

## GROTON CONSERVATION COMMISSION

### Open Session Minutes

March 10, 2009

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. David Pitkin was absent. Conservation Assistant Barbara Ganem was present.

#### 7:00 p.m. – 331-331B Pepperell Rd. DEP#169-1012 continuation

Noting that Natural Heritage has sent in a letter affirming ‘no adverse impact’ to rare species on site, Chairman Giguere asked if the Commission wished to close the hearing. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to close the hearing for DEP #169-1012.

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

VOTED: to issue an Order of Conditions for 60 Valley Rd., as amended, under the Wetlands Protection Act for DEP #169-1009.

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

VOTED: to issue an Order of Conditions for 60 Valley Rd., as amended, under the Wetlands Protection Bylaw for DEP #169-1009.

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

VOTED: to issue an Order of Conditions for 331-331B Pepperell Road under the Wetlands Protection Act for DEP #169-1012.

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

VOTED: to issue an Order of Conditions for 331-331B Pepperell Road under the Wetlands Protection Bylaw for DEP #169-1012.

#### 7:15 p.m. – 7 Baby Beach Rd. NOI

Homeowner Joe Ferguson explained he planned to cut the roof off and put an addition on, a “roof raise”. He is creating a storage and boiler room from a former bedroom. Members reviewed photographs of the site. J. Ferguson turned in the certified mailing slips to abutters, but had not requested the green receipt cards. DEP has not received a check for this filing so no number has been assigned. Mr. Ferguson indicated he would send a new check in.

Member Addy questioned whether any heavy equipment would be necessary for the project, and Mr. Ferguson said he planned to have a dumpster near the road. He noted the proposed location(s) on the submitted plan. In general the roof will resemble an A-frame, but will have a hip roof line on the lake side. Building materials will be stored in the driveway. He does plan to install gutters, but is uncertain about the best location for a dry well. He expressed concern that a dry well at the top of the hill might loosen dirt. Member Morrison explained the Commission did not want to see soils eroding from rain hitting the roof and falling directly on the ground. He commented some homeowners have installed  $\frac{3}{4}$  inch crushed stone to dissipate the energy from water hitting the ground. This also keeps mud from splashing onto the house.

B. Easom asked if an architect had determined whether the foundation was adequate to carry the load of another story, and Mr. Ferguson answered “yes”. He said the addition will be within the same building footprint as he does not plan to cantilever any parts. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing to March 24, 2009, pending a DEP # for the project.

Mr. Ferguson announced he also plans to install a deck which will bring the lakeside of the house up to the edge of Lost Lake/Knops Pond. The dimensions of the L-shaped wraparound deck are 8 ft. by 22 ft., and he expects 3 sonatubes will be necessary for support. Regarding his docks, Commissioners advised him to get an affidavit from neighbors as to when they were installed, and the Commission will act on a letter or a filing. B. Ganem recommended Mr. Ferguson fill out a Form of Intent at the counter at the Building Department as soon as possible.

7:30 p.m. – 68 Boston Rd. RDA

Proponents Leonard Hester and Ken Demers explained the project is the opening of a butcher shop/deli. They will serve sandwiches, salad, coffee, and breakfast sandwiches. They have installed a barricade for the dumpster, repaired the front porch, and re-constructed a roof over the whole back stairway. Members pointed out that work within the 100-ft. buffer zone of wetlands falls under the jurisdiction of the Conservation Commission.

Mr. Hester stated they had appeared before the Planning Board which required the dumpster. He said they are attempting to bring the project up to code, not adding to the building. One of the Planning Board requirements is that the dumpster not be visible from the road. The dumpster corral was installed at that point to avoid running into frozen conditions. They plan to add pickets to the corral to screen the dumpster.

Member Morrison asked if there are any plans to pave the driveway that goes behind the building. Crushed stone has been added in one area of the driveway. Mr. Hester explained they have a 2-year lease with an option to buy, and they will have to see how business goes before making any additional plans. Before undertaking any work on the lot, members advised that work in this area will require the filing of a Request for Determination of Applicability.

