

GROTON CONSERVATION COMMISSION

Minutes

May 23, 2006

Chairman Peter Morrison called the meeting to order at 6:55 p.m. in the 2nd floor conference room in Town Hall. Members Craig Auman, Bruce Clements, Marshall Giguere, and Evan Owen were present. K. Corwin arrived at 7:01 p.m. Member Bruce Easom was absent. Conservation Assistant Barbara Ganem was present.

Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to approve the minutes of May 9, 2006 as drafted.

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

VOTED: to issue an Order of Conditions as drafted for 98 Indian Hill Rd. for DEP #169-952.

(K. Corwin arrived at 7:01 p.m.)

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

VOTED: to issue an Order of Conditions as drafted for 14 Island Rd. for DEP #169-946.

Commissioners advised that comments to MEPA on Reedy Meadow Estates should include the information that the delineation has not been confirmed and that the Commission is concerned about the rare species on the site.

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

VOTED: to issue a Certificate of Compliance for DEP #169-812 for 191 Gratuity Rd.

Members reviewed the Forestry Management Plan for the Taisey Conservation Restriction and indicated they had no issues with it at this time.

In response to Attorney Bob Collins letter of May 17, Commissioners discussed whether the matter of allowing play equipment to stay on the Deerhaven conservation-restricted land should be referred to the Planning Board as it appears to be a request to have the boundaries changed. The land devoted to play equipment would no longer be for conservation purposes. K. Corwin cautioned that making an inquiry to the Planning Board would just give the request additional life and she would not be in favor of this step. C. Auman noted that this area was originally included as open space for the public to use, and he thought the Planning Board would be as opposed as the Conservation Commission is to this step. Members agreed to send a letter to Mr. Collins stating that this would set an unfortunate precedent for publicly accessible property and could create liability problems. Concerning the addition of mowing as an allowed activity, B. Clements indicated he was opposed to authorizing the neighborhood to mow because of the use of chemicals and the attendant arguments on the length of the grass.

7:15 p.m. - Northwoods Conservation Area RDA

Eagle Scout Nathan Pfenninger explained he proposes to construct a foot bridge across a small stream that is currently 20 ft. wide due to the recent rains. The bridge will be 24 ft. long pressure-treated wood with TREX decking. Granite footings will be used at either end, and N. Pfenninger estimated the cost of the bridge would be \$3,500 to \$3,600. He is hoping the stone yard in Groton will donate the granite. The pressure-treated wood would be treated with copper,

not arsenic. He estimated the size of the granite blocks to be 3 ft. C. Auman thanked him for taking the project on and added the Commission appreciates this effort. In response to his question about the nature of TREX, Mr. Pfenninger replied it is recycled plastic material that will not require future maintenance. K. Corwin noted it can be either gray or brown in color. M. Giguere agreed this was a good project and noted the current bridge (2 boards) does need replacement. He questioned whether a 3 ft. by 24 ft. structure might tend to flex. B. Clements asked whether anything would hold the bridge in place, and N. Pfenninger said it would rest on the granite blocks. The bridge will not be appropriate for horses. Chairman Morrison reported there are several similar projects needed on Wharton Plantation if any other scouts are interested. K. Corwin asked whether it would be necessary to have a support in the middle, to which Mr. Pfenninger responded he did not anticipate the need for anything to be placed in the water. Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination providing there are no supports in the middle of the bridge and that signage indicating the trail bridge is not appropriate for horses is installed.

Commissioners recommended Scott Lathrop be advised to file a Notice of Intent for the proposed work on the culvert, a project that is permissible under the Wetlands Protection Act. They noted his manure spreading also required a filing, but decided to delay discussion until the NOI hearing is held.

Regarding the letter from Craig Young, Director of Administration and Finance for the Groton Dunstable School District, members requested B. Ganem to send a thank you letter indicating it is fine to do the clean up in the summer.

7:30 p.m. - Chicopee Row RDA

Stan Dillis of Dillis & Ducharme explained his client wishes to do exploratory soil testing in the uplands on the property. In order to do so, it will be necessary to cross wetlands to gain access. He estimated 140 ft. of wetlands will be crossed. The testing will be done with a rubber tired backhoe, not a track excavator, and probably take place in July or August. Commissioners were concerned about bringing heavy equipment over a partially collapsed culvert. K. Corwin recommended this be done during a dry time of year and any disturbances re-seeded with a wetland seed mix. If the owner proposes access, it is likely it will be filed as a limited project. Mr. Dillis thought the access might have to be done twice. Upon a motion by E. Owen, seconded by M. Giguere, it was

VOTED: to issue a negative #2 Determination for Chicopee Row for work in a resource area.

