

## GROTON CONSERVATION COMMISSION

### Minutes

February 6, 2010

Chairman Bruce Easom called the meeting to order at 9:15 a.m. in the 2<sup>nd</sup> floor conference room in Town Hall. Members Craig Auman, Marshall Giguere, Ryan Lambert, Peter Morrison, and David Pitkin were present. Wayne Addy was absent. Conservation Administrator Barbara Ganem was present.

Following a site visit to review the status of work at 55 Wenuchas Trail, the Commission met with proponent Steve May, his contractor Brett Ramsden, and attorney Ray Lyons. Mr. Lyons acknowledged the retaining wall at the shore line was bumped out further than expected. The compensatory area on the original plan may not be adequate, and, during the site visit, another area was identified on the east side of Wenuchas Trail which could provide compensation for filled floodplain. This is an area where sand from the roadway has formed a delta into the lake. DPW Superintendant Tom Delaney will have to be contacted to see if street sweeping can be done in the area.

P. Morrison said he was not happy about the extra filling, but viewed the possibility of fixing the area as a plus. His concerns were it could become a maintenance nightmare for the Town, that some type of settling area should be set aside at the compensatory site, and the fact that he can see the delta continuing to grow forever, and this is a chance to fix an existing problem.

M. Giguere noted that the retaining wall is 15.5 ft. from the center of the willow tree, and the north end of the wall is 14 ft. out from the deck. While he understood the rationale for extending the area around the tree, this does not account for the extension of the northern part of the stone wall. Mr. Giguere strenuously objected to the extent of field modifications to the original NOI plan.

C. Auman expressed concern about the amount of disturbance on the site. If there is an early thaw, all of the exposed areas are likely to erode. R. Lyons said he understood this concern about the area to the right of the house which could slide from the street to the wetland if the ground gets soft. These concerns could be addressed by the distribution of hay or straw mulch or using a fabric cover to help stabilize the soils. B. Ramsden anticipated the work could be completed within 3 weeks. Having the foundation of the addition in place would also help breakup the runoff down the slope. C. Auman maintained it bears watching and pointed out everyone at the lake would like to expand their land into the lake. He thought it a creative idea to address the road runoff issue but would have preferred the applicant to stay with the original plan. Mr. Lyons acknowledged there is a permitting problem. C. Auman also stated it appears the delta is being used for access to the lake by ATVs. He added that signage prohibiting this type of activity in the area might be necessary. Mr. Lyons said perhaps a stone wall with a rail fence on both sides of the road could serve as a deterrent.

D. Pitkin said he too was disturbed by the level of disturbance at the site, and potential impacts are worrisome especially given the silt fence installation. R. Lyons pointed out new silt fencing has been added as backup. The fact the applicant has deviated from the plan is very worrisome, and Mr. Pitkin asked if they had completely given up on going back to the original plan. Mr. Lyons maintained that step would be highly impractical given the need for large-scale machinery and the fact the lake water elevation is likely to begin rising by March 1 and definitely by March 15.

R. Lambert requested complete compensatory floodplain storage calculations for across the street. Mr. Lyons said there are currently accurate measurements on the house side of the street. B. Easom said the project is spiraling out of control, and there has been a straightforward pattern of not complying with the work plan. He stated he was not in favor of expanding the project and would like to see it go back to the original plan as proposed. If it requires larger equipment, so be it. By saving the willow tree, it is now possible to get equipment around the tree to go up the hill. Mr. Easom indicated he believed the chances of the tree surviving the original plan were better than what is now occurring. He did not think it a good idea to roll a Town problem into this project.

Mr. Lyons said the alternative was to cut the tree down because the lake was not as far out as anticipated. He maintained that nothing has been done that will affect the tree's survival. There are pockets of re-vegetation proposed along the entire shore line. He noted it is appropriate the Commission is concerned about the wall going out further, and they are trying to make the best of a bad situation. B. Easom suggested putting in a trench where the original wall was going to be built and then putting rocks into the trench. He commented it may be a multiyear project. The location where the wall is to be placed should be staked in the field to assure accuracy. M. Giguere pointed out there are very large boulders in place for the staging area on the east side of road, and it will be necessary to use large scale machinery to remove those boulders. Mr. Lyons pointed out this work can be done when the lake levels are up which is not the case for the retaining wall at the shore line.

Stan Dillis has estimated there is between 300 and 400 SF of fill on the west side of the site. Members expressed concern about this project setting a bad precedent by conflating two issues – preserving the tree and fixing a road runoff problem. P. Morrison pointed out it is unlikely the Town is going to take steps to do this type of repair in these economic times. This provides an opportunity for someone else to fix the problem and get the work paid for. He pointed out it was not his job to engineer the work, but he would want assurance that it is easy for the Town to maintain the area in the future.

M. Giguere protested that the applicant is putting the Commission on the spot to come up with a solution when they did not adhere to the original plan. He said the choice is whether to accept some form of compensation or return to the original plan. Mr. Lyons asked if the Commission had other properties on which compensation could be considered. Members mentioned the bank (approximately 400 ft.) in need of repair on the northwest side of the Sargisson Beach property. B. Easom pointed out the Commission had previously agreed to this alternative with another applicant, and it was clear there should have been a bond posted for the value of the project. He

objected to conflating projects and urged the applicant to return to the original plan and do whatever needs to be done to fix the problem.

B. Ganem questioned where the property line is for the May land, as the plan seems to indicate it ends before the delta the Commission observed and any work here would require permission from the Town. Mr. Lyons explained there is a Land Court plan, because this is registered land, and the legal status of Wenuchas Trail is unclear as there are no metes and bounds as is usually the case with a Town-accepted roadway. The Highway Department paved a portion of the roadway, but it is not clear it is in public ownership. It is a private road maintained by the Town.

Ms. Ganem mentioned the Commission needs to make an administrative decision on whether to accept an amendment to the original NOI or require a new filing. The Commission has previously agreed to let the applicant temporarily proceed, and work can continue if the Commission wishes to determine a specific scope of work to parallel the filing of an amendment or a new NOI. C. Auman pointed out that going back to the original plan would avoid the problems created by the complexity of this process. R. Lyons said he would be meeting with his client and Mr. Dillis to determine a proper course of action to be presented at the Tuesday, February 9<sup>th</sup> meeting.

The meeting was adjourned at 10 a.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Administrator

**Approved as drafted 2/9/10.**