

## GROTON CONSERVATION COMMISSION

Minutes

November 12, 2003

Vice Chairman Bruce Clements called the meeting to order at 7:00 p.m. B. Clements, Peter Morrison, Kris Corwin, Bruce Easom, Stacey Laudenslager, and Evan Owen were present.

Craig Auman was unable to attend. Barbara Ganem, Conservation Assistant, was also present.

Upon a motion by K. Corwin, seconded by B. Easom, it was

VOTED: to approve the minutes of October 28, 2003, as amended.

In discussion on the Request for a Certificate of Compliance for Wharton Row, DEP #169-544, P. Morrison pointed out that the replication area appears to be working, and he didn't feel it appropriate to dig it up again to plant trees and shrubs. Regarding the presence of invasive species, a letter submitted for the original Notice of Intent specifically mentions monitoring for buckthorn. B. Easom made a motion to send a letter requesting removal of the buckthorn from the replication area, and even though not required in the original Order of Conditions, from the embankment. S. Laudenslager suggested including the observation that the Commission was not requiring the planting of additional shrubs and trees. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to modify the motion to include invasive species (i.e., buckthorn and loosestrife) in the replication area only.

The motion passed with five voting in favor, and S. Laudenslager voting in the negative. S. Laudenslager pointed out that the buckthorn will not be controlled if the parent plants persist at the perimeter of the replication area. Upon a motion by E. Owen, seconded by S. Laudenslager, it was

VOTED: to refer specifically to the March 26, 1996 letter in which the applicant offered to manage the buckthorn and noting that the Commission considers management to include removal of invasives from the embankment.

The motion passed with five voting in favor, and P. Morrison voting in the negative. Returning to the main motion, upon a motion by B. Easom, seconded by K. Corwin, it was

VOTED: to send a letter to the applicant requesting the removal of invasives (i.e., buckthorn, loosestrife) from the replication area and the embankment before the Commission will issue a Certificate of Compliance.

7:23 p.m. – Appointment/Board of Health Chairman Susan Horowitz

Dr. Horowitz noted that the Central Massachusetts Mosquito Control Project has a new program that includes brush cutting and the application of Bti larvicide. The Town has to agree to become a member of the Central Mass Mosquito Control Project through a town meeting vote. For the Town to join, the Project has estimated that \$55,000 would be deducted from the Town's Cherry Sheet assessment. Dr. Horowitz noted that particular areas of concern include the Band Stand, playing fields, and the Rail Trail. She noted that there appear to be an increasing number of dead birds, but this is anecdotal. The threat from West Nile virus is nearby, but no mosquitoes carrying the virus have been positively identified in Groton. In addition to the Bti larvicide, other applications would include Methoprene which is a growth regulator pupacide, and Scourge, an adulticide that contains permethrin. The applications are generally done after dusk when bees and butterflies are not active.

Dr. Horowitz noted that not all members of the Board of Health are in favor of this; the Board does, however, want to know the Commission's view on this proposal before they bring it to town meeting floor. She reported that Tom Delaney is in favor of joining the project. Dr. Horowitz pointed out that this program will help the Town determine whether there is West Nile virus or equine encephalitis in the local mosquito populations. The cost of \$55,000 would apply, regardless of the treatment that is appropriate for the town. It is unlikely that the Town would have a menu of choices, but it is a way to protect future public health.

P. Morrison said that horses are susceptible to encephalitis and asked if they are affected by the West Nile virus. Dr. Horowitz recommended vaccination for protection although she is not aware of nearby cases. K. Corwin indicated that she had no issue with Bti applied to culverts or manmade drainage structures, but she felt it would interrupt the food chain in natural settings such as beaver ponds. She pointed out that Methoprene is highly toxic to both vertebrates and invertebrates, and pyrethrin is toxic to fish and bees. She felt that anything other than Bti was unacceptable and also observed that widespread spraying was unacceptable. S. Horowitz asked what if there are high levels of infected mosquitoes, and K. Corwin stated she felt that a wildlife assessment would be necessary so the impact is known ahead of time.

B. Eason commented that Rhode Island has requested that people quit calling in reports of dead birds, and S. Horowitz mentioned that Massachusetts has done the same. She estimated that 20 to 30 birds were reported in Groton, but none were tested. K. Corwin asked if the state was doing any testing, and S. Horowitz replied that they are more interested this year because they are not doing blanket spraying. She also noted that the Town cannot get to the state lab for testing unless we join the Central Mass Mosquito Project.

