

GROTON CONSERVATION COMMISSION

July 22, 2003

MINUTES

Chairman Craig Auman called the meeting to order at 7 p.m. Craig Auman, Bruce Clements, Kris Corwin, and Evan Owen were present. Peter Morrison arrived at 8:50 p.m. Alix Chace was absent. Barbara Ganem, Conservation Assistant, was also present.

Resident Matthew Smith of Lindsay St. was present to discuss his interest in working on the Conservation Commission. He explained that he is a runner and likes the outdoors, bike paths, and open space. E. Owens suggested he may want to consider the Trails Committee as well. K. Corwin noted that most of the Commission's work centers around administering the Wetlands Protection Act and local bylaw. It includes site visits and deciding on measures that will protect wetlands, and it's helpful to have some experience with identifying wetland plants and wildlife. M. Smith indicated that he wanted to get a sense of what the job entails and the time commitment involved. Commissioners said that a minimum of four meetings per month, including two Saturdays for site visits, is typical. Copies of filings/plans and other materials are distributed in advance to help prepare for meetings.

B. Clements pointed out that the Commission is responsible for managing a lot of conservation land, and it is helpful to have continuity in membership on the board. Members attend Massachusetts Association of Conservation Commissions (MACC) workshops and conferences covering various aspects of what Commissions do. B. Clements noted that he finds the most rewarding aspect of the job to be the permanent protection of open space through the purchase of land or Conservation Restrictions.

C. Auman commented that land management is a critical part of the Commission's mission. Much of the Commission's work is process oriented and includes reading a considerable amount of information. Some volunteers serve as Associates and work in such areas as inventorying natural resources on conservation parcels. Commissioners invited Mr. Smith to stay for the remainder of the meeting to get an idea of how the Commission works.

B. Ganem reported that the engineer for the 14 Station Avenue project has requested a continuation on his Request for a Determination of Applicability to September 23rd. Upon a motion by E. Owen, seconded by B. Clements, it was

VOTED: to continue the meeting for the Request for a Determination of Applicability for 14 Station Avenue to September 23, 2003 at 7:15 p.m.

K. Corwin suggested that the Commission consider the following when reviewing projects that include wetland crossings in areas with rare amphibian populations: tunnels with slotted tops to let in light and provide damp conditions, drift fences or retaining walls to herd animals, oversize tunnels, a preference for box culverts rather than pipes, a preference for open bottom arches and box culverts that maintain the natural stream bed, and the incorporation of benches or channeling water through a trench inside the culvert to allow dry passage of animals when water is flowing. The Commission may want to include these recommendations in the Wetlands Protection Bylaw draft Regulations. B. Clements pointed out that the Natural Heritage Program was not in favor of wildlife tunnels in the Academy Hill project, but K. Corwin noted that there is a need to study migration patterns for each species. K. Corwin asked Commissioners to review the information she e-mailed to everyone before deciding on a course of action. Unless rare wildlife are identified on site, the Commission typically cannot require these studies to be done. .

Regarding the deed to the Torrey Woods Conservation Area, Commissioners asked B. Ganem to check with Town Counsel on the legality of allowing a public water well on land deeded under MGL 40 §8C.

In response to the request from Baystate Environmental Consultants for an insignificant change to the Order of Conditions for DEP File #169-831, and upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to require that the applicant file for an Amendment to the Order with public notice and notification of abutters.

C. Auman commented that the Commission has previously voted to allocate funds for monuments marking the boundaries of conservation areas. The annual budget for land management is \$2000.00, which doesn't go far, particularly on such large

ticket items as the ten signs ordered for conservation parcels. The Commission should be aware that any expenditure over \$2000 must come out of the Conservation Fund. E. Owen noted that he has received pro bono four granite monuments that he will use in the Skyfields Conservation Area.

7:30 p.m. – Public Hearing/Notice of Intent/DEP File #169-863 – 100 Hollis Street.

K. Corwin read the legal notice, and proponent Bob Pine explained that an existing 1830's farmhouse was re-located to a new foundation on this 6 acre hammerhead lot. He noted that there are 4 acres of wetlands on site, for which he previously filed a Request for Determination of Applicability for the removal of invasive species as a first step in the restoration of the wetlands.

