

GROTON CONSERVATION COMMISSION

Minutes

August 22, 2006

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

Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to approve the minutes of August 8, 2006 as amended.

Commissioners briefly reviewed the two proposed Conservation Restrictions for Academy Hill and noted that it allows but does not state the applicant shall provide public access. B. Ganem reported the Conservation Permit from Fisheries & Wildlife states that separate entities should own the fee and hold the Conservation Restriction. There seems to be some confusion about this as members understood the Town was to own the property. The draft CR will be submitted to Town Counsel with an outline of the above-noted concerns.

The Planning Board has requested comments on the plan for 3 lots at Brooks Orchard. It appears they intend to use the existing cart path which passes very close to wetlands, but the plan needs clarification.

Members discussed the best course of action for work already done at 49 Island Rd. The 100 year floodplain is not shown on this lot. B. Clements suggested the preparation of an amended Order of Conditions with an engineered plan showing where the patio is in relation to the retaining wall. C. Auman noted that a picture of the before and after topography is necessary. They could do this by providing an as-built plan and comparing it with the topography provided when the septic system was upgraded. M. Giguere commented that the site visit was quite a shock when compared with the proposed retaining wall in the original Notice of Intent.

Commissioners said the engineered plan prepared for the septic system should provide elevations showing where land has washed away. Members added they are familiar with many situations where land is subject to wave and wind action which can alter the current shore line. Resident Marilyn Richard asserted they are trying to hold onto land that they originally had. Chairman Owen emphasized the need to be consistent with what we require others to do before work is done. B. Clements recommended the plan compare the former with the current shoreline. He added the patio should not extend into the Lake, and it would help to have a comparison to consider. Members agreed that the applicant could file for an amendment to the existing Order of Conditions rather than file a new Notice of Intent. B. Ganem briefly explained the process for filing an amendment.

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7:15 p.m. - 980 Boston Road RDA

Homeowner Michael Gramolini explained he wished to clean up the project with the addition of wood chips to stabilize the buffer zone, and pave a portion and add crushed stone to another portion of a driveway installed within the 100-ft. buffer zone. He intends to pave the driveway closest to Rt. 119 and in front of the garage, but the rest will be crushed stone which he thought would improve the drainage situation. He also felt that paving would help melt ice. To members' questions about the storage of machinery, Mr. Gramolini replied the gravel part of the driveway would be used for access to the back of his property. He plans to spread the stone with a bulldozer. B. Clements questioned whether there were plans to change the location of the existing driveway, and Mr. Gramolini said "no". P. Morrison made a motion to issue a negative #3 Determination, providing the silt fencing is maintained throughout construction, no fertilizers are used on the lawn, gravel plowed out the access way is hand-raked into place, and no planting of invasive, non-native plants within the 100-ft. buffer zone. B. Clements seconded the motion. P. Morrison amended his motion, which was seconded by M. Giguere, and it was

VOTED: to add a condition allowing the use of a 10% salt/90% sand mix on the driveway, in addition to the conditions noted above, for 980 Boston Road.

7:30 p.m. - 20 Heritage Lane NOI

Consultant Steven Ericksen of Norse Environmental explained he revised the plan to show the recharging of rooftop runoff by infiltration trenches at the driplines of the addition and deck. There will be a 4 ft. deep foundation. He anticipates the infiltration trenches will be unnecessary unless they encounter water during the foundation excavation. The addition will be done within existing lawn. He did not prepare BVW data sheets as there is an abrupt boundary between the resource area and upland. Members advised that the landowner should not be depositing landscape waste in the buffer, a condition which is likely to be included in the Order of Conditions. C. Auman observed the requirements of the Wetlands Bylaw are not applicable in this case because the lawn area is considered already disturbed. There being no further questions, upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to close the hearing for DEP #169-965 for 20 Heritage Lane.

Gordon Newell, Superintendent of the W. Groton Water District, was present to discuss tree cutting in association with the installation of the new well and water main in the Town Forest. He would prefer to not install erosion control measures until after the tree cutting is completed. Mr. Newell explained that two wood cutters would hand cut the trees which would then be chipped and trucked off site. No skidders will be used, and the work will start at the road. He anticipates that Randy Christiansen will supervise the placement of haybales to enclose the 12 ft. wide work area this coming Friday. Upon a motion by P. Morrison, seconded by B. Clement, it was

VOTED: to allow the well project to proceed until such time as trees are removed along the access road with the installation of erosion control measures just prior to the commencement of actual construction.

Mr. Newell said that it is likely Aqualine workers will do the tree removal.

B. Ganem reported that GPR had some issues with the Order of Conditions for Crossroads Plaza and has asked if the Commission will consider modifications. Most of their corrections were clerical and minor in nature, but a major concern is the requirement the replication area be constructed prior to the commencement of work. The consultant estimated the cost of replication at \$4500, but members had concerns that this was an inadequate incentive to get the work done. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to require an \$8500 bond prior to the commencement of any activity on the site in order for the construction of the replication area to follow the stabilization of the steep slope and installation of drainage infrastructure. The bond will be returned when all work is completed to the Commission's satisfaction and a
Certificate
of Compliance is issued.

It was noted the Commission has previously required a bond for the construction of the replication area at Meadowbrook. Members agreed the 60 day appeal period would be the same for the re-issued Order of Conditions as the modifications were done at the applicant's request.

7:45 p.m. - Williams Barn Sorhaug Woods trail bridge RDA

Trails Committee Chairman Joachim Preiss explained there is a wet area where there are stepping stones, and the Trails Committee would like to substitute a bridge because the rocks are quite slippery during most of the year. The area has actually widened due to people adding rocks or logs in order to cross. A bridge would allow users to safely use the trail, keeping them above the water level. It would not be suitable for horses, but bicyclists could use it. The existing ford could be used for emergency access. Mr. Preiss noted two alternatives were offered for building materials in the filing - either seasoned railroad ties or pressure-treated wood. Members suggested Trex, a composite

lumber/plastic material, could be used for decking as it requires no maintenance and is not slippery. Members recommended the use of pressure-treated wood (without arsenic). C. Auman questioned whether the trail bridge would create a damming effect on the stream, and Mr. Preiss maintained there would be enough clearance above the water so that this would not occur.

P. Morrison inquired whether there was a way to channelize the water. E. Owen suggested waiting to see whether that is necessary rather than giving them permission now. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination providing none of the building materials contain creosote- or arsenic-based preservatives and the stepping stones are used as a base. Either Trex or pressure-treated wood may be used for the decking.

C. Auman thanked Mr. Preiss for his efforts, noting the Commission is very appreciative of what the Trails Committee has accomplished. E. Owen added "It is a good idea to get people out on the land."

8:00 p.m. - Highway Department NOI continuation

Mr. Delaney has requested a continuation, and upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing for DEP #169-950 for the Highway Department to September 12, 2006.

8:00 p.m. - 132 Whitman Rd. RDA

Homeowner Chris Kovacs explained he wished to expand his workshop with a 360 SF addition at the back. The addition will be built on piers in the area observed by the Commission during the August 19th site visit. B. Clements pointed out this is in an already disturbed lawn area. Mr. Kovacs said he could add a trench of crushed peastone at the roof driplines. C. Auman observed the house pre-dates the Bylaw. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to issue a negative #3 Determination in which the applicant is required to hand dig the six piers and crushed stone is placed at the roof dripline.

Commissioners reviewed the draft boilerplate conditions to issue under the Wetlands Protection Act and under the Bylaw. C. Auman recommended the condition stating the limit of work should coincide with the erosion control measures be included. Installing the wetlands markers should be the responsibility of the applicant rather than the Commission or its agent. Both documents would be incorporated into the final Order of Conditions.

B. Ganem reported the sign with the beach rules and regulations is missing from Sargisson Beach. C. Auman expressed concern over the condition of the lifeguard stand to which the sign is usually attached, and it was suggested perhaps Nashoba Tech students could be enlisted to build a new one. Members expressed a preference for a wooden sign; B. Ganem will look into replacement costs.

Regarding mowing of conservation lands, members recommended postponing this activity until after the fall migration of juvenile birds. B. Ganem will arrange with Bruce Dubey for the mowing of Baddacook Woods, Ames Meadow, O'Neill, and Whistlepost parcels. Both sections of the Eliades parcel will be mowed at a later date.

The Massapoag Rod and Gun Club would like to extend the Order of Conditions for the Massapoag Pond drawdown, DEP #169-845. Members agreed that this cannot be extended since it has expired and recommended the filing of a new Notice of Intent.

8:30 p.m. 122 Old Ayer Rd. NOI continuation

Homeowner Scott Lathrop explained Tom Delaney assisted in the preparation of a sketch of the proposed driveway crossing, and C. Auman said he was pleased to see a plan for the work. Mr. Lathrop indicated he felt comfortable about being able to construct and maintain the crossing. Members suggested doing the work at a dry time of year, and S. Lathrop said he would do it as soon as he received approval from the Commission. Commissioners thought the design would work and be relatively easy to maintain. Chairman Owen thought there would not be a lot of traffic over the access when the swale is likely to have a lot of water. Highway Superintendent Tom Orcutt said the swale will help keep Old Ayer Rd. dry in the winter. Commissioners thanked Mr. Lathrop for following through on the filing and upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the public hearing.

In other business, members questioned whether the announcement for the vacancy on the Commission should also be posted in the *Groton Landmark*. B. Ganem reported the repair of the Sargisson Beach retaining wall is on the agenda for the fall drawdown of Lost Lake/Knops Pond.

A letter has gone to the Groton Residential Gardens representative about the status of the plan changes, as well as the requirement that filing for the well must be done by September 5.

8:45 p.m. - Lost Lake Drawdown DEP #169-861 NOI continuation

Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing to September 12, 2006.

B. Clements reported there will be a meeting of the Great Ponds Advisory Committee to discuss the draft protocol for monitoring rare species in Lost Lake/Knops Pond this coming Thursday at 5 p.m.

8:45 p.m. - 601 Lowell Rd. DEP #169-962 NOI continuation

Consultant Stan Dillis of Dillis & Ducharme said the area where the garage and utility poles will be located has been staked in the field, and the 5 trees to be removed are marked. In addition a portion of the driveway will be relocated. Attorney Robert Collins submitted a letter, dated August 22, 2006, in which a list of items necessary to complete the earlier filings is provided. He noted that the replication area must be certified. Brandon Ducharme will include this in the final package. There are two outstanding Orders of Conditions and a Certificate of Compliance. A conservation restriction draft has been entered into the computer, and Mr. Collins indicated this will be run by both the Commission and Town Counsel. He explained the common driveway agreement goes over the Forbes, Collins, and NEFF properties, and all of these parties must sign in order for their easements to be permanently extinguished. Noting it will be necessary to have a plan in order to adequately monitor the conservation-restricted boundaries, Commissioners recommended the area encompassed by the conservation restriction be staked in the field. Mr. Collins stated there are no utility poles or conduits located on the restricted land.

B. Clements commented he was having a hard time understanding the merits of cutting down 5 trees and placing a building within the 100 ft. buffer zone. C. Auman said he was concerned about resolving the older issues before considering new projects. Mr. Collins suggested this could be a condition in the Order. Mr. Auman also requested a letter from Tom Orcutt with a technical explanation of why the garage is necessary for water protection. Although the plan does not show lot lines, it was noted the entire lot is within the buffer zone, and it existed prior to the implementation of the Bylaw. Mr. Collins recommended attaching the list of items which must be done, adding he thought setting a deadline was a good idea. He pointed out that permitting for the site has been very involved and eventually turned into a way to remove the road from the existing well field. He noted vehicles should not be parked outside as it is better to have them drip on a cement floor rather than on gravel within 600' of a well. C. Auman said he was not convinced this is a good idea. P. Morrison disagreed, stating the garage does seem to provide a benefit from an environmental point of view. He did, however, think it was worthwhile to put a definite time frame on the project before anything else happens.

M. Giguere noted the Commission has a Notice of Intent before us, with an Order of Conditions not yet done. Mr.

Giguere said, in his opinion, this project did not comply with the Bylaw. He recommended the applicant provide strong documentation of why there is a benefit in destroying pieces of upland to construct a garage which is not an improvement.

P. Morrison asked if there had been talk of a garage years ago. T. Orcutt thought there had been some mention of it, but it was never part of the original Notice of Intent when he served on the Conservation Commission and acted as the Commission's liaison to the Water Department. Mr. Orcutt emphasized that it was time to tie up the loose ends of the project and allow the construction. He agreed to prepare a letter supporting the garage. In hindsight, the garage should have been included in the original Order of Conditions.

Chairman Owen thought it was a stretch to view this as an environmental benefit, and the Commission is on shaky ground when neighbors also want a garage. The former Clanon residence is probably the closest to the Kiley house. Commissioners noted all the residents will need to do is get ZBA approval, and they too could put in garages. Mr. Collins agreed to get the conservation restriction in final form, and the letter from Tom Orcutt should include data from scientific literature. B. Clements added the Commission must be careful to not set a precedent in its final decision.

Mr. Collins stated this is a unique circumstance allowing a residence this close to a wetland, and we want to look at more than the standard form. This is an aquifer, not just a water body. It serves as a recharge area, and there is a significant benefit to not having cars parked there that are leaking oil even if the likelihood is small. Mr. Orcutt noted he recently paved the driveway at the Whitney well for just this reason. The plan is to retire the old road that passed by the Baddacook well by gating it and placing signage. Members commented people like to swim in Baddacook Pond. Mr. Orcutt pointed out NEFF gates its property, and the Town owns frontage on the Pond itself. With several outstanding issues, upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to continue the hearing for DEP #169-962 for 601 Lowell Rd. to
September 12, 2006.

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9:15 p.m. - Reedy Meadow DEP #169-960 NOI continuation

(Chairman Owen stepped down from the hearing.)

Surveyor Stan Dillis stated the wetland flagging has been adjusted, and he expects to meet with the Planning Board this coming Thursday. It is likely the driveway can be narrowed to accommodate the large tree at the site. Plans have been revised to show an interceptor swale with riprap in the buffer zone. They have analyzed the culvert flow, and the change is very minimal. B. Clements noted the NOI includes two houses and the wetland boundaries. Commissioners said they support, in general, the effort to save trees. C. Auman thought a letter should go to the Planning Board urging them to allow the preservation of the large tree at the driveway entrance. M. Giguere questioned whether the riprap and proposed grading of the swale meets the Bylaw definition of minor grading. E. Owen pointed out that, even if the flow from the intermittent stream where the pipe outlets is not considered jurisdictional, he felt the applicant must address the concentrated flow coming from the drain. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing for DEP #169-960 for the Reedy Meadow driveway
to September 12, 2006.

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

Respectfully submitted,

Barbara V. Ganem

Conservation Assistant

Approved as drafted September 12, 2006