

## GROTON CONSERVATION COMMISSION

### Open Session Minutes

July 8, 2008

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

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

VOTED: to sign off on the summer 2008 YMCA contract, pending receipt of the insurance attachment.

The NPDES inspector for Academy Hill, Mary Trudeau, as well as Town staff, have reported that erosion and sedimentation problems at the site were exacerbated during severe storms the week of July 1. C. Auman had visited the site and confirmed there was 6 in. of sediment at the catch basins which were filled and overflowing as a result of the downpours. All of the drainage structures need to be cleaned. He also noted that equipment appears to have pushed material toward the wetland across the road from Fieldstone Dr., probably in an effort to clear Townsend Rd. He observed water flowing in the stream at the time of his visit. Erosion control measures throughout the site are compromised at this point.

Member Morrison agreed it is time to act, and we should give them two weeks to fix everything. Our next site walk is scheduled for July 19<sup>th</sup>, and if things are not fixed, we can begin issuing fines. It would be \$50 for every catch basin with every day a separate offence, as indicated in our Wetlands Bylaw. Mr. Morrison, reading from the NPDES report dated July 6, 2008, felt that the developer should comply with five of the six recommendations made by the inspector, the exception being the work that has to be coordinated with Tom Delaney for the repairs at the shoulder of Townsend Rd. and that required by the Planning Board on lower Fieldstone Dr. Without compliance the fines could amount to \$2500. Upon a motion by W. Addy, seconded by R. Lambert, it was

VOTED: to send a letter to the developer of Academy Hill requiring compliance with items 1-4 and 6 in the July 6, 2008 NPDES report no later than July 19, 2008. The potential for fines and further enforcement action will be outlined in the letter.

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

VOTED: to not sign off on any additional building permit applications for Academy Hill until such time as the aforementioned issues are resolved.

7:15 p.m. – Redskin Trail Request for Determination of Applicability

Owner Rich Davis explained he wished to move a dock and canopy to his land. One is 80 SF, and the other is 90 SF. P. Morrison questioned how the posts will be installed, and Mr. Davis said they would be driven with a sledgehammer. He explained any new posts will be non-arsenic treated pressure-treated wood. C. Auman read the conditions that are attached to dock applications, and upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination with dock conditions for the project at 129-137 on Redskin Tr.

B. Ganem said the cover letter will include authorization for Mr. Davis to have his dock closer than 25 ft. to land belonging to the Town under the care and custody of the Conservation Commission. The work is to be done when the Lake is drawn down.

Members attending the site visit on July 5<sup>th</sup> observed a new dock going in on Boathouse Rd. A letter has gone to owner Mark Silva (29 Boathouse Rd.) to stop work and file for a permit.

B. Ganem reported on the meeting with Wildlife Habitat Improvement Program personnel which she and Julie Lisk attended. WHIP funding is one option for managing the Surrenden Farm property. In reviewing the reimbursement rates for invasive removal, plantings, or a late (August 1) mowing, it appears to be inadequate to fully compensate the farmer for expenses, especially with increasing costs for fertilizers and fuel if he is unable to get a viable crop. This means the Town would incur expenses for managing the property. C. Auman mentioned that one of the goals in protecting the land was to preserve agricultural activities. Improving fields to produce good hay accomplishes this goal. Chairman Giguere said one difficulty is that birdwatchers, and he included himself in that category, are very concerned about birds having a chance to fledge before the fields are hayed. He noted the parcels have been in agriculture for ages, and there will be patches of land closer to the River which will be maintained for wildlife. Agricultural drainage tiles and sheet flow direct water to these areas so they may tend to be wetter than the upland fields. B. Easom said he would not be upset to see the parcel left in agriculture. C. Auman added agriculture was strongly supported at Town Meeting.

B. Ganem explained that declining bird populations that use grasslands and shrub lands are a concern and that species included in this category, such as the Bobolink, Woodcock, and Kestrel, have been observed on site. B. Easom questioned the value of not haying one acre. The WHIP grant cycle is very tight, with an application due by July 11<sup>th</sup>. Members agreed to pass on submitting an application this year.

7:30 p.m. – Appointment David Elliott – 35 Common St.

