

GROTON CONSERVATION COMMISSION

Minutes

March 13, 2012

Chairman Nadia Madden called the meeting to order at 6:30 p.m. in the 2nd floor conference room in Town Hall. Members Bruce Easom, Marshall Giguere, Peter Morrison, Bill Neacy, and David Pitkin were present. Craig Auman was absent. Conservation Administrator Barbara Ganem was present.

6:30 p.m. – Appointment Williams Barn Committee

Since only Josh Degen, a former member of the Williams Barn Committee, was present, members agreed to keep the appointment open pending the arrival of Committee members.

Upon a motion by M. Giguere, seconded by D. Pitkin, it was

VOTED: to approve the minutes of February 14, 2012 with amendments.

In discussion on whether a partial Certificate of Compliance could be considered for the Batten Woods project, DEP#169-768, covering 5 houses on Orion Way, M. Giguere noted the Commission has previously discussed this in connection with an in ground pool proposed at 26 Orion Way. P. Morrison suggested a site walk to determine whether the builder complied with the conditions in the Order of Conditions. He thought the Commission could look at it rather than have an engineer review the site. N. Madden commented the homeowners must be notified.

Land Use Director Michelle Collette pointed out the original builder returned to Ireland before construction was complete so an as-built plan was prepared for the subdivision roadway, and the performance bond was eventually released in 2007. The roadway was in tax title taking. DPW Director Tom Delaney is working to have the roadway accepted at the upcoming Town Meeting. She thought the as-built plan was prepared by Landtech. B. Easom felt the neighbors could be given a list of the deficiencies, which include roof recharge measures and permanent demarcation at the limit of disturbance, and this would give the neighborhood an opportunity to work things out. Selectman Degen pointed out the acceptance of the road is subject to Town Meeting vote. Ms. Collette mentioned the drainage system appears to have been over-designed as there has never been water in the detention basin. Members agreed to have B. Ganem call the homeowners prior to a Commission site visit on March 24th to determine the status of compliance with the original Order of Conditions.

No members of the Williams Barn Committee arrived, and Commissioners asked Mr. Degen for his comments. J. Degen indicated he was working under the orders of Committee member Al Wyatt. While the Commission has minutes of a December 6, 2006 meeting with Josh Degen as a representative of the Williams Barn Committee, there appear to have been recent changes since last fall. Trees have been removed almost back to the trail. Perhaps 8 or 10 trees were cut, and Mr. Degen said he brought in 2 loads of clean fill and some loads of rocks. He indicated he had cleaned out about 3 yards of construction debris and then leveled out the ground to match

existing grades. It was his understanding the Commission is working with a forester to plan forestry activities for the remaining Sorhaug Woods Williams Barn property. Mr. Degen said he was unaware of any illegal dumping, but 2 loads could be attributed to him. He stated some fill was brought in by the Highway Dept. to extend parking on cemetery land.

M. Collette said she had visited the site about 2 weeks ago in response to an anonymous complaint about dumping. She observed brush, slash, and other debris and evidence of an enormous brush pile fire. She received more reports of dumping last Thursday and Friday. There were fresh tracks and more material. The Williams Barn Committee was meeting at the time of her visit and indicated they were not aware of any dumping authorized there. The police are investigating. The complaint is on Ms. Collette's voice mail, but she understood the police were going to take follow-up actions. She encouraged a meeting between the Williams Barn Committee and the Conservation Commission to be sure this land is treated respectfully. The problem with dumping is that it invites more dumping.

Member Giguere said he certainly appreciates the work the Williams Barn Committee does in maintaining the area around the barn. He suggested it would be good to work out a formal agreement memorialized in a "Memorandum of Understanding" on how the land is to be managed going forward so that there are no surprises. Members recommended a joint meeting with the Williams Barn Committee. Commissioners reviewed the plan prepared for the parking lot by B. Easom in 2004. Three apple trees have been cut down that were to be left. P Morrison observed the back area appears to have increased. J. Degen acknowledged he has not been on the Williams Barn Committee for 5 or 6 years so is not aware of many of the changes over there. They meet and talk and he is given direction by Al Wyatt. He said he was willing to make sure everything is compliant with a management plan. Mr. Degen explained he collected some of the cut wood and members of the Committee also cleaned it up. Commissioners expressed concern that town conservation land has been turned into a parking lot and stressed the need to get on the Williams Barn Committee agenda to work things out.

