

## GROTON CONSERVATION COMMISSION

## Minutes

July 24, 2007

Chairman Marshall Giguere 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, Holly Estes, Ryan Lambert, and Peter Morrison were present. Bruce Clements arrived at 7:15 p.m. Bruce Easom was absent, and Conservation Assistant Barbara Ganem was present.

7:00 p.m. – Appointment/Trails Committee

Trail Committee Chairman Joachim Preiss and member Steve Legge were present with John and Laurie Smigelski who are haying the Surrenden Farm west property. Chairman Giguere noted the Commission visited the area to review boundary lines and options for parking. Mr. Legge indicated the Trails Committee had looked at different sites and felt the approximately 200' by 20' wide area parallel with Shirley Rd. could accommodate 10 cars with minimal effort. The area has been mowed but will need grading. He pointed out this would not result in the loss of any hay fields. Developing an area within the field itself would involve grading, gravel, and fencing, and the Trails Committee felt the parallel parking option would be the least costly solution at this time.

Member Morrison expressed concern about the 2 ft. deep ditch and asked whether extending the road surface was an option. He thought early spring could be problematic as Shirley Rd. itself is in bad shape and prone to wash-outs. S. Legge said the ditch is right next to the fence and thought there was about 12 ft. of clearance. H. Estes said she preferred the parallel parking arrangement. Mr. Legge indicated changes can be made later if we find there is a lot of traffic at the site. C. Auman thought this was a good solution as it was less intensive, but cautioned that it must be made safe for the public. R. Lambert added the spot needs re-grading.

S. Legge said a perimeter strip has been mowed around the field, connecting with a trail at the gate and eventually with a new trail through the woods. There is about 100 ft. of multiflora and then open forest where one can proceed diagonally to avoid a brook crossing. Upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to authorize the Trails Committee to cut a trail to the intersection of existing trails northeast of the Campbell property.

Mr. Legge explained the goal is to allow the public to utilize the Surrenden Farm trails this summer. Upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to authorize the Trails Committee to cut a bypass trail through the northwest quadrant of the property to connect with the river trail.

C. Auman questioned whether it would still be necessary to build a bridge, and Mr. Legge explained right now the trail system is staying to the east of the ditch. Chairman Preiss said this would be the current plan, and the Trails Committee will evaluate how it works out.

(B. Clements arrived at 7:15 p.m.)

Laurie Smigelski explained she will need an access to get equipment into the field. She noted that an access closer to the corner on this side of the tree line would work best. P. Morrison said the Commission identified a site between two large trees where there was a thicket of multiflora roses. John Smigelski said the fence really serves no current function, and he would recommend removing it. He felt the public would be likely to utilize a mowed path as the trail. B. Clements questioned whether this fence might be utilized to hold in livestock depending on the contract, and Mr. Smigelski pointed out most cattle could walk right through it. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to authorize the removal of fencing along Shirley Road.

Member Morrison requested permission to discuss the acquisition of the brush mower when members of the Trails Committee were present. The Commission agreed. After evaluating about 4 different models, he recommended the purchase of a DR field and brush mower. This will fit on a small utility trailer pulled with a passenger car hitch. There is a two year warranty with the DR, and it can be serviced locally. P. Morrison offered to take care of the servicing. Mr. Preiss asked who will be authorized to use the equipment. Commissioners agreed that members of the Trails Committee would be authorized. Mr. Morrison said he was familiar with the mower as he has previously utilized one to clear some of the NEFF trails. The company will invoice the town. Upon a motion by B. Clements, seconded by R. Lambert, it was

VOTED: to authorize P. Morrison to spend up to \$3,500 for the acquisition of a DR field and brush mower.

7:15 p.m. – Request for amendment, DEP #169-942 for Pittenger/23 Radio Rd.

Mr. Pittenger explained he wished to replace an existing garage with a new one. Member Auman noted there are additional fees due for the project, and the proposed project should be reviewed by Natural Heritage. B. Clements questioned whether the finish elevations were shown on the plan. H. Estes noted an elevation of 222 ft. was shown for the grading of the septic system, but it appeared the driveway access was going from 223 ft. to 219.5 ft. Mr. Pittenger said he intended to use crushed rock for the entrance with a dip just before the garage to prevent water from entering the garage. Water flowing into the swale will either infiltrate or run to the side of the garage.

Chairman Giguere commented the Commission typically looks for some control of roof runoff such as crushed rock at the drip line. Pending comments from Natural Heritage and a revised plan showing finish grades, and upon a motion by C. Auman, seconded by R. Lambert, it was

VOTED: to continue the hearing for DEP #169-983 to August 14, 2007.