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

VOTED: to issue a negative #3 Determination for Chicopee Row requiring that the access be made at a dry time of year, that any disturbances be re-seeded with a wetland seed mix, and that any damage to the culvert shall be repaired.

Town Counsel has prepared a contract between the Town of Groton and the Greater Lowell YMCA for the management of the waterfront and swim lessons at Sargisson Beach for the summer 2006 season. Upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to accept the contract as written.

B. Ganem reported the Crossroads Plaza consultants have concerns about the Bylaw requirement for a three to one replication area. Commissioners said they are interested in hearing why it would be good to move the wetlands. Also, an abutter has indicated he will likely be filing an appeal to the Gilson Rd. Monarch Path Order of Resource Area Delineation. He contends that the wetland is larger than what is shown on the approved plan.

Members E. Owen and K. Corwin explained they had met briefly to go over the steps for monitoring conservation-restricted land. Because it can be rather complex, their first meeting focused on the process. They felt it would be

helpful to have a GPS unit and take photographs to address any border disputes that might arise. Members requested B. Ganem to look into using and perhaps purchasing a GPS unit for Commission use. She will also contact the owners of the Lawrence Homestead to determine if it is possible for Commission representatives to meet them at the site on June 10th, the next day of site visits.

7:45 p.m. - 90 Ridgewood Dr. NOI

Stan Dillis explained this project has been partially completed under an earlier filing. Because it has now expired, the owner is requesting a new Order to complete the deck, clean up the site, and loam and seed any slopes. C. Auman said the work done thus far looks good. He suggested that stone be specified for under the deck. M. Giguere noted that materials appeared to be leaching out of some of the walls, and Mr. Dillis said this could be cleaned up and removed from the site. No work is proposed in the area where the duck was observed to be nesting during the Saturday site visit. E. Owen indicated there was no point in re-establishing the entire silt fence, but he felt some erosion control measures were called for. Mr. Dillis made the appropriate changes on the plan and signed and dated the revisions. Upon a motion by B. Clements, seconded by K. Corwin, it was

VOTED: to close the public hearing for 90 Ridgewood Dr.

Mr. Dillis agreed to provide a corrected copy of the plan reflecting his changes from this meeting.

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

VOTED: to recommend Evan Owen as the Commission's representative on the Earth Removal Advisory Committee to the Board of Selectmen.

K. Corwin reported she has recently received notification from Natural Heritage of the certification of the vernal pools at the Police Station on Pleasant St.

E. Owen explained that he and Bruce Easom visited the Acorn Path trail location, and the neighbor is not happy with the proposed trail. Mr. Owen indicated that it is hard to get a good sight line due to the heavy vegetation at the site. Commissioners requested that abutters in the neighborhood be notified that the Commission intends to discuss putting in a pedestrian foot path on town-owned land off of Acorn Path at its next meeting on June 13th. No motorized vehicles would be allowed on the trail.

8:15 p.m. - 1 Lost Lake Drive RDA

- Applicants Dana Lorden and Chris Tofte were present. Mr. Tofte explained they wished to construct a condex using the existing driveway in order not to disturb too much ground. Member Clement observed there is an issue in that there is potential turtle nesting habitat on the site. He noted that under the local Bylaw some grading is allowed within the buffer zone. There is currently a roadway next to the site, and the wetland is located across the street. He thought that reconstruction on the site would not result in further impacts than were there previously.

K. Corwin pointed out some of the grading for the septic system is within the 100-foot buffer zone. The system itself is at the 100-foot line. She commented that only minor grading is allowed under the Bylaw, and she thought this project qualified. The footprint of the house is at least three times the size of the former house which burned. Ms. Corwin added there have been reports of turtles nesting at this site for years. She did not feel a tunnel was an appropriate alternative as turtles will not use tunnels. She expressed concern that the timing of construction could disrupt the June through September nesting period. Turtles seek out sandy, gravelly soils for nesting. Also, the nestlings will hatch in September and move towards the wetlands. She felt the timing of construction was important.

E. Owen asked the applicant to consider adding trench grates to the driveway to prevent surface runoff from the driveway to Lost Lake Dr. Mr. Lorden stated they will create a negative slope off the roadway so there will be no sheet runoff to the roadway. Mr. Tofte maintained the land is flat with a gradual grade.

