

## GROTON CONSERVATION COMMISSION

### Minutes

November 22, 2011

Chairman Nadia Madden called the meeting to order at 7:00 p.m. in the 2<sup>nd</sup> floor conference room in Town Hall. Members Craig Auman, Bruce Easom, Peter Morrison, and David Pitkin were present. Bill Neacy arrived at 7:05 p.m. Marshall Giguere was absent. Conservation Administrator Barbara Ganem was also present.

Upon a motion by D. Pitkin, seconded by C. Auman, it was

VOTED: to approve the minutes of November 8, 2011 as drafted.

Upon a motion by D. Pitkin, seconded by C. Auman, it was

VOTED: to approve the minutes of November 10, 2011 as drafted.

In discussion on the Order of Resource Area Delineation, DEP#169-1069, for Groton School, B. Ganem noted the original plan was revised several times to reflect Commission input and field visits.

(B. Neacy arrived at 7:05 p.m.)

The Order itself will reference the latest plan revision, November 7, 2011, as well as correspondence from Epsilon and Samiotes further identifying the nature of the wetlands. It also addresses the disturbed area which the Commission determined was non-jurisdictional. Upon a motion by D. Pitkin, seconded by B. Easom, it was

VOTED: to issue the Order of Resource Area Delineation for DEP#169-1069 for Groton School.

B. Neacy abstained from the vote.

Commissioners reviewed the draft budgets for FY2013 for the Conservation Commission and for Water Safety. With the removal of two line items incorrectly attributed to the Town Manager's recommendation and upon a motion by D. Pitkin, seconded by B. Easom, it was

VOTED: to approve the FY2013 budget of \$70,116 for the Conservation Commission.

Regarding the Water Safety budget, B. Ganem explained the wages category represents minimal maintenance at Sargisson Beach, with the Park Ranger working an average of 15 hours/week. Lifeguarding is eliminated as it has been for the past three years. Members questioned whether the Parks Commission might consider taking this on. C. Auman commented the Parks

Commission is about managing land, not running activities, so it is unlikely they would be willing to operate a program there. Upon a motion by D. Pitkin, seconded by P. Morrison, it was

VOTED: to approve the FY2013 budget of \$3590 for Water Safety.

P. Morrison remarked the weed whacker and brush mower need maintenance, and this should be done soon.

7:15 p.m. – Townsend/20 O’Neill Way Request for Determination of Applicability

Homeowner Bill Townsend stated he has seeded and added straw to the areas with bare soil and will send photographs to document this. He acknowledged the project, the installation of a fire pit, has already been worked on. Mr. Townsend said the area is pervious, and it is their plan to install planting beds around the fire pit. He has previously added seed and straw in the area that was disturbed by machinery entering the conservation area. Earthscapes was the contractor who did the work.

Member Morrison clarified that the wetland crossing occurred on conservation land. Mr. Townsend said the house was built about 13 years ago. The edge of the lawn leads to a meadow, an area formerly mowed by the Town. C. Auman commented it is not clear where the wetlands are located as this is a sketch on an old plan. He thought someone should be hired to figure out the edge of the wetland and the amount of clearing which seems extensive for the project at hand. All vegetation has been removed from the area, and he felt some restoration and appropriate signage was in order.

D. Pitkin acknowledged there may be a disconnect here because this is an after-the-fact filing so the total amount of disturbance within the 100-ft. buffer of wetlands is unknown. B. Easom pointed out an excavator or bobcat was driven off the public way across conservation land. B. Townsend said there was some clearing on conservation land as it turned out the corner was not his land. Crossing the ditch is at issue. Mr. Easom felt it necessary to see where the fire pit is located on a surveyed plan. Mr. Townsend said he was able to find an iron pin marking the corner of his property on the cul-de-sac, and he used the arc to determine where the rear property bound should be located.

