

GROTON CONSERVATION COMMISSION

Minutes

April 10, 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 March 13, 2012 as drafted.

The vote was unanimous.

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

VOTED: to approve the minutes of March 19, 2012 as drafted.

The vote was unanimous.

B. Ganem reminded members of the addition suggested by GELD Manager Kevin Kelly, and no one could recall that statement. D. Pitkin indicated he had a recording of the meeting and could review the CD to confirm that comment was made. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to rescind the approval of the March 19, 2012 minutes.

The vote passed by majority with Bill Neacy and B. Easom voting in the negative, and N. Madden abstaining.

Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to approve the minutes of March 27, 2012 as amended.

Commissioners visited a beaver impoundment behind 699 Townsend Rd. this past Saturday. Homeowner Deb Gordon explained the process would be to first trap the beaver, and then breach the dam, and install a beaver flow leveling device. Trapping can be done until the season ends on April 15th, but she does not anticipate this can be done in time and would like an emergency permit to allow trapping beyond that date. This requires signoff by the Board of Health, and Ms. Gordon indicated her well is threatened by the encroaching water. The trapping of beavers out of season is also under the control of the Board of Health. B. Easom asked if the Commission has required the filing of a Request for Determination of Applicability or Notice of Intent in the past. B. Ganem mentioned that in the case of the Island Pond beaver leveling device, the Commission

issued an Emergency Certification. Commissioners were clear with Ms. Gordon that she would need to seek the permission of the MBTA to do or place anything on their property. Upon a motion by B. Neacy, seconded by D. Pitkin, it was

VOTED: to issue an Emergency Certification to breach the beaver dam and install a beaver flow leveling device with the permission of the owners, the MBTA.

The vote was unanimous.

7:15 p.m. – Ferguson/7 Boathouse Rd. Notice of Intent continuation DEP#169-1077

Homeowner Joey Ferguson explained he has revised the plan to show measurements from the existing retaining wall to fixed points such as the iron pin that marks his boundary. C. Auman cautioned against extending the new retaining wall beyond the edge of the existing retaining wall. The water level in the lake is already rising so Mr. Ferguson will wait until next year to do the work. He estimated the work will take two weeks as it will be done with a shovel. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to close the hearing for DEP#169-1077 for 7 Boathouse Rd.

In considering whether to issue a Certificate of Compliance, members raised concerns about a white pipe draining into the pond at 162 Hayden Rd. There is also an elaborate play set within the 100-ft. buffer, but it appears to be pervious. The vote will be delayed until the Commission has additional information.

7:30 p.m. – Juskalian/Dale Lane Notice of Intent DEP#169-1081 driveway to access single family house

Surveyor Stan Dillis felt this filing would be best served by providing a history lesson for the property. He submitted an aerial plan showing Parcels A, B, and C which his client has under a purchase and sale agreement. One of the parcels has frontage on Indian Hill Rd. which he estimated would require two 500-ft. wetland crossings. An additional lot involves property owned by Mr. Berry off the cul-de-sac known as Worthen Ave. His client, Mr. Juskalian, also has a portion of the adjacent Gilson lot under agreement. The driveway design follows the toe of the slope and then makes an S-turn to reach the house site. Culverts will be installed near the beginning of the driveway to assure water continues to flow between two wetlands. A swale will be installed on the uphill side of the driveway to capture driveway runoff. The grassed wetlands are currently hayed as agricultural fields. Mr. Dillis said a construction entrance will be installed at the beginning of the driveway. There will be grading and a piece of the driveway within the 100-ft. buffer zone of the wetlands. S. Dillis stated “There will be more than a 2 ft. change in grading, but it is unavoidable.”

C. Auman noted that we are losing a lot of grassland bird habitat, and he asked what alternatives have been looked at to get the work out of the buffer zone. Mr. Dillis mentioned a driveway from Indian Hill Rd. would involve quite a lot of work in the wetlands, and it is necessary to meet Groton’s driveway regulations on the grading. He estimated the maximum grade for this driveway would be 7%. S. Dillis acknowledged Parcel A may be developed in the future which

is the owner's prerogative. The pavement would have to be widened if this were to become a shared driveway.

D. Pitkin asked why the cart path could not be used, and Mr. Dillis said this actually goes in a different direction than what is needed for the proposed house. N. Madden questioned where snow would be stockpiled, and S. Dillis indicated it could be stored at the curve in the driveway. Natural Heritage has not yet weighed in on the project. Mr. Auman asked the amount of disturbance, in square feet, for the driveway. Mr. Dillis replied it would be 12,000 SF within the 100-ft. buffer zone and 3,000 SF within the 50-ft. buffer zone. The driveway itself is 1,000 ft. long because that was the only way to make it work with the grading.

