

GROTON CONSERVATION COMMISSION

Minutes

August 28, 2006

Chairman Marshall Giguere called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Craig Auman, Bruce Easom, Ryan Lambert, and Peter Morrison were present. Holly Estes and Bruce Clements were absent. Conservation Assistant Barbara Ganem was present.

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

VOTED: to approve the minutes of August 14, 2007 as drafted.

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

VOTED: to approve the Executive Session minutes of August 14, 2007 as drafted.

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

VOTED: to issue the special conditions for DEP #169-983 for 147 Gay Rd. under the Wetlands Protection Act.

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

VOTED: to issue the special conditions as amended under the Wetlands Protection Bylaw for DEP #169-983.

B. Easom volunteered to flag a location for the new Half Moon Swamp sign. It will also be necessary to get on the agenda for the Sign Committee to approve this sign.

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

VOTED: to issue the special conditions as drafted for DEP #169-984 for 302 Lost Lake Dr. under the Wetlands Protection Act.

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

VOTED: to issue the special conditions as drafted for 302 Lost Lake Dr. under the Wetlands Protection Bylaw.

Commissioners briefly discussed the draft Conservation Restriction for 21 Moose Trail since the previous Commission meeting. B. Easom noted it would be appropriate for the Commission to push back on the wording since it was prepared by Attorney Lyons, and it is now up to the Commission to assure it meets our requirements. C. Auman said he was fine with B. Ganem's suggestion not to enable a further extension of the house as a result of the additional parcel. The restriction should remain neutral on this point – not helping, not hindering.

7:15 p.m. – 43 Common St. RDA

(M. Giguere recused himself from the discussion due to a business relationship with the applicant, Don Black.)

Engineer Jack Visniewski of Cornerstone Consulting explained he had prepared topographic plans for a septic system and renovation of a house and garage. The septic system was in failure, probably due to high ground water. The Board

of Health has not reviewed the plan as yet. The work is in the buffer zone, and there is a haybale line installed at the perimeter of the work. He noted he was hoping the Commission would issue a negative Determination.

B. Easom commented the Commission had observed, during its Saturday site visit, a lot of the work within the 100-ft. buffer zone was already done on the site. He questioned how work got started within the buffer zone without a filing. Mr. Visniewski said he could provide photographs showing what the site looked like prior to the work. The number of bedrooms in the house will not be changed. Mr. Visniewski said it was not revealed until testing and the topographic information was gathered that there were wetlands adjacent to the property, and the work had already commenced. Applicant Don Black said the garage was taken down in April, and he was not aware it was within the 100-ft. buffer. At that time he went to the Building Inspector and was given a demolition permit.

Mr. Visniewski indicated he did not know who had done the wetland flagging, but he thought the delineation was reasonable. Member Lambert said he thought an NOI was necessary due to the extensive amount of work in the buffer zone. He also noted the silt fencing was not entrenched. J. Visniewski provided details on Pg. 2 of the plan submittal for the proper installation of silt fencing. C. Auman commented even if the site was previously disturbed, current conditions are messy, and the Commission will need to determine why the Building Inspector signed off on the project. There is no town sewer to the site, and at least part of the foundation is new. Mr. Visniewski estimated it will be necessary to put in at least three feet of fill to accommodate the septic leach field and bring the grade up adjacent to the bulkhead. Mr. Auman questioned whether trees were to be cut and also raised concerns about the tremendous amount of work done before filing.

Mr. Visniewski agreed with P. Morrison's assessment that there was probably less square footage of disturbance within the 50 ft. buffer line than with the older home and garage. Total disturbance in the buffer zone is about equal between the old and new plan. The old septic system was in the buffer zone and probably within the water table which was not a good situation. Mr. Black said he intended to have the empty oil tank removed, but the owner may wish to use it to heat the new garage. Mr. Visniewski explained it was not possible to relocate the septic area outside of the 100-ft. buffer zone as there were constraints related to ledge. Having a mounded system in the backyard would allow the septic system to better blend in at the site. Mr. Black wishes to save several of the trees, and tree wells have been designed around them. Upon a motion by C. Auman, seconded by B. Easom, it was VOTED: to issue a positive #3 Determination, requiring the filing of a Notice of Intent.

