

GROTON CONSERVATION COMMISSION

Minutes

February 27, 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.

In discussion on the Open Session minutes of February 13, 2007, member Morrison requested changes to reflect his comments on the use of the Community Preservation funds and C. Auman asked if there was a vote to conclude the Ridgewood Ave. hearing. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to approve the Open Session minutes of February 13, 2007, as amended.

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

VOTED: to approve the Executive Session minutes of February 13, 2007.

Member Giguere suggested a town-wide mailing advising residents of the need to file for work near wetlands. Commissioners cautioned this could be a costly undertaking. Audience member Steve Webber mentioned this is something that could be run on the front page of the Town's web site for a month. Other suggestions included calling reporters to include a column on compliance under ACEC stewardship matters. M. Giguere volunteered to draft a notice for either the web site or newspaper. B. Clements mentioned he has been involved with the ACEC Stewardship Committee publications, and they are generally limited to 500 to 600 words. C. Auman suggested a mailing with Groton Electric Light bills, and S. Webber advised they are committed for the next three mailings so it may not fit in with the Commission's time requirements.

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

VOTED: to approve the following wording for a warrant article for the Annual Town Meeting: To see if the Town will vote to establish a revolving account under Chapter 44, Section 53E ½ of the General Laws for the purpose of utilizing receipts and fees received for agricultural or silvicultural activities conducted on Town-owned conservation lands under the care and custody of the Conservation Commission, said receipts and fees to be credited to said account and expended by the Conservation Commission for oversight and management of conservation lands owned by the Town.

Member P. Morrison reported he has observed the Black dam on Burnt Meadow Rd., and the water level of the pond is approximately 2 ft. lower than the ice covering the pond. There is a leak beneath the dam outlet which should be sealed with clay. Bob Black advises the pond should be totally drained and the footing area dried out before the pipe is sealed to the headwall of the dam. It is unlikely anything will happen immediately. Mr. Black reported his family has replaced the pipe at least twice. The pond is manmade, and M. Giguere noted the dam backs up all of Burnt Meadow swamp. It is probably possible to block the flow at the culvert under Bennett Black's driveway. Mr. Morrison acknowledged that getting to the dam for the repair may be relatively easy, but sealing the culvert into the dam could be a problem. Members felt the repair of the dam and replacement or repair of the culvert should be undertaken as one project. To just do one or the other would not be effective. P. Morrison added that maintenance of the pond could also be undertaken at the time the area is drained.

B. Easom said it was his impression that water is flowing underneath the headwall of the dam, and he suggested contacting the Office of Dam Safety to get an opinion.

7:15 p.m. - 60 Boston Road NOI continuation - DEP #169-974

The applicant has requested a continuation and upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to continue the hearing for 60 Boston Road to March 13, 2007.

B. Clements abstained from the vote.

Returning to the subject of the Black dam, members advised a full Notice of Intent filing to cover both the dam and the culvert. Although there could be serious ramifications downstream should the dam fail, it does not appear to be an emergency situation. It is likely that Bennett Black Jr. is the owner of the structure. If Highway Surveyor Tom Delaney intends to replace or sleeve the culvert, the culvert should be properly sealed into the dam.

Regarding the letter from the abutters to the Wiewel Conservation Area, member Clement observed at one time, they left grass to the side of the trail somewhat longer, but there is little distinction between the trail and lawn now. They may find it difficult to stop mowing the land. M. Giguere said setting the mower deck to the highest setting doesn't work because it doesn't adapt more than 4 inches. B. Easom added having them cut it is not working out. H. Estes suggested they be invited to a meeting to clarify the situation. Other members felt this has not worked in the past. S. Webber advised using a weed whacker, but it was noted the abutters seem to prefer the golf course effect.

7:30 p.m. - Station Ave. and Court St. ANRAD

B. Clements acknowledged he is a member of the Planning Board which is the applicant in this case. He contacted the state Ethics Commission, and they recommended filing a disclosure statement with the Board of Selectmen. Mr. Clements read his statement, in which he asserted he believes he is able to maintain his objectivity. P. Morrison said he serves as the representative of the Conservation Commission on the Station Ave. Committee.

