

## GROTON CONSERVATION COMMISSION

### Open Session Minutes

November 25, 2008

Vice Chairman Ryan Lambert 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, and Peter Morrison were present. Bruce Easom, Marshall Giguere, and David Pitkin were absent. Conservation Assistant Barbara Ganem was present.

Vice Chairman Lambert welcomed new Town Manager Mark Haddad to the meeting. Mr. Haddad thanked the Commission for giving him the opportunity to talk with them and said he has found this to be a good way to introduce himself to the community. He indicated he is looking forward to working with the Commission and has a meeting planned with Chairman Giguere about the Town Beach. Having already spoken to M. Giguere, M. Haddad said he understood the Beach was kept open last year through private donations. C. Auman added there is a lot of tradition tied up in the Beach with several generations having learned to swim there. There was a significant groundswell of support to keep the Beach open in summer 2008. Mr. Haddad said he intends to work closely with individual boards and asked members to feel free to call on him as necessary.

Moving on to other business, upon a motion by C. Auman, seconded by W. Addy, it was

VOTED: to approve the minutes of October 20, 2008 as drafted.

Upon a motion by C. Auman, seconded by W. Addy, it was

VOTED: to approve the Open Session minutes of October 28, 2008 as drafted.

Upon a motion by C. Auman, seconded by W. Addy, it was

VOTED: to approve the Executive Session minutes of October 28, 2008 as drafted.

B. Ganem explained that two Requests for Certificates of Compliance have come in for a common driveway shared by residents at 269 and 271 Pepperell Rd. She noted portions of 271 have a permanent Conservation Restriction as mitigation for wetland filling to construct the driveway. A no-salt sign has been placed at the site as well. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to issue a Certificate of Compliance for 269 Pepperell Rd., DEP #169-637.

Upon a motion by P. Morrison, seconded by W. Addy, it was

VOTED: to issue a Certificate of Compliance for 271 Pepperell Rd., DEP #169-638.

Developer David Trahan and wetland scientist Steve Eriksen were present to request an extension to DEP #169-908 for 160 Townsend Rd. Mr. Eriksen explained they were making the request due to current poor market conditions; he noted the Zoning Board of Appeals (ZBA) has granted an extension until 2011. He has replaced wetland flagging with surveyor's stakes in place. They plan to install the monitoring wells in spring 2009. Upon a motion by P. Morrison, seconded by W. Addy, it was

VOTED: to extend the Order of Conditions for DEP #169-908 by three years, to March 17, 2012.

Members have reviewed the draft Surrenden Farm Management Plan via a link on the Town's server. C. Auman pointed out the ad hoc committee has recommended allowing a maximum of two dogs on leash and asking people to pick up after their pets. P. Morrison said he understands the plan is to encourage low impact uses. The committee recommended against camping as this could interfere with the use of the property for agricultural purposes. Upon a motion by P. Morrison, seconded by W. Addy, it was

VOTED: to accept the Rules and Regulations for the use of Surrenden Farm west as drafted.

In discussion on the budget for 2010, member Morrison estimated he has donated approximately \$70 - \$80 for maintenance costs and gasoline for the brush mower. He anticipates an oil and filter change and brake adjustments will be necessary in the coming year. C. Auman recommended that the list of property maintenance items be included in the budget background, as well as the legal expenses that have come out of the Selectmen's budget or the Conservation Fund.

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

Michael Mavilia has requested a continuation to December 9<sup>th</sup> due to a death in the family. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to re-schedule Mr. Mavilia's meeting with the Commission to December 9, 2008.

Returning to the topic of the Conservation budget, members noted that any land acquisitions are likely to require appraisals with a cost of \$5000 - \$5700. Other possible expenses include the GPS unit which the Commission has previously requested. B. Ganem will check with David Pitkin about the cost of his telephone and service that includes a camera and GPS tracking device. C. Auman stressed the need to maintain the dues and memberships line item as we typically have one new member per year, and it takes three years to complete the MACC training.

For the Water Safety segment of the budget members felt the Town will have to decide whether it wants to support a public beach or not. P. Morrison thought the Commission will have to look long and hard at any mechanism for outsourcing the beach.

Hollingsworth & Vose has notified the Commission of its intention to remove boards at their dam. This is part of their Order of Conditions, DEP #169-641.

7:30 p.m. – 61 Lowell Rd./Gibbet Hill Restaurant Notice of Intent, DEP #169-1005

Kevin Hardiman of Ross Associates explained the project involves hooking up Gibbet Hill Restaurant to public sewer. The existing septic system is deemed to be in failure by the Board of Health. The sewer line currently extends up Lowell Rd. to First Parish Church. The proposed sewer connection will require two pump stations located between the restaurant and the function hall and another at the residence on the property. Directional drilling rather than traditional trenching will be used to minimize disturbance. Four jacking pits will be utilized for the installation.

