

## GROTON CONSERVATION COMMISSION

September 9, 2003

## MINUTES

Chairman Craig Auman called the meeting to order at 7:00 p.m. Craig Auman, Bruce Clements, Kris Corwin, Stacey Laudenslager, Evan Owen, and Peter Morrison were present. Barbara Ganem, Conservation Assistant, was also present.

After review of the minutes and upon a motion by E. Owen, seconded by P. Morrison, it was

VOTED: to approve the minutes of August 26, 2003, as drafted.

B. Ganem reported that she visited 44 Ames St., in response to a Request for a Certificate of Compliance, and she confirmed that the project, a pond, has not been built. Upon a motion by P. Morrison, seconded by E. Owen, it was

VOTED: to issue a Certificate of Compliance for an invalid Order of Conditions for  
44 Ames St. for DEP #169-255.

Concerning the request for an Extension to DEP #169-599, the Woods Mill Pond Drawdown, B. Ganem noted that the Natural Heritage Program has no comment regarding the drawdown. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to issue a three year extension for DEP #169-599.

The original Order of Conditions calls for regular monitoring reports, and this should be noted in the cover letter that accompanies the Extension.

K. Corwin noted that there appears to be some confusion about the location of the vernal pool on the Mattbob property. She requested that a copy of the vernal pool certification package be sent to the ZBA for clarification. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to request a wildlife study now or when they file a Notice of Intent.

Commissioners agreed to schedule a site visit to the Children's Extended Care Hospital to determine whether they need a statement from an engineer verifying compliance with the Order of Conditions.

In discussion on the draft letter to the Groton Dunstable School District, K. Corwin reported that she had observed construction trucks using the emergency access roadway at the new High School. Recommended changes include the stipulation that no through traffic be allowed on this roadway. Only those motor vehicles used for maintenance of the roadway or utilities, as well as emergency vehicles, are permitted. According to S. Laudenslager, signage is in place at the entrance from the high school. The locks on the gates have not been put into place. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to send a letter, as amended, to the Groton Dunstable School District concerning the Conservation Restriction and outstanding issues on the Order of Conditions for the emergency access roadway.

P. Morrison questioned whether the proposed hiring freeze recommended by the Board of Selectmen applies to appointed positions. C. Auman agreed to attend the Department Heads meeting on this topic on September 16<sup>th</sup> at 9 a.m., and E. Owen and B. Clements expressed an interest in attending the meeting with the Natural Heritage Program representatives on September 16<sup>th</sup> at 10 a.m.

7:25 p.m. Appointment – Selectwoman Virginia Wood

To continue the discussion on potential uses of Williams Barn, B. Ganem reported that Joel Lerner, Director of Conservation Services for the state Executive Office of Environmental Affairs, indicated that adaptive reuses that are compatible with conservation purposes are perfectly acceptable uses. He suggested office space, equipment storage, farmers market, weddings,

environmental education, arts and craft shows, etc. as possible uses. To the issue of lack of plumbing facilities, V. Wood noted that Dr. Horowitz from the Board of Health suggested that portapotties could work in the short term, but the Commission should also consider a long term solution. Currently, there are no plans to winterize the barn.

Vic Burton commented that there is a well on the property, but it needs to be dug out and a submersible pump installed to provide water. He is not sure whether the water is potable. He stated that the barn had been used as a dairy barn, but also provided hay storage. It will be necessary to coordinate with the Massachusetts Historical Commission to determine whether any changes to the building or landscaping are in keeping with the Preservation Restriction. V. Wood suggested that the Commission set up a revolving fund so that any funds generated by use of the barn are returned to a town account for the future maintenance of the facility. V. Burton reported that electricity has been installed. Commissioners agreed to include the Williams Barn on the Saturday, September 20<sup>th</sup> site walk. V. Burton noted that the October 11-12, 2003 Open House will include an exhibit on the preservation/renovation process, cider and butter-making, nature walks, and maps of Sorhaug Woods will be available. He noted that one of the reasons for the Open House is to get input from the community as to future uses as there are a lot of different ideas out there. There is track lighting, according to V. Burton, to illuminate the floor space but also to show off the interior barn structure.

