

## GROTON CONSERVATION COMMISSION

### Minutes

October 12, 2004

Chairman Bruce Clements called the meeting to order at 7:00 p.m. Members Craig Auman, Kris Corwin, Bruce Easom, Evan Owen, and Peter Morrison were present. Marshall Giguere arrived at 7:08 p.m. Conservation Assistant Barbara Ganem was also present.

#### 7:00 p.m. – Appointment Steve Prendergast

Mr. Prendergast, Chairman of the Groton Dunstable Regional School District Building Committee, explained that the School Committee has recently received a letter from Donald Smith indicating his willingness to finance the restoration of the farmhouse located on the conservation-restricted parcel at the new High School. Although not looking for a decision this evening, S. Prendergast indicated that he would like some direction from the Commission as to how this offer should be handled. Chairman Clements said it is definitely an uphill process as this would be considered a conversion under the Article 97 process, requiring a two-thirds vote of Groton town meeting as well as both houses of the state legislature to accomplish. He pointed out that Mr. Smith has to understand what he is up against with this proposal.

Member Corwin asked if there were any plans for future maintenance or use of the property. She felt she could give a qualified approval with conditions. S. Prendergast suggested that a feasibility study should perhaps be the first step and recommended that the future use be addressed at that time. If it is to be a museum, there could be a trust to fund it. Affordable housing has also been suggested. Both the Selectmen and the School Committee have indicated they do not wish to place an additional burden on the Town. Commissioners suggested that Mr. Prendergast also confer with the Natural Heritage & Endangered Species Program.

(M. Giguere arrived at 7:08 p.m.)

B. Easom endorsed the idea of affordable housing and noted that the state Historic Commission considers some of the structure foundations historic, but the farmhouse addition built in the 1930's or 1940's was not. He suggested that a full restoration plan be developed. C. Auman concurred with the idea of checking with Natural Heritage before proceeding with any plans. An on-going sponsor is necessary if it is to become a living history site. He also suggested getting support for further investigation from the Housing Authority. P. Morrison indicated he did not see any big showstopper for the proposal, and he thought Natural Heritage would be the biggest hurdle. He recommended doing a feasibility study early in the process. B. Easom suggested that there are grant funds available for historic restoration. Chairman Clements summarized the Commission's general consensus in support of further investigation of the proposal before making a final decision.

#### 7:15 p.m. – Bunn/330 Lost Lake Drive Request for Determination of Applicability

Ms. Bunn explained that she is proposing a wrap-around deck on the lake side of the house. In response to members' inquiries about how far the work is from Lost Lake, Ms. Bunn could not provide any figures. E. Owen asked if all the work proposed under the earlier Request for Determination of Applicability has been completed, and Ms. Bunn indicated it was not finished. The plan submitted with the RDA shows that the shed is actually in the water, but the water level in the Lake is actually below the elevation of the shed. Upon a motion by P. Morrison, seconded by E. Owen, it was

VOTED: to issue a negative #3 Determination with the conditions that the sonatube holes be dug by hand and that the haybales and/or silt fencing be on site in case there

is erosion.

Members reviewed the draft Order of Conditions for 178 Townsend Road, DEP #169-896, and upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to approve the significant interests, regular conditions, and special conditions as amended for DEP #169-896 and issue an Order of Conditions for 178 Townsend Road.

7:30 p.m. – Rodenhizer/19 Baby Beach Road RDA

No applicant was present, so members agreed to delay the discussion until later in the meeting.

In discussion on the request for a Certificate of Compliance for First Parish Church, DEP #169-773, Commissioners expressed concern that some water still appears on the roadway, and there may be icing in the winter. P. Morrison said it was his recollection that the drainage system was not put in until after the parking area was constructed. The Commission has received an engineer's certification that the work was completed in accordance with the plans and Order so the applicant would not have to pay to have that done. K. Corwin asked if there had been any work since the Commission last looked at the site, and members said the interceptor drain was installed on town property. Members noted that there appears to be a sub-surface spring coming out of the adjoining hillside on Lawrence Academy property. Members agreed to watch the area during storm events and the coming winter and reconsider the matter next year.

Returning to the Rodenhizer filing, the Commission noted that this is a minimal filing with about 12' additional water line proposed to connect with the existing public water line in Baby Beach Road. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination for 19 Baby Beach Road with the following conditions: 1) a staked silt fence be installed on the Cow Pond Brook side of the road and 2) the site be stabilized quickly to prevent erosion.

In response to the request for a Certificate of Compliance for 198 Townsend Road, Commissioners visited the site on October 9<sup>th</sup>. Members agreed the site was fairly well stabilized and that the orange fencing should be removed and the impermeable barrier trimmed. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to issue a Certificate of Compliance for DEP #169-882 for 198 Townsend Road.

