

## GROTON CONSERVATION COMMISSION

### Minutes

January 10, 2012

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, Marshall Giguere, Peter Morrison, Bill Neacy, and David Pitkin were present. Conservation Administrator Barbara Ganem was also present.

With several changes recommended by N. Madden and upon a motion by D. Pitkin, seconded by C. Auman, it was

VOTED: to approve the minutes of December 13, 2011, as amended.

The vote was unanimous.

Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to issue the Order of Conditions, as amended, for DEP#169-1072 for 8 – 10 Valleria Dr. under the Wetlands Protection Act.

The vote was unanimous.

Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to issue the Order of Conditions, as amended, for DEP#169-1072 for 8 – 10 Valleria Dr. under the Groton Wetlands Protection Bylaw.

The vote was unanimous.

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

VOTED: to add the matrix table (dated 1/10/12) of the Groton School wetland resource areas to the Order of Resource Area Delineation issued under DEP#169-1069.

B. Ganem reported an informal policy question has been presented by Brian Stevenson who owns a vacant 13-acre parcel on Cow Pond Brook off Old Dunstable Rd. It is partially cleared to allow the processing of logs from offsite into firewood. He is in Ch. 61A, and the question is whether he falls under the Wetlands Act definition of agriculture which is “land used in producing or raising agricultural commodities for commercial purposes”. He is contemplating a barn and septic system and possibly living quarters for seasonal help; he wants to know if he falls under the agricultural exemption. This should also be addressed from the viewpoint of the Wetlands Bylaw. Chairman Madden observed he would be producing firewood which may qualify as an exemption. C. Auman questioned whether it could fall under 310 CMR 10.04 (b)

17. B. Easom thought the forest products would have to be grown on the property. Members agreed there are many complex layers to the question and the specific language in the wetland Regulations and MACC Handbook should be consulted before reaching a determination. Outside sources of information could include Dan Lenthall of the Natural Resources Conservation Service and Mark Stinson, DEP circuit rider for western Massachusetts.

7:15 p.m. – 306 Main St. Request for Determination of Applicability

Robert Oliva of David E. Ross Associates, Inc. introduced his client, Michael Luth. Mr. Luth is proposing an 18,000 SF addition to an existing 10,060 SF office building next to the Credit Union on Main St. No new paving is proposed, and the design calls for stone trenches at the roof drip lines. Mr. Oliva indicated 3.9% or 490 SF of the 12,500 SF buffer zone will be disturbed. The closest work is 79 ft. from the Bordering Vegetated Wetlands. R. Oliva said silt sacs or haybales will be installed around the catch basins within the parking lot. Most of the addition is outside the 100-ft. buffer zone, and clearing will include several pines and some brush. Snow storage will continue as it is currently done by the contractor.

In the interest of full disclosure, M. Giguere noted his son had attended Mr. Luth's karate classes. Member Auman urged that snow not be pushed into the wetland, and the detention basin should be kept clean. In responding to a question about the foundation, Mr. Oliva replied this will be a slab on grade with a footing 4 ft. below the grade. Mr. Easom recommended that materials be trucked off site and not stockpiled. It is anticipated that access for construction will be to the right of the building. Sweeping will help prevent sedimentation into the wetland and catch basins.

Chairman Madden asked if there was any way to get the building completely outside of the buffer zone, and Mr. Oliva said there is a sewer easement which restricts moving the building further back on the lot. It is necessary to make the building handicapped accessible and also to make building setback requirements. The structure cannot be made less non-conforming than it already is. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to issue a negative #3 Determination providing that, prior to construction, erosion control measures, including a silt sac in the catch basins, shall be installed, the paved area shall be swept regularly during construction, and any excess materials shall be removed from the site. Snow storage shall be located away from the wetland.

7:30 p.m. – 7 Baby Beach Rd. Notice of Intent

Homeowner Joe Ferguson explained he wished to remove the railroad tie wall at the shore line and replace it with a concrete retaining wall with a 1 ft. foundation of  $\frac{3}{4}$  stone below and behind the wall. The second and third walls will be constructed of precast 12 in. architectural blocks. The walls will have weep holes to allow drainage. He commented the area is unsafe because his daughter fell into a sink hole. He feels that getting the creosote timber out of there will be an improvement.

