

GROTON CONSERVATION COMMISSION

Minutes

February 13, 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, Marshall Giguere, and Peter Morrison were present. Conservation Assistant Barbara Ganem was also present.

Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to approve the minutes of January 23, 2007, as amended.

Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to approve the minutes of February 6, 2007, as amended.

E. Owen and B. Clements abstained from the vote.

Member Auman asked what kind of feedback the Community Preservation Committee had on the payment of the remaining Surrenden Farm legal expenses. B. Easom reported they had agreed to pay all outstanding legal bills with the exception of a small portion of approximately \$1,500 to be shared by the Water Department and Selectmen. The Selectmen agreed to pick up legal costs associated with the re-routing of the road. Mr. Easom noted the CPC appreciated the spirit of cooperation. Member Morrison said he still has reservations about the need to notify the CPC of planned expenditures from the CPC portion of the Conservation Fund, and Mr. Easom pointed out this may be done verbally rather than with a written report. B. Clements questioned why there are reporting requirements, and B. Easom replied it has to do with Ch. 44B, the Community Preservation Act, which carries specific reporting and bookkeeping responsibilities.

B. Ganem reported she signed off on an Emergency Certification for the demolition of the burned-out house shell at 10 Rustic Trail. The Building Commissioner declared it unsafe and required the demolition. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to ratify the issuance of the Emergency Certification for 10 Rustic Trail.

Member Morrison commented the \$100,000 endowment fund for the maintenance of Surrenden Farm may not happen, and the Conservation Commission is charged with the management of the property. There are currently no funds budgeted for management in the Commission's line item budget. It is likely the property can be leased for hay, and it is important to have a funding mechanism in place that would allow funds from leasing to be used for management. Town Accountant has suggested a 53 E ½ revolving account which can accumulate funds as long as the balance does not exceed \$10,000 at the end of the fiscal year. The account can have more than that during the course of the year. P. Morrison explained that having the account does not hurt you if there happens to be no income received in that year. The account could also receive income on any other agricultural pursuit the Commission undertakes on other conservation properties.

Mr. Morrison pointed out that farmers are likely to want at least a 5-year lease as opposed to a yearly contract as they put money into management (fertilizers, brush removal, re-seeding). Due to time constraints, it may be necessary to do a 1-year contract initially. John Greenhalgh has previously hayed these fields and could provide an estimate of their yield. C. Auman added that the towns of Concord, Harvard, and Carlisle are local communities which lease out conservation land for agricultural purposes.

P. Morrison volunteered to work with Ms. Jenkins and B. Ganem to develop wording for a warrant article to allow the

formation of a 53 E ½ account for the Commission. Interim Administrative Office Jeff Ritter and the Board of Selectmen will also weigh in on the final warrant articles. It was noted there may be \$5000 in seed money for the management of Surrenden Farm. H. Estes asked what happens if we happen to have income that exceeds \$10,000, and Mr. Morrison responded we could use the revolving fund for the management of other parcels. B. Clements noted the effect will be to raise some kind of endowment. The Commission will have an opportunity to vote on the wording for the final warrant article before the warrant due date of February 28, 2007.

David Hamilton has requested postponement of his 7:15 p.m. appointment for the discussion on Rivercourt to February 27th.

7:15 p.m. - Appointment Kristin McEvoy

Ms. McEvoy explained she was again before the Commission to stress the importance of the Mattbob parcel and to see if there is interest in purchasing the land for conservation purposes. She noted a great deal of time has passed, and the market has changed. The vernal pool has been formally mapped by Natural Heritage as Priority Habitat. The permit for the project is in appeal, and there appears to be less of a need for over-55 housing because this area is glutted with such housing. Developers are finding it difficult to sell over-55 units because buyers are not able to meet the qualifications. She indicated she was not aware of whether the developer is receptive to the idea of the land being conserved, but she felt it important to consider creative alternatives.

B. Easom suggested contacting The Trust for Public Land as they facilitated the Surrenden Farm project. The Mattbob project consists of 25 acres, 13 of which is vernal pool. Approximately 36 units are proposed, but 3 acres in Littleton will remain undisturbed even though this is the furthest point from the vernal pool. The developer did receive a negative Determination from the Littleton Conservation Commission for a portion of the driveway located in the 100 foot buffer.

