

GROTON CONSERVATION COMMISSION

Minutes

August 10, 2004

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

Commissioners reviewed the minutes of July 27, 2004, and upon a motion by C. Auman, seconded by E. Owen, it was

VOTED: to approve the minutes of July 27, 2004 as amended.

Boy Scout James Roberts was unable to meet with the Commission this evening, but will be available later in the summer to discuss the safety stations.

Members discussed the proposed trail work at Northwoods, and upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to allow the Trails Committee to put in the trail at Northwoods with the decision on any bridge work delayed until a future review.

In response to the request for a Certificate of Compliance for work at 114 Hollis Street, E. Owen questioned whether any permanent demarcation has been put in. B. Ganem reported that Stan Dillis indicates an elbow has been placed in the drain pipe so that water is directed down the swale. Members agreed that there should be confirmation that the pre- and post-elevations of the pipe must be provided in accordance with Conditions #47 and #48. The permanent demarcation mentioned in Conditions #40 and #46 may be a fence, shrubs, or boulders.

Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to issue a Certificate of Compliance for DEP #169-617 for work at 36 Hidden Valley Road.

E. Owen and P. Morrison abstained from the vote.

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

VOTED: to send a letter to the homeowner at 36 Hidden Valley Road reminding him of Condition #26 "No fertilizers or pesticides shall be used within 100 feet of the wetlands in perpetuity."

Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a Certificate of Compliance for DEP #169-855 for work at 5 Little Hollow Lane.

7:15 p.m. – Appointment - Vic Burton

Mr. Burton previously submitted to the Commission a packet of information that included two letters to Siri Sorhaug and a petition requesting a change in the name of the conservation land currently known as Sorhaug Woods to the Williams Barn Conservation Area. Mr. Burton stated that the main reason behind the request is that the name Sorhaug is not readily recognized by the public while Williams Barn is well-known. He noted that the area is to eventually become a major trailhead.

(B. Clements recused himself from the discussion as he is a member of the Williams Barn Committee.)

Mr. Burton said he has worked closely with a member of the Williams family for the past three years, and he felt that it was appropriate that the area be named for the family that once owned and worked the farm. Vic Burton has attempted to contact Siri Sorhaug twice and has not had any response. It is intended that the family will still be recognized for their contribution to the preservation of the property by some type of commemorative plaque or granite boulder, but the name change will be more recognizable to the general public.

Member Auman pointed out that the land across the street from the Williams Barn was given by the Williams family and is also named Williams. He felt that a lot of energy had gone into saving this property, and a name change should not be taken lightly. P. Morrison said the Sorhaugs were involved in the efforts to assure that no school or other development take place on the property, and he felt uncomfortable with the proposed name change. K. Corwin questioned whether there was any way to ascertain whether the two letters actually reached Mrs. Sorhaug, and V. Burton replied that the letter would be returned if they were unable to deliver it in Norway. C. Auman maintained he would be very insulted and offended if he received such a letter. Mr. Burton responded that the Sorhaugs' contribution would be acknowledged by the commemorative plaque. E. Owen recalled that the Sorhaugs had observed a lot of different wildlife on the property, but he had not been in favor of naming the parcel after the Sorhaugs in the first place. With the Town approaching its 350 year celebration, Mr. Owen suggested that naming the property after either a donor or a former landowner seems more appropriate. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to name the conservation parcel the "Williams Barn Sorhaug Woods".

B. Clements reported that the sign for the property has recently been found; it was removed at the time the front portion of the property was re-graded.

7:30 p.m. 213 Whiley Road Notice of Intent continuation

Owner Lauren Sellars explained that she intends to tear down the existing structure and build a new house. There will be no stockpiling of soils on the property, but there will be a dumpster placed where the septic system is to be constructed. The existing foundation will be duplicated with a new 15' by 36' foundation. The material under the deck will be natural. The builder, Walter Godfrey, stated that the existing retaining wall by the stairs will be moved forward and soils backfilled against it. He estimated that it will be 4.5' -5' tall. K. Corwin pointed out that the plan for the deck did not reflect what was on the engineered plan. She also noted that no stairs were shown on the plan. It will be necessary for an excavator to access the site, and it is proposed that 7 trees will be removed. An additional birch which is leaning into other trees is proposed to be removed from the lake side of the house. No re-grading is necessary in the vicinity of the retaining wall or deck. There will be some re-grading on the west side. Stumps will be pulled out. There are no plans to dig a well as the owner will continue to use the shallow well next to the Lake. Because the plans have changed, the applicant owes additional fees.

Abutter Francis Noyes (207 Whiley Road) asked how close to the property line will the work take place, and Kevin Hartiman of Ross Associates indicated that the septic system will be 22' from the west property line and 26' from the east property line. Mr. Noyes commented that the septic system is located above the well, and that does not seem like a sensible way for doing things. Mr. Hartiman said the plan complies with Board of Health regulations. Mr. Hartiman was asked to draw in the appropriate location for the stairs and the location of the birch on the Commission plan. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to close the hearing for DEP #169-895 for 213 Whiley Road.