C. Auman, B. Easom, and R. Lambert voted in favor, while P. Morrison abstained from the vote.

7:30 p.m. – 47 Boathouse Rd. RDA

Homeowner Phil DeFreitas explained he had put up a shed and planned to also install a pergola and screen room. The pergola will be installed with cinder blocks with plantings underneath. Chairman Giguere noted a tight tank was installed for the septic system, and there has been no follow up to get a Certificate of Compliance. B. Ganem pointed out the as-built plan submitted by the engineer contained incorrect information, and the Commission could not issue a Certificate. Mr. DeFreitas said Stan Dillis is in the process of doing a survey of the property. Mr. Giguere cautioned that the Commission usually does not wish to see further work on a lot until there is follow up on previously conditioned work.

B. Easom noted there was no building permit from the Building Department for the shed, and Mr. DeFreitas responded a variance would be issued, and he had called his neighbors. He said his dock has been in place for 10 years. He also noted a tree had fallen last year and pulled out his utilities. P. DeFreitas said there is an abutter with junk all around his house, and he wishes to block the view. He maintained they have no septic system, and he wishes to block out both the view and the smell.

The shed is within the Commission's jurisdiction and requires a permit. Members requested Mr. DeFreitas come before the Commission before doing work or putting a shovel into the ground. C. Auman said it is important for the Commission to take a look before the work is doing, and he would like to withhold questions until the Commission can visit the site in relation to the Certificate of Compliance. P. Morrison noted the applicant can then file a Notice of Intent for any work which does not fall under the Certificate. The shed, dock, pergola, screened in room can be placed

on a plan to accompany a Notice of Intent. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a positive #3 Determination in which the filing of a Notice of Intent is required for the construction of the shed, pergola, and screened room.

All were in favor.

7:45 p.m. – 22 Birchwood Ave. RDA

Homeowner Carolyn Stark explained they wished to build a ‘Nantucket’ shed on their parcel. The foundation will be cinder blocks, and no excavation is required. They are going before the Zoning Board of Appeals for a front line variance. C. Auman thanked her for having the proposed location marked out at the site. He urged that crushed stone be placed at the drip line of the shed. B. Easom expressed concern about the accuracy of the sketch submitted with the Request for a Determination of Applicability. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination in which the applicant is required to place crushed stone at the shed roof drip lines.

B. Ganem reported the resident at 141 Wharton Row has requested a Certificate of Compliance, and her attorney has asked what kind of demarcation is acceptable to the Commission. The original Order did not specify boulders. Commissioners advised that boulders placed 15’ apart are acceptable or the owner could use the present wording for conservation markers in the Bylaw boilerplate for the demarcation.

The Smigelskis have submitted a check for \$720 for the haying of Surrenden Farm west. These funds will be placed in the revolving fund established during the April town meeting. It is anticipated there will be a multiple year lease, but this is subject to town meeting vote.

8:00 p.m. – Appointment Tom Delaney

Mr. Delaney explained there have been some issues with regard to the disposal of trash and garbage for Sargisson Beach. He proposes a ‘carry-in, carry-out’ policy, and Chairman Giguere questioned whether this would result in trash ending up in the bushes. When the lifeguards are on duty, they will be able to monitor the situation. P. Morrison suggested signage announcing this policy be put in place before removing trash barrels. T. Delaney agreed to have signs made, to be posted at the front gate, at the top of the hill, and at the Sargisson Beach memorial sign too. The education will take place this year, and then the parking permits for next year can also spell this out. Phrasing for the signs might include something along the lines of ‘police your garbage’. The lettering for the signs could be brown or green on white. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to authorize Tom Delaney to install information signs to educate the public about Sargisson Beach becoming a ‘carry-in, carry-out’

The Commission received a letter from Stephen Callahan of 478 Nashua Rd., dated August 22, 2007, about his concerns that a proposed stormwater management facility on his neighbor’s land at 476 Nashua Rd. will become a wetland. Manmade detention basins are not regulatory under the Wetlands Protection Act, but Commissioners agreed to include this on the next site visit.

B. Ganem reported Drew Garvin has indicated his client is likely to be able to use the Pine & Swallow parking lot to gain access for the proposed well next to the Groton Country Store. Their request was originally to use an existing cart path to access the well site which is now off the conservation restricted area. Unless they run into difficulties, it will not be necessary to disturb the conservation-restricted area.

The Ch. 91 licensing for Sargisson Beach will require signed and stamped plans for a full license good for 30 years. Stan Dillis has submitted a \$2100 estimate. Commissioners requested additional estimates before making a decision.

