

**GROTON CONSERVATION COMMISSION**

## Minutes

June 28, 2005

Chairman Peter Morrison called the meeting to order at 7:00 p.m. Members Craig Auman, Bruce Clements, Marshall Giguere, and Evan Owen were present. Kris Corwin and Bruce Easom were absent. Conservation Assistant Barbara Ganem was present.

7:00 p.m. - Appointment - Town Forest Committee members Harlan Fitch and Steve Babin

Mr. Fitch and Mr. Babin thanked the Commission for the opportunity to present their views on the proposed town well in the Town Forest. Mr. Fitch submitted a sketch showing where the two alternatives for the water line are being considered. The first alternative, along Town Forest Rd. and then following Ames Pond Rd. and Lawrence Lane to the proposed pumping station near the former railroad track, is the route preferred by the Committee. Mr. Fitch explained he has concerns about the fragmentation of the forest although he understood there were wetlands along Ames Pond Rd., but he felt the cross country route would require significant cuts and fills. He noted that DEP reported four species of turtles that may frequent the wetlands. He suggested this would be a good opportunity to manage the area for seasonal use by turtle hatchlings. Mr. Fitch also pointed out the pumping station on the newly acquired Blood land would require a significant wetland crossing at the railroad.

Doug DiNatale (Commissioner of W. Groton Water District) arrived at 7:10 p.m. Mr. Fitch continued with his comments, noting there may be a vernal pool at the intersection of Town Forest and Ames Pond Roads. Gordon Newell, Manager of the W. Groton Water District, said he had walked the two alternative routes with the Commission. The proximity of wetlands to Ames Pond Rd. is a problem. He explained he had talked with Dan Nein of Natural Heritage who indicated he did not want to make recommendations until the hydrological issues with the well itself were resolved. Mr. Newell noted Natural Heritage prefers to see the pump station located near the entrance to the Town Forest near the existing monument. Neither the Board of Selectmen nor the District liked this location. Natural Heritage felt this would at least keep some of the work outside of sensitive rare species habitat. Mr. Newell felt the cross country route could meander, eliminating a lot of the cuts and fills.

Mr. DiNatale pointed out the Commission derives a lot of its authority from the protection of water supplies, and Chairman Morrison noted the Wetlands Protection Act, the Rivers Protection Act, and the local Bylaw also make the Commission the caretaker of uplands. He stated, from the Commission's standpoint, there is a preference to see activities removed from the wetlands and the Buffer Zone.

Gordon Newell said the existing roadway from the railroad bed will require a wetland crossing. Their intention is not to fill or raise the road, but to use geotech fabric and 14" of gravel to form a roadbed for minimal traffic. The gravel surface is not likely to be suitable nesting habitat for turtles because it is hard. B. Clements noted the Commission's task is to avoid possible impacts to wetlands and some of the Ames Pond Rd. route would require grading within 20' of the wetlands. He felt the impacts from the shorter, cross country route would be less. Mr. Newell emphasized the route will be planned to avoid cuts and fills as much as possible. They would require a 20' wide easement, and they plan to select the best possible route. C. Auman indicated he too would prefer the route of least impact to the wetlands. E. Owen concurred, stating this appears to be the best option. M. Giguere said the Ames Pond route is very close to wetlands at some points, and he felt it was likely the digging to install the pipe would kill some trees.

Mr. Newell said that Barbara Kickum from DEP has said monitoring wells will be required for five years to assure that water elevations are not lowered in critical wetlands. Doug DiNatale pointed out there has been a 7-day pumping test in which elevations did not change. He felt the development of this well would shift withdrawal from one area of the Squannacook River to an area downstream. Mr. Newell stated they would still be re-charging groundwater upstream from where the water is withdrawn through private septic systems using Town water.