C. Auman commented that, without a wildlife study, we don't have a clear idea of how the sandy, gravelly area is utilized. The installation of silt fencing will prevent them (turtles) from coming in but probably lead to higher mortality from turtles crossing the road. K. Corwin suggested leaving the surface of the septic systems gravelly and maybe not using silt fencing. C. Auman commended the applicants for making an appropriate effort to keep structures out of the 100-foot buffer.

Chairman Morrison explained there is a letter from a resident which will be attached to the minutes as part of the record. Resident Virginia Bennett (34 Arrow Trail) explained she was that resident and has serious concerns about the proposed construction. She noted she has monitored this exact area for the past three Junes, and has helped turtles across the road many times. Constructing this project during June will result in many Snapping and Painted turtles failing to gain access to their traditional nesting site. Ms. Bennett pointed out this is not so serious an event for Snapping and Painted turtles because of their numbers. But, she reported, she observed a 9" female Blanding's turtle at the site on June 12, 2005. Ms. Bennett pointed out this is a major, critical turtle crossing. She noted a Painted turtle was hit crossing Lost Lake Dr. to access the nesting site on May 18th. She asked that the Commission consider a building moratorium for the month of June. The placement of haybales will re-direct the turtles back onto the roadway which could contribute to further road mortality. Ms. Bennett noted that Natural Heritage expects to update their rare species map in July 2006.

V. Bennett said the two acre lot is the proposed site for a multi-family house with two septic systems. There will be a lot of vehicle traffic on the lot during and after construction, and she urged the Commission to consider requiring a biological survey for the property. To lose one season of eggs for the Snappers or Painted turtles is not a big deal, but it's a different scenario with the Blanding's turtle. She maintained turtles cross the road from 29 Lost Lake Dr. on past this lot. She felt a biological survey would help determine appropriate development on the lot.

B. Clements asked if the major problem is during construction, and V. Bennett replied that a grassed lawn, mowing, and chemicals instead of the current sand and gravel would represent a change for the species.

K. Corwin pointed out the Commission does not have jurisdiction on areas beyond the 100-foot buffer zone on the lot. She also noted the current Natural Heritage map does not show this lot within a rare species polygon.

Chairman Morrison requested that all questions be directed through him. E. Owen questioned whether it would be possible to access the site via Rt. 40 rather than Lost Lake Dr. The applicants indicated they were willing to consider this unless they run afoul of other Town regulations. Commissioners speculated a permit from Tom Delaney may be necessary. V. Bennett, objected to doing anything in June which could disturb mature female nesting turtles.

Resident Jim Cosgrove (29 Lost Lake Dr.) asked the direction the new housing will face, and the applicants replied it will face Rt. 40. He suggested the Commission consider putting the silt fencing on the other side of Lost Lake Dr. Mr. Cosgrove indicated he was glad to see the house restored. Member M. Giguere asked the Assistant if the area was within estimated habitat, or Natural Heritage control. The Assistant answered in the negative, and M. Giguere said that the project would appear to be outside of Natural Heritage's jurisdiction. B. Clements thought there was potential to enhance the site for wildlife. Members suggested the area behind the septic system grading could be preserved in a natural state by posting signs stating it is a turtle nesting area. Discussion followed on using the silt fence to keep the turtles out of the construction zone to provide a safe area to nest at the back of the property. The applicant said these measures were acceptable to him.

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

VOTED: to issue a negative #3 Determination requiring 1) the installation and maintenance of silt fencing as shown on the plan with the exception of also extending it around the proposed 266' contour line toward the rear of the property; 2) Install 4' by 4' pressure-treated posts with 4" turtle nesting signs along the 266' contour line. The area beyond the posts shall be left in a natural state; 3) Haybales shall be placed across the construction entrance at night during the construction phase; 4) The work

area shall be surveyed daily to assure no turtles or other wildlife will be crushed during construction activity; and 5) No equipment or stockpiling of materials shall occur at the rear of the property.

While five members voted in favor of the motion, E. Owen voted in the negative.

8:30 p.m. - Groton School NOI

Andy Truman of Samniotes Consulting explained that the wetland delineation was prepared by Rimmer Associates. The proposed project involves putting wires underground, and there is work within the 50 ft. no-disturb zone that is under Conservation Commission jurisdiction. K. Corwin questioned whether the trenching could be done with backfilling occurring on a nightly basis. The trench will be approximately 100 - 150 ft. long. She added that abutters should not be throwing yard waste into the wetland. E. Owen noted there appeared to be an oily substance at the base of one of the telephone poles. The trench itself will be at the edge of the road and will be shallow - 3 ft. deep by 3-4 ft. wide. Any disturbed pavement will be disposed of away from the wetlands. E. Owen questioned how groundwater, if encountered, will be handled.