Mr. Hardiman submitted the green receipt cards for abutter notification. He noted there are two new sewer manholes within the 100-ft. buffer zone of wetlands. Owner Steve Webber explained the work is likely to take place in April as it is too late to open Lowell Rd. Mr. Hardiman did not feel that de-watering would be necessary as the wetland is located approximately 6 – 8 ft. below the piping, and 15 – 20 ft. below at Rt. 40/Lowell Rd. The Pepperell engineer has reviewed the plan on behalf of the Pepperell Sewer Commission.

C. Auman asked about sweeping the site as this has recently been an issue at the Post Office with their sewer installation. Mr. Hardiman maintained there would only be one open pit and this was unlikely to generate a lot of sediment or dust. Mr. Auman mentioned there was an earlier filing for the construction of the restaurant for which there is no Certificate of Compliance; there is concern about snow storage within 100 ft. of the wetlands, particularly with the number of cars using the parking lot.

W. Addy asked why the existing driveway was not used for the installation, and K. Hardiman responded it is necessary to have a clean-out at least every 500 ft. and this would mean the pipe had to travel a longer distance and require another pump, significantly adding to the cost of the project. It would still be necessary to have a pit within the 100-ft. buffer zone with this configuration. They are bringing the sewer line closer to the house in order to avoid drainage infrastructure within the parking lot. The directional drilling will take place above the culvert under Rt. 40. Mr. Hardiman said the staging area will be in the existing parking lot but outside of the 100-ft. buffer zone. He estimated the work will take 6 – 8 weeks to complete and about 6 years to abandon the existing septic tank. Tying in the pumps around the restaurant's operating schedule may prolong the installation. K. Hardiman said the work within the buffer zone is not likely to exceed a couple of weeks. Any materials excavated from the site will be hauled away. Upon a motion by P. Morrison, seconded by W. Addy, it was

VOTED: to close the hearing for DEP #169-1005.

7:45 p.m. – 102 Weymissset Rd. Notice of Intent continuation, DEP #169-1004

Architect Dan Memont explained that his clients, Ron Hirsch and Martha Bryant, have decided to drop the idea of the retaining wall. A response from the Natural Heritage & Endangered

Species Program (NH&ESP) indicates there is no take of rare species, and they are exempt from doing a MESA filing. He submitted a construction sequence for the proposed work and noted they plan to have a perimeter trough of stone around the house to handle roof runoff. The floodplain issue goes away if there is no work on the retaining wall. Upon a motion by P. Morrison, seconded by W. Addy, it was

VOTED: to close the hearing for DEP #169-1004.

An inquiry has been received from an abutter to the Eliades Conservation Area about changing the location of the tick sign. Members felt it important to warn walkers of the issue as they enter the trail. C. Auman added he felt the sign that states “No Motorized Vehicles and No Hunting” should also be installed as there has been an issue with trail bikes illegally using the trail.

B. Ganem reported she has sent a thank you to the Old North Hounds for their donation of \$25 after their recent mock fox hunt at Surrenden Farm.

Mr. Phil DeFreitas of 47 Boathouse Rd. has failed to meet the Commission’s deadline for a filing for an existing shed. He has suggested he intends to demolish the shed, and Commissioners recommended he file a RDA by December 23<sup>rd</sup> for the demolition with fines to be issued daily thereafter if he fails to do so.

An organic farmer has expressed an interest in leasing about 5 acres of conservation land to extend her agricultural operations. P. Morrison suggested the land formerly known as the ‘pumpkin patch’ behind the Bisceglia residence on Wharton Row. Bruce Dubey has occasionally brush-hogged this former agricultural field. The access from the Town Forest is narrow and may be too small to accommodate large farm equipment.

Regarding the clearing of the Shattuck-Lewis field near Baddacook Pond, Leslie Chaput has indicated she plans to take care of this in December with brush burning to occur during the burn season. Members tentatively agreed to this plan, but acknowledged it may be necessary to knock the field down with a mower if she is unable to meet her proposed timetable. Rotating grazing may not adequately maintain the field. An early snowstorm would obviously create a problem if mowing is to occur in December. P. Morrison supported the use of the land for grazing, but expressed concern that the property looks presentable. C. Auman added that sumac appears to be taking over portions of the field. Commissioners agreed to invite Ms. Chaput to meet with the Commission at 7 p.m. on December 9<sup>th</sup> to further clarify plans for the property.

#### 8:00 p.m. – 531 Martins Pond Rd. Request for Determination of Applicability

Attorney Bob Collins and Surveyor Stan Dillis were present to represent the homeowners, Mark and Donna Fosberry. Mr. Collins explained these are unique circumstances in which the resource area is located up gradient of the proposed in-ground swimming pool. He indicated the homeowners apologize for not consulting with the Commission prior to commencing the work.