Keeping in mind that there is a 25' sideline setback requirement, he is proposing an addition that will maintain the 100 foot offset to wetlands and accommodate the elevation necessary to accommodate a sewer connection. He anticipates a small lawn with an area for a garden and wildflowers. There will be a garage-under with parking on the side away from the wetland. Part of the site is within the polygon identified as rare species habitat by the Natural Heritage Program.

B. Clements commented that the proposed work keeps the building 100' from the wetlands, and there is no grading closer than 50' to the wetlands. K. Corwin stated she would like to keep the hearing open until there is a reply from the Natural Heritage Program. In response to E. Owen's question about the erosion control line, B. Pine stated that material will be graded to blend with the natural toe of the slope. No work will be done beyond the limit of work line. He maintained that the area is previously disturbed because it is former field or lawn. He felt that the proposed addition and grading meet the current Wetlands Protection Bylaw. C. Auman commented that he appreciated Mr. Pine's observance of the 50' no-disturb buffer. B. Clements asked the kind of vegetation to be planted in the graded area, and Mr. Pine indicated that they plan to use wildflowers.

B. Pine asked for the Commission's thoughts on a possible future modification that includes the creation of a pond within a portion of the Bordering Vegetated Wetland. E. Owen stated that it would add to the diversity of the site and bring more area under the Commission's jurisdiction.

K. Corwin noted that, currently, the wetland is pretty pathetic. With native species and no fish, it is possible that the excavation for a pond could create more wildlife habitat. B. Pine stated that the purpose would be wildlife enhancement. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to continue the hearing to August 12, 2003 at 7:30 p.m., pending a response from the Natural Heritage Program.

7:50 p.m. – Public Hearing/Notice of Intent/DEP File #169-862 – Lot 8 Surrenden Farm/Farmers Row and Shirley Road

Cynthia O'Connell from Beals Associates explained that Lot 8 is the age-restricted cluster which will be before the Planning Board on Thursday night. The applicant is, however, applying to the Zoning Board of Appeals for a variance on the number of units which can be on a common driveway. It is the applicant's position that this variance would make the circulation pattern more comprehensible to residents and would also increase the distance between necessary curb cuts to more than 200'. The alignment of the main road has already been reviewed by the Commission, and this would not change, but the common driveway issue could affect the layout of several buildings. For this reason, she requested that the hearing be continued to allow time for the ZBA to review the project. C. O'Connell noted that the drainage calculations for the roadway incorporated all impervious surfaces and would thus cover a reduction for fewer driveways. In addition, the applicant plans to establish two escrow accounts (for both Ayer and Groton) for the future maintenance of the detention basin located in Ayer. Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to continue the hearing to August 26, 2003, time to be determined.

In discussion on the remediation of arsenic-contaminated soils at the Surrenden Farm site, C. O'Connell stated that she felt this would qualify as an exempt agricultural practice, but a Request for a Determination of Applicability (RDA) has been filed with the Commission. In addition, a filing has been made with the Earth Removal Advisory Committee. C. O'Connell reported that the Board of Health met last night to work out a remediation protocol that satisfies all parties. She explained that much of the work is outside of the 100' buffer zone. The plan that accompanies the RDA shows an additional house lot which will be the "farmhouse" that owns the land to be subject to a Conservation Restriction. The Restriction may include covenants that require periodic mowing to maintain the area as a field. The Grantee will be the Conservation Commission. The RDA proposes measures that appropriately protect resources including temporary siltation basins and progressive remediation of the soils. E. Owen asked if this is a quick process, and C. O'Connell responded that will depend on the protocol to which the

parties agree.

