

GROTON CONSERVATION COMMISSION

Minutes

August 9, 2005

Chairman Peter Morrison called the meeting to order at 7:00 p.m. in the 2nd floor Conference Room at Town Hall. Members Craig Auman, Bruce Clements, and Evan Owen were present. Commissioners Kris Corwin, Bruce Easom, and Marshall Giguere were absent. Conservation Assistant Barbara Ganem was present.

Upon a motion by C. Auman, seconded by E. Owen, it was

VOTED: to approve the minutes of July 26, 2005 as drafted. (*See change in 8/23/05 minutes.*)

Upon a motion by C. Auman, seconded by E. Owen, it was

VOTED: to approve the minutes of August 2, 2005 as drafted.

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

VOTED: to issue Extensions for DEP #169-836 (Lot 2 Wharton Row) and DEP #169-837

(Lot 1 Wharton Row) for one year to August 6, 2006.

Commissioners agreed to visit the Helou site at 134 Shelters Road to determine whether to issue Certificates of Compliance once certifications have been received for both the house and retaining wall.

Given the magnitude of proposed work at the Crossroads site at Four Corners, members agreed to require the filing of a Request for Determination of Applicability to decide jurisdiction.

B. Ganem reported Ms. Emali (77 Hidden Valley Rd.) called to say there has been a misunderstanding with their landscaper who is supposed to mow the area to the left of their driveway every other time. Commissioners agreed to re-visit the site after two or three meetings.

Regarding 12 Canterbury Lane, the owner, Jay Fernandes, would like an opportunity to talk directly with the Commission. He will be invited for a discussion at the September 13th meeting.

In discussion on Ms. Eleftherio's request for the Commission's view on the buildability of Lot 3 Breakneck Rd., members agreed that without extenuating circumstances, this is not a buildable lot. It was denied under the Wetlands Protection Bylaw so right now it would require extraordinary steps to build anything. The land could potentially be donated to the Town. Upon a motion by B. Clements, seconded by C. Auman, it was

VOTED: to send a letter to the Assessors pointing out that the current status of the lot is unbuildable.

7:15 p.m. - Lost Lake Drawdown NOI continuation

Dr. William Eger reported he had sent a letter to Dr. Jon Regosin at Natural Heritage in March which included information on seining for the rare fish species, the Bridle Shiner, reported to be in Lost Lake/Knops Pond. Dr. Regosin wishes to have another investigation as this information is 30 - 35 years old. The Baystate study reports the fish had previously been identified in the Lake but this was not confirmed in their testing. Dr. Eger explained he would like a commitment for further action from Natural Heritage although he is, personally, becoming pessimistic about the value of a drawdown in controlling aquatic weeds. He noted the Great Ponds Advisory Committee is hopeful about getting funding through the Community Preservation Committee for assisting homeowners with shallow wells in the

event a 7-foot drawdown is conducted. Dr. Eger said it would not be possible to a drawdown this year if the permit is received after late October when the normal drawdown takes place. Upon a motion by C. Auman, seconded by E. Owen, it was

VOTED: to continue the hearing to September 13, 2005.

B. Ganem reported a driveway appears to have recently been installed on 65 Martins Pond Road. There is a barn located on the property. The owner has a Florida address, and Commissioners recommended sending a certified letter. Inquiries will also be directed to Phil VanHoogen who may be related to the owner.

Members had visited the Rail Trail culvert where flooding has been reported. B. Ganem will check on the width of the railroad right of way in this vicinity. (About 84').

Commissioners reviewed the revised Brooks Orchard plan. P. Morrison pointed out although there are fewer houses proposed, they are covering a wider area of territory. E. Owen suggested sending a memo to the Planning Board noting that any clearing of areas for pasture within the Commission's jurisdiction would raise concerns. Commissioners questioned the location of areas protected under the proposed Conservation Restriction.

7:30 p.m. - 2 Shelters Road Request for Determination of Applicability

No applicant was present, and the Commission agreed to keep the meeting open.

