

## GROTON CONSERVATION COMMISSION

## Minutes

March 14, 2006

Vice Chairman Bruce Easom called the meeting to order at 7:00 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. Chairman Peter Morrison was absent. Conservation Assistant Barbara Ganem was also present.

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

VOTED: to approve the minutes of February 28, 2006, as amended.

Concerning the draft Request for Proposals (RFP) for management of the waterfront program at Sargisson Beach, the Commission has the option of bundling the lifeguarding, swim lessons, and parking attendant together or requiring separate proposals for each component. Members felt that whatever worked best for the assistant would be acceptable. Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to authorize B. Ganem to submit legal notices and finalize the RFP for waterfront management.

In discussion on the Ch. 91 dock permit process as it applies to the designation of Lost Lake/Knops Pond as a Great Pond, member B. Clements commented the Commission deals with issues relating to the effect a dock has on a wetland resource area. He did not see the harm in reminding applicants they might need a permit from the state. Regarding the status of the Lake as a Great Pond, Mr. Clements felt this was an on-going issue we cannot resolve tonight. E. Owen noted that occasionally the Commission has put out an Order in which people were requested to get a Ch. 91 license. K. Corwin said Town Counsel has provided a written opinion, and she suggested the Commission should proceed as we always have. C. Auman agreed, stating he does not want to expand the Commission's jurisdiction, but we have typically required an applicant to have permits in order, i.e., the Board of Health Title V permit. M. Giguere thought it was a minor technical issue involved with putting a structure in the water.

B. Easom summarized the options open to the Commission as 1) take no position, 2) recommend applicants get a Ch. 91 license, or 3) state a Ch. 91 license is required. B. Clements noted that the Commission's position would only apply to new docks as many residents may have had docks for years without permits in place. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to condition Orders of Conditions going forward to obtain appropriate permits, including a Ch. 91 license or permit, if applicable.

7:30 p.m. - Bunn/330 Lost Lake Dr. Notice of Intent

Homeowner Mary Bunn explained she wished to clean up all the stuff that has floated down to her property so that she will be able to swim. E. Owen noted that the proposal from the landscaper includes an excavator entering the Lake, and the Commission tends to be apprehensive about this. Ms. Bunn said it would be easier to move loam around with machinery. She also noted there was a hole near the shore line where she almost drowned 30 years ago that she would like to make level.

K. Corwin questioned whether there would be any dredging or scraping of materials in the Lake itself, and Ms. Bunn indicated that a lot of weed clumps come down to this area when the weed harvester is operating, and the weeds make it boggy. Ms. Corwin asked if the scraping would include pulling up existing vegetation which could de-stabilize the soils and damage the ecosystem. C. Auman asked if any materials will be removed, and Ms. Bunn replied just weeds or little islands and other stuff that float down to this cove. Mr. Auman said he did notice some debris which could be removed by hand, but he thought that removing weeds would involve removing soils. M. Bunn said she wished to fill the hole if it is still there and said it looks like mud to the edge of water now. She has no plans to expand the lawn and is just removing debris and weeds. The work will either be done now or in the fall when water is let out again. Members explained the need to be careful because other people may want to do this. They questioned whether the work could be done by hand. B. Clements suggested the work

should be done when the water is drawn down. Ms. Bunn said materials will be removed in the muddy weedy area. Branches can be removed by hand. B. Easom pointed out, if tractors are removing muck, it creates all kinds of regulatory issues. This can be avoided by doing hand pulling. If it is to happen this spring, it could be difficult because of the timing.

C. Auman commented there is an erosion problem from the road down to the Lake. Ms. Bunn maintained this was caused by her neighbor who funnels runoff over to her land via a paved driveway. The new buyer of the property plans to tear up part of the driveway and put it to the side, and M. Bunn thought this would improve the situation. K. Corwin suggested a settling basin might help. Ms. Bunn said it has been necessary to fix the trench two or three times because of the runoff. E. Owen questioned whether an excavator could sit on shore and reach out into the Lake. The work is to take place between the high water mark and low water mark, not in the water itself. The hydroseeding mentioned in the NOI is to occur only in the trench area according to M. Bunn. Members indicated a requirement to do the work by hand could be put into the Order of Conditions. There being no additional input, upon a motion by E. Owen, seconded by B. Clements, it was

VOTED: to close the hearing for DEP #169-947 for 330 Lost Lake Dr.