Michelle Collette explained she is the Town Planner and is working with the Station Ave. Committee. She submitted the green cards for the mailing to abutters. The Planning Board decided to evaluate Station Ave. in response to proposals submitted by Capstone and Beaudane for the redevelopment of the area. Before any new zoning measures are presented, it is felt the Town needs an evaluation of the area from Broadmeadow to Station Ave. and Court St. Dodson Associates has prepared plans showing the soils and the wetlands based on MassGIS data. The Station Ave. Committee solicited quotes for a wetlands delineation of the area. Brandon Ducharme of Ducharme & Dillis flagged the wetland boundary, and the Commission walked the site this past Saturday. Ms. Collette asked the Commission to accept the delineation as a basis for the preliminary conceptual planning for Station Ave. and Court St.

Because of the expense, an on-the-ground survey was not feasible. The flags were located by GPS. Ms. Collette also asked the Commission to consider the level of flexibility the Commission would have in terms of work in the buffer zone and Riverfront Area. Most of the land is not in a natural state. The Town plans an upgrade of the stormwater management structures and wishes to encourage low impact and innovative development techniques to improve the water quality in James Brook. The delineation is not located within a rare species polygon.

Member Easom said he reviewed some of the contaminated sites within Groton, and Conductorlab, the former Mr. Mike's, and May & Hally were identified on the state list. Ms. Collette assured him all 21E issues in the area will be addressed as part of the planning and design. She pointed out the installation of public sewer mains and the construction of the Rail Trail included dealing with similar contamination issues. Landowners must do the due diligence required by law. The Town could support this and help facilitate the process. Mr. Easom cautioned that he would not want to see any contaminated materials enter James Brook.

C. Auman indicated he understood if the Commission approves the flagging after reviewing information found in the report and the field, the delineation is good for three years. It was noted the FEMA floodplain needs to be based on elevations. Ms. Collette pointed out the delineation was done in a very conscientious manner, in December before any snow cover. She affirmed the need for having floodplain elevations survey located.

B. Clements thought the delineation was quite reasonable based on the Commission's visit. Some of area has probably been filled over the years. Disturbed areas are particularly noticeable adjacent to the A series of flagging. Some areas, such as Platt, Buckingham Bus, GELD, and May & Hally, are under active use. Ms. Collette explained the town had purchased the former home of Mrs. McGregor which was subsequently demolished. That home shared a driveway with the Downes' house. She commented the Station Ave. Committee envisions having buildings close to Station Ave. with parking located in the back. She questioned how much intrusion is likely to be allowed in the buffer zone.

B. Clements said he had heard parking lots are proposed within 15 ft. of wetlands. Planning Board Chairman Scott Wilson explained the Board will weigh alternatives in an effort to improve land use in the area. He pointed out the environmental impact of current users would be considered as well as ways to dramatically improve water quality in the proposed development.. Parking within 15 ft. could actually be an improvement to existing conditions. B. Clements pointed out the soils within the area are very difficult.

M. Collette said the Planning Board is working with Comprehensive Environmental, Inc. (CEI) which is advocating low impact development techniques. She explained Highway Surveyor Tom Delaney and she are investigating the potential for obtaining a 319 grant to upgrade stormwater management in the area. The Town is committed to doing a sustainable, environmentally sensitive development, and this is a one-time opportunity for planning and designing a project right in the middle of Town. The Committee has preferred to be pro-active and to identify all resources and constraints before going to the planning and design portion of the project.

Member Morrison said the Commission had done several soil borings, one of which was found to have deep organic soils; the other was on Mrs. McGregor's land which appeared to have been filled as numerous rocks and brick pieces were observed. He said he would characterize this area as previously disturbed.

Ms. Collette commented the area around the former railroad bed has also been filled. She noted there could be a public education component of the project. One of the suggestions has been a boardwalk overlooking Broadmeadow where there would be an opportunity to observe the wetland environment.

