

GROTON CONSERVATION COMMISSION

Minutes

June 10, 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, Bruce Easom, Ryan Lambert, and Peter Morrison were present. Holly Estes was absent, and Conservation Assistant Barbara Ganem was present.

Upon a motion by C. Auman, seconded by R. Lambert, it was

VOTED: to approve the minutes of May 27, 2008 as drafted.

In discussion on the draft Order of Conditions for 54 Ridgewood Avenue, Chairman Giguere stated his major concern is the potential for erosion while the site is open for construction despite the engineer's statement that the soils are very absorbent. The Commission must also make a determination whether the site falls under the Bylaw in its current form which is a considerable enlargement of the original structure. Commissioners reviewed photographs and the plans with an eye toward pervious vs. impervious elements.

Member Morrison stressed the need to recharge roof runoff. He noted the present plans call for the entire roof surface to drain to two downspouts. He felt the project should result in an improvement to site conditions over what is there now. If the applicant is allowed to expand the impervious surfacing on the site, post-development conditions must be better ecologically than pre-development conditions. R. Lambert shared Mr. Morrison's concern about roof runoff.

C. Auman said he agrees as well, provided the Bylaw does not apply. He commented the Bylaw was specifically worded so as not to apply to existing structures. He cited Section 215.3 B of the Bylaw: "Notwithstanding any provision of this chapter to the contrary, the alteration of any residential, business or institutional building or customary appurtenance thereto, such as lawns, gardens, landscaped or other developed areas, where such structure or appurtenance existed prior to the effective date of this bylaw, shall not be subject to this bylaw, but shall be regulated exclusively by the provisions of MGL c.131, §40."

B. Easom pointed out if the Commission determines the project is not under the jurisdiction of the Bylaw, we would issue conditions under the Wetlands Protection Act permitting it. Denying the project under the Bylaw would mean that the applicant must go to the courts for an appeal which is based on a review of the existing record. M. Giguere commented the applicant made an effort to mitigate for impacts such as the downspouts, cutting fewer trees, and moving the decks away from the lake side of the house. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to approve the Special Conditions as drafted under the Wetlands Protection Act for DEP #169-992 for 54 Ridgewood Ave.

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

VOTED: to approve the Special Conditions as drafted under the Wetlands Protection Bylaw for DEP #169-992 for 54 Ridgewood Ave. and to modify the motion on the above Order under the Act to require that downspouts to a recharge structure be connected at each corner of the structure and that suitably sized (~3 in.) crushed stone be added under all decking/stairs to prevent any erosion into Lost Lake/Knops Pond.

7:15 p.m. – U.S. Post Office/80 Boston Rd. Request for Determination of Applicability

Todd Ravenelle of Gordon R. Archibald, Inc. explained the Post Office wished to hook up with the public sewer as there is high groundwater around the existing sewage disposal system. There will be a pump as it is pressure sewer line, not gravity fed. All the work is within existing paved or grassed upland areas. The existing septic tank will be crushed in place and filled with sand and the associated pipes will be abandoned.

P. Morrison said he was involved in the original filing for the construction of the Post Office as the Conservation Commission administers a state law which was applicable to the project. He did not recollect that there was any shed approved for the site. Members observed a shed, not shown on the submitted plans, during the site walk on June 7th. Mr. Ravenelle said he was not involved in the original filing, and Mr. Morrison pointed out this is unpermitted work within the buffer with no plans and no discussion. In response to further questions from P. Morrison, T. Ravenelle indicated that the trench would be open, with a saw cut through pavement, and they do not intend to use directional drilling.

According to T. Ravenelle, no erosion control is shown as it is intended the work will be accomplished within a day. The plan set shows a detail for haybales around the catch basins, but the locations are not specifically identified on a plan. B. Ganem suggested that any bare soils that are seeded be mulched with straw rather than hay to avoid the establishment of invasive weeds such as loosestrife. C. Auman questioned what happens when we lose power, and Mr. Ravenelle indicated the pump system would go down. He said the pump will see minimal use as there are restroom facilities for Post Office personnel only. B. Easom stated he would like to see staked haybales along the installation from Boston Rd. A 6 ft. trench is proposed, and any excavated materials will be temporarily stored on paved surfaces.

