

## GROTON CONSERVATION COMMISSION

## Minutes

May 22, 2007

Chairman Evan Owen called the meeting to order at 7:00 p.m. in the 2<sup>nd</sup> 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 B. Easom, seconded by C. Auman, it was

VOTED: to approve the minutes of May 8, 2007, as amended.

B. Clements reported he attended a meeting of the ACEC Stewardship Committee on May 15<sup>th</sup> in which it was pointed out that Conservation Commissions will have the responsibility of regulating docks. B. Easom questioned what this will do to the Commission's filing and paperwork load. Mr. Clements said it can take six months or longer for the process to work through the state DEP for Ch. 91 licensing for docks and retaining walls. A follow up meeting will be scheduled shortly to assist towns in drawing up Resource Management Plans for great ponds within their boundaries. B. Easom suggested looking at Plans developed in other communities to use as a template for Groton's Resource Management Plan.

7:15 p.m. – 267 Whiley Rd. RDA continuation

Homeowner Michael Cahill acknowledged the removal of 20 trees to reduce shading for newly planted shrubs. He noted he has been culling trees for twelve years to provide logs for his wood-burning stove. He maintained that the trees did not provide shade for fish as they were on the east side of Red Water Cove and also that the biomass on the slope prevented erosion into the Lake.

Member Giguere expressed concern that the roots of the trees cut down at the shore line would eventually rot out and cause the bank to collapse. B. Easom said he observed a lot of bare soil, but no active erosion during the site visit on Saturday. He thought the small pine saplings that were starting to grow were likely to hold the bank and provide shade. If they grow too tall, they can be topped. P. Morrison commented this would add to the stability of the slope. C. Auman advised cutting the white pine candles to encourage the trees to become bushy. He noted no vines were leafing out presently, and he would prefer to see more vegetation, such as dogwood or blueberries, growing. B. Clements stated he has seen substantial erosion occur on sandy soils and questioned whether sunlight would impact some of the vegetation that has now started growing in.

Commissioners urged Mr. Cahill to notify the Commission for any work on his lot. M. Cahill said that Duck Pond feeds Lost Lake/Knops Pond under his lot. H. Estes noted the tree stumps will rot, and she would like to re-visit the site. Chairman Owen said the Quonset soils that surround the Lake sometimes don't absorb rainfall, but trees will intercept the force of the rain.

C. Auman added the Commission needs to be assured there is enough vegetation growing to stabilize the slope. It may be necessary to re-plant in staggered rows with low bush blueberry or huckleberry which is growing nearby. With the applicant's concurrence, upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the discussion to July 10, 2007 to allow the Commission to re-visit the site later in the growing season.

7:30 p.m. – 3 Fawn Terrace RDA

Mrs. Chou explained they wished to make the backyard flatter by building a retaining wall. Chairman Owen clarified that the area will be terraced. C. Auman questioned how tall the trees are that will be removed. Mrs.

Chou indicated they will replant the area with grass and flowers.

She estimated the retaining wall will be approximately 3 ½ ft. tall, and P. Morrison stated that anything less than 4 ft. would not require engineering. B. Easom questioned whether this would fall under the Bylaw, and P. Morrison pointed out the site had previously been a gravel pit, and most everything within the area would qualify as previously disturbed. The proposed work is within the 100-ft. buffer zone, but on the non-wetland side of the hill. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination providing the work meets the following standards: the retaining wall is less than 4 ft. in height, no invasive plants are utilized for re-planting, and no construction debris or erosion enters the wetlands.

The area should be re-seeded as soon as disturbance is completed. M. Giguere requested the applicants return to the Commission if there are any changes to the current plan.

The Station Avenue Redevelopment Committee is applying for a Federal 319 grant to assist in cleaning up water quality in James Brook, and they have requested a letter of support from the Conservation Commission. The purpose of the grant is to gain funding to retrofit catch basins on Main St., provide public education about stormwater management; and install model rain gardens and pervious pavement to intercept and clean sheet flow. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to prepare a letter in support of the 319 grant application for improving water quality in James Brook.