E. Owen recommended keeping the flagging in place for the duration of planning and designing. In response to Mr. Giguere's question about whether the Commission could obtain the GPS wetland flagging information, Ms. Collette replied the GPS flagging information has already been entered on the GIS computer in Town Hall and Chris Coutu could be contacted with any questions. C. Auman underscored the need to look at the total project and urged the proponents to demonstrate that the interests protected under the Act and Bylaw are protected. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the hearing for the Abbreviated Notice of Resource Area Delineation
for Station Ave. and Court St.

No DEP number has been assigned to the delineation as yet.

7:45 p.m. - 10 Rustic Trail NOI

Engineer Jim Comeau of Pennoni Associates explained he represents homeowner Scott Buonopane. The new 2,900 SF house will replace a house that recently burned. The new residence will have three bedrooms, a cast-in-place foundation, subsurface facility for roof runoff, an in-kind gravel driveway, and will require some tree removal. The existing septic leaching facility will be used. An existing timber retaining wall will be replaced behind the cottage with a block retaining wall. An Operation & Maintenance Plan is included with the filing. Mr. Comeau acknowledged there is an increase from 100 SF to 700 SF of house within the 100 ft. buffer zone. He felt this would be mitigated by the addition of the stormwater infiltrators. Roof runoff is currently not captured.

B. Easom questioned how a leach field could operate in the ravine observed at the site. Mr. Comeau indicated the system may have grown over, but seemed to be functioning and the only thing planned there is the removal of several trees. The design for a walk in first floor lessens the amount of excavation necessary in the buffer zone.

C. Auman commented he thought the plan was well put together and questioned whether it was possible to do the work without going closer to the Lake. Mr. Comeau said it was his client's wish to site the house so that he could take advantage of a 3-car garage. The present garage is an existing, non-conforming use. A well is shown at the corner of the proposed house.

Landowner Scott Buonopane explained that 90% of his prior project (DEP #169-931) is done with grass already planted and no erosion. He does not anticipate any re-grading in this area. P. Morrison asked the height of the wall to be replaced, and Mr. Buonopane said it was 4 ft. and would use structural landscaping blocks.

H. Estes asked why the wetland on the other side of the property was not shown, and Mr. Comeau responded it was not shown on the earlier Meisner Brem plan, and he felt it was further north of the site than 100 ft. Mr. Buonopane maintained that sand was allowed under the earlier permit.

Abutter Jeff Moskow (14 Rustic Trail) pointed out the NOI did not properly identify the site's location in an ACEC. He also expressed concerns about cutting down additional trees in the 100 ft. buffer zone. Mr. Comeau submitted the green cards for the application. Awaiting comments from Natural Heritage and the assignment of a DEP number, upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to continue the hearing for 10 Rustic Trail to March 13, 2007.

8:00 p.m. - 1 Lost Lake Dr. NOI

Chris Tofte objected to the public hearing notice in which the work within the 100 ft. buffer includes the septic system. Chairman Owen pointed out there is grading for the septic system within the buffer, and Mr. Tofte conceded this was so. Mr. Tofte explained most of the work was already done, and there was grading within the buffer because the Town required a change to the front entrance of the building. Members asked who in the Town required the change, and Mr. Tofte indicated it was the Building Department that would not allow two entrances from the front of the duplex. C. Tofte commented it is necessary to disturb at least 30 ft. around a house in order to get equipment around for construction. He presented pictures to show what was previously disturbed and what was newly disturbed, and Mr. Morrison requested copies. Mr. Tofte stated the driveway is in the same place, and there is an existing low area where the water line was tied into the lot.

Mr. Tofte said much of the site was previously disturbed because of an old house, barn, dog kennel, and area where cars frequently parked. He explained he used a crushed concrete material as the driveway base because it packs down well and does not produce runoff. Chairman Owen asked if the sketch plan has been submitted to Natural Heritage for approval, and Mr. Tofte said the whole circumstance has to do with turtles. Natural Heritage has required plantings to discourage future turtle nesting, but they have required that no planting take place until after October 31. He maintained they did not disturb any of the trees. C. Auman said he had a general comment about the plan in that changes to a project plan require filing with the Commission for an amendment, and it appears the process has broken down. The items, such as the underground propane tank and driveway, that have been added in the field and have only been sketched in on the submitted plan represent changes. Mr. Tofte said they could not put the propane tank in the reserve septic leaching area or in the driveway. Members pointed out that work in the buffer zone requires a permit from the Conservation Commission. C. Tofte indicated he would move the tank if they have to. The purpose of the plantings is to discourage turtles, and Natural Heritage has required Creeping, not Blue Star, junipers, and this is not identified properly on the plan.

