

GROTON CONSERVATION COMMISSION

Minutes

January 23, 2007

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, Bruce Easom, Holly Estes, and Marshall Giguere were present. Member Peter Morrison arrived at 7:01 p.m. Conservation Assistant Barbara Ganem was also present.

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

VOTED: to approve the minutes of January 9, 2007 as drafted.

(P. Morrison arrived at 7:01 p.m.)

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

VOTED: to approve and issue the draft special conditions under the Wetlands Protection Act for 2-8 Hollis St., DEP #169-973, adding a condition that the Commission can request evidence of compliance with the Operation & Maintenance Plan from the applicant.

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

VOTED: to approve and issue the draft special conditions under the Wetlands Protection Bylaw for 2-8 Hollis St., DEP #169-973.

In discussion on the additional conservation markers for 52 Wharton Row and upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to require two additional conservation markers in the back and one on the side.

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

VOTED: to also require three additional conservation markers for 42 Wharton Row.

A letter will be sent to the developer, Chip Gillis, requesting these additional markers. The work at 52 Wharton Row appears ready for a Certificate of Compliance with this addition. DEP #169-836 for 42 Wharton Row needs both the markers and the removal of silt fencing.

Regarding the used of motorized vehicles within the Groton Woods Conservation Area, C. Auman advised that the homeowner adjacent to the Area could call the state Environmental Police if they are within 150 ft. of his house. The Groton Police do not have the resources to go after this type of violation. E. Owen noted there are already large boulders there to deter motorized vehicles, but they go around them.

B. Clements questioned who is responsible for the baseline documentation report for Academy Hill. He noted this would be a very interesting document to have as it will address the conservation benefits derived from the turtle nesting area.

7:15 p.m. - 267 Whiley Rd. - Request for Determination of Applicability

Homeowner Michael Cahill explained he has been removing fill for years from a hillside area on his lot. This past

year, he encircled the area with a stone retaining wall and planted \$1500 worth of flowering shrubs and trees. The nurseryman informed him the plants need half a day of sunlight in order to thrive. To eliminate shading, he cut down some trees. He stated he had no idea he could not cut down trees on his property and suggested the Commission advise new residents of this prohibition.

B. Clements said he suspected many people are in a similar situation, but there is a potential for erosion when you remove trees. He thought the area looked fairly stable with the exception of spots near the shore line where shrubs might be planted to hold soils in place. Mr. Cahill opined there was 4" to 6" of biomass with tangled roots holding the slope.

Member Auman pointed out that trees perform several functions, providing shade for wildlife while their roots help control erosion. He noted there was erosion around stumps and tracks from equipment dragging trees although he acknowledged there did not appear to be sedimentation into the Lake. The trees were removed in September or October according to Mr. Cahill. Mr. Auman said it is difficult to verify a healthy ground cover at this time of year. He suggested continuing the discussion after re-visiting the site in May or June.

B. Easom said he noticed one tree stump that was growing perpendicularly to the water surface, and Mr. Cahill said the tree took a 90° turn and actually grew upwards. He used his own equipment, including a Toyota 4-Runner, to drag chunks of the tree up the slope to be cut for firewood. He maintained the trees did not provide shade because of his western exposure. Mr. Cahill said he has about 300 ft. of frontage, and removed approximately 18 trees. Mr. Easom noted he would probably not have voted to support this project had Mr. Cahill come in before he cut the trees. He commented it is also difficult to return the site to its natural condition.

Mr. Cahill said he runs three mosquito magnets at the site, and he felt removing brush and some of the shade would improve the mosquito situation. Member Giguere noted that the removal of fill and trees from the hillside has resulted in the need for the retaining wall. The understory growth has previously been shaded and may not survive in the now sunny surroundings. Although the tree stumps have been left in place, they will eventually decompose and reduce the stability of the slope.

E. Owen, pointing to the list of interests protected under the Wetlands Protection Act, said that typically the Commission sees residents proposing retaining walls with lawn areas. He suggested re-visiting the site in spring. Some of the growth which has been cut down includes alders, huckleberry, and wild raisin, and he felt they were likely to regenerate.

H. Estes commented she too was concerned that the stumps would eventually rot, and the slope could collapse. Mr. Cahill said the removal of fill has been a 12-year on-going project which is now completed, and he just wanted to sew up the hillside. Ms. Estes pointed out there are also wetlands located to the side of the house, and Mr. Cahill should be aware that most any work on his lot will involve coming before the Commission. Mr. Cahill protested, saying it is all very vague and difficult for one to know how big a hole or how many trees triggers the need for a filing.

P. Morrison also advocated for a return in May to check whether the slope is stable. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to continue the hearing/meeting to May 22, 2007.

7:30 p.m. - 147 Lowell Rd. RDA

Homeowner Peter Olson explained the project, a dug pond in the middle of a field, is complete. He said he did not and does not believe there are any wetlands involved. He stated he discussed the project with B. Ganem and Michelle Collette who did not think permits were needed, and he did the work under the belief no permits were necessary.