Mr. Pitkin commented grass clippings were deposited near the stream, and this should not occur in the 100-ft. buffer zone as they don’t decompose well and may contain herbicides. N. Madden said it was her understanding that an excavator got mired trying to cross a ditch on Conservation Commission property, and added she hopes this will not occur again. She expressed concern about having a better delineation of the wetlands on a surveyed plan. P. Morrison had reservations about requiring a Notice of Intent for a wetland delineation. B. Easom made a motion, seconded by C. Auman, to issue a positive #3 and #5 Determination of Applicability. In the discussion that followed, P. Morrison explained the purpose of filing a Notice of Intent, pointing out this is an after-the-fact filing and asking whether this purpose is served. C. Auman noted a filing would become a formal record with a documented plan. In the usual process, the Commission would address how equipment is going to move on and off site, and this situation would not have occurred had the filing been done in advance. B. Neacy said he would like to see restoration of the disturbed area that should not have been disturbed. Mr. Townsend asked if this

would involve measures beyond mulching. D. Pitkin had reservations about whether the work rises to the level of a Notice of Intent filing, but acknowledged having a surveyed plan on record with conservation markers in place would be nice. Bill Neacy moved the question, but subsequently withdrew that motion and, returning to the original motion by B. Easom, it was

VOTED: to issue a positive #3 and #5 Determination of Applicability.

The motion passed by majority vote with N. Madden, C. Auman, B. Neacy, and B. Easom voting in favor, and P. Morrison and D. Pitkin voting in the negative.

In discussion on whether there should be a fine for the contractor, Earthscapes, who did the work, members noted this constituted the use of motorized vehicles on conservation land without authorization and also involved the disturbance of wetlands in the process. The Commission has issued fines in similar cases, one of which involved a logger cutting trees around a vernal pool. Attorney Robert Collins affirmed this situation has arisen with a client so it is not without precedent. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a \$25.00 fine for unauthorized use of conservation land.

The motion passed by majority vote, with P. Morrison voting in the negative.

#### 7:30 p.m. – Boles/58 Old Lantern Lane Notice of Intent

Attorney Robert Collins explained the proposed addition to an existing cottage is proposed on a 4±-acre parcel with approximately 455 linear feet of shore frontage on Lost Lake/Knops Pond. The property has been in the family for generations and is a significant wooded area. The owners recently filed for a septic system upgrade with the leaching trenches 185 ft. from the cottage. Mr. and Mrs. Boles plan to use the house as their retirement home. Mr. Collins indicated they will re-build the existing cottage and have pushed back most of the living quarters from the shore. The house will be an extended cape stepping up the hill. R. Collins maintained there will be minimal grading changes, and the bulk of the structure will be more than 50 ft. from the shore. He pointed out the yard has been previously disturbed due to the installation of the septic system. The existing cottage will be re-built at the same grade with a crawl space underneath.

Rob Oliva of Ross Engineering, Inc. said a gravel driveway is proposed, and connections will be maintained at existing grades as much as possible. The 50-ft. and 100-ft. offset to the resource area is shown on the plan. Mr. Collins complimented Mr. Oliva on his inspired design for the treatment of the site. The house itself will act as a retaining wall because it is built into the slope. Stone recharge trenches are proposed to handle roof runoff. P. Morrison questioned the height of the ceilings, and Mr. Oliva said they will be approximately 8 ft. The garage will be a slab on grade. Mr. Morrison asked about maintenance of the septic tank and pump chamber, and Mr. Oliva indicated he had no reservations about the ability to pump the system.

No DEP number has been assigned as yet, but the applicant has submitted certificates of mailing to abutters. They do not anticipate the need to remove fill from the site, but fill is likely to be needed to bring the garage footprint to grade. Mr. Oliva pointed out there are no recharge trenches on the lake-side of the home due to the presence of a deck which will have either

crushed stone or grass underneath. Architectural plans have not yet been prepared so there are no plans showing elevations. C. Auman questioned the square footage of the existing structure which Mr. Oliva estimated to be around 700 SF. He thought the addition was 2400 SF. Mr. Auman explained the Commission needs an idea of the amount of new disturbance vs. old. Mr. Collins said much of this area has already been disturbed by virtue of the well and septic system. The plan is to hand dig the crawl space under the existing cottage to re-build the foundation. Haybales will be installed around the footprint.

Commissioners requested a construction sequence, noting there would be an on-site meeting prior to the commencement of construction. Mr. Collins said the bulk of the work is between the 50-ft. buffer line and 100-ft. buffer line. Natural Heritage must also weigh in on the project. Members asked why not move the entire structure uphill out of the 100-ft. buffer zone. B. Collins said they are reticent about disturbing the wooded area and like the way the cottage sits on the lake.