M. Giguere asked where the solid concrete wall is to be located in relation to the property. Mr. Ferguson said he can't get machinery down there, and he would like to install the wall outside of the existing wall and then backfill. Members reminded him that filling the floodplain requires

compensatory flood storage elsewhere at the same elevation. J. Ferguson mentioned he has considered different building materials, but a 4 ft. high wall requires an 8 ft. deadman that would create greater disturbance. Commissioners noted that a concrete wall really reflects boat wakes and has no nooks and crannies that provide wildlife habitat. Members expressed concern about the lack of benchmarks and dimensions on the plan. There needs to be a fixed point referenced on the plan, and the Commission has to be very careful about people expanding into the lake.

Mr. Ferguson questioned whether the Commission wanted him to take the wall out and then put it back in the same place. He said the wall would be 3'6" high. Members noted that more porous materials absorb waves better, but J. Ferguson stated no other wall is feasible without having machinery. Members asked if the boathouse had been changed, and Mr. Ferguson indicated the pilings were the old ones, but the shape of the dock has changed. The Commission reviewed earlier photographs of the site and asked if a filing was done for this work. B. Ganem indicated the Commission has had a filing for the shed, for adding another story, and for the sonatubes for the deck, but she could find no record of a filing for the dock and the boathouse. A separate Ch. 91 license must be applied for from the state.

Members stressed that some measurements were necessary from the current wall to another fixed point, and the work should be done during the drawdown. When asked if abutters were notified, Mr. Ferguson turned in certified mailing receipts with no addresses. No green receipt cards were requested as required by state law. The project has not been assigned a DEP number at this point. J. Ferguson protested that he has jumped through hoops to improve his property, and there appears to be a lot more work necessary. He questioned whether he could get his money back. B. Neacy pointed out everyone has to go through similar hoops for the protection of individuals and the environment. The Commission is not asking for anything extraordinary.

D. Pitkin said an engineered plan would make the filing much simpler for the Commission as it would provide exact elevations. Mr. Ferguson commented he may not pursue the project because of the costs. P. Morrison felt a block wall would be preferable but a concrete wall is also acceptable. Members urged Mr. Ferguson to contact DEP to see about his number, identify on the plans what the walls were to be made of, add some permanent benchmarks, and check for paperwork on the dock and boathouse. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to continue the hearing to January 24, 2012.

The motion passed by a majority, with D. Pitkin voting in the negative.

7:45 p.m. – 16 Ridgewood Avenue Notice of Intent DEP#169-1074

Matthew Bombaci of GPR Associates, Inc. explained this was a failed septic system. The new septic tank and pump chamber will be located on the lower tier, 62 ft. from the lake. Natural Heritage has issued a 'no take' letter. A tree will have to be removed to accommodate the new system, but it is hoped the retaining wall closest to the lake will remain undisturbed. The retaining wall that will enclose the leach field will vary from 0 to 2.4 ft. in height. Mr. Bombaci thought a generic Versalok-type 8 in. block would be used for the wall although poured concrete

is another possibility. Frank Mazzarella is the contractor who will be doing the work, and everything will be done from the roadway with attention to the overhead utility lines.

Abutter notification cards were submitted. The work will be done in the spring which should not be a problem because of the sandy soils. A membrane will be installed to prevent breakout. Materials will not be stockpiled at the top of the hill, but it is anticipated it will be necessary to bring in select soils to construct the leach field. Haybales are shown on the upper side of the mid-hill retaining wall. The tank and pump chamber will go in first with everything done from the paved road. N. Madden suggested the haybales be installed in a curved line. There being no further questions, upon a motion by D. Pitkin, seconded by C. Auman, it was

VOTED: to close the hearing for DEP#169-1074 for 16 Ridgewood Ave.

The vote was unanimous.

