

## GROTON CONSERVATION COMMISSION

## Minutes

October 11, 2005

Chairman Peter Morrison called the meeting to order at 7 p.m. in the 2<sup>nd</sup> floor conference room in Town Hall. Members Craig Auman, Bruce Clements, Kris Corwin, Marshall Giguere, and Evan Owen were present. Conservation Assistant Barbara Ganem was also present.

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

VOTED: to approve the minutes of September 27, 2005, as amended.

Member Auman abstained from the vote.

7 p.m. - Appointment Tim and Brenda Boudreau, 123 Martin's Pond Road

Mr. Boudreau exclaimed he was surprised to hear from the Commission about cutting in a wetland when he had cut his lawn. While they had planted the blueberry bushes required by the Commission, they were eaten. They do plan to plant more bushes down near the brook. E. Owen questioned whether the plantings were required to demarcate the limit of the lawn area. T. Boudreau said he did not understand why he lost his privilege to have a lawn. Former owners of the house, Joe and Lonna Bassett, explained this area had been cow pasture. Commissioners noted that any work within 100' of the wetland requires Commission approval.

T. Boudreau said he was mowing the lawn, and he typically weed-whacks around the brook every other week. He also mentioned he is contemplating clearing out the brook area. Members urged him to let the Commission know ahead of time. Mr. Boudreau said the culvert was supposed to be straightened out years ago as it goes uphill. He thought the Water Department was going to fix it when they installed the water line under the culvert. Commissioners questioned whether the blueberry bushes were supposed to demarcate the edge of lawn. Mr. Owen commented most of the property may be considered wetlands now. The Boudreaus and Bassetts maintained the Town should fix the culvert, and it is not fair their lawn is now considered wetlands. Chairman Morrison pointed out the culvert is a Highway Department issue.

Mr. Boudreau said it was his intention to cut the vegetation in order to make the area less wet and extend his useable lawn. He plans to plant eight blueberry bushes in accordance with the Commission's previous Determination. T. Boudreau estimated it had been ten years since he last mowed the area. Although there is still a fence in the area, his land actually extends to the other side of the brook. B. Clements commented that if the area had been left alone for ten years, it is very likely wetland vegetation was well-established there. The Boudreaus maintained the culvert outlet is higher than the inlet, and it has resulted in more water on their side of the brook, particularly during spring thaw. Mr. Boudreau stated the water flows to where the willows were located. He also said the culvert had not been cleaned out. B. Ganem reported Highway Superintendent Tom Delaney had checked on it in the spring, and it was flowing fine at that time.

In summary, the basic issues are that there has been mowing of vegetation in a wetland and the culvert is not flowing properly. Members requested that a letter be sent to Tom Delaney asking if there is anything that can be done with the culvert. E. Owen noted the invert should be higher than the outlet or water will flow into basements. T. Boudreau said he thought he was helping the situation out and was shocked to receive the Commission's letter. Mr. Owen cautioned that water could become a bigger problem with all the vegetation cut down and less water wicked out by plants. It was estimated the area that was cut was 50' by 25' and located 25' from existing lawn. Mr. Boudreau said it was his intention to neaten it up, but the culvert should be fixed.

M. Giguere questioned whether it should be mowed twice a year, but E. Owen pointed out it is likely a wetland. K. Corwin commented she did not think the Commission should be advocating cutting in a wetland regularly. C. Auman

noted that, regardless of how the matter was brought to the Commission's attention, there does exist a problem with the cutting of wetland vegetation. It is one thing to take out invasives, but any work near a stream requires a filing. T. Boudreau thought there had been some confusion about the play area and where the willows were removed. Members said they would review the minutes of the meetings to determine the edge of lawn and whether mowing was part of the original filing.

7:15 p.m. - Jenkins Road ANRAD

The applicant has requested a continuation, and upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to continue the hearing for the Jenkins Road ANRAD to October 25, 2005.

7:15 p.m. - Whiley Road NOI continuation

The applicant has requested a continuation, and upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to continue the hearing for the Whiley Road NOI to October 25, 2005.

7:30 p.m. - 160 Townsend Road NOI continuation

With no applicant present, the Commission left the hearing open.

K. Corwin noted the minutes of September 13<sup>th</sup> contained an incorrect statement on the Kaileys Way meeting. The vote should reflect a determination the area where tree cutting is proposed was considered already disturbed. Upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to approve the minutes of September 13, 2005, as amended.

Upon a motion by B. Clements, seconded by K. Corwin, it was

VOTED: to approve the draft Order of Conditions for DEP #169-932 for 216 and 218

Longley Road, as amended.

7:45 p.m. - 10 Redskin Trail NOI continuation

At the request of the applicant, and upon a motion by E. Owen, seconded by C. Auman, it was

VOTED: to continue the hearing for 10 Redskin Trail to October 25, 2005.

