

GROTON CONSERVATION COMMISSION

Minutes

April 11, 2006

Chairman Peter Morrison called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Craig Auman, Bruce Clements, Kris Corwin, Marshall Giguere, and Evan Owen were present. Bruce Easom arrived at 7:04 p.m. Conservation Assistant Barbara Ganem was also present.

7:00 p.m. - Appointment - Gramolini/993 Boston Road

Mr. Gramolini explained he had received a permit to cut dead trees, but he forgot about asking the Conservation Commission about the pile of dirt at the front of his lot. He attempted, unsuccessfully, to put in silt fencing when the ground was frozen. After the Commission's Saturday visit, he said he was able to trench in the entire fence and scrape the silt back. He said he plans to spread wood chips over the dirt pile.

(B. Easom arrived at 7:04 p.m.) Mr. Gramolini continued, stating the soil berms are to help control sound. He noted trees were cut near the barn because they were causing the roof to rot. He added that plants would be planted on the berm with the intention of letting the area grow naturally. K. Corwin advised the addition of haybales to the silt fencing as the berm is close to wetlands. Mr. Gramolini indicated he did not plan any further disturbances other than plantings. He also thought trees such as white pine would help with the noise and dust.

B. Easom cautioned that things should not go forward until the site is properly contained. He thought that the complete failure to abide by the conditions in the Determination warranted a fine. Mr. Gramolini argued that there had been no damage to the wetland, and there was just one small area where silt had gotten through. He apologized for his oversight. P. Morrison advised him to maintain the silt fence until the wood chips were spread, a step which should be done as soon as possible. Chairman Morrison noted that any sign of erosion would be a problem for the Commission. B. Easom made a motion, seconded by E. Owen, to issue a \$50 fine. The motion failed with six Commissioners voting in opposition, and B. Easom voting positively. Mr. Morrison said the vote is likely to go the other way if Mr. Gramolini does not comply quickly.

In discussion on the proposal submitted by the Greater Lowell YMCA for the management of the waterfront and swim lessons at the Town Beach, Chairman Morrison noted the Selectmen have voted to accept the proposal and requested an evaluation report at the end of the summer season from the Conservation Commission. The actual contract will involve fine-tuning in collaboration with Town Counsel. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to recommend acceptance of the YMCA proposal for the management of the waterfront and swim lessons at Sargisson Beach, subject to negotiations on the final contract.

B. Clements questioned whether this will include the parking attendant, and B. Ganem replied the Water Safety budget includes the salary for the parking attendant which will continue to be paid by the Town. This could change next year with a different contract.

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

VOTED: to approve the minutes of March 28, 2006 as drafted.

B. Ganem noted Vic Burton was unable to meet with the Commission due to medical issues. His purpose in requesting the appointment was to ask the Commission to authorize a survey of the Acorn Path trail access which is only 10' wide, but extends for 300' to 400'. It was noted this trail connects with Battenwood and Grotonwood and is an important link for conservation lands. McGlinchey prepared the original survey for the Acorn Path project. E. Owen

suggested there may be ways to determine where the access is without paying for a full survey. He and B. Easom agreed to look into the matter more closely, and K. Corwin suggested the site be included on the next site walk.

7:15 p.m. - Lost Lake Drawdown, DEP #169-861 NOI continuation

With the applicant's consent, upon a motion by E. Owen, seconded by B. Easom, it was

VOTED: to continue the hearing to May 9, 2006.

E. Owen noted the streambed downstream from the dam at Lost Lake/Knops Pond remains bone dry.

Chairman Morrison reported he was contacted by horseback riders using the Nashua River Rail Trail about users such as roller bladders or bicycles not giving way to those on horses. He suggested the Commission may wish to encourage additional signage. Commissioners thought the Division of Environmental Management, now part of the Department of Conservation and Recreation, has temporarily allowed horseback riders south of Broadmeadow for an evaluation period. There is no official equestrian trail in this area. Mr. Morrison explained the issue arose north of Station Avenue. K. Corwin cautioned this was not Conservation Commission property and recommended the Commission not get involved. B. Clements suggested it would not do any harm if the Commission makes an inquiry about the appropriate signage to remind trail users of proper etiquette. Upon a motion by B. Clements, seconded by B. Easom, it was

VOTED: to forward comments to DEM about appropriate signage to remind trail users of proper etiquette.