S. Laudenslager suggested that a more natural approach is to encourage animals, such as bats, that will eat mosquitoes. S. Horowitz responded that there is a rabies epidemic, and the carbon dioxide “mosquito magnets” are expensive. She felt the Town should be more pro-active. E. Owen pointed out that the mosquito districts are exempt from the Wetlands Protection Act, and they can drain wetlands without filing for a permit. S. Horowitz said she would get clarification on whether this would be included if the Town joins the Project. B. Clements commented that both Mass Audubon and MACC seem to favor a more conservative approach that includes a surveillance and response plan. He recommended that the Town decide this on town meeting floor. S. Horowitz indicated that she would like the Commission’s feedback by December, and she will gather more information from the Project to address the questions raised this evening. K. Corwin suggested that the matter should be placed on the ballot anyway. In addition she offered to check with her vernal pool listserve to see if there are other alternatives than the state labs for testing. S. Horowitz distributed informational material for the Commission, and members agreed to include this item on a December agenda.

Commissioners asked S. Horowitz if any decisions have been made on E. coli testing at Lost Lake, and she replied that her Board had just become aware that several seasonal camps close to the Town Beach may be contributing to this problem. Although the Board cannot authorize someone to go onto private property, it would be possible to test from a boat on the Lake in front of the camps. S. Horowitz thought that the testing to determine which species is the source of the E. coli would be more expensive. In general, the soils around the Lake are very porous so failures are not readily apparent. The Board did not feel that cows were the source as the E. coli has been identified in an area that does not receive runoff from Martins Pond Brook. Commissioners felt that they were in need of guidance from the Board of Health on this issue and agreed that testing by the Nashoba Associated Boards of Health could provide a baseline on the E. coli levels.

Acting Chairman Bruce Clements asked if Dr. Horowitz could give a brief update on the remediation at Surrenden Farm, particularly the area that is to be deeded to the Town. Dr. Horowitz confirmed that Lot 8 has been found to be free of contaminants. Uncertain of the location of the land that is to be open space, she stated that the Board of Selectmen had better pay attention to the status of this area. She noted that the applicant proposes mixing the soils on house lots to a depth of 18” while the Board’s consultant is urging that the mixing be done as deep as 3 feet. The differences may be reflected in “deed restricted” or “deed notified” properties so that new owners are aware of any contaminants on site. Regarding the open space areas, she did not know whether rototilling would be done there to dilute the contamination.

#### 8:00 p.m. – Public meeting/Request for Determination of Applicability for 54 Fitch’s Bridge Rd./Ciemny

Homeowner Ray Ciemny explained that he needs to expand his workshop to gain more storage space. He presented an updated plan which depicted an addition to the existing shop rather than a separate garage. He noted that this proposal is 10’ to 12’ closer to the Nashua River. E. Owen noted that containing intensive use within one area was preferable, particularly since it would not be necessary to build an additional driveway. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to issue a negative #2 Determination for 54 Fitch’s Bridge Road.

Members explained to Mr. Ciemny that he would not be required to file a Notice of Intent providing the work was done according to the submitted plan. No conditions were added to the Determination.

Upon the request of the applicant’s representative and a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the Notice of Intent hearing for 8 Valley Road to December 9, 2003.

E. Owen reported that the underground propane storage tank has not been covered as yet.

Dr. Bill Eger, Chairman of the Weed Management Advisory Committee, has advised that it is physically impossible for the siphon to be altered to allow the seven foot drawdown at Lost Lake to take place this winter. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the Notice of Intent hearing for the Lost Lake drawdown to March 23, 2004.

Upon the request of the applicant's representative, and upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to continue the meeting on the Request for a Determination of Applicability for 14 Station Avenue to January 13, 2004.

Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to issue a Certificate of Compliance for DEP #169-382 (Sawtell Drive), stating that it is an invalid Order of Conditions.

That Order expired with no work done although the Caldwell Smith project itself was subsequently approved under DEP #169-564 with a Certificate of Compliance issued in August 2001.

#### 8:15 p.m. – Lot 8, Surrenden Farm Notice of Intent continuation

Cynthia O'Connell, Landscape Architect, explained that the project has been re-designed, with two buildings and the clubhouse pulled back further from the BVW. The remaining construction is outside the Buffer Zone. The ZBA granted variances regarding the road and driveway layout which reduce the distance between driveway intersections and the number of units on a single common driveway. The new design has been reviewed by the Planning Board and the Fire and Police Departments. Everything has been pulled back from the existing tree line, and there is a significant reduction in Buffer Zone disturbance from 56,016 SF to 39,059 SF. C. O'Connell indicated that she believes six of the units on Lot 8 will be affordable while there are 13 throughout the Surrenden Farm site. She noted that the single family homes are outside the 100-foot Buffer Zone and anticipates that the project will commence as soon as the Board of Health approves the remediation plan. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to close the hearing for Lot 8, Surrenden Farm, DEP #169-862.