8:15 p.m. – 21 Moose Trail NOI continuation, DEP #169-982

Additional information explaining the scope of work was submitted by Ray Lyons who stated the silt fencing encircled the newly disturbed area. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the public hearing for DEP #169-982 for 21 Moose Trail.

B. Ganem requested guidance in drafting the Order of Conditions, and members indicated it should be written as though the work was not already done. P. Morrison remarked on the level of effort necessary to assure this project does not become precedent setting. B. Easom asked whether they would have to move the propane tank, and Commissioners noted it is not an underground tank and can remain in place.

In discussion on a policy to handle dock permits associated with Ch. 91 licensing, Commissioners recommended using letters, photographs, neighbor's affidavits, receipts, or verbal testimony to confirm when a dock was put in place. Gerrett Durling, a member of the Groton Lakes Association, explained he has lived on the Lake for more than 22 years and maintains the weed harvester which recently cleared the weeds at Sargisson Beach. He also has a dock and is interested in learning how to properly get the permits and licenses for private docks. P. Morrison said the Commission's goal is to simplify the process for both applicants and the Commission. The cutoff date for dock permitting under the designation letter for the two Areas of Critical Environmental Concern (ACECs) is December 12, 2007. As of that date, no new docks can be permitted until a Resource Management Plan is prepared for the Great Ponds in Groton. Filing the paperwork by that time assures a stay in the deadline unless the dock was built prior to 1984.

The Commission reviewed the dates when a letter from the Commission could suffice as a filing. Docks built prior to 1965, when the inland wetlands protection legislation was implemented, would receive a letter from the Commission acknowledging their dock's existence as of that date. Members agreed to allow applicants who can provide documentation that their dock existed prior to 1984 to also receive a letter from the Commission.

P. Morrison suggested the Commission consider requiring a Request for Determination of Applicability (RDA) for existing docks built between 1984 and 2007. B. Easom noted the Determination could have a finite or limited life, such as the end of the next building season. M. Giguere commented it could also be governed by when the resource management plan is developed. Mr. Durling pointed out sometimes it is easier to move docks around when there is ice on the Lake. It was suggested the Commission could require that all work be completed by July 1, 2008. This condition would apply to any structure on the water, including boathouses. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to allow the filing of a Request for Determination of Applicability for any structures on the water constructed between 1984 and 2007, providing the construction of any new structures is completed by July 1, 2008.

Commissioners agreed to allow the geographic bundling of RDAs to facilitate the review process. Applicants can also save money by advertising for both the wetlands permit (Determination of Applicability) and the Ch. 91 license in the same public notice. Mr. Durling and Steve Marranzini explained the Lake Association meets on the second Wednesday of the month, and this process could be outlined to the members who are present. There is also an email list serve which can assist in getting the word out. G. Durling indicated he was aware of at least four Lake residents who would be interested in bundling their applications for Determinations, and this could serve as a test case. B. Ganem said she would also post the process on the town web site and attempt to get notices in the local newspapers so that residents would be aware of the process.

Returning to the subject of the 21 Moose Trail Conservation Restriction, members informed B. Easom that the homeowner has agreed to pay the legal costs associated with the CR, \$3000 to the Conservation Fund for the assessed value of the parcel, as well as back taxes on the parcel. Mr. Easom said he thought this was a good plan as the recent conference on conservation restrictions made it clear that monitoring costs will be incurred by those entities holding CRs. Signage would be subject to Commission approval. Although Town Counsel will record the document, the

homeowner has agreed to cover the legal costs. Mr. Easom thought that renewing non-perpetual conservation restrictions could require just the recording of a letter. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to accept the draft Conservation Restriction for 21 Moose Trail as amended.

In addition to the fees already incurred for the purchase of the DR brush and field mower, P. Morrison said additional fees will include a cover to protect the mower from dust in his barn. He expects to also include the fee for the purchase of gasoline in the small capital line item budget of \$3500. The Trails Committee will be assisting in the construction of two trail bridges for the Wharton Plantation property this coming weekend.

Members M. Giguere, C. Auman, and B. Easom expect to attend the meeting with Pat Huckery this coming Friday, August 31st. They suggested inviting Ed McNierney as well. Commissioner Auman said he will be unavailable for the September 11th meeting, and B. Easom noted he will be out for two weeks in September.

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

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted September 11, 2007.