7:30 p.m. – Berinson/54 Off Prescott St. RDA

Homeowner Diane Berinson explained that a property boundary lawsuit was recently settled, and Ross Associates has installed granite boundary markers at the surveyed corners of her property. The title insurance company is requiring the installation of fencing at the boundary perimeter. Ms. Berinson explained that trees have already been removed to allow the installation of fencing. She noted she has lived there for 27 years and has experienced some damage from tree branches falling during storms. Some of the trees were only 10 ft. from the house, and she did not want to put off the tree removal any longer so she contracted with Flag Tree Service for the removal before this Conservation Commission meeting could be scheduled.

Mr. Giguere clarified the situation as the trees have already been removed and new fencing is now proposed. He pointed out that, normally, the Commission does not have objections to the removal of trees, but it is customary to get permission before the work is done. This can save time and trouble in the long run. Ms. Berinson said she would keep this in mind in the future. P. Morrison questioned whether all the trees were removed, and Ms. Berinson indicated most are down, but there are branches and several 15 ft. trunks that remain. The Tree Service will leave the stumps, but grind them down to the surface. The privacy fencing will be set in concrete.

H. Estes cautioned that the fencing may require a Massachusetts Endangered Species Act (MESA) filing as she recently encountered this situation in Townsend where the fence had to be raised to accommodate wildlife. She explained this was not a Groton regulation but a state law. Ms. Berinson said she has a dog she wishes to keep fenced in. C. Auman asked if all materials would be removed from the site, and D. Berinson assured him no materials would be going into the Lake. The work is 15 ft. from the water at its closest. He said he was disappointed that the tree removal work was already done. B. Clements summarized the work as having two components – the tree removal and the fencing to define the property boundaries.

Abutter Chris Morin (52 Off Prescott St.) maintained the fence at his property line will form a dam that diverts water onto his land. He claimed Ms. Berinson had put in a gutter directly to the Lake. He said the road does not drain the way it used to, and he had to put in logs. P. Morrison questioned whether his property was higher than Ms. Berinson's, and Mr. Morin said the area has been filled in over time. He added his only concern is that the new fence will create a dam.

Ms. Berinson said her shed has been there since the 1980's, and added that the logs were a separate issue. B. Clements agreed that it was a separate issue but suggested the problem should be looked at.

Liza Judge (Prescott St.) stated she has access to the abutting beach area and felt that some individuals have gone through the proper process for work near the Lake while others are allowed to flaunt local regulations. She said this is discourteous to the applicants who go through the process and abutters who take the time to attend meetings only to find the work already done. She argued that the Commission had an obligation to do more than just express disappointment. Ms. Judge pointed out there are drainage issues in the driveway, and Ms. Berinson has a disintegrating boat stored at the water line which is a safety hazard to people using the shore.

Ms. Berinson, noting she has had health issues, responded that this information is not pertinent to her filing and does not relate to the facts. P. Morrison suggested the Commission look at the site. Upon a motion by P. Morrison, seconded by H. Estes, it was

**VOTED:** to issue a negative #3 Determination allowing the removal of trees providing the stumps are left in place; any tree debris shall be removed from the site and Lake. Applicant shall comply w/MESA regulations if required. Proposed fencing may be installed once the Conservation Commission has had an opportunity to visit the site and review and comment on the plans.

Member Auman pointed out that Natural Heritage is still an issue, and it may be necessary to file under MESA. H. Estes noted that process may take up to 30 days. B. Ganem will check on whether the fencing falls under these state regulations.

7:45 p.m. – McKibben/147 Gay Rd. NOI, DEP #169-983

Homeowner Seth McKibben explained he had been before the Commission to demolish part of his barn last fall. He plans to remove the remainder of the barn and construct a family room and two car garage in its place. A deck is also proposed at the back of the house, and this has been sketched out on a revised plan which was submitted by Mr. McKibben.

B. Clements noted that it is likely a new foundation and footings will be necessary. The addition will replace the existing barn structure. Mr. McKibben explained there is a fairly steep slope which drops about 4 ft. to the left of the barn. He anticipates there will be a concrete floor on the lower level, and the area will be used for storage. There will be no erosion or change in the slope as the front level of the foundation will act as a retaining wall. R. Lambert questioned whether there should be some kind of buffer at the back of the structure.

Mr. McKibben submitted a sign off sheet from abutters who received hand-delivered notification of this filing. P. Morrison suggested adding erosion control measures to define the limit of work and initial and date this plan revision. S. McKibben said he is considering a cobblestone driveway at the entrance at the top of the slope. H. Estes questioned whether it would be necessary to have any heavy equipment at the back of the house as she noticed there is mowed wetland there. She felt it would be a good idea to keep equipment out of that area. Mr. McKibben was unsure whether it would be necessary to have equipment there.

