

GROTON CONSERVATION COMMISSION

Minutes

January 24, 2006

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

Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to approve the minutes of January 10, 2006 as drafted.

K. Corwin abstained.

Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to approve the minutes of the Executive Session of January 10, 2006 as amended.

Commissioners visited the dam on Burntmeadow Rd. during the January 21, 2006 site visits. (Members P. Morrison and M. Giguere stepped down from the meeting, and Vice Chairman B. Easom chaired the ensuing discussion.) E. Owen commented that the sketch submitted by Ben Black, Sr. in September is actually a cross section of the dam, and the work included gravel to be added below the water line. K. Corwin pointed out that some work was done in the buffer without a permit, and the applicant will need to file. B. Clements observed the work appears stable with the exception of the hole. K. Corwin noted there appears to be a pattern in which work is done without filing or not following Orders of Conditions. The owner of the land where the violation has occurred is responsible. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to issue an Enforcement Order to the landowner for work in a resource area and buffer zone and requiring the filing of a Notice of Intent.

It was noted that the Bylaw allows a \$50 fine for a first offence, but it may be leveled on a per day basis. B. Easom asked if the Commission was happy with what was done. K. Corwin pointed out the Commission does not have the specifics of what was done and there is a hole. The collapse of soils into the stream results in pollution of the resource area and has the potential to undermine the road. Materials have been added in front of the dam where hay has been used to stabilize the site. B. Easom said the metal culvert appears to have rusted through, and B. Clements questioned whether it should be replaced in which case it would be the responsibility of the Highway Surveyor, Tom Delaney. Upon a motion by K. Corwin, seconded by B. Clements, it was

VOTED: to impose a \$50 fine on the landowner for doing work without filing.

B. Ganem explained the improper form was used to close out DEP #169-928 for 223 Whiley Rd. DEP requires either a letter or a Determination of Applicability for the withdrawal of a Notice of Intent. Upon a motion by K. Corwin, seconded by B. Easom, it was

VOTED: to send a letter to David Murray acknowledging the withdrawal of the NOI and rescinding the vote to issue a Notification of Non-Significance for DEP # 169-928.

The same type of action is required for the Malloy filing for 155 Indian Hill Rd. (B. Easom recused himself from the meeting.) Upon a motion by B. Clements, seconded by K. Corwin, it was

VOTED: to send a letter to Carol Malloy acknowledging the withdrawal of the NOI for DEP #169-937 for 155 Indian Hill Rd.

C. Auman observed the applicant appears to be expanding the horse pasture and should be reminded of the need to file for work within a resource area. B. Clements noted some work has already been done without filing and perhaps the Commission should consider issuing a fine. E. Owen said no fine was issued to the landowner on Martins Pond Rd. for mowing, and this is a similar activity. P. Morrison questioned whether this could be construed as an agricultural activity, and K. Corwin replied "The applicant would need to file a Request for Determination of Applicability" in order for that to be determined." Commissioners agreed to include a reminder about not expanding pastures without filing in the above letter.

7:15 p.m. - Mason/Abbreviated Notice of Resource Area Delineation - 666 Lowell Rd.

Brandon Ducharme of Dillis & Ducharme explained the Commission reviewed several soil borings during the Saturday site visit to the 10-acre parcel on Lowell Rd. On the south side of the parcel, there is an existing pond fed by an unnamed brook. The FEMA map shows the 100-year floodplain. Mr. Ducharme noted several wetland flags were moved upland, and surveyors picked up the revised flagging which is shown on the revised plans. He acknowledged B. Ganem's request for additional soil observation plots and also noted the applicant is only looking for confirmation of the Bordering Vegetated Wetland (BVW) flagging, not a determination of whether there is Riverfront Area or the extent of the 100-year floodplain. Pierre Comptois, reporter for the *Groton Landmark*, asked for clarification of the project, and Chairman Morrison explained no work is proposed at this time, but the applicant is looking for confirmation of the wetland boundary line. Commissioners requested that the plan be stamped and the submittal of the soil logs. Upon a motion by M. Giguere, seconded by B. Easom, it was

VOTED: to continue the hearing to February 14, 2006.