C. Auman asked if he could provide any documentation of the types of soils or wetlands at the site. He noted that in 2000, the site was flagged as wetlands when the septic system was constructed. Mr. Olson said his interpretation of the 2000 meeting was that there were no wetlands at the site.

P. Morrison pointed out the 2000 Determination form involved a negative #3 finding for work in the buffer zone, requiring that silt fencing be maintained at the edge of disturbance so there does appear to have been a wetland in 2000. Mr. Morrison noted that the 100 ft. buffer is located at the edge of the septic system and about 25 ft. off the driveway turnaround according to the plan submitted by Mr. Olson at that time.

E. Owen said it appears that the entire pond is within the 100 ft. buffer, and a good portion of the pond is within the wetland itself. P. Olson asked how the wetland is defined, and Mr. Morrison stated the soils, vegetation, and hydrology are evaluated. Beals Associates delineated the wetland, and the Commission agreed with the boundary at the time of the 2000 filing.

H. Estes noted that the area has been farmed, and this may make it more difficult to delineate the wetlands. P. Morrison said the Commission has frequently encountered wetlands that appear to go uphill. B. Easom commented the Commission has issued a permit, finding there was a wetland there in 2000. He asked if there is a wetland there now. He felt additional field information was necessary before the Commission can make a determination.

M. Giguere stated the Commission made several soil borings, and it appeared the samples were hydric. H. Estes said it is important to have a wetland specialist look at the soils although she felt the vegetation was questionable because it is a field. P. Morrison suggested Mr. Olson get in touch with Beals Associates, who will have a record of the site in their files, and then return to the Commission with their report.

B. Clements said he was very concerned about the stability of the earthen dam supporting the pond. Mr. Olson maintained the situation has been improved with the addition of an auxiliary overflow area, and there is a lot of clay in the soils. He thought the dam was very sturdy.

P. Morrison suggested keeping the hearing/meeting open with flagging information to be presented to the Commission before it makes a final determination. It must be continued to a date and time certain or the applicant will have to file a Notice of Intent based on the documentation the Commission has to date. The first determination must be on whether the pond is jurisdictional; removal of the pond may be considered as a second phase in the permitting process. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing/meeting to May 8, 2007 to allow the applicant to provide documentation from a wetland scientist.

7:45 p.m. - 49 Island Road NOI continuation, DEP #169-907

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

VOTED: to continue the hearing to February 13, 2007.

B. Easom reported the Trails Committee discussed the continuing problem with the abutter about the maintenance of the trail on the Skyfield (Wiewel) Conservation Area as a lawn. One suggestion is to apply Round-Up in a 6" wide stripe down the trail to distinguish the trail from the lawn. P. Morrison felt the abutter would probably just re-sod the area. E. Owen questioned whether lime would work. It is necessary to hire a licensed applicator to apply herbicides. C. Auman noted it would be very expensive to treat a 300ft. area with lime. Currently the abutter is mowing all the way to the tree line so that walkers cannot tell where the trail is located, and it is intimidating to be on someone's lawn.

E. Owen said he was not comfortable with herbiciding as he felt it flies in the face of what the Commission stands for. Application of this herbicide would turn the trail brown, but it does not poison soils so the grasses would eventually re-grow. The site is difficult to access with machinery, but someone with a backpack could walk in there. Other choices would be to delineate the area that is not someone else's lawn. Abutters want a golf course, and this step would mar the appearance. E. Owen noted the Commission could issue fines, but we do not know for certain who does the mowing unless we see them doing it. Wood chips would be another alternative. A motion to hire a licensed herbicide applicator to put a 6" strip down the middle of the hillside portion of the trail on the Wiewel property failed with B.

Easom and P. Morrison voting in favor, and E. Owen, C. Auman, H. Estes, M. Giguere, and B. Clements voting against. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to send a letter to the Wiewel property abutters noting that the Commission will consider herbiciding or adding wood chips to the trail or issuing fines. A copy will be sent to the Trails Committee.

The motion passed with B. Easom voting in the negative.

8 p.m. - 60 Boston Road NOI

(Member B. Clements stepped down.) Sean Hale of Ross Associates explained his client planned to replace the existing garage with a new garage and to expand parking to improve the use of the site and meet Planning Board requirements. He noted they would be asking for a waiver from Planning Board parking requirements. There is currently nothing there to catch stormwater or treat water quality. An existing septic system is located behind the house, but the owner plans to connect to town sewer. Plantings of white cedar are proposed along the property line. S. Hale stated the septic tank will be decommissioned which consists of pumping and filling the tank with gravel.

Member Owen noted the detail for the retaining wall does not show the final height, and Mr. Hale said it will be limited to 3 ft. H. Estes questioned what type of vehicles will be parked there, and it was noted this is a roofing company and a silk flower shop is also proposed. She asked if this was a change in use, and S. Hale responded it is zoned business.