Resident Linda Sullivan (67 Dale Lane) asked if it would be possible to come in from the Gilson property. Mr. Dillis replied that this would be quite a long way from the house site and would involve wetlands as well. He explained his client is only working with the 3 separate parcels which are combined under the purchase and sale agreement. Barbara Zemlin (20 Worthen Dr.) thought it could be quite a challenge to build the driveway in the proposed location, and Mr. Dillis said the requirements for a hammerhead lot are 40 ft. of frontage and more than 7 acres of land. Chairman Madden requested that all of those present focus on wetland issues.

Anne Aumais (29 Worthen Dr.) noted there is overflow on Worthen Dr. during heavy storms. S. Dillis responded that the driveway is designed to capture runoff on site. B. Easom questioned whether open-bottomed culverts will be used, and Mr. Dillis answered that the 15 in. pipes would be set on grade and drew a cross section of the proposed culverts (3) on the whiteboard. He does not anticipate any change in the drainage characteristics. Members asked whether this would be a sufficient passageway for wildlife. There is an operations and maintenance plan for the basin and driveway; Commissioners asked if there were calculations for the sizing of the basin.

Ed McNierney (205 Indian Hill Rd.) said he is an abutter to the east and thanked Mr. Dillis for the photograph which helps clarify the lot location. He concurred with Mr. Dillis' assertion that accessing the lot from Indian Hill Rd. would require a prodigious effort because of the extensive wetlands. He encouraged Commissioners to listen to the response from Natural Heritage about the priority habitat in the area. Mr. Dillis acknowledged there are several other permits which his client must seek, including stormwater. Upon a motion by P. Morrison, seconded by B. Neacy, it was

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

7:45 p.m. – Murphy/144 Shelters Rd. Request for Determination of Applicability

B. Neacy and D. Pitkin recused themselves from the meeting. Resident John Murphy said he plans to replace an existing well which he dug up in January. He wishes to install a force main and bring the well up to Title 5 standards. The goal in this meeting is to determine whether a Notice of Intent is necessary. Mr. Murphy indicated he wished to get the well contained to keep it from freezing and to do the work as quickly as possible. C. Auman commented the Commission had looked at the site on Saturday and noted erosion control measures should be installed, especially around the stockpiled materials. If a retaining wall is proposed, the

Commission requires a drawing that shows the dimensions and materials. The Board of Health is holding a hearing on May 7, and B. Easom strongly urged Mr. Murphy to immediately install erosion control between the work area and the lake. He also noted it may be important for the Commission to hear what the Board of Health has to say about the project.

Mr. Murphy said he is anticipating using corrugated pipe to enclose the well, and P. Morrison suggested he needs some way to hold the earth in. M. Giguere worried there will be excess material after the area is filled back in. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to continue the Request for Determination of Applicability meeting for 144 Shelters Rd. to May 8, 2012.

The Murphys assured the Commission the haybales (staked) will be installed tomorrow.

8:00 p.m. – Appointment – Greenway Committee

David Manugian, Marion Stoddart, and Carol Coutrier of the Greenway Committee were present. Mr. Manugian explained the original plan to rehabilitate Fitch's Bridge has proven extremely expensive. The intent now is to provide access for pedestrians, equestrians, and bicyclists with a new bridge. An engineer would be hired to prepare a plan and design to remove the old bridge and put in a new one. The project will have to be passed by Town Meeting.

B. Neacy agreed a connection with W. Groton was important. P. Morrison said he supported the idea. Both M. Giguere and C. Auman approved the concept, but asked what the costs would be. Mr. Manugian said they have an estimate from the Massachusetts Department of Transportation (MADOT) of \$2 million for remediation of lead. To replace the bridge to DOT standards the estimate ranges between \$1 and \$1.5 million. To replace the bridge at the local level, the estimate is between \$.5 and \$1 million.

B. Easom observed that the recent outcry over the fire and eventual demolition of the historic Groton Inn makes him think that intentionally destroying a Town landmark could be problematic. He would like to see it preserved. He suggested working closely with the Historic Commission to carefully document what is there. D. Pitkin stated he was fully in support of the project. N. Madden expressed concern about the huge liability related to the potential for the bridge to collapse and wash downstream. She recommended a preliminary evaluation of the liability issues. B. Easom asked if lead paint samples were actually taken to verify the presence of lead. Mr. Manugian did not think they took samples but determined the presence of lead by the age of the bridge. If the bridge does not come under state jurisdiction, it would save time and money. There is no intention to fill floodplains for the abutments.