(Bill Neacy arrived at 7 p.m.)

7:00 p.m. - Groton Electric Light Department Abbreviated Notice of Resource Area Delineation (ANRAD)

Surveyor Stan Dillis explained the wetland flagging had been drawn in incorrectly on the 2007 plan accepted by the Commission. The flagging has now been survey located, and this is the darker line on the submitted ANRAD plan. Attorney Bob Collins pointed out there have been no changes on the ground just correct identification on a plan which was previously shown erroneously.

M. Giguere asked why the new line omitted #20, and Mr. Dillis explained he has a revised plan which shows that flag. Mr. Giguere said he also had concerns about the locations of flags #17 through #20 which did not appear to line up correctly with the existing GELD building. In addition, he questioned whether there were any soil probes for flags #18 - #20. Mr. Dillis indicated a lot of the identification was through soils, but the topography is fairly definitive in many areas. He stressed that the flags were survey located and did not change in the field. B. Easom said the symbol for wetland flags is not clearly shown on the plan as it should be a

specific point on the map rather than a general area. He also questioned how the Commission can accept an ANRAD without checking the flagging in the field.

Land Use Director Michelle Collette said the 2007 delineation was part of the Station Avenue technical assistance project. There was a limited budget which did not cover a field survey. The flagging was located by GPS and never meant to be a project specific survey, but strictly for planning purposes only. GELD benefitted from the Permit Extension Act which extended the life of many permits. She pointed out there is a disclaimer on the map itself.

D. Pitkin said it appears the original ANRAD should have been refused, but it will help to have the 'real' line. N. Madden clarified that the ANRAD was prepared as part of the Station Avenue planning process. Attorney Bob Collins said it seemed that a new ANRAD was in order as it would be peculiar to have the line depicted so differently without the Commission properly approving the line.

B. Easom said he was unable to reconcile the lines as the Commission has not field checked the flagging. P. Morrison said "If we do not accept this plan, the project is pushed still further out." Mr. Collins said the flagging has not changed on the basis of a field survey, but on the updated plan itself.

Chairman of the Board of Selectmen, Anna Eliot, called the Selectmen's' meeting to order as Selectmen Josh Degen, Fran Dillon, and Stuart Schulman were also present for their posted meeting. GELD Commissioner Kevin Lindemer said the set of flags has not been moved. N. Madden noted the Commission needs to have the plan and flagging available during a site visit as questions arose during the site visit. P. Morrison suggested accepting the plan and closing the hearing pending a corrected plan. He stressed the flagging on the ground has not changed. B. Easom countered by stating the Commission has always reviewed the flagging in the field against what is shown on the plan and then accepted the updated plan after review. He fundamentally disagreed with Mr. Morrison's suggestion, indicating the flags on the ground and on the plan have to agree.

Mr. Morrison and Mr. Dillis pointed out technically the 2007 ORAD is still in effect. B. Collins said the goal is to have the new, corrected plan approved by the Commission. Ms. Collette commented she has the utmost respect for Mr. Dillis' work and feels some responsibility for the errors shown on the original plan. If there is a problem with the flagging in the field, a site visit is necessary. Mr. Collins suggested the ANRAD be dealt with before the Commission continues the Notice of Intent hearing and asked if it would be possible to schedule a special meeting next week.

K. Lindemer stated GELD has spent \$20,000 since the first meeting in August producing different plans for the Commission. Mr. Morrison made a motion, seconded by Bill Neacy, to accept the plan submitted with the Abbreviated Notice of Resource Area Delineation. The motion failed with B. Easom, N. Madden, and D. Pitkin voting in the negative, and B. Neacy, P. Morrison, and M. Giguere voting in the affirmative.