The Planning Board has requested comments from the Commission on the proposed renovation of Mr. Mike's Mobil Station at 6 Boston Road. Commissioners expressed concerns about proposed plantings and the proper disposal of trash and construction materials. The wetland boundary line has not been reviewed by the Commission in recent history. Members noted it is a sensitive site that could be subject to changing hydrology, and requested the applicant file a Request for Determination of Applicability with the Commission prior to commencing work.

B. Ganem explained Mr. Merkwaz, executor of the estate for 106 Peabody St., has requested the Commission again consider issuing a partial Certificate of Compliance for the work on the septic system. Commissioners agreed to stick with what was previously decided.

In discussion on the finalization of the Community Preservation application, B. Ganem reported Bruce Easom suggested including information on applying for Self-Help grants in the application. Several Commissioners felt this could weaken the application and agreed to keep the format and amount the same as previously agreed upon. It was noted the Commission recently voted to approve the use of the Conservation Fund for the purchase of a railroad right-of-way in W. Groton, an opportunity that would not be possible without funds in the account.

7:45 p.m. - Whiley Road Notice of Intent

Chuck Strickland from Meisner Brem said he was representing David Murray for this project. A single family house is proposed on the 1.78 acre lot. The work is 60' from the wetlands. E. Owen suggested placing the house further back so that no work would be in the wetland buffer zone. The septic system slopes down pass view to pond. Setback from foundation to the septic system is 20'. C. Auman observed the work does not comply with the Groton Wetlands Protection Bylaw Section 215.7 A(1) which allows only minor grading in the 100 foot adjacent upland area. Minor grading is defined as "Grading in which elevation changes are less than two feet. With slopes that exceed 5%, grading elevation changes shall not exceed one foot to be considered minor grading."

David Murray said he had purchased this lot before the Rivers Protection Act was in effect. Chairman Morrison questioned how much the house would have to be moved to comply with the Bylaw. He noted the well was temporary but the grading poses a problem. E. Owen said it appears the design is driven by the desire to drive into the side of the garage. C. Auman recommended that the applicant come up with a design that meets the Bylaw. Mr. Murray said the house has 4,200 SF of living space with dimensions of 60' by 42'.

Member Clements commented he shares the concern of fellow members about a project complying with the Bylaw. He

also noted the applicant is likely to want access to the waterfront for boating and swimming, and he regards that area as undisturbed buffer. Mr. Murray stated there is a 50' wide utility easement bringing power lines down to the Lake. He indicated there has already been grading and cutting in the area. Mr. Clements asked what plans he has from the power line down to the Lake, particularly with the Bylaw requirement that 50' of the buffer remain undisturbed. He commented walking paths would be alright, but a dock would require both local and state permits. P. Morrison noted landscaping would not be allowed but a natural environment would be acceptable.

Mr. Strickland said his client understands he would have to come before the Commission to get any work permitted for the buffer area. Mr. Clements said "It's important to recognize that future activities could be difficult." C. Strickland maintained the location of the septic system is dictated by the wells located on adjacent properties. He noted trees were cut in the utility right-of-way this spring. E. Owen observed this would be done for the purpose of maintaining the power line, but he wasn't sure this would qualify as a disturbed area as it was clearly vegetated.

Mr. Murray objected to having a 10' high retaining wall in order to keep the work out of the 100 foot buffer zone. As he departed, he said he would move everything out of the buffer. His representative, Mr. Strickland, agreed to leave the hearing open. Upon a motion by C. Auman, seconded by E. Owen, it was

VOTED: to continue the hearing for Whiley Road, DEP #169-928, to August 23, 2005.

8:00 p.m. - Conductorlab Notice of Intent

Christina Grill of Parsons explained she was representing Grimes Aerospace of Honeywell International, Inc. They anticipate doing one or more discrete excavations northwest of the existing treatment building and northwest of the concrete pad. They are still evaluating the area where these excavations will be done. They anticipate the excavation of 200 to 400 cubic yards of material. Erosion control measures will be used to prevent the flow of sediment toward the street. Two rows of haybales will be placed inside the perimeter of the fence line in a sawtooth pattern. A temporary stockpile of excavated materials will be placed on the existing concrete pad, outside the buffer zone. Plastic will be wrapped up and over the stockpiles to prevent water infiltration and the escape of sediment. Ms. Grill estimated the materials will be stored for 6 to 8 weeks from the time of excavation until disposal off site.

