

## GROTON CONSERVATION COMMISSION

## Minutes

February 24, 2004

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

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

VOTED: to approve the minutes of February 10, 2004, as amended.

In discussion on the Adamovich property on the Nashua River, members noted that this would include greenway and questioned whether there is legal frontage. An old railroad bed forms the western boundary of the property. The closest conservation land is the Johnston parcel which has frontage on Maple Avenue. The Trails Committee initiated a dialogue with the owner to see if there was a possibility of linking land on the east side of the Nashua River with conservation land in W. Groton. The parcel is actively used for agriculture although it is not in Ch. 61A. The fact that much of the parcel is in floodplain should reduce the value. Commissioners requested B. Ganem to contact the attorney who is handling the parcel and see if the parcel can be included on the next site walk.

7:15 p.m. – James Roberts – (Safety (water rescue) Stations at Petapawag Boat Launch, Sargisson Beach, Knops Pond, Bertozzi Wildlife Area, Flat Pond, and Baddacook Pond Request for Determination of Applicability

Eagle Scout James Roberts explained that he plans to install the safety stations at six locations. Each station will be outfitted with a 50' length of rope, a life preserver, and a reach pole. There are two designs, the larger of which will be utilized at the Bertozzi Wildlife Management Area where there is more space. Each station will involve excavating either one or two holes so that a 4 x 4 can be placed two feet into the ground. J. Roberts said that the Police Department will stamp their names on the equipment and is willing to maintain the safety stations. It is anticipated that this will cut down on vandalism.

Mr. Roberts indicated that the safety stations will be valuable for skaters or swimmers. Hypothermia sets in within 5 minutes, and the stations will improve the margin of safety, particularly for those destinations that are a distance for an ambulance to travel. J. Roberts assured the Commission that he did not intend to remove any brush in order to install the stations. He noted that David Diatolevi, who works for the Commonwealth's Public Access Board, has authorized the installation of the stations at the Boat Launches and offered to provide concrete. Members cautioned that using concrete could cause the wood to rot more quickly. J. Roberts commented that it is his intention to dig the holes and backfill the same day.

P. Morrison said that this was a great idea, especially since four of the six installations are in high traffic areas. He thanked Mr. Roberts for his fine work. Members had mixed opinions as to whether concrete might provide a more stable base. J. Roberts indicated that he plans to install two stations per weekend and expects to start in late April or early May.

Members agreed that this work will be in previously disturbed areas and will provide a significant public benefit. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination for the safety stations.

Commissioners briefly reviewed the draft Groton trail map for the Squannassit Regional Trails Project. Al Futterman from the Nashua River Watershed Association has asked that members get back to him with comments. B. Ganem will e-mail an electronic copy of the map to the Commission so that Commissioners can respond individually.

7:30 p.m. Diane DesRochers – 38 Fitch's Bridge Road Notice of Intent

Engineer Dan Wolfe from Ross Associates explained that the project involves a septic system upgrade. He noted that, currently, there is a failed cesspool located quite close to the BVW. He reported that bankfull conditions coincide with the wetland delineation. Soil testing revealed that the soils on site are sandy, with 4.5 feet to groundwater. The upgraded septic

system will be slightly (2.5'-3') mounded. The existing trailer with additions will be taken down and removed from the site to make room for the septic upgrade. A new tank and pump chamber will be installed. Disturbed areas will be loamed and seeded. Currently, no tree removal is proposed, but it may be necessary to take down two trees for the leach field. The force main can be located in between trees. The site is served by town water.

Mr. Wolfe noted that wetland plants and soils were looked at to determine the wetland line. K. Corwin suggested that the flagging should be moved 5' upland. Because the site is previously disturbed, it is exempt from the Wetlands Protection Bylaw. Mr. Wolfe indicated that it would not be possible to rotate the leaching trenches because the Board of Health has setback requirements. E. Owen requested a copy of the soil logs for the site. B. Clements commented that the location of the septic system further from the Nashua River was an improvement. D. Wolfe did not know if Natural Heritage had received a copy of the Notice of Intent and plans.

In response to a question from Lisa Wiesner, the buyer of the property, Commissioners explained that the Natural Heritage program is a state program which prepares maps of estimated habitat of rare species for the state. This site falls within estimated habitat, but it is unlikely that they would have an issue with a septic upgrade on a single family house. Commissioners agreed that the hearing should be left open to allow for comment from the Natural Heritage Program and receipt of the soil logs. Upon a motion by B. Clements, seconded by K. Corwin, it was

VOTED: to continue the hearing to March 9, 2004.

P. Morrison abstained from the vote.

Ms. Wiesner explained that she would like to replant some of the site with native wetland plants. Commissioners responded that it sounds like a very appealing idea, but that it would be necessary to file with the Commission before undertaking such a project.