While they have received a certificate of compliance from the Board of Health for the septic system, Mr. Collins acknowledged they will also need one from the Conservation Commission. B. Easom requested more details on how the work will be accomplished, particularly the grades of the excavation under the cottage. B. Collins indicated the crawl space would be enclosed with a concrete foundation, and they could provide more details about what is proposed. Members asked whether a second story was proposed. On the north side of the existing cottage, there will be additional work inside the perimeter of the building to allow a connection with the addition. Members underscored the need for figures showing the percentage of increase in impervious surfacing within both the 50-ft. and 100-ft. buffer zones.

Chairman Madden asked if the survey had been ground-truthed, and Mr. Oliva replied "yes". D. Pitkin expressed concerns about not having the elevations the architectural drawings would provide. B. Ganem asked whether the grading at the north corner of the house could channel runoff into the house or the resource area, especially on a steep slope. R. Oliva said he had no concerns that this could happen. B. Easom questioned how the edge of lake was determined during the survey as it appears to be a series of points connected by lines rather than a natural shore line. The summer elevation of the lake should be shown. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to continue the hearing for 58 Old Lantern Rd. to December 13, 2011.

7:45 p.m. – Iovino/583 Lowell Rd. Notice of Intent DEP#169-1065 continuation

Stan Dillis mentioned the letter from Natural Heritage has been received, and they indicate no adverse effect from the project. He agreed to the installation of the conservation markers on every other fence post could serve as a permanent demarcation of the no-disturb area. Some of the restoration area will be left to re-vegetate, and they propose to grind rather than remove stumps. They are contemplating gifts of a 1.17-acre and a .52-acre portion of this property. The remaining 1.84 acres would be retained by the landowner. Attorney Robert Collins pointed out the land to be donated to the Commission is adjacent to the Kiley conservation-restricted property and the recently purchased NEFF Baddacook land. It is also within an area of influence

to the existing Baddacook well. Although a landlocked lot cannot be legally created, parcels can be created.

Mr. Collins explained his client wishes to construct a 3-bay garage in the future and showed the Commission a preliminary plan which he asserted would improve conditions by keeping vehicles under cover. S. Dillis added that there would be treatment of stormwater runoff from the driveway as well. It is likely this filing will come in around the first of the year. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to close the hearing for 583 Lowell Rd., DEP#169-1065.

Mr. Collins briefly discussed the draft Woodle Conservation Restriction which members recommended should be conveyed to Town Counsel before going to the state Division of Conservation Services. There will be an opportunity for Commissioners to have input before it is sent to the state.

8:00 p.m. – Sgrosso/2 Wyman Rd. Notice of Intent DEP#169-1067 continuation

At the applicant's request and upon a motion by D. Pitkin, seconded by B. Easom, it was

VOTED: to continue the hearing to December 13, 2011.

8:00 p.m. – Appointment Jeffrey Pollard/10 O'Neill Way

Mr. Pollard was present at the Commission's request in response to an Enforcement Order issued to him on November 19, 2011. He explained he had put up a DEP sign but thinks neighborhood children may have removed it. He is preparing another one. He stated he had planted trees along his street frontage in order to block the view of the condominiums. Formerly he deposited his grass clippings there and now would like to spread the soil in the three stockpiles in that area. The loam would be spread by hand, and he could add straw wattles. He felt this would be a better solution than having a bobcat remove the soil stockpiles. Commissioners noted the Order required the soils excavated from the pool site be moved off-site. J. Pollard said this area has dead straw in summer, but he is willing to work with the Commission.

B. Neacy said the Commission is charged with protecting the wetland resource areas. Adding material to this area is filling it in. N. Madden suggested it could be removed by hand, with wheelbarrows, instead of with a bobcat. Members questioned how a long stone/gravel road has emerged, and Mr. Pollard indicated the swimming pool construction crew had prepared the access across the front of the yard, and it surprised him as well. Mr. Neacy pointed out he is in charge of the site as the homeowner. Mr. Pollard said he did not recall the Commission saying no to coming across the front of the house; he agreed it is a mess and he will correct it. N. Madden added the Commission needs a plan for mitigation and remediation. She urged specificity in stabilizing the site either with haybales or straw wattles. The access is now raised above the wetland. In the backyard, dirt has been pushed over the haybales, and this too should be removed.