In discussion on the Crosswinds forestry project, Commissioners acknowledged it is a very close call to determine the property boundary and proximity of tree clearing adjacent to 871 Townsend Road. B. Easom offered to plant a small tree at that corner if the landowner feels that would be appropriate. B. Ganem explained the Wildlife Habitat Incentives Program will allow an extension of the grant contract to ten years because the actual cost of cutting and chipping came in so low. This would provide for additional brush hogging at no cost to the Town and, possibly, the planting of native grasses. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: agreed to extend the WHIP contract for an additional five years.

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

VOTED: to authorize either the chairman or administrator to sign off on the contract when it becomes due.

Commissioners agreed to visit property on Lowell Rd. during the next site visits to determine whether it has conservation value for the Town. They requested a plot plan and suggested that the sale of the land should not create a self-imposed hardship for the landowner.

7:30 p.m. - Rosa/89 Boathouse Rd. RDA

Architect Buxton Shippy, consultant for homeowner Nicholas Rosa, explained the project consists of interior renovations in which another floor will be added to the building. No soils will be disturbed. M. Giguere asked if there were plans to cantilever structures over the Lake, and Mr. Shippy acknowledged there would be a 4-foot projection for a balcony off the master bedroom suite, but the work itself would be 60' from the Lake. He estimated the height increase would be 4' to 5' above the existing roof and assured the Commission no tree removal would be necessary. E. Owen questioned how roof runoff will be handled, and Mr. Shippy pointed out there are currently no gutters on the house. He said a downspout could be added at grade to carry water away from the foundation. Commissioners explained the concern is that no erosion or sedimentation occurs into the Lake. A gable roof is proposed with water

running to the sides of the house. Mr. Shippy said the landowner also owns property to the left of the house. K. Corwin explained the Commission is also concerned that water is recharged into the area within 100 feet of the Lake, and sometimes applicants install a dry well or stone trenches at the roof drip line to recharge groundwater.

Mr. Shippy protested this would be expensive for his client for such a small addition. Mr. Rosa assured the Commission the house lot is a very sandy site. K. Corwin pointed out the house is on an extremely steep slope. Commissioners further questioned the applicant about how construction debris will be handled. B. Shippy stated he would have a pre-construction meeting with the contractors to establish the sensitivity of the site and the need for construction controls.

He noted that demolition debris can be stored on a 20' paved surface. Ms. Corwin requested orange safety fencing and haybales to demarcate this area, and P. Morrison commented this is the insurance policy the Commission looks for in practically every single project. B. Clements pointed out a dumpster could be a practical solution.

B. Easom questioned how the elevations of the house would relate to the Lake, and Mr. Shippy submitted additional plans showing cross sections of the proposed addition. Mr. Rosa indicated his septic system is a tight tank, and Commissioners advised the Board of Health may have something to add relative to the proposed addition. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to issue a negative #3 Determination with the following conditions: 1) a method to recharge roof runoff shall be incorporated into the construction; 2) haybales and orange construction fence shall be installed between the construction area and Lost Lake/Knops Pond; and 3) there shall be no stockpiling of materials within 25' of the Lake.

7:45 p.m. - Eliot/129 Longley Rd. RDA

Homeowner Anna Eliot explained she wished to add an addition and garage to an existing house. The work is within 200' of a brook. C. Auman pointed out the plan is rather sketchy with details such as erosion control, grading, and limit of disturbance missing. The percentage of Riverfront Area on the lot and the percentage that will be disturbed are also necessary. The measurement of the addition and associated grading should be shown on the plan. E. Owen commented the plan does not show the square footage of Riverfront Area although he acknowledged it is unlikely the disturbance of a 14 acre lot will exceed the 10% limit. A. Eliot said they plan to use the existing driveway. K. Corwin also confirmed the need for a limit of disturbance showing how far grading will extend. She pointed out the work is within a rare species polygon and questioned whether the applicant should file under the Massachusetts Endangered Species Act.

Ms. Eliot said she plans to use the existing septic system. B. Clements suggested erosion control measures should be shown on the plan, and A. Eliot said she did not envision anything going across the field. M. Giguere asked if the Commission's regulation about minor grading would apply. B. Easom questioned how roof runoff will be handled, and Ms. Eliot indicated there are no gutters on the existing house but there is crushed rock at the drip line. Mr. Easom urged that this feature be shown on the plan. Mr. Auman read the section of the Wetlands Protection Act Regulations (CMR 10, Ch. 10.58, § 1) which requires the square footage of disturbance and Riverfront Area on the lot. Commissioners summarized the revisions necessary on the plan as: limit of disturbance, dimensions of addition, erosion control measures, and how roof runoff will be handled. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to continue the hearing for 129 Longley Rd. to February 14, 2006.