Regarding the September 16<sup>th</sup> Department Heads meeting, V. Wood assured the Commission that only paid positions would be affected by the hiring freeze. The Board of Selectmen will review the filling of vacancies created through attrition, including seasonal positions. For the purposes of creating a budget, each department will look at the cost of benefits. Commissioners pointed out that the expense portion of the Conservation budget is small to begin with, and reducing staff time could create a situation in which the Commission is unable to comply with state-mandated time lines, leaving the Town open to lawsuits. V. Wood stressed that the process is beginning early so that both the Selectmen and the Finance Committee will have a clear handle on what services will be impacted if budgets are cut. Commissioners thanked V. Wood for coming in.

7:45 p.m. – Request for Determination of Applicability/Gleason Connector/NEFF – Pepperell Road

The Commission visited the proposed site of the trail bridge on September 6<sup>th</sup>, discussing the bridge design for spanning a wet area. V. Burton explained that there was no other alternative to crossing the wetland. K. Corwin commented that she would like to see signs limiting the trail to certain uses. E. Owen pointed out that the Commission could issue an Enforcement Order if damage occurs. Commissioners agreed that an appropriate opening should be put in the existing stone walls. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to issue a negative #2 Determination of Applicability with the condition that an appropriate opening be put into the stone walls to direct trail users and that the use be limited to foot traffic only.

7:55 p.m. – Public Hearing/Request for Amendment to the Order of Conditions – 295 Reedy Meadow Rd. – DEP #169-799

Homeowner Laura Degroote explained that the addition and playground have been completed, but they would like to add a deck. The Commission, having walked the site on September 6<sup>th</sup>, noted that the deck is within existing lawn area and would be on footings. L. Degroote agreed to add the stipulation to the Amendment that peastone will be placed under the deck to aid in recharge. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to accept the proposed amendment to include a deck and issue an Amended Order of Conditions for DEP #169-799.

8:00 p.m. – Public Hearing/Notice of Intent continuation – Lost Lake/Knops Pond Drawdown

Dr. Bill Eger was present and explained that John Diezemann, President of the Groton Lakes Association, has arranged for a boat for the September 16<sup>th</sup> visit by Natural Heritage. B. Clements emphasized that it is important to get their input because of the potential impacts to wildlife posed by the proposed drawdown. Resident Ed Colbert of 63 Boathouse Rd. asked if the regular drawdown will occur, and Dr. Eger responded that it would probably take place around mid-October. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the hearing until October 14, 2003, pending the receipt of additional information from the Natural Heritage Program.

8:10 p.m. – Appointment – Vic Burton – Gratuity Rd. trail bridge

V. Burton said the Commission has previously visited the site and voted on the concept of installing three 2 ½ foot diameter pipes which is reasonably comparable to upstream and downstream structures. It would cut the cost in half and have smaller labor and maintenance costs. This replacement would fill 360 cubic feet of floodplain, however, which must be compensated for at same elevation as the fill. This would be difficult to do within the 20 foot wide trail easement, much of which is also within the floodplain. Not providing flood storage could create a problem as the flooding will be displaced onto other properties. A box culvert would provide more area for flood storage. C. Auman noted that he has previously approached Barry Cunningham about sharing the existing bridge. B. Clements asked if it would be possible to just widen the channel of the stream, but it was noted that the fill and cut must be at the same elevations. Another option might be to wait until Lot 1 is bought from Mr. Cunningham and then approach the new owner about using the bridge. In a straw vote of Commission opinion, members agreed that the order of preferences is 1) an easement to use the existing bridge 2) a span 3) a box culvert. E. Owen stated that he favored a culvert with compensatory flood storage. Members noted that a wood span would be a maintenance nightmare.

