

GROTON CONSERVATION COMMISSION

Minutes

March 25, 2008

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, Holly Estes, and Peter Morrison were present. B. Easom and R. Lambert arrived at 7:10 p.m. Conservation Assistant Barbara Ganem was also present.

Member C. Auman questioned whether 1 Lost Lake Dr. was following the Order of Conditions especially since the silt fencing is flapping.

Upon a motion by H. Estes, seconded by C. Auman, it was

VOTED: to approve the minutes of March 11, 2008 as drafted.

Four were in favor, and W. Addy abstained.

Upon a motion by C. Auman, seconded by H. Estes, it was

VOTED: to approve the minutes of March 22, 2008 as drafted.

Four were in favor, and P. Morrison abstained.

B. Ganem reported the Division of Conservation Services has confirmed receipt of the Shattuck Conservation Restriction (Groton CR #19) package for municipally-owned land abutting Baddacook Pond. They had requested further clarification on the timeline and authorization votes. Although the CR was voted on and prepared in 2000, the documents were not accepted for signature by the Secretary of the Executive Office of Environmental Affairs due to legal issues. At the time, the Commission and the Groton Conservation Trust agreed to hold CRs on each other's land. The CR held by the Groton Conservation Trust has already been recorded, and the goal is to complete the process for the town-owned land.

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

VOTED: to issue a letter acknowledging the dock owned by Alexander Gucker of 88 Shelters. Rd.

Commissioners reviewed a letter from David Moulton of 39 Ames Road. There has been on-going construction work at the house, including the creation of two other access points or cart roads to the lot. Sediment are reaching the wetlands across the street due to excessive water flow.

(R. Lambert and B. Easom arrived at 7:10 p.m.)

The house is essentially located at the base of a drumlin, and there appears to be a spring outletting just below the driveway for the house. Some time ago a large ash (dead) was cut down at the edge of the roadway, and the water flow is undercutting Ames Road at this location. Silt was being carried across the road and into the wetlands on the other side. Members noted that Mr. Moulton appears to be cooperative in responding to the Commission's letter to place haybales and silt fencing to control the silty water. B. Easom questioned whether the erosion control will, in effect, create a dam, and P. Morrison said they are porous and should act as a filter. Mr. Moulton will not be required to file a Request for Determination providing he is attentive to controlling the runoff in the future.

7:15 p.m. - 54 Ridgewood Avenue

Brian Thorne of GPR explained there is an existing 774 SF dwelling to be replaced with a 912 SF dwelling. Currently, a well is located inside the house which is to be replaced with a drilled well, an activity proposed under an earlier filing for a parking area and septic system. A two-level deck is proposed with the lower deck coming out from the basement level. The area will be open under the upper deck. Erosion control measures (haybales and silt fence) are proposed to encircle the work area. A detailed construction sequence has not been prepared as yet because the applicant is unsure how the contractor will wish to proceed. Obviously the trees will be removed as one of the first steps, and the area cleared and grubbed. A slab is proposed for the basement level. Mr. Thorne acknowledged there could be structural issues related to the road, and he added they probably would not do work during major rain events. He thought a second tier of erosion control would be appropriate given the significant relief on the lot. B. Thorne stressed that the soils on site allow for quick infiltration of runoff.

Sonatubes are proposed to support the decks. A pine tree and triple oak will have to be removed for the construction of the decks. Mr. Thorne indicated that the angle of repose for loose soils is 45° and then you can get sloughing. One option is to shore the area next to the road with vertical piles to protect the resource area. The owner, Glenn Kinnear, indicated he wished to remove additional trees adjacent to the boathouse because of tree debris falling into the Lake. Members asked about the volume of fill to be removed from the lot, and Mr. Thorne responded it would be about 380 yards of material. He estimated 100 to 200 cubic yards of material could be re-used on the site for construction of the septic system across the street.

Chairman Giguere commented this is a very tight, difficult site. He requested additional information on the foundation, particularly a cross section. Mr. Thorne drew a diagram on the board showing a stepped down foundation. The plan is to do the septic system simultaneously with the construction of the new house, but the applicant is looking for input from the Commission.

The Commission Clerk, Holly Estes, briefly interrupted the hearing to read the legal notice for a continued hearing scheduled for 7:30 p.m. for which the applicant requested a continuation. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to continue the hearing for 37 Boathouse Rd. to April 8th at 7:45 p.m.

