

GROTON CONSERVATION COMMISSION

Minutes

Open Session of February 14, 2012

Chairman Nadia Madden called the meeting to order at 7:00 p.m. in the 2nd 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.

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

VOTED: to approve the minutes of January 24, 2012 as drafted.

At the request of the project manager at Academy Hill, John Harvey, the Commission discussed the placement of boulders at 21 Magnolia Lane. The parcel has granite bounds at the rear corners, but conservation markers and boulders are required to define the 100-ft. buffer boundary. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to require that the builder meet the Notice of Intent plan and Order of Conditions which calls for demarcating the 100-ft. buffer zone with boulders and conservation markers.

In discussion on the request for a Certificate of Compliance for DEP#169-909 for Rocky Hill, B. Easom asked what elevations were shown on the Notice of Intent plan for the invert and outlet of the culvert in Detention Basin 1. The plans show the inlet at 285.5 ft. while the outlet is 285 ft. Water would accumulate in the basin to a depth of 6 in. before flowing out of the basin. Members noted several issues were identified at the site, including trash and silt fencing. A motion by D. Pitkin, seconded by M. Giguere, to issue a Certificate of Compliance for DEP#169-909 failed unanimously. A letter outlining the items which remain to be done will be sent to the applicant.

7:15 p.m. – Appointment Dan Cyr of Baystate Forestry - forestry bids/Farmers & Mechanics
Mr. Cyr presented four unopened envelopes to Chairman Nadia Madden. CCM of New London, NH submitted a bid of \$28,533.12, D. H. Hardwick & Sons submitted a bid of \$26,866.00, Hopkinton Forestry & Landclearing submitted a bid of \$29,111.03, and Monadnock Landclearing & Chipping submitted a bid of \$19,683.58. Member Giguere requested recommendations from the Commission's forestry consultant. D. Cyr said he estimated the bids would come in around \$25,000. All of the contractors are from New Hampshire and are qualified bidders. Despite the downpour on the day of the showing, the soils on site were dry. He anticipated the work may be done in April or May. This was not shown as a mud lot.

N. Madden asked if there was a difference between the two highest bidders. P. Morrison stressed they are all qualified, and it would be difficult to defend going with anyone other than the highest bidder. All of the bidders are licensed in Massachusetts. Mr. Cyr estimated the work could be

done within about 3 weeks. Member Giguere noted our consultant will be on site to monitor how the work is done. Mr. Cyr thought that Hopkinton had been selected to do the Town Forest as well. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to recommend to the Town Manager the selection of the bid submitted by Hopkinton Forestry & Landclearing to be monitored by our consulting forester.

Members expressed appreciation to D. Cyr for his efforts in developing the forestry management plan and putting the project out to bid. Mr. Cyr requested copies of the bids for his records. He indicated payments will be made on the basis of mill tickets reflecting the actual tally broken down by species and product classes. Commissioners also thanked member Giguere for his work in moving the forestry projects forward.

In discussion on the draft supplement to the Community Preservation application, B. Easom questioned whether the Commission should consider having a well installed on the Shattuck Baddacook Pond parcel to increase its attractiveness to farmers. B. Ganem mentioned this would be subject to the Conservation Restriction to be held by the Groton Conservation Trust which is under review by the Trust and Commission.

7:30 p.m. – Ferguson/7 Baby Beach Rd. Notice of Intent DEP#169-1077 continuation

Owner Joey Ferguson explained he has received a DEP number and has revised his drawings for the project. Commissioners asked for proof of abutter notification, and Mr. Ferguson said the tracking numbers are attached to addresses. Commissioners agreed to allow a continuation in the hearing while he retrieved the requested information.

Returning to the subject of the CPC application, members noted the application will have to be 'sold' to a diverse community before reaching Town Meeting floor. D. Pitkin agreed to go before the Finance Committee for the first meeting. B. Easom and N. Madden will meet with the Selectmen, and M. Giguere volunteered to meet with the Water Commission. The final application is due February 21st and the CPC will vote on the application on March 6th.

