

GROTON CONSERVATION COMMISSION

Minutes

May 26, 2009

Chairman Marshall Giguere called the meeting to order at 6:30 p.m. in the 2nd floor conference room in Town Hall. Members Wayne Addy, Craig Auman, Ryan Lambert, Peter Morrison, and David Pitkin were present. Bruce Easom arrived at the Executive Session at 6:55 p.m. Conservation Administrator Barbara Ganem was present.

With hearings and appointments posted for later in the evening, upon a motion by P. Morrison, seconded by R. Lambert, and a roll call vote of R. Lambert, W. Addy, C. Auman, D. Pitkin, P. Morrison, and M. Giguere, it was

VOTED: to enter to Executive Session for the purpose of discussing a land acquisition to return to Open Session at adjournment.

Returning to Open Session at 7 p.m., upon a motion by R. Lambert, seconded by C. Auman, it was

VOTED: to approve the Open Session minutes of May 9, 2009 as drafted.

Upon a motion by R. Lambert, seconded by W. Addy, it was

VOTED: to approve the Executive Session minutes of May 9, 2009 as drafted.

Upon a motion by R. Lambert, seconded by W. Addy, it was

VOTED: to approve the minutes of May 12, 2009 as drafted.

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

VOTED: to issue the Order of Conditions for the restoration of James Brook for DEP#169-1018 as drafted under the Wetlands Protection Act.

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

VOTED: to issue the Order of Conditions for the restoration of James Brook for DEP#169-1018 as drafted under the Wetlands Protection Bylaw.

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

VOTED: to issue a Certificate of Compliance for DEP#169-947 for 330 Lost Lake Dr.

M. Giguere recommended advising the owner that plantings on the steep slope would be a better long-term stabilization method than mulch.

7:00 p.m. – Baddacook Pond Weed Harvesting NOI – DEP#169-1019

With the applicant's consent and upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing to June 9, 2009.

7:00 p.m. - Baker/Island Pond Rd. NOI continuation, DEP#169-1007

With the applicant's consent and upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing to June 9, 2009.

Chairman Giguere agreed to meet with the Community Preservation Committee on June 15, 2009 at 7:30 p.m. at Legion Hall as project manager for the \$100,000 CPC grant.

M. Giguere mentioned there are MACC Fundamentals workshops 1 & 3 and 2 & 4 scheduled on the Cape this weekend if anyone wishes to attend.

The Conservation Restriction Monitoring Committee met yesterday and plans to focus their first monitoring session on Angus Hills. B. Easom reported he has marked two GPS points using the deed and the CR plan which shows where open space parcels 1, 2, and 3 are located, as well as conservation lands 1, 2, 3, and 4. The area where the trail is located is very wet and perhaps covered with multiflora rose. The owner, Meredith Scarlet, has kept the entire hill open for walkers. The next step is to set up a time with the owner to walk the land. Mr. Easom said he and M. Giguere thought it advisable to talk with Town Counsel before setting up this meeting because, currently, Ms. Scarlett is not in compliance with the Conservation Restriction. The goal is to be non-confrontational. There is a 10-ft. wide trail leading to the top of the hill. M. Giguere added that people are crossing outside of the trail area, and it is very kind of Ms. Scarlet to allow people to use her private property, but he felt the Commission should have a tentative answer from Town Counsel before we meet with the landowner. This would be similar to the agreement we have proposed with Steve Webber where we want to move trails near Rt. 40.

P. Morrison agreed it would be important to get the lay of the land to see what is appropriate or inappropriate before we go out there, especially if it is a benefit to the Town. He expressed concern about allowing the public to pass over private property. There is a question about whether adverse possession comes into play. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to authorize the Conservation Restriction Monitoring Committee to contact Town Manager Mark Haddad about getting an opinion from Town Counsel.

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

VOTED: to authorize the expenditure of a reasonable amount to fund this inquiry.

B. Easom and M. Giguere said they would like to have an additional Commissioner participate on the Committee, and D. Pitkin agreed to think about it.