7:45 p.m. - 10 Rustic Trail NOI continuation

Todd Lobo of Meisner Brem explained he had added the additional details requested by the Commission to the record plan. In addition, calculations on the floodplain were provided. He noted he was increasing the capacity of the floodplain because the amount of material coming out would make the slope flatter. The additional areas where bark mulch, sand, and lawn will be located were also added. Spot grades at the top and bottom of the wall, the stairs, and the dimensions of the stairs were also added. Members thanked him for providing the additional information. K. Corwin asked if providing scour protection would result in extending the footprint, and Mr. Lobo stated no scour protection will be included.

Reporter Pierre Comptois asked what is proposed, and members explained the replacement of an existing wall along the shore and the addition of a second wall about 30' from the edge of Lost Lake is proposed. Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to close the hearing for DEP #169-931 for 10 Rustic Trail.

With no applicant present, upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to continue DEP #169-908 for 160 Townsend Road to October 25, 2005.

Upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to approve the draft Special Conditions for DEP #169-934 for 53 Island Road.

8:00 p.m. - Lost Lake Drawdown NOI continuation

Dr. William Eger reported he had talked with Jon Regosin at Natural Heritage about the proposed drawdown. He noted the Bridle shiner is no longer an issue, but there are concerns about the Sparganium in Springy Cove. It is in shallow water that has been exposed in drawdowns since at least 1941. The depth of the regular drawdown is considerably less than what is being proposed in this filing. Natural Heritage has asked that written monitoring records of the plant be prepared. A survey was done in September, and the plants located in the field. Dr. Eger noted Natural Heritage has theoretical concerns that the Lake will not fill up fast enough after an extensive drawdown. The 1992 Baystate study estimated the length of time it will take, and Dr. Eger said he would mail this information to Natural Heritage. He felt that refilling was unlikely to be an issue. The first board in the dam was removed on October 10<sup>th</sup>, and with all the recent rains, the water is now 4" higher in the Lake.

Dr. Eger reported the Great Pond Advisory Committee is split on whether to go forward this year because of time constraints and the public notification requirement. The siphon apparatus is working, but a hot line needs to be re-established for people who experience problems with their wells. He commented those questionable wells are still there. Members said once the Commission receives a letter from Natural Heritage affirming the Sparganium monitoring protocol, it is likely the Commission can issue a decision on the project. Dr. Eger stated he would send a letter to Natural Heritage outlining the process for monitoring. B. Clements asked what the last date for operating the siphon was, and Dr. Eger thought 3 or 4 weeks from now. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to continue the hearing for the Lost Lake drawdown to October 25, 2005.

8:15 p.m. 284 Whiley Road NOI continuation

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

VOTED: to continue the hearing for the 284 Whiley Road NOI to October 25, 2005.

In reviewing the sites visited on Saturday, members noted the wetland adjacent to Station Avenue is not of a high value, but it is likely it exceeds 5,000 SF. A plan with the wetland and property lines is really necessary before a determination can be made. Replication would be required if any wetlands are filled for parking. The proponent or owner is responsible for filing with the Commission, and there are limits on the amount that can be filled.

Commissioners reported an abundance of wood frogs in the site visit to the proposed W. Groton Water Treatment Plant. The access will come in on an existing railroad grade from Rt. 225. There are plans to cut vegetation and to slightly widen the right-of-way. C. Auman noted a lot of clearing is proposed, and it should be clearly defined in the field. B. Clements commented the route was chosen because it would minimize disturbance. He questioned whether new utilities are allowed under the Bylaw. E. Owen pointed out the Commission allowed utilities to go through a resource area on Kemp St., but there was a finding it was previously disturbed. Members noted opening the tree canopy could create a problem for wildlife.

8:30 p.m. - Rivercourt NOI continuation

At the applicant's request, and upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to continue the hearing to November 8, 2005.

Continuing the discussion on the Draft Environmental Impact Report (DEIR) on the W. Groton Town Forest Well, Commissioners noted salamanders are known to exist in the area, but it is a benefit to the Town to have an additional water source. The change of use for the Town Forest will fall under Article 97. K. Corwin suggested the Commission could include in the comments on the DEIR a preference for Option 1 because it requires no wetland filling. She expressed concern about the rare species on site. Natural Heritage will also have an opportunity to weigh in on this matter. E. Owen commented it may be necessary to have the infrastructure on the Blood land for when the second well is installed. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to send a comment letter to MEPA in which the Commission prefers Option 1

in which the treatment plant is located close to the entrance to the Town Forest, and

there will be no wetland disturbance. If there is shared infrastructure when a second

well is proposed on the Blood parcel in the future, then the Commission prefers Option

3 which will result in less overall environmental disturbance.

In addition, upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to include in the MEPA comment letter a statement recommending a formalized

public access to the Blood parcel.

Members reviewed a letter from the abutters to the drainage easement at Ames Meadow. It was noted meadowsweet, red osier dogwood, and cherry are growing in the area, but buckthorn and reed canary grass also grow there. It was agreed to require that a 10' wide swath be cut in the middle of the vegetated swale and to require the removal of invasives such as the buckthorn and autumn olive on the sides of the swale. Native shrubs/trees may remain in place. It was thought either a scythe or brush hog could be used for the job.

