

GROTON CONSERVATION COMMISSION

Minutes

November 27, 2007

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

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

VOTED: to approve the minutes of November 13, 2007 as amended.

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

VOTED: to issue a Certificate of Compliance for 20 Heritage Lane, DEP #169-965.

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

VOTED: to issue a Certificate of Compliance for 749 Lowell Rd., DEP #169-968.

Based on the Saturday visit to the Lawrence Academy, members felt the areas where grass was not growing around the catch basin and outlet, as well as slumping in the slope below the parking lot, confirms that the site is not fully stabilized. A Certificate of Compliance cannot be issued at this time, and a letter will go to the applicants.

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

VOTED: to issue a Certificate of Compliance for 47 Shenandoah Rd., DEP #169-953.

B. Ganem reported the as-built plan was submitted after the Saturday site visits in support of a Request for a Certificate of Compliance for 102 Weymissset Rd. The as-built confirms the construction of a septic system upgrade, but the ground remains mostly bare w/the exception of recently fallen leaves and pine needles. It was definitely not “loamed, seeded, and maintained to prevent erosion.” The septic repair sits on a plateau with a 25’ wide naturally vegetated buffer to the Lake, and there is no apparent active sedimentation into the Lake. Upon a motion by R. Lambert, seconded by P. Morrison, it was

VOTED: to issue a Certificate of Compliance for 102 Weymissset Rd.,

DEP #169-818.

B. Easom voted in the negative, with the remaining members voting in favor of the motion.

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

VOTED: to issue letters to Kevin Hibbert/31 Maplewood Ave. and Robert Ireland/36 Maplewood Ave. acknowledging docks pre-dating 1984.

B. Ganem reported letters had gone out to the abutters of the Eliades property off Pacer Way and Smith Rd. Bill Hughes of 424 Old Ayer Rd. has volunteered to serve as a steward of the property. P. Morrison noted that other conservation organizations in Town generally have their stewards monitor and prepare a written report on the property at least once a year. C. Auman suggested finding out if Mr. Hughes is willing to do any more. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to appoint Mr. Hughes as steward of the Eliades property, Assessor's Parcel 221-43.01.

B. Easom inquired as to the status of the monument for the property, and members said that will likely be put into place when the other building is constructed and the payments to the Conservation Fund completed.

A meeting is scheduled with Bill Eger, Attorney Bob Collins, and Jeff Ritter for 11 a.m. on November 29, 2007 to discuss the status of Knops Pond/Lost Lake as a Great Pond. Chairman Giguere indicated he would be able to attend.

The Surrenden Farm West Management Plan Ad Hoc Committee will meet on Friday, November 30th at 8 a.m. Chairman Giguere reported several components of the Plan have been received.

Member Morrison said he has winterized the field and brush mower by changing the oil, filling with gas, and putting in a new filter.

7:15 p.m. – Dock RDAs

- Robert Anctil/7 Shenandoah Rd. – The Commission reminded the applicant to file for a Certificate of Compliance for construction of the house and septic system (DEP #169-648). Mr. Anctil said his engineer had retired since the work was done, and it was noted the engineer's certification does not need to be prepared by the original engineer. Two docks are in place: one 120 SF floating dock w/Trex decking and a second 112 SF stationery dock on cement piles with CCA pressure-treated wood decking. R. Anctil indicated he hooks the floating dock to the existing landing at the shoreline although this feature is not shown on the submitted plan. P. Morrison read the standard conditions for the benefit of those in the audience. Mr. Anctil asked if the conditions were mandated by

the state or created by the board, and members indicated they were conditions developed by the board. Upon a motion by B. Easom, seconded by P. Morrison, it was VOTED: to issue a negative #3 Determination with the dock special conditions for 7 Shenandoah Dr.

- John McCaffrey/8 Prescott (aka 37 Off Prescott St.) – Jill McCaffrey was present. The support at the shoreline for this 111 SF dock appears to be supplemented by rocks. Metal pipes anchor the structure. Upon a motion by W. Addy, seconded by P. Morrison, it was VOTED: to issue a negative #3 Determination with the dock special conditions for 8 Prescott (aka 37 Off Prescott St.) St.

- Eleanor Mariano/94 Shelters Road – Frank Mazzarelli represented his grandmother, Eleanor Mariano. Members inquired about the sand observed at the site, and Mr. Mazzarelli stated this was his children's sand pile and would not be used to create a beach. The 552 SF structure includes a 200 SF removable boat canopy. Pressure-treated wood was used for the dock and piers. A small second dock was not shown on the plan (photographs show a dock with an overturned boat on top), and Mr. Mazzarelli indicated this was used as a float. Upon a motion by R. Lambert, seconded by P. Morrison, it was VOTED: to issue a negative #3 Determination with the dock special conditions for 94 Shelters Rd.

- Daniel Mason/43 Oxbow Lane – There is a 176 SF dock attached to retaining wall. The dock is made out of pressure-treated wood fastened with aluminum poles. The applicant was reminded to file for a Certificate of Compliance for his retaining walls (DEP #169-708). Upon a motion by P. Morrison, seconded by B. Easom, it was VOTED: to issue a negative #3 Determination with the dock special conditions for 43 Oxbow Lane.

- Brian King/53 Island Rd. – Members reminded Mr. King about requesting a Certificate of Compliance for DEP #169-934 for the construction of a retaining wall. The plan shows a concrete platform which was also shown on an NOI plan submitted in 2001. The dimensions of the concrete pad are not provided on plans submitted with the Request for Determination of Applicability. It is likely the work preceded the inland Wetlands Protection Act as it is clearly fill in the water. Member Auman said it appears new, and Mr. King acknowledged he has repaired and freshened the structure since he has lived there. He noted Rena Swezey had lived there and thought the platform was there at least before 1984. He also has talked with the Boston Waterways office, and they indicated it should be considered part of the shore line. B. Easom thought it best to not include it as a dock as that would recognize or bless it in some way. Upon a motion by H. Estes, it was VOTED: to issue a negative #3 Determination with the dock special conditions for 53 Island Rd.

W. Addy abstained from the vote.

7:30 p.m. – 276 West Main St. NOI continue – DEP #169-987

Judith Graves, engineer from Ross Associates, explained the plan was revised to include the Riverfront Area, spot elevations for the backyard, and raising the manhole out of the floodplain. The BVW sheets were also submitted. Chairman Giguere asked if there was enough clearance to the water table to make a dispersal type septic system feasible at the site. Ms. Graves replied they had considered both this alternative and a Presby type system. Because of the number of mechanical parts involved in such a system, Ms. Graves indicated there were a number of points where things could go wrong. She also said it would add \$12,000 to the cost of the system. If there is a flood, all of the components would be underwater whereas with a conventional system, the bottom of the leach bed would be at 211.8'.

Mr. Giguere said his main concern is the loss of flood storage, and while the Conservation Commission has some discretion, he felt it important to look at all alternatives to filling in the floodplain. Ms. Graves said the intrusion involves 190 cubic yards of fill which is a minuscule part of the floodplain at this site. She urged the Commission to look at the septic upgrade as an improvement for water quality.

P. Morrison pointed out there may be other things the applicant can do to mitigate for floodplain filling, such as removing grass clippings from the buffer zone/Riverfront Area or eradicating invasive plants such as buckthorn. Chairman Giguere added "There appears to be a small knoll at the back left of the lot where compensatory storage might be gained." P. Morrison stated it may be possible to do floodplain storage in swales between some of the large trees. Member Easom asked if the southeast corner of the lot might be higher than the 211' elevation of the floodplain. He requested that any compensatory storage be figured with the cubic feet between the 209' and 210' elevation and the 210' and 211' elevation. In other words, the fill should be broken down in elevation increments. He thought it would be possible to do this and added he personally did not have an issue with trees being removed because they would grow back, but the floodplain filling was irreversible. In addition, he felt that the argument that it is such an infinitesimal amount of fill was not very compelling. It nevertheless creates a burden on someone else and, if compensation is not done now, it will never be done.