Commissioner C. Auman underscored that there is an important wetland that surrounds the back and side of the lot. Mr. Hester said Mr. Cullen’s (owner) son mows the area. Mr. Auman advised

the applicant to give B. Ganem a call before doing any work to assure that the work does not infringe on the vegetated wetland. W. Addy commented the dumpster has been placed in the worst possible location on the site as it is right on top of the wetland. The proponents assured him that nothing will leach out of the dumpster as they will have a company pick up rendering barrels separately. Only dry goods will be deposited in the dumpster. Anything wet will either go in the sewer or the rendering barrels. Mr. Kester said they originally planned to put it out by the barn and were told to move it. To re-locate it now would be a major undertaking since it also involves a concrete pad. P. Morrison suggested the Commission look at it in two years and see how it is working, and we can do an Enforcement Order if there is a problem.

B. Easom acknowledged the applicants may guarantee what they put in, but what is to keep the public from adding materials. Mr. Kester said the dumpster will have a locked lid, and no meat by-products will be thrown in. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination requiring that any further work (i.e., paving) will require a filing with the Commission, snow shall not be pushed into the Bordering Vegetated Wetland, the dumpster shall have a lid and be kept locked, and no trash shall be allowed in the wetlands/stream on site.

7:45 p.m. – Groton School, DEP#169-1014

Attorney Bob Collins said the applicant has taken into consideration the thoughtful comments made by the Commission during the first hearing, and they were able to move the building to the other side of the roadway. This was not a simple exercise and did involve some expense to the School. There will be less than 200 SF of filling/grading in the buffer zone, and this is a positive change from the former plan which involved about 4,000 SF of work in the buffer.

Discussions with the Natural Heritage & Endangered Species Program under the Massachusetts Endangered Species Act (MESA) are on-going although they have no issues under the Wetlands Protection Act. The project now involves fewer disturbances in the buffer, but there is the replacement of an existing culvert under the roadway. The roadway itself will be re-graded and crowned, and a second culvert will be added to improve drainage. C. Auman thanked the applicant for making the changes necessary to move the building further out of the buffer. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to close the hearing for DEP #169-1014 for Groton School.

8:00 p.m. – Gale DEP#169-1006 continuation

Attorney Bob Collins explained there is one thing left to be done in the laundry list presented by the Commissioners at the last hearing, and that is an abbreviated wildlife study. Engineer Marsden has found someone who is willing to do this at no cost to the applicant, but on his own time. The cost of preparing a peer review is also of concern to the applicant. Members noted the plans have been revised to include an extensive stormwater management component, and Mr. Collins questioned whether the Commission could not hedge its own judgment as, in his experience, a peer review could cost more than the original engineering review. He pointed out these are unique circumstances in which the applicant has agreed to improve an existing situation and this was suggested as a gift to the Town to mitigate an existing problem.

Chairman Giguere said when he looks at the proposal he does not know how or if it will work. He commented that we have a large causeway with five conduits underneath, and it is difficult to know how this will affect the whole wetland system when, in effect, a dam is being put across it.

Mr. Collins thought it would cost between \$10,000 and \$12,000 to have the project reviewed by Nitsch Engineering unless there was some type of limited review. He stated he understands the Commission's desire to avoid making a significant error that will be difficult to recover from and stressed that this is a gift. C. Auman noted this plan was added on to the plan, and the change brings on more questions. In response to our questions these changes were offered. C. Auman observed that peer reviews are requested in complicated cases where the functionality of the wetland, particularly wildlife habitat, is in question.

B. Easom focused his questioning on determining whether the culverts are adequately sized to handle the flow from the watershed. He noted both the velocity in the culverts and the watershed size can be calculated. There are two crossings of Rt. 40 downstream of this location, and he did not want to see constrictions formed by this driveway. M. Giguere said stream guidelines require the culvert opening be 1.5 times the width of the stream. Mr. Collins maintained the culverts are designed with more than adequate capacity. W. Addy thought the pinch will come at the Sheedy driveway, and we do not need to go any further downstream. B. Easom said he was okay if the culverts pass as much water as what is downstream, and Mr. Collins stated he believed Steve Marsden has already made that determination. He said the stormwater forebay off Rt. 40 would capture most of the flow from the existing pipe and perhaps Nitsch Engineering could look at that.