In discussion on the demolition of buildings at Brooks Orchard, members questioned whether it is likely any hazardous chemicals are stored in the barn. E. Owen thought it unlikely as the storage barn was used to store apples. Because heavy equipment may be necessary for the demolition, members strongly recommended haybales be placed at critical areas, but did not see the need for a filing at this time.

B. Ganem reported a complaint had come in about the work Bennett Black, Jr. is doing on the new Burntmeadow Rd. lot. Abutters P. Morrison and M. Giguere recused themselves, but remained in the room. Specifically, the caller said the driveway was wider than what was approved and utilities were installed. When checking the site, B. Ganem met with Mr. Black and noted the clearing for the driveway was wider than the 10' approved in the NOI plan. Mr. Black agreed to grass in the excess area to the right of the driveway. She noted the minutes and the plan were silent on the installation of utilities. The distance between the pond and the haybales is supposed to be 50' but in the field it was 43'.

Speaking as an abutter, Mr. Morrison said all utilities were proposed to come in from the top of the hill, and there was to be well water. He noted there is a new telephone pole on the wetland side of the haybales and questioned whether work was done within the limit of the driveway. C. Auman asked whether this could be done as an amendment. B. Clement said it appears to be unpermitted work. Members commented on the discrepancy between the wetland delineation submitted for DEP #169-913 and DEP #169-828, the filing under which the project is being carried out. Upon a motion by E. Owen, seconded by B. Clement, it was

VOTED: to require the filing of a request for an amendment to the Order of Conditions

for DEP #169-828.

B. Ganem explained the amount originally approved for the purchase of the abandoned W. Groton railroad right-of-

way has increased due to the acreage surveyed by the consultant for the third party, bringing the total to \$45,950. The B & M Corp. has not divulged who the third party is, but it is likely to be the Shattucks as much of the railroad runs through their property. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to authorize the expenditure of up to \$45,950 for the purchase of the Milford railroad line from the Conservation Fund.

P. Morrison abstained from the vote.

B. Ganem explained that one of the requirements of the Purchase and Sale agreement for the railroad land is the submittal of a survey. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to authorize an expenditure not to exceed \$5,000 to procure a survey of the Milford railroad line from the Conservation Fund.

P. Morrison abstained from the vote.

Regarding the upcoming meeting with Crosswinds abutters, members discussed what would be a reasonable buffer between the land to be opened up and neighbors. C. Auman thought a limited buffer could be appropriate. K. Corwin felt management of conservation land should not be done to suit abutters' aesthetics, particularly if we are to improve turtle habitat. The purpose is to have an early successional grassland. At one time abutters were mowing the conservation land in order to create a ball field. Members agreed to wait to talk with abutters to see whether they feel a buffer is even necessary.

Upon a motion by E. Owen, seconded by M. Giguere, it was

VOTED: to include in the Municipal Certification for the Deerhaven Conservation

Restriction application the following statement: The land provides a connection between existing protected open space (Deerhaven Conservation Area) and New England Forestry Foundation land. It provides a diminishing resource area in that it is to be maintained as grassland habitat while preserving forested edges and a buffer to Cow Pond Brook and its associated wetlands. The area is within the Petapawag Area of Critical Environmental Concern and is also identified by the Natural Heritage and Endangered Species Program as Estimated Habitat for rare species.

Upon a motion by B. Clements, seconded by M. Giguere, it was

VOTED: to authorize Jean Wright of 14 Juniper Road to proceed with the change in plan for her Determination of Applicability, in accordance with her letter of October 3, 2005.

In reviewing Mr. Striebel's most recent letter, members thought the Commission's original letter was fairly clear. In this response, Commissioners agreed to include a clause "in the event of an emergency in which a public health or

safety issue arises, the Commission will re-examine their position.”

B. Ganem reported signs have gone up to \$250 per set, and Mr. Razzaboni is no longer able to install them. The plastic signs the Commission has been contemplating may be a viable alternative. These can be made to have green surface with letters routed in white. B. Ganem will continue to explore alternatives, and Commissioners suggested Bruce Dube, John Greenhalgh, or Roy McGregor as possibly doing the sign installations. K. Corwin offered to look up the name of a company in Dunstable. Other possibilities include Broadmeadow Signs, Signs of Progress, and Lost Lake Signs.

Commissioners reported the water at the Sportsmen’s Club was over the dam spillway by about 6” during this weekend’s rain.

Comments on the Preliminary Subdivision Plan for the Gamlin property, Commissioners noted the site has stony soils and lots of rocky outcroppings. The wetlands delineation has not been approved by the Conservation Commission, and the Commission would like to know what is planned for the open space. There is potential to seriously impact turtle habitat. Some of the houses are quite close to the approximate wetland line, and the river in question is Cow Pond Brook.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Barbara V. Ganem

Conservation Assistant

**Approved as amended November 8, 2005**