Returning to the 54 Ridgewood Ave. hearing, member H. Estes asked if there has been any word from Natural Heritage. Mr. Thorne said they have not received any correspondence as yet. C. Auman questioned exactly how many trees will be removed from the site. B. Thorne said the NOI plan shows 4, but it is likely it will be necessary to remove 7. Two are located near the well which is part of the earlier plan, and two are the source of debris falling into the Lake. In response to Mr. Auman's question about the new distance to the Lake, Mr. Thorne replied the existing house is 18.6 ft. from the Lake while the deck of the new house will be 11.8 ft. from the Lake. C. Auman indicated he preferred to see work coming no closer to the Lake than under existing conditions and also pointed out the house is 50% bigger than the existing structure. He expressed a preference to not enlarge the footprint.

According to Mr. Thorne, the proposal does not include the removal of the stone retaining wall at the top of the lot. Mr. Auman pointed out the boathouse is in disrepair, and it might help mitigate for the increase in footprint size if it were removed. Mr. Thorne said his client envisions doing something in the future with the boathouse as part of the Ch. 91 process. Members questioned why this was done as two filings, and Mr. Thorne stated the applicant was not ready to move forward with the house at the time of the earlier septic filing. He is at the point now where he can consider doing the house and it may be necessary to amend the earlier SDS filing. He definitely plans to get the new septic system in. Applicant G. Kinnear stated he was planning to use oil for heating purposes, and the tank will be stored in the basement on the road side to accommodate filling.

B. Easom expressed concern with the amount of material to be removed and the slope. He thought it would require extraordinary care to accomplish, particularly keeping the site covered up to the haybale line. He advised reducing the amount of materials to be removed and the amount of time the site is open. He felt receiving the construction sequence after the hearing is closed could create problems for the Commission. Mr. Thorne said the Earth Removal Committee always includes a condition that the construction sequence be received prior to the commencement of work. P. Morrison said the Commission does have to be specific in what we are asking for, and the condition could require that the Commission accept and issue written approval before work is commenced. The sequence would have to include a time line and schedule for particular activities.

R. Lambert questioned whether the removal of tree roots would result in greater potential for erosion. Mr. Thorne indicated removing the 3 trees and grubbing out the roots, as indicated on the plan, would allow for a mini sedimentation basin during construction. Mr. Lambert expressed concern that de-stumping would de-stabilize the slope. B. Thorne said the work would be done during the fall or dry season, and 2 in. of rain was likely to quickly infiltrate at the site. C. Auman worried that a landslide could result. Mr. Thorne added that roof runoff could be handled with gutters directing water into a 2 ft. deep hole with the outlet at least 6 in. from the hole in order to allow for maintenance.

W. Addy asked what type of surfacing will be used under the deck, and Mr. Thorne said gravel could be used if the Commission wishes. He stated all the work would be done from the roadway with no machinery entering the site itself. An extended excavator would be used. Mr. Addy questioned whether the area where the deck is proposed could be used as a detention basin

during construction with water pumped to the area where the septic system is proposed. He agreed that taking out the tree roots could create a problem. Given the fact that the ground percs well this could be another option to consider.

Mr. Thorne indicated he would be willing to add another haybale line if the Commission has concerns about the adequacy of erosion control measures. W. Addy said his concern is that fines are likely to blow right through silt fencing and haybales, particularly since this is all sand and gravel. He added he preferred to see the construction sequence before issuing the permit. The scope of work could change prior to actual construction. Mr. Addy questioned whether the additional parking area was necessary, and members agreed it was a difficult site on which to find any parking. P. Morrison said all his questions had been handled by other members.

Chairman Giguere commented that the Commission's questions revolved around work being done 20 ft. above the water line, the level of disturbance necessary to clear the lot, the footprint expansion, and the amount of soils to be removed from the site. The existing house currently has no foundation, and some portions are on pilings. The applicant has received a variance from the ZBA to allow the new construction. Mr. Thorne thought this project was comparable to ones other Lake residents have done. Mr. Kinnear added it is an expensive site and to limit the size of the house or the size of the project made him concerned about spending more than it's worth. He expressed concern that the house be worth his investment. Mr. Giguere worried about the potential for stuff to end up in the Lake, while noting there is likely to be wildlife habitat value on a forested site.