In further discussion, the Commission questioned whether Mr. Cunningham might be more receptive to the change if the Commission agrees to incur the legal costs that would be involved. Commissioners thought having two bridges side by side might devalue the property. P. Morrison agreed to contact B. Cunningham to explore this alternative.

Beth Montgomery was present and asked the Commission what corrective action will be taken to discover what is causing the pollution at Sargisson Beach. B. Clements reported that he had attended the Board of Health meeting at which the high E. coli readings were discussed. He noted that the Board was interested in having the Commission look at the issue. The high levels could be caused by dogs, geese, ducks, septic systems, or children in diapers, and Commissioners questioned whether additional testing might identify the cause. B. Montgomery noted that perhaps the guards were allowing children to swim without bathing suits and suggested that the Commission consider requiring swim diapers. B. Clements suggested a dialogue between the Board of Health and Conservation Commission to develop a solution. P. Morrison requested that the Commission ask the Board of Health to do additional testing as a starting point.

The Commission next considered the Orders of Conditions due this week. Upon a motion by E. Owen, seconded by P. Morrison, it was

VOTED: to issue an Amended Order of Conditions for the Groton School Wastewater Treatment Plant, DEP #169-831.

In discussion on the Order of Conditions for 21 Moose Trail, members expressed concern about the questions which have not been addressed by the homeowner for previous work at the site, in particular the retaining wall. S. Laudenslager moved significance, the regular conditions, and special conditions. P. Morrison suggested the inclusion of the following condition "Prior to commencing the septic system repair, the applicant must obtain a Certificate of Compliance for DEP #169-781." If he can prove that the retaining wall was constructed according to approved plans, the Commission will be able to issue a Certificate. If not, the Commission would issue an Enforcement Order. Upon a motion by S. Laudenslager, seconded by K. Corwin, it was

VOTED: to issue an Order of Conditions for DEP #169-866 for 21 Moose Trail as drafted.

9:10 p.m. – Public hearing/Notice of Intent continuation – Shattuck Well/off Martins Pond Rd.

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

VOTED: to table discussion unless and until the applicant appears and continue the hearing to September 23, 2003, pending receipt of comments from the Natural Heritage Program.

9:15 p.m. – Public Hearing/Notice of Intent continuation – Unkety Well/off Chicopee Row

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

VOTED: to table discussion unless and until the applicant appears and continue the hearing to September 23, 2003, pending receipt of comments from the Natural Heritage Program.

In review of the draft Regulations, Commissioners reviewed the changes made at the July 8<sup>th</sup> meeting and discussed a modification to the Permit Fees. Section 4.6.1 f will now read: "The fee for an application for a modification of a permit will be the excess of the fee for the modified project as calculated above (*this should read below*) over the fee paid for the original permit. There is a minimum fee of \$25 for modifications which may, in the case of minor projects, be waived at the discretion of the Commission." In Section 7.2.6, the first sentence shall read "The applicant shall bear the burden of proving by a preponderance of credible evidence that the proposed work or activities in the adjacent upland resource are necessary and that reasonable alternatives, including reducing the scale and scope of the project, do not exist." The definitions for a driveway and for minor grading will be incorporated into Definitions in Section 9. The Commission will continue to work on the definition of retaining wall to be included in the Regulations. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to adopt the Regulations with the changes discussed above.

The Commission will schedule a public hearing for discussion on the Regulations.

9:30 p.m. – Public Hearing/Notice of Intent continuation – Lot 8, Surrenden Farm - Farmers Row and Shirley Rd.

Landscape Architect Cynthia O'Connell from Beals Associates, Inc. explained that the applicant has been before the ZBA to discuss putting in more than 10 dwelling units on a single common driveway and having access points less than 200' apart. The ZBA has voted to grant these variances. Based on tentative approval of the conceptual plan, the Planning Board has recommended the preparation of an engineered plan. Lot 8 is the deed restricted over-55 housing. Maintenance and open space issues will be handled by a condominium association. C. O'Connell stressed that the new plan will result in an improved circulation pattern on site. Pending the development of the new plans, C. O'Connell requested a continuation. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the hearing for Lot 8, Surrenden Farm to October 14, 2003.