B. Clements asked if Fisheries and Wildlife might have an interest. K. McEvoy questioned whether any person on this board is interested and whether it could be considered under a LIPP proposal. She emphasized that the timing is much better than a year ago and added she was aware the land has been offered for sale.

Chairman Owen pointed out the Commission is looking at several land proposals currently, but acknowledged this was important because it has an individual who is willing to champion its protection. P. Morrison asked if neighbors might be willing to chip in in order to expand their yards. E. Owen noted four single family homes were proposed at the site originally. B. Easom volunteered to talk with The Trust for Public Land and the Groton Conservation Trust about their possible interest. It was noted this site is a gateway to Groton.

7:30 p.m. - 54 Ridgewood Avenue NOI

Bev Quinn of GPR explained there was an existing house with a cesspool beneath the house. To bring the house into compliance with Title 5, a septic tank and leaching field will be installed. In addition, a gravel parking area is proposed. The project has been designed to create the least possible amount of disturbance, but it is located within 22 ft. of Lost Lake/Knops Pond. There is a 2 to 1 slope which necessitates a retaining wall on this one-quarter acre lot.

Ms. Quinn indicated it would be necessary to cut down more trees if the septic system is located on the house side of the lot. The lot itself is on both sides of Ridgewood Avenue. Nevertheless, some trees will have to be removed. P. Morrison asked if was possible to pull the limit of disturbance further away from the Lake. He suggested geotextile fabric, as well as silt fencing and haybales, to protect the slope. C. Auman recommended monitoring the area to assure there is no impact to the resource area. B. Easom questioned whether it would be necessary to also clear for a reserve septic system, and Ms. Quinn stated it is likely the reserve septic system would be re-built within the same footprint.

Ms. Quinn indicated a structural engineer would prepare the plans for the retaining wall as it exceeds 4 ft. in height. H. Estes cautioned that the applicant may not have sufficient room to do the work if the erosion control line is moved upslope. The applicant, Greg Kinnear, said he has reservations about the shape of the parking area, and Commissioners explained the work will have to conform to the submitted plans if the hearing is closed this evening. Mr. Kinnear

indicated he would like the parking area to be rectangular and parallel to the road. He thought there would be less impact on the environment in the location he proposes. In response to a question about when the work will take place, Mr. Kinnear replied it will likely be May or June.

Abutter Tom Doyle (61 Ridgewood Ave.) commented he has heard some discussion about a regional septic system, and he thought this more environmentally sound than paying \$25,000 for individual septic systems throughout the Lake area. He asked if any progress has been made on solving this problem for individual home owners. Members said it is important to have support from people who live at the Lake, but it is not within the purview of the Commission despite the Commission's strong support for such an idea. The Board of Selectmen and the Sewer Commission are currently working on the issue. C. Auman agreed the Commission is very interested in improving water quality because we do repeatedly see disturbances within the 100-ft. buffer zone.

B. Clements questioned how many homes would be likely to join a community septic system, and Mr. Doyle said there are probably 7 on his street alone. It is likely there would need to be several community septic systems in order to service the entire Lake. He urged T. Doyle to form a group and organize to advocate for community septic systems. Mr. Doyle pointed out it is likely the largest detractors for such a system will be those who have recently installed an individual septic system at great cost.

Carol Quinn (41 Ridgewood Rd.) stated her concern is similar to Mr. Doyle's and asked if the Commission has raised a flag to the Board of Selectmen or Sewer about the issue. P. Morrison replied the Commission is a regulatory board that approves or disapproves specific projects. The Commission's source of authority is the Wetlands Protection Act and the Wetlands Protection Bylaw neither of which mandate the Commission make policy changes. He indicated the Commission would certainly support such an endeavor, but the Commission's actions are typically not in the form of spearheading a project. Chairman Owen suggested the residents look at Bare Hill Pond on Clinton Shore Dr. in Harvard to see how communities can organize around this issue. Both residents were encouraged to contact the Board of Selectmen and the Sewer Commission to move this project forward. There being no further discussion, it was agreed to continue the hearing to February 27th.

7:45 p.m. - 138 Hemlock Dr. RDA

The applicant has requested a continuation because they are out of town this evening. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to continue the meeting for 138 Hemlock Dr. to February 27th.