B. Easom voted in the negative, with a majority voting “aye”.

B. Ganem reported she had walked the tentative route for water line installation between a new proposed public water well on the Torrey Woods conservation area to connect with Kaileys Way and eventually the water main in Martins Pond Rd. This involves the conversion of conservation land to water department uses and will require compliance with the Article 97 process. H. Estes expressed concern about the potential for ATV traffic along improved trails that follow the water mains. She said she has observed this, especially access through wetlands, with the Whitney well site. E. Owen noted there are likely to be valves at major intersections which must be accessed for maintenance in the future. Trees that surround the water main installation are likely to lean in, preventing other things from growing in the area.

#### 7:45 p.m. – 7 Baby Beach RDA

Homeowner Joe Ferguson explained his was the third house on the left on Baby Beach Rd., and a falling tree limb recently broke his sunroof. There are two trees which he wishes to remove as they are too close to the house. C. Auman asked if a professional will cut the trees, and Mr. Ferguson indicated it would be necessary to have someone climb the tree and remove the trees in 18 in. sections. Stumps will be ground down, but not physically removed. B. Easom urged him to keep gasoline utilized in the stump grinder outside the 100 ft. buffer zone. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to issue a negative #3 Determination requiring that the root system be left intact.

B. Ganem reported the Self-Help sign has been installed at Surrenden Farm, and the request for reimbursement submitted. B. Easom mentioned he attended the celebration at Surrenden Farm on May 20<sup>th</sup>, in which all the efforts of the partners were recognized. About a month before the closing on the property, Groton School stepped up with an additional \$2 million to cover a shortfall in the funding, bringing their contribution to the project to \$7 million.

The resident at 138 Hemlock Park Dr. made an after-the-fact filing for installation of underground electric

lines. The area was to be stabilized as soon as the weather allowed. More recently he has regraded his driveway, seeded the area, and mulched. Commissioners agreed to send a letter advising Jim Rutledge of the need to file with the Conservation Commission prior to undertaking any work within 100 ft. of the wetland resource areas on the lot.

In discussion on the request from Tracy Eliades for a partial Certificate of Compliance for 91A & B Culver Rd., members questioned whether the issue of building in Ayer had been resolved. Chairman E. Owen pointed out it has always been the Commission's policy not to issue partials. In response to B. Easom's question about why not, both Mr. Owen and Mr. Morrison replied it tends to muddy the issue. The Order of Conditions could be modified, and the Certificate would not reflect what was actually done. P. Morrison said his preference is not to issue a partial Certificate. We might do it for a roadway, but not for individual lots. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to not issue a partial Certificate of Compliance for DEP #169-986 for 91 A & B  
Culver Rd.

This is consistent with past practices. Members agreed to notify Mr. Eliades of the need to fix the roof drain as well.

#### 8:15 p.m. – Appointment Leo Laverdure/Chicopee Row parcels

Mr. Laverdure introduced his wife, Martine, and explained they have lived on Longley Rd. since 1978, but are interested in building a new solar home where they can practice organic farming and raise horses, sheep, and goats on Chicopee Row. Bevlyn Quinn, a consultant from GPR, explained that conceptual plans were developed using wetlands data from MassGIS. Some of the wetland area appears to be a vernal pool, but it would be necessary to identify the egg masses to officially confirm this. In order to construct the single family house, a wetland and a stream crossing is required. Ms. Quinn estimated that 4.6 acres would be disturbed, but acknowledged no grading plan has been worked out.

B. Clements said he supported the project in theory, but cautioned there could be issues if the wetlands are found to be a vernal pool. He pointed out that filling vernal pools is not permitted by Natural Heritage and this could pose serious constraints if the project is to gain access to the uplands. P. Morrison compared the project to the Webber driveway on Shattuck St. in which a bridge was used to span the wetland, but in that case the wetland was not a vernal pool. Members indicated they did not wish to give a feeling of encouragement or discouragement, but to be sure that the applicant is aware that this is a challenging site.

