

## GROTON CONSERVATION COMMISSION

## Minutes

April 27, 2004

Chairman Craig Auman called the meeting to order at 7 p.m. Bruce Easom, Kris Corwin, Bruce Clements, and C. Auman were present. Evan Owen arrived at 7:15 p.m. Conservation Assistant Barbara Ganem was also present.

After reviewing the draft Order of Conditions for 57 Old Ayer Road, and upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to approve the Order of Conditions for 57 Old Ayer Road, DEP File #169-884.

Members noted that they had observed work being done at 29 Boathouse Road during the Saturday site visits, and upon a motion by K. Corwin, seconded by B. Easom, it was

VOTED: to authorize B. Ganem to send a letter to the resident at 29 Boathouse Road requesting a filing for work within the 100' foot Buffer Zone.

A complaint has been received for work occurring at James Brook on the Hillbrook Orchard land on Old Ayer Road. Apparently a beaver dam has been altered, and there are plans to install some sort of flow-leveling device. Commissioners agreed that this work does not fall under an agricultural exemption. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to authorize B. Ganem to send a letter notifying the owner of Hillbrook Orchard of the need to file for work on James Brook.

Chairman Auman reported that he had responded to a complaint about tree cutting and machinery near a vernal pool on Common Street. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to authorize B. Ganem to take the appropriate action and follow-up on the complaint about CommonView Farm.

K. Corwin reported that she has observed seven wood frog egg masses within the manmade replication area at Integrity Way. She also noted that the water level appears to be at least six inches down in the vernal pool near the corner of Ames and Gay Roads. She attributed the lowered water level to the recent clearing of the culvert near 152 Gay Road. As a result, several egg masses were left high and dry. Ms. Corwin explained that neither of these vernal pools are certified at this point. She plans to visit a possible vernal pool on Champney St. this coming Sunday.

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7:15 p.m. – 285 Reedy Meadow Road NOI

(E. Owen arrived at 7:15 p.m.)

Owner Ann Bradley briefly described the proposed project which involves extending the garage, adding a second floor family room, and renovating the kitchen. The addition will fall within the footprint of the existing driveway. E. Owen asked if it would be necessary to re-configure the driveway or septic system and where the spoils would be stored. Ms. Bradley responded that the builder anticipates digging the foundation and putting any excess soils on the backside of

the hill behind the house. E. Owen asked if it would be possible to keep the same slope, and K. Corwin suggested adding a statement to the submitted plan that the same slope will be maintained, with an added depth of no more than one foot. A. Bradley explained there will be an eight foot frost wall footer excavated as the foundation. B. Clements asked how the slope will be stabilized, and Ms. Bradley replied that it's a shady area where it's difficult to establish grass but pachysandra might work. She agreed to place haybales at the toe of the slope to prevent erosion. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to close the hearing for 285 Reedy Meadow Road.

Members briefly discussed the letter from Todd Lobo on Ames Meadow.

#### 7:30 p.m. – 101 Boathouse Road NOI

Owner Frank Mavilia explained that he wanted to cap portions of his retaining wall and replace other portions. Commissioners asked if he was taking out the existing wall, and he replied he would either dismantle it or face it with a silt barrier. He plans to place rocks on the floor of the Lake against the existing wall. He plans to cap the portion facing the island in the Lake. He proposes doing the work when the water is down although capping can be done at any time. Members noted there is erosion between large rocks on the pier side. He commented that there are 1 ½ foot rocks behind it, and it isn't going to move. B. Ganem noted that the area where the retaining wall is proposed is within floodplain according to the FEMA maps. Members noted if rocks are placed outside of the current wall, it would remove flood storage. C. Auman explained that rocks would then be displacing water, thereby raising the water level somewhere else on the Lake.

Commissioners stressed that replacing the existing wall should not involve placing rocks on the lake side. K. Corwin suggested that a more detailed plan showing exactly what is proposed should be submitted. F. Mavilia stated that it will be made of stone, done in the winter, with no dirt used, and located on the shoreline depicted in the Dillis & Mische plan. K. Corwin requested a construction sequence, time of year, and additional information on the type of materials. B. Easom asked if the water comes over the existing wall, and F. Mavilia responded that it tops the wall by six inches in heavy weather or with the wake of a large boat.

E. Owen recommended that the plan show the wall in cross section with the original face of the retaining wall and the new boulders. He also noted that there appears to be a new access ramp off the retaining wall that was not included in the filing. F. Mavilia explained that he had used 1 ½ inch stone to stop runoff. Tom Delaney has told him that he plans to install a catch basin at the top of the hill to control the runoff. It's unclear where that water will drain. Mr. Mavilia said the s-shaped driveway used to be a bluff which eroded due to four-wheelers. C. Auman asked if this will be a dry set wall, and requested specifics on how the wall will be torn down and re-built, which sections will be capped, the time of year when the work will take place, a cross section of the proposed materials, and the dimensions of the segments which will be treated differently. Upon a motion by B. Easom, seconded by B. Clements, it was

VOTED: to continue the hearing to May 25, 2004.

#### 7:45 p.m. – 39 Ames Road RDA continuation

(C. Auman recused himself from the hearing.)

Owner David Moulton explained that he has already substantially cleared the meadow of invasive species and undergrowth, as well as some pruning of other trees. In addition, he cleaned up a tree cut by the Highway Department. Eventually, he noted that he plans to build a gazebo which was included in this filing. Mr. Moulton said he did not intend to cut additional trees and the area has been seeded. He said it is his intention to maintain it as a meadow with minimal mowing or weed whacking two – five times a year, using no fertilizers. He thought that seeding with good shade grasses was appropriate. K. Corwin pointed out that generally the Commission does not allow structures within 50 feet of wetlands. Ms. Corwin asked what the land was like prior to the removal of invasives, and D. Moulton explained that it was thickly overgrown with small saplings, brambles, and vines. K. Corwin noted that, generally, the

Commission considers previously disturbed areas to be associated with a house. In this case the house is located on the other side of the street.

B. Clements observed the site is being restored to a meadow with willows. Mr. Moulton explained that he understood the area had been an open meadow in the 1970's, with the pond created in the 1950's by the person who owned the house. He thought that the meadow parcel had been separated from the house parcel in the 1970's, but he has since purchased both lots. E. Owen confirmed that the site was previously infested with honeysuckle, buckthorn, and multiflora, creating good rabbit territory. Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination with the condition that any further work, other than removal of invasives and maintenance, will require an additional filing before the Commission.

Returning to the Ames Meadow letter, K. Corwin commented that the Commission has become concerned, after working through several projects with Mr. Falzone, that this is his work pattern. Upon a motion by K. Corwin, seconded by B. Easom, it was

VOTED: to require the filing of a Request for Determination of Applicability for the remaining work at Ames Meadow.

#### 8:00 p.m. – 106 Common Street RDA

Owner Zoe Eleftherio explained that she wanted a determination from the Commission about whether the stream on site was perennial or intermittent. B. Clements noted that the site is not shown on the USGS topographic map, but K. Corwin commented that it could be more complicated than that, based on the size of the watershed or drainage area and the nature of soils in the watershed. Ms. Eleftherio indicated that the stream usually dries up in the summer unless there is a thunderstorm.

E. Owen said he did not feel the Groton Wetlands Protection Bylaw would be a problem, but the definition of a perennial stream under the Wetlands Protection Act is based on watershed size. He noted that the Commission did not have enough information to make the determination, and this could be provided by GPR, the firm that flagged the wetlands on the site. There are no photographs showing the stream dry. Members agreed that the engineer should be able to provide the appropriate documentation in order for the Commission to make the determination.

Peg Devine asked if the Commission will accept the engineer's recommendation, and Commissioners indicated that it would depend on the submitted calculations and the final Commission vote. Upon a motion by B. Easom, seconded by B. Clements, it was

VOTED: to continue the meeting to May 11, 2004, pending additional information from the applicant's engineer.

#### 8:15 p.m. – Four Corners (Route 119/225 Intersection) RDA

Geoffrey Howie, an engineer from Greenman-Pedersen, Inc., explained his firm has been working on the design process with MassHighway for the past four years. He noted that the Board of Selectmen had asked him to file to assure that none of the work would affect wetlands. The improvements to the intersection of Routes 119 and 225 include signalization and lane widening to safely handle the volume of traffic from 119, 225, Sandy Pond Road, and Forge Village Road. There will be two through lanes in each direction and a left hand turn lane for 600 meters (1/3 mile) on both sides of the main roads. The construction of a sidewalk will be contributed by the Town, and the developer of Boston Road Market Place will contribute to water and drainage improvements. Mr. Howie indicated that the existing outfall swale is in bad shape, and the plans include the modification of headwalls and additional riprap at the existing low point on Rt. 119. He commented there will be additional drainage due to the increased impervious surfaces created by the lane widening. Utilities, such as cable, electricity, and telephone lines, will be installed underground. The goal of the project is to improve operations and safety at the intersection. Pedestrian abutments are

proposed at all four corners.

Mr. Howie anticipates bids will go out in late summer or early fall, with construction to commence the following June or July. He estimated it would take eight to ten months for the completion of the project. G. Howie indicated that some stormwater will drain within a closed drainage system to a swale (not a wetland) to the east of the intersection. Other drainage will be via a culvert outletting on a steep bank above the receiving water. The velocity will be fairly extreme, and the energy will be dissipated by a 3" – 6" deep stilling basin. He noted that calculations revealed that erosion would occur without further armoring of the bank.

B. Easom expressed concern that oil and salt washing off the roadway during rain events would concentrate in the pond and now there is even more water directed there. E. Owen maintained that the watershed is the same, but the routing of water will differ. Creating more impervious surface will add to the amount of water however. Mr. Howie said that the runoff is all captured, and the drainage system will act as somewhat of a sediment trap. He noted that it may be necessary to clean out the dissipater every six month and estimated that the edge of standing water is more than 200' from the outlet.

Resident Virginia Bennett pointed out it is difficult now to head east on Rt. 119 during the morning commute and asked about the timing of this work. Mr. Howie stated it is MassHighway policy to not restrict traffic during prime commuting time periods. The work will not begin before 9 a.m. B. Easom asked how much water is likely to become runoff in a typical rain event, and would the flow create a stream bed into the pond. G. Howie noted that the curbing and paving would result in very little runoff infiltration, and MassHighway requires the closed drainage system. He explained that the calculations were done in the ENF, but he did not have them available tonight, but could send them to the Commission. He felt that controls for velocity were in place and agreed to add oil and grease traps to the catch basins. Most of the curbing is vertical which is an issue with salamander and turtle populations. Upon a motion by K. Corwin, seconded by B. Easom, it was

VOTED: to issue a negative #4 Determination with the conditions that temporary erosion and sedimentation controls be installed prior to construction, oil and gas traps be included on the catch basins, and calculations showing the flow during a ten year storm be provided.

#### 8:45 p.m. – 34 Baby Beach Road NOI continuation

Engineer Peter Bemis explained that he had been asked to take a look at the floodplain, measures to further stabilize the site during construction, and the construction sequence. He noted that the shed did overlap property lines, and the applicant plans to reconstruct it. The Board of Health has approved the septic system. Mr. Bemis said his surveyor has assured him all work is outside the 100-year floodplain. B. Clements, noting that the Mountain Lakes Club is very concerned about how this project will affect their beach, inquired as to whether the applicant would be able to accomplish all of the work on this project within their own property lines. P. Bemis assured the Commission that there will be no stockpiling of materials, and the foundation will be dug and house erected within the confines of the property. K. Corwin asked where trucks will be parked while the work is underway, and Mr. Bemis replied that work will be restricted in July and August to keep the public way clear.

P. Bemis stated that the applicant intends to stabilize the existing shore line as needed. All work will be done by hand, with no machinery used. Any bare areas will be loamed and seeded. He indicated that the applicant does not intend to claim adverse possession regarding the shed, but plans to remove the encroachment. E. Owen requested clarification on the location of the chiseled square denoting the 100-year flood elevation in the dam, and Mr. Bemis said it is located in the northwest top of the spillway. P. Bemis anticipates that materials could be removed in trucks, eliminating the need to stockpile on site. The work on the retaining wall will be done by hand and could involve the use of mortar in areas where the mortar has failed.

Commissioners asked for more details on the foundation in the area of the overhang, and Mr. Bemis indicated that it currently has a makeshift arrangement of lolly columns. B. Easom asked if the applicant intends to cut into the shoreline to re-construct the shed/boathouse so that boats can be floated out of it. Mr. Bemis stated that they would use

a wedge or other modification to the shoreline, stabilizing the site as necessary. Mr. Easom said he would like to look at it again.

Mr. Bemis assured him that no machinery will be used in the area. There is a floor in the shed, and it partially overhangs water. K. Corwin asked if the whole thing will be moved and noted that the plan does not accurately depict the finished project. Mr. Bemis said they would like the structure near the water body, and it will remain the same size but re-located.

P. Bemis stated that the mortared retaining wall has probably lasted 20-30 years, but they could use other materials if necessary. They do not want to use machinery to do this. Chairman Auman commented that the Commission is seeing the plan for the first time, and it may be appropriate to give members more time to absorb the proposed project. In particular, he noted that the exact location of the retaining wall, a detail sheet for its construction, and a construction sequence are necessary. Mr. Bemis said that the applicant will use the same base for the shed but new materials to replace the exterior. He indicated that he would prefer to close the hearing, and upon a motion by K. Corwin, seconded by B. Easom, it was

VOTED: to close the public hearing for 34 Baby Beach Road, DEP File #169-887.

#### 9:00 p.m. – Shelters Road/Springy Cove NOI continuation

John Diezemann, President of the Groton Lakes Association, noted that he had received a letter from the Natural Heritage Program. Chairman Auman read the letter, dated April 20, 2004, into the record. Members agreed that some of their concerns can be incorporated into an Order for the project. Mr. Diezemann asked how the proposed early June application of the benthic barriers would work with the mid-July through mid-August blooming date of the Small Burreed, and Commissioners recommended that this be coordinated with an expert botanist. J. Diezemann indicated that Dr. Eger has contacted a “rapid response team” for a list of possible experts. Upon a motion by B. Clements, seconded by K. Corwin, it was

VOTED: to close the hearing for the Shelters Road/Springy Cove NOI, DEP #169-888.

#### 9:15 p.m. – Eliades/Culver Road NOI continuation

B. Ganem reported that Mr. Eliades has requested a continuation of the hearing to May 25<sup>th</sup>, pending the mediation session on the lawsuit. Chairman Auman briefly described that the applicant has filed a lawsuit against the Commission and several other parties for the construction of the two duplexes.

#### 9:30 p.m. – Mattbob NOI continuation

Mark Sleger (engineer), Matt Fields (owner), and Leah Basbanes (wetlands consultant) were present. Chairman Auman read into the record a letter, dated April 26, 2004, from William Rodenhizer of 963 Boston Road. Mr. Rodenhizer reported seeing blue spotted salamanders in his yard. C. Auman said this points to the need for an independent study of the habitat. Mr. Sleger indicated he has submitted some soil logs, and he will work with the Commission in conducting additional testing. Members noted that there are concerns about the timing and removal of a fallen tree on the cart path. Mr. Sleger reported that the owner has entered into a purchase and sale agreement to acquire adjacent property which will keep most of the work outside the 100-foot buffer, in particular the access will be moved out of the buffer. Concerning the Commission’s question about filing fees, Mr. Sleger indicated he felt the work falls under a Category 3A, not the 3B for four buildings. Members agreed to look into this further.