The motion passed with six voting in favor, and K. Corwin voting in opposition.

In other business, Self Help grant applications are due August 1, 2006. The Trust for Public Land has indicated they will assist the Commission in preparing an application for the Strachan-Campbell purchase. B. Ganem reported there is landscaping work being done adjacent to the Middle School driveway, and she has contacted Craig Young, the Business Manager for the Groton Dunstable Regional School District to request haybales at the edge of the work area.

7:30 p.m. Underwood/159 West Main Street RDA

The applicant, Bayard Underwood, was unable to be present due to medical issues. Christine Lindemer explained there is private financial support for a project which improves the community and involves residents of all ages. It is the intention to re-build benches and other existing structures such as the bridge that provide a nature path around the pond at the former Squannacook Sportsmen's Club. K. Corwin said this is a great project and asked if there are any intentions to drive posts to support the bridge. Ms. Lindemer explained there are telephone poles there currently with boards placed across, but she was uncertain whether they would be replaced. Ms. Corwin explained that driving posts could stir up sediments, and using materials with creosote or arsenic could be problematic in wetlands. She noted some pressure treated products contain arsenic. Ms. Lindemer thought there would be no stump or root removal, but plant material with thorns or dead trees would be removed. E. Owen pointed out there may be some native swamp roses that will have briars.

C. Auman indicated he supported the project in concept but would ask the applicant to keep disturbances at a minimum and to assure that debris is not thrown into the water. Upon a motion by B. Clements, seconded by K. Corwin, it was

VOTED: to issue a negative #3 Determination requiring 1) alteration is kept to a minimum;
2) no products using creosote or arsenic are utilized; 3) the Commission requires the
use of existing infrastructure where possible; and 4) no foreign materials are introduced into
the water.

Regarding the draft MassAudubon/MSPCA Conservation Restriction, K. Corwin did not see a problem with not

allowing public access as the project is still a public benefit. B. Clements suggested the Commission respectfully request that MassAudubon allow public access unless the site is otherwise posted. Attorney Robert Collins, who has prepared a Conservation Restriction for the MassAudubon Rocky Hill area, observed that ultimately, unless there is very fragile wildlife habitat, there is likely to be public access. He noted they specified that no dogs, horses, or jogging be allowed in the Rocky Hill area. K. Corwin commented this is typical of all MassAudubon sanctuaries. Upon a motion by B. Clements, seconded by C. Auman, it was

VOTED: to request that MassAudubon consider allowing public access on designated trails.

The motion passed with K. Corwin, E. Owen, and M. Giguere voting in opposition.

7:45 p.m. - Rotker/293 Chicopee Row NOI

(Member K. Corwin stepped down from the discussion as an abutter within 300' of the project.) Engineer Kevin Ritchie explained the Commission had previously issued a positive Determination and requested the applicant to explore additional alternatives. He noted the existing septic tank is located within 35' of the wetlands, and they anticipate emptying and filling it with clean materials. He said additional soil testing was done at the crest of the hill where groundwater was found to be within 32" to 36" of the surface. The riding arena was also tested, and found to have silty loam within 16" of the surface. A sieve analysis would be required to design the septic system, and, in order to fit the septic system within well arcs on this and adjacent properties, it was estimated the system would have to be raised 10' or 11' out of the ground and would require a retaining wall. There was nothing really positive about this design. If the system was put at the top of the hill, where the groundwater is between 32" and 36", a larger amount of fill would be necessary, bringing the breakout grading very close to the proposed septic location. The proposed location is out of the 100' buffer zone, and the groundwater is between 7' to 8' below the surface. Mr. Ritchie said silt fencing will define the limit of work and also allow vehicular access for construction.