C. O'Connell noted that the bridge on Shirley Road is supposed to be in place this week. Shirley Road will remain gravel for the section between the Lot 8 and Lot 9 Surrenden Farm driveways. Lot 22 will have extensive agricultural land to be preserved under a Conservation Restriction.

B. Clements commented that he remains concerned about the contaminated soils in the area to be deeded to the Town. C. O'Connell responded that she is unsure of the status of the remediation plan.

In reply to Ms. O'Connell's question about the status of the Certificate of Compliance for Wharton Row, P. Morrison said that the Commission prefers to have invasives, particularly buckthorn and purple loosestrife, removed from the replication area and the adjacent ridge. Once this is done, the Commission will be able to issue the Certificate. Members agreed that a statement indicating that this has been done would be adequate documentation.

In other business and upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue a one year extension for DEP #169-761 at 256 Lowell Road.

Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to issue a one year extension for DEP #169-762 at 272 Lowell Road.

Regarding the Order of Conditions for DEP 169-872 at 23 Radio Road, P. Morrison moved significance, regular, and special conditions, and upon a second by K. Corwin, it was

VOTED: to issue an Order of Conditions for 32 Radio Road, DEP #169-872 to include a finding that specifies 49 linear feet of work..

Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to issue an Order of Resource Area Delineation for Lots 21 and 22, Pond Hill Lane, DEP #169-877.

After review of the letter from Ross Associates (dated October 23, 2003) and discussion on the Request for a Certificate of Compliance for DEP #169-744, Wilkins Farm Stand on Fitch's Bridge Road, B. Easom commented that there appears to be a significant difference between what was proposed and what was constructed. Members suggested asking whether we would do anything different with these anomalies since the Notice of Intent was to bring this lot into agricultural use. The applicant is putting the land to good use where a house could have been built. S. Laudenslager questioned whether this sets a precedent for expansions of use near wetlands. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to issue a Certificate of Compliance for DEP #169-744, 11 Fitch's Bridge Road.

Five voted in favor, and B. Easom voted in the negative.

In discussion on the Emergency Certification for 49 Boathouse Road, members questioned whether a filing should be required if no work is to be done on the grounds. The replaced wall and roof will be in the same place although it was noted that the wall is directly on the Lake side of the cottage. It is so close to the water that there is some likelihood that something could fall into the water. P. Morrison said the Commission has never previously asked for such a filing. E. Owen commented that he has posed this question on the MACC forum. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to ratify the Emergency Certification as signed by Conservation Assistant Barbara Ganem.

Members reviewed the first priority parcels listing prepared in October 2001 by an ad hoc committee. Some of the parcels are now in different uses or have been protected through one mechanism or another. The revised list will be sent to the Growth Management Advisory Committee (GMAC) for discussion relative to the Community Preservation Act. As land comes up under Chapter 61 conversions, this list identifies parcels of particular interest to the Town. Commissioners felt that a full and open dialogue between the GMAC and the Conservation Commission is important. To this end, it was agreed to send a letter to the GMAC urging that the lines of communication be kept open and perhaps sending copies of Commission minutes.

E. Owen reported that Josh Degen has resigned from the Earth Removal Advisory Committee, and Bruce Clements has been appointed as the Planning Board representative. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to appoint Evan Owen as the Conservation Commission representative to the Earth Removal Advisory Committee.

B. Easom questioned how often the Growth Management Advisory Committee meets; it was noted that GMAC meets on the first and third Tuesdays of the month. He indicated that he could be available for at least one meeting per month with the GMAC. Upon a motion by P. Morrison, seconded by E. Owen it was

VOTED: to temporarily assign Bruce Easom as a Conservation Commission representative to the Growth Management Advisory Committee.

B. Ganem explained several changes in the draft budgets for Conservation and Water Safety for FY '05. The parking attendants have been transferred to the Water Safety budget. Land Use Assistant Regina Hull's hours have been reduced from ten to seven hours per week, thereby decreasing the amount of salary increase by which the budget must be reduced. Also the wages previously allocated to a "land manager" have been moved to the "Land Maintenance & Signs" category. B. Ganem noted that she would like to meet with the Personnel Advisory Committee to discuss the wage schedule for both lifeguards

and parking attendants after reviewing the pay scales in surrounding communities. One of the problems with the current system is that there is a flat rate rather than a sliding scale that would recognize those with more experience. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to approve the draft budget for the Water Safety Department, as amended.

