

## GROTON CONSERVATION COMMISSION

## MINUTES

October 28, 2003

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

Upon a motion by E. Owen, seconded by C. Auman, it was

VOTED: to continue the public meeting for the Request for Determination of Applicability for 14 Station Avenue to November 12, 2003.

Upon a motion by S. Laudenslager, seconded by B. Easom, it was

VOTED: to continue the public hearing for the Notice of Intent for the Lake Drawdown to November 12, 2003.

Upon a motion by B. Easom, seconded by K. Corwin, it was

VOTED: to continue the public hearing for the Notice of Intent for Lot 8, Surrenden Farm to November 12, 2003.

Upon a motion by K. Corwin, seconded by S. Laudenslager, it was

VOTED: to approve the minutes of October 14, 2003 as drafted.

Regarding the trail easement proposed for the parcel at 271 Pepperell Road, B. Easom recommended that the right to mark the trail be incorporated into the wording. Copies of the draft document will be distributed to members.

In discussion on the request for an Extension to the Order of Conditions for Lot 6 Autumn Leaf Drive, E. Owen recommended that the silt barrier be removed for the portion of the driveway starting 50' before the pavement ends. Upon a motion by K. Corwin, seconded by S. Laudenslager, it was

VOTED: to issue a one year extension for DEP #169-774, Lot 6 Autumn Leaf Drive.

(E. Owen recused himself from the following discussion)

Regarding the Request for a Certificate of Compliance for 195 Duck Pond Drive, members agreed that the rock wall will serve as the permanent limit of disturbance. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to issue a Certificate of Compliance for DEP #169-704, Lot 62 at 195 Duck Pond Drive.

7:20 p.m. – Appointment/Fire Chief Joe Bosselait

Chief Bosselait distributed information and explained that he would like to install dry fire hydrants at locations outside of the water district which do not have cisterns. It is his hope that the use of a static water source could be permitted at the local level. The advantage of a dry hydrant is that water can be instantly available in the winter. He stated that the installation would be done in an 8' to 10' deep trench which would then be backfilled. C. Auman asked how many installations are anticipated, and Chief Bosselait responded that the W. Groton subdivision on Wallace Road is the most urgent since their fire cistern has failed. The proposed location would be near Fitchs Bridge on the Nashua River. He noted that there are currently dry hydrants at two locations on Chicopee Row and one on Flat Pond. Chief Bosselait pointed out that he was told that fire protection would not fall under the new Wetlands Protection Bylaw.

E. Owen said that there is a steep embankment at the proposed location, and Chief Bosselait indicated that they may need an easement from an adjacent owner although the preference is to use town-owned land. The hydrant would remain in place year round. Due to potential impacts to the River through the excavation of a 15' to 18' bank, Commissioners recommended that the plans be prepared by an engineer. Chief Bosselait noted that installation of hydrants would improve the town's insurance rating as the availability of water is a determining factor in rate setting. K. Corwin asked if some type of strainer would cover the intake pipe, and J. Bosselait replied that he believed 3/8" inch perforations would be used. Although planning for the installation of fire protection devices is not an emergency in itself, it does appear to fall in the category of a significant public benefit under the Bylaw. Each location will have to be evaluated individually as the depth of some resource areas could limit withdrawals as high as 30,000 gallons. Chief Bosselait explained that the installation itself can be quite quick. Members recommended that he file a Notice of Intent and stressed the need for hard numbers showing a cross section of the proposed excavation and discussion of how turbidity will be minimized and the bank stabilized during installation. Commissioners agreed that they support this effort.