Chairman Morrison asked what was meant about discontinuing Ames Pond Rd. Gordon Newell explained if the building is brought to the Blood land, then Ames Pond Rd. could be closed, thereby reducing impacts to wetlands. The wetlands crossing adjacent to the railroad bed will be necessary regardless of what route is found acceptable. Member Owen pointed out the Commission may find the pump house would be better located near the monument, but this consideration is not part of tonight's discussion. Mr. Fitch commented there are wetlands through most of the length and on both sides of the railroad. He felt that the water line could fracture the landscape of the Town Forest and contribute to the discontinuity of the area. P. Morrison said skidder trails for forestry activities can also impact the forest. Mr. Fitch noted forestry activities affect the surface of the land while the water line would be more intrusive.

Mr. Newell asked the Commission to consider sending a letter of recommendation on their preferred route. Upon a motion by B. Clements, seconded by C. Auman, it was

VOTED: to send a letter to the W. Groton Water District, the Town Forest Committee, and any other interested parties, indicating the Groton Conservation Commission prefers the cross-country route through the Town Forest rather than the Ames Pond Rd. route for the installation of a water line.

With the remainder of the members voting in the affirmative, M. Giguere abstained from the vote.

#### 7:15 p.m. - Reedy Meadow NOI continuation

The applicant's representative has requested an additional continuation of the hearing, and upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to continue the Reedy Meadow Estates NOI hearing for DEP #169-893 to July 26, 2005.

#### 7:30 p.m. - 101 Longley Road NOI continuation

Betsy Reeves said her project consists of tree clearing of a good portion of her land to open it up for pastures or open fields for hay. She explained the land used to have an orchard, and she wished to return the land to agricultural status.

C. Auman asked if the abutters were notified, and B. Reeves said "No" although she has spoken with several neighbors about the project. The project currently has no DEP number because DEP has not been notified. Mr. Auman questioned whether there would be another wetland crossing, and Ms. Reeves explained she will use the existing crossing on her sister's land. Mr. Auman also questioned whether a forester was to be consulted to decide what trees of interest should be kept. He recommended limiting the cutting to 50% of the overstory in the 50' buffer to the Bordering Vegetated Wetland.

Chairman Morrison said he was uncomfortable continuing the hearing without adequate notification of abutters. Ms. Reeves explained her weekends were very busy, and her father was seriously ill. Members indicated the issues include the wetland crossing, identifying trees to be saved, and no more than 50% clearing at the 50' boundary. E. Owen said this should be an interesting exercise to see the conversion of forested land into agricultural land. He noted the stream had cut down so it is likely the surrounding soils are highly erodible. He also commented there is unlikely to be a lot of marketable timber, and the result may be another mountain of chips. M. Giguere said he was concerned about working right up to the edge of stream. B. Clements questioned whether Ms. Reeves intended to have a Forest Cutting Plan in which a forester would advise on managing the forest rather than maximizing the marketing of timber. Ms. Reeves indicated she intended to consult with a forester but did not plan to have a Forest Cutting Plan prepared. Upon a motion by B. Clements, seconded by M. Giguere, it was

VOTED: to continue the hearing to July 26, 2005.

#### 7:45 p.m. - 11 Highland Road NOI

Mark Szela of Goldsmith, Prest & Ringwall, Inc. (GPR, Inc.) explained the proposed work on this ¼ acre lot includes an addition to an existing two bedroom house, a slightly enlarged shed, crushing of a cesspool, and the upgrade of the septic system. In general, the site slopes toward Lost Lake. Railroad ties form an existing retaining wall at the top of the bank on portions of the lot. The proponent proposes to replace these ties with a segmental block retaining wall.

Mr. Szela said the FIRM map shows this lot as being in the floodplain. He explained he used the 216' elevation as the floodplain as this is a half foot higher than the elevation of Martins Pond Brook as it enters Lost Lake. A narrative describing how the floodplain elevation was determined is included in the NOI filing. Mr. Prest indicated this methodology was far more extensive than that undertaken for the usual applicant.