Mr. Morrison said the idea of a solar house is great, there could be some issues with the paddock in estimated habitat, and one stream crossing could be permitted, but it is necessary to determine whether a bridge could work or be cost prohibitive. Member Estes asked what kind of topography is present, and Ms. Quinn said it is rolling. Ms. Estes asked if grading would be necessary, and Ms. Quinn replied "Not much."

M. Giguere questioned whether the work is in the ACEC. (It is.) Approximately 1/3 of the site is within estimated habitat. The stream crossing would have to be done according to Army Corps guidelines. It is anticipated the driveway would be widened only slightly and would have 12 in. shoulders. Member Easom commended Mr. Laverdure for coming before the Commission to discuss his plans before the purchase of the property. It appears that gaining an upland access is pretty risky. The Conservation Commission has a record of strict interpretation of the Bylaw. Another consideration is whether the project has any reason to benefit the Town or how the project could increase a general value such as setting aside open space.

Member Auman said the Commission assumes we are looking at the worst case scenario in which 1,200 linear feet of driveway is proposed without the possibility of another access. The driveway crosses a wet area and a stream and is in the 100 ft. buffer zone for much of the way. It may require a variance to not widen the driveway. Mr. Laverdure indicated he did not plan to pave the driveway. The Commission will also look for 3 to 1 replication of wetlands. Any grading within the buffer must comply with the Bylaw definition of minor

grading, generally less than 2 ft. changes.

P. Morrison mentioned there is the possibility of starting the permitting process prior to purchasing the property. This would be cheaper than buying the property to begin the process. Chairman Owen concurred that this is a tough site. He suggested considering conservation restrictions, an access to town lands that abut the parcel, improvements to wildlife habitat, or clearing out invasives as a benefit to the Town. Just as there were disappointments in the case of the Breakneck Rd. lot, there is no way to determine what the final grades will have to be from just looking at the lot. Consideration can be given to allowing disturbances in the buffer if there is something of environmental value, but the biggest constraint is wildlife. M. Giguere suggested it may be more reasonable if an easement rather than the land itself is purchased to provide an upland access.

Others present for the discussion included Richard Bosdrie who indicated he was the son of the former owners, Wendell and May Ogilvie. Ken Rollins explained he is the real estate broker for these three lots, and the family is very aware of the sensitivity of the property. He noted the buyer in this case was actually looking for one lot. He was involved in the development of the duplexes on Kemp St. in W. Groton. In conclusion, the Commission advised Mr. Laverdure to approach the Fitches about an alternative access to the site.

8:30 p.m. – 60 Boston Rd. DEP #169-974 continuation

The applicant's consultant has requested a continuation, and upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing for DEP #169-978 to June 26, 2007.

8:45 p.m. – 1 Lost Lake Dr. DEP #169-978

With no applicant present, the Commission agreed to leave the hearing open.

9:00 p.m. – Appointment Stan Dillis – Extension for 18 Kemp St., DEP #169-854

Mr. Dillis explained the Notice of Intent was filed approximately five years ago. An extension was requested last year at which time the Commission granted a one year extension. The work has not been finalized at this point. The force main has been installed under the wetlands and backfilled. At the time this work was done, it was too wet to get vegetation established. H. Estes asked if the area was stabilized but nothing is growing. Mr. Dillis indicated the haybales were somewhat degraded but there is no siltation problem. Ms. Estes asked who is working on the re-vegetation, and Mr. Dillis stated this was not specified in the Order of Conditions, but Lewis Lunn has done the backhoe work. It is anticipated that a neighbor on Pepperell Rd. will allow access for the installation of the septic system on the back portion of the lot so machinery would not travel across the wetland again.

Member Easom said he had visited the site this past Saturday, and observed haybales and silt fencing across a stream. The haybales had failed and were acting as a dam with the force of water having pushed the haybales into the middle of the stream. The wetland was functioning as a stream. The erosion control is fine for stationery conditions, but not when water is flowing. In addition, Mr. Easom pointed out there is an area of standing water to the left of the entrance to the lot which was not identified as a wetland in the original NOI plans. He said he would like to see that area sampled and protected with haybales since there has been clearing and there are stockpiles of different materials located there.