8:00 p.m. - Liebold/246 Lowell Rd. RDA

Consultant Brandon Ducharme of Ducharme & Dillis explained his client wished to add an 800 SF addition consisting of a garage with living space above. There are also plans to renovate a deck into a sun porch and extend a deck which will be cantilevered out from the back of the house; existing stairs will be relocated. Sona tubes and posts will support the structure. Mr. Ducharme said there will be a temporary disturbance for the installation of the sona tubes. The

addition itself is outside the buffer. The addition will require excavation into the hill side, and the extracted materials will be used for grading on the septic system upgrade. The addition will have a poured concrete foundation, as well as walls. Commissioners asked where materials will be stockpiled and whether a dumpster or erosion control measures are proposed. K. Corwin questioned whether roof runoff from the screen porch will tie in with the existing system and noted the recharge trench for the driveway has degraded.

B. Easom questioned the basis for the 100' buffer zone, and Mr. Ducharme acknowledged it was taken from the plan filed in 2000. Mr. Easom suggested the Commission should confirm that the wetland line has not moved, especially at the closest wetland flag. Mr. Ducharme explained the addition will be a slab on grade with no basement. He proposed adding erosion control at the side of the driveway. When B. Easom expressed concern that the whole mass could move downhill, B. Ducharme thought it likely the cement will be added in several pourings rather than in one event. With requests to confirm the flagging and to add erosion control measures and the limit of disturbance, upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to continue the meeting to February 14, 2006 for 246 Lowell Rd.

8:15 p.m. - Bobzien/Sand Hill Rd. & Longley Rd. NOI continuation

Engineer Bob Pine explained he had revised the plans, based on previous discussions with the Commission, by shifting the house 5' to the east thus bringing the stone wall outside of the buffer zone. The plan now conforms to the Bylaw definition of minor grading. He noted he was able to maintain the lot line originally proposed. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to close the hearing for DEP #169-940 for Sand Hill and Longley Rd.

In discussion on the mowing bids for Gibbet Hill, Chairman Morrison stepped down from the discussion due to the fact he has a family member with a financial conflict of interest. B. Easom suggested he should leave the room, acknowledging an abutter you have a special interest in participating in the discussion, but that situation does not exist here. P. Morrison indicated he disagreed with that statement because he has a minor interest, but he was willing to recuse himself from the room.

Vice Chairman B. Easom noted the Commission has received three bids for the mowing of Gibbet Hill: \$2,500 for 12 mowings from Gibbet Hill, LLC, the Dube estimate of \$600/mowing (\$7,200 for 12 mowings), and the McGregor estimate of \$300/mowing (\$3,600 for 12 mowings). Upon a motion by C. Auman, seconded by B. Clements, it was

VOTED: to award the bid to Gibbet Hill LLC as the lowest bidder.

Commissioners questioned whether this contract would have to be done on a yearly basis, and it was noted the bid is specific to the 2006 season. Upon returning to the room, P. Morrison maintained that he felt only a disclosure was necessary in this instance.

In response to the request for a Certificate of Compliance for the installation of a tight tank at 99 Boathouse Road, and upon a motion by K. Corwin, seconded by B. Easom, it was

VOTED: to issue a Certificate of Compliance for DEP #169-614 that also requires the recording of the original Order of Conditions.

B. Ganem explained that a potential buyer had reviewed the file at which time it was noted there was an outstanding Order of Conditions. The Commission will have to sign a new signature page in order to re-issue the original Order.

8:30 p.m. - Nam Hang LLC/RDA - 9Crossroads Plaza continuation

Consultant Scott Smyers stated the Commission visited the site again on January 14, 2006 to review the limit of flagging and look at soil borings. Based on those findings, he acknowledged the Commission found an isolated

vegetated wetland jurisdictional under the Wetlands Bylaw.

Consultant Bruce Ringwald said the original filing included an existing conditions plan prepared by LandTech. A new plan has been prepared to show topography beyond the property line and establish ridge lines to determine the size of the watershed contributing to the depression. They then ran calculations to determine whether the depression is Isolated Land Subject to Flooding (ILSF) under the Wetlands Protection Act, and those calculations are submitted as part of this RDA filing. The standard for ILSF is ¼ acre feet with an average depth of 6". He noted this area comes in at .228 and is not jurisdictional under the WPA. B. Clements suggested an independent consultant be engaged to verify or refute Mr. Ringwall's calculations.

