

GROTON CONSERVATION COMMISSION**Minutes**

November 25, 2003

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

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

VOTED: to approve the minutes of November 12, 2003, as amended.

In response to an e-mail from MACC about the availability of the Environmental Bond for open space and agricultural land purchases and upon a motion by K. Corwin, seconded by S. Laudenslager, it was

VOTED: to authorize B. Ganem to prepare a letter urging Governor Romney to release funds in the Environmental Bond for the purchase of land for open space and agricultural land protection.

Members hiked a proposed trail on the Johnston Conservation Area on Maple Avenue with Steve Legge of the Trails Committee on November 22nd. S. Legge designed the trail with cross country skiers in mind, paying particular attention to preserving a buffer next to adjoining private hayfields. Upon a motion by B. Easom, seconded by S. Laudenslager, it was

VOTED: to approve the proposed Johnston Conservation Area trail layout.

B. Ganem reported that 100 feet of chain link fencing that surrounds the quarry on Flavell Crossing has been vandalized with some of the cement posts pulled from the ground. E. Owen noted that this had previously been repaired just before the property was transferred to the Town. The fencing protects people from falling from a steep rock face into the quarry area which holds water. Although the trails do not provide access to this area, kids apparently have discovered the site. It would be difficult for machinery to access the area to repair the fencing. E. Owen agreed to take a look at the site, and B. Easom indicated he would like to go as well.

Regarding the request for a partial Certificate of Compliance and sign off on the project at 8 Valley Road, K. Corwin made a motion, seconded by B. Easom, and members

VOTED: to not sign off on the Occupancy Permit for 8 Valley Road until the floodplain issue is squared away and the site is properly stabilized for the winter.

E. Owen abstained from the vote.

7:15 p.m. – Appointment/Glenn Webber/22 Hazelwood Avenue

Mr. Webber showed members photographs depicting an area of his lawn which is being undermined as a result of decaying landscape timbers. He noted that he would like to consider something more permanent for the retaining wall surrounding his lot. He stated that he was unaware that he would have to do anything but apprise the Commission of the proposed maintenance work.. Mr. Webber indicated that other neighbors were using processed block or railroad ties, but he proposes using granite chunks or shards called blast stone, a sample of which he showed the Commission. The dry wall would be backed by Mirafi paper with crushed stone used in the voids. Commissioners pointed out that 49 linear feet is permitted per filing. If this amount is exceeded, a wildlife habitat study is required. Mr. Webber noted that approximately 35 feet is in need of immediate attention, and he expects the design to be two feet wide at the base,

tapering to one foot at the top. The current landscaping ties are about two feet high, and he estimated several hundred linear feet must be replaced.

Members requested that a Notice of Intent be prepared with detailed plans for the retaining wall, pointing out that repair of retaining walls, whether landscape timbers or stone, requires such a filing. If the work is to be done while the Lake is drawn down, the filing should come in as soon as possible. Since health and safety issues are not involved, the proposed work does not meet the criteria for an Emergency Certificate.

7:30 p.m. – Appointment/Ed Doucette/Children’s Extended Care Center/DEP #169-278

Commissioners visited the site on Saturday to review the wetland edge and the location and functioning of the replication area. Mr. Doucette said the surveyor has indicated the replication area is 37% smaller in size than was originally proposed. Members noted that, due to the higher elevation of the replication area, it is unlikely to be functioning as a wetland. Typically, the Commission looks for at least one to one replication. An area of 3,800 square feet was originally proposed, and only 1,490 square feet has wetland vegetation at this time.

In short, the Commission is being asked to issue a Certificate of Compliance for a project that does not comply. Discussion focused on what alternative would best address the issue, including the disruption of re-grading and re-planting the whole area. Originally Isolated Land Subject to Flooding, the hydrology appears to be in transition with the site becoming increasingly dry. E. Owen recalled that the area had few trees at the time the parking lot was extended. Members expressed concern that both the square footage and the elevations appeared to not conform with the original plan. The replicated area is higher than the wetland to the east of it, and it does not function as a wetland.