Chairman Giguere said his concern is that the wetlands not be dammed or shrunk. C. Auman noted Mr. Collins has previously indicated a shared driveway would not meet town regulations, but has not provided documentation to support this statement. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to continue the hearing for DEP #169-1006 for Gale/Lowell Rd. to March 24<sup>th</sup>.

8:15 p.m. – Island Pond Rd./Baker, DEP#169-1007

At the applicant's request and upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to continue the hearing to March 24<sup>th</sup>.

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

VOTED: to approve the Open Session minutes of February 24, 2009 as drafted.

B. Easom announced the Board of Selectmen has appointed him as the Project Manager for the LAND Grant application for the purchase of the Mattbob property. He anticipates completing the application tomorrow in time for the March 12 deadline for filing the 2<sup>nd</sup> round application. The Selectmen have agreed to do a letter of support for the Commission's Community Preservation application. Commissioners thanked Mr. Easom for the time and effort he has devoted to this project.

B. Ganem reported Groton School plans to remove trees that have fallen into the Nashua River in order to allow their crew teams safe access to the River. The trees will be pulled to the shore line and tied to trees to maintain this as a navigable stream.

Water Superintendent Tom Orcutt has suggested the Town consider putting a town 'forester' on retainer to provide guidance on what parcels should be harvested. It may not be a good time to harvest timber, but firewood is valuable. M. Giguere reported Mr. Orcutt has used forester Dan Cyr previously. P. Morrison said NEFF has prepared a history of what the market is doing for timber, and some types have gone down in value, but the bottom has definitely not dropped out of the market. Wood is valuable for heating and chips are being sent to biomass boilers in Maine according to P. Morrison. A forester will give us an idea of what we should pursue, and we need a forester who can be active in helping to manage our lands. B. Easom questioned whether it's premature to hire someone full-time when we haven't done one project yet. He wondered who would pay for this service, and it was explained there would be no fees until a harvest is conducted. Mr. Easom suggested talking with the Town Forest Committee which conducts regular harvests.

Gary Gouldrup and Dan Cyr have offered proposals for the work on the Farmers & Mechanics parcel and Williams Barn Sorhaug Woods. M. Giguere said he is leaning toward Mr. Cyr. B. Easom suggested sending both proposals to the Town Forest Committee and asking them for a convenient time for a joint meeting. There are other issues as well, including moving the trail and noting the condition of the culvert that could provide access to Ames Meadow. Members requested that a joint site visit be set up with members of the Town Forest Committee and a representative from the Trails Committee. All abutters in the Wharton Row subdivision should be notified of both the site visit and the joint meeting on the access for Ames Meadow.

C. Auman noted members of the Community Preservation Committee asked how the Commission would prioritize its own proposal and those projects for which we sent letters of support. They questioned why we are supporting other applications when we have our own before the Committee. He suggested naming the Commission's \$100,000 application for the Conservation Fund as first, the Historical Commission's archaeological survey as second, and the NEFF Baddacook Pond well proposal as third. P. Morrison observed that the NEFF proposal seems to be more about the Commission's goals, and C. Auman pointed out that, at \$350,000, it would almost wipe out the entire CPC budget. Money becomes an issue as there is not enough to go around to all the potential applicants. Upon a motion by C. Auman, seconded by R. Lambert, it was

VOTED: to notify the Community Preservation Committee that the Commission's first priority is the \$100,000 request for the Conservation Fund, the second priority is the Historical Commission's request for \$40,000 for an archaeological survey, and the third priority is the \$350,000 NEFF Baddacook Pond well.

B. Easom voted in opposition to the motion.

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

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

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as drafted 3/24/09.**