7:45 p.m. - Request for amendment to DEP #169-904 to replace the docks at Sargisson Beach

Recreation Director Liza Judge explained the replacement dock will essentially duplicate the size and location of the current dock. It is anticipated the installation will be done during a week day in early May. The company that is making the dock is from Maine, and Tom Delaney has committed to having a crew there to help in the installation. Volunteers may also be available. The goal is to require as little maintenance as possible in the future. The Lake water levels generally start increasing in mid-April, and it will be necessary to install posts in the bottom of the Lake to anchor the dock. New posts are necessary because some have fallen in or are not stable. They will be pounded in by hand. The company will deliver the dock in sections, and it will be possible to negotiate the existing cart path leading to the beach with a truck carrying the sections.

B. Easom clarified the location of the dock on the aerial map submitted with the filing. B. Ganem explained the deck planks will be spaced approximately  $\frac{1}{8}$  of an inch apart rather than the recommended  $\frac{3}{4}$  of an inch because the goal is to suppress weed growth to maintain a safe swimming area. A draft Ch. 91 application is to be discussed later in the meeting.

Members noted a proposal has come in from the YMCA in Lowell to conduct a swim lesson program and staff the town beach as well. If we are to award a contract for services, it has to go out to bid. L. Judge noted it is possible there are others who may put in some type of proposal. An advertisement will appear in local newspapers, as well as the "Goods and Services Bulletin".

Ms. Judge said there are several different options which the Commission could consider, including the staffing of parking attendants. She noted the whole proposal will go through the Conservation Commission as she will be leaving at the end of June. It is likely the Town will still issue parking permits as it is more convenient for residents to come to Town Hall. Returning to the hearing for the docks, there being no further discussion, upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to close the hearing for an amendment to DEP #169-904 to allow the replacement of existing docks.

8:00 p.m. - Patenaude/Bridge St. ANRAD continuation

Brandon Ducharme recapped that Mr. Patenaude has submitted an ANRAD for the 24-25 acre parcel to delineate the resource areas. Cow Pond Brook and its accompanying Bordering Vegetated Wetland, as well as the 100 foot buffer zone and the 200 foot Riverfront Area are shown on the plans. Using the NGVD 1929 datum, the 100-year floodplain was determined to be at an elevation of 190'. This elevation does not occur on any of the subject land. Mr. Ducharme explained there is currently extensive flooding due to beavers on Cow Pond Brook. For this reason he was unable to determine a mean annual high water line. He noted the river was originally located using the Groton GIS mapping. Stan Dillis also had some aerial photographs for the area, in which the river appeared to be 14' in width. Using this method, there are several areas where the Riverfront intrudes into the subject parcel. Mr. Ducharme questioned whether the Commission was comfortable with this methodology. He noted it could be possible to determine the thread of the river using hip-waders for a length of 2000'. He thought the 14' was very conservative, and he felt comfortable with that line.

M. Giguere questioned whether DEP has published any information on this type of situation. He noted the applicant is asking the Commission to determine whether this would be the channel if the beavers were not present. B. Easom acknowledged he

was not on the site visit; he questioned how information on the aerial photographs was transferred to the plan. Mr. Ducharme responded they had a good indication of where the circle, crossing, street intersection, and stone walls were located so those were four points which could be tied in. Mr. Easom also asked why the edge of the river is not the area to which the beaver has flooded the stream where the edge of water is today. Mr. Ducharme explained the riverine characteristics, the bank, bed, and flow, are lost, and the resource area is now a pond, not a river. It was estimated the BVW probably extends an average of 10' beyond the edge of water. The Riverfront Area averages 40' -50' landward from the buffer zone. The beaver flooding has not created a broader river, but a pond. E. Owen indicated he was comfortable with this delineation.