Mr. Auman said there were a lot of concerns when the Commission originally issued an Order for this lot. He exclaimed the site is currently a mess and should be quickly fixed. He questioned whether it was left that way all winter. Mr. Dillis said it was the applicant's intention to come back and stabilize the site, but it was postponed due to a lot of rain during the fall. The Commission could consider issuing an Enforcement Order

and require re-filing in lieu of granting an extension, but the situation is very problematic. B. Clements noted he had also visited the site on Saturday, and he urged that it be stabilized quickly. He agreed there is also the possibility of a wetland to the left of the entrance. P. Morrison concurred with issuing an Enforcement Order for quick stabilization, but he was amenable to a six month extension. B. Clements said he would like to see the potential wetlands investigated and possibly a re-delineation of the wetlands. He questioned how long it would take to finish the work and stabilize the site in its current condition; Mr. Dillis replied it would probably take a couple of weeks. E. Owen cautioned that the mitigation work should be done by hand, not with machinery, and there should be a construction sequence.

B. Easom asked how deep the pipe is installed, and S. Dillis responded "Four feet." There may be a topographic change, and Mr. Easom felt the site should look like it used to look. M. Giguere said it looks significantly lower, and the haybale line has created a dam. Mr. Dillis said there was minimal flow when he previously visited the site although there may have been some contouring work done. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue an Enforcement Order requiring immediate repair of the silt fencing, restoration of haybales, and proper seeding for stabilization with all work done by hand.

The motion was unanimously approved.

P. Morrison, seconded by C. Auman, made a motion to extend the Order of Conditions until August 15<sup>th</sup>, reminding the applicant about repairing the siltation barrier, replacing wetlands flagging, and removing stockpiled materials on the left-hand side of the lot. In discussion, E. Owen reiterated the need to see the situation improved immediately. The applicant would be given the right to finish the force main installation within the buffer zone sufficiently to apply for a Certificate of Compliance. The Order would not be extended beyond August 15<sup>th</sup>. P. Morrison questioned what would be gained by requiring a second filing, and B. Ganem responded the Commission would have an opportunity to impose different conditions, the applicant has a history of non-compliance, and the original filing does not pick up the wetland on the left. P. Morrison suggested the extension could request sensitivity to and protection of the wetland on the left hand side of lot.

C. Auman reminded the Commission that the same issues that arose with the replication area on the ledge on Pepperell Rd. could occur here. He also pointed out the photographs do not do the site justice, and he wished all members could have been present at the Saturday site visit. Mr. Auman thought that re-filing would serve as a penalty, but if the Commission keeps extending the Order, the applicant suffers no consequences. B. Easom concurred, noting that the penalty comes with incurring additional fees to re-file and also confirming wetlands jurisdiction as it exists now.

P. Morrison argued that the Enforcement Order can require stabilization and the extension can allow the completion of the force main installation. B. Clements said the circumstances at the work site have changed. S. Dillis stated the Enforcement Order would cover what needs to be done on the site and carry its own weight. M. Giguere questioned whether the Order could be extended with new conditions, and it was noted the Order is already on record and cannot be changed. H. Estes added that vegetation monitoring is typically carried on for two years after work is completed, and she questioned whether all the work could be successfully completed by August 15<sup>th</sup>. Returning to the motion on the table, six members voted against, and P. Morrison voted in favor, with the motion failing. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to require the filing of a new Notice of Intent by July 17, 2007.

The motion passed, with six voting in favor, and P. Morrison voting against. Mr. Dillis noted the previous wetland delineation depended heavily on soils as cows were grazing in the field at the time. It may be necessary to wait for the groundwater to go down before the delineation can be completed.