H. Estes said she would like to see house plans and asked the cumulative effect of the septic system, parking area, and house. In particular, she wanted to know the total number of trees proposed for removal. Mr. Thorne estimated there are 8 under the earlier project and 7 for this project. M. Giguere summarized the issues the Commission has raised: elevation view of the foundation, construction sequence, trees to be removed marked on the plan and in the field, house plans with elevations, method for controlling roof runoff, and the de-stumping issue which he, too, did not favor. P. Morrison said he could see de-stumping those trees that are next to the house foundation but was not in favor of removing the two next to the boathouse. C. Auman said he was concerned about the piecemeal approach to the project, particularly when future work on the boathouse is added in. Mr. Kinnear stated he has spent money for all the engineering, but he would not actually do the project until later. If the boathouse is filed with this plan it would mean issuing Extensions and possibly delaying a Certificate of Compliance until the full project is complete. GPR has recommended against doing it at this time. Mr. Kinnear acknowledged he would need to have the dock permitted within the next 2 years however. Mr. Thorne said the actual house (without deck) would go from 18.6 ft. to 21.4 ft. from the Lake. Pending revised information and plans and upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to continue the hearing to April 8, 2008 for 54 Ridgewood Avenue.

B. Ganem will send a letter to David Elliott of 35 Common St. asking for his plan to deal with the unauthorized work that has already occurred on his lot.

7:45 p.m. – Appointment Josh Degen

Selectman Degen indicated he was late for the appointment because his truck had gotten stuck at Surrenden Farm. He reported the Finance Committee has slashed about \$700,000 from the Town budget and still has to deal with negotiations with the police union and a new town manager. The Minor Capital budget is at \$104,000, and we do not have the money to put back into Stabilization if the fund is depleted for Minor Capital items. He acknowledged the Commission's need for a GPS unit and questioned whether the Water Department could make theirs available. GELD and the Great Ponds Advisory Committee also have GPS units they could share. He added he hoped the Commission would agree to cut the \$7,400 request from their budget. Most departments have suffered minor cuts, and it would be nice if the Commission would withdraw its' request. He noted that budgets for both the Selectmen and the Assessors' offices have been reduced as well.

Mr. Degen explained the Water Department has agreed to keep their GPS unit at Town Hall and to loan it out with 24 advance notice. Other departments may sign it out if it is not needed by the Water Department. M. Giguere said it was his understanding that money in the stabilization fund can only be used for minor capital expenses. He pointed out that giving up the GPS unit will not save anyone's job. He added that his experience over the past year has been there were at least six occasions when the requested GPS unit was not available, and there was no one at Baddacook to help him access the equipment. He was upset about the waste of both his time and gas, and he did not think the system was working very well. The GPS would be useful for marking wetlands in the field and also for site surveys. The Commission has requested funding for a GPS unit for several years.

J. Degen said if money is removed from the Stabilization Fund to cover Minor Capital Expenses, it will not be replaced. The state recommends reserving at least 5% of the overall budget in Stabilization to cover rainy day expenses. Drawing down the account is risky. In addition, there is an opportunity to approach the two private schools about funding specific Town needs. Mr. Degen asked if the Commission would be more comfortable having a Memorandum of Understanding in place before taking a vote. He said he is making this request as the Selectmen's liaison to the Conservation Commission. P. Morrison said he would vote to remove the item and then see if the request to the private schools is successful. M. Giguere cautioned there is no guarantee the schools will consider funding this. M. Giguere compared the request to signing up for a town gift registry. The private schools consider making payments or gifts in lieu of paying property taxes.

M. Giguere said he was loathe to accept this because of his previous experiences. He noted he looked into a less expensive GPS unit, but found it to be incompatible with the system we have and it would involve the IT Committee installing new software. J. Degen pointed out the IT Committee is already looking at permitting software in connection with the 43D streamlined permitting process. He noted that one of the biggest problems faced by the IT Committee is the integration of software across the board.

Mr. Degen said he understood the Commission's frustration, but he was urging all departments to share resources. He indicated he was committed to hammering out a workable agreement and asked Commissioners to call him, as liaison, if there are any issues. The appropriate GIS

software is to be installed on the computer in Michelle Collette's office after being recently located in the GELD office. J. Degen said he has a good working relationship with Water Superintendent Tom Orcutt, and he would be willing to support the Commission at the October Town Meeting if the process does not work out.

B. Easom said he was on the Trails Committee, and there have been several times when that Committee has attempted to borrow the Water Department GPS unit for weekends, and the handoff did not happen. P. Morrison opined that the difference this time is that we have a written policy, and we are not dependent on kindness and generosity. We have a strong official document stating they have to share and a person who is willing to run interference for us and support us at the October Town Meeting should things not work out as anticipated.