#### 7:45 p.m. – William Higgins – 198 Townsend Road Notice of Intent

Engineer Dan Wolfe explained that the parcel is located across from Hollingsworth & Vose on Townsend Road in W. Groton. The work is an upgrade to the septic system for an existing six bedroom house. There is an intermittent stream to the west of the house which broadens out to a wooded swamp at the back of the parcel. There is a wetland depression south of the parcel which falls under the Commission's jurisdiction under the Bylaw. Soil borings were done to delineate that wetland.

Mr. Wolfe reported that a retaining wall was proposed in the original plans. The abutter, Mr. Kane, has indicated, however, that he would allow a fill easement to accommodate the grading for the septic system. This brings the work closer to the wetland pocket. A polyethylene barrier is proposed to assure that no effluent reaches the wetland. He said that the leaching trenches are located 51' from the BVW, and 24' from the depression.

Members noted that multiple variances are requested from the Board of Health, and Mr. Wolfe responded that the Board of Health requires an applicant to pursue all other alternatives to a tight tank. P. Morrison pointed out that it is a hardship not to be able to do anything other than a tight tank. D. Wolfe explained that existing conditions must be dealt with for a septic upgrade. Title V has local upgrade options, beginning with the offset to a property line. He noted that no Title V variances were requested in this instance, and, in his opinion, a tight tank was not warranted.

K. Corwin pointed out that some of the proposed grading is on someone else's land, and that owner must sign the Notice of Intent. The applicant and owner of 198-200 Townsend Road, William Higgins, explained that the immediate abutter, Mr. Kane, has agreed to a fill easement. Although he lives in England, his stepson lives in town. Mr. Higgins agreed to provide a copy of the fill easement, as well as an NOI signature page with original signatures from both owners. Mr. Morrison observed that he is in favor of the proposed design rather than a tight tank. E. Owen noted that the septic upgrade does provide a greater good for the community and argued that the site could fall under the Bylaw as it was previously disturbed. Mr. Owen asked the proponent to provide soil logs, as well as a construction sequence, especially for the work near the wetland depression.

Dan Wolfe commented that it would be appropriate to fence that area off with construction fencing and suggested a pre-construction meeting to review erosion control and the limit of disturbance. Members expressed a preference for Board of Health action on the septic permit before preparing the Order for this project. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to continue the hearing to March 9, 2004 at 9:15 p.m.

8:00 p.m. – Josh Webber – Gibbet Hill Restaurant

Mr. Webber explained that he had recently become aware that the Commission did not have the most recent plan, dated September 4, 2003, which was approved by the Planning Board. He noted that Judith Nitsch Engineering, Inc. recommended that the brush and trees be cut near Rt. 40 in order to improve sight distances for the new restaurant driveway, and the September 4<sup>th</sup> plans addressed this issue. Also, the Conservation Restriction for Gibbet and Angus Hills allows the cutting of vegetation. He expressed regret at the mix-up and assured the Commission that all tree cutting was done at the ground level and did not involve de-stumping. He felt that the risk of erosion was slight.

B. Easom pointed out that the Commission visited the site the previous Saturday and observed an extensive area of disturbed soils behind the barn where the cement platforms were removed. These bare soils are likely to move once the spring thaw sets in or it rains. He asked if there is a way to stabilize it now. Other Commissioners concurred with the purpose behind the vegetation clearing, but expressed concern that equipment actually entered the resource area. J. Webber confirmed that the haybale line has now been extended almost to Rt. 40. B. Easom asked what stabilization measures were called for in the erosion and sedimentation plan. Members requested that the amended plan be submitted to the Commission.

In discussion on the warrant articles for the 2004 town meeting, B. Ganem explained that she had talked with Eileen McHugh and Bob Pine who originally designed the erosion control plan for Sargisson Beach. Mr. Pine has indicated that the Commission could follow through with a second phase of the plan to improve conditions at the Beach, and he estimates that the cost would be under the \$9,000 remaining in that fund. Members agreed to not turn these funds over to the Conservation Fund and to include the Beach on the next site walk. The Commission will go forward with the article requesting \$200,000 for the Conservation Fund.

Regarding the recent burning of brush at Sorhaug Woods, C. Auman reported that it was done in an upland area behind the barn. The safety of the operation was due partially to the snow cover but also to the presence of a machine that could cover burning materials with additional snow if necessary. Members of the Williams Barn Committee had a fire permit from the Fire Department. There remains the issue of notifying the Commission ahead of time for work proposed on land in the care and custody of the Commission, especially if there is a question of destroying habitat or wetlands.

B. Clements noted that the measure would most likely have been approved by the Commission, but stressed the need for all parties to go through the proper procedure and not jump the gun, especially on a municipal project. K. Corwin noted that burning adds pollutants to the air, and brush piles for wildlife are used in other locations. Members agreed that it is necessary to have more lead time before undertaking such work, and the lines of communication could be improved. K. Corwin said she had made it clear that she was not speaking for the Commission when she indicated to Josh Degen that she did not personally have an issue with the burning. The information was e-mailed to the Commission on February 13<sup>th</sup>, and the burning took place on February 17<sup>th</sup>.