P. Morrison questioned how snow will be handled on the site. The owner said they will use a snow blower, and it will be blown to the sides, not to the wetland. Commissioners asked if it would be possible to pull the lower parking area 2 ft. or 3 ft. up from the wetlands in order to extend the buffer. The owner stated he was willing to let the currently mowed lawn area that was delineated as wetlands revert to wetlands as far back as the fence line.

Member Auman stated he was very disappointed the applicant failed to follow the Commission's recommendation to maintain a 25 ft. minimum buffer to the wetlands. He noted he has never seen a site so packed, and he felt this level of intensity of development was a significant concern. In reply to Mr. Auman's question about the depth to groundwater for the infiltration area, Mr. Hale stated that there is a 2 ft. clearance to the water table under the recharge bed which meets the minimum requirements. Members requested that the plan show how roof recharge will be handled, as well as snow storage areas and no disturbance areas. P. Morrison said the Commission typically specifies no-disturb areas in an Order of Conditions and if the owner is willing to let the area return to its natural state, it should be on the plan. The Commission has signs which can be posted to inform future buyers.

Mr. Hale indicated the stormwater calculations were based on an infiltration rate of 60 minutes, a conservative figure which represents a very slow rate. He noted the filing was sent to Natural Heritage, and they have 30 days in which to respond. B. Easom advised the applicant needs to consider where they will put snow or whether it will be necessary to remove it from the site.

The owner, Pat Hughes-Ortiz said the former owner advised that the site has become increasingly wet due to the construction of the post office. B. Ganem noted she informed all parties that the wetlands would be delineated according to what is in the field today, not based on historic information. It was noted the fencing is within a wetland area. C. Auman cautioned that it will be necessary to take appropriate action to protect the wetlands.

Abutter Jim Cullen (66 Boston Rd.) expressed concern that the proposed elevation changes result in a 5 ft. difference between his property and 60 Boston Rd. He felt more roof runoff will result in additional drainage running onto his lot. The applicant said that gutters would capture roof runoff, and the elevations will stay the same.

Member Giguere noted a frost wall will have to be dug for the garage and questioned where the excavated material will go. E. Owen concurred it is a very tight site and how stockpiles will be handled is a concern. Also, he commented on the difficulty of having excavators and concrete mixers working on the lot. Mr. Hale maintained that the drainage

infrastructure was designed to handle the runoff from all impervious surfaces, not just the proposed additional impervious surfacing.

C. Auman recommended the plan show how roof runoff will be handled. He also advised of the need for a comprehensive construction sequence and asked if Nitsch Engineering will be reviewing the 2 ft. minimum offset to the water table. Commissioners added that the applicant should address the stockpiling of materials and the potential for pulling the parking area away from the wetlands a few feet. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing for 60 Boston Rd. to February 27, 2007.

B. Ganem reported the funding from the Self-Help Program requires the placement of a sign with the Self-Help logo at Surrenden Farm. This is for the property owned by the Groton Conservation Trust, over which the Commission holds the Conservation Restriction. C. Auman advised that this should be coordinated with the Trust, and it was noted there are several other participants in the Surrenden Farm project which may wish to be represented on a formal sign. Commissioners agreed to purchase a sign just showing the Self-Help logo and hold off on discussions on a bigger sign to reflect the participation of all parties involved in the project. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to send a letter of thanks to Badge Blackett for his contributions to making the Surrenden Farm project a success.

Regarding the debt service for the Self-Help portion of the project, it was noted the \$500,000 grant is a reimbursement grant and at a 3.99% interest rate, the Town must pay \$11,638 when the bond is repaid on July 19, 2007. B. Easom met with Town Treasurer Christine Collins to discuss the debt service. The original CPC application for \$5.6 million through the Community Preservation Act did not cover the interest costs associated with financing or the legal expenses. If it is to be paid through the CPC, it will require a town meeting vote. Mr. Easom mentioned that another option would be to pay the costs from the \$185,000 allocated by the CPC to the Conservation Fund. A third alternative is to have the CPC pay these amounts out of their administrative fund. And finally, the Board of Selectmen could sponsor a warrant article to raise and appropriate the amount at the next town meeting. B. Easom thought it advisable to pay with funds that have been matched by the state rather than draw entirely from the tax base. He volunteered to see what could be worked out with the Selectmen on this matter.

After discussion and upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to purchase seven copies of the new Environmental Handbook for Conservation Commissioners at a cost of \$440.

B. Clements abstained from the vote.

C. Auman reported the Selectmen met on January 22nd to discuss the change in title and job description for conservation staff. Personnel Manager Elizabeth Currier indicated the title of 'Conservation Administrator' fits better with other titles within town government than does Director of Conservation. She recommends the adoption of the job description change, but not a grade change. Mr. Auman noted this was supposed to be the purpose of a Personnel Board meeting December 13th. There is a question about whether the union contract must be opened to determine whether a new grade is necessary. Both P. Morrison and C. Auman want to talk with E. Currier to see what towns were looked at for comparisons.

The movie *An Inconvenient Truth* will be shown free of charge at the First Parish Church on Friday, February 2nd at 7 p.m.

There being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant