

GROTON CONSERVATION COMMISSION

Minutes

September 25, 2007

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. Members Bruce Clements and Holly Estes were absent. Conservation Assistant Barbara Ganem was present.

In reviewing photographs taken during the site visit to Lost Lake/Knops Pond on September 22, 2007, Commissioners noted a shore line area near the junction of Ridgewood Rd. and Birchwood Rd. where dumping appears to have occurred. Members questioned whether this might be related to weeds collected by the weed harvester.

A request for a beaver permit has been submitted by Highway Surveyor Tom Delaney to help control flooding events on Broadmeadow Rd. The Board of Health has determined it is a matter of public health and safety, and upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to sign off on the beaver permit to allow trapping of the beaver(s), breaching of the dam, and modification of the dam.

In discussion on how to handle new construction for docks, Commissioners reviewed the *Guide to Permitting Small, Pile-Supported Docks and Piers* in which it states: "Construction of a small dock or pier in a wetland resource area constitutes a wetland alteration, and requires an NOI. In turn, Conservation Commissions should NOT use "Determinations of Applicability", rather than an NOI to review any proposed dock or pier project, though it may be appropriate for authorizing existing structures not requiring structural maintenance." Members agreed that any new construction proposed in the dock permits currently before the Commission would require the filing of an NOI.

Two requests for letters of acknowledgement from the Commission for docks existing prior to 1984 have been submitted to the Commission. After review and amendment of the proposed special conditions to attach to dock filings, upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to adopt the amended special conditions for dock filings.

B. Easom questioned whether the 1.5' clearance for floats would apply to the town beach docks, and it was noted these are ramps, but they can be floated if necessary. Also, they rest on a sandy surface rather than a vegetated area, and they allow lateral access.

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

VOTED: to issue a letter of acknowledgement with the dock special conditions attached for a 388 square foot dock complex at 47 Maplewood Avenue.

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

VOTED: to issue a letter of acknowledgement with the dock special conditions for a 360 square foot at 61 Ridgewood Road.

B. Ganem corrected the time for the Surrenden Farm ad hoc committee meeting to Friday, September 26th at 8 a.m., not 10 a.m. B. Easom stated he talked with Peter Cunningham about the meeting as he could speak for the Town and be a good advocate. C. Auman indicated that all interests need to be addressed, and there needs to be a balance in the development of the management plan.

M. Giguere expressed concern that the Commission will be perceived as the 'bad guys' when the reality of the December 11, 2007 filing deadline for docks kicks in, and there is no resource management plan for the Great Ponds. He questioned whether a polite letter to the Great Ponds Advisory Committee urging the production of the plans might be in order. It may be that an

application can be made for Community Preservation funds to hire a consultant to prepare a management plan for Lost Lake/Knops Pond, and B. Easom agreed to see whether this would be an appropriate use of the CPC funds. The issue is that there are five Great Ponds, and it is up to the Executive Office of Environmental Affairs to approve or disapprove the resource management plan for each Pond. No new docks are allowed after December 11th without an approved plan in place. P. Morrison said he sees a definite advantage to getting the management plans done, but he didn't think the Commission would be blamed for the problem. B. Easom cautioned that we could even muck up the process if we get too involved. A consultant could get the process expedited. It will have to address public uses, management of invasive aquatic weeds, and set public policy for managing the resource in the future. B. Easom said he would check with the Department of Revenue to see what their guidelines are. It is important to come up with some kind of financial assistance to improve the management of the lake, particularly now that the Town owns the dam.

B. Easom announced the Board of Selectmen and Finance Committee were having a joint meeting to review Town Meeting warrant articles on Monday, October 1.

Commissioners signed several documents and reviewed photographs of the individual docks visited on September 22nd while awaiting the next scheduled hearing.

7:30 p.m. – 35 Common St. RDA

Homeowner David Elliott explained he was seeking permission to construct a 32 ft. by 24 ft. pole barn behind his house. R. Lambert observed that the soils where the barn was proposed appeared wet during the site visit on September 22nd. Mr. Elliott said that house had been vacant for 10 years when he bought the property 8 years ago. There is a culvert on the property which apparently has drained the area, and he acknowledged he just cleaned out the swale. Mr. Lambert said he had observed fresh caterpillar tracks in the area.

Member Easom said it appeared to be a working site, and he would like to see soil sampling done to determine if the pole barn is actually proposed within a wetland resource area. The area appears to have been bulldozed, but wetland plant species also appeared to be present. He felt this information was essential before he could make a decision. Mr. Auman agreed the area is subject to the Wetlands Protection Act, and he recommended a filing.

P. Morrison questioned whether this drainage swale was previously disturbed. Mr. Elliott said the pipe was installed in his backyard, and he acknowledged the swale had not been recently maintained. Morrison said he did not feel he could go with a finding of a negative Determination.

Chairman Giguere said he observed gleyed soils at the site. He commented it was common practice, at one time, to drain wetlands in order to make them farmable. P. Morrison asked what the area was used for, and Mr. Elliott replied he planned to use it for hay. His lot is not currently enrolled in Ch. 61. A field may lie fallow for five years if there is a Conservation Plan in place.

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

VOTED: to issue a positive #3 Determination in which the applicant is required to file a Notice of Intent.

Members explained the NOI should include a delineation of the wetland and should be submitted within 30 days. Mr. Elliott said he understood that this was a "no" as far as starting construction next week, and the Commission replied "That is correct." It was suggested Mr. Elliott start by contacting engineering firms listed in the telephone book. Many firms have wetland scientists on staff who can also perform soil evaluations when vegetation is missing.

B. Easom reported there will be a site walk with members of the Groton Conservation Trust on the Baddacook Fields conservation area as part of the work the Conservation Restriction Study Committee is undertaking.

7:45 p.m. – 43 Common St. NOI, DEP #169-985

(M. Giguere started to recuse himself because of a business relationship with Don Black, but Mr. Black explained he did not own the property, but was the contractor for the owners, Mr. and Mrs. Carmichael. Mr. Giguere rejoined the Commission for the hearing.) Jack Visniewski, an engineer from Cornerstone Consultants, explained he had previously been before the

Commission requesting a negative Determination, but the Commission requested the filing of an NOI. The septic system at the back of the property is in need of replacement. It will be an innovative type system with a pump. The Board of Health has advised some of the trees will have to be removed in order to accommodate the system, but the remaining variances were granted.

Member Morrison asked if the area was previously disturbed, and Mr. Visniewski indicated it was a yard area. He added that the new construction will result in 10 square feet of additional disturbance within the 50 ft. buffer line and 20 square feet additional disturbance within the 100 ft. buffer line. Mr. Auman noted the silt fencing was not well-entrenched, there was debris at the edge of the buffer line, an old oil tank was stored there, and some old windows were stacked within the 100 ft. buffer. Mr. Black explained the oil tank was capped, and some of these materials may be re-used. He said that entrenching the silt fence would involve additional work in an area where he thought work was off limits until he has a permit. Mr. Auman explained the delineation could not be approved because some of the flagging in the field was missing. Commissioners advised the owners there is likely to be a condition requiring conservation markers in the field to let future owners know there is a protected wetland nearby. These markers would be placed at the haybale line which marks the limit of disturbance. Mr. Black said it is his intention to install the septic system as soon as all the approvals are in place. Mr. Carmichael stated there would be no floor drain in the proposed garage. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the hearing for 43 Common St.

8:00 p.m. - 98 Indian Hill Rd. RDA

Consultant Jack Visniewski explained the wetland was delineated some time ago when an NOI filing was prepared for an addition. The farmer's porch is proposed for the front of home. Mr. Visniewski indicated he did not anticipate a full foundation would be necessary but was unsure whether the owner intended to use sona tubes or a concrete slab. The porch will have a roof. C. Auman recommended a trench of crushed stone or gravel to help control the rate of runoff from the roof. 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 install a trench of crushed gravel at the roof drip line and to provide a row of haybales between the work and the wetlands as shown on the submitted plan.

Land management activities are typically accomplished in the fall, and B. Ganem questioned what fields should be considered for brush mowing. She noted Bruce Dube has expressed concern about how quickly the buckthorn grows in the Eliades field near Smith St. Commissioners agreed this could be mowed twice a year in the future. Mowing will be scheduled on the Eliades and Whistle Post areas.

Bob Black has asked if it would be possible to remove the concrete portions of the structures at the Norris property now while conditions are dry. Natural Heritage has previously restricted the work from November 15 to March 15. B. Easom said he thought GELD trucks were in there removing telephone poles recently. He also noted that Fiberglas insulation appears to have been blown around the area. Commissioners directed B. Ganem to contact Natural Heritage to see if they would allow the work to take place now.

8:15 p.m. - 20 Watson Way RDA

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Homeowner Mark Mulligan explained he wished to construct an addition, most of which would extend over the existing paved driveway area. The nearby wetland is seasonal in nature, and there is an additional wetland pool in the left hand corner of the lot which is protected by a conservation easement. B. Easom said he paced off the distance to the wetland and estimated it was approximately 50 ft. He thanked Mr. Mulligan for staking out the locations of the additions and deck in the field.

R. Lambert asked what kind of foundation is proposed for the addition, and Mr. Mulligan said it is likely to be a 4 ft. frost wall. Mr. Mulligan indicated there are crushed gravel trenches under existing roof drip lines, and he anticipates using this technique with the new addition. P. Morrison asked about the direction of flow in the backyard, and it was noted the backyard pitches toward the wetland. C. Auman expressed concern about pouring cement or tracking asphalt so close to the resource area. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to issue a negative #3 Determination requiring that silt fencing and haybales shall be installed between the work and the wetlands, the erosion control barrier shall represent the limit of disturbance, no maintenance or storage of vehicles shall occur within 50 ft. of the wetlands, no stockpiling of materials shall occur within 50 ft. of wetlands, a crushed stone trench or perimeter drain shall be installed at the roof drip lines of the additions, and any asphalt removed from the site shall be properly disposed of.

Chairman Giguere cautioned Mr. Mulligan to return to the Commission if there are any changes in the proposed work.

Gerrett Durling (33 Ridgewood Rd.) acknowledged that the dumping the Commission observed at the shore line on Lost Lake/Knops Pond was due to weeds brought in by the weed harvester. He plans to carry them up the hill side and will overseed with rye to stabilize if necessary. He noted they collected so many weeds this year, it was difficult to find suitable disposal locations for offloading them.

8:30 p.m. – Dock RDAs

Commissioners explained that Requests for Determinations of Applicability (RDAs) are appropriate for existing docks, but any new extensions, construction, or modifications will require the filing of a Notice of Intent. Applicants will need to check with DEP Waterways to see whether both new and existing structures should be shown on their Ch. 91 applications. P. Morrison read the special conditions which are to be attached to every permit issued by the Conservation Commission relative to docks. Commissioners also noted they will be strongly recommending to the Great Ponds Advisory Committee that work get underway on the development of management plans, possibly with funding support to hire a consultant from the Community Preservation Committee.

39 Ridgewood Ave./Post – 60 SF dock, pressure-treated 2” by 12’ frame, stone supported at shore, fair condition. Upon a motion by C. Auman, seconded by P. Morrison, it was VOTED: to issue a negative #3 Determination with special conditions.

42 Ridgewood Ave./Quinn – 300 SF dock, gravity fastened to shore, steel post supports, 3 ft. overhang over water, painted surface, fair condition. Upon a motion by C. Auman, seconded by B. Easom, it was VOTED: to issue a negative #3 Determination with special conditions.

4 Birchwood Ave./Harper – Docks 1 & 2 = 80 SF apiece, dock 3 = 48 SF for a total of 208 SF. Pressure-treated posts & decking, good condition, finish appears natural. 2nd dock on floats in fair condition. Mr. Harper advised that a 10 ft. by 10 ft. boat lift is also included in the filing. He explained work has just recently been completed on the retaining walls included under a previous NOI filing, and the bare soils are seeded. Upon a motion by C. Auman, seconded by B. Easom, it was VOTED: to issue a negative #3 Determination with special conditions.

11 Juniper Pt. Rd./Watson – 350 SF pressure treated deck & posts, gravity fastened to shore. Posts have steel plates at base for stabilization. Good condition. The proposed 12 ft. by 12 ft. dock extension requires the filing of an NOI. Upon a motion by B. Easom, seconded by C. Auman, it was VOTED: to issue a negative #3 Determination with special conditions.

33 Ridgewood Ave./Durling – 216 SF dock & kayak rack ‘gangplank’. PT posts and deck, non-CCA-treated gangplank, driven piles, bare stain, good condition. Upon a motion by R. Lambert, seconded by C. Auman, it was VOTED: to issue a negative #3 Determination with special conditions.

16 Ridgewood Ave./Danielson – 108 SF T-shaped dock, no spacing between deck boards. Applicant will need to file an NOI for modifications and extension of the dock. Upon a motion by C. Auman, seconded by B. Easom, it was VOTED: to issue a negative #3 Determination with special conditions.

Commissioners expressed appreciation to the applicants for the boat tour of the docks and their cooperation in being trailblazers in a process new to both parties. Members requested feedback on ways to improve the process for future applicants and also asked them to encourage other residents to file their applications.

Tom Doyle (61 Ridgewood Rd.) asked the status of his request for an authorization letter, and Commissioners informed him it was approved with the addition of the dock special conditions. It was noted that one of the purposes of Ch. 91 licensing is to assure public access, and the special conditions allow whatever lateral access is required under Ch. 91 to occur without returning to the Conservation Commission. The dock special conditions do not require the applicant to provide lateral access since that is not a protected interest under the Wetlands Protection Act, but it is under Ch. 91.

Questions arose as to whether any work would have to be completed by July 2008 as the Commission indicated at a previous meeting, and B. Ganem indicated she would check with DEP Waterways on the matter. (NB: As long as the work has been filed for under the WPA and Ch. 91 by 12/11/07, there is no deadline for completion of the work other than the normal 3 year life of the document.) NOIs and RDAs are generally good for three years. G. Durling said he would attempt to produce a guide sheet for residents as there are three different processes, depending on the vintage of the dock. Brad Harper explained the Groton Lakes Association meets the 2nd Wednesday of every month at Grotonwoods Camp at 7 p.m. He asked whether anyone from the Commission could be present to discuss the process of filing for dock permits at their meeting on October 10, 2007.

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

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted 10/9/07.