

GROTON CONSERVATION COMMISSION

Minutes

July 25, 2006

Chairman Evan Owen 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 Peter Morrison were present. Bruce Easom arrived at 7:20, but left periodically to sit in on a concurrent Community Preservation Committee meeting. Conservation Assistant Barbara Ganem was also present.

Member Giguere invited college freshman Dan Noya to attend the meeting as a prospective Associate Commissioner. He explained that he and Dan had been surveying some of the conservation properties, including the Whispering Brook Conservation Area, off Old Dunstable Road. Mr. Giguere reported they observed what appears to be an irrigation system to withdraw water from the wetland at the site. When asked about his interest in conservation, Mr. Noya explained he planned to enter the field of environmental studies since he likes to be outdoors and do field work. He will be attending college at UMASS in Amherst this fall. Members invited him to participate in Commission meetings and site visits and to share what is going on in the academic world. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to appoint Dan Noya an Associate Commissioner of the Groton Conservation Commission.

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

VOTED: to approve the minutes of July 11, 2006 as drafted.

K. Corwin abstained from the vote.

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

VOTED: to approve the Executive Session minutes of June 27, 2006 as drafted.

In regard to the site walk to the Groton Dunstable Regional High School, members noted there were blueberries, ferns, and dogwood in the replication area but no red maples were observed. Commissioners suggested the applicant should show where they are or plant them. Overall, the replication area looks good, with the preservation of microtopography and logs. The Order called for the posting of "No Salt" signs near sensitive areas and removal of silt fencing before a Certificate of Compliance is issued. Issuing the Certificate will be postponed until these three items are addressed.

B. Ganem reported that a representative handling the estate of Franklin Carter has asked whether the Commission would be interested in a purchase of the 21 acres off Allens Trail. The parcel is within a rare species polygon and is contiguous with other protected open space. Chairman Owen said this would be a strategic parcel for recreational trails, and it also ranks high on the priority listing. Members agreed to include the parcel on the next site walk.

Regarding the management of trails on Gibbet Hill, C. Auman reported he had walked the area near Rt. 40 where the Trails Committee has been improving the trail. He noted the first 100 ft. of the trail near the restaurant is not mowed, but the grass is about 6 in. on the trail going up the hill and around the castle. He said his biggest concern is that there is no access to the trail at the restaurant because it is overgrown or wet. The restaurant web site states there is a walking trail, but apparently it is not accessible to the parking lot. He suggested a diplomatic inquiry to the Webbers might be in order to help us understand how the trail is to work. The Trails Committee is also trying to determine whether Lawrence Academy would allow trail users to park there. However, crossing Rt. 40/Lowell Rd. at that location is hazardous at best.

7:15 p.m. - Reedy Meadow NOI

E. Owen said he would stand down from the hearing because he works for an abutter. Consultant Stan Dillis explained these 3 lots were created in 1981 on the north side of the drumlin. The current owner is now a senior citizen who is interested in selling the lots. There is an existing culvert under Reedy Meadow Rd. which carries water coming out of the hillside, and this lot is not suitable for development. The Highway Department has recently improved the gutter along Reedy Meadow Rd. with riprap.

(B. Easom arrived at 7:20 p.m.)

Continuing, Mr. Dillis explained the development of the other two lots has been designed to alleviate an existing runoff problem. The plan is to collect runoff in catch basins where it is then carried to a swale that parallels Reedy Meadow Rd. Riprap for the swale will be located approximately 75' to 80' from the wetland. C. Auman pointed out that wetland flag numbers were missing in the field. He also noted there is an apparent second channel, where water was actually observed, that is not shown on the plan. Mr. Dillis said the soils and vegetation did not support a wetland finding. He suggested a follow up site visit with Brandon Ducharme, the wetland delineator for his firm. There is a lot of water coming out of the hillside but directing it to an underdrain behind the house and then to catch basins with outfalls going into riprap and then the swale along the front of property will improve the situation.

Member Clement concurred with the finding the flags were not properly numbered and also questioned