Member Morrison noted the Commission usually receives engineered plans rather than sketches for work within the buffer zone. H. Estes commented Meisner Brem has probably shot as-builts for the septic system. She thought the location and grading for the system could be shown on an as-built plan. P. Morrison stressed that no work should be done until the applicant has received an Order of Conditions. H. Estes added that she was concerned about the erosion at the driveway and how to resolve that issue. She reported she has been by the lot on rainy days and noted sediment running across the road to the wetland. The gravel driveway has erosion going on. Mr. Tofte argued there has always been a puddle there, and he plans to pave the driveway. Haybales are not currently solving the problem.

Mr. Tofte said the haybales were only required during construction during the time when the turtles were there. M. Giguere said runoff is coming down the driveway now, and construction is not complete. Mr. Giguere noted there is a cut in the road where the plantings are proposed, and he asked if it would be necessary to do any grading. Mr. Tofte said he does not plan to grade, just to do the plantings. Mr. Giguere requested a completely engineered plan on which all work in the buffer is shown.

B. Easom noted he has a question on process and why the project did not proceed in a way the Commission likes to see. There are things on the plan that were not built. There are things that were built and not shown on the plan such as the 500 gallon underground tank. There has been a change in the driveway location, haybales were not put across the driveway, and from a process point of view, Mr. Easom asked how the applicant got confused about what was expected. Mr. Easom asked if he had read the Determination issued by the Commission. Mr. Tofte said wet haybales cannot be moved. Mr. Easom said the house may be finished but the land is not stabilized, and the haybales are supposed to be there to keep erosion from reaching the wetlands.

Mr. Giguere asked why Mr. Tofte did not come back to the Commission when the changes were made, and Mr. Tofte said he didn't know he had to. E. Owen suggested the Commission could grow from this process and asked what steps Mr. Tofte would suggest. C. Tofte said some towns require a construction entrance. B. Easom noted the Commission may need specific language that states an applicant needs to come back before the Commission if anything changes, adding "Perhaps the Commission owes the applicant an apology." He questioned whether the base of the driveway is in, and Mr. Tofte said he scraped off the old asphalt to put in the crushed cement. Mr. Easom requested a plan which shows what exists on the ground that is within the Commission's jurisdiction and an as-built of the septic system. In addition, a mailing should go to Natural Heritage for their comments.

Mr. Morrison pointed out there are two parts to the Determination filing - the Request for Determination submitted by the applicant and the Determination of Applicability issued by the Commission. The Commission's finding approves or disapproves what the applicant has proposed and cannot approve anything that has not been shown on the plan. P. Morrison requested the applicant assure that there are erosion control measures in place from now until the Commission issues a Certificate of Compliance. Upon a motion by P. Morrison, seconded by B. Easom, it was

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

C. Auman cautioned that the underground propane tank should not be moved, and no other work should occur within the 100 ft. buffer zone. He pointed out the full filing process is starting over. Abutter Steve Burrell (508 Lowell Rd.) questioned whether the developer is controlling runoff by dumping it into his yard. He noted he is now receiving water from 1 Lost Lake Dr. which did not previously occur. P. Morrison assured him the Commission will require that post-development runoff not exceed pre-development runoff from the 100 year storm.

8:15 p.m. - J. Rutledge/138 Hemlock Park Dr. RDA continuation

Homeowner Rutledge explained that some of the electric poles on his property were rotten and needed replacement. He opted to install an underground conduit for utilities. He acknowledged it is necessary to come before the Commission for work within 100 ft. of wetlands. Some of the trench work for the conduit, which runs along the driveway, falls within that buffer zone.

