn construction, the garden, and the removal of invasive vegetation. They explained that it is acceptable for the As-Built foundation plan to be used as a base map, but the location of the driveway must be included.

7:30 p.m. – Public Hearing/Notice of Intent – 28 Vose Avenue

Homeowner Michael Egan explained that his septic system had failed. Because of the soils, proximity to wetlands, and lot size, it was necessary to request several waivers. The old system will be replaced with a Board of Health-approved FAST system that is considered innovative technology. There is a dual tank chamber with a dosing system that breaks down effluent before it reaches the leach bed. The system has already been installed under an Emergency Certification previously issued by the Conservation Commission. The disturbed area has been seeded, and grass is currently growing as the Commission observed at the Saturday site visit. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to close the hearing for 28 Vose Avenue.

B. Ganem reported that the applicant for 14 Station Avenue has requested a continuation to July 22nd, and upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the Public Hearing/Notice of Intent for 14 Station Avenue to July 22, 2003 at 7:15 p.m.

In discussion on the encroachments observed at the site visit, Commissioners were concerned about the fence on 85 Hidden Valley Dr. that encroaches on town-owned conservation land. Commissioners agreed that a letter should be sent to the homeowners noting that private lawn area should not be extended into conservation land. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to send a letter to the owner of 85 Hidden Valley Dr., noting that the fence is keeping the public off of public property and requesting that they remove it.

E. Owens reported that he has located the metal boundary for 77 Hidden Valley Rd., buried under a hemlock tree. The Planning Board has agreed to require granite monuments in future subdivisions, but this is an older, pre-existing subdivision. E. Owens thought it would be possible to get a clear line across the back boundaries of the lot so it is not necessary to do intermediary points. Essentially, #85 is keeping the public out of public property.

8:00 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, representing Beals Associates, explained that they expected to go before the Planning Board again on June 26th and have recently met with Groton public safety officials. They are currently working with Judith Nitsch Engineering, Inc. (JNEI) to develop finalized plans. She submitted supplemental drainage calculations, as well as Beals Associates’ response to the JNEI’s comments. She stated that Beals Associates would be very pleased to see the hearing closed tonight. K. Corwin noted that there are several outstanding issues that the applicant has not addressed, including moving the traffic circle outside of the buffer and modifying the road alignment. C. O’Connell maintained that the circle will not have a tremendous amount of impact, and the goal is to cross the wetland at its narrowest section. The purpose of the circle is to slow traffic, and this would not be possible if the circle is eliminated. In

response to a question about the use of pavers, C. O'Connell noted that highway departments typically regard this as a maintenance headache. Commissioners asked if there were other options to minimize pavement in the buffer zone.

Commissioners agreed that there would not be a problem with filling the 2 southerly "manure pits" for aesthetic purposes, while the northern one should be left alone. This removes the buffer zone issue for three of the proposed houses. Commissioners observed that the 2 smaller depressions were not connected to any other wetlands on site. The open land around the two multi-family sections is to be deeded to the town, but Commissioners observed that the area is probably too small to hay. E. Owen commented that he would like to hear from JNEI and Tom Delaney before making a decision to close the hearing. In addition, the road through the south portion of the lot is quite close to the wetland resources. Commissioners felt that it was likely that there is a small wet area that was not flagged in the original ANRAD and recommended that fencing be considered. C. O'Connell explained that the shapes of the detention basins have been altered to look more natural, and there are water quality swales along the edge of the roadway. In summary, Commissioners agreed they would await JNEI comments on the Notice of Intent, that plans should show fencing along the southern portion of the roadway, filling two out of the three depressions is acceptable, and details of the water line installation along Shirley Road should be provided. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the hearing for Surrenden Farm, DEP #169-858 to
July 8, 2003 at 7:30 p.m.

Commissioners agreed to re-issue a Certificate of Compliance for DEP #169-85, and the appropriate forms were signed.

Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to confirm the issuance of an Emergency Certification for the clean-up
of the burned materials at the new high school.

8:30 p.m. – Appointment/Stan Dillis

S. Dillis has concerns about moving the replication area across the common driveway for 269-271 Pepperell Road, particularly since he did not have permission from the current owner of the lot to do test holes. He estimates that 850 SF of wetland was filled in order to put in the driveway. In addition, he estimates that 900 SF of wetland was disturbed to create the replication area that now totals 1,500 SF.

Rob Smith, homeowner at 269 Pepperell Road, stated that it appears that the creation of the replication area stalled because of the ledge on site, and the builder did not want to go to the trouble of blasting. The Order of Conditions specified a certain size replication area, and R. Smith urged the Commission to require the completion of the replication area. P. Morrison noted that the Commission is concerned that blasting will cause fractures in the rock that will then allow the area to drain. K. Corwin pointed out that there are two vernal pools on site. The Commission's goal is to get something satisfactory growing there. Some cattails are coming in, but there are two areas of ledge visible within the replication area.

S. Dillis suggested some type of berm or elevation change to hold the water in so that the area will become functionally wet. B. Clements expressed reservations about increasing the size of the replication area because it will require the clearing of additional trees. P. Morrison noted that the berm might be a less intensive approach as it may serve no good purpose to destroy vegetation on the other side of the driveway. K. Corwin was concerned that not requiring a full replication rewards the applicant for not abiding by the Order of Conditions, and she did not believe the Commission should allow this to happen.