9:45 p.m. – Public Hearing/Notice of Intent continuation – Lot 9, Surrenden Farm – Farmers Row and Shirley Rd.

C. O'Connell noted that Lot 9 is the smaller single family structures located in the northwest corner of the property. Commissioners raised concerns about the demarcation of private lots from the area to be deeded to the Town as open space. C. O'Connell explained that there is a planting plan for this area, but Commissioners pointed out that something permanent should mark the edges to prevent encroachment from abutters. Granite bounds become obscured over time, and a post and rail fence is not always permanent. Trees planted at each intersection with the boundary could work for demarcation. The owners of the buildings have exclusive use of centralized areas on site. No grade changes are proposed at the edges of property. The town will have an access easement to the detention basin located within the open space area for maintenance purposes. The condominium association document could include an operation and maintenance requirement for permanent boundary demarcation. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to close the hearing for Lot 9, Surrenden Farm.

10:00 p.m. – Public Hearing/Notice of Intent continuation – Groton Residential Gardens – Mill and Main Streets

Brian Lagrasse explained that he has submitted the full package to the Natural Heritage & Endangered Species Program. The revised site plan includes data plot locations, a barrier (post & rail fence) between buildings and wetland, the Tyngsborough page included in the Supplemental Data Report has been omitted (JNEI has soil logs for the site according to B. Lagrasse), the elevations of buildings are shown on the architectural drawings, 6" of peastone is proposed below the decks. No gutters or downspouts are proposed as roof runoff is considered clean and can be recharged directly to the ground. B. Lagrasse indicated that there is recharge at the edge of all buildings in the Buffer Zone. Recharge of the parking area is accomplished via catch basins piping to the infiltration units. K. Corwin pointed out that this system could potentially remove water from the vernal pool system at the rear of the project. Even though the pool appears to have an outlet, the fact that it dries up (proving the absence of fish) and supports snails and caddisflies (facultative vernal pool species) indicates that it is a potential vernal pool.

One of the conditions for this project will include the requirement that documents for the certification of this pool be submitted to the Natural Heritage & Endangered Species Program.

B. Clements emphasized the need to keep buildings outside of the 100-foot Buffer Zone of wetland resource areas. He expressed reservations about the density, amount of impervious surfaces, number of people who will live there, and the proximity of the buildings to the wetlands. P. Morrison asked if the project, as currently proposed, protects the interests of the Act. B. Lagrasse said yes, although it does have impacts on the Buffer Zone. The Commission may want to consider including conditions in the Order limiting the use of fertilizers and areas where grass clippings and snow storage may occur. Commissioners pointed out that the extremely small area between the buildings and the wetlands creates a problem. B. Clements commented that the state is considering a limit of 8 dwelling units per acre for the siting of affordable housing. B. Lagrasse assured the Commission that if the density of the plan changes, the proponents would reconfigure the buildings and the whole site layout. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the hearing to October 14, 2003, pending comments from the Natural Heritage & Endangered Species Program.

In other matters, B. Ganem reported that the Selectmen have signed off on the deed to accept the gift of land at the corner of Castle Drive and Pepperell Road. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to approve the signing and acceptance of the deed for the property identified as Parcel 3 on Assessors Map 213.

Concerning the current vacancy on the Conservation Commission, members expressed support of Bruce Easom's candidacy, noting that he has frequently been before the Commission on Trails Committee business. B. Clements commented that he has done a lot of good work on town trails and is very familiar with conservation lands. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to send a letter to the Selectmen, supporting Bruce Easom's appointment to the Conservation Commission.

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

VOTED: to appoint Marshall Giguere as an Associate member of the Conservation Commission.

Commissioners noted that the MACC is holding several fall workshops which members may be interested in attending.

B. Clements reported that six of the conservation land signs have been installed this past week, and the remaining four signs will go in tomorrow.

There being no further business, the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as amended 9/23/03**