S. Laudenslager pointed out that plowing and salting the parking lot could impact the wetland, and it might be possible to enhance conditions at the parking lot itself. E. Doucette noted that curbing or fencing are a possibility, and snow could be pushed to either side of the parking lot. C. Auman commented that it is unfair to those applicants who meet the conditions specified by the Commission to not have some mitigation for wetlands filling. Improving the quality of water that runs off from the site is one option. E. Doucette indicated that the slope of the site is toward Hillside Avenue rather than the wetland. Other suggestions for mitigation included: 1) a conservation restriction on a portion of the property, 2) wetland improvements in another section of town, 3) fencing or berming, 4) catch basins with oil and grease traps, 5) a contribution to the Conservation Fund to equal the square footage of the missing replication area, and/or 6) removal of invasives from the replication and wetland area. Mr. Doucette indicated that the fencing and removal of invasive species were probably the most viable alternatives. E. Owen noted that this section was avoided in the 1970’s because it was wet.

Commissioners recommended that the owner and/or buyer put together a plan and file a Request for Determination of Applicability which could be reviewed by the Commission and approved with a negative #3 finding, with conditions under which the work could take place. Once the work has been completed, the Commission would re-consider the request for a Certificate of Compliance.

7:45 p.m. – Appointment/Wendy Good/Northwoods Trail

Ms. Good distributed a marked-up copy of Assessors Map 227 on which she noted the completed trails in green and proposed trails in red. Members of the Trails Committee and Conservation Commissioners Bruce Easom and Bruce Clements confirm that there appears to be fencing on Lot 82 that encroaches on the Northwoods Conservation Area trail. Noting that most of the trail is already completed, W. Good stated that trail posts are to be placed on the easement on Lot 73 so that residents can identify the trailhead. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to allow the Trails Committee to continue the proposed trail work on the Northwoods Conservation Area.

and upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to send a letter to the owner of 54 Northwoods Road about the possibility

of encroachment and asking that he contact the Conservation office to let us know why he believes his fencing is on his own property.

Ms. Good agreed to notify the owner of Lot 73 prior to the installation of the trail posts.

8:00 p.m. – Informal discussion of Crosswinds Management Plan

Resident Dave Herbert (813 Townsend Rd.), who had met with the Commission on site on Saturday, explained that the goal of the management plan contracted for by the residents was to maintain the area in an early successional stage. Trees were to be cut when their heights exceeded 20 feet. Mr. Herbert indicated that the neighboring residents were having a difficult time deciding which trees should be cut and need the assistance of the Commission in carrying out this aspect of the plan. He pointed out that the area serves as good animal habitat and there are walking trails. Margaret Brown (803 Townsend Rd.), June Folger (835 Townsend Rd.), Nancy Leaver (861 Townsend Rd.), and Janis DiScipio (871 Townsend Rd.) were also present. Mr. Herbert estimated that he has been a resident of the area for 12 years.

S. Laudenslager said she felt it was important to continue implementing the plan to assure wildlife diversity on site, but she could understand the concerns about abutters losing their privacy if trees are cut. One of the recommendations in the plan called for the creation of brush piles from the cut trees, and M. Brown pointed out that this creates a fire hazard. Another recommendation is the planting of trees to provide fruit and mast for wildlife, and the funding to purchase such stock is an issue. When trees were cut in 2001, the Commission paid \$500 to have them chipped.

B. Easom observed that the project appears to have lost momentum over time, and the neighborhood is looking for more specific guidance from the Commission. He noted that one approach would be to hire a qualified forester to mark the trees, perhaps leaving a perimeter of uncut trees around the field area for privacy. The residents stressed that the area currently has a lot of wildlife, including killdeer and snapping turtles that cross Townsend Rd. from Flat Pond. M. Brown indicated that her sister is a birdwatcher and has identified over 30 species that use the area. Children also play there which the Commission became aware of during the Saturday site visit. Mr. Herbert indicated that he personally is willing to do some of the work but he feels the group needs an outside arbitrator to identify which trees should be cut. Commissioners raised concerns about the safety of people doing work on site.