Discussion followed on when to hold a continuation of this hearing. Chairman of the Selectboard Anna Eliot mentioned this item could be added to the Selectmen's Monday meeting schedule on March 19th. Selectman Fran Dillon asked what impact this would have on what GELD would like to do. P. Morrison answered it would eliminate the triangle that represents the work closest to the wetlands, and this could mean less impervious surfacing within the 50 ft. buffer of wetlands.

(Selectman Peter Cunningham arrived at 7:40 p.m.)

Groton Herald reporter Connie Sartini asked if this has been the problem since August, and Commissioners indicated work within the buffer is proposed, and the new plan with old flagging would replace a flawed plan. There are deviations of as much as 20 feet. Upon a motion by P. Morrison, seconded by Bill Neacy, it was

VOTED: to continue the hearing for DEP#169-1079 for the ANRAD for the GELD Station Avenue property to March 20, 2012 at 7:00 p.m.

The vote was unanimous. The Commission agreed to a site walk at 8 a.m. on Saturday, March 17, 2012, on the GELD property.

7:15 p.m. – Groton Electric Light Department DEP#169-1073 continuation

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

VOTED: to continue the hearing for DEP#169-1073 to March 19, 2012.

The vote was unanimous.

B. Ganem reported she has received photographs documenting beaver flooding south of Main St. and east of Old Ayer Rd from members of the Groton Conservation Trust (GCT). There are wetlands associated with Cady Pond Brook in this area which beavers have recently extended through damming. The dam is located on the GCT property known as the Bates Land. There is the potential, depending on how far the water backs up, to flood the Groton Community School or the Cady Brook crossing under Rt. 119. B. Easom mentioned this is on private property, but Tom Delaney might get involved if a highway is affected. Commissioners suggested letting the Trust know the Commission would be willing to facilitate the filing of a Notice of Intent to remove the dam.

Returning from a meeting with the Board of Water Commissioners, M. Giguere reported they have voted to support the Conservation Commission's 2013 application for \$150,000 in Community Preservation funds.

The after-the-fact filing for the fire pit and landscaping at 20 O'Neill Way has not yet been submitted, and homeowner Bill Townsend has requested a meeting with Town Manager Mark Haddad to discuss this. Members suggested the contractor might be willing to help out with the costs of the wetland delineation. Members agreed a more detailed plan was necessary since some

of this work may be in wetlands, not just the buffer. B. Easom and M. Giguere indicated they may be available for the March 14th meeting with Mr. Townsend and Mr. Haddad.

B. Ganem outlined the schedule for the update of the *Open Space & Recreation Plan*. Consultant Caroline Edwards will be present for a joint meeting with the Parks Commission to discuss goals and objectives for the next 5 years. This is scheduled for the March 27th meeting at 7:00 p.m. B. Ganem will send out the 2005 ‘Goals and Objectives’ so members can think about how they may have changed. The purpose is to have a preliminary presentation on or about May 1st, followed by a draft from Community Opportunities Group on May 21st, GCC comments by June 15th with the draft update going to the Division of Conservation Services by June 29th. This is an ambitious schedule that will require concentrated effort.

8:00 p.m. - Gonsalves/21 Arlington St. Request for Determination of Applicability

Homeowner Richard Gonsalves said he wished to connect with town sewer in Rt. 119. He said the installation will involve a trench 4 – 5 ft. deep on his property and Arlington St and that both the Town of Pepperell and the Groton Sewer Commission have approved the conceptual plan. The work cannot begin before April 15th. Mr. Gonsalves said there are 2 manholes on Rt. 119, and the line will hook into the one furthest from the stream and wetland. He does not anticipate this work will affect any trees on his lot, but some shrubs will have to be cut. In response to Commissioners’ questions about the oil tanks within the 100-ft. buffer zone, Mr. Gonsalves replied “They are empty, and I would be happy to remove them.” Upon a motion by D. Pitkin, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination requiring 1) haybales are installed as proposed on the plan and 2) oil tanks are removed from the 100-ft. wetland buffer zone.