Mr. Owen thanked Mr. Ritchie for offering such a thorough alternatives analysis. He commented this project does not fall under the Bylaw as it is in a previously disturbed area. Mr. Ritchie indicated he flagged the Riverfront Area based on the top of bank. Natural Heritage has been notified as the project falls within estimated habitat. K. Ritchie said the Board of Health will consider the revised plan at the meeting next Tuesday. They have previously approved the plan the Commission considered under the Request for Determination of Applicability, and he did not anticipate a problem with the revised plan because no waivers or variances are requested. M. Giguere asked about the storage capacity of the septic system, and Mr. Ritchie replied it would be a 1,500 gallon septic tank combined with a 1,000 gallon pump chamber to handle the predicted 440 gallon daily flow. The leach field meets Title V requirements.

Resident K. Corwin (325 Chicopee Row) asked what time of year the groundwater was tested, and K. Ritchie responded tests were done in May, November, and January. Ms. Corwin commented there is a regionally significant population of Blue-spotted salamanders on an adjacent parcel. It was noted that Natural Heritage has not completed their review of the project at this time. Upon a motion by B. Clements, seconded by C. Auman, it was

VOTED: to close the hearing for DEP #169-749 for 293 Chicopee Row.

The motion passed with B. Easom voting in the negative.

8:00 p.m. - Appointment - Collins/Deerhaven Conservation Restriction

Attorney Robert Collins estimated the Deerhaven subdivision was originally permitted perhaps ten years ago. Much of the area closest to Cow Pond Brook and just off Rt. 40 was deeded to the Town as conservation land. The remaining parcel, which is to be subject to a conservation restriction, also serves as the site of a community septic system serving half of the homes within the subdivision. This design was agreed to by the Planning Board in order to preserve the Whitney well site. The area subject to a Conservation Restriction provides a link between Rt. 40 and Burntmeadow Road, forming a part of the Town's trail network. He noted the draft Conservation Restriction has been reviewed with Kopelman & Paige attorney Shirin Everett. It recites easement rights and activities one can do within the restricted

areas. It also requires the approval of the Conservation Commission, the Board of Selectmen, and the Secretary of the Executive Office of Environmental Affairs before being recorded at the Registry of Deeds.

Mr. Collins asked the board to consider sending a letter to the Board of Selectmen asking them to sign the document. He assured the Commission there has been some review at the state level. Commissioners asked if the site was currently stabilized, and Mr. Collins indicated that Mr. Moulton was moving toward the final stages of the project and expects to over-seed the area this week or within the month at the latest. Member M. Giguere said he had recently walked the field area which looked fine, but other members may not feel it is adequately stabilized. He noted there is a pile of debris there including tractor tires, and B. Collins assured him this would be taken care of. B. Easom said it is good to see the project coming to a conclusion with a conservation restriction to preserve trail accesses.

Chairman Morrison noted there is an easement for a roadway to provide access for the Black property to Hoyts Wharf Road that is mentioned in the Conservation Restriction. He questioned whether the area near the detention basin is stabilized, and Mr. Collins indicated that is part of an outstanding Order. B. Clements asked if the easement is to benefit the Blacks, and it was confirmed it is for their use. K. Corwin said she would prefer to check to see whether the area is stabilized before signing off on the Restriction. E. Owen questioned whether the area near the pond is being over-seeded, and Mr. Collins indicated it would be rock raked and seeded. This area will be included on the next Commission site walks. Mr. Collins said he expected to have the revised Rocky Hill Conservation Restrictions ready soon and hoped to have them conveyed to Town Counsel. He has also talked to Dave Moulton about the potential of funding Town Counsel legal expenses involved with the review of the Restrictions.