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

VOTED: to issue a negative #3 Determination with the following conditions: straw mulch be utilized, staked haybales are installed on the wetland side of the trench excavation from Boston Rd. to where the sewer line makes the first turn, the existing septic tank is crushed in place, the applicant provides an emergency contact name and number that is available 24/7, and that sufficient silt fencing is on site in case of any problems that might arise during construction.

7:30 p.m. – 94 Raddin Rd. Request for Determination of Applicability

(Chairman Giguere recused himself as he is a patient of the applicant, Dr. David Spiegelman.)

Landscape architect Lorayne Black explained the design includes taking out 5 (7 noted in the plan) white pines and the removal of 2 large burning bushes to the left of the vegetable beds. They plan to plant amelanchier, summersweet, winterberry, and witch hazel, all species that are native. The project will also include a pre-built 10' by 10' shed with no footings. Ms. Black said she chose these species because they are native and would blend in well, providing a natural buffer between the house and woodland. Member Auman expressed concern about removing shade trees from the edge of a vernal pool. He noted this can change the nature of the pool by raising temperatures. Ms. Black explained the trees were on the south side of the pool and would be replaced with other trees. The white pines also shade the vegetable garden, and this was why the homeowners would like to remove them. There are no plans to de-stump.

Member Easom asked what the Spiegelmans have seen in the pool, and Dr. Spiegelman replied they have lived there for 30 years and typically the pool is dry by the end of July and re-fills in the fall. Mr. Easom indicated the removal of the tree canopy may affect the animals that live there. P. Morrison noted the removal of trees can also reduce groundwater withdrawal, and a number of pines will remain. W. Addy made a motion to issue a negative #3 Determination in which there would be no de-stumping and fertilizers utilized for landscaping and lawn care shall be organic and of low-nitrogen content, and shall be used in moderation. No spraying of herbicides or pesticides shall occur within 100 feet of the wetlands in perpetuity. B. Easom said he would like to add a condition that would eliminate the removal of whichever tree is closest to the vernal pool. He felt this tree would provide morning shade to the pool during the summer months. Ms. Black acknowledged the serviceberry would be shorter at maturity, probably around 18 ft.

C. Auman pointed out the decrease in the lawn size and the removal of burning bushes offer some mitigation for this work. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to apply the two conditions mentioned by W. Addy, including no de-stumping and fertilizers utilized for landscaping and lawn care shall be organic and of low-nitrogen content, and shall be used in moderation. No spraying of herbicides or pesticides shall occur within 100 feet of the wetlands in perpetuity.

B. Easom voted in opposition.

A motion by B. Easom, seconded by C. Auman, to require that the most southeast white pine marked for removal be retained failed, with B. Easom and R. Lambert voting in favor, and P. Morrison and C. Auman voting in the negative, and W. Addy abstaining.

Returning to the main motion, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination for 94 Raddin Rd. with the conditions that there be no de-stumping and that fertilizers utilized for landscaping and lawn care shall be organic and of low-nitrogen content, and shall be used in moderation. No spraying of herbicides or pesticides shall occur within 100 feet of the wetlands

in perpetuity.

