

GROTON CONSERVATION COMMISSION

Minutes

September 12, 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. Bruce Easom arrived at 9:30 p.m., having attended a concurrent Community Preservation Committee meeting. Conservation Assistant Barbara Ganem was also present.

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

VOTED: to approve the minutes of August 22, 2006 as drafted.

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

VOTED: to approve the issuance of the special conditions for DEP #169-966 under the Wetlands Protection Act for 122 Old Ayer Rd., as drafted.

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

VOTED: to approve the issuance of the special conditions for DEP #169-966 under the Wetlands Protection Bylaw for 122 Old Ayer Rd., as amended.

Upon a motion by P. Morrison, seconded by B. Clements, it was

VOTED: to approve the issuance of the special conditions for DEP #169-965 under the Wetlands Protection Act for 20 Heritage Lane, as drafted.

Upon a motion by P. Morrison, seconded by B. Clements, it was

VOTED: to approve the issuance of the special conditions for DEP #169-965 under the Wetlands Protection Bylaw for 20 Heritage Lane, as amended.

B. Ganem mentioned that E. Owens reported seeing work done on Baby Beach Rd. and questioned whether there had been a final. Ms. Ganem noted that the homeowner at 7 Baby Beach Rd. has been notified of the need to file with the Conservation Commission although the tight tank has already been installed.

7:15 p.m. - 21 Moose Trail RDA

Attorney Ray Lyons explained he represented homeowner Tom Wilson who was also present. Mr. Lyons noted his client had submitted an NOI in 2001 that included a retaining wall and recharging system for the roof, and he requested a Certificate of Compliance. E. Owen said it was his recollection a patio had been added when the septic system went in and the patio and retaining wall were never filed for. It was noted there were two filings, one for an addition and the second for a septic system upgrade. Mr. Lyons said he would like to know what needs to be done to bring closure to both projects. He commented the site is stable, vegetated, and the retaining wall provides kind of a step system so that water does not wash directly into the lake. Chairman Owen pointed out that work was done that did not come before the Commission, to the point where every square inch of the lot has had something done to it.

Resident Tom Wilson argued that the lawn area changed when the addition was put on. and he had to do something about roof runoff. Mr. Lyons pointed out there are gravel filled trenches in the backyard to capture water and allow recharge into the ground. Mr. Owen said he has no problem with what was done, but the issue is work without a

permit. B. Clements indicated he had no problem with signing off as the site is functioning as designed. P. Morrison agreed that the work was done well, but he has an issue signing off on something that did not get permitted. C. Auman added that the plan should accurately show what was done.

Members reviewed the three plans filed under DEP #169-781, #169-866, and the current RDA. The original filing was done in 2001 and showed an outline of the lot. C. Auman noted there is no filing for the retaining wall. He concurred that the work does appear to have been well done. M. Giguere pointed out the Commission is unhappy with the process. Mr. Lyons suggested the Commission could add conditions to the Determination, such as a provision that any future work has to come before the Commission.

E. Owen reminded members that there is a filing for another section of the Lake in which a patio has bumped out into the Lake, and the Commission must be consistent in making decisions. Mr. Lyons said it is possible to require that a Determination be recorded to inform future owners of the need to file. C. Auman recommended an as-built plan that reflects the work that was done. E. Owen said an earlier plan showed a different edge of water, and the Commission originally requested statements from abutters that the retaining wall was pre-existing and also a copy of the full-blown plan. Mr. Lyons submitted aerial photographs, prepared in April 2001, showing the shore line at that time.

Ray Lyons summarized the Commission's requirements as an as-built plan showing the changes on the lot to tie to the two Certificates of Compliance and affidavits from neighbors. Mr. Wilson stated he has the statements. The Town has some interest in the parcel adjacent to 21 Moose Trail according to Mr. Lyons. He maintained the lot owner has made use of the adjacent parcel for decades and can claim it under adverse possession. Mr. Wilson currently has his air conditioning unit, lawn, shed, well, and parking on it. Mr. Lyons urged the Commission to look at the possibility that he be allowed to buy the parcel. It is possible to divide the parcel in half, allowing Mr. Wilson continued use of the land and the Town to retain the other half with some improvements to facilitate a turtle crossing. He acknowledged his client would need to do an NOI and make provisions for maintaining turtle habitat.