C. Smith stated he would not like to see the other side of the driveway torn up, and he feels the builder should be required to remove the ledge 3'-4' down and add muck to create a proper wetland. E. Owen reiterated concern that blasting would affect the hydrology of the site. S. Dillis noted that other commissions require that a wetland scientist oversee replication projects so that the commission can be aware of problems earlier. He wondered if a one-foot high

berm would create a spillway that could hold water, and that this may satisfy the original design. K. Corwin commented that five of the seven interests protected under the Act are affected by the filling of this wetland, including flooding. C. Auman summarized the discussion by pointing out that some additional research is necessary to determine what effect blasting would have and the feasibility of a berm. P. Morrison concurred, suggesting that experts be consulted to decide which approach will have the greatest probability of success. Commissioners assured R. Smith that he would be notified by certified mail once the Notice of Intent is filed.

E. Owen recused himself from the meeting as Commissioners reviewed a request from Robert Collins, on behalf of Groton Woods Realty Trust, to extend three Determinations of Applicability. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to grant an extension for Lot B-28 Paugus Trail for 3 years.

Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to grant an extension for Lot B-30 Paugus Trail for 3 years.

Upon a motion by P. Morrison, seconded by B. Clements, it was

VOTED: to grant an extension for Lot B-47 Forest Drive for 3 years.

K. Corwin voted in opposition.

B. Ganem reported that she recently reviewed an Occupancy Permit for 120 Reedy Meadow Rd., finding that the buffer had been disturbed with grading and seeding activities and the installation of a propane gas tank within 100 feet of wetlands. The new buyer is aware of the need to get a permit from the Commission. The builder has filed a Request for Determination of Applicability that will be heard at the July 8th Commission meeting.

Commissioners agreed to continue membership in the Massachusetts Association of Conservation Commissioners (MACC) and the Nashua River Watershed Association. If it appears that there are active associate Commissioners, their names can be added to the list in the future.

Noting that comments on the Washington Green Comprehensive Permit proposal are due the ZBA in time for their hearing on July 9th, Commissioners outlined a response to the application.

The comments should include reference to the adjacent conservation land, the presence of prime wildlife habitat for Blandings turtles, ermine, and otter, and the location within an ACEC. It should also be noted that the Commission expects the applicant to protect the 200' Riverfront Area and 100' buffer to Bordering Vegetated Wetland. The plans reviewed by the Commission do not show drainage outlets or how much grading will be necessary to complete the project. It is clear that the topography makes this a very challenging site to develop.

In a November 27, 2001 Commission vote, it was agreed to contract with Bob Black for the removal of the shed at Sorhaug Woods for \$1,200. After discussion, Commissioners recommended that a letter be sent to the Board of Selectmen noting that the Commission did not feel this was an appropriate use of the Conservation Fund and asking the Selectmen to consider a reserve fund transfer.

In response to a letter from Robert Stephens, Commissioners agreed to thank him for his concern, but point out that this matter is not within the Commission's jurisdiction, as the automobiles cannot be considered a permanent structure.

The Commission discussed the proposed gift of land on Pepperell Road, Parcel 3 on Map 213, a 5,663 SF area. Given the size of the parcel and the fact that it does not abut existing conservation land, Commissioners questioned whether it should be conservation land. B. Ganem commented that it may be valuable for the town, perhaps for drainage structures for the Highway Department. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to empower Bruce Clements to visit the site, determine if there are any resource areas that would be of conservation interest, and make a recommendation to the Selectmen.

B. Ganem reported that she is concerned about the level of funding for wages for parking attendants, and will plan to use more senior volunteers to help out at the Beach.

P. Morrison and K. Corwin have completed the training tapes and turned in their Verification Sheets.

Upon a motion by P. Morrison, seconded by K. Corwin, it was

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

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

VOTED: to approve the minutes of June 10, 2003, as drafted.

Due to the late hour, Commissioners decided to hold discussion on the Regulations until the next meeting.

Regarding the encroachments, E. Owen stated that he would use yellow paint to mark boundaries.

In response to the request for a Certificate of Compliance for 47 Boathouse Rd., Commissioners requested that a letter be sent to Steve Marsden noting that features were inaccurate and/or missing from the As-Built Plan.

E. Owen, P. Morrison, and C. Auman are available for a site visit on Saturday, July 5. Currently, the only site to be visited is 120 Reedy Meadow Rd.

Commissioners noted that it could be difficult to get a quorum due to Kathleen O'Connor's resignation and the fact that Alix Chace has not been attending meetings and site visits. A notice of the vacancy has appeared in the paper, and hopefully there will be volunteers who will step forward. To move the process along, A. Chace will be asked to submit a letter of resignation to the Selectmen.

E. Owen indicated that he would be willing to remove invasive vegetation on conservation land if he had a brush cutter; he asked Commissioners to consider purchasing this equipment. Questions were raised about where it could be stored, but Commissioners thought the idea has merit, particularly for such areas as Eliades, Crosswinds, and Sorhaug.

There being no further business, the meeting adjourned at 10: 07 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended 7/8/03