The vote was unanimous.

8:15 p.m. – Morton/91 Gay Rd. Request for Determination of Applicability

Resident Steve Morton said he wishes to flatten a hill on his property. The distance to the stream varies from 65 ft. to 110 ft. according to an old wetland delineation. He plans to park vehicles and store firewood there. He estimated about 4 ft. will be removed from the hill. B. Easom asked if there would be a retaining wall or any type of fence, and Mr. Morton responded “No”. He would like to pave, and members suggested rainwater should be infiltrated in some way. P. Morrison recommended tilting the grade of the driveway toward the roadway and installing a 6 in. – 12 in. stone trench to handle surface runoff.

Member Pitkin asked if the work could be moved outside the 100 ft. buffer zone. Mr. Morton felt the remainder of the site would not lend itself to grading. He pointed out most of the digging would be at the front of the lot, not toward the brook. He could do less paving in the buffer zone. The use of pervious pavers was thought to be cost prohibitive. N. Madden estimated 1/3 of the 2,800 SF of clearing is within the buffer zone. Mr. Morton does not anticipate having excess fill or gravel. Upon a motion by D. Pitkin, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination requiring: 1) the graded area shall be pitched away from the brook, 2) a stone recharge trench (6 in. - 12 in. deep) shall be installed at the entrance, and 3) haybales and silt fencing shall be installed on the brook side of the work area.

The vote was unanimous.

8:30 p.m. – Aubuchon/213 Whiley Road Notice of Intent DEP#169-1076 continuation
Homeowner Jeff Aubuchon indicated Natural Heritage has responded that there is ‘no take’ with the proposed demolition and re-building of the retaining wall. He estimated it will take several weeks to complete the work. A draft copy of the Order of Conditions was briefly reviewed with Mr. Aubuchon. P. Morrison inquired whether the Commission was required to close the hearing before issuing the Order of Conditions, and members responded this was an unusual situation in that normally the Commission would close the hearing and then issue the Order at the following meeting. The Commission is required by law to issue it within 21 days of the close of the hearing. Because of the short window in which this work can be finished during this year’s winter drawdown, the Commission previously agreed to close the hearing and then issue the Order. Upon a motion by D. Pitkin, seconded by M. Giguere, it was

VOTED: to close the hearing for DEP#169-1076 for 213 Whiley Rd.

The vote passed by majority with P. Morrison abstaining.

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

VOTED: to issue DEP#169-1076, as amended, for 213 Whiley Rd. under the Wetlands Protection Act.

The vote was unanimous. Members informed Mr. Aubuchon the as-built plan could be the same as the final Notice of Intent plan.

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

VOTED: to issue DEP#169-1076, as amended, for 213 Whiley Rd. under the Wetlands Protection Bylaw.

The vote was unanimous. Mr. Aubuchon agreed to provide weekly updates with photographs during the construction period.

B. Neacy said he has not had an opportunity to work on the Memorandum of Understanding for Ames Meadow.

8:45 p.m. – Ferguson/7 Baby Beach Rd. Notice of Intent DEP#169-1077 continuation
At the applicant’s request and upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the hearing for DEP#169-1077 to April 10, 2012.

The vote was unanimous.

Members discussed whether it was feasible to install a well with electricity on the Shattuck parcel on Martins Pond Rd. in order to provide irrigation for crops or livestock. A Conservation Restriction, to be held by the Groton Conservation Trust, has been in the works for a number of years. It does require the removal of the dilapidated cabins on site. B. Ganem noted the draft CR prohibits the construction of structures above or below ground. B. Easom suggested solar panels could be used to power the well. Commissioners asked about the costs of installing a well and suggested contacting Skillings & Sons and the Board of Health to get additional information.