E. Owen questioned where trees are to be removed and noted that a certain stretch of the retaining wall will be new as it is either missing, not constructed, or has collapsed. Mr. Szela acknowledged there is new retaining wall in the cove next to the beach. Mr. Owen said the exact placement of the wall is a concern, particularly since it appears it will be brought out further around the point area. Mr. Prest stated it will be located within a foot of the existing retaining wall in order to incorporate some blueberry bushes and go around an existing tree. Mr. Owen noted that the applicant does not wish to see his property wash away, but the Commission is also charged with protecting wildlife habitat. He commented there is more wildlife value in the existing wall than the block product proposed for use.

Essentially, the addition will square off the existing cottage, adding a porch on the Lake side. A poured cement foundation will be necessary. Groundwater is estimated to be at the 214' elevation. Mr. Szela thought the frost wall will be 2' below the slab, and Mr. Prest explained the frost wall will be below the groundwater which is not subject to a freeze and thaw cycle. He noted he is a structural engineer who designs these types of projects. Member Clements asked if the cottage will be closer to the Lake than now. He also expressed concern about the length of the retaining wall being over 49', adding the Commission should consider having a wildlife study done.

Abutter Henry Woodle (74 Weymissset Rd.) said the area where the retaining wall is located will be out of water when the Lake is drawn down. B. Clements noted residents typically wait until the drawdown to do work when the work area is high, dry, and under frozen conditions. E. Owen questioned what the height of the wall will be, and Mr. Prest said it will be under 4'. Mr. Prest also said he thought the existing wall was constructed in the 1940's or 1950's. In response to Mr. Owen's question about whether there were to be any improvements to the dock, Mr. Prest said, "None were planned." Mr. Owen noted that the over 49' retaining wall appears to trip a threshold. Mr. Giguere added there could be filling where the stones are now.

Commissioners agreed not to require a wildlife habitat study. B. Ganem noted the Wetlands Protection Act requires that compensatory storage occur at the same elevation as floodplain filling. The plans are not clear where filling will occur or where compensatory storage will take place. Mr. Szela agreed to supply the corrected figures and more detailed plans, and upon a motion by M. Giguere, seconded by E. Owen, it was

VOTED: to continue the hearing to July 12, 2005.

8:00 p.m. - 159 Pepperell Road RDA

The Conservation Commission visited the site on Saturday to observe where stumps remained after mature white pines were cut. The homeowner, Joseph Onners, explained the trees were cut because of safety concerns due to some recent lightning hits as well as the maturity of the trees. Some of the wood was chipped, and he plans to burn the brush pile in the appropriate season. A neighbor has expressed concern about the possibility the wetland is a vernal pool. Mr. Onners said the sun comes in at a different angle, and the wetland still receives a substantial amount of shading. The abutter believes there is sufficient information to have the wetland certified as a vernal pool, but at this time it is not certified.

Members expressed concern that the professional logger was not aware of the Bylaw. C. Auman said the Commission may very well have agreed with Mr. Onner's assessment of the safety hazard of the trees, but it takes 50 to 100 years for trees to grow to that size, and the tree canopy provides shade that maintains a steady water temperature and prevent

evaporation. He suggested the Commission may wish to consider planting trees to improve the habitat.

E. Owen questioned whether Mr. Onners intends to maintain the area beyond the stumps as lawn, and Mr. Onners responded he would let the area grow up. Upon a motion by E. Owen, seconded by B. Clements, it was

VOTED: to issue a fine of \$25 to the logger.

Upon a motion by E. Owen, seconded by C. Auman, it was

VOTED: to issue a negative #3 Determination providing 1) the lawn area shall not be increased beyond the stumps, 2) the applicant plants three red maples within the buffer zone where trees were cut, and 3) no fertilizers, herbicides, or pesticides shall be used within 100 feet of the wetland resource area.