M. Giguere clarified the finding as a determination that it is jurisdictional under the Bylaw but not under the WPA. The new plan shows an area of 398 SF that is subject to the Bylaw. Four flags were placed. B. Easom questioned whether the calculations would change if the upper depression did not exist, and Mr. Ringwall indicated it would be just shy of the standard. For the purpose of preparing calculations, Mr. Ringwall explained the entire depression was considered to be impervious. Mr. Smyers acknowledged the soil layers showed some gleying, there was a preponderance of wetland vegetation, and there were signs of ponding so he would agree there are hydric conditions. Upon a motion by Mr. Auman, seconded by B. Easom, it was

VOTED: to issue a positive #6 Determination.

Mr. Smyers and Mr. Ringwald conferred on the wording included in the Determination form and accepted this finding. The Determination will cite the updated plan and confirms the area is jurisdictional under the Bylaw, but not under the WPA.

Commissioners reviewed the wording in the Taisey Conservation Restriction which governs forestry cutting practices. Members noted there is an extensive trail network in this area which joins up with the Farmers & Mechanics conservation land. A letter will go to the landowner requesting the number and kinds of trees to be removed and requesting any logging be done under frozen conditions. Some members may wish to review the marking of trees proposed to be cut.

The Board of Selectmen has requested interested parties to attend a meeting on January 30th at 8:15 to discuss the future status of the Recreation Department. It is likely they will be looking to disburse the most popular programs to other organizations such as the Groton Country Club, the Twomey Center, or the Groton Dunstable Soccer League.

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

VOTED: to enter Executive Session for the purpose of discussing litigation strategy, to return to Open Session upon adjournment.

At 9:10 p.m., the Open Session meeting reconvened for discussion of revisions in the Bylaw Regulations or Chapter 344 as it will appear in the Town Code of Groton. § 344-7 covers the use of vehicles and tools, and there was concern that it may not be clear whether snowmobiles are allowed or disallowed. B. Easom offered an amendment to specify "A snowmobile will not be considered a motorized vehicle." The vote on the revision failed with B. Clements, K. Corwin, E. Owen, C. Auman, and B. Easom voting in the negative, P. Morrison voting yes, and M. Giguere abstaining. Upon a motion by B. Clements, seconded by C. Auman, it was

VOTED: to change the language in § 344-7 to read "No cars, truck, snowmobiles, or other motorized vehicles, or powered tools shall be allowed except as permitted by the Conservation Commission."

The motion passed with P. Morrison opposed.

In discussion on including wetland determinations under §344-13. Jurisdiction, upon a motion by M. Giguere, seconded by K. Corwin, it was

VOTED: to move “wetland boundaries” to §344-21 Definitions.

The motion passed with M. Giguere and K. Corwin abstaining.

In discussion on the regulation of stormwater facilities, C. Auman commented that size should be taken into consideration. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to revise the wording for §344-14 C Stormwater management structures.

Commissioners reviewed the Boxford requirements for submittals requirements for wetland filings. With some modifications and upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to accept the revised list of NOI submittal requirements for wetland filings.

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

VOTED: to include the word “permanent” in §344-19 A. (3) for signs to mark the edge of the limit of disturbance.

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

VOTED: to accept the addition of low impact development language at §344-19. C. Subdivision roadways. (1)(a).

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

VOTED: to add “from the horizontal with the exception of roundings and catch basins” to §344-19. (4) Requirements for turtle and amphibian migration (a) & (b) and to approve the addition of (4) as revised.

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

VOTED: to elaborate on the requirements for site visits by adding §344-19 D. (1) (a) & (b).

After discussion, Commissioners agreed to hold off on revisions to requirements for replication submittals. Commissioners agreed to eliminate a definition of isolated wetland. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to revise the definition of “minor grading” in §344-21. Definitions.

K. Corwin expressed concern that consultants are continuing to present plans on the night of the Commission meeting with the expectation that the hearing will be closed. It states in the Bylaw Regulations that plans should be submitted at least ten days ahead of meetings in order to allow the Commission an opportunity to review them. She suggested the Commission automatically continue such hearings. Other Commissioners cautioned that this could prolong the process unnecessarily.

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

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted February 14, 2006