K. Corwin said she was not comfortable as she thought the area appeared to have some flow although it was slow. She expressed concern about taking the edge of the river from photography rather than finding, despite the possible expense, where the actual bank is located. She threw out the possibility of using the Bordering Vegetated Wetland as the Riverfront. C. Auman added other indicators can be used, such as changes in vegetation, staining, scouring, top of point bars, changes in slope, changes in bank material, and bank undercuts according to 310 CMR 10.58 (2)(a) 2. Mr. Ducharme pointed out, even if an elevation is established, it will be located within the water. The thread is very accurate from the aerial, and the width was scaled to 14'. He thought assuming a 20' width might be an option.

Resident Sandra Hersh (8 Bridge St.) asked who the owner of the property is, and B. Ducharme said Patenaude had the property under a purchase and sale agreement with the Gamlins. David Bonnett (#50 Bridge St.) questioned the relationship between Gamlin and the Groton Conservation Trust as he understood public monies were used for the purchase. It was noted GCT owns the property across the river. B. Ganem explained the Gamlin Crystal Springs was owned by the GCT and Fisheries & Wildlife has purchased a conservation restriction on the property. The parcel under consideration tonight is not that land. Mr. Bonnett asked why the abutter notification said the applicant was seeking to remove, fill, dredge, or alter a resource area, and Mr. Ducharme indicated this was a standard notification, and only a delineation is proposed under this filing.

K. Corwin explained the Commission is looking at two different boundaries, that of the Bordering Vegetated Wetlands and that of the Riverfront Area. M. Giguere added it is a process in the way the Commission works out the delineation. Mr. Ducharme indicated he would revise the plan according to the Commission's decision for both wetland resource areas. B. Ganem questioned the size of the watershed, and B. Ducharme said he did not have the figure immediately available but could provide it. K. Corwin reiterated she did not feel comfortable accepting photographs for the determination of the river channel. She felt topography or the mean annual high water marks derived from a field survey were more appropriate. B. Easom said he wanted to see the boundary rendered on a plan. E. Owen questioned whether sonar could be used. A motion to require an in-field survey failed, with K. Corwin and C. Auman voting in favor and B. Clements, B. Easom, M. Giguere, and E. Owen voting in the negative.

Thurman Van Riper (36 Bridge St.) questioned why the delineation could not just show the existing water line as it is today. K. Corwin replied the wetland boundary is actually further upland than the edge of the water. Mr. Bonnett maintained Cow Pond Brook is definitely not 14' wide because it is a meandering stream. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to continue the hearing to March 28, 2006.

#### 8:15 p.m. - Bue/14 Island Road NOI continuation

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

VOTED: to continue the hearing to March 28, 2006 at the applicant's request.

#### 8:15 p.m. - Lawrence Academy NOI continuation

Brandon Ducharme stated he was present on behalf of Gerry Buzanowki of Dillis & Ducharme. He noted Commissioners had previously raised questions about the volume of water vs. the rate of runoff. He submitted an excerpt of 310 CMR 10.05(6)(b) in which the statement "Stormwater shall be managed according to standards established by the Department in its Stormwater Policy." was highlighted. In this system he said all of the water will enter the north wetland both pre- and post-construction. This takes into account overland flow as well as recharge migrating below the surface and flowing toward the wetland. The new plan calls for controlling and cleaning the water prior to release.

Mr. Ducharme also submitted an Operation and Maintenance Plan which has been reviewed and agreed to by Lawrence Academy staff. M. Giguere inquired as to whether any consideration had been given to installing sunken rather than raised islands, and B. Ducharme indicated he did not believe the landscape architect had addressed this issue. Mr. Giguere pointed out there can be cost savings for the applicant in having infiltration areas and not installing curbing.

B. Clements asked if there will be more stormwater runoff post development, and Mr. Ducharme confirmed the volume of the water would increase. He also noted the project has been designed to meet the DEP Stormwater Policy on TSS removal and using appropriate measures for stabilizing slopes. Mr. Clements pointed out the Planning Board is likely to limit an increase in runoff volume. E. Owen questioned whether the total volume increases significantly. Mr. Ducharme said another acre of impervious area is being added, and that will increase the volume. He maintained that volume is less critical when there are multiple wetlands in parts of the same system. On this site, there is less infiltration on the south side. The rate of runoff is maintained, but ultimately more water is going toward the wetland. K. Corwin asked if this was in the regulations. B. Ducharme said DEP now is pushing recharge, but it is not feasible to recharge as much on-site because of the nature of these soils. He did not feel it would be possible to achieve no net increase in runoff. Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to continue the hearing for Lawrence Academy, pending a DEP tracking number.