The proposed recovery well will be installed in the northeast corner of the property and connected to the existing treatment system inside the Conductorlab building. Any excess soils will be stockpiled and disposed of in the same manner as previously noted. Member Auman thanked Ms. Grill for responding with revised plans to concerns expressed during the site visit. He observed the proposed work must be in compliance with DEP and EPA guidelines for the activity. Ms. Grill said the site and work is being conducted under a Massachusetts Contingency Plan (MCP) with a Release Abatement Plan. She explained there are standard procedures and policies used for such excavations.

The goal is to get the excavated materials off site as soon as possible. Ms. Grill noted the nature of the materials and their final approved destination must be agreed upon. An employee supervises the on site treatment plant and will check the stockpiles and covers on a daily basis. In addition there is a 6' chain link fence which is locked for security reasons when no one is on site.

B. Clements questioned why they are excavating materials, and Ms. Grill replied some of the soil concentrations are above MCP standards. Chairman Morrison observed that essentially the hotspots are being taken out of town. He asked why this will take 6 to 8 weeks, and Ms. Grill responded it is a process of digging holes, evaluating the soils, and getting approvals. She also noted it is more economic to plan to have enough trucks for one pick up rather than for several. There will be someone on site during every construction day. Haybales will be installed and attached to the fence with wire before the pavement is torn up. C. Grill said the excavated materials from individual holes will be segregated and covered separately. Upon a motion by C. Auman, seconded by B. Clements, it was

VOTED: to close the hearing.

8:15 p.m. - 10 Nate Nutting Road

Homeowner David Royal explained that an addition is proposed within an already disturbed area. There are no plans

to change the embankment or grade next to the stream. He noted the Commission had reviewed the stakes marking the location of the addition during the Saturday site visit. Member Clements stressed the need for appropriate erosion control to assure material does not enter the stream. The builder, Dwight French, indicated an 8' deep foundation will be necessary for the addition. The shed is to be removed from the site. Commissioners asked Mr. French to sign and date the proposed location of a dry well to handle roof runoff. He estimated it will be necessary to remove three or four trees, including the stumps. The stumps will be removed within the silt fence barrier.

C. Auman observed it is a tight site, and it will be important to keep everything out of the wetlands and to maintain a clean site. Mr. Royal indicated they plan to re-locate the well outside of the 100' buffer zone. Upon a motion by E. Owen, seconded by C. Auman, it was

VOTED: to close the public hearing.

8:30 p.m. - 284 Whiley Road Notice of Intent continuation

With the applicant's consent, and upon a motion by E. Owen, seconded by C. Auman, it was

VOTED: to continue the hearing to September 13, 2005.

B. Clements agreed to supervise the Sargisson Beach lifeguards on August 18th, and C. Auman on August 19th during B. Ganem's vacation.

In the absence of the applicant for 2 Shelters Road, Commissioners agreed to notify her of the need to install haybales to stop erosion and to continue the RDA meeting to August 23, 2005.

B. Clements reported the abutters are doing a good job of maintaining the field trail next to the Rutherfords on the Weiwei Conservation Area. It is quite clear where the trail is located between margins of taller grasses. Commissioners requested a letter go to the abutters thanking them for their stewardship.

Regarding the mowing of Gibbet Hill, B. Ganem has talked with several people about submitting bids on the three scenarios previously discussed by the Commission. We are awaiting written bids from the individuals; Commissioners recommended also getting a written estimate from Josh Webber for the work. B. Ganem reported there is fresh brush being deposited within the conservation-restricted area at the top of the hill near the castle.

Upon a motion by E. Owen, seconded by C. Auman, it was

VOTED: to continue the hearing for 101 Longley Road, a hearing which was not closed

at the July 26, 2005 meeting.

With no further business, the meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Barbara V. Ganem

Conservation Assistant

Approved as drafted August 23, 2005