7:45 p.m. Appointment – Troy Conley

Chairman Clements said that Mr. Conley has an interesting proposal for dealing with the structures at the Norris property off Pepperell Road. T. Conley said that he would be willing to fix the house up so it is not a liability to the town. B. Ganem explained that this is municipally-owned land, with the Department of Environmental Management (DEM) and the Conservation Commission jointly holding a Conservation Restriction. Mr. Conley thought that the cost

of demolition might be similar to the cost of doing the repair work. C. Auman noted that there are instances in which the state will take over a property and allow the use of structures in exchange for maintenance. P. Morrison said this was a new idea to him, and he is concerned about precedent-setting. When asked what he envisions doing on site, Mr. Conley replied "keeping trails open and preventing additional vandalism. Boy Scouts could still use the cement garage on the parcel. Water would be on the site in the event of a fire. K. Corwin asked the cost of razing the buildings. E. Owen commented that the Towns of Shirley and Carlisle both lease out properties.

B. Clements noted that Mr. Conley is a town employee, and there may be the possibility of providing an affordable housing unit. E. Owen said the Selectmen are probably looking for the Commission's level of support of this idea. There are also questions about the cost of materials and who will bear the costs. T. Conley estimated that it would cost between \$20,000 and \$25,000 to get the house livable, and he would be willing to do the work himself. Commissioners agreed to take this question to the next step by getting input from the state.

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8:00 p.m. Reedy Meadow Notice of Intent continuation

Mason Palmer of Ross Associates indicated the proponent wished to continue the hearing. Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to continue the hearing for DEP #169-893 for Reedy Meadow Estates to
August 24, 2004.

Commissioners then discussed the draft Order of Conditions for Mattbob, Inc. Chairman Clements questioned whether the Commission should consider issuing a second Order of Conditions under the local Bylaw. Members commented that it would be up to the Zoning Board of Appeals (ZBA) to grant any waivers to the Bylaw, and the hearing was not opened under the Bylaw. It was noted that the Commission could still send a memo to the ZBA outlining the areas in which the project did not meet the Bylaw. In Hopkinton, the matter was remanded to the Conservation Commission by the state Housing Appeals Committee after the ZBA denied the project. Condition #26 will be revised to offer additional protection to the vernal pool. Commissioners urged that there be no net loss of wildlife habitat.

Members asked if K. Corwin wanted to see a grated tunnel, and K. Corwin indicated she did not feel the Commission could force them to do this. B. Clements suggested we authorize a letter to the ZBA recommending that the 100-foot Buffer Zone be left intact. Members questioned what effect the Conservancy District would have on the project. At one point the area was zoned for manufacturing and was owned by Brox Industries. C. Auman expressed surprise at the comments from Judith Nitsch Engineering, Inc. about how they would do a review for Conservation Commissions in a different manner from a review done for a Ch. 40B project. He noted that this should be kept in mind for other projects near wetlands. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to issue an Order of Conditions, as amended, for DEP #169-880 for Mattbob, Inc.

8:15 p.m. (actually 8:30 p.m.) Groton Dunstable Regional High School request for amendment to DEP #169-802

Mason Palmer commented that we are awaiting word from Natural Heritage, and the 30 day period has expired. He noted that significant environmental controls have been put in place for the proposed work, and efforts have been coordinated with the Massachusetts Historical Commission. Their comments, as well as those of the Conservation Commission, have been incorporated into the bid specifications. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the hearing for an amendment to DEP #169-802 for the Groton Dunstable
Regional High School emergency access roadway.

Members noted that this might also be a site where hay bales should be staggered to allow amphibian migrations.

8:30 p.m. Groton School boathouse addition – DEP #169-894

Attorney Bob Collins requested a continuation based on the lack of response from Natural Heritage. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing for DEP #169-894 to August 24, 2004.

Dr. Bill Eger was present to discuss the proposed standard operating procedure for hand pulling invasive aquatic weeds within Lost Lake/Knops Pond. He indicated that, for the past 20 years, town boards have encouraged residents to pull weeds at their own waterfront. Through the establishment of a hotline manned by well-informed volunteers, new colonies of aquatic weeds can be quickly identified and removed before they become well-established. Some of the weeds are easily and quickly spread by boat propellers. This quick response action will help assure that weeds are properly handled. Member Auman stressed that someone needs to be responsible for implementing this procedure, and Dr. Eger indicated that he would, through the Lakes Association, be able to get that done. Commissioners agreed that someone needs to have overall responsibility for the procedure. Current Lakes Association president, John Diezemann, will also probably be involved although he has indicated he wishes to step down from his 10-year stint as President.

