

GROTON CONSERVATION COMMISSION

Minutes

December 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, Holly Estes (newly appointed), Marshall Giguere, and Peter Morrison were present. Bruce Easom was absent. 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 November 28, 2006 as drafted.

P. Morrison and H. Estes abstained from the vote.

Member M. Giguere explained the final walk-through of the Deerhaven conservation-restricted land that is to be owned by a homeowners' association revealed several areas where debris has been dumped, including a junk car. There is also an area where the trail appears to go onto private property. There are areas where a trail easement does go onto private land. P. Morrison felt it was the responsibility of the owner to mark and cut the trail as he has the resources to do so. E. Owen mentioned we are somewhat culpable as the Trails Committee previously reviewed the trail location. B. Clements suggested if the applicant is unwilling to modify the trail, then the Trails Committee could be asked to look at it again.

In discussion on the Saturday site visit to 147 Lowell Rd., B. Clements questioned whether members are confident it is a wetland based on the soils. P. Morrison said it would be based on hydrology. B. Clements asked if it was possible the wet area downstream of the pond was new and created by the pond itself. He compared the project to the work at Groton Residential Gardens in which the creation of the detention basin caused groundwater mounding. E. Owen pointed out it does not qualify as a farm pond. Mr. Morrison commented that water is flowing into the pond from upstream, and there is clearly hydrology downstream. There is no way to know what was previously there because of the disturbance. The Commission can use three criteria - soils, plants, and hydrology. The downstream area is jurisdictional based on the fact it is wet. H. Estes noted the earlier septic plan showed wetlands both upstream and downstream. Proving this requires them to check the conditions, and the Commission expects that someone would be engaged to do this for the owner. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to require the homeowner to file a Request for Determination of Applicability.

7:15 p.m. - 2-8 Hollis St. NOI

Sean Hale of Ross Associates explained this is a project that the Conservation Commission has previously permitted with some minor modifications. The owners, Dennis Murphy and Chris Slade, originally proposed this work in 2002. Joyce Morrow explained her company, Environ, is leasing the property from the owners and their only plans are to renovate the back building. She noted they wished to get a change of use and do the renovations which include two sets of stairs.

Consultant Sean Hale said an exit was added outside the buffer zone. In addition, the parking area will be re-graded, parking spaces will be reconfigured, and stormwater controls will be added. P. Morrison asked if the driveway surface will be paved, and Mr. Hale indicated it will be paved. B. Clements questioned what materials will be used to de-ice the driveway and parking area. He also noted the Planning Board wants feedback on the areas to be used for snow storage. Mr. Clements mentioned one of the Planning Board members had suggested using urea for de-icing. As the tenant, Ms. Morrow said they plan to use only sand and no salt.

C. Auman questioned whether the footprint of the buildings will change. Ms. Morrow stated that no more additional

impervious surfacing is proposed as Environ does not have clients, and there is no transient traffic that would require additional parking areas. Commissioners questioned why a plan was submitted that does not reflect the proposed work. Mr. Hale indicated that he represents the owner who is proposing the work shown on the plan. He noted that stormwater management controls are not currently installed. P. Morrison suggested continuing the hearing until the issues are addressed by the owner and tenant.

S. Hale said it was his job to get this plan approved, and the whole parking area was proposed to be paved. C. Auman pointed out that the dumpster is located within the 100 ft. buffer zone. S. Hale said he represents the applicant, and the staircase is not the only thing that will change. B. Clements said he understood the plan was approved in the past but asked how trash will be managed, snow removed, and requested the 50' buffer zone line. P. Morrison said that is not the only hang up as the file number is needed, and there is no wetland flagging in the field. Members said they did not need duplicate copies of revised plans, advising only one need be submitted for the file. B. Ganem asked how they will assure that infiltration measures will work as there is no soil testing provided in the submittal. The design should show the depth of the catch basins and leach basins, and include an Operations & Maintenance Plan. S. Hale advised that anything done at the site would be an improvement over existing conditions. Upon a motion by P. Morrison, seconded by M. Giguere, it was

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

7:30 p.m. - 21 Moose Trail RDA continuation

Attorney Ray Lyons introduced himself to new member Holly Estes. Mr. Lyons said the Commission had earlier voted on the Certificates of Compliance for the old Orders of Conditions, and the remaining issue is the two parcels of land which the Town has taken for taxes. Mr. Lyons provided Terry Gensel's credentials, as well as information on the accumulated taxes, assessed value, and possible Conservation Fund donation. He said he hopes to get this sale on the spring Town Meeting warrant. It is proposed that the turtle access will have a sand base and be planted with annual grasses so it will not wash into the Pond.

B. Clements pointed out the Commission would look for someone with turtle expertise to weigh in on the turtle access proposal. Mr. Lyons said only Gary Sanford or Brian Butler could offer this type of advice. C. Auman pointed out Mr. Lyons had issued a statement guaranteeing it would work, but there is very little in the way of design specifications. He explained the Commission is looking for someone who is qualified to say this plan will work. R. Lyons said his client volunteered the information that there are turtles present, and he is taking his word for it. E. Owen acknowledged the turtle access is basically a gesture, but the Commission needs to look for some redeeming feature in the plan. If it is a rich turtle environment, will the access truly facilitate movement between the Pond and vernal pools? The Commission wants someone to verify that the access has a good chance of success and is not requesting that a turtle survey be prepared.

