

**GROTON CONSERVATION COMMISSION**

## Minutes

February 14, 2006

Chairman Peter Morrison called the meeting to order at 7:00 p.m. in the 2<sup>nd</sup> floor conference room in Town Hall. Members Craig Auman, Bruce Clements, Kris Corwin, Bruce Easom, Marshall Giguere, and Evan Owen were present. Conservation Assistant Barbara Ganem was also present.

Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to approve the Executive Session minutes of January 24, 2006, as drafted.

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

VOTED: to approve the Open Session minutes of January 24, 2006, as drafted.

K. Corwin abstained from the vote.

Member B. Clements reported that the Trust for Public Land Steering Committee has been meeting regularly at 7:30 a.m. on Monday mornings to discuss the preservation of the 360 acre Surrenden Farm which has frontage on the Nashua River. They are anticipating the Town will contribute 25% or \$5.6 million of the \$19.4 million project cost using Community Preservation funds. Mr. Clements noted it appears there would be sufficient CPC funds to cover the cost without completely cutting off funding for other projects. Groton School has committed \$5 million to the project. Several house lots will be cut off from the larger parcels. There is interest in keeping the land in agriculture, i.e., haying. The project will require \$2.2 million in private fundraising, as well as a \$500,000 Self Help grant. The Trust for Public Land will act as project manager and, if there is strong support from the Town, will put up \$4.7 million for a March 1 deadline. Fisheries & Wildlife has some interest in the portion of the land nearest the River, identified as Lot 8 south.

B. Clements mentioned that some have questioned whether this would be an appropriate site for a school, but there are concerns that private funding would be lost. The Parks Commission has also expressed an interest in locating two playing fields there on approximately 7 acres. There are arsenic concerns because of the site's former use as an orchard. Affordable housing is another possibility, but the access would need substantial improvement.

B. Easom explained the Community Preservation Committee will hold a public hearing on February 27<sup>th</sup> to determine whether the Committee will recommend the project at town meeting. He encouraged members to attend because there are implications for future CPC projects. Badge Blackett, Project Manager from TPL, spoke in favor of the project before the Board of Selectmen on February 13<sup>th</sup>, and there was good support at that meeting. Mr. Easom said that only 60% of the state CPC funds can be used for open space. C. Auman noted they are looking for 25 cents on the dollar from the Town. B. Easom commented it may be better to go with a 5-year note because the Town would have greater flexibility in paying back the debt.

7:15 p.m. - Gilson Road ANRAD continuation

Terry Ramborger reported he had re-delineated the wetland to include the small isolated pockets of wetlands. He noted that conditions were such that the soils could not be checked during the most recent site visit. Wetland flagging, however, was surrounded by frozen water that extended well into the upland. The extent of flooding could be the result of frozen soils which did not allow water to infiltrate. Mr. Ramborger said that, based on the Wetlands Protection Act regulations, calculations were prepared that show the extent of flooding could reach the 250.89' elevation. Copies of the calculations documenting that the area is Isolated Land Subject to Flooding were submitted to the Commission.

Member Easom said the abutter, Mr. Broz, has indicated his willingness to place a gauge in the water to determine the spring perimeter of the wetland. M. Giguere read the Regulations at CMR 10.57 and urged the Commission to observe the wetland in the wettest possible spring conditions. C. Auman mentioned the Regulations also state the “largest recorded volume” can be used as a measure. He pointed out there was moss present on tree trunks that would be consistent with a water elevation about 11” higher than the Commission observed on the site visit. E. Owen questioned whether the survey included microtopography on the site, and Mr. Ramborger said it was a regular survey job (elevations were in two foot increments). Mr. Owen said he was comfortable with the elevation derived by calculations. K. Corwin indicated she was ok with the calculations if they encompass the area that was flooded.

P. Morrison suggested using a 2” by 4” board pounded into the ice to do a reference historic water elevation. Mr. Ramborger said the water could come as high as 252’ in the event of a 100 year storm. In response to a question from B. Clements, he acknowledged the wetland would be jurisdictional under both the WPA and the Bylaw. Mr. Clements pointed out there is a 100’ buffer on isolated vegetated wetlands under the Bylaw. E. Owen commented a photograph showing a tree with a water mark could help establish a site-wide elevation.