8:00 p.m. – 122 Old Ayer Rd. Abbreviated Notice of Resource Area Delineation DEP#169-1071  
Surveyor Stan Dillis explained he had added the seep to the delineation and walked the site again with the Commission on December 17<sup>th</sup> where the modifications were reviewed. In addition, several Bordering Vegetated Wetland sheets were submitted with test holes done at special wetland flag locations. Member Auman thanked him for his patience in flagging all of the wetlands. B. Ganem noted a complaint has come into the Commission office about the management of manure at the site and the potential for pollution of James Brook. Attorney Bob Collins was present and requested a letter be forwarded to him with the Commission's concerns, and he will convey it to the lessees of the stable. There being no further discussion, upon a motion by M. Giguere, seconded by D. Pitkin, it was

VOTED: to close the hearing for DEP#169-1071 for 122 Old Ayer Rd.

The vote was unanimous.

8:15 p.m. – Groton Electric Light Department, DEP#169-1073 continuation

Attorney Collins explained he has requested a continuation of the hearing, but he noted the plans have been adjusted to reflect Conservation Commission issues. They were not completed ahead of the meeting, and the landscape architect will review them tomorrow or Thursday. Mr. Collins said he has reviewed the Commission's minutes of the meetings having to do with GELD and thought there could be a meaningful dialogue between GELD and the Commission. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to continue the hearing to January 24, 2012.

The vote was unanimous.

8:30 p.m. – Boles/58 Old Lantern Lane DEP#169-1070 continuation

Attorney Collins stated the revised plan identifies the trees to be removed. Natural Heritage is ready to issue a "no take" letter, but it depends on the payment of the Massachusetts Endangered Species Act fees. Mr. Collins said his client has gone to a great deal of expense to put the bulk of

the addition away from the lake. They started the process with the Board of Health three years ago, and subsequently the septic system and well were located out of the buffer zone. This plan will handle roof runoff with the use of drip trenches, creating a better situation than is there now. Mr. Collins maintained this is a model for how renovations should be done close to the lake.

B. Easom observed it was not a model in the sense that this is on a very large lot which is atypical at the lake. He was glad to see the septic system pulled back but would like the house to be as well. N. Madden asked if any mitigation is being proposed closer to the lake, and Mr. Collins replied they will plant specimen trees. B. Easom questioned whether the letter from the Natural Heritage & Endangered Species Program was likely to affect the project, and Mr. Collins said "no". Commissioners advised the maintenance of existing vegetation and conservation markers may be required for the project. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the hearing for DEP#169-1070 for 58 Old Lantern Lane.

The vote was unanimous.

8:45 p.m. – Appointment Gary Rutherford/Wiewel Conservation Land

Mr. Rutherford said the invisible dog fencing has now been removed from the conservation area. He expressed concern about the deterioration of the value of his property due to the lack of maintenance of the trail area by the Trails Committee. He felt it was an unreasonable request to the abutters to not mow the land. In fact, he noted the Commission had commended the homeowners in a 2005 letter. Abutter S. Pittman stated the wooded portion of the trail was not passable due to wetness and fallen trees. B. Easom explained the Trails Committee had recently conducted a work day at this site in which this trail section was cleared.

Mr. Rutherford requested some clarity on how the area is to be maintained. P. Morrison said it is uninviting to the public when it is so well maintained that it looks like private lawn. One idea might be to leave the center of the trail higher than the surrounding grasses. Both property owners have the side of the hill hayed. B. Easom said he has a problem when neighbors maintain our land. He pointed out it is easier to manage if the neighbors do not touch it. Mr. Rutherford said he could mow the center at 5 in. with the lawnmower deck raised and then allow natural vegetation to grow in on the sides. He stressed the need to maintain the look of surrounding neighbors. Commissioners agreed to allow the center of the trail to be mowed so that users will stay on the trail. This would allow the grasses to be higher on the outer portion of the trail and low in the middle. The Commission will re-visit the site in a year to determine whether this method is working. B. Easom suggested including a graphic of the trail profile in the letter as there would be less room for misinterpretation. A copy will be sent to the Trails Committee so they are aware of how this matter has been addressed.

9:00 p.m. - Sgrosso/2 Wyman Rd. Notice of Intent DEP#169-1067 continuation.