Mr. Auman noted the deck would actually be off the second story of the house. He questioned how it would be supported and what materials would be used beneath it. Mr. McKibben said crushed stone would be used under the deck so the area will be pervious. C. Auman also expressed concern about the proximity of the access to the wetlands. In response to questions about how roof runoff will be handled, Mr. McKibben indicated he has previously had problems with a gutter downspout causing erosion. Commissioners recommended using riprap or coarse stones to slow

down runoff. Mr. McKibben will attempt to get additional constructional details when he meets with his architect. Members advised against removing the remainder of the barn until after the Commission issues an Order of Conditions. Upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to continue the hearing for DEP #169-983 to August 14, 2007.

8:00 p.m. Hollingsworth & Vose RDA

The applicant's representative, Bob Pine, explained his client wishes to take down one of the loading docks and use the fill to improve another area. The work area is approximately 61 ft. from the edge of the Squannacook River. There will be a net decrease in the amount of floodplain filling. The material is mostly sand and gravel so water tends to be readily absorbed. Chairman Giguere noted the applicant had indicated on site that much of the fill material is coal ash, and the Commission prefers to see this removed. Mr. Pine explained the materials will be totally enclosed in concrete.

P. Morrison questioned the elevation of the bottom of the ramp vs. the actual water elevation, and Mr. Pine replied it was approximately 4 ft. to 5 ft. below the water elevation. Mr. Morrison indicated that any inappropriate fill should be removed. Mr. Pine said no MESA filing was necessary as the site is not in priority habitat. C. Auman commented this will be an improvement over what is there now. R. Lambert thought the 6 cubic yards in extra floodplain storage would be a plus. P. Morrison asked if there would be any erosion control measures, and Mr. Pine responded there is a berm which will prevent the migration of sediments. He also indicated the soils would be kept damp to assure they do not blow around. Mr. Pine said there would be no problem with Commission members accessing the site providing Hollingsworth & Vose was notified ahead of time. M. Giguere noted the railroad ties were to be removed from the site. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to issue a negative #3 Determination provided, if excavated materials are inappropriate, clean fill shall be used between the buildings, tracks and ties are to be removed, and no cement trucks shall be washed out near drainage catch basins or manholes or adjacent to the Squannacook River.

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

VOTED: to approve the regular minutes of June 26, 2007 as drafted.

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

VOTED: to approve the Executive Session minutes of June 26, 2007 as drafted.

(H. Estes abstained from the above votes.)

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

VOTED: to approve the minutes of July 10, 2007 as drafted.

In other business the Commission next considered the request for a Certificate of Compliance submitted by Don Black for the Bennett Black, Jr. driveway, DEP #169-828.

(P. Morrison recused himself from the discussion.)

B. Ganem reported there is no record of the amended Order of Conditions having been recorded at the Registry. P. Morrison questioned whether there were 'in perpetuity' clauses included in the Certificate, and B. Ganem responded affirmatively. Upon a motion by C. Auman, seconded by R. Lambert, it was

VOTED: to sign the Certificate of Compliance for DEP #169-828 for a driveway serving a single family house on Burntmeadow Rd., but not issue it until the applicant provides proof of recording of the amended Order of Conditions.

Conservation Assistant B. Ganem noted Mr. Eliades has submitted the \$50 fee for the extension of the Culver Rd. project. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to grant a three-year extension for DEP #169-886 for Culver Rd.

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

VOTED: to issue an Order of Conditions as drafted under the Wetlands Protection Act for DEP #169-981 for 28 Redskin Trail.

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

VOTED: to issue an Order of Conditions as drafted under the Wetlands Protection Bylaw for DEP #169-981 for 28 Redskin Trail.

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

VOTED: to issue an amended Order of Conditions as drafted under the Wetlands Protection Act for DEP #169-927 for Conductorlab.

Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to issue an amended Order of Conditions as drafted under the Wetlands Protection Bylaw for DEP #169-927 for Conductorlab.

Members reviewed the draft Community Preservation application, noting there may be some opposition to adding to the Conservation Fund this year. P. Morrison pointed out the Commission voted to accept the Community Preservation Act in lieu of going to Town Meeting every year, but he would be in favor of doing just that should the CPC not approve the application. Land remains expensive. C. Auman commented Groton is fortunate to be rich in natural resources and, as the Town grows, we do not get a second chance. The Conservation Fund is quick action money, and the Commission does not spend it freely. A letter of support has been requested from the Board of Selectmen, and this will be discussed at their July 30<sup>th</sup> meeting.