Commissioners brought up the issue of no filings and no permits for the shed, air conditioning unit, retaining walls, well, and fence. P. Morrison added the Commission needs a snapshot of what exists there today so that we have something to come back to. The Certificates of Compliance were granted only for what was in front of the Commission. R. Lyons said a way to legitimize what is there would be to issue a positive Determination in which the applicant is required to file a Notice of Intent for the outstanding items, as well as the turtle access. E. Owen questioned whether public access to the Lake couldn't coincide with the turtle access. H. Estes asked if there is any documentation that turtles will actually be interested in using this passage way. R. Lyons said no one can really know.

Mr. Lyons proposed a donation of \$3000 to the Conservation Fund which reflects the assessed value of the parcels. M. Giguere advised that the Conservation Restriction should show the metes and bounds. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to issue a positive #3 and #5 Determination.

7:45 p.m. - 49 Island Rd. Amended NOI continuation

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

VOTED: to continue the hearing for 49 Island Rd. to January 23, 2007.

8:00 p.m. - Country Club/94 Lovers Lane NOI continuation, DEP #169-972

Sean Hale, Wetland Scientist from Ross Associates, Brad Durrin, General Manager of the Country Club, and Valerie Spencer, President of the Country Club Authority were present. Member Auman said he felt the Operations and Maintenance Plan was a major improvement and set standards for when the Country Club should contact the Commission, i.e., when a cubic yard of material is moved. M. Giguere said he still has concerns about whether the trench will or will not be lined with stones. P. Morrison noted the Operations and Maintenance Plan provides guidelines for the future when other activities are contemplated. The revised map should be helpful to staff. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to close the public hearing for DEP #169-972.

H. Estes abstained from the vote.

Upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to issue the draft Order of Conditions for DEP #169-972 under the Wetlands Protection Act.

H. Estes abstained from the vote.

Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to issue the draft Order of Conditions for DEP #169-972 under the Wetlands Protection Bylaw.

H. Estes abstained from the vote.

Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to issue an amended Order of Conditions for the Rt. 119/Old Ayer Rd. sewer installation omitting Condition #43 in DEP #169-951.

H. Estes abstained from the vote.

In discussion on the budget for FY'08, C. Auman reminded B. Ganem of the intention to add clerical hours. P. Morrison agreed to get quotes on the cost of a walk-behind rotary mower brush hog. M. Giguere estimated the cost of a Trimble GeoXT unit to be around \$5,500. He recommended the Terrasync software with maps. He felt this unit would help the Commission record perimeters, wetland boundaries, and prepare wildlife studies. It will determine and record waypoints in the field that would assist in finding boundaries during future visits to a site. The multi-path signal is available even under tree canopies. The draft budget is due January 2nd.

E. Owen reported he also took a look at the tire ruts left on the Hidden Valley Conservation Area. The police have identified a suspect who will be charged for the damage. Mr. Owen noted there is another access to the conservation land on the left of Little Hollow Lane (between 1 and 3 Little Hollow Lane) where abutters are mowing a strip of conservation land with frontage on Little Hollow Lane.

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

VOTED: to order and install a sign that reads “Sampas Conservation Woods” once the official donation of the Longley Rd. parcel is complete.

The Surrenden Farm closing is scheduled for December 19th. Town Counsel has asked that the Commission pick someone from the Conservation Commission or its staff to act for the Commission on minor changes that may arise during the closing. Other tasks associated with the closing include the trail easement to be granted by Groton School to link the new Town-owned land (Lot 8) and Sabine Woods. B. Clements noted that Town Counsel explained the trail easement is 6 ft. wide and, although this doesn't sound like much, it does provide the Town a legal right in the future. Groton School has never forbidden the public use of their land. The easement legally guarantees the right to use the trail in the future. The easement is not defined by metes and bounds and can be re-located, at the School's discretion, providing it connects the two parcels in an accessible manner. Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to accept the Grant of Easement for the connecting trail across Groton School property, as drafted and dated 12/11/06.

Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to grant power of attorney to Barbara Ganem in connection with the Surrenden Farm closing.

In response to B. Ganem's question about whether audio tapes of old minutes could be discarded, P. Morrison expressed reservations in case they are subpoenaed or could provide further background information on discussions that take place during meetings that are not reflected in the official minutes of the meeting. B. Ganem will check with Town Counsel and the state Department of Public Records.

P. Morrison expressed grave concerns about the status of 1 Lost Lake Dr. He pointed out the owner continues to not put haybales up across the driveway, a condition of the original Determination of Applicability. The erosion control measures are haphazard at best. B. Ganem mentioned the Enforcement Order required a filing on December 1, and that has not been submitted as yet. Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to issue a fine of \$50, with each separate day subject to being considered a separate offence in accordance with the Bylaw Regulations.

C. Auman reported he plans to meet with the Personnel Board on the draft job description for conservation staff on December 13, 2006.

The Commission ended the meeting with signing documents, followed by adjournment at 9 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted December 26, 2006.