#### Lot 21 Pond Hill Lane and Chestnut Hills Rd. Public Hearing/Notice of Intent Continuation

Surveyor Stan Dillis explained that he had reviewed the area to the north of the parcel to determine if there were any wetlands present. Based on the October 25<sup>th</sup> site visit, members concurred with Mr. Dillis' assessment that there were no wetlands north of the site. Abutter Paula Harker commented that a considerable amount of grading is necessary in order to build anything on Lot 21 Pond Hill Rd. As the homeowner of the lot directly below the site, she asked where she could go to assure that water continues to flow along the existing swale. Members noted that if all work is outside of the 100 foot buffer, the applicant will not need to come before the Commission. The Earth Removal Advisory Committee is likely to be involved in any work on this lot, and they do not notify abutters by certified mail. Mr. Dillis indicated that they had previously been before that Committee, but a new plan must be developed to reflect the new wetland delineation. Ms. Harker was advised to watch the newspaper for notice of an Earth Removal Advisory Committee meeting. Upon a motion by E. Owen, seconded by B. Easom, it was

VOTED: to close the hearing for the Abbreviated Notice of Resource Area Delineation for Lot 21 Pond Hill Lane, DEP #169-877.

#### 23 Radio Road Public Hearing Notice of Intent Continuation/Brian Pittenger

B. Pittenger explained that the only thing remaining is discussion about the 100 year floodplain. The information from his bank is that it is not in floodplain, but he has seen the FEMA map which shows his lot as partially in the floodplain. Some of the elevations do not appear accurate as lots that are higher are also included in the floodplain. Mr. Pittenger noted that he has previously filed with the Commission for similar work but in different locations. The proposed work will consist of repair work on the existing retaining wall to prevent erosion into the Lake.

B. Clements commented that he has some misgivings about doing it in the same way and wondered if the old wall should be removed. B. Pittenger explained that the Conservation Commission has previously been very negative about that proposal since it would require the use of heavy equipment to move the huge granite blocks and would result in more extensive disturbance. The plan to encircle the existing retaining wall was deemed a less invasive procedure. Mr. Pittenger stated that, during the winter drawdown, the water is approximately 16' to 18' off his point. The side with road frontage is actually soft due to high groundwater. E. Owen suggested that compensatory flood storage might be possible through the construction of steps in another location. B. Pittenger pointed out that steps would require a 4' deep excavation for the foundation, and he felt this would have considerable impact.

Beginning at the deepest location required that the retaining wall be as high as nine blocks, but Mr. Pittenger anticipates that only a two or three block high wall will be necessary under this filing. He noted that this section of the wall is not in severe disrepair. B. Easom asked if the Commission has the authority to waive the requirement that there be compensatory flood storage.

Members noted that the applicant has previously received Commission approval, and it is a spongy site clearly at risk of losing land due to wave action. In order to be consistent and fair, each 49' should be considered as a different project. Through approval of this project, storage area in the 100 year floodplain is being taken to safeguard future capacity. B. Clements said he has been convinced that the project is reasonable as designed. Upon a motion by B. Clements, seconded by K. Corwin, it was

VOTED: to close the hearing for DEP #169-872, 32 Radio Road.

8 Valley Road Public Hearing for a Notice of Intent continuation, DEP #169-875

Stan Dillis stated that he is exploring several ideas, but has no hard design to present at this time.

In order to do compensatory flood storage it would be necessary to do a lot of excavation and remove mature trees. He estimates that there is one to two feet of fill at the retaining wall. A bowl could be excavated on the hillside, an area below the retaining wall could be excavated, or the retaining wall could be removed. Members asked how much fill has been placed in the floodplain. B. Ganem indicated that compensatory flood storage must be done at the same elevation as where the filling occurred in an area not currently used for flood storage, in accordance with the DEP General Performance Standard at CMR 10.57(4) (a) 1 for Bordering Land Subject to Flooding. In general, Commissioners preferred the removal of the retaining wall to the excavation of the hillside next to Cow Pond Brook. Mr. Dillis estimated that it was 300 cubic feet of fill behind the retaining wall. Upon a motion by K. Corwin, seconded by B. Easom, it was

VOTED: to continue the public hearing for the Notice of Intent for 8 Valley Road.