7:15 p.m. – 7 Little Hollow Lane RDA

Jason Ward of Ferrari pools explained the project involves the installation of an in-ground gunite swimming pool. He submitted revised plans to show an accessory building or cabana possibly within the 100-ft. buffer zone. He noted no work will go beyond the existing berm at the edge of the lawn which is within the limit of disturbance from the original Order of Conditions under which the house was built. M. Giguere thanked him for spray painting the location for the pool prior to the Saturday site visit. P. Morrison questioned whether chemicals would be used, and Mr. Ward said it will be a non-chlorinated system with an ionizer. It will be necessary to draw down the water level about 10 inches in the winter, and J. Ward assured the Commission they would drain the pool toward the street. The pool shed will be used for the storage of chemicals. Excavated soils will be hauled offsite although there will be some grading around the pool edge. Aluminum and vinyl fencing will be used with 1¼” by 1¼” webbing at the base. The pool will be approximately 600 SF in size.

C. Auman stressed that the pool shed should be accurately located on the plan. Mr. Ward said the location is not definite, but the alternative will likely be outside the buffer zone. He explained this was the worst case scenario. Interlocking pavers will be used for the patio, and this will provide some drainage for the area. Mr. Ward said he was familiar with using a ‘critter skimmer’. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination in which 1) any drainage shall be directed to the street, not Duck Pond; 2) limit of disturbance/erosion control line shall be installed around the back edge of the work; 3) ‘critter skimmer’ shall be installed; 4) chemical storage shall be outside the buffer zone, 5) excavated materials shall be removed off site; and 6) small diameter mesh fencing shall be used at the base of the fence.

7:30 p.m. – 18 Whistle Post Lane RDA

Resident Tom Fitzpatrick explained he had a number of storm-damaged trees, including several in the conservation area (Knowles Siding, Assessor’s Parcel 113-92), which he wished to remove because they pose a safety hazard. A branch from the large apple tree on conservation land would also be pruned. The work closest to the wetland involves a tree that has split, but half remains standing. There are several birches that have cracked or are leaning.

D. Pitkin pointed out the grass clippings within the buffer zone should be pulled out of that area. Alternatives such as composting or mulching the clippings were suggested. B. Easom recommended the trees be cut level with the ground and that there be no de-stumping. The trees will be cut into logs and removed from the site. Commissioners indicated permission to cut the trees on conservation land would be granted within the permit, but cautioned Mr. Fitzpatrick to return to the Commission if more than 7 trees are to be removed. C. Auman confirmed that the trees have clearly been damaged and need pruning. T. Fitzpatrick said a chain saw will be used, and he does not anticipate the use of any heavy equipment. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination with the following conditions: 1) no stumping; 2) removal or pruning of 7 trees authorized; 3) permission is granted to cut trees on conservation land; 4) grass clippings shall be removed from the buffer zone; and 5) cut trees shall be removed offsite.

Chairman Giguere reported that Sargisson Beach will be operated this summer with a generous donation of \$7500 from Lawrence Academy, additional parking sticker donations, and the \$5000 left over from last year. A cleanup is necessary, and the "Friends of Sargisson Beach" have offered to organize this effort. The contract with the Greater Lowell YMCA is under negotiation.

7:45 p.m. - Groton Community School NOI continuation, DEP#169-1013

Attorney Robert Collins stated the applicant has reviewed parking issues with the Planning Board to determine the appropriate number of parking spaces for the school. They were amenable to a substantial reduction of 17 spaces. Surveyor Stan Dillis said there will be lawn to serve as a buffer between the parking area and the bioretention areas. He noted they have gone beyond the one-to-one mitigation by losing 800 SF of impervious area and 2100 SF of the parking area. Even with the additions, there will be an overall reduction in impervious surfacing at the site. Mr. Dillis pointed out the calculations are provided on Sheet 4 of the submitted NOI plans, and the net decrease is 328 SF. Any increase in stormwater will be clean runoff from roof tops.

Chairman Giguere asked if the new plan shows snow storage areas. According to S. Dillis there are specified locations for snow storage and future maintenance will be handled in an Operation & Management Plan which he is developing. There were concerns about snow storage being provided so close to the bioretention areas which could be affected by sand and salt.

In response to questions about the potential for adding a second floor to the addition, Attorney Collins said a different form of access would be required, and the architect advised against this due to high groundwater and the greater weight of the building. M. Giguere requested this information in writing as the Commission is interested in avoiding additional work in the Riverfront Area. Mr. Collins noted they were converting lawn to a building structure. Mr. Dillis also pointed out a second story would involve adding an elevator for handicapped access, an expensive item for this non-profit school.