Resident Russell Broz (27 Old Carriage Path) stated he has observed higher water levels after living there more than a decade. He felt the water extended beyond the 250.89’ elevation. He showed several photographs of the site and will provide copies for the record. Matthew Field (993 Boston Rd.) questioned why the Commission was not asking about wildlife in the depression, and members explained the pool had been certified several years ago. The applicant is aware he will need to file with Natural Heritage for any work within 100 feet of the wetland. Members also pointed out that no work is proposed under this filing.

Mr. Field asked if the owner would have to file under MESA, and B. Ganem said a letter has come in from Natural Heritage indicating the site is not within priority habitat. Mr. Ramborger explained no further wildlife studies are necessary as the turtles observed by Hyla were well off the site. B. Ganem questioned how the drainage area contributing to the wetland was determined since topography on adjoining lots is not shown on the plan. Commissioners requested the flagging of the edge of flooding and copies of four of Mr. Broz’s photograph, to be dated and signed. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to continue the hearing to March 28, 2005.

#### 7:30 p.m. - 160 Townsend Road NOI continuation

Steve Ericksen of Norse Environmental Services, Inc. noted the replication plan has been revised to address issues raised by the consultant from Epsilon. Since the replication area is located next to a red maple swamp, it is anticipated the plantings will reflect the adjoining area rather than the filled area. Plans have also been submitted showing buffer zone plantings of white pine which will serve as a visual buffer, wildlife cover, and nesting area. Epsilon has also recommended additional plantings in the replication area, including shrubs such as winterberry or dogwoods. It is anticipated the evergreens will be 5’ high and planted in staggered rows 10’ on center. Mr. Ericksen thought white pine would do well on the sandy soils, but indicated he would be willing to substitute other evergreens such as hemlock, white, or red cedar.

M. Giguere expressed reservations about plantings that can reach 80’ in height. He suggested a mix of evergreens. Mr. Ericksen noted the wooly adelgid could be a threat to hemlock, and he agreed it would be better to avoid a monoculture. He acknowledged there were several conditions recommended by Epsilon for the project Order of Conditions, and there were no identified issues. Attorney Douglas Deschenes said the project does meet stormwater policies. The ZBA decision mandated a reduction in units, and he thought there had been a final Judith Nitsch Engineering, Inc. report. The roadway was not re-designed. The Comprehensive Permit required a review of the completed final project before construction. Mr. Giguere questioned why, if there was a reduction in impervious surfaces, there would not be a reduction in stormwater drainage infrastructure. Mr. Deschenes stated the project was reduced by four driveways.

Member Auman indicated he was disappointed that the proponent was unable to remove work from the 100-foot buffer zone. He added, “The project does not comply with the Wetlands Protection Bylaw with three units located in the

buffer zone.” He thought the inclusion of shrubs in the replication area was a good idea and asked the applicant to show the monitoring wells on the plan. Members agreed the increase in diversity and density of plantings within the replication area was an improvement. K. Corwin asked Mr. Ericksen to provide a cross section of the replication area. He argued that having a monitor on site to make certain that adequate elevations and preparation improve the chance for success of the replication. He agreed he could see requiring this for a larger or more difficult replication area, but in this project, they will dig down two feet and add topsoil improved with composted leaf litter.

B. Ganem requested that the locations of Test Holes 7 & 8 be shown on the plan. B. Easom questioned what the elevation of the replication area will be, and Mr. Ericksen responded it is likely that 6” - 1’ of topsoil will be removed, and the soils mixed with organic materials. In summary, the Commission requested plan revisions showing a mix of plantings in the buffer zone and replication area, the locations of soil logs 7 and 8 and the monitoring wells, and the last drainage review report by Judith Nitsch Engineering, Inc., including the plan date. With the applicant’s consent and upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to continue the hearing to February 28, 2006.