Member Clements commented the work appears to be a good job as long as the disturbed area is re-vegetated. In response to B. Easom's question about the duration of the work, Mr. Rutledge replied the area was exposed for approximately 3 days. C. Auman cautioned that grass clippings should not be thrown in the wetlands. J. Rutledge indicated he has removed a great deal of trash, including tires and wheels, from the wetlands. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination requiring the applicant to monitor the disturbed area to assure vegetative cover as soon as possible and that, if

there is any erosion, haybales are installed.

8:30 p.m. - 54 Ridgewood Ave. NOI continuation, DEP #169-975

Engineer Bevlyn Quinn of GPR submitted revised plans showing erosion control measures around the well. The size of the parking area has also been increased. Ms. Quinn maintained that more mature trees would have to be cut to install the septic system on the same side of the street as the house. She acknowledged the Board of Health has concerns about the pipes crossing under the street, but she didn't believe there were any other viable alternatives since the slopes on both sides are 2 to 1. The retaining walls will be as much as 7 ft. high and filled with at least 2 ft. of gravel. B. Easom commented the wall is likely to look like the Great Wall of China and questioned whether there will be any drainage openings under the wall. Ms. Quinn responded, "No, the parking area and leaching field depend on infiltration." Chairman Owen advised the consultant that it would be necessary to come before the Commission again if the Board of Health required changes in the current plan. B. Quinn said the applicant wished to close, and upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the hearing for DEP #169-975 for 54 Ridgewood Ave.

Returning to discussion on the maintenance of the Wiewel Conservation Area, Commissioners agreed there has been a return to cutting the trail as a lawn. H. Estes noted their letter appears to be sincere, but they apparently do not understand what is required. They mention the Hurd parcel, but the portion they reference is actually the trail head entrance. Mr. Myette uses the area to test out lawnmowers so it is trimmed closely. B. Easom commented that homeowners find it impossible to comply with the Commission's requests to mow in a different way. M. Giguere pointed out that typical lawn equipment is not capable of this kind of adjustment, and we have the same problem at Hidden Valley. B. Easom urged the Commission not to manage abutters, but to manage the land. The brush hog can be used to maintain the trail. Commissioners requested a letter go to the abutters requesting they not do anything, including mowing, to the trail that abuts their properties. They should be advised to mow only their own lots, not the Town's property.

The Finance Committee still has the FY'08 budget proposals under review. They are hoping to eliminate the need for the GPS unit through negotiations on sharing equipment with the Water Department. They may suggest postponing the brush hog request until the October town meeting. Mr. Morrison pointed out this means we miss one season of brushing hogging some conservation lands.

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

VOTED: to approve the issuance of the draft amended Order of Conditions for DEP #169-907 for 49 Island Rd. under the Wetlands Protection Act.

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

VOTED: to approve the issuance of the draft amended Order of Conditions for DEP #169-907 for 49 Island Rd. under the Wetlands Protection Bylaw.

H. Estes abstained from the vote.

Roger Helou of 134 Shelters Rd. brought in paperwork showing he requested the Commission allow a change in the original plans for construction of a house to also permit the construction of a garage; the minutes of November 9, 1999 show the Commission approved the change. B. Ganem said no as-built plan was required, but the Commission has received a letter from the engineer of record, and the site is well stabilized. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue a Certificate of Compliance for DEP #169-779 for 134 Shelters Rd.

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

VOTED: to issue a Certificate of Compliance for DEP #169-674 for 134 Shelters Rd.

B. Easom said he would call Kristen McEvoy to discuss funding possibilities for the Oak Ridge Estates area.

For comments on the revised Jenkins Rd. Comprehensive Permit proposal, members acknowledged all the work is shown outside the 100 ft. buffer, but boundary markers could be crucial. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to send comments to the Zoning Board of Appeals recommending the posting of wetland buffer markers at 50 ft. intervals or at course changes and the maintenance of the existing tree canopy as shown on Drawing #8239 dated February 16, 2007.

C. Auman volunteered to attend the Blue Ribbon Governance Committee meeting on March 1 at 7 p.m. He suggested the Commission consider including a standard special condition in Determinations that applicants are required to return to the Conservation Commission in the event their plans change after filing with the Commission. P. Morrison underscored the need for applicants to comply with the Wetlands Bylaw and pay fines levied by the Commission for violations.

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

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted 3/13/07