Although the School has paid the public sewer betterment fee, they have not yet connected to sewer. Once a Building Permit is issued, they will be required to do so. S. Dillis thought that there is sufficient piping going to the building, but it is unknown whether some of the trenching would fall within the buffer zone. C. Auman felt the additional green space would be an asset to the site, but questioned whether the reduction in impervious surfacing was enough. He added there would be improvements over what is currently going into Cady Pond Brook. Questioning whether the bioretention areas were as large as necessary, Mr. Auman pointed out the groundwater is likely to be high where the bioretention areas are located, and he asked if they were large enough to handle the expected flows.

Members asked for the architect's statement that a second floor is not appropriate, citing the example of Boston's Back Bay area. S. Dillis said a second floor is impractical, not impossible.

The roof of the buildings will be pitched front and back and will be fitted with gutters and downspouts. Runoff will flow overland in either direction. Permeable pavement will be installed in two areas of the parking lot. The island will be landscaped and will be permeable.

R. Lambert said he was pleased to see the improvements in the plan. The areas of permeable pavement will continue to be flush with adjoining pavement, but will have curbing as a safety feature. S. Dillis commented the Total Suspended Sediment (TSS) calculations and stormwater report are still pending. M. Giguere pointed out stormwater management is a fairly complicated process and questioned whether the Commission wished to consider having outside peer review. P. Morrison thought that increasing permeable surfacing to compensate for the additional buildings was a good step.

S. Dillis explained that some of the lighting near the fence line will require sonatube pedestals, but the conduit is already installed. Attorney Collins questioned the need for a peer review, noting the fundraising for this project is just beginning, and it is not likely to be built in the very near future. The Planning Board has allowed the peer review to be postponed until this project is reviewed by the Earth Removal Stormwater Advisory Committee, and Commissioners agreed to this plan. Members thought the sewer connection could probably be done with a Request for Determination of Applicability as it was likely to take only one day. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing to June 9, 2009.

Attorney Collins asked the Commission to consider ways in which the process for permit extensions could be simplified for his client's (Robert Lacombe) project at Groton Woods subdivision. He noted there are several houses which have yet to be built on Forest Trail, Paugus Drive, and Winding Way. The Board of Health will no longer allow early installation of septic systems, and both these permits and Conservation Commission permits must be regularly renewed or extended. Mr. Collins urged the Commission to consider amending the Bylaw or some other mechanism to ease this process. M. Giguere pointed out nearly every permit which the Commission issues has a time limit.

B. Ganem explained a letter from an engineer who has reviewed the 10 Rustic Trail plans and Order for DEP#169-931 was received today. This involved work at the shore line, including a retaining wall, dock, and the addition of a sandy area. The applicant has received a Ch. 91 license for the dock and did the required plantings which she confirmed during a site visit on May 13th. Commissioners reviewed the plans and before and after photographs of the retaining wall at the shore line and agreed that the work was substantially in compliance with the Notice of Intent plans. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue a Certificate of Compliance for DEP#169-931 for 10 Rustic Trail.

P. Morrison noted that work on the driveway at 246 Lowell Rd. appears to be continuing. B. Ganem explained the original green receipt card and letter was recently returned, unclaimed, to the Commission office. She read a second letter, dated May 19, 2009, into the record. This letter also enclosed the original Enforcement Order and cover letter and was sent by regular mail. The

date for filing was extended due to timing, but fines are to commence by June 8th. Mr. Morrison commented that the resident is using the new driveway, and the Commission was quite clear with the owner, at the time the Determination was issued, that a filing. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to have the complete package delivered to the homeowner by a constable.

Upon a motion by B. Easom, seconded by R. Lambert, it was

VOTED: to begin to issue fines at \$50 per day starting June 8, 2009 if a Notice of Intent is not filed.

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

VOTED: to enter Executive Session for the purpose of discussing a land acquisition to return to Open Session at adjournment.

Open Session resumed at 8:58 p.m. Chairman Giguere noted, with Town elections recently completed, it is time for the Commission to reorganize for the coming year. He said it has been an extreme privilege to serve as Chairman for the past two years, and he has appreciated the diligence and help of all those who serve on the Commission. He requested nominations for officers of the Commission. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to elect Bruce Easom to serve as Chairman.

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

VOTED: to elect Ryan Lambert to serve as Vice Chairman.

Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to elect D. Pitkin to serve as Clerk.

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

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 6/9/09.