M. Stoddart said they were advised to present information to individual boards before going to town meeting. It would be good to have articles and reports of meetings in the newspaper, as well as Commission support at the town meeting. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to prepare a letter of support for the Fitch's Bridge project sponsored by the

Greenway Committee.

The Commission visited 11 Highland Rd. this past Saturday in response to a request for a Certificate of Compliance for #169-925. B. Easom noted the as-built plan showed a stairway that was not built, and homeowner Val Prest crossed it off and initialed the plan correction in the field. Mr. Easom thought there may have been some filling of floodplain behind the retaining wall. Mr. Prest indicated the wall was built in 1953 of fieldstone, but over time the wave action has washed out the soils. He estimated 3 ft. of his property had disappeared in this manner. The new wall is actually not as far out as the original. Mr. Easom questioned how many cubic yards were brought in to replace the soils, and Mr. Prest thought perhaps one truckload. M. Giguere noted that the footprint is actually smaller, and C. Auman thought it was good workmanship. B. Ganem mentioned there was extra compensatory floodplain storage created according to a letter dated October 22, 2008 submitted by GPR. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a Certificate of Compliance for DEP#169-925 for 11 Highland Rd.

The vote was unanimous.

Upon a motion by M. Giguere, seconded by B. Neacy, it was

VOTED: to issue an Order of Conditions for 26 Anthony Drive, DEP#169-1080, as drafted, under the Wetlands Protection Act.

Upon a motion by M. Giguere, seconded by B. Neacy, it was

VOTED: to issue an Order of Conditions by 26 Anthony Drive, DEP#169-1080, as amended, under the Wetlands Protection Bylaw.

A motion was made by D. Pitkin, seconded by P. Morrison, to approve the Order of Conditions under the Act for Iovino/583 Lowell Rd. DEP#169-1075. B. Easom noted the only advantage seems to be keeping vehicles under cover, and he did not agree with that premise. He would rather see the land left undisturbed as there is more damage by having a huge structure in the buffer. P. Morrison commented the resident collects cars. B. Neacy questioned whether the Commission had already voted in some fashion. C. Auman pointed out this is the chance to vote. Chairman Madden said this is all discussion within the context of a motion, and Mr. Auman said anybody is free to express an opinion and has the right to do so. Returning to the original motion, it was

VOTED: to issue the Order of Conditions, as amended, for DEP#169-1075 for 583 Lowell Rd. under the Wetlands Protection Act.

The motion passed by majority vote, with M. Giguere and B. Easom voting in the negative.

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

VOTED: to issue the Order of Conditions, as amended, for DEP#169-1075 for 583 Lowell Rd., under the Wetlands Protection Bylaw.

The motion passed by majority vote, with M. Giguere and B. Easom voting in the negative.

B. Easom, seconded by P. Morrison, made a motion to approve the Order of Conditions for DEP#169-1067 for 6 Wyman Rd. Members recalled this project had an expired Order of Conditions and involves work within the Riverfront Area of Reedy Meadow Brook. Returning to the motion, it was

VOTED: to issue an Order of Conditions, as amended, for DEP#169-1067 for 6 Wyman Rd. under the Wetlands Protection Act.

The vote was unanimous.

Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to issue an Order of Conditions, as amended, for DEP#169-1067 for 6 Wyman Rd. under the Wetlands Protection Bylaw.

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

VOTED: to approve the minutes of the March 27, 2012 Executive Session meeting of the Commission.

Member Easom reported he attended the Board of Selectmen meeting on April 9, 2012 during which they took positions on warrant articles for the upcoming Spring Town Meeting. The amount in the Commission's revolving fund is to be increased from \$25,000 to \$50,000. The Commission's \$150,000 Community Preservation request had mixed results with Anna Eliot and Stuart Schulman voting in favor and Fran Dillon and Peter Cunningham voting against. There was some discussion of reducing the amount to \$75,000. Mr. Easom noted Josh Degen asked for additional information, but the Town Manager was not forthcoming about a question of unemployment insurance for two patrolmen.

It is anticipated the Fire Station Building Committee will make their final recommendation for an appropriate fire station site on April 13th. The Prescott School, GELD Station Ave., and Lawrence Homestead on Farmers Row are under consideration. The Selectmen seemed to be most concerned about the Conservation Commission's decision on GELD's new facility and want to form a committee to review the Wetlands Protection Bylaw, especially with regard to determining a public benefit when it comes to Commission interpretation. A member of the Commission would serve on the committee. Members indicated they would like to see the scope of the committee's charge. Chairman Madden noted this could be a valuable opportunity for other boards to have a better understanding of the value of wetlands, as well as a way to improve the Bylaw.