Mr. Morrison indicated there are other boat ramps on the Lake, but he liked the turtle part and the idea of straightening out the ownership of the lot. Mr. Lyons said his client would pay back taxes and improve habitat with this plan. It would not cost the Town to litigate as his client has a legitimate adverse possession claim. C. Auman protested that this would reward someone for encroaching onto another's land. M. Giguere said he did not know the full legal ramifications of adverse possession. Mr. Lyons said it would take a Town meeting vote to dispose of the land in the manner he is proposing. B. Clements said there would have to be some significance to the Town. Mr. Wilson said he has observed sun turtles nesting in the sand of the boat ramp. Commissioners agreed these recommendations warrant further discussion. C. Auman pointed out there is a timing issue on adverse possession, but Mr. Lyons said the Town did not have title to the land as it was in possession of someone else until Town Treasurer Christine Collins began the process of clearing up the title.

Chairman Owen noted the Commission has a policy in place to hold onto tax-taking parcels that have shore frontage on Lost Lake/Knops Pond, and we need to be consistent. Due to time constraints pending the next hearing, Mr. Lyons acknowledged the Commission is looking for a plan which shows all the existing features and information on how the adjacent parcel would be re-configured to provide turtle nesting habitat.

7:30 p.m. - Request for amendments to DEP #169-783 and #169-917/Academy Hill

Cynthia Theriault of Beals Associates explained that one modification involves the substitution of a CDS unit for a Stormceptor unit; the other change is the outlet to detention basin 50 where field conditions required a modification of the outlet elevation. Abutters have been notified, and the green cards will be submitted. Both proposed revisions have been reviewed by Bill Maher of Judith Nitsch Engineering, Inc. who has raised no objections. C. Auman noted that the Saturday site visit revealed work on the wetland side of the erosion control line. Ms. Theriault noted the drain outfall from the CDS unit is actually outside of the haybales. The work was done when the site was dry although there was water flowing during the site visit. She indicated the haybales could be moved to protect the wetland. Ms. Theriault submitted a revised Sheet G-9 that reflects both changes. Also, the Operation and Maintenance Plan will change for both filings.

Chairman Owen thanked her for coming before the Commission with the changes. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to close the hearing for DEP #169-783 and #169-917.

7:45 p.m. - 99 Pleasant St. Public Safety Building NOI continuation

Consultant Bob Pine said the proposed work is the paving of additional parking spaces, as well as the installation of grassed parking areas and a crushed stone parking area. The Planning Board thought it was the only viable plan. The Historic Districts Committee was not in favor of bringing parking closer to Pleasant St. Both boards felt that this would not be consistent with good planning or design, particularly since it is a currently wooded area within 100 ft. of wetlands. He acknowledged that Natural Heritage has required that no work take place until after November 15th.

Mr. Pine explained the Stormwater Management Form is being prepared. The current design will be fully compliant with the stormwater policies. He said the test pits for the two infiltration systems show that groundwater is more than 2 ft. below the infiltration trench. Member Giguere noted there are storm drains near the bridge with outlets into the wetland. He questioned whether these would be re-set, and Mr. Pine said they would be placed higher to intercept water and riprap will be provided at the outlet. The grassed parking areas will have plastic cells filled with gravel to support tires and grass while also improving drainage. The less desirable parking spaces will only be used when there is overflow. P. Morrison suggested signage to guide users. Mr. Pine said even the proposed increase in parking area will not completely solve parking issues on the busiest evenings.

C. Auman said snow removal is a concern. The site is plowed by the Town of Groton, and it is important to keep snow out of the wetlands. Emergency vehicles need a safe access. Mr. Pine indicated snow will be plowed temporarily onto grass strips, but he did not anticipate snow removal from the site. The additional information on stormwater management and the soil tests will be provided for the next meeting. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing for DEP #169-961 for the Public Safety Complex to September 26, 2006.

Mr. Pine explained he has prepared a plan for the demarcation of the buffer at his residence at 100 Hollis St., to comply with the Order of Conditions and receive a Certificate of Compliance.