7:45 p.m. – Ruskin/28 Ridgewood Ave. Request for Determination of Applicability

The homeowner, Barbara Ruskin, was unable to be present due to illness. C. Auman, D. Pitkin, and B. Easom reported on the site visit. A large oak overhangs the house, presenting a hazard. Two additional trees are likely to be affected by excavation for a septic system by the adjacent neighbor. Ms. Ruskin also plans to have branches pruned from other trees that lean toward the house. C. Auman said he felt it would be okay to remove the stump at the front of the house. N. Madden worried about de-stabilizing the hill. Upon a motion by C. Auman, seconded by D. Pitkin, it was

VOTED: to issue a negative #3 Determination providing tree stumps shall not be removed except for the oak in front of the house which may be ground or removed, erosion control measures shall be installed as necessary, and logging equipment shall not leave the roadway.

Returning to Mr. Ferguson's filing for 7 Baby Beach Rd. D. Pitkin advised that future filings for this site should provide the green receipt cards as proof of abutter notification. The addressees on

the certified mailings were submitted. The plans provided by J. Ferguson appear to show both a side and top view. Members expressed concern about adding granite steps into the lake as this amounts to filling. D. Pitkin pointed out the plans do not identify where the lot lines are in relation to the work. Commissioners asked whether the work would affect the tight tank on the lot, and Mr. Ferguson assured them it would not be disturbed.

J. Ferguson acknowledged he did not have a Ch. 91 license. N. Madden commented the lake wall is not perfectly straight but has angled lines. Mr. Ferguson said he had had the lot lines surveyed, but did not have that plan. Members had reservations about there being no mechanism to measure how the work was done as no measurements to a fixed reference point are provided. B. Easom suggested the Order of Conditions require that the work on the lake wall be completed before work on the middle and top walls, thereby providing a fixed point. The distance of 12.8 ft. between the lake and middle wall does not address the bends in the lake wall. The Commission would need a dimension from the outside wall to confirm the wall is in the same place.

C. Auman agreed that a solid reference point is necessary and also commented the habitat value of a poured concrete wall was negligible. Mr. Ferguson said he is unable to get equipment down there and putting in stones would require digging in 4 ft. from the shore line. D. Pitkin suggested he bring in the survey plan. B. Neacy recommended he mark in the location of the iron pins on the plan and also the thickness of the flower beds.

Mr. Ferguson said he has two broken railroad ties that have to be replaced as they have fallen into the water. He was concerned he would not have an Order of Conditions in time to do the necessary repair this year. M. Giguere had reservations about making ad hoc changes to the filing before the Commission and suggested filing a separate Request for Determination of Applicability to do this repair. He was not comfortable with adding any additional work to this Notice of Intent. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to continue the hearing to February 28, 2012.

The vote was unanimous. Members urged Mr. Ferguson to add the iron pins and a fixed reference point to the plan.

8:00 p.m. – Guilmartin/326 Nashua Rd. Notice of Intent DEP#169-1078

Rob Oliva of David E. Ross Associates, Inc. explained this was a failed septic system on a 3.5 acre lot, much of it within the 200-ft. Riverfront Area of Reedy Meadow Brook. A new septic tank and pump chamber, as well as 5 leaching trenches, are proposed. Mr. Oliva agreed to check on the filing fees. Grading will be done in accordance with Title 5 requirements, and no polyfilm will be used. The application has been submitted to Natural Heritage, but their 30-day response period is not up. C. Auman pointed out the trail bridge should be included on the plan. While there seem to be no problems with it, a Request for Determination of Applicability should have been filed. Mr. Auman also suggested the trees to be removed should be shown on the plan.

The owners, the Guilmartins, plan to start the work as soon as approvals are received. B. Easom noted the design was limited by the proximity of the property lines. Access to the site will be via

the driveway. Propane tanks will be moved prior to the work and returned to the same place. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to continue the hearing to February 28, 2012.