B. Easom voted in the negative, and M. Giguere rejoined the meeting.

7:45 p.m. – 49 Off Prescott St./Pourmousa Request for Determination of Applicability

Pat Judge (3 Off Prescott St.) represented Mr. Pourmousa, the owner/applicant. Mr. Judge explained that 4 tree stumps were to be ground down, but there is still some tree root remaining on the 4th tree. No trees were cut as part of this project. A boat rack is proposed to be installed in the location observed by the Commission during the June 7th site visit. The posts for the rack will be placed approximately 1 ft. below grade, and it will not be necessary to remove any vegetation for the installation. B. Easom expressed concern about machinery or gasoline being stored at the beach area, and Mr. Judge said the equipment is rented and would not be there more than 1 day. He estimated only an hour is needed to complete the 4th tree stump. Any depressions left after grinding will be filled with washed sand. P. Morrison reminded him of the need for the owner to file for a Ch. 91 dock license. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination with the conditions that the owner file for the dock, motorized equipment may not be on site for more than 1 day, and the Commission is not authorizing any work on another's land.

8:00 p.m. – 343 Nashua Rd. Request for Determination of Applicability

Homeowner Marten Terpstra submitted a revised RDA and new plan and explained he wished to install an above-ground pool with a retaining wall and fence with gate. There is a 3 ft. drop between the front and the back of the lot, and any excess excavated materials will be removed from the site. The pool will be backflushed under the existing deck. M. Giguere observed the project is quite close to wetlands, and asked about the final sizing of the pool. Mr. Terpstra indicated they have decided on a 25 ft. diameter pool. He stated chemicals will be stored in the garage. He does not intend to empty the pool as the sides will collapse. Commissioners made it clear that pool water should not be released toward the wetland area.

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

VOTED: to issue a negative #3 Determination with the conditions that any dry chemicals be stored in the garage, water drawdowns and backflushing shall take place under the deck, excess materials are removed off site, and all work will be kept within the existing lawn area.

A draft copy of a monitoring report on Baddacook Fields was submitted for Commission review by Conservation Restriction Monitoring Committee members Bruce Easom and Marshall Giguere. B. Easom noted the site is in good shape with no violations observed. The parcel is relatively isolated from development even with the presence of power lines. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to send a copy of the draft report to the Groton Conservation Trust.

In response to a complaint on the Truax site/124 Mill St., B. Ganem reported that the building was taken down to comply with the order from the Housing Court, but the building materials remain on the site. Mr. Truax has indicated he intends to re-build with the proper permits outside of the buffer zone. It is still likely to be within the Riverfront Area of a perennial stream. The Commission previously sent a letter requiring the filing of a Request for Determination of Applicability which has a \$30 legal notice fee. He was given 30 days in which to comply. M. Giguere questioned whether the Commission wishes to consider an Enforcement Order or fines. P. Morrison suggested we clarify our earlier request. Upon a motion by B. Easom, seconded by R. Lambert, it was

VOTED: to issue a letter to Mr. Truax reminding him that the Groton Conservation Commission expects the filing of a Request for Determination of Applicability by June 24th for work already done, including the dismantling of the structure. If we do not receive the filing, the Commission will then consider issuing an Enforcement Order with fines per the Groton Wetlands Protection Bylaw.

C. Auman questioned whether the camper could be considered a permanent structure or in storage. W. Addy asked for clarification on whether the Commission has to vote to issue fines, and members indicated this vote authorizes fines if we do not get the filing.

Patricia Abel of 12 Deerfield Dr. was present to discuss several issues observed by B. Easom and M. Giguere during a site visit on May 24th. A pergola/bench and grapevine remain on conservation land, and it appears the lawn is still being mowed and treated with fertilizers/herbicides. Mrs. Abel indicated her husband, Brian, has every intention of removing the structure. P. Morrison explained the Commission does not allow this type of thing in other parts of the subdivision and has to be fair-handed with all abutters to conservation lands. Lawn creep is a continuing problem. In response to Mrs. Abel's question about a fence on the boundary, Commissioners said that would be fine or they could just stop mowing the conservation land. An alternative would be to mow just in early spring and in the fall, and no fertilizers or herbicides should be used. Member Giguere noted the Commission had previously observed granite markers that define the boundaries of the lot, but were unable to locate one of them during this visit. Mrs. Abel apologized for the arbor and indicated it would be moved.