Members thought putting all beach staff in one department was a good step.

Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to approve the draft budget for the Conservation Commission.

Concerning the Saturday site visit to Thompson Mill Pond, Commissioners agreed that there was good progress in re-filling the pond and stabilizing the access roadway. Members felt that the dumping of dredged materials within a Zone II of the W. Groton public well was not an issue covered under the Wetlands Protection Act or the Bylaw. As long as the W. Groton Water Department is aware of this, Commissioners agreed that this was not under Commission jurisdiction.

As a follow up to the site visit to the High School, Commissioners requested B. Ganem to take a look at the well on the site as there have been complaints about the stability there. Members reviewed the photographs taken on October 29<sup>th</sup> which show erosion and sedimentation reaching wetland resource areas. B. Ganem indicated that the Project Manager, Gary Stirgwolt of Turner Construction, has not yet provided the punch list of items that the landscape architect has identified as being in need of correction. P. Morrison summarized the necessary steps as the need for stabilization and some assurance that the drainage calculations match the drainage infrastructure in the field. B. Clements stated that the problem may not be the lack of capacity in the detention ponds, but rather that they have filled with silt from runoff during construction, and they are not re-charging properly. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to send a letter requesting the punch list and a timetable for completion of the items.

Commissioners reviewed a letter from Bill Neacy regarding the draining of an abandoned beaver impoundment at Hayes Woods. B. Ganem provided photographs of the site which show a corrugated black plastic pipe installed in the beaver dam. She noted that the dam itself appears to be in disrepair, and water is actually seeping below the dam at another location. The water level has clearly dropped, but it appears to be due to natural causes. Commissioners agreed to send a letter to the Groton Conservation Trust, which owns the parcel, indicating that the Commission would look favorably on a proposal to remove the pipe and let nature takes its course.

In discussion on maintenance questions at McLain's Woods, Commissioners confirmed that at least two posts in the post and rail fence are unstable. Members agreed that this is a visible sign that the area is being managed, and it would be important to replace them. If members of the Trails Committee are willing to install the posts, the Commission would authorize payment for two posts.

Regarding the battle with bittersweet on site, K. Corwin reviewed her notes from an invasives workshop, and the instructions recommend the use of a 40 to 50 percent concentrate of "weed-b-gon" applied with a brush in the fall. B. Clement asked why not cut it every year, and members maintained that it must be diligently mowed in order to eradicate it. The Commission could supply the materials if someone is willing to undertake the painting of cut stems. B. Easom agreed to bring these issues before the Trails Committee at their next meeting.

B. Ganem explained that the Groton Housing Authority is contemplating an agreement with a builder to construct three duplexes on a 14 acre parcel they own on Nashua Road. A portion of the 14 acres would be turned over to the builder in exchange for construction of the duplexes. It is unclear how many additional houses could be built on the area that is exchanged with the builder. It appears that there is a vernal pool that bisects the parcel, and B. Ganem urged them to get a delineation done in order to appropriately plan for any development of the parcel.

In compiling data on the management of conservation parcels, B. Ganem reported that she talked with Dave Herbert about the Forest Management Plan prepared by Gary Gouldrup for Crosswinds. Mr. Herbert reports that little has been done on the Plan because neighbors could not agree on which trees should be removed. P. Morrison pointed out that the goal is to keep the area in an early successional state in accordance with the donor's wishes to keep it open. K. Corwin suggested that

anything larger than a 2" caliper should be cut. The Plan calls for trees taller than 20 feet to be removed. Encroachment appears to be another issue at Crosswinds. Commissioners agreed to include the site on the next site visit and invite the neighbors to join us. The original agreement will be sent out to neighborhood residents.

Concerning the request for a Certificate of Compliance for DEP #169-637 at 269 Pepperell Road, Commissioners agreed that the conservation restriction process should be further along before this is considered.

B. Clements reported that the Selectmen have appointed himself, Vic Burton, Josh Degen, Al Wyatt, Bayard Underwood, Lilly Ott, and Stacey Chilcoate to the new Williams Barn Committee. The Selectmen have also formed a Great Pond Management Advisory Committee, with 7 to 10 members. Its purpose will be "researching issues of lake management that relate to health, safety, water quality, environmental protection and the preservation of property values of the Great Ponds located within Groton and make recommendations to the Board of Selectmen regarding the same in order to provide for a balanced targeted usage appropriate for each water body's unique situation, as a subcommittee of the Lost Lake/Knops Pond Weed Management Advisory Committee".

There being no further business, the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as amended 11/25/03**