The deed for this parcel calls for the area to be maintained “in its natural and open state” and used for “passive recreational” purposes. For instance, organized sports, such as football, would not be appropriately sited here, but nature trails could be. Mr. Herbert noted that he would hate to see the grasses mowed. He commented that the neighborhood needs guidance in determining what trees to be cut, how large to make the clumps, etc. Although wheeled motorized vehicles are prohibited from this parcel, snowmobiling is permitted.

E. Owen said that cutting and chipping trees goes beyond a Boy Scout project, but perhaps NEFF is aware of whole tree chippers that could take on the project. B. Clements observed that the existing clusters of pine trees do not look bad, but to expect neighbors to do this type of maintenance in perpetuity is asking a lot. He questioned whether snowmobile use could be considered passive recreation and asked how the neighborhood feels about this. Commissioners indicated that this has been a point of discussion in previous meetings with residents. Early successional forest is specifically geared toward wildlife habitat. Residents noted that blackberries are creeping into the area where trees were previously cut. There are rare turtles in the vicinity of this site, and any management strategies should consider this. B. Clements suggested that the Groton Electric Light Co. might be willing to chip trees as they have been helpful in chipping brush out at Williams Barn.

Member S. Laudenslager expressed concerns about the safety of residents working on this project and questioned why people who don't own the land should have the responsibility of maintaining it. She suggested that the Commission walk the site with an eye to identifying what trees need pruning, cutting, or chipping. The Commission could then hold a public hearing to listen to comments from the neighborhood about the proposed work. D. Herbert indicated that the group is interested in maintaining the land but feels that there should be a periodic review, perhaps every two years. He felt that the neighborhood was responsible for obtaining the management plan and ideally will find the stewards to carry it out. Commissioners agreed to mark the trees at the December 6th site visits.

M. Giguere commented that he had observed red-breasted nuthatches on this site on Saturday. He noted that the neighbors have requested assistance from the Commission in making the decision to cut trees. He also pointed out that there appears to be some fence creep on the northern boundary of the parcel. He asked if the area had been clear-cut, and members explained that the site had been an airfield at one time. A farmer had expressed interest in haying it, but concerned neighbors paid for the Forestry Management Plan because they did not want to see the parcel turned into agricultural land.

K. Corwin reported that she had submitted information to the Natural Heritage & Endangered Species Program for the certification of the vernal pool on the Groton Residential Gardens property.

B. Ganem explained that several concrete structures in the 100 foot Buffer Zone to the east of the Gibbet Hill barns are scheduled to be demolished as part of the restaurant project. Mr. Webber had mentioned this phase of the project during a Commission site visit, but it is not fully clarified on the plans. The project manager has proposed extending the erosion control line to protect the wetlands from this work. Members agreed that this was understood to be part of the trade-off in improving the property so that the east field can be seeded as a wet meadow. Originally the driveway was to be sited in this area. Upon a motion by K. Corwin, seconded by S. Laudenslager, it was

VOTED: to put a note in the file that an amendment to the Order of Conditions (DEP #169-874) for the Gibbet Hill Restaurant for the demolition of concrete structures is unnecessary because it was part of the proposed project.

B. Easom abstained from the vote.

B. Easom and B. Clements reported that they had attended the Selectmen's meeting the previous night, and there are plans to set up a town committee to address affordable housing issues. They will be requesting representatives from the various existing committees. The goal is to have 10% of the housing stock be classified as affordable. Several town-owned properties will be explored as possible sites for town-owned affordable housing. In particular, the Brown Loaf site which the Commission visited on Saturday was discussed. B. Clements noted that he and Bruce Easom revisited the site on Monday. B. Ganem sent comments to the Selectmen that included the alternatives analysis prepared when various sites for a new high school were being examined. B. Clements noted that the access is challenging and the presence of rare species has been confirmed by Brian Butler. The land may be large enough to accommodate housing, but access is likely to be an issue. The site needs further investigation before a decision is made.