B. Ganem reported a complaint has come in about a new dock under construction at 29 Boathouse Rd. Commissioners asked that she check with the landowner about the age of the dock and request corroborating evidence.

The Commission has had no follow up from David Elliott/35 Common St. after he called to say he could not attend our regular May 27th meeting. The Commission has previously notified him of the need to restore the wetlands disturbed on his lot. Chairman Giguere expressed concern that the Commission was not making it clear to Mr. Elliott the gravity and size of the violation. P. Morrison suggested contacting him to determine when he can be available to attend a Commission meeting at the earliest possible date. Members acknowledged it could be expensive to do the necessary restoration. W. Addy questioned whether it would be appropriate to post a

site visit as a public meeting. B. Ganem read the May 15, 2008 letter to Mr. Elliott. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to send another letter to Mr. Elliott explaining that he must pick a date when he can be available and that the Commission regards this as a serious violation that requires immediate action and is considering issuing fines.

Mr. DiBona, abutter to the Crosswinds conservation parcel, has paid the fine and complied with the Commission's request to remove the fence from conservation land.

B. Ganem visited 14 Island Rd. to see if they were able to stabilize the slope next to the new garage. They have planted some vegetation and mulched the slope. Commissioners agreed to delay the issuance of a Certificate of Compliance until the plants have a chance to become well-established.

The new Sargisson Beach contract with the Lowell YMCA is in progress. It will reflect this year's reduced operating budget and hours.

B. Easom reported 8 – 10 members of the Trails Committee worked for 2½ hours to clear the Acorn Path trail. The neighbors were very cooperative, even allowing some of the cleared brush to be stored on their land while the Trails Committee carted away one truck full.

B. Ganem said a young man has volunteered to do 32 hours of community service. Members suggested several jobs which could be considered, including clearing bittersweet at Sorhaug Woods Williams Barn, reinstalling the Petapawag sign (after repairs are made), installing the Half Moon Swamp sign, and clean up at Sargisson Beach. P. Morrison questioned whether any invasive plants removed from Sorhaug Woods could be carted away to the Highway Department's 'burn' pile. He thought agricultural properties were allowed to burn year round. B. Ganem offered her weed wrench for plant removal, and B. Easom said he could loan a post hole digger for the sign installations.

A meeting is scheduled for Thursday, June 26, 2008 at 10 a.m. with a consultant from Smart Associates to visit the Rosenberger property violation on Old Ayer Rd.

Commissioners agreed that it is fine for Paul Funch to use the brush mower to clear McLain's Woods. P. Morrison reported that the brush mower is currently in the possession of Joachim Preiss, Chairman of the Trails Committee, who has just cleared the Gibbet and Angus Hills trails in preparation for a public walk. B. Easom suggested the Trails Committee could be authorized to utilize the brush mower year round except on those parcels with sensitive bird or turtle habitat.

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

VOTED: to issue a 3-year Extension for DEP #169-925 for 11 Highland Rd.

B. Easom asked that the proper name for the Baddacook Fields Conservation Restriction be checked and the correction added to the draft monitoring report.

Members visited 6 Hazelwood Avenue in response to a request for a modification in stabilization techniques at the site. B. Easom pointed out that soils are clearly migrating through the installed block wall, and the applicant needs to address this issue. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to allow the placement of peastone, underlain by landscape fabric, in the space between the new block wall and the stone wall at lake side. No herbicides shall be used to remove existing vegetation within this area.

The applicant should also be advised to correct the piping problem as part of the final stabilization of the lot in preparation for applying for a Certificate of Compliance.

C. Auman thanked Chairman Giguere for the article that appeared in the Groton Herald about the Environ student presentation.

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

VOTED: to enter Executive Session, not to return to Open Session, for the purpose of discussing a land acquisition at 9:11 p.m.

There being no further business, the meeting was adjourned at 9:11 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted June 24, 2008.