

**GROTON CONSERVATION COMMISSION**

## Minutes

September 28, 2004

Chairman Bruce Clements called the meeting to order at 7:00 p.m. Members Craig Auman, Marshall Giguere, Peter Morrison, Evan Owen, and Kris Corwin were present. Bruce Easom arrived at 7:04 p.m. Conservation Assistant Barbara Ganem was also present.

Andrew Searle was present in connection with his request for a Certificate of Compliance for 19 Court St., DEP #169-757. He explained that the work included an addition and re-grading of the sloped backyard to create terrace levels.

(B. Easom arrived at 7:04 p.m.)

Mr. Searle explained that he is selling the property, and he would like to have the lien removed in order to transfer the property. He noted that the new owner would have to file for any additional work since the original Order has expired. E. Owen suggested that a Request for Determination of Applicability could be filed instead of a Notice of Intent. Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to issue a Certificate of Compliance for DEP #169-757.

7:15 p.m. – Howes/38 Hidden Valley Road NOI

(E. Owen recused himself from the proceedings.) Joe March of Stamski & McNary explained that there is a pond in front of the lot and another pond in back. The wetlands were delineated by B & C Consulting. Mr. March stated that the edge of the patio deck surrounding the pool will be 43' from the edge of wetlands. He pointed out that alternative areas outside of the Buffer Zone were investigated, but the location of the septic system and the need to cut trees were constraints in the other areas of the lot. The proponent plans to construct a stone sump into which the pool will drain.

C. Auman acknowledged that the pool is located in an area that is previously disturbed, the existing lawn. When asked if bromine or chlorine will be used, Mrs. Howes indicated she wasn't sure. Mr. March said that chlorine oxidizes once it hits organics. P. Morrison noted that it is customary to drain about 2 feet of pool water before winter.

Abutter Keith Gerhardt asked if the original 50' buffer approved by the Commission for the construction of the house was being observed, and B. Ganem replied that the erosion control line is similar for both projects. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to close the hearing for DEP File #169-897 at 38 Hidden Valley Road.

An unscheduled visitor, Tom Sommer of 142 Townsend Road, asked the Commission for permission to discuss the proposed 40B project on the Carson property on Townsend Road across from Cutler Field. He noted that 24 housing units are proposed on 3.5 acres of land, and there are wetlands on both side of the proposed driveway. Mr. Sommer expressed concern that the vegetation is very high in the wetlands and can pose a safety concern for people using the driveway. Other concerns were the density of the project, the use of salt and sand, and the location of the septic system above the wetlands. Chairman Clements questioned whether it was appropriate to discuss the project without the proponent present. Member Corwin said that the Commission has prepared written comments for submittal to the Zoning Board of Appeals, and these are part of the public record. Commissioners thanked him for his comments and assured him that, as an abutter, he would be notified when the project comes before the Conservation Commission for a public hearing under a Notice of Intent.

7:30 p.m. – Pittenger/23 Radio Road

Resident Brian Pittenger indicated that he intends to replace an existing shallow (10' deep) well with a properly drilled well that he expects will be 100'-150' deep. The contractor, Skillings, anticipates constructing a 5'x 5'x 4' slurry box approximately 20' inside the retaining wall. Bentonite will be pumped into the drilling hole to help stabilize the sides of the hole and maintain a seal. No trees will be cleared for the work, but it may be necessary for Mr. Pittenger to remove a portion of his existing deck to allow machinery to access the proposed site. The work will be done when the water in Lost Lake/Knops Pond is down. Member Corwin thanked Mr. Pittenger for being so diligent about filing for work adjacent to wetlands. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the public hearing for 23 Radio Road, DEP #169-900.

Regarding the draft Groton Residential Gardens decision, Chairman Clements noted that it would be helpful to have a reason given when the ZBA grants relief from a local regulation or bylaw. Members commented that we have taken it about as far as we can in the decision issued under the Superceding Order of Conditions. E. Owen pointed out that when a variance is requested from the Board of Health the list is very specific with the Board identifying what was requested and what was granted. The ZBA can also discuss what impact granting the waiver or not complying with a regulation will have and why they need to waive it. Members suggested some minor changes to the conservation section of the decision, noting that it is important to assure that all departments are working from the same plan.

#### 7:45 p.m. - 178 Townsend Road NOI continuation

Attorney Ray Lyons submitted new plans for the project, showing the elevations at the culvert inverts, the current wetland line on the north side, and a title box noting the revisions. He reiterated that they are not widening the driveway, and it is not to be paved. Members noted that the Order should spell out that the whole wetland line is not verified by this decision, only wetland flags 9B-19B. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to close the hearing for DEP #169-896 for 178 Townsend Road.