Commissioners agreed the draft Ch. 91 letter on the Sargisson Beach docks should be sent out. As a result of the Saturday site visit to 48 Martins Pond Rd., members recommended the resident file a Request for Determination of Applicability. It was also determined that it will be unnecessary for Groton School to file for the removal of invasives and cleaning of a ditch. A letter will be sent out to confirm this. B. Clements abstained from the discussion on these two items.

Several changes were made in the draft Order of Conditions for DEP #169-908. Upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to issue an Order of Conditions, as amended, for 160 Townsend Road, Squannacook Hills, DEP #169-908.

The Commission has previously voted to issue an amended Order of Conditions for DEP #169-777, but in a motion by E. Owen, seconded by B. Clements, it was

VOTED: to approve the amended Special Conditions for DEP #169-777 as drafted for 162 Hayden Road.

In discussion on the Order of Conditions for an amendment to DEP #169-904, Commissioners recommended including in the "Findings" section a statement about allowing the  $\frac{1}{8}$ " spacing in the decking on the docks for the suppression of weeds. The plan of record list should also include the aerial map showing the proposed location of the docks. A condition to apply for a Ch. 91 license will be included as well. Upon a motion by K. Corwin, seconded by B. Easom, it was

VOTED: to issue an amended Order of Conditions for DEP #169-904 as outlined above.

K. Corwin said she had an issue with approving a Certificate of Compliance for 120 Lost Lake Dr. since no polishing basin or topography reflecting a depression was visible in the area specified on the As-Built Plan. She felt they had an erosion problem with flow coming from the driveway toward the wetland. In addition, it was not clear how roof recharge was being accomplished or the permanent limit of disturbance. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to not issue a Certificate of Compliance for DEP #169-730 for 120 Lost Lake Dr.

B. Clements abstained from the vote. Commissioners noted the resident should file a Request for Determination of Applicability.

Regarding Stan Dillis's policy question about the need to file for exploratory work to prepare design plans, Commissioners recommended the filing of a Request for Determination of Applicability.

K. Corwin advised the draft replication requirements for the Bylaw Regulations should reflect the numbering system in the Town Code and references to the appendix refer to the state booklet on replication. B. Ganem will make the corrections and e-

mail them to members for discussion at the next meeting.

E. Owen volunteered to look into whether the Commission should offer any recommendations on the Board of Health well regulations. The Board of Health is holding a public hearing on April 3, 2006 to discuss changes in their underground tanks regulations. Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to send a letter to the Board of Health explaining the prohibition against underground tanks in the wetland buffer or riverfront area in the Wetlands Protection Bylaw and asking for their cooperation in including it in their regulations.

Member Auman indicated he would try to attend the hearing.

Concerning regulations and rules for the use of conservation land, Town Counsel has recommended the Commission modify the current rules to include fines rather than promulgate a new non-criminal disposition bylaw. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to adopt the revised "Regulations for Use of Conservation Land" as recommended by David Doneski.

Members noted that, in order to comply with Condition #3, it would be necessary to post "no hunting" signs every 50'. Some potential donors of conservation land may wish to make no hunting as a condition of the gift.

B. Ganem reported a senior forester from National Grid brought a complimentary copy of a booklet on shrubs and trees suitable in power line ROWs in to the Commission office. B. Easom asked to borrow it.

K. Corwin asked Commissioners when they felt it appropriate to re-install the turtle crossing signs. One issue is that no one will take notice of the signs if they are up all the time. The original purpose of the signage was to alert drivers to turtles crossing the road during nesting season. The signs were posted for the first time last year, and the feedback has been good. After further discussion, members agreed to request that the signs be installed from May 15 to July 15.

Several members provided handouts they received at the MACC Annual Conference.

At 11:35 p.m., upon a motion by M. Giguere, seconded by C. Auman, and a roll call vote of B. Clements, E. Owen, K. Corwin, C. Auman, M. Giguere, B. Easom, it was

VOTED: to go into Executive Session for the purpose of discussing a land acquisition to return to Open Session.

At 11:46 p.m., there being no further business, the meeting was adjourned.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as amended 3/28/06**