8:00 p.m. - 49 Island Road amendment continuation, DEP #169-907

Stan Dillis explained he was last before the Commission in November with the proposed amendment. He noted the Order of Conditions was never recorded and additional work was done that involved the conversion of a soil plateau to a patio. Mr. Dillis pointed out they were able to confirm that the new work was within existing shoreline documented in a 1998 septic plan. Correspondence from Fisheries & Wildlife identified rare species within Lost Lake/Knops Pond and expressed concerns about the lack of shading. They have subsequently requested plantings along the retaining wall.

B. Easom questioned whether the retaining wall was designed to withstand plant roots, and Mr. Dillis he had not prepared the plans for the retaining wall and the plants were relatively small. To M. Giguere's question about whether they would actually provide shade to the water, S. Dillis said the smaller plants will be interplanted with existing trees. H. Estes pointed out some of the proposed plants, rhododendron and hosta, were not native. She suggested the plants be native and be identified by their scientific name so the Commission can confirm this. She agreed Highbush blueberry is appropriate for the site. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the public hearing.

H. Estes abstained from the vote.

Returning to the topic of use of the Conservation Fund, members noted expenditures can be made without returning to Town Meeting. There is 7 months of interest on the bridge loan of \$500,000 for the Self-Help grant. It amounts to approximately \$11,000 and is due in July, the beginning of FY'08. B. Easom reported the CPC decided not to do anything with it although he had asked that they pay it out of their administrative fund.

P. Morrison expressed concern about not paying for things of this nature, especially if the Commission is likely to get additional funds. The CPC's administrative fund is likely to be replenished by a \$46,000 allocation for FY'08. In one sense, it is good that the Commission is 'exercising' the Conservation Fund through deposit and expenditure activities. In another sense, the Commission may be perceived as being cheap and not working in the best interests of the Town if we do not use these funds. B. Easom pointed out the CPC administrative fund is much smaller than the amount in the Conservation Fund. P. Morrison added, "It is hard to ask for more if we do not spend any."

Member Easom reported the CPC has expended \$800 for legal expenses out of the FY'07 administrative fund. Technically, it is to be spent on unplanned-for items or for emergencies. Whatever amount remains in the administrative fund at the end of the fiscal year is returned to the CPC pot, not the general fund. B. Easom said the last resort would be to go to Town Meeting with a raise and appropriate article which is not matched by the state. Members recommended Mr. Easom return to the CPC and let the Commission know their recommendation.

B. Easom apologized for the confusion on the Surrenden Farm trail site walk. There was concern that not enough members of the Trails Committee had been consulted about the proposed trail location. They have now reviewed the trails and a possible bridge site.

P. Morrison mentioned there is an additional trail bridge at Wharton Plantation which needs replacement. Members recommended a new filing for the bridge.

At 8:20 p.m., with a motion by P. Morrison, seconded by M. Giguere, and a positive roll call vote from H. Estes, B. Clements, P. Morrison, C. Auman, B. Easom, M. Giguere, and E. Owen, it was

VOTED: to enter Executive Session for the purpose of discussing possible litigation, to return to Open Session at adjournment.

Executive Session adjourned at 8:45 p.m. Under other business, Chairman Owen reported a picnic table has been dumped on the tax title parcel on Reedy Meadow Rd., and they may be conducting paintball activities there. He also mentioned he has recently accepted a job at Autumn Hill Orchard, and he may have difficulty attending meetings and site walks in the future.

B. Ganem reported Mr. Eliades has recently contacted the Commission office about getting an Occupancy Permit for one of the housing units at 91 Culver Rd. A condition of getting the Occupancy Permit is payment of \$11,000 to the Conservation Fund.

C. Auman distributed copies of a memorandum to the Board of Selectmen from Personnel Manager Elizabeth Carrier concerning the Conservation Assistant position. She agreed the job description and title do not match the work done by staff, but found the pay is adequate. The Board of Selectmen have voted not to re-open the union contract which is unfair given that B. Ganem is working in excess of her current duties. C. Auman and P. Morrison will meet with Jeff Ritter and the Board of Selectmen at some point.

With no further business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended 2/27/07.