M. Sleger said revised plans will be forwarded to the Commission and Judith Nitsch Engineering, Inc. where he hopes to get a quick turnaround review. He anticipates that the 50-foot no-disturb area next to the wetlands will be maintained although grading and stormwater management may occur in those areas. Mr. Sleger confirmed that the eggs of spotted salamanders and wood frogs were found in the wetlands/vernal pool on site. He indicated that there will be no work in vernal pool habitat since all work will be outside land subject to flooding. L. Basbanes read from the Wetland Protection Act Regulations, 310 CMR 10.57 Land Subject to Flooding (Bordering and Isolated

Areas)(2)(a)(6)... “Vernal pool habitat shall include the area within 100 feet of the boundary of the vernal pool itself, insofar as such area is contained within the boundaries of this resource area.”

Resident Kris McEvoy expressed concern about the effect of this project on the hydrology of the vernal pool as the applicant is changing the flow into and out of the pool. In addition, she questioned whether blasting will have an impact on the pool. Ms. McEvoy requested clarification on the ownership of the land, and Mr. Slegler responded that the applicant has filed NOI signature pages showing which parcels are owned by which party. Also, K. McEvoy indicated that bringing equipment and machinery over the cart path right at the edge of the vernal pool is a major concern. She asked if any work will take place between now and the next Commission meeting, and Mr. Slegler replied “None was planned.” Commenting on the culvert under Rt. 119, Ms. McEvoy suggested the applicant investigate whether there is any hydrological connection with Spectacle Pond.

Resident Jennifer Marino asked if the plans for the water line have been completed, and Mr. Slegler said the applicant does not know the route as yet. Alynda Zarukas (713 Great Road) submitted a video recording of a wood frog found in her back yard. She also noted that representatives of LandTech had appeared on her property without proper notification or authorization, for which M. Slegler apologized. Mr. Slegler assured the Commission and audience that he would call B. Ganem before any work is done. B. Clements suggested that the new access further away from the wetlands be utilized. With Mr. Slegler’s concurrence and upon a motion by B. Easom, seconded by B. Clements, it was

VOTED: to continue the hearing to June 8, 2004.

(B. Clements left the meeting)

B. Ganem explained that Beals Associates has provided copies of the Supplemental Draft Environmental Impact Report, dated March 31, 2004, for all Commissioners. Upon a motion by K. Corwin, seconded by B. Easom it was

VOTED: to submit comments to and authorize B. Ganem to write up a summary of Commissioner comments for submittal to the Secretary of Environmental affairs by May 7, 2004.

Regarding the sign on Duck Pond Drive, B. Easom agreed to call the abutter and set up a meeting on site. B. Ganem reported that she is hoping to finalize the location for the mediation session on the Eliades lawsuit. The Senior Center and Legion Hall are other possibilities. It was noted that the \$50,000 funding for the Conservation Fund and the Commission’s budget were approved at last night’s Town Meeting. Selectwoman Virginia Wood, explaining that the Commission may come before the fall town meeting for additional funds, did a great job presenting the warrant article for the Fund.

E. Owen expressed concern about work that Dan McElroy might do at Groton Center Farms on the newly purchased land with a conservation restriction. There has been no farm plan for the removal of invasives, draining, and substantial upgrade of cart paths. Much of this area is adjacent to or within priority habitat.

Members advised B. Ganem that there has been work within the buffer zone at 256 Lowell Road.

Elections will be held at the next meeting.

There being no further business, the meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