Bob Black Jr. explained he expects to prepare a quote for the work and he estimated the trench would be 2.5-3 ft. at its widest point. He would be digging back from the pole to Parents House. Mr. Black indicated the work could be completed in one day, and the digging will be done when conditions are dry. He asked if the Commission would consider not requiring haybales if the work is completed under these circumstances. Commissioners advised this would be acceptable providing silt fencing is on site in case of any emergency. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to close the hearing for DEP #169-955 for Groton School.

8:45 p.m. - 47 Shenandoah Rd. NOI continuation

Homeowner David Jewett explained the plan had been revised to show the existing and new well, new retaining wall, roof runoff detail, the existing driveway, the shoreline, existing septic, and the floodplain location. It will be a two-story structure, but the location has been moved two ft. to the south which will require the removal of less gravel. The addition is elevated 3 ft. above the ground of the existing building to provide less of a grade to go into the garage. E. Owen asked if a detail of the back wall was provided. Mr. Jewett indicated he thought the Commission's questions were all addressed with the revised plan. Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to close the hearing for 47 Shenandoah Rd.

9:00 p.m. - 16 Mayfield Dr. RDA

Dan McElroy explained he wished to extend water and sewer to the farm stand so that a bathroom can be installed. The water line is on the left side of Mayfield Dr. while the sewer line is closest to the hill. Mayfield will be crossed with the water line, and the sewer line is stubbed on the same side of the street as the farm stand. The two catch basins at the end of the farm stand driveway probably do dump into James Brook and have been there for years according to Highway Superintendent Tom Delaney who was present. It is anticipated that the sewer and water line extensions can be accomplished in a day and will be followed by hot topping. Commissioners advised that a roll of silt fencing be kept on hand. Stan Dillis questioned a technical point on whether this area can be considered the Riverfront Area of James Brook, and B. Ganem mentioned that it is shown on the most recent USGS topographic map. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to issue a negative #3 Determination requiring that a roll of silt fencing is kept on hand if needed, and the work shall be stabilized at the end of the project.

9:15 p.m. - 716 Lowell Rd. RDA

Homeowner Martina Calnan explained they plan to install a new roof over existing shingles on three structures. The current roof is failing and will hold snow and grow moss. C. Auman stated he was pleased to see that they are not removing the old roof. He advised that any construction debris should be prevented from entering the resource area. M. Giguere noted the garage gutter dumps directly into the pond, and he questioned whether this could go into a dry well or recharge trench. Ms. Calnan thought it was probably too wet for a dry well to work. She said the screen house has no gutters. Commissioners agreed that the new roof will be better than what is there now as material from the asphalt shingles is washed directly into the resource area. The interlocking panels of the new roof will look like slate, and the installation will be completed as soon as it is permitted. Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination requiring that the work site and resource area be kept free of debris.

K. Corwin commented that the Hall Finnegan letter on Groton Residential Gardens doesn't recognize the issues of point source runoff from the lawn into the wetland or water withdrawals adjacent to a wetland.

9:30 p.m. - Highway Department NOI continuation

Tom Delaney explained that the letter from Natural Heritage outlines several concerns about culvert replacement within rare species habitat. Ditch maintenance outside of the wetland buffer is not an issue. If the NOI is to cover multiple culvert replacements, it appears to be necessary to provide elevations at each inlet and outlet. They are also concerned about restricting water flows within channels. He explained that they usually do take elevations pre and post installation and put culverts in at the level of the channel. Where there is a drop, such as on Townsend Road, it is because of beaver flows that have scoured holes out at the outlet. Mr. Delaney explained this also happened on Hayden Road and on his own driveway culvert. Commissioners noted that Natural Heritage is looking for ways to incorporate the stream crossing guidelines into the Order of Conditions, and the sizing on some of the replacement culverts may be different because they are looking for 1.5 times the width of the stream. Upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to close the hearing for DEP #169-950.

Regarding re-organizing the Conservation Commission, B. Clements, seconded by E. Owen, nominated M. Giguere as Chairman. C. Auman, seconded by M. Giguere, nominated B. Easom as Chairman. B. Clements noted there is a problem in that B. Easom is not present, and he may not be able to commit the time. C. Auman noted he would customarily be next in line to assume the chairmanship. K. Corwin suggested the matter be tabled until Mr. Easom can be present. P. Morrison urged whoever takes the position to run the meetings efficiently.

There being no further business, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended June 13, 2006