Chairman Giguere noted the homeowner had filed a Request for Determination of Applicability for a shed at which time members of the Commission observed significant alterations of wetland soils and vegetation. Mr. Elliott said he is wondering why he is here at all as all he was doing was improving drainage to a 12 in. pipe at the end of his property. M. Giguere agreed that members saw excavated ditches on site, and Mr. Elliott maintained it was agricultural land, and he was cleaning them out.

C. Auman pointed out this is an activity that requires a permit and he needs to apply to the Conservation Commission. D. Elliott said the land has been farmed for 100 years, and he wants to control mosquitoes and place the land in agriculture. P. Morrison advised he would need a farm plan and would still need to come before the Commission with a filing before converting the land. Members advised there is a minimum amount of acreage which the Assessors consider in order to designate chapter land for agricultural taxation purposes.

Chairman Giguere said restoration of the wetlands is necessary, and that requires the filing of a Notice of Intent. He expressed concern that additional machinery entering the wetlands could be a problem for the Commission at this stage. Members observed gleyed soils and wetland plants, including a stand of phragmites, in the area. Mr. Elliott commented he received a \$6000 estimate for work involved with the storage shed, and he has decided to leave it as it is. M. Giguere pointed out the Commission can consider issuing an Enforcement Order or fines, and the Commission prefers to work with him to restore the area and assure it is stable. P. Morrison added people generally find it is easier to work with the Commission on such issues.

Members suggested taking another look at the property and reviewing things that would help mitigate for the damage, including the removal of invasives. The wetland ditch may need stabilization. Mr. Elliott said he was not available July 19 – 26. August 9<sup>th</sup> was scheduled for a Commission visit to the site. Chairman Giguere thanked Mr. Elliott for coming in to speak to the Commission.

7:45 p.m. – Pine/100 Hollis St. Notice of Intent DEP #169-995 continuation

Chairman Giguere expressed regret he was not able to visit the site, and landowner Bob Pine offered to present a brief re-cap of the proposed project. He noted he had gone with the original wetland delineation which he felt was extremely conservative. A lined wildlife pond is to be located within the 100 ft. buffer zone to the wetlands to be filled with water from roof runoff and surface runoff, with a maximum depth of 4.5 ft. He plans to have a 1 ft. shelf around the edge where emergent vegetation will be planted. The bank area will be restored with wildflowers.

W. Addy had questioned whether there was a better place to locate the pond, such as the back of the house, and Mr. Pine pointed out this area would require more excavation. Having the pond closer to the wetlands is the best spot environmentally. He explained he enjoys natural features that will integrate well with the site. An impervious clay liner will be placed at the bottom of the pond, and water will not be allowed to infiltrate. He expects evaporation from 2 in to 28 in. in a given year. The yearly fluctuation can be as much as a foot, and this is the reason for having the pond also have a deeper section. No copper pipes are in place, and they do not intend to use pesticides or herbicides within the watershed to the pond.

The DEP number has been assigned, and we have a letter from Natural Heritage. With no fish, or herbicide/pesticide use, the wildlife pond should become a great asset. If aeration becomes necessary at a later date, it may be advisable to install a conduit during construction rather than to have to disturb the ground again.

Abutter Scott Snow (111 Hollis St.) said he has lots of concerns about this pond, particularly the issue of mosquito-borne illnesses. He pointed out there are stagnant ponds on the property already. Bob Pine acknowledged there is a vernal pool and a pond with algae growing on it. He said he is watching it and researching ways to deal with the algae. No maintenance activities are proposed at this time. The pond is located near the Boutwell School while the vernal pool is in the woods. Mr. Pine thought these areas had probably been excavated about 30 – 50 years ago as part of the farming activities conducted at that time.

Mr. Snow said this project will result in three ponds on the property, and he thought this could be a problem for the school and that bats also were also an issue. Member Morrison said the Commission does not want any maintenance done on a vernal pool. Mr. Pine pointed out the proposed pond is within 60 ft. of his house, and he does not want to do anything that encourages mosquitoes. Even with the existing wetland, he explained he had anticipated a lot of mosquitoes, but it has been their experience that there is an ecological balance with birds and dragonflies serving to limit the mosquito population. They expect to maintain the status quo with birds and bats (insectivores) acting to control the mosquitoes.