8 Hazelwood Avenue - Public Meeting for Request for Determination of Applicability/Comeau

John Comeau explained that the property belongs to his mother, but he is doing the work. He plans to remove the old mortar and stone retaining wall and replace it with 65' - 70" of a new block retaining wall. E. Owen indicated that the project is not likely to impact the resource area, and he felt that a negative Determination was appropriate. K. Corwin suggested that 49' should be the standard, above which a wildlife study should be done. E. Owen commented that a wildlife consultant, such as Leah Basbanes, could prepare a wildlife study to allow more work to go forward.

Mr. Comeau explained that he has had the material delivered, and it is the delivery charges which are most expensive. He also noted that he has taken time off from work in order to complete 50' of the retaining wall. He expects that the remaining 15' will take a day. Upon a motion by K. Corwin, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination of Applicability with the conditions that the applicant follow the submitted plans and that the wall repair be limited to 65 feet.

Commissioners pointed out that it will be necessary to file a Notice of Intent next time and that a wildlife study be done if more than 49 feet of retaining wall is to be replaced.

751 Lowell Road – Public Meeting for Request for Determination of Applicability/Testa

Homeowner Vincent Testa noted that the Commission had visited the site the previous Saturday and questioned how roof runoff will be handled. He stated that he could put pits at either side of the garage; E. Owen advised that he contact a sanitarian to determine whether roof runoff can be directed to dry wells in close proximity to the leach field. Members suggested that a french drain, consisting of a stone lined trench at the roof drip line, may be appropriate for the gutter downspouts on the house. Mr. Testa stated that a mansard roof is proposed for the garage with a 3' overhang at the back. He said that he could have gutters empty into 5' to 6' deep pits on either side of the garage.

S. Laudenslager noted that the pitch of the land is currently opposite of what it should be. Mr. Testa explained that he had dug a trench around the house in order to install a foundation to replace the sona tubes that previously supported the house. He stated that the area is artificially built up, and he would like to have an even grade across the back. K. Corwin indicated that the drainage should be toward the driveway, not toward the stream, and measures to address roof runoff should be shown on the plan. Mr. Testa made the appropriate changes and signed and dated the revised plan. Upon a motion by K. Corwin, seconded by S. Laudenslager, it was

VOTED: to issue a negative #3 Determination, providing the revised plan is followed, the site is properly stabilized with no erosion, and native plant material is used to stabilize the site.

(B. Easom and E. Owen recused themselves from the following discussion.)

Appointment/Leslie Chaput/Helen Easom-Cahen

Chairman Auman explained that the goal is to work out a management plan for the Shattuck property on Martins Pond Road. Leslie Chaput has previously come before the Commission to request permission to graze her animals on Commission land. Ms. Chaput explained that she has been careful to assure that some of the land remains open and available for horseback riders. Her horses are kept within a fenced area, and it is reasonable to not have people in there although her horses are not unsafe. At any one time, she has one area fenced and another being made into a grazing area. The horses prefer the lower field but they are rotated to keep the grasses cropped. There was existing barbed wire marking the edge of old field vegetation. The existing cart paths are used and provide good access to the site. L. Chaput pointed out that, as with orchards on conservation lands, some portion of the land is open when it is not used as pasture for the horses.

C. Auman sketched a map of the land, commenting that public access is one of the questions that the Commission must address, and he urged the group to move forward in developing a plan for its use. H. Easom-Cahen stated that she has ridden her horses there for the past ten years, with permission from the former owner. L. Chaput asserted that she has always assured that there is adequate access via the traditional cart paths. C. Auman noted that this is one of a few parcels that the Commission wants to maintain in an open state, both for recreational purposes and the vista to Baddacook Pond. L. Chaput pointed out that the area to the left of the cart path is actually safer because there is better footing. She rotates field use, however, according to what areas need to be grazed. If the Commission were to mow the area one or two times a year, it is an additional expense for the Commission's limited land management budget. H. Easom offered to pay for the mowing.