P. Morrison commented that removing the trees could result in changes in the water level and different species coming in. B. Easom said willow trees would be fine. J. Graves indicated it is uncertain whether there are non-floodplain areas on the lot. B. Easom mentioned there is an area of wetland compensation associated with another project just beyond the berm. M. Giguere felt that additional topography is necessary for the area.

C. Auman said he supported B. Easom's position and would like to do everything possible to be sure there is compensatory flood storage. H. Estes agreed, stating that if that area is still a question it should be looked at again. Several wrong decisions can have a cumulative effect for the floodplain.

W. Addy noted it would be very difficult, even with the removal of all the trees, to place the septic system between the two wetlands already identified at the back of the lot. P. Morrison recalled there were several quite large white pines in the area in question. R. Lambert questioned whether it would be possible to compensate for a portion of the 190 cubic yards of fill. W. Addy asked if a retaining wall would help reduce the amount of fill, and J. Graves noted a polyliner is already proposed for the septic system. H. Estes thought this type of request would have to go to the state for approval. No one is living in the house at this time so it is not an emergency situation. In summary, M. Giguere suggested there may be a place for compensation or the plan could be modified to result in less mounding of the septic field, and he did not feel the issue of compensation had been adequately addressed.

Ms. Graves acknowledged the house cannot be sold without the repair of the septic system, but it would be possible for a family member to move in. She noted the current plan has been reviewed and approved by the Board of Health. The interests they protect are different from those which the Commission takes into consideration. While it is likely the floodplain elevation would be raised to an extent that cannot be measured, Commissioners felt every attempt possible should be made to explore all alternatives for compensation or to reduce the size of the mound. B. Easom requested identification of the highest elevation in the southeast corner of the lot. If there is nothing above 209', then we are done. Mr. Auman said he would still like to see some kind of mitigation even if compensation is not possible. He suggested the removal of concrete chunks and the plastic flower pots. He asked that Ms. Graves be prepared to commit to cleaning up the buffer zone as a likely condition in the Order. Mr. Easom stressed the need for a table showing the amount of fill and the amount of compensation at each elevation. With the consent of the applicant's representative and upon a motion by B. Easom, seconded by H. Estes, it was

VOTED: to continue the hearing for DEP #169-987 to December 11, 2007.

Mr. Easom mentioned he will be out of town from December 3 through December 11th.

The FY 09 budget preparation season is getting underway. Members requested that copies of last year's budget be emailed to them. A line item for land maintenance is essential and should include leasing out land for hay and any necessary signage.

Chairman Giguere reported the Conservation Restriction Monitoring Committee will try to meet on Monday to finalize the reports. H. Estes indicated she is unavailable for these meetings until after she completes her thesis.

Resident Andrea Mischel (25 Court St.), asked to address the Commission about concerns she has on some of the town trails. Her understanding is that there is to be a trail behind Williams Barn that will connect with Gibbet Hill through Brooks Orchard. She expressed concern about where the connection is between the trail on Shattuck St. and the remaining part of the proposed trail. B. Easom said this is actually the focus for the next conservation restriction monitoring effort. This will address the trail connection on what was Angus but is now Scarlet Hill. At one point there was a stair step over the fence line, but that field may now be occupied by cows.

Members asked if Ms. Mischel was interested in helping out on the Conservation Restriction Monitoring Committee since her familiarity with trails in Town would be a great asset. Depending on what is discovered with the Scarlet Hill trail connection, it may be necessary to send a letter to the owner.

A resource management plan for Surrenden Farm West is under discussion before the trails are finalized. That meeting is scheduled for 8 a.m. on November 30th. The next meeting of the conservation restriction monitoring committee is scheduled for December 17th and members invited Ms. Mischel to attend. In general, the Trails Committee works on the trail network throughout town on publicly-owned conservation land and can address most questions. For trails on land that is privately owned, it can be a more sensitive matter.

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted December 11, 2007.