The GPS unit would be kept in Town Hall to be signed out by Commissioners. H. Estes questioned how often the Water Department is likely to be using the equipment. Laying water mains both in the roadway and in subdivisions and during the construction of the water tank will require the use of the GPS unit. Members thought the Commission's use of the GPS unit was likely to fall on weekends, but could also occur during week days from April – November. Some of the encroachment issues at Baddacook Woods require the use of the GPS unit. J. Degen suggested setting up specific days when it could be used unless the Water Department experiences an emergency. The unit would be kept in the Water Department office at Town Hall. B. Easom pointed out the LCD projector is kept in Board of Selectmen's office. There will be a sign out sheet with the date and time. J. Degen admitted he would vote against leaving the request in the FY'09 budget if the Commission does not do so. H. Estes acknowledged the Commission really has no choice in the matter. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to send a request to the private schools explaining the Commission's need for a GPS unit and asking them to consider making a gift of a GPS unit for conservation land management purposes.

J. Degen mentioned the Town is likely to be \$1.1 million in the hole next year. He questioned whether the Community Preservation administrative funds could be used, and B. Easom said he thought these funds could just be used for administrative costs incurred by the Community Preservation Committee, but he would bring it before the Committee. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to leave the Minor Capital request for a GPS unit in the amount of \$7410 in the Conservation FY'09 budget unless an agreement can be reached with the Water Department to have the unit readily available in Town Hall.

Upon a motion by P. Morrison, seconded by B. Easom and a roll call vote of P. Morrison, H. Estes, C. Auman, B. Easom, R. Lambert, W. Addy, and M. Giguere, it was

VOTED: to enter Executive Session with Selectman Josh Degen present for the purpose of discussing a land purchase to return to Open Session at adjournment.

The meeting resumed at 9:40 p.m.

Commissioners discussed the summer 2008 management of the Sargisson Beach Conservation Area in view of the Selectmen and Finance Committee decision to not fund beach operations other than land management activities. Members questioned whether the docks should be installed and who will open and close the gate or whether it should be left permanently open at the parking area. Upon a motion by B. Easom, seconded by R. Lambert, it was

VOTED: to close the parking lot access to the Sargisson Beach Conservation Area for Summer 2008.

Six members voted in favor of the motion while P. Morrison voted nay.

Members acknowledged it is still a public resource, and people are going to swim there. Member Estes suggested talking with the Selectmen as it would be worse to have someone drown there because we have encouraged swimming. She felt the gate should be kept locked. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to post a sign "Swim At Your Own Risk" at Sargisson Beach.

Members were unanimously in favor of this vote.

Commissioners noted this is the only conservation area, other than Bertozzi's which is state-owned, where we have a gate.

Copies of the most recent draft of the FY'09 budget for the Town were distributed to members.

Chairman Giguere reported there were some minor changes in the charge for volunteers to the Stewardship Associates Committee. This will enable the Commission to formalize the process in a consistent manner and to also provide oversight. The public announcement will appear in the newspaper.

As a result of the Saturday site visit to Rocky Hill members noted there appears to be grading for Lot 2 within the buffer of the wetland crossing area. In addition to filing for this work, Mr. Moulton should be reminded that old haybales must be removed rather than scattered within the buffer zone.

The most recent NPDES report on Academy Hill includes photographs of the undercutting of Townsend Rd. at the brook that flows parallel to Fieldstone Dr. Additional preventative measures are necessary to keep sediment from entering the brook. The contractor has removed the silt bags that were frozen and blocking drainage into the system of catch basins further up the roadway, and this has improved the situation.

M. Giguere noted he thought there has been some tree-cutting at 60 Boston Rd. and questions were raised about whether this involved sewer work and when the reports to the Conservation Commission were to be submitted.

H. Estes indicated she was unavailable for the proposed Conservation Restriction Monitoring Committee meeting scheduled for Monday, March 31st, at 7:30 p.m.

Scott Wilson has issued a release for the Conservation Commission to utilize the wood duck logo he prepared some time ago. Upon a motion by H. Estes, seconded by R. Lambert, it was

VOTED: to accept the wood duck design by Scott Wilson Design Associates as the Conservation Commission logo.

Chairman Giguere explained he wished to re-publish the 'Wetland FAQs' which he prepared last year again this year. Members expressed no problem with the document, and he asked that any additions or comments be conveyed to him as soon as possible.

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

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted April 8, 2008.