8:15 p.m. - Prakhya/285 Nashua Road Unit D

Mr. Prakhya explained he wished to remove trees adjacent to his home. Renee Moe, a Trustee of the Still Meadow Condominium Trust, noted that a tree had fallen during a recent wind storm and just missed Mr. Prakhya's house. Ed McNierney and David Black of the Groton Conservation Trust, owners of the Still Meadow Conservation Area over which the Commission holds a Conservation Restriction, were contacted. They agreed to the removal of trees over 20' in height. Eleven trees were identified for removal. The applicant agreed to not pull stumps and requested authorization to leave the mulch there. Commissioners recommended that trees be cut so that the stump is left flush to the surface. B. Easom suggested the applicant consider lopping the tops of the trees off rather than removing the entire tree as this would minimize the impact.

B. Clements concurred with the reluctance to cut mature trees, but noted these trees did not have much foliage at the top. Ms. Moe indicated condominium owners have permission from the Association to remove trees on the common property. K. Corwin observed the pines are likely to have shallow root systems. E. Owen asked if lawn is intended for the area where the trees are to be cut, and Mr. Prakhya said no lawn is planned. A stump grinder may be possible. C. Auman suggested that it would be wise to remove trees with a shallow root system, but encouraged the applicant to minimize disturbances, use minimal equipment, and stabilize the site at the conclusion of the tree cutting.

Mr. Prakhya said he would like to have the trees converted to mulch to be distributed at the site. He plans no lawn in the restricted area. He thought logs had been placed to demarcate the conservation-restricted area, and he would like to chip these as well. B. Clements thought it would be best to have some delineation of the conservation-restricted boundary. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to issue a negative #3 Determination providing 1) trees are cut level to the ground with no stumps removed; 2) disturbances shall be kept to a minimum; 3) any disturbed areas shall be backfilled with wood chips; and 4) trees may be chipped and spread on the site as a light mulch.

The motion passed with six members voting in favor, and B. Easom voting in the negative.

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

VOTED: to issue a Certificate of Compliance for DEP #169-883 for 38 Fitchs

Bridge Road.

8:30 p.m. - Weisner/38 Fitchs Bridge Road RDA

Homeowner Lisa Weisner explained they plan to renovate an existing garage, moving it 6' back. Member B. Easom noted the move seemed to be a response to concerns expressed by neighbors at the Zoning Board of Appeals hearing. Ms. Weisner said she does not like to remove snags because they are habitat, but there is an advantage to getting vehicles into the garage more easily. Although the driveway is currently paved, Ms. Weisner indicated she would be willing to have a gravel driveway that is more permeable and will have less runoff. Mr. Easom thought there were two implications for the Commission, one being that the project is closer to the Nashua River and the second that there will be more impermeable surfacing.

B. Clements noted the garage would be 83' rather than 89' from the River, and he would prefer to not have trees cut. The work is outside of the floodplain. The garage will have the same footprint. K. Corwin indicated she was okay with moving the garage as long as the plan reflects this change. She praised the work the Weisners have done on the property. C. Auman concurred that the improvements more than compensate for the proposed work. He questioned how the foundation will be constructed, and Ms. Weisner indicated there would be no excavation as it will not be a full foundation. M. Giguere suggested the project will have minimal impact. Ms. Weisner revised, signed, and dated the RDA plan. Upon a motion by K. Corwin, seconded by E. Owen, and it was

VOTED: issue a negative #3 Determination requiring that the work be done according to the plan and that disturbances be kept to a minimum.

The motion passed, with B. Easom voting in the negative.

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8:45 p.m. - Mottram/63 Kemp St. RDA

Homeowner Danyelle Mottram explained they plan to replace 20 year old wooden decking around an existing pool. Some of the concrete surround will extend further out, but it will be on the side of the pool away from the pond. The current fencing will be replaced by chain link fencing. There are also plans to do some renovation work on the existing house deck. K. Corwin advised the installation of haybales between the wetland and the work as post hole digging and fence installation can generate sediments. No machinery should be allowed on the wetland side. B. Easom questioned how the pool is drained for maintenance, and Ms. Mottram replied the pool is self-contained with no drain. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination providing erosion control measures (haybales or silt fence) are installed between work and pond, workers are instructed to assure no materials migrate to wetland, proper disposal of demolition materials, and machinery shall not enter on the pond side.