8:15 p.m. - Lost Lake Drawdown, #169-861 NOI continuation

Dr. Bill Eger explained this was proposed by the Board of Selectmen, and Chairman Peter Cunningham is overseeing the process. It was noted the protocol for monitoring of rare plant species was recently mailed to the Natural Heritage & Endangered Species Program, and we are awaiting their response. Dr. Eger maintained there was no point in alerting the police and firemen to the drawdown until we know it is definitely going to be conducted. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing to September 26, 2006.

Commissioners agreed that the \$50 extension fee for the Woods Mill pond was appropriate. Upon a motion by P. Morrison, seconded by B. Clements, it was

VOTED: to grant an extension of three years for DEP #169-599.

Regarding the request for an extension for B39 Winding Way, P. Morrison made a motion, seconded by B. Clements, to grant an extension of three years for DEP #169-749. E. Owen noted there is a ridge between where the haybales are proposed and the vernal pool itself so there is somewhat of a natural buffer. C. Auman observed there have been a lot of changes in the way the Commission does things in the intervening six years. E. Owen gave the example of the

house at 2 Shelters Rd. where the new owner immediately began clearing down to the water. The vernal pool has not been certified at this time, but Kris Corwin has collected the appropriate data to do so. The vote failed with B. Clements and P. Morrison voting in favor, and E. Owen, M. Giguere, and C. Auman voting no.

Upon a motion by B. Clements, seconded by P. Morrison, it was

VOTED: to extend DEP #169-749 by three years with a conditional request that the applicant consider the Commission's new requirements for demarcation of the wetlands buffer.

The motion passed with E. Owen, B. Clements, and P. Morrison voting in favor, and M. Giguere and C. Auman voting in the negative.

B. Ganem requested the Commission consider allowing her to cover some of the minor site visits, such as Certificates of Compliance, on behalf of the Commission. Upon a motion by P. Morrison, seconded by B. Clements, it was

VOTED: to give B. Ganem the responsibility and authority to review items of a minor nature, as she determines. Any matters of a controversial nature or those requiring a Commission decision will require review by the full Commission.

Ms. Ganem also noted there has been a two year lapse since her last performance review, and she felt it would be timely and helpful to the Commission and to her to see where improvements might be made. In addition, this would be a good opportunity to review the job description in terms of the duties actually performed. C. Auman commented the job title should reflect the job description as well. Commissioners E. Owen, C. Auman, and P. Morrison agreed to meet on the matter and begin a discussion with the new personnel manager. It will have to be determined whether the discussion should go through the personnel manager or through the union.

8:45 p.m. Reedy Meadow NOI continuation, DEP #169-960

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

VOTED: to continue the hearing for Reedy Meadow to September 26, 2006.

To follow up on the September 9th site visits, members noted that the Conservation Restriction for Gibbet and Angus Hills has been recorded and accepted by the state. The Trails Committee has indicated they are willing to clear the trails, using the portable, hand held Commission brush cutter. P. Morrison urged the Commission to consider researching the purchase of a walk-behind brush hog as it would accomplish the job in a shorter time. Don Black of the Parks Commission has indicated the maintenance shed behind the library could be used to house such equipment. This piece of equipment has an ignition key and could not be operated by unauthorized parties. E. Owen noted the brush cutter is not appropriate for cutting field grasses unless the Commission purchases a different blade. He agreed to check the literature that came with the brush cutter and to call Joachim Preiss about setting up trail clearing on Gibbet and Angus Hills.

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9:00 p.m. - Highway NOI continuation, DEP #169-951

Highway Surveyor Tom Delaney is on vacation, and upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to continue the hearing to September 26, 2006.

9:00 p.m. - 104 Longley Rd. NOI

Terry Gensel, Wetland Specialist with Ross Associates, explained that a minimum sized lot was broken off from land in the estate of Harlan Fitch. The flagged wetland meadow has such species as soft rush, cranberry, and sedges and has hydric soils. He did testing in the wooded area on the site, and the only successful perc rates and deep holes are in the location of the proposed septic system. The sewer force main will wrap around the Bordering Vegetated Wetland.

C. Auman advised that the old system should be properly abandoned. Mr. Gensel was unsure whether this would involve pumping and crushing in place or filling. Typically, he said the designer will evaluate a traditional system, one with variances, a FAST system, or a tight tank.

No variances are required for this system which moves the leaching components further from the wetland than the existing septic system. Members agreed this was a well thought out plan, and E. Owen said consideration should be given to installing clean outs at hard slope changes if the sewer main is not a pliable material. Green cards were submitted, including the mailing to Natural Heritage. It is unlikely they will have comments on a septic upgrade, but they have not had the full 30 days in which to respond. Upon a motion by P. Morrison, seconded by B. Clements, it was

VOTED: to close the hearing.

C. Auman abstained from the vote.

B. Ganem reported she has received one estimate for the regulations sign at Sargisson Beach. The sign, on heavy duty plastic, is priced at \$75. Members thought it would be necessary to use a backer board to limit vandalism.

Commissioners reviewed the proposed "No disturb" sign and questioned whether the Town seal could be used. B. Ganem will get back to the board with additional estimates.

9:15 p.m. 749 Lowell Rd. NOI, DEP #169-968

Calvin Mabvurunge of Ross Associates explained there are several resource areas on this 3-acre site, and they project onto about 80% of the lot. The new building will be constructed generally within the existing footprint of the house and garage. The new structure will be a 2-family house, and it will be necessary to add a second septic tank. There is a steep hill on the northwest side of the lot, and a swale will be added at the rear of the building to direct water away. Three structures and a shed will be razed. Several alternatives were evaluated, but they involved significant grading and the addition of more impermeable surfaces. The NOI has been updated by the addition of an alternatives analysis. Mr. Mabvurunge asserted that the current plan will reduce the actual amount of impermeable surface from the existing conditions. Supporting documentation was provided to the Commission.

In response to questions from C. Auman, consultants C. Mabvurunge and Bruce Ringwald indicated the existing slope behind the house will be cut back about 30 ft. with grading of 1 to 1.5' to slightly flatten the slope. On site between 6 and 10 trees were identified for removal. Some of these trees are right up against the existing building. B. Ringwald noted there are no structures within the inner 100 ft. Riverfront Area, and the existing natural vegetation will remain. Commissioners questioned whether they intend to replace the removed trees anywhere else on the site.

An excelsior Geomat will be pinned in place to stabilize the steep slope behind the house. B. Easom (arrived at 9:30 p.m.) questioned whether the garages could be placed together and the existing driveway used for both accesses. The consultants explained the net change in impermeable surfacing is 1,600 SF less than under existing conditions. No details were provided on how roof runoff will be handled. The new construction will be a slab on grade, and a shallow wide swale behind the house will feed water to a depression on the south side.

Mr. Giguere asked if any consideration has been given to making this a single family house rather than a duplex. B. Ringwall said Groton bylaws allow a second family by right, and he thought this would increase the availability of different kinds of housing which is a benefit to Groton and to those who are looking for housing for under \$800,000. The final slope behind the home will be 2 to 1, but the proposal does minimize the impervious area. M. Giguere suggested the applicant consider donating the books left in the house to UMass Lowell where the former owner, Rex Robert, taught.

B. Clements pointed out there will be some new work within the buffer zone and Riverfront Area even though most of the work stays within the footprint of the existing building. He did not like the project as currently proposed because it disturbs a previously undisturbed area. B. Ringwald maintained the work is actually being pulled further out of the resource areas and those areas will be restored to their natural conditions. B. Clements questioned how the Commission can assure this area will not be disturbed again in the future. Mr. Ringwald asserted the project complies with state regulations on the Riverfront Area. B. Clements indicated he also has concerns about the loss of a historic building. E. Owen asked if it would be possible to have a foundation drain draining to a dry well.

Natural Heritage has not had an opportunity to send a review letter on this project, and Commissioners agreed that the hearing should be left open pending their comments. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing to September 26, 2006.

Mr. Ringwald asked if the Order of Conditions could be readied prior to that meeting date, and members said this will depend on the work load.

Returning to the subject of parking to use the Gibbet Hill trails, C. Auman asked if the Conservation Restriction specifies who is responsible for providing parking. He suggested the Commission invite the Webbers in to discuss the issue. In the interim, B. Ganem will make a follow up call to see if a path has been cut from the restaurant to the trail.

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

VOTED: to continue the RDA meeting for 21 Moose Trail to September 26, 2006.

There being no further business, the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended 9/26/06