Members thought a wetland delineation was necessary. N. Madden asked Mr. Pollard if he was clear on the process. B. Easom felt the process has been procedurally flawed. What the

Commission expected to happen did not happen, and it's important to help the applicant understand what is going on. Mr. Neacy thought the Commission communicated with this applicant as well as with any other applicant. Key conditions for conducting the project were highlighted in the final Order of Conditions and also called out in the Enforcement Order. It is important now to get a plan in place for how the mess is to be cleaned up. B. Neacy moved that the applicant come back with a mitigation plan after hiring a competent wetland scientist. He urged professional help in getting the contractor on board. Upon a motion by B. Neacy, seconded by P. Morrison, it was

VOTED: to require the applicant to 1) immediately stabilize the site with haybales or straw wattles on the wetland side of the access, 2) clean dirt off haybales at the side and rear of the property, 3) remove the open dirt piles at the front of the lot no later than November 28, 2011, and 4) return to the Commission on December 13<sup>th</sup> with a mitigation plan that includes a delineation of the wetlands on site.

A written letter will be sent to Mr. Pollard outlining the Commission's requirements.

C. Auman commented the Commission has been overgenerous with allowing Requests for Determination of Applicability or Notices of Intent to be submitted with inadequate wetland delineations. A sketchy plan results in poor protection of the resource area. B. Easom said he favored helping applicants in order to educate the public about the importance of protecting the resource areas. P. Morrison advised continuing this discussion when the applicant could be present.

Member Pitkin reported the Greenway Committee has concerns with a pool ladder, beach blankets, and a rope swing placed on the shore of the Taisey parcel on which the Commission holds a Conservation Restriction. Commissioners recommended sending a letter to the owner advising him of this situation. B. Ganem mentioned there is still interest on the part of the landowner to sell this land to the Town. B. Easom suggested getting input from the local neighborhood. The Greenway Committee considers the land already protected. Members agreed to see if any price has been set, but expressed an unwillingness to pay an appraisal.

The Greenway Committee has been advised by the Board of Selectmen to investigate alternatives to the restoration of Fitch's Bridge. It would cost over \$2,000,000 to rehabilitate the bridge while removing and replacing the existing bridge would be \$600,000. This would not be done to the standards which could be certified by the Department of Transportation, but may be the most viable solution.

B. Ganem noted the second meeting in December falls on December 27<sup>th</sup> with site visits done on December 24<sup>th</sup>. The following meeting would be January 10, 2012, and applicants would have to agree to grant an extension. Commissioners agreed to not hold a meeting on December 27<sup>th</sup>.

Attorney Robert Collins has sent a 'Notice of Removal from Chapter 61 Classification', to the Commission, dated November 16, 2011, for Groton Assessors' Parcel 103-2 for Hollingsworth & Vose. This includes the main manufacturing buildings, as well as their sewage treatment

facility. It is the company's intention to make improvements to its sewage treatment facility. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to advise the Board of Selectmen that the Conservation Commission does not recommend the Town exercise its right of first refusal on this property.

The motion passed by a majority vote, with B. Easom voting in the negative.

To follow up on the Commission's visit to 31 Ames Rd., this past Saturday, C. Auman pointed out there have been wetland filings from the neighbors on both sides of this property. This stream, which serves as a boundary of the parcel, is not identified as such on the latest USGS topographic map, but it is clearly a wetland. There has been a lot of work within the buffer zone, including the removal of trees and multiflora roses. Upon a motion by D. Pitkin, seconded by B. Easom, it was

VOTED: to request the landowner at 31 Ames Rd. to submit an after-the-fact Request for Determination of Applicability for clearing within the buffer zone of a wetland resource area by the next meeting.

D. Pitkin indicated he hoped to have a draft Gibbet and Angus Hill stewardship plan ready for Commission review by the next meeting. B. Easom said he expects to address the error in the Fuccillo plan before the next meeting as well. He also reported the Commission's funding application was the only one received by the Community Preservation Committee. He understood the Greenway Committee was considering an application, but nothing came in, and the deadline for submittals was not extended. He stressed the need for the Conservation Commission outreach, especially visiting other committees and boards to gain their support prior to Town Meeting. The presentation should stress the return on the dollar in the case of the Baddacook Pond acquisition. Members suggested M. Giguere would be a good candidate to help with the presentation.

There being no further business, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Administrator

**Approved as amended 12/13/11.**