B. Clements said he did not feel he could support a \$200,000 request without knowing what other projects are proposed. Members noted that one-half of this money comes from the state. The Selectmen can say no and can oppose going to Town Meeting for a line item. P. Morrison said he would be very disappointed if the Commission was not given a chance to bring the request before Town Meeting. B. Clements questioned whether they might be opposed to any money at all or the amount of \$200,000. There were questions about whether there would be any funding for other conservation projects for 20 years if the Surrenden Farm project went through. The response was “yes” although the amount might be reduced.

P. Morrison and C. Auman thought they could be present for the third hearing before the Ayer District Court on August 27<sup>th</sup> regarding 1 Lost Lake Dr.

B. Ganem reported that several abutters have called in about the Redskin Trail conservation parcel, complaining about the vehicles stored there, as well as the docks. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to authorize B. Ganem to investigate the cost of preparing a survey, not to exceed \$1000 in expenditures, of the Redskin Trail conservation area.

8:15 p.m. – Appointment/Tom Orcutt, Superintendent of Groton Water Department

Water Commissioners Larry Swezey and Mike Brady were also present. Mr. Orcutt explained the Water Department

was interested in having a letter of support for their Community Preservation application to place a conservation restriction on an acre of land owned by Tom Delaney. After review of alternatives for bringing the water main cross country, Mr. Orcutt said that their consultant, Tighe & Bond, was now recommending it come down the Delaney driveway to Chicopee Row where they could pick up perhaps 57 houses and eventually the high school.

The amount of the application is \$75,000 and this would place control in the hands of the Water Department on an acre of the Delaney's 15-acre parcel. It is not necessary to control the entire site. Stronger restrictions, such as no motorized vehicles, will be in place on the Water Department land. C. Auman questioned whether there would be some type of quid pro quo in exchange for the use of conservation land for a well site. If conservation land is to be converted there is usually some type of replacement. There are concerns that the withdrawal of water may not be a good thing for the wetlands. T. Orcutt assured the Commission there were measures in place to prevent over-pumping. Stream gauges may be required by DEP as is necessary for the new Town Forest well.

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

VOTED: to send a letter in support of the concept behind the CPC application to purchase a conservation restriction for one acre of property belonging to Tom Delaney to protect a future municipal well.

Members cautioned that the actual development of the well will require a Town Meeting vote and legislative action. P. Morrison noted the Commission could use a letter in support for its \$200,000 CPC application and suggested perhaps the NEFF cottage at Baddacook Pond could be purchased.

Commissioners agreed to send a letter asking the Board of Health to look into conditions at 37 Boathouse Rd.

Regarding the cutting of vegetation at the edge of wetlands at 138 Hemlock Park Dr., members agreed to invite them to attend the next meeting to discuss mowing and clearing of wetlands.

In keeping with the Commission's policy of preserving land next to wetlands or the lake and upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to authorize the expenditure of up to \$700 for costs associated with the Bedigian donation of land on Boathouse Rd.

Various staff and board members will be visiting the Carl Flowers' property off Raddin Rd. on Friday, August 3 at 11 a.m. He is interested in preserving the land as a historic working farm. M. Giguere and P. Morrison requested email reminders of the site visit.

B. Clements reported the Earth Removal Stormwater Advisory Committee is working to assure consistency between its regulations and those of other town boards. The Board of Health laws remain to be reviewed by their consultant, Comprehensive Environmental, Inc. (CEI). H. Estes will review the proposed regulations to assure they are consistent with the Wetlands Protection Act and Bylaw.

Chairman Giguere reported there has been one meeting of the conservation restriction monitoring group. In addition, he and B. Clements accompanied a monitor from New England Forestry Foundation (NEFF) to the Wheatley property, which is owned by the Groton Conservation Trust with a conservation restriction co-held by NEFF and the Conservation Commission. This was basically a learning experience to determine what types of things a monitor should be investigating. The boundary against the residential abutters was the chief focus. Groton Conservation Trust member Rick Muehlke will be notifying abutters of any observed issues. M. Giguere also noted there is a Student Conservation Association which might be a source of interns for conservation restriction monitoring. Although the land behind the abutters is mostly wooded, several cut stumps were observed. H. Estes questioned why the monitoring was done so soon after the 10/06 report, and P. Morrison said he typically sends in reports on NEFF properties twice a year. The main goal is to look at the condition of the property and verify the boundaries. B. Clements said this will then serve as the baseline documentation for this property. The group will meet again on July 30<sup>th</sup>.

Following up on the previous discussion on the Community Preservation application for \$200,000 and upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to submit the CPC application as drafted.

Concerning the Berinson lot, Commissioners felt a visit to both sites was in order, and the cover letter with the Determination could address this. A fine can be considered if there is a violation.

B. Clements noted that diverting the water could definitely be a problem. The Commission will have to go out to look at the fence location as well.

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

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as amended August 14, 2007**