9:00 p.m. - Gilson Road ANRAD continuation

With the applicant's consent, upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to continue the hearing to April 25, 2006.

K. Corwin noted she had observed three feet of water in the vernal pool in the spring of 2003.

9:00 p.m. - Patenaude/Bridge St. ANRAD continuation

With no applicant's representative present, the Commission reviewed the revised plan showing a 35' width for Cow Pond Brook. E. Owen observed that the plan reflects what the Commission discussed at the last meeting. Sandy and

Rodney Hersh (8 Bridge St.) asked that the hearing be kept open as they understood additional residents were planning to attend.

Member C. Auman reported he attended the Board of Health hearing on revisions to their regulations on the installation of underground storage tanks. They agreed to incorporate language similar to that contained in the Wetlands Protection Bylaw prohibiting the storage of hazardous materials within 100 feet of wetlands or 200 feet of streams. The Fire Chief actually implements the BOH regulation and will do so after circulating review authorizations to the Board of Health and the Conservation Commission. The Fire Chief estimates he authorizes between 20 and 50 installations a year.

Chairman Morrison noted that Town Meeting will take place on April 24th. The Commission has two tax taking articles on the warrant, and B. Easom volunteered to attend to speak on behalf of these articles.

B. Clements asked the status of the review of the current Board of Health regulations on irrigation wells. B. Ganem noted that comments are due by April 15, but she was not aware of anything proposed for this Town Meeting.

Members E. Owen and P. Morrison attended the recent meeting for the organization of a Groton Agricultural Commission. Chairman Morrison reported the organizers have identified approximately 61 properties with 10 or more acres. The owners will be contacted to involve them in the meetings and to develop contact information. The Commission would act as advocates for farmers in town and serve in an advisory capacity to the Board of Selectmen. While they would have no statutory or regulatory power, they would work closely with the Conservation Commission. The next meeting will be in May, with a public hearing in June, and possible inclusion on the fall town meeting warrant.

B. Easom mentioned he had attended a presentation where Secretary Gillespie spoke, and they are worried about pulling together enough people to put together a consistent group. It was noted the Groton Grange is still a viable group and one of their missions is to transfer information about animal husbandry. B. Clements commented there is little incentive for farmers to continue farming as it is hard work and not very profitable. P. Morrison said many farms have been in the same family for a number of years, and the owners feel a sense of stewardship toward the land. He pointed out that 86% of farmers are likely to have incomes from other sources. The Agricultural Commission will look into ways to enable farmers to make a living at farming.

C. Auman questioned whether the Epsilon bill will be paid out of the monies collected from the developer of the Squannacook Hills project. B. Ganem confirmed that this bill would almost deplete the fund.

At 9:20 p.m., Commissioners returned to the topic of the Bridge St. ANRAD hearing. It was noted the revised plan shows the width of Cow Pond Brook to be 35' at this location. B. Ganem noted the applicant has also submitted revised front and back pages for the NOI which show the Gamlins as the current owners of the property. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to approve the resource areas shown on the plan revised 4/3/06 and close the hearing for DEP #169-945 for Bridge St.

9:15 p.m. - Bue/14 Island Road NOI continuation

With the applicant's consent, and upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to continue the hearing for DEP #169-946 to May 9, 2006.

B. Ganem noted the floodplain compensatory storage area does not appear to provide storage at the same elevations as the floodplain filling. Commissioners recommended that the engineer be contacted to provide details to the Commission prior to May 9th.

Following a general discussion of the TPL/Surrenden Farm project and upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to fully support the Town's purchase of Surrenden Farm with CPC funds.

B. Clements noted there is concern among some town groups that all of the CPC funds will be devoted to this project. There will actually be at least \$200,000 left over each year of the bond and available to fund other CPC projects. There being no further business, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted April 25, 2006