#### 8:00 p.m. - Appointment Vic Burton - Williams Barn

(B. Clements recused himself.) Mr. Burton outlined the proposed work on the Williams Barn Sorhaug Woods property as 1) widening of the driveway leading into the "parking meadow" to 18 feet. (The Planning Board has suggested 24 feet.); 2) the filling of a small depression near the entrance to the meadow; and 3) clearing from the existing meadow almost to the old cart path. Also three small maples near the portapotty will be removed in order to allow the large maple to dominate the site. V. Burton observed four turkeys feeding in the meadow recently. M. Giguere asked what measures will be taken to keep the bittersweet from re-establishing itself at the edge of the newly cleared area, and Mr. Burton responded that they will keep anything larger than a thumb cut down. They also propose clearing the sumac from this area. Any landscape waste cleared by this operation will be burned in the meadow area. Commissioners noted that brush piles can be significant wildlife habitat, but agreed that because most of the material is invasive, burning may be the most appropriate tool.

E. Owen commented that he had flagged several apple trees within the area proposed to be cleared. Releasing such trees provides food for wildlife. B. Easom asked if the purpose of the clearing is to create additional parking, and V. Burton indicated that it would improve the appearance, vista, and health of the meadow area while at the same time accommodating more cars if necessary. C. Auman and P. Morrison agreed with the idea of getting rid of invasives, but felt that a plan outlining the proposed work should be prepared before the work is done. B. Easom commented that it should be a good base map to which future projects could be added. B. Ganem noted that sumac is a valuable food source for birds in late winter which other berries are scarce. It also provides good fall color. In addition, she said the Forestry Management Plan has a base map showing the different forestry stand types and recommended treatments.

B. Clements clarified the Commission's position as the clearing of invasives is acceptable providing the apple trees and some sumac are left. The plan is to open more space in the meadow to be used for parking. He estimated that 33 parking spaces are available now and contemplates an increase up to 50 spaces, with review by the Planning Board. The goal is to get much of this accomplished before winter time. Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to authorize B. Ganem to receive and approve a plan to proceed with clearing and planning at the Williams Barn Sorhaug Woods conservation area.

(B. Easom abstained from the vote.)

8:10 p.m. – Appointment – Dan McElroy – Groton Center Farms

Mr. and Mrs. Dan McElroy, Louis Lunn, Stan Dillis, Jack McElroy, Bob Conley, Vic Burton, and Attorney Bob Orsi were present. Mr. Orsi submitted a letter written by Bob Conley describing the history of the farm, as well as a letter from Josh Webber stating that there has been no break in farm use at the site. Chairman Clements noted that the creation of any new driveways within the Commission's jurisdiction will require a filing with the Commission. Mr. Orsi stated that there were no plans to build new roads right now. K. Corwin asked if the map had been updated, and B. Ganem confirmed that a new map showing existing roads has been submitted. Also, Fairview Orchards submitted a letter describing the pest management techniques that will be utilized in the orchard on site. Mr. Orsi maintained that the entire property has been continuously farmed for 50 years.

Members reminded those in attendance that the Commission meets the second and fourth Tuesdays of each month, and if a letter is sent to the Commission, it will be included on the upcoming agenda and it will be in the minutes of the meeting which are reviewed at the subsequent meeting. The minutes are available to the public.

Concerning encroachment issues at Deerhaven, members reviewed photographs taken at the Saturday site visit. Commissioners stressed that this is a situation which should be corrected. There is a long-standing Commission policy that no buildings, structures, irrigation systems, chemicals, etc. should be placed on Town-owned public conservation lands. The Commission has no authority to grant permission for these lands to be used by private individuals. In addition, publicly-owned lands are not subject to adverse possession. These areas should be allowed to revert to their natural state. P. Morrison suggested that occasional mowing, perhaps once or twice a year, may be possible. Without some type of treatment, it is likely that invasives will take over the site. It was agreed that B. Dubey should be contacted to mow the meadow area on the public conservation area, and M. Giguere recommended that this be postponed a week or so in order to allow birds to continue feeding in the area.

The trail leading out to Rt. 40 also serves as an emergency access way. Paul Funch will be moving the posts so that the trail can accommodate emergency vehicles. Regarding the location of the trail near Ms. Roberts' house at 28 Deerfield Dr., members noted that it is difficult to fit the trail in due to the presence of nearby wetlands. Members expressed concern that the trail not intrude on the southeast corner of Ms. Roberts' land. Commissioners B. Easom and E. Owen will check the boundary markers to confirm that the trail is definitely on conservation land.