An aeration device could serve to keep the water circulating in the proposed pond, and this would serve to prevent mosquito breeding and control algae. Mr. Pine pointed out mosquitoes are more likely to breed in manmade objects such as tires or gutters. He maintained his intention is to bring the invasive plants under control and maximize the diversity of wildlife on the property. Bringing more elements into the landscape will offer greater diversity and make it more natural. Chairman Giguere said the pond will be naturalized into the landscape and ecology at the site. The Commission's responsibility is to oversee the excavation process in the buffer zone.

Mr. Snow expressed concern about the introduction of petrochemicals from roof runoff. It was noted that, under the Massachusetts stormwater policy and regulations, roof runoff is considered to be clean water. Mr. Pine acknowledged a small portion of the driveway drains toward the pond. Members noted this area is actually outside of the Commission's jurisdiction, but the Commission would take jurisdiction if it becomes a problem. Mr. Snow said the Commission does not seem to have concerns about this, and members responded they can and will take jurisdiction if a wetland resource area is impacted. Several other past examples were cited where such action was taken. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the hearing for DEP #169-995 for 100 Hollis St.

8:00 p.m. – Appointment Phillip DeFreitas - 47 Boathouse Rd. – no confirmation

Members who visited the site this past Saturday observed that the fill across the street, on conservation land, appears to be fairly fresh. Because it is very steep, the means by which the fill is supported were not observed. We could mention to him that he should notify us if he sees any work being done in the area. It was noted the dock appears to be made of cement. Members requested that a certified letter be sent to Mr. DeFreitas requiring his attendance at the next meeting.

Commissioners discussed the future management of the Shattuck land abutting Baddacook Pond. While it has been used for grazing in the recent past, it may be necessary to have it brush hogged. Electric fence tape remains at the site, and a request should go to Evan Owen to see whether he intends to use the site and asking that it be removed if not. It is required that the land be maintained in a manner that allows a view to Baddacook Pond. B. Easom suggested the Commission consider licensing the area for agricultural use as a hayfield. In addition, there are several dilapidated sheds which should be removed from the site. It is likely the site is not in great shape for immediate agricultural use. B. Ganem mentioned she thought there were some plantings on the land which were important to maintain. The Commission will visit the site during the next Saturday site walk on July 19<sup>th</sup> before deciding on appropriate management steps.

Regarding the boulders that have been placed on the conservation-restricted Moose Trail parcel, members felt there were an insufficient number to prevent boat launching or access by other vehicles. Two more should be added – one at the boat ramp itself and the 2<sup>nd</sup> staggered halfway down the hill from the first two.

The owner of 60 Boston Rd. expects to start work soon, but will need to construct a temporary shelter to house materials and equipment while the garage foundation is poured and the framing is done. The owner is to prepare a letter explaining the size and location of structure. Commissioners stressed that this is to be strictly temporary in nature. B. Ganem added it could be part of the weekly construction sequence reporting which the applicant is required to do per the Order of Conditions.

B. Ganem outlined some of the factors the Commission considered in issuing an Order of Conditions for Lot 1 Kemp St. A new filing for a Request for Determination of Applicability has been submitted, showing the wetlands on the west side of the lot as well as across the street. This creates a 100 ft. buffer zone that extends into the proposed house and driveway location.

Commissioners were disappointed to learn of Holly Estes' resignation from the Conservation Commission, as well as the Earth Removal Stormwater Advisory Committee on which she served as the Commission's representative. Members requested a public notice about the vacancy be placed in the newspaper and on the web site. A draft letter of thanks will be prepared for Commission signatures at the next regular meeting. Members thought it would be a good idea to do some kind of Certificate of Merit or Appreciation, and B. Easom volunteered to look into this.

R. Lambert agreed to attend the next meeting of the Earth Removal Stormwater Advisory Committee to see whether it fits into his schedule.

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

VOTED: to designate B. Ganem to serve on the newly formed Water Resources Committee.

There being no further business, 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, at 9 p.m. for the purpose of discussing a land acquisition.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as amended 7/22/08.**