B. Clements pointed out that there was a great deal of interaction between the scientists at the Board of Health meeting, and he was concerned about the stability of the soils, particularly the potential for particles to become airborne. The soils might be scraped away, might be tilled in, or there may be some combination of techniques. The owner, Joe Falzone, wants to be sure that each lot is certified free of contaminated soils. According to C. O'Connell, the concentration of contaminated soils will remain the same although there may be an increase in the volume of contaminated materials on the areas proposed for open space. B. Clements asked for clarification on the future use of the land for agriculture, and C. O'Connell indicated that it might be used for cattle or horses or for hay but orchards are not anticipated. B. Clements pointed out that the risk assessment differs according to the use. She stated that she hoped the Commission would consider issuing a negative Determination with conditions.

8:15 p.m. – Public Hearing/Notice of Intent DEP File #169-864 – Lot 9 Surrenden Farm/Farmers Row and Shirley Road

K. Corwin read the legal notice, and C. O'Connell said that Lot 9 includes the condominium lots in the northwest corner of the site. These lots are surrounded by open space that will be deeded to the Town. There is minor grading for yard area within the 100' buffer zone. Some additional tree planting to screen buildings from Farmers Row will be required by the Planning Board. These trees must be under 35' at maturity. C. O'Connell asked the board to consider keeping this hearing open so that the same plan will be reviewed by the Planning Board and the Conservation Commission. Judith Nitsch Engineering is currently reviewing this portion of the project. The size of these housing units will vary from 1800 – 2500 SF, with the largest costing \$300,000 to \$400,000. K. Corwin pointed out that 13 are located within the buffer zone, and the planting of native plants will be important in these areas. In response to E. Owen's question about a "curtain drain", C. O'Connell explained that a 6" perforated pipe is installed about 4' below grade using geotextile fabric and crushed stone. The permanent installation is designed to intercept groundwater. While there are no buildings within the 100' buffer zone, there will be some grading. The boundaries must be well marked according to Planning Board standards. The future uses of the open space to be deeded to the Town, under the care and custody of the Conservation Commission, will be determined by the Conservation Commission and the Trails Committee. The plowing and maintenance of the common area and the community septic system will be under the management of a homeowners association. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to continue the hearing for Lot 9 Surrenden Farm to August 26, 2003.

Continuing the discussion on the use of the Conservation Fund for land management, C. Auman noted that the Commission should formalize these expenditures, particularly when we authorize expenditures that are not covered by the regular Commission budget. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to authorize B. Ganem to allocate up to \$5000 from the Conservation Fund for maintenance and signage on conservation areas.

E. Owen asked the outcome on advertising for someone to mow properties, and Commissioners explained that Bruce Dubey has indicated that he is able to perform maintenance functions, including mowing, so the ads were never placed. E. Owens pointed out that small parcels do not need mowing every year, and in some instances (Skyfields) it is preferable to scythe the wet meadow in order to preserve species diversity. He volunteered to work on individual land management plans for conservation areas. B. Ganem reported that she has contacted Tom Delaney to see if the Highway Department would be willing to remove the shed at Sorhaug Woods.

Attorney Robert Collins and developer David Moulton were present to discuss the current status of the agricultural/conservation land at Walnut Run.

(P. Morrison arrived at 8:50 p.m.)

Mr. Collins noted that Mr. Moulton is completing work on Lot 7 in the subdivision, and it made sense to screen loam on site. Unfortunately his mistake was in placing the tailings from the screening operation on the conservation area. He has met with the Erosion Control Advisory Committee and agreed to remove the tailings from the conservation area and re-seed the area with timothy hay. K. Corwin pointed out that there are pieces of concrete mixed in with the tailings, and the area is 2' above the surrounding grade. In addition, there are two roads accessing the area, and the drainage swale depicted in the NOI plans does not appear to be constructed. The loam screener is on conservation land. K. Corwin asked D. Moulton to provide dates for when these steps will be completed, and Mr. Moulton indicated he is awaiting signoff by the Erosion Control Advisory

Committee. He estimated that finish grading and seeding could be completed in short order, and he would be willing to return in the fall if the grass didn't take.

B. Clements pointed out that this conservation land is maintained in agriculture, and is planted in hay. Once the disturbed areas are graded and seeded, they should be indistinguishable from the land that is currently hayed. D. Moulton agreed that the site is notable for its soils and said that the restored area will be the best part of the field when he is done. E. Owen asked how the area will be seeded, and D. Moulton indicated that seeds are scattered using a hand-held device.