7:45 p.m. – Silva/44 Maplewood Avenue Notice of Intent

Engineer Brian Milisci of Whitman & Bingham submitted the green receipt cards for the project. He noted that the homeowners propose stabilizing and landscaping the steep slope behind their home in order to extend their backyard. A 120' long retaining wall, reaching seven feet at its highest point, is proposed to hold back the hillside. Also, there will be stairs to gain access to Birchwood Avenue. A segmental block wall will be constructed on a 6" to 1' deep leveling pad. Members asked about the structural design of the wall and whether it would include a geogrid. Mr. Milisci indicated that he wanted to get the Commission's approval on the location of the wall before he did the design to be submitted to the Building Inspector. He said the wall will be dry laid and would allow some water to seep between the blocks.

C. Auman commented that the project is close to the Lake, and it will be necessary to remove material from the site. Mr. Milisci stated that materials will be removed from the back of the house and the majority of work will be accomplished from Birchwood Avenue. He does not anticipate the use of large, heavy equipment as a small bobcat can be used to transport the blocks. B. Milisci estimated that it would take 3-4 weeks to complete the project. Commissioners asked if it would be possible to segment the project, but Mr. Milisci felt that it would be necessary to have the whole hill open at the time the retaining wall is constructed. He suggested a double row of haybales as

mitigation.

Commissioners asked how the newly flattened area behind the home will be stabilized, and Mr. Milisci indicated this would be loamed and seeded. E. Owen advised Mr. Milisci that the Groton Erosion Control and Sedimentation Bylaw required a filing for work in which grade changes were over 4 feet. He also noted that some of the grading will occur on adjoining lots. Mr. Milisci commented that no drainage holes are proposed in the retaining wall as the area behind the wall will be backfilled with sand. He estimated that the elevation of the wall will vary between 304' on the west side and 306' on the east side. He is trying to keep the wall under 8' in height.

Members noted that there have been two previous filings for this address, but only one Certificate of Compliance issued. The proponent was advised to research whether the project was complete and could be certified. B. Easom asked if it would be necessary to have any trucks on Maplewood Avenue; he felt traffic should be minimized on this road. B. Clements requested assurance that the project will not conflict with Board of Health regulations. Mr. Milisci stated that the tight tanks are three feet below grade, and there was no break out grading proposed in this area. Commissioners asked for an engineered drawing plan for the retaining wall. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing for 44 Maplewood Avenue to October 26, 2004.

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8:00 p.m. – Sheehy/235 Riverbend Dr. NOI

Environmental consultant and family friend Matthew Marro explained that some abutters had been notified by hand delivery while others received certified mail. The proposed project, an in-ground swimming pool, involves some landscaping. No backwashing filter is proposed; it is only necessary to hose off the filter. A pH buffer stabilizer is added in the winter and there is no need to discharge from the pool at that time. Mr. Marro indicated that his client has agreed to cut no trees within the 50' no-touch zone, but is proposing a selective thinning outside of the 50 foot buffer line. P. Morrison noted that pruning for vista improvement is allowed within 50 feet. Some of the plant material within the island will be transplanted. Mr. Marro anticipated that there would be minimal change in the tree canopy. Member Corwin, commenting that the Commission usually expects scaled drawings, asked the dimensions of the pool. M. Marro said the pool will be L-shaped but will be approximately 13' by 26', with a 4' apron. He stated the pool will be no closer than 60 feet to the Bordering Vegetated Wetlands at the edge of the pond. The pond is shown as Parcel B in the Partridgeberry subdivision plan and is owned by all abutting landowners with a Conservation Restriction held by the Commission.

Mr. Marro explained that, looking toward the pond from the proposed pool location, no vista pruning is planned for the right side although several trees will be cut outside of the 50 foot buffer line. When asked if abutters would be affected by tree removal, M. Marro said that tree removal will be minimal on the right and that his client would make every effort to leave good size trees or anything that would take away from the buffer of abutters.

Chris Petroff (227 Riverbend Dr.) asked whether purple loosestrife defined where the wetlands were, and Mr. Marro stated that he measured from the dense, shrubby vegetation around the edge of the pond. He also noted that loosestrife was a FACU plant and would grow in and around wetlands. (FYI – it is FACW+). M. Marro did not know the precise number of trees to be removed, but stated that it has been reduced since the Commission visited the site on Saturday. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to close the hearing for 235 Riverbend Dr., DEP #169-898.

8:38 p.m. – Appointment/Tracy Eliades

Mr. Eliades explained that he was concerned about the language in the Conservation Restriction for Culver Road. He felt the limitation on how close fencing could be located to James Brook could be dealt with at a later time, particularly since the 50 foot offset from the Brook would allow no use of Lot A-1. He noted that he would want animals to be able to go down to the Brook and graze there. P. Morrison and C. Auman indicated they were fine with

taking the phrase out as it could be negotiated with the new owner. E. Owen questioned whether a fence would restrict wildlife, and K. Corwin noted that this lot did not seem appropriate for agricultural purposes. B. Ganem reported that Joel Lerner had recommended the phrase be added when he reviewed the draft Restriction.

Chairman Clements explained to Lori McElroy that the Commission would not be reviewing minutes this evening but expected to discuss them on October 26, 2004.

After review of the draft Conservation Restriction, dated 9/30/04, a motion was made by C. Auman, seconded by B. Easom to accept the draft as written (“at least 50 feet from wetlands associated with James Brook”), but the motion failed with K. Corwin, B. Easom, and B. Clements voting in favor, and P. Morrison, C. Auman, E. Owen, and M. Giguere voting in the negative.