#### 8:15 p.m. - Handpulling Water Chestnuts/Nashua River RDA

Christina Bird of the Nashua River Watershed Association explained the plan to handpull water chestnuts, a non-native, invasive aquatic weed that has infested the Pepperell Pond area of the Nashua River. Nashoba Paddler will provide canoes for volunteers to use. The collected vegetation will be removed to a field in Pepperell more than 500' from the River. B. Clements thought this a very ambitious venture, and C. Auman concurred, indicating it was a commendable project. M. Giguere questioned how many will be participating, and Ms. Bird said that's difficult to predict since they will be dependent on volunteers. She estimated there is a 47 acre area that needs treatment. Cynthia Kollarics (39 Indian Hill Rd.) asked if the handpulling will be done in a flowing part of the River. C. Bird said it will be done in a relatively low flow period at a time of year before the seeds have dropped. Upon a motion by M. Giguere, seconded by B. Clements, it was

VOTED: to issue a negative #3 Determination with a condition that the removed materials be placed no closer than 200' to the Nashua River.

#### 8:30 p.m. - Appointment Kristen McEvoy

Ms. McEvoy asked the Commission what kind of response they planned to make to Natural Heritage concerning the letter from Hyla Ecological Services, Inc. about the Mattbob property. She also reported the owner is interested in selling the parcels, and she has been exploring the possibilities for preserving the land. C. Auman suggested checking the list of priority properties although the presence of rare species will move the property up the list. E. Owen thought the size of the vernal pool made it a unique parcel. M. Giguere agreed, saying the Commission should probably pursue the effort to preserve the land.

P. Morrison asked if Natural Heritage is aware of the presence of endangered species and suggested the Commission forward the letter. B. Clements said the status of the property proposed for development could be impacted quite a bit by this discovery as it affects the value of land. Of the 25 acres, it is estimated that three acres are in Littleton and the vernal pool is approximately 13 acres. K. McEvoy pointed out there is an Office of Administrative Appeals decision which allowed input from Natural Heritage after 30 days.

Ed McNierney, President of the Groton Conservation Trust, indicated the Trust is interested in working with the Commission on this project. Ms. McEvoy said the plan approved by the ZBA allows the construction of 36 housing units. Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to send a letter to Natural Heritage noting the endangered species observed in or near vernal pool #3182 and asking for their position on the proposed 36 housing unit development with a copy also sent to the developer and DEP.

#### 8:45 p.m. - 55 Wenuchas Trail NOI continuation

Surveyor Stan Dillis submitted new plans and explained the applicant has consulted with another architect, and they now plan to remove the existing timber retaining wall, and install columns. The retaining wall will be poured concrete following the line of the existing house. The applicant is interested in saving as many trees as possible. C. Auman questioned whether there would be any compensation for filling, and Mr. Dillis explained the floodplain is at the edge of the Lake. The deck will not go beyond the proposed retaining wall other than at the corners. Mr. Auman also questioned whether there is an increasing amount of impervious surface on the lot. Mr. Dillis replied yes, because of the roof, but the footprint of the building will not increase. B. Ganem noted the revised plan requires the submittal of additional filing fees because of the retaining wall. In addition, the FIRM map on the GIS site shows most of this lot in the floodplain. S. Dillis indicated he would compare it with a hard copy of the map. Upon a motion by B. Clements, seconded by C. Auman, it was

VOTED: to close the hearing.

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

VOTED: to approve the minutes of June 14, 2005 as amended.

Regarding 43 Dolan Dr. where work was observed during the Saturday site visit adjacent to wetlands, members requested a letter be sent to the homeowner requesting he come in to discuss this activity.

In discussion on the mowing of the 5 acres at the top of Gibbet Hill, members thought that perhaps an acre or acre and a half could be mowed around the ruins. Commissioners noted there were a lot of rocks so it would be difficult to make this look like manicured lawn. This would allow picnicking around the castle, but the trail area going down the hill also needs regular mowing. Commissioners agreed to seek three bids: 1) to mow around the castle area, 2) a rough cut of the entire 4-5 acres, and 3) as necessary down the trail. Bruce Dubey, Peter Myette, and Roy McGregor could be contacted about the job. B. Ganem was uncertain how many times J. Webber has already mowed the area. It may not be necessary to mow every two weeks, but this could depend on rainfall.

#### 9:00 p.m. - Lost Lake Weed Harvesting NOI continuation

Brad Harper acknowledged receiving a letter from Natural Heritage, dated June 23, 2005, in which they stress the need for a certified group of volunteers to look for endangered species within Lost Lake/Knops Pond. This group will find and mark the species. Dr. William Eger noted that he and Bruce Clements met with Jon Regosin at Natural Heritage to discuss weed management at the Lake. He sent a follow-up letter outlining his concerns about time limitations and weather conditions. There will be an emergency provision which involves a telephone hotline if the group notices weedy areas that could pose a public safety hazard; they can get a telephone okay to proceed from Natural Heritage. Cynthia Kollarics, John Diezemann, and W. Eger surveyed most of the Lake with the exception of Springy Pond.

C. Kollarics submitted photographs from the June 17, 2005 survey, in which they found Cabomba and milfoil adjacent to the public boat ramp. Yellow lily blossoms were being eaten by beavers so it is difficult to definitively identify whether rare species are present. There will be no harvesting in Red Water or Springy Cove, and a buoy will mark an area to be re-checked. Ms. Kollarics explained she conducted a training session at the May meeting in which she showed herbarium samples of the rare species and used teaching keys. The training will continue as her time allows. A narrative describing the training process will be submitted, along with a map showing where harvesting should not be done, to Natural Heritage.

Dr. Eger told the Commission the Lake Association members would be happy to take them out on the Lake at any time. He thought the mechanical harvester will not be used in the area where water lilies (Nuphar) are growing. A report on the harvesting plan will be made to Natural Heritage. Dr. Eger felt it would be a continuous process in which successive areas are cleared for use of the mechanical harvester. He noted that they originally planned to include the use of the harvester on Baddacook Pond in the NOI filing, and it is likely the same conditions for proper species identification would apply there.

C. Kollarics pointed out that the purpose of having stations is to do a floristic study within a 10' transect. She added

there are 11 stations which should be marked by buoys. She explained this is an on-going study that has been conducted for over ten years that was originally set up during the Diagnostic Feasibility Study prepared by Baystate Environmental. The purpose of the study is to see what is going on in the Lake and to identify new species at the point of origin. This information was to have been presented to the Conservation Commission on an annual basis. Ms. Kollaric acknowledged there were several years in which no study was carried out. She commented it is very important to get a handle on the health of the Lake and to be aware of new potential problems, one of which is the algae that have been appearing there. C. Kollarics recommended the harvester not be used adjacent to these study areas as it would defeat the purpose of the plant study. There being no further comments from the audience, and upon a motion by C. Auman, seconded by E. Owen, it was

VOTED: to close the hearing for DEP #169-924 for the mechanical harvesting of aquatic weeds in Lost Lake/Knops Pond.

Upon a motion by C. Auman, seconded by E. Owen, it was

VOTED: to continue the Request for Determination of Applicability meeting on the sediment forebay for the detention basin at Deerhaven subdivision to July 12, 2005.

The Commission discussed the request for a partial Certificate of Compliance for 106 Peabody St. The applicant's representative has submitted photographs of the septic system upgrade and the area where the cesspool was crushed. E. Owen pointed out partials have presented difficulties in the past, and it is likely we will see this request time and again. P. Morrison acknowledged he too is reluctant to issue a partial but in this case it may resolve the issue between the executor and the new owner. E. Owen commented it was not filed as a phased project. C. Auman cautioned that the new owner should be notified that the Commission is considering the request. He suggested sending a letter to all parties stating that the Commission does not see any problems with what has been done to date.

B. Ganem reported the Conservation Restriction for 271 Pepperell Road has been recorded. The Commission included this site on its Saturday site walks and observed a GELD electric light wire and poles located on the conservation-restricted area. GELD is looking into whether there is an easement for the utility. Commissioners agreed the "No Salt" signs were not posted on the driveway as required by the Order of Conditions. A sign off on the Certificates of Compliance for 269 and 271 Pepperell Road will be postponed until these issues are resolved.