Commissioners suggested that Deerhaven be included in the next group of sign orders. Previously, there have been concerns about the appropriate logo to use for Commission signs, and this could be a time to research other sign language, materials, and logos.

Members also commented that the subdivision roadway is not being regularly swept, and the silt that is accumulating on the roadway is washing into the detention basin. In addition, the detention basin continues to consistently hold water. Upon a motion by B. Clements, seconded by E. Owen, it was

VOTED: to send a letter to the developer requesting compliance with the "Operations and Maintenance Plan" submitted with the Notice of Intent and another letter to the Planning Board asking for review by the town's consulting engineer, Judith Nitsch Engineering, Inc.

In discussion on the trails at Battenwoods, members noted that the Trails Committee is interested in maintaining the trails this fall. Dealing with the issue of trail areas currently being mowed K. Corwin indicated that she has talked with the residents on Lots 4 and 6 (26 and 36 Orion Way).

It appears that a portion of the driveway, a granite post, and a mailbox are located on the trailhead. K. Corwin

commented that it is a very tight site. Commissioners agreed to set up an on-site meeting, posted as a public hearing, to work out with abutters how the site should be handled.

Member E. Owen reported that the rebar is missing from the 77 Hidden Valley site the Commission visited this past Saturday. He also noted that the trail passes over the sewer manhole and town property is being mowed. The trail posts are still there. Members questioned whether removing the steel bar, which marks a boundary, is a violation of state law. There are two incidents adjacent to this parcel in which property has been removed. This may be a site for a split rail fence. The homeowner should be notified about these concerns. B. Ganem reviewed previous Commission communication with the homeowner, and Commissioners agreed to hold off on the letter until the actual legal citation is investigated.

Commissioners recommended that the owner of the property at 147 Gay Road file for the work already done. P. Morrison indicated that he felt the cart road had always been there. The previous owner of the parcel had filed for a septic system, and no cart road is shown on those plans. K. Corwin pointed out that the wetland is a vernal pool. On site the owner explained that he was replacing an existing culvert cut through by beavers. The prior owner had contemplated having a greenhouse in the upland, but never filed for the work. If a filing is made, the Commission will make an official finding on the work. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to require a filing for the work done at 147 Gay Road.

In response to the Selectmen's request for comments on the proposed Ch. 40B project on Jenkins Road, B. Easom, noting this is not necessarily a conservation issue, stated Jenkins Road is not an approved town road. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to send the draft summary comments on Jenkins Road and to include information on whether there is 100 year floodplain on the site.

Commissioners (B. Clements, C. Auman, and K. Corwin) who attended the Mattbob SOOC site visit reported that the DEP Environmental Analyst, Joe Bellino, did a fair and thorough job that was considerate of all parties. He seemed to suggest that the Commission could have required a wildlife study. He will require the submittal of additional information, including elements of the Title V septic design and the need for roof drains.

The Conservation Commission will be going to the fall town meeting to request the additional \$150,000 of the original FY'05 \$200,000 request for the Conservation Fund. It has been suggested that the Commission would have a better shot at going for \$75,000 rather than \$150,000 as there is concern about the level of funds in stabilization. Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to authorize P. Morrison to negotiate down to \$75,000 for the Conservation Fund if necessary.

It was noted that the ZBA hearing on Mattbob is tentatively scheduled for October 18<sup>th</sup>; members requested reminders of this event.

At 10:07 p.m., upon a motion by B. Easom, seconded by K. Corwin, and a roll call vote of P. Morrison, C. Auman, B. Easom, E. Owen, K. Corwin, M. Giguere, and B. Clements, it was

VOTED: to enter Executive Session for the purpose of discussing the purchase, lease or value of real property to return to Open Session at the conclusion.

The meeting resumed at 10:15 p.m. Members discussed the request for comments on the proposed driveway over APR-restricted land on Whitman Road. A building lot was excluded from the original APR, and access is to be provided via an existing driveway. The wording of the APR indicates that both the Town and the Commonwealth must give written permission for this to occur. Members agreed to include the site on the next Saturday walk.

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

VOTED: to approve the minutes of September 14, 2004, as amended.

E. Owen, B. Easom, and M. Giguere indicated they would like to attend the fall MACC workshops, and the paperwork was prepared and endorsed by the Commission.

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

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as drafted 10/26/04**