The contract has been signed with Hopkinton Forestry for Farmers & Mechanics; they have made their down payment of \$5000. The Commission's revolving fund could surpass the allowed amount with the receipts from this forestry project so members should consider how they wish to prioritize land management tasks. To that end Commissioners decided to email B. Ganem their ideas, and a well on the Shattuck property could be among those priorities under consideration.

R. MacGregor has asked if it is okay with the Conservation Commission to temporarily (1 week) store manure on the south side of the row of trees in the field at Surrenden Farm. Commissioners agreed to this temporary measure, and M. Giguere requested that Mr. MacGregor be asked if he intends to remove the barbed wire fencing that bisects the larger field at Surrenden.

9:00 p.m. - Guilmartin/326 Nashua Rd. Notice of Intent DEP#169-1078 continuation
Engineer Rob Oliva of Ross Associates and homeowner Larry Guilmartin were present. Natural Heritage has sent a letter of 'no take' for the project. Mr. Oliva explained the revised plans show the trees to be removed and the footbridge that crosses Reedy Meadow Brook on the property. Upon a motion by D. Pitkin, seconded by P. Morrison, it was

VOTED: to close the hearing for DEP#169-1078 for 326 Nashua Rd.

The vote was unanimous.

9:00 p.m. – Iovino/583 Lowell Rd. Notice of Intent DEP#169-1075 continuation
At the applicant's request and upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to continue the hearing for Iovino/DEP#169-1075 to March 27, 2012.

The vote was unanimous.

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 M. Giguere, seconded by P. Morrison, it was

VOTED: to continue the hearing for Sgrosso/DEP#169-1067 to March 27, 2012.

B. Ganem reported John Crow Farm plans to install 3 additional hoop houses on the Rosenberger property on Old Ayer Rd. B. Easom said he had shot some GPS points on Angus as part of completing the Stewardship Plan for Gibbet and Angus Hills.

In response to an anonymous complaint about ATV riders using Brooks Orchard and Groton Hills, members recommended sending out a general information letter to neighbors noting that this damages public conservation land.

A complaint has been received and D. Pitkin confirmed, there is a broken guard rail at the castle on Gibbet Hill. This could pose a safety hazard to users. Members requested B. Ganem to contact the landowner to seek permission for repairs to take place.

Member Giguere reported he has arranged a walk and talk on the Shattuck/Baddacook Field conservation land with Massachusetts Division of Fisheries & Wildlife forester John Scanlon for March 31, 2012 at 9 a.m. This will be open to the public with notices to abutters, the newspaper, and the Groton Conservation Trust. The purpose of the event is to help inform the public of the process and benefits of forestry management.

B. Easom commented he has been contacted by resident Virginia Bennett about tree clearing near Arrow Trail. Member Easom will respond to her concerns.

Numerous complaints have come into the Conservation office about on-going activities at 27 Cypress Rd. B. Ganem reported it appears a mountain of fill has been extended into the 200-ft. Riverfront Area of Martins Pond Brook. There are also reports of tree cutting and removal which may be related to the above complaint.

There being no further business, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 4/10/12.

EXHIBITS

Document	Source	Date
Minutes – Open Session	Conservation Commission	2/14/12
DEP#169-768 Batten Woods	Orion Homes, Inc.	Filed 12/5/00
Photographs	Williams Barn	2/11/12, 2/27/12, 3/8-9/12
Abbreviated Notice of Resource Area Delineation DEP#169-1079	GELD	Filed 2/13/12
DEP#169-1073	GELD	Filed 12/1/11
Request for Determination of Applicability	Gonsalves/21 Arlington St.	Filed 2/8/12
Request for Determination of Applicability	Morton/91 Gay Rd.	Filed 2/13/12
DEP#169-1076	Aubuchon/213 Whiley Rd.	Filed 1/6/12
DEP#169-1078	Guilmartin/326 Nashua Rd.	Filed 1/26/12