K. Corwin pointed out that the Request for Determination of Applicability form had not been submitted to the Commission. E. Owen clarified the plan as a way of deputizing volunteers so that they may act right away. P. Morrison thought the idea was workable and sounded good. K. Corwin expressed concern that the species are correctly identified. Dr. Eger pointed out that the Commission has previously waived this requirement by allowing John Diezemann to identify areas of milfoil infestation. Cabomba is the chief targeted species as milfoil is already too extensive within the Lake. K. Corwin asked whether training would be provided to the volunteers. B. Ganem questioned whether the Weed Management Committee has done the plant survey they were planning for August, and Dr. Eger responded that there was no real active monitoring going on but there is a need for a framework for dealing with reports that could be checked out by divers. B. Clements said it is the intention to hand pull the weeds and to authorize others to do this work. He recommended that a Request for Determination of Applicability be filed by the group, noting that there should be some kind of sign off on the people who will be verifying the species. Dr. Eger reported that of the 7 cabomba locations identified last year, only 4 have been re-located this year.

8:45 p.m. – Lawrence Academy Request for Determination of Applicability – drainage for playing fields on Main Street

Peter Myette submitted the revised plans prepared by an engineer. The drainage pipes will be about 12” to 18” deep. K. Corwin requested that the haybales be placed at the top of the slope, and P. Myette assured her that would be addressed tomorrow. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination with the conditions 1) that the plan be signed and stamped by the engineer and submitted prior to the commencement of work and 2) that a stone spillway be installed at the outlet such that there will be no erosion or siltation into the wetland.

Commissioners then reviewed and revised the draft 5-year Action Plan to be included in the Open Space and Recreation Plan.

In discussion on the use of personal flotation devices at Sargisson Beach, B. Ganem noted that there is a 1987 reference to the practice in the Commission files. Recently questions have come up about the use of “noodles” which is permitted at the Country Club pool. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to adopt the state’s regulation for the use of state beaches which is:
304 CMR 12.32(8), on the use of department [Division of Forests and Parks] water bodies including beaches, reads, "No person shall use or offer for use, any inner tube ring, buoy, air-mattress, beach ball, or similar novelty device of inflatable air cell construction, nor any plastic foam flotation device in the waters

of the Department, except that a serviceable Coast Guard approved personal flotation device of jacket or vest construction, may be used, at the discretion of the lifeguard on duty, as a safety aid at a beach when the user is being assisted by a responsible and experienced swimmer."

The Planning Board has requested feedback from the Commission for a Special Permit application submitted by Bennett Black, Jr. The plan calls for one driveway to service three single family homes near a pond on Burnt Meadow Road. Members recalled that the Bylaw had essentially been waived when the Commission originally approved the use of a gravel driveway to access one home. Access for three houses might need improvements such as paving, adding to the amount of impervious surfacing around the pond. No building is allowed within the Conservancy District, an elevation that includes portions of the proposed lots. The Conservancy District protects water supplies and other interests. The Planning Board may have specific design standards for a common driveway and any changes in impervious surfaces within the 100-foot Buffer Zone will need Commission review and approval.

In reviewing a revised version for Squannacook Hills (160 Townsend Road), Commissioners noted that the density on this 3.54 acre site is problematic, particularly since there are four housing units and a detention pond proposed within the 100-foot Buffer Zone. Members pointed out that the density and topography both have the potential to cause severe erosion into the resource area on site. It is a tight site, and the proponent would be unable to properly stabilize the site as they move work from side to side.

Commissioners reviewed the letter sent by B. Ganem to the Selectmen in response to their request for comments on the proposed Ch. 40B development, The Village at Throne Hill. Members agreed that the chief issue of density within a highly sensitive resource area had been adequately covered.

B. Ganem explained that a resident on Wharton Row, Sue Bisceglia, had called to inquire whether the Commission intends to maintain Ames Meadow as a meadow. Bruce Dubey has looked at the property and agreed to mow/brush-hog the area for \$250. Commissioners recommended that a newspaper advertisement be placed to see whether any farmers are interested in maintaining the area as a hayed field next year. This would probably involve tilling and re-planting the area as there is a significant amount of goldenrod and alder established within the field now. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to authorize Bruce Dubey to proceed with the mowing of Ames Meadow.

C. Auman abstained from the vote.

As a follow up to the Commission's Saturday site visit to the farm pond at 480 Pepperell Road, members recommended that the homeowner talk with Highway Surveyor Tom Delaney to discuss how the area should be finished.

B. Ganem reported that the DEP environmental analyst had visited 101 Boathouse Road in response to a request for a Superceding Order of Conditions on August 5th. The analyst has inquired whether the Commission has any suggestions for an alternative to an administrative penalty, and members agreed that repairing the erosion at the point at Sargisson Beach might be an appropriate project.

In discussion on whether a Request for Determination of Applicability should be required for a re-roofing project at 319 Forge Village Road, Commissioners agreed that the project is minor enough to not require a filing if the homeowner is careful about keeping materials out of the resource area.

Commissioners reviewed the original Order of Conditions for 272 Lowell Road, DEP #169-772, and corrected the plan reference, eliminated Condition #47, and added the requirement for an As-Built Plan. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to issue an amended Order of Conditions for 272 Lowell Road, DEP #169-772.

There being no further business, the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended August 24, 2004