Mr. Dillis presented a plan showing the extent of the excavated area which he said was 78’ from the wetland. A crushed stone drainage footing has been placed around the perimeter of the pool,

and this will be where a retaining wall is located. The wall will be 3.75 ft. high with backfilling on the uphill side. Water will be captured by piping placed on the crushed stone with an outlet daylighting to the right of the driveway. Mr. Collins explained that the contractor has been called off until the issue is resolved, but the homeowner would like to get the site stabilized for the winter if possible.

W. Addy expressed concern that the resource area could dry out and may be discharging into the pool area as it appeared that water was discharging through the till layer visible in the excavation. Mr. Dillis felt that the installation of the crushed rock will result in water moving out of the pool area but maintained that this was not water from the wetland. He stated this is a manmade pond which probably sits on a perched water table. Overflow may sit on the surface, but S. Dillis said the source of water on the face of the pit is groundwater. Mr. Collins concurred, stating that the soils at the base of a drumlin are apt to be so dense that water just doesn't travel freely.

S. Dillis said he was involved in the design work for Kaileys Way, and he felt the water table was likely to be low in the front yard where the septic system is located. He added "It is likely these houses were built without foundation drains."

Member Morrison asked about draining the pool and back flushing or filter flushing. The owners plan to use a sand/salt treatment to clean the pool, and any pool chemicals will be stored in the garage. They are not planning on a shed at this time. The pool company indicates they can finish the pool, with landscaping completed in the spring. The stockpile of excavated materials has been surrounded by a haybale barrier. Upon a motion by C. Auman, seconded by W. Addy, it was

VOTED: to issue a negative #3 Determination requiring that pool chemicals/salts shall be stored in the garage, any draining or backwashing of the pool shall occur toward the front of the lot, installation of "Critter Skimmer" is required, grading shall not extend any further into the wetlands buffer zone; any additional work not shown on the RDA plan will require the applicant to obtain a prior permit from the Conservation Commission.

Members agreed it would be helpful to have an as-built plan once the swimming pool construction is completed.

8:15 p.m. - Kemp St./Gleason Notice of Intent continuation, DEP #169-1003

Attorney Ray Lyons stated he would like to have all 7 members present for the hearing and requested a continuation to December 23<sup>rd</sup>. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing for DEP #169-1003 to December 23, 2008.

Mr. Lyons mentioned that he has been a participant in the Keystone (formerly Coverts) Program at the Petersham Forest and highly recommended the program to Commissioners. Former

Commissioner Bruce Clements participated in the program several years ago. Information on the Program is on line, and it runs from April 23 – April 26, 2009.

Returning to the subject of mowing the Shattuck land, P. Morrison pointed out the ground surface is rough, and the mower is likely to lose a blade. He suggested approaching some of the smaller hay farmers as most farming equipment will not fit down Martins Pond Rd. If we can get a quote to manage the land for a certain number of years this could be a feasible alternative. It is a big investment on someone's part to bring it into a condition where they can manage it for us. C. Auman said it would be good to turn it into productive land if we can look for the whole property to be managed. R. Lambert expressed a preference for waiting until the 9<sup>th</sup> to see what is planned. P. Morrison agreed to informally explore whether there was any interest among small farmers.

8:30 p.m. – Lowell Rd. Notice of Intent continuation, DEP #169-1006

Attorney Collins has requested a continuation to December 9<sup>th</sup>. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the Gale hearing for Lowell Rd., DEP #169-1006, to December 9, 2008.

Attorney Collins indicated he was also present for another matter, and this is the Fucillo property next to the power lines on Rt. 40. He explained that Gloria Fucillo had gotten approval 20 years ago for the development of houses on Otter Lane. As part of that subdivision permit, the Town was deeded about 15 acres of conservation land. The Groton Electric Light Co. (GELD) would like to buy a portion of her remaining property, but there is also some dry land and an existing trail along the power line. Mr. Collins questioned whether the Commission had an interest in acquiring this approximately 5-acre parcel. If it is possible to get some state funding, Ms. Fucillo would consider making a gift of the remainder.

P. Morrison questioned how quickly Ms. Fucillo would like to see this happen. He also pointed out the Commission was not successful in getting a Self-Help grant for another parcel recently. Mr. Collins thought there was time, but Ms. Fucillo is anxious to get rid of some of her more problematic property. Commissioners explained they would need a map of the proposed sale/gift of property and pointed out two appraisals are likely to be necessary. C. Auman commented that parking to access the property is necessary. He added this is a great wildlife observation area with excellent wildlife habitat associated with Martins Pond Brook which flows to Lost Lake/Knops Pond.

Mr. Collins thought it might be possible for GELD to purchase a portion of the property for \$350,000 and then the Conservation Commission (with a potential Self-Help grant) to purchase a single family house lot valued at \$250,000 with the remaining 3 acres to be gifted to the Commission for a trail.

Bruce Dubey has mowed the Eliades and O'Neil properties this fall. The remaining items on the mowing list may have to wait until spring depending on his schedule.

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

VOTED: to enter Executive Session for the purpose of discussing a land purchase, not to return to Open Session at adjournment.

There being no further business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as amended December 9, 2008.**