Upon a motion by B. Easom, seconded by E. Owen, it was

VOTED: to modify the draft to read “at least 50 feet from James Brook” on Page 3, Section 4, Permitted Uses, paragraph (c).

The motion carried with M. Giguere, K. Corwin, E. Owen, B. Easom, and B. Clements voting in favor, and C. Auman and P. Morrison voting in the negative.

Member Corwin explained that the Environmental Analyst who conducted the site visit for the Matbob appeal had indicated he would be contacting Natural Heritage and suggested the Commission may also wish to write a letter about potential rare species on site. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to send a letter to Natural Heritage asking them to require a wildlife study because of the strong likelihood that rare species are present.

B. Ganem explained that, as of October 8, 2004, the Department of Environmental Protection has essentially doubled all the fees associated with the administration of the Wetlands Protection Act. A chart showing the state and town portions of each fee category had been distributed to members earlier. K. Corwin advised that one of the purposes of charging additional fees is to provide a financial incentive to not working in or near wetlands. B. Easom asked if the increase is designed to cover the costs of implementing the Wetlands Protect Act or is it a policy decision. Commissioners commented that we are probably recovering just a fraction of the actual costs. C. Auman cautioned that the fees should not be punitive. Members agreed to review the fees to be charged under the Regulations to accompany the Bylaw.

At 9:05 p.m., upon a motion by P. Morrison, seconded by C. Auman, and a roll call vote of M. Giguere, K. Corwin, E. Owen, B. Easom, C. Auman, P. Morrison, and B. Clements, it was

VOTED: to enter Executive Session for the purpose of discussing a land purchase, to return to Open Session at adjournment.

The meeting resumed at 9:23 p.m.

Member Morrison explained that he had walked the Rivercourt site with architect David Hamilton recently. The Notice of Intent for this project provided for compensatory flood storage which apparently was never constructed. The Order has now expired, and the proponent is looking for Commission guidance on how to proceed. P. Morrison said that the area where compensation is proposed is currently forested and has an accumulation of junk, including a settling tank, shelving, concrete, etc. The area abuts the old rail bed and the cleared field where the septic system is located. The question is whether the Commission wishes to have them complete the compensatory flood storage at the expense of clearing a forested area that is within a Natural Heritage rare species polygon. Also, there is clearly debris that should not be there. It is estimated that 1,900 cubic yards of material would have to be removed. Commissioners agreed to include the site on its October 23<sup>rd</sup> site visits.

Commissioner Morrison mentioned he had a policy question that involved Lot 6 on Autumn Leaf Dr. If an applicant files for an amended Order of Conditions after first filing a Notice of Intent under the old Bylaw, does the work now fall under the new Bylaw. The Commission has previously issued an Extension for this particular project. The developer, Don Desrosiers, has asked if the house changes location to be within the 100 foot buffer, will the filing fall under the old or new Bylaw. The NOI filing showed the house outside of the 100 foot buffer although there is a driveway with a wetland crossing which has been partially constructed with replication done on another lot. It is not ready for a Certificate at this time. Mr. Desrosiers has a potential buyer who is interested in building a 5,000 SF house and barn which would be within the 100 foot buffer. Members thought each case would have to be treated individually. The applicant could file with the Commission for an official Determination on whether this work would fall under the old or new Bylaw.

Member Giguere reported that some tires and pipes have been dumped near the community septic system at Deerhaven. It is unknown whether this is a permanent or temporary stockpile, but B. Ganem will inform both the Board of Health and Planning Board.. Commissioners agreed that the abutters who have the shed, canoe, and are mowing should receive a letter requesting compliance with Commission policies on management of conservation lands.

In the preparation of comments on the EIR for Rocky Hill/Stratton Hill, Commissioners felt that this type of positive development, in which 386 acres are to be permanently protected, should serve as an example for other developers. The Commission supports the involvement of the Natural Heritage & Endangered Species Program in evaluating the potential impact of the development to rare species. It is anticipated that the proponent will be applying for an Order of Conditions for the wetland crossing within the residential subdivision. It appears that eight building envelopes are all or partially located within the buffer of Bordering Vegetated Wetland in the 2002 plan. Members requested evidence that there would be no impact to wetland resource areas from blasting on site. There were questions about whether re-locating or blocking turtles would stress the animals. Any work within 100 feet of wetlands as defined under the Groton Wetlands Protection Bylaw will require the filing of a Notice of Intent. Commissioners also recommended that consideration be given to sloped curbing as well as the installation of irrigation systems with rain sensors.

Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to issue the Order of Conditions for 23 Radio Road, DEP #169-900 as drafted.

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

VOTED: to issue the Order of Conditions for 38 Hidden Valley Road, DEP #169-897,  
as drafted.

Member Corwin reported that she noticed the lock for the High School emergency access roadway was not locked during a recent visit. B. Ganem has passed this information on to the head of buildings and grounds at the school who will periodically check it.

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

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as amended 10/26/04**