C. Auman explained he had talked with Selectman Virginia Wood more than a year ago about shifting the staffing of Sargisson Beach to the Recreation Commission. This was not feasible at the time due to the financial difficulties the Recreation Department was experiencing. Mr. Auman indicated he had spoken with a member of the Personnel Advisory Committee, and she did not feel it would affect B. Ganem's job description to transfer this responsibility. Since Ms. Wood is no longer a Selectman, the Commission should consider following up with the Recreation Commission or a possible slot on the Selectmen's agenda to see what kind of general interest there may be. B. Ganem will talk with Jean Kitchen to determine the best course of action.

In discussion on the reported violation at 2 Shelters Road, Commissioners were concerned to learn that work is occurring beyond the boulders adjacent to the pond. Members requested that the homeowner file an RDA and noted there may be follow up mitigation and fines for this activity within the 100 foot Buffer Zone.

Regarding the update for the Town Code, members agreed to exclude the procurement regulations that mirror those in Ch. 30B. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to include the general rules and regulations for use of conservation land (approved 5/4/04) in the Town Code.

Members discussed the amount of the request to be made to the Community Preservation Committee for the Conservation Fund. With several parcels under serious consideration, Commissioners agreed to request at least \$300,000.

The Commission has previously considered a letter to send to Natural Heritage agreeing to oversee the turtle nesting sites at Academy Hill. B. Clements questioned whether this task would place an undue burden on the Commission in the future. Upon a motion by E. Owen, seconded by C. Auman, it was

VOTED: to submit the letter as drafted, agreeing to be responsible for the administration of the turtle nesting escrow account to cover the turtle barriers and turtle population studies.

B. Clements abstained from the vote.

In discussion on whether to extend the Order of Conditions for the application of Diquat at Lost Lake/Knops Pond (DEP #169-824) and upon a motion by M. Giguere, seconded by E. Owen, it was

VOTED: to extend the Order by one year and attach the letters from Natural Heritage dated April 20<sup>th</sup> and May 12<sup>th</sup>, 2005 requiring Natural Heritage review prior to the implementation of a treatment plan as a condition of the Extension.

E. Owen questioned the Commission's policy regarding mowing of conservation areas. B. Ganem indicated B. Dubey had recommended a spring and fall cutting of the O'Neill Way land because of the difficulty of cutting the site only in the fall. Mr. Dubey also reported there were two metal pipes installed in the field which disrupted his mowing. B. Ganem will check with Landtech to see if any monitoring wells were installed there.

The person who has previously made signs for conservation areas has not gotten back to us on a timely basis so that we can use some of the land management funds in the FY '05 budget to cover the expense. Members agreed that another item which should be considered for purchase is a gas-powered brush cutter which could be used to cut down buckthorn and other nuisance vegetation on conservation land. It should include different blades for cutting branches between 1.5" - 2". E. Owen estimated the cost to be around \$500, based on a recent purchase a member of the Trails Committee made.

B. Ganem reported the "No Boat Landing" signs at Sargisson Beach must be replaced. Members agreed that 18" by 30" signs with green lettering on a white background were appropriate. Commissioner Clements will make the signs. C. Auman suggested the Commission purchase a supply of the aluminum nails for installing signs on conservation lands. Plans for the WHIP program at Crosswinds should be developed soon so that abutters will be aware of what is to take place there. Mr. DiBona, the owner of the fence encroaching on the Crosswinds Conservation Area, must also be reminded to re-locate the fence. C. Auman commented the Highway Surveyor should be contacted again about the need for a rock at the Gay Rd. conservation land to deter ATV access.

B. Clements reported the Farmers Market at Williams Barn will get underway on July 8, 2005. The portapotty is already in place, and Josh Degen has recently done some additional grading.

There being no further business, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as amended July 12, 2005**