In general, Commissioners agreed that they would look at requests to burn landscape debris on a case by case basis. Some of the issues to be considered include whether it is to be done during the burning season or possibly as a measure to control invasives or for specific agricultural reasons. In any case, there should be prior permission to burn from the Commission for work on conservation land or near wetlands.

Highway Superintendent Tom Delaney has asked the Commission's position on burning the debris collected from breaking up the beaver dam at the Rt. 40/Schoolhouse Rd. culvert. Members questioned why he wants to do it and the current status of the beavers. Chipping is probably impractical because mud and stones are likely to be incorporated into the debris. With Sorhaug, it was more a question of process, not an environmental issue. B. Easom suggested that the Commission first look at the site, but he generally preferred that they pull the material out via the road. E. Owen noted that there may be a valid reason other than aesthetics, but he has to be sold on the idea.

Summarizing the discussion, members agreed the Commission must be notified before such work takes place, and they will decide on a case by case basis whether burning is an appropriate measure. P. Morrison pointed out that farms are allowed to burn. Members agreed that if Tom Delaney can provide details as to what, why, and the timing for burning the beaver debris, B. Ganem can e-mail the information to members.

B. Clements reported that there are several large logs at Williams Barn, perhaps a grapple load, which should be removed from the site. It could be subject to a sealed bid and cut up as firewood. Upon a motion by B. Easom, seconded by E. Owen, it was

VOTED: to allow the Williams Barn Committee to dispose of cut logs and use the proceeds as they see fit.

A Request for a Certificate of Compliance has come in for DEP File #169-637 for the house at 269 Pepperell Road. This is the lot with the common driveway and inadequate replication area.

The Commission previously agreed to accept a Conservation Restriction in lieu of the replication area. After discussion, members concurred that no Certificate of Compliance can be issued on either lot on the shared driveway until such time as the Conservation Restriction is completed.

In discussion on Oak Ridge Manor Estates, members recommended that the Commission request access due to the critical nature of the wildlife habitat on site. If the applicant chooses to deny access, the Commission may be forced to deny the project for lack of information. If the Commission is not satisfied with the information generated by their consultant or the credentials of their wetland consultant, it will not be possible to fully evaluate the development impacts. The letter should specify the period between March 1 and June 15 and request permission for access for Commissioners and their agents.

Commissioners reviewed the letter from Cynthia Beals regarding the status of remediation at Surrenden Farm. Based on the Saturday site visit, it is clear that more clearing than was proposed in the remediation Determination has taken place. The Board of Health will be reviewing the proposed remediation procedure at their meeting on March 8<sup>th</sup>, and members will try to attend.

B. Easom reported on a phone call he had received from DEP Environmental Analyst Marty Jalonski regarding Groton Residential Gardens. B. He is looking for Commission input on the revised plans which are purported to have 35 foot setbacks to the vernal pool. Since no revised plans have come in, it is difficult to determine whether that setback includes a vegetated, undisturbed buffer. Commissioners questioned whether the density of the project had been reduced. A 35 foot setback is preferable to that proposed in the original plans. This is part of the negotiating process with DEP and the applicant, but without a plan, members felt the comments should encourage the preservation of a 50 foot undisturbed buffer.

Some members have received confirmation of their workshops for the MACC Annual Conference on March 6th, but E. Owen, B. Clements, and M. Giguere indicated that they have not received confirmation.

C. Auman reported that he has discussed transferring the supervision of the lifeguards from Conservation to Recreation with the Personnel Advisory Committee Chairman who indicated that it should not affect the Conservation Assistant job description. Given the current financial issues in the Recreation Department, it may not make sense to make the transfer at this time.

Chairman Auman explained that the Affordable Housing Task Force is preparing a survey to be distributed to residents. Brown Loaf still figures prominently in the town's affordable housing plan, and it is necessary that the wetlands be delineated soon. There are confirmed sightings of blue spotted salamanders on the site as well. The Town is discussing a partial taking in order to do a study on the Cunningham property on Gilson Road

Commissioners reviewed the changes outlined by town counsel in the most recent draft of the Bylaw Regulations. E. Owen indicated he would work on a definition for a retaining wall. Members agreed to continue the review of the fee structure. Upon a motion by P. Morrison, seconded by B. Clements, it was

VOTED: to accept the modification in the Bylaw Regulations as presented, with the exception of the section on application fees.

B. Easom reported that the Community Preservation Research Committee will meet on February 25, 2004. E. Owen requested permission from the Commission to burn landscape (particularly invasives) debris at the Shattuck farm. He reported that there were no wetlands nearby, and he will obtain a fire permit. Upon a motion by B. Clements, seconded by P. Morrison, it was

VOTED: to allow E. Owen to burn brush at the Shattuck parcel.

E. Owen abstained from the vote.

There being no further business, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

Approved as amended March 9, 2004