Mr. Collins has requested a continuation and upon a motion by D. Pitkin, seconded by B. Easom, it was

VOTED: to continue the hearing for DEP#169-1067 for 2 Wyman Rd. to

January 24, 2012.

The vote was unanimous.

Commissioners reviewed the draft Farmers & Mechanics 'invitation to bid'. Their original estimate was around \$12,000 which includes covering the expense of the forester. The forester handles putting the package out for bid and supervising the cut. The management of invasives will be done a year after the cut to order to see what comes up. The bid will address keeping the trails clear and the qualifications of the bidder. The plan is to have the showing on January 27th with the Commission opening the bids on February 14. N. Madden questioned whether the area would have to be closed during logging for public safety reasons. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to approve for release the 'invitation to bid' dated January 10, 2012 for a cut of standing timber at the Farmers & Mechanics parcel.

Member Giguere noted the Shattuck parcel was hit hard by the ice storm and requires a lot of work. He recommended holding a meeting with the stewards with state forester John Scanlon present. A notice would go into the newspapers and the Selectboard and abutters will be invited as well. The process will be explained and then the property marked. Work on the Williams Barn parcel is likely to be revenue neutral as it will require extensive management of invasives. The Williams Barn Committee did not seem to favor clearing for agricultural fields which is good because of the expense of de-stumping fields. M. Giguere recommended tackling the Shattuck parcel first and the Williams Barn parcel third. Members agreed to schedule a site visit for the Shattuck parcel on March 31<sup>st</sup>.

B. Easom said he planned to GPS some of the points on Gibbet Hill in the near future. There was concern that the revised Fuccillo plan was not directly tied to the deed for the property, and B. Ganem has contacted R. Wilson & Associates to get this corrected. M. Giguere has checked on the Allens Trail property and found the encroachment has been pulled back from the property boundary. The Commission holds the Conservation Restriction on this NEFF-owned parcel.

The Commission is scheduled to discuss the trail easement on the abandoned B & M railroad bed in W. Groton at the next meeting. The language of the trail easement, and the plan itself should reference the railroad culvert.

(B. Neacy left the meeting at 9:25 p.m.)

Commissioners should add the March 3rd Annual Meeting of the Massachusetts Association of Conservation Commissions to their calendars.

B. Easom noted the Community Preservation application is due January 17<sup>th</sup> and the Commission should make a final decision on the amount to request. He reported Attorney General Martha Coakley has recently brought a suit against several banks for not recording mortgage transfers at the Registry so the amount the state allocates for this purpose could increase. The current amount of the state CPC portion is down 10 – 15% from last year. He

commented there are sufficient CPC funds to allow the payment of the Surrenden Farm debt service with \$400,000 remaining in the unallocated reserve. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to authorize B. Ganem to prepare and submit the 2012 CPC application due January 17, 2012, with a funding request of \$150,000.

There being no further business, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Barbara V. Ganem  
 Conservation Administrator

**Approved as drafted 1/24/12.**

EXHIBITS

| Document   | Source                                     | Date            |
|--|--|-----------------|
| Minutes  | Conservation Commission                    | 12/13/11        |
| DEP#169-1072 Order of Conditions                             | Deerfield Realty Trust/8 – 10 Valleria Dr. | Filed 11/28/11  |
| DEP#169-1069 Order of Resource Area Delineation              | Groton School                              | Filed 10/12/11  |
| Determination of Applicability                               | Luth/306 Main St.                          | Filed 12/12/11  |
| Notice of Intent   | Ferguson/7 Baby Beach Rd.                  | Filed 12/13/11  |
| DEP#169-1074   | Danielson/16 Ridgewood Av.                 | Filed 12/15/11  |
| DEP#169-1071 Abbreviated Notice of Resource Area Delineation | Thomas More Foundation/122 Old Ayer Rd.    | Filed 11/22/11  |
| DEP#169-1073 Notice of Intent                                | GELD/Station Ave.                          | Filed 12/1/11   |
| Farmers & Mechanics Invitation to Bid                        | Baystate Forestry Service                  | Revised 1/10/12 |
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