Members P. Morrison and C. Auman were aware of how the 'public benefit' phrase got into the Bylaw because it was proposed to assure municipal projects could go forward. P. Morrison added there were also two builders who were grandfathered. The idea was to create an exemption or a consideration. B. Neacy felt it was up to the agency to interpret public good. P. Morrison said it was something to be given consideration. C. Auman mentioned it includes a public or environmental benefit. The 100-ft. buffer zone is considered a resource area and, if renewable energy was on the table, that could be considered a benefit. B. Easom said at the joint meeting there was a question about defining public good from Peter Cunningham. P. Morrison commented that if it is codified today, it will reduce future flexibility. M. Giguere noted it is not defined in law particularly to allow latitude for future interpretations. P. Cunningham seems to want standard language.

B. Neacy said he walked the area around the Police Station and thought there was a spot that would require a minimal wetland crossing. He felt that Prescott School was a worse site for a fire station because of adjacent wetlands. B. Easom maintained Station Ave. was not appropriate as GELD has over constrained its own project. N. Madden stressed the importance of not putting infrastructure near the floodplain.

M. Giguere reported that the forestry walk and talk with state forester John Scanlon and our consulting foresters, Dan Cyr and Eric Radlof, on March 31, 2012 had gone well. Several abutters showed up as well as D. Pitkin, B. Easom, and B. Ganem. The management of the viewshed may be controversial, but it's good to have early input and contacts. Mr. Scanlon recommended placing signage on the site which may generate more comments. N. Madden suggested signage at Williams Barn as well. B. Easom thought that having site visits before marking reduces the level of panic, and he recommended doing this on all parcels before undertaking forestry management in the future.

In reviewing Forms of Intent in the Land Use Department, B. Ganem brought to the Commission's attention an issue of possible encroachment onto conservation land by the resident of 184 Duck Pond Rd. Members commented the structures may have to be moved to the landowners' property and suggested including this on the April 21st site walk. They asked if there was any way to confirm boundaries ahead of time.

(P. Morrison left at 9:45 p.m.)

B. Neacy reported the Ames Meadow Memorandum of Understanding was moving forward until it was discovered one of the properties is changing hands. Selectman P. Cunningham may accompany him for the discussion.

Members suggested following up on the request for erosion control with a letter to John Crow Farm if they have not already installed haybales. The Town Highway Department has been working to improve drainage along Rt. 40 and this has included the swale at the base of the Gibbet Hill trail. Commissioners thought it may be possible to park two cars there now.

In evaluating priority tasks for work on conservation land, B. Easom felt that an irrigation well at Baddacook was important, but other members thought the cost (\$10,000) too high. D. Pitkin said

an endowment is required for the maintenance of the trails at Gibbet and Angus Hills. B. Neacy liked the idea of the design and build of a boardwalk to cross Baddacook Brook, while D. Pitkin suggested monitoring of the conservation restricted parcels in the order of their acquisition. Much of the monitoring has been completed for Angus Hill, but work remains to be done on Gibbet Hill. The monitoring involves walking the bounds, taking photographs, and seeing whether there is any encroachment and the landowner is living up to the terms of the restriction. Members prioritized the following list in order of importance: 1) Conservation restriction monitoring on Gibbet Hill; 2) boardwalk at the Baddacook Brook crossing; and 3) control of invasives at the Eliades/Smith St. parcel and tree pruning/cutting at O'Neill. Upon a motion by C. Auman, seconded by D. Pitkin, it was

VOTED: to authorize B. Ganem to purchase six turtle signs.

There being no further business, the meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Barbara V. Ganem
 Conservation Administrator

Approved as drafted 4/24/12.

EXHIBITS

Document	Source	Date
Minutes	Conservation Commission	3/13/12
Minutes	Conservation Commission	3/19/12
Minutes	Conservation Commission	3/27/12
Emergency Certification	Gordon/699 Townsend Rd.	Approved 4/10/12
Notice of Intent DEP#169-1077	Ferguson/7 Baby Beach Rd.	Filed 12/13/11
Notice of Intent DEP#169-1081	Juskalian/Dale Lane	Filed 3/23/12
Request for Determination of Applicability	Murphy/144 Shelters Rd.	Filed 3/26/12
DEP#169-925	Prest/11 Highland Rd.	Filed 6/2/05
DEP#169-1080	Sheridan/26 Anthony Dr.	Filed 3/13/12
DEP#169-1075	Iovino/583 Lowell Rd.	Filed 1/10/12
DEP#169-1067	Sgrosso/6 Wyman Rd.	Filed 9/2/11
Minutes – Executive Session	Conservation Commission	3/27/12