8:15 p.m. – Iovino/583 Lowell Rd. Notice of Intent DEP#169-1075

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

VOTED: to continue the hearing for DEP#169-1075 for 583 Lowell Rd. to February 28, 2012.

Members discussed some of the new regulations promulgated by the Attorney General's office on the changes in the Open Meeting Law. In order for email not to be construed as deliberation, the Commission cannot engage in back and forth discussions. B. Ganem can post on specific topics to Commissioners via email, but there should be no response sent out to all members. Commissioners can have generic conversations or deal with abstract information not particular to a Groton location. In addition, remote participation in board meetings by members via audio or visual technology is allowed under specific conditions.

8:45 p.m. – Aubuchon/213 Whiley Road Notice of Intent DEP#169-1076

Resident Jeff Aubuchon explained he had consulted with Russ Wilson, the surveyor who prepared their plan, and he indicated the water line for the lake was at the tips of the triangles where the red line is drawn in on the revised plan. C. Auman noted this does not follow the contours on the original plan. B. Easom said it is customary that the center of the triangle is the point that is being identified, but he overlaid the Ross (dated 8/2004) and Wilson plans and found the water lines to be comparable.

D. Pitkin felt it was a challenge to have one plan on which the Commission is to issue a Certificate of Compliance and another to bring the project into compliance. He felt the plan should agree with the outstanding Order of Conditions. N. Madden said she understood the Ross water line is different, but questioned whether the red line is a fair representation of what is on the Ross plan. We need to have a response from Natural Heritage indicating the project will not be a take. The existing retaining wall will be brought in 5 – 6 ft. Commissioners agreed to prepare a draft Order of Conditions and be prepared to close the hearing and issue it at the following meeting in order to give Natural Heritage time to respond. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to continue the hearing for DEP#169-1076 for 213 Whiley Rd. to February 28, 2012.

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

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

VOTED: to continue the hearing for DEP#169-1067 for 2 Wyman Road to February 28, 2012.

Those who attended the Saturday site visit reported a number of trees have been cut and brush burned behind Williams Barn. Some of the work is very close to the 100-ft. buffer line to the vernal pool near the front of the property. These trees may have been damaged in the October storm, and getting rid of bittersweet may have been the goal. B. Easom thought the trail posts had been moved further back since 2006. The expansion of the area for the farmers' market may be the reason for clearing. The Commission voted to allow the Williams Barn Committee to take over the responsibility for managing the cleared area around Williams Barn at the December 26, 2006 meeting. B. Easom agreed to check on the plan for Sorhaug Woods Williams Barn. The Williams Barn Committee will be invited to a Commission meeting to discuss future management plans for the area.

In other land management matters, B. Neacy reported he plans to meet with Mr. Murphy on the access for Ames Meadow. The Division of Conservation Services has recommended some changes to the The American Baptist Churches of Massachusetts (TABCOM) Conservation Restriction. They have also indicated the document is 'stale' as far as signatures, and we will have to start over with that. B. Easom suggested we have multiple signed originals to avoid this type of delay in the future. Town Counsel is currently reviewing the draft Conservation Restriction for Lawrence Woods. B. Easom and D. Pitkin are working on recording several other GPS points for the Angus & Gibbet Hills Stewardship Plan for which D. Pitkin has prepared a draft. Attorney Robert Collins is looking into whether a marginal reference can be added to the deed for the Fuccillo plan revision.

Chairman Madden commented the next matter is sensitive to discuss in an open session, and upon a motion by P. Morrison, seconded by B. Neacy, and a roll call vote of B. Neacy, P. Morrison, M. Giguere, C. Auman, B. Easom, D. Pitkin, and N. Madden, it was

VOTED: to enter Executive Session under MGL c.30A, §21(a)(6) to consider the purchase of real property, not to return to Open Session at adjournment.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as amended 3/13/12.