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7:45 p.m. Appointment Paul Knapik NationalGrid

Mr. Knapik explained there are 8 or 9 structures in need of repair or replacement located within a 15-acre beaver impoundment. The beaver dam is on property owned by the Town, identified as Parcel 243-17 (Ripley Forest). The maintenance of utility lines is exempt from both the Wetlands Protection Act and the Bylaw. P. Knapik said the policy is to avoid and mitigate by using swamp mats that distribute the weight of machinery so as not to disturb the substrate in wetland areas. The maximum depth of water for the safe use of the mats is 3’. The water elevation in the impoundment is now between 5’ and 5.5’. Photographs of the site in 1984 and 2002 showed a significant increase in the size of the impoundment. NationalGrid anticipates installing a beaver flow leveling device in a partial breach of the dam. Mr. Knapik acknowledged there are four rare species in the area, and NationalGrid is aware that special measures are needed to deal with such a sensitive site.

There are eight structures which need replacement. The area that is drained will remain Bordering Vegetated Wetland instead of Land Under Water and will allow the necessary work to go forward while maintaining habitat. Mr. Knapik explained that the best access to the site (which is north of Martins Pond Rd. and south of Raddin Rd.) is probably via Floyd Hill Rd. While there are resource issues, P. Knapik stressed that there is some urgency due to the condition of the structures. C. Auman, noting how trees were clearcut at the Gay Rd. power line crossing, questioned how much clearing is proposed for this phase of the project. Mr. Knapik said the Gay Rd. work is actually part of the Yearly Operational Plan for the trimming of branches and control of shrub and herbaceous vegetation. Scott Ryder, an employee of MassElectric, said that some screening is proposed at the Gay Rd. crossing, but the trees had become too tall and were threatening overhead wires.

Mr. Knapik indicated they plan to do a partial breach and install some type of beaver deceiver. This approach will be a more permanent solution to the problem. There is a gravel access road which can provide access, thereby minimizing impacts to the resource area. There is a stone culvert at the cart road, but it may be collapsed inside. E. Owen stressed that boundary markers should not be disturbed. K. Corwin expressed her appreciation for coming in for discussion, but stated she was very concerned about the rare species on site. She warned that there is a series of beaver dams on the stream. Natural Heritage requires that the breaches be done during a dry time of year, and Mr. Knapik explained there will be a scheduled outage in August. B. Clements thought that it would be a challenge to meet the requirements of Natural Heritage. The work is likely to require a filing with MESA with an operations and maintenance plan submitted to Natural Heritage. Mr. Knapik estimated the depth of the water after breaching will be approximately 3’, and the swamp mats can be used for mitigation.

Dawn Travalini (MassElectric) noted that, as property owner, the chief purpose in coming before the Commission tonight was to seek permission to proceed as previously outlined by Mr. Knapik. She said a verbal approval would be acceptable, but eventually it will have to be put in writing. A Notice of Intent will be filed. K. Corwin requested the submittal of current water elevations and those proposed once the breach is accomplished. She also asked that the before and after outline of the impoundment be provided. Pending the submittal of the NOI, members agreed to

authorize the proposed work to go forward on the conservation land known as Ripley Forest.

8:00 p.m. - Mason/666 Lowell Rd. ANRAD continuation

Brandon Ducharme submitted observation plot information adjacent to wetland flag #A-13. There being no further outstanding items, upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to close the hearing for 666 Lowell Rd., DEP #169-944.

8:15 p.m. - Eliot/129 Longley Road RDA continuation

Homeowner Anna Eliot submitted revised plans showing the percentage of Riverfront Area proposed to be disturbed by the addition. Member Corwin advised her that if the footprint of the addition is more than 50% of the size of the existing structure, she will need to file with Natural Heritage under the Massachusetts Endangered Species Program. Upon a motion by E. Owen, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination with the following conditions: 1) As appropriate, the applicant shall file with the Natural Heritage & Endangered Species Program under the Massachusetts Endangered Species Program and 2) the plan of record is identified as "Septic Tank Plan" dated December, 2005, most recently revised 2/13/06, signed and stamped by Daniel B. Wolfe, R.P.E.

8:30 p.m. - Liebold/246 Lowell Road RDA continuation

Consultant Brandon Ducharme explained he had added an erosion control barrier downgradient of the proposed addition. Some material will be stockpiled within the 100-foot buffer area. The wetland line was reviewed in the field, and the soils confirm the placement of flagging. Members noted the recharge trenches around the driveway are in bad shape. Mr. Clements advised the trenches should be cleaned, restored, and kept in functional order in the future. B. Easom questioned how sheet flow from the driveway is currently handled, and Mr. Ducharme indicated it will flow over the grassed area. Upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to issue a negative #3 Determination requiring the applicant to restore the recharge trenches and assure their future functioning through regular maintenance.