9:15 p.m. – 99 Boathouse Rd. RDA

Homeowner Patrick Larkin said he has had a problem with shingles blowing off and plans to re-roof his house. Old shingles will be removed and contained in a tarp placed on the deck or on the street side of the house. The parking area will be the site for collecting the shingles. B. Easom cautioned that nails and the old roofing materials should be kept out of the Lake. Mr. Larkin said the materials will be removed by hand, and he certainly will insure nothing enters the Lake. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination providing: 1) old shingles and other roofing materials do not enter Lost Lake and 2) all construction materials are disposed of appropriately.

The Commission briefly discussed the feasibility study currently underway for the development of a community center at the Groton Country Club property. The existing driving range is under consideration for an expanded parking area. Although this area is considered previously disturbed, it is extremely wet and the site plan design must carefully address drainage and recharge issues. Pervious paving might be an appropriate tool to utilize.

B. Easom reported the Trails Committee has re-visited the Sampas property that was flagged in November. Some of the flagging was moved due to wet conditions. There are two stream crossings, and the Committee used orange and pink flagging to mark the proposed trail. This site will be included in the next site walk.

B. Ganem said the Conservation Commission has received a copy of a letter from David Black on the proposed 'turtle crossing' at 21 Moose Trail. B. Clements said he has confidence in Dr. Black, but E. Owen pointed out the Commission had asked if there is a viable turtle population there.

Having previously reviewed and discussed the proposed deed and Conservation Restriction associated with the development of the Academy Hill subdivision, upon a motion by B. Clements, seconded by B. Easom, it was

VOTED: to accept the deed to 213.43 acres of land on Throne Hill on behalf of the Town of Groton.

Upon a motion by B. Clements, seconded by B. Easom, it was

VOTED: to assent to the Conservation Restriction on 117.5 acres of the Throne Hill property to be held by the Massachusetts Department of Fish and Game.

B. Easom said he plans to attend the 'Trail Kick-Off' meeting organized by the Montachusett Regional Planning Commission to begin planning for a trail network among area towns at the Groton Senior Center on Wednesday, May 23, 2007. B. Clements said an interconnecting trail system is really important, but getting it implemented is a major question. The proposed Squannacook River Rail Trail to Mason is a good example. Other potential connections include Culver Rd. to Ayer and the Red Line Path to Dunstable.

At 9:40 p.m., with no applicant in attendance, upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing for 1 Lost Lake Dr., DEP #169-978 to June 12, 2007.

Chairman E. Owen acknowledged this will be his last meeting as his resignation becomes effective June 1, 2007. The Commission agreed to reorganize, and upon a motion by C. Auman, seconded by H. Estes, it was

VOTED: to reappoint Bruce Easom to serve as the Commission's representative on the Community Preservation Committee.

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

VOTED: to reappoint Bruce Clements as the Commission's representative on the Great Ponds Advisory Committee, the Squannassit-Petapawag ACEC Steering Committee, and the Surrenden Farm Land Use Committee.

B. Clements abstained from the vote.

Upon a motion by B. Easom, seconded by H. Estes, it was

VOTED: to reappoint Craig Auman as the Commission's representative on the Affordable Housing Task Force and as back-up representative on the Surrenden Farm Land Use Committee.

B. Clements asked if Bruce Easom felt he has the interest and time to serve as Chairman of the Commission, and Mr. Easom responded he cannot guarantee that due to work commitments. Upon a motion by B. Clements, seconded by B. Easom, it was

VOTED: to elect Marshall Giguere as Chairman of the Commission.

Upon a motion by B. Easom, seconded by B. Clements, it was

VOTED: to elect Holly Estes as Clerk of the Commission.

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

VOTED: to elect Peter Morrison as Vice Chairman of the Commission.

P. Morrison abstained from the vote.

Chairman Owen thanked the appointees to other committees for their work. He pointed out his new work schedule makes it impossible to attend site walks. M. Giguere commented Evan's historical perspective and knowledge of Groton lands will be sorely missed by the Commission. Member Morrison requested a packet of information to send to a potential candidate for appointment to the Commission.

B. Ganem reported the hearing before the Ayer District Court Clerk-Magistrate has been continued to June 15, 2007 at 10 a.m. for 1 Lost Lake Dr.

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

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as drafted June 12, 2007**