E. Owen questioned whether a detailed wetland delineation had been prepared by Ross Associates. While the high school was a bigger project, it may be necessary to invest some funds to determine whether it is feasible for affordable housing. K. Corwin noted that Brian Butler's report mentions specific ponds but these were not shown on the map that was given to the Commission. It appears that the ponds with rare species are in the southern portion of the parcel. Apparently, these observations were not submitted to the Natural Heritage Program. If state funding or state permits are part of the affordable housing project, MEPA would be involved because this is within the ACEC. Wetland flagging and having a wildlife biologist evaluate the site are necessary.

B. Easom noted that the area designated as Area II on the map reviewed by the Commission appears to have some upland that would be suitable for housing, but it becomes an economic issue to construct the access. K. Corwin pointed out that the Commission's responsibility is to look at the constraints posed by conservation values, and she felt that there is inadequate information. While a 40B project does not have to follow local zoning rules, they are subject to the Wetlands Protection Act, particularly as it relates to rare species. In summary, the Commission will recommend further investigation, particularly a wildlife study and wetland delineation.

After review of the draft Order of Conditions for Lot 8, Surrenden Farm, and upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to issue the Order of Conditions for Lot 8, Surrenden Farm, DEP #169-862, on Shirley Road.

In response to a request for sign off on an Occupancy Permit for the Kiley house off Lowell Rd. near Baddacook Pond and associated with DEP #169-368 and 681, B. Ganem noted that there is a replication area associated with the driveway and a Conservation Restriction on land to be donated to the Town Water Department. Commissioners agreed to include the site on the December 6th site visits, but to hold off on the Occupancy Permit until a status report on the replication area is received. In addition, the applicant should be a little further along in the Conservation Restriction process before the Occupancy Permit is signed by the Commission.

Wetland scientist David Cameron submitted a timeline of the filings associated with the Tracy Eliades work on Culver Road. Commissioners noted that the filing for the wetland crossing involved work at the front of the lot, not the back where the new house foundation is located. It appears that the delineation has expired. Upon a motion by K. Corwin, seconded by B. Clement, it was

VOTED: to require that Mr. Eliades file for the new house currently being constructed on former Lot T18C.

As a result of observations made at the November 22nd site visit, and upon a motion by K. Corwin, seconded by S. Laudenslager, it was

VOTED: to send a letter to the homeowner at 186 Crosswinds Drive about possible fence encroachment into the Crosswinds conservation land identified as Parcel 202-61.

Members noted that the ZBA is holding a hearing on Oak Ridge Estates on December 3rd; K. Corwin indicated that she would be unable to attend. The wetland crossing is a certified vernal pool which cannot be filled. B. Clement agreed to attend the meeting.

K. Corwin reported that she has not had a response about testing sites for mosquito species. B. Ganem noted that the web site for the Central Mass Mosquito Control Project is <http://www.cmmcp.org> if anyone wants additional information about the work that they could do for the Town. S. Horowitz was also going to gather more details as the Commission requested at the November 12th meeting. The Board of Health would like a recommendation from the Commission in December.

Paul Funch from the Trails Committee has asked the Commission to determine what kind of posting, signage, and uses are allowed on the easement on private property on Paquawket Path.

Members questioned whether the aerial maps would show anything and if there is a significant advantage to maintaining this access since there are so many problems associated with it. There are concerns about residents being able to access the Rail Trail without traveling on Longley Rd. Commissioners requested that B. Ganem get quotes to survey the easement so that we know exactly where it is in the field.

B. Easom reported that the two items pertaining to McLains Woods will be taken up with the Trails Committee on the third Tuesday of December.

There being no further business, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted 12/9/03