Commissioners reviewed the draft warrant articles for Town Meeting and suggested the acreage of the land proposed to be assigned to the care and custody of the Conservation Commission be included. The two land articles, regulation change, and proposed bylaw will be conveyed to Town Counsel for review prior to submittal to the Selectmen.

After review and upon a motion by K. Corwin, seconded by C. Auman, it was

VOTED: to approve the issuance of an Order of Conditions, as amended, for DEP #169-940 for the Bobzien filing for Sand Hill and Longley Road.

In discussion on the Ch. 91 process for the permitting of docks, members agreed that this is not within the Commission's jurisdiction with the exception of the need to file a Notice of Intent for work in a wetland.

Commissioners discussed Bruce Clement's attendance at the Massachusetts Conservation Land Conference on March 11<sup>th</sup>. Upon a motion by C. Auman, seconded by K. Corwin, it was

VOTED: to authorize the expenditure of \$47 for B. Clements to attend the Massachusetts Conservation Land Conference.

B. Clements abstained from the vote.

Member B. Easom agreed to plant three young white pines at the Crosswinds Conservation Area.

Concerning 27 Cypress Rd., members agreed to see what outcome develops with the Building Commissioner's concern about the retaining wall. K. Corwin suggested the Commission may want to look into the purchase of a range finder.

Members reviewed correspondence from Tom Delaney regarding work near the Black dam on Burntmeadow Rd. Upon a motion by K. Corwin, seconded by E. Owen, it was

VOTED: to rescind the Enforcement Order and fine previously issued to Bennett Black, Jr. for work near the dam.

Tom Delaney will be contacted to do a temporary, short term fix before the filing of a Notice of Intent for the replacement of the collapsed culvert.

In regard to the Gale parcel, Commissioners recommended contacting the landowners to determine whether they would be interested in doing a conservation restriction on the property.

In discussion on the proposed Memorandum of Agreement with the Community Preservation Committee, B. Easom noted that a verbal report is okay. Members were concerned that maintenance of conservation land tends to be neglected and questioned what other Conservation Commissions are doing. K. Corwin strongly recommended that maintenance expenses come out of the line item budget and not the Conservation Fund. The utility of the Conservation Fund and the open space Community Preservation fund is very different. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to modify the Memorandum to specify that the Conservation Commission representative will present the progress report.

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

VOTED: to authorize Peter Morrison to sign the amended Memorandum of Agreement with the Community Preservation Committee.

Chairman Morrison agreed to contact the Hurds to determine their preference for the naming of the land on Boston Road next to Myette's.

Member Easom reported that The Trust for Public Land is looking to the Conservation Commission for a yea or nay on the Surrenden Farm project. He recommended a formal vote. The developer, Joseph Falzone, initiated the project with TPL. The current plan calls for reciprocal conservation restrictions on lands held by other entities. P. Morrison felt it was important that the town own the fee in the land once the five buildings are taken out. If Fisheries & Wildlife buys the 30+acres and a conservation restriction along the Nashua River, the Town's ownership of land would go down, but the expected contribution would stay the same. Chairman Morrison suggested there should be a minimal acreage the Town will own.

Bruce Clements and Craig Auman, Conservation Commission representatives to The Trust for Public Land Steering Committee, explained that putting funding together is going to be very difficult and the plans are still in a flexible stage. Members felt it should be clear what the Town is getting for its \$5.6 million contribution. The Groton Conservation Trust will have to bring in funds to close the funding gap. Right now, the hope is to preserve the land without any development. Commissioners agreed it was important to safeguard the Conservation Fund as there is a decreased likelihood that Town Meeting would approve additional funding. The TPL Project Manager has not contacted the Commission to schedule an appointment with the Commission as yet. The Community Preservation

Committee is meeting on February 27 to discuss their position on the project. B. Clements agreed to bring the Commission's concerns to the next TPL Steering Committee meeting.

There being no further business, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as drafted 2/28/05**