Regarding the Conservation Restriction to be placed on land in the Deerhaven subdivision, R. Collins indicated that he was working on a draft which he will forward to the Commission.

Resident Joe Gerstner was present to discuss the Commission's possible participation in the purchase of land currently proposed for a Ch. 40B project on West Main St. in West Groton. He noted that the proposed project would have a dramatic impact on the ten residences on Spencer Circle. J. Gerstner stated that the residents have been able to come up with \$150,000 of the \$375,000 asking price for the 1.58 acre parcel. The builder is anticipating rental income over a period of years so the amount exceeds the \$100,000 recently paid for the parcel. The site is completely wooded and abuts an old railroad bed owned by the Town and managed by the Conservation Commission. In a general discussion before the Selectmen on Ch. 40B projects Mr. Gerstner noted that only 3.8% of these projects are denied. Commissioners explained that the Conservation Fund could not cover this expenditure and suggested that a possible recourse would be town meeting. The approach might be to discuss the future costs to the town if this land is developed. The Commission recently paid \$226,000 for a 36 acre parcel so this purchase would have limited conservation value because of its small size. Commissioners indicated that they supported the concept of protecting this parcel, but there are insufficient funds in the Conservation Fund at this time. Mr. Gerstner thanked the Commissioners for their time and noted that he also plans to contact the Groton Conservation Trust.

In discussion on the draft Order of Conditions for Surrenden Farm, Attorney Ray Lyons expressed reservations about including a requirement about the Conservation Restriction as the Planning Board has already weighed in on how the project will be phased. He explained that half of the ANR lots on Shirley Road and the age-restricted housing in the southwest portion of the parcel will be done in Phase I. Commissioners pointed out that the Condition does not state the Conservation Restriction must be in place, just that the approval process must be underway. With some changes in the draft, and upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to approve the draft Order of Conditions, as amended for DEP File #169-858
for Surrenden Farm/Farmers Row and Shirley Road.

C. Auman indicated that he has reviewed the video tapes prepared by the town's insurance company and passed them on to E. Owen.

Concerning vacancies on the board, Commissioners expressed concern that quorums will become an issue with membership down to five. C. Auman will talk with Jean Kitchen about when the Selectmen will consider the appointment of Stacey Laudenslager. On the Saturday site visit, Marshall Giguere indicated an interest in doing site inventories. B. Ganem will send him the Site Survey form and a list of nearby conservation areas. A. Chace has submitted an e-mailed resignation letter. Stephanie Janis has indicated that she is unavailable to serve as a Commissioner at this time. Matthew Smith stated that he would prefer to start as an Associate so that he can learn more about Commission processes. Bruce Easom has also requested a Committee Interest form but nothing has been submitted to the Commission at this point.

In other business, P. Morrison observed that there appears to be work, including a pool and landscaping, within the 100 foot buffer on the second house in on Broadmeadow. K. Corwin explained that her future on the Commission is in question, but she is unsure of the exact timing. B. Ganem reported that she had reviewed the files and minutes pertaining to the Hidden Valley/Groton Woods Conservation Area, and it appears that the homeowners had indicated they would develop a management plan for the area. Commissioners agreed to await the receipt of this plan before taking any further action.

In response to the request for comments on the Gibbet Hill Restaurant, Commissioners noted that the revised driveway location appears to be further from the wetlands than in the previous plan. The re-located driveway will go through the current office. There appears to be a lot of impervious surfacing, and the parking lot is close to wetlands. From the plans submitted, it is unclear whether drainage structures would direct runoff into the wetlands.

The Planning Board has also requested comments on the Brooks Orchard development, and Commissioners noted that the

proposed roadway stub/cul de sac is located within the 100 foot buffer zone. As currently proposed, the plan does not conform to the Wetlands Protection Bylaw, but more detailed plans are needed.

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

VOTED: to approve the minutes of July 8, 2003, as amended.

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

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

APPROVED, as amended, 8/12/03