H. Easom-Cahen proposed that the right side of the cart path be kept open. L. Chaput suggested that the fencing could be moved so that 1/3 of the open area would not be fenced at any one time. Chairman Auman noted that the question appears to be if H. Easom-Cahen cannot accept the 1/3 open alternative, the Commission must reexamine this method as a maintenance measure. L. Chaput commented that keeping back the brush is a constant battle, and she plans to mow when things are dormant. She said that there are areas that have flowers planted by Dr. Lewis which indiscriminate mowing would destroy. She indicated that areas that are in agricultural use cannot allow completely open access and stressed the value in preserving some of the plantings on site.

Ms. Easom-Cahen pointed out that the area is not appealing visually, and it is unfair for one person to have exclusive use. S. Laudenslager suggested that there must be a balance between the parcel's historic farmland use and its current management. B. Clements pointed out that the Town's Master Plan specifically mentions the value of keeping farmland in active agricultural use as an objective. Other conservation land is hayed, and he feels this is an acceptable management measure.

John Smigelski was present and explained that, as a farmer, he sees little difference between haying a field or pasturing horses. He suggested rotating in a different manner so that only half of each side is fenced at one time. H. Easom-Cahen explained there should be access around the edges of the fields. Chairman Auman stated that currently half the land is open and not fenced and asked if a 30 foot wide L-shaped path is maintained around the fenced-in area on the power line side and along a portion of Martins Pond Road would satisfy everyone. L. Chaput agreed to maintain the area. Laurie Smigelski commented that good land stewardship should include active use as an important part of managing land in an open state.

(At 9:45 B. Easom and E. Owen were asked to return to the meeting.)

Regarding the request for comments on the proposed Highway facility on West Main St., Commissioners asked that the response include acknowledgement of the area that floods on adjacent land, the presence of abandoned engines and an alternator, and the recommendation that BMPs be utilized for the storage of salt and sand.

Based on the Saturday site visit, the Commission agreed that dredging work on Thompson Mill Pond was proceeding as fast as can be expected given the generally wet conditions experienced this fall. Members observed dredged material delivered to Robin Lawrence's property on Townsend Rd.

In review of the draft Order of Conditions for DEP #169-869, the Unkety well, it was moved by E. Owen, seconded by K. Corwin, and

VOTED: to approve significance, regular, and special conditions for DEP #169-869, the Unkety well, as amended.

Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to approve the significance, regular, and special conditions for DEP #169-868, the Shattuck well, excluding condition #45, as drafted.

Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to approve the significance, regular, and special conditions for DEP #169-876, Kemp St./Parcel 103-17 as drafted.

In discussion on the Order of Conditions for Groton Residential Gardens, members agreed that there is no way to keep the wetlands from being compromised if the project is built as currently designed. The fact that there are vernal pool inhabitants speaks to the sensitivity of the resource area. B. Clements pointed out that the Conservation Commission has an important role in this case because it is the only town board with expertise which can take action. B. Easom said he has a hard time envisioning a worse plan than what has been presented. K. Corwin moved, and S. Laudenslager seconded, and it was

VOTED: to deny the project as presently proposed, based on the draft Order of Conditions, as amended, for Groton Residential Gardens, DEP #169-871.

Regarding the October 17<sup>th</sup> memo from the Board of Assessors, members agreed to discuss the E. coli problem experienced at Sargisson Beach this past summer as potentially caused by failing septic systems when Board of Health Chairman Susan Horowitz attends the Commission meeting on November 12<sup>th</sup>.

Members who reviewed the Chapter 91 material on docks noted that they discourage the use of telephone poles and CCA pressure-treated lumber in submerged applications.

After review of the Conservation Restriction Application Form and Field Inspection Form for the proposed conservation restriction and trail easement on 271 Pepperell Road, and upon a motion by E. Owen, seconded by B. Clements, it was

VOTED: to approve the Field Inspection Form as drafted.

B. Easom abstained from the vote. It was noted that E. Owen, B. Clements, S. Laudenslager, K. Corwin, C. Auman, and P. Morrison were present for the inspection.

Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to approve the Conservation Restriction Application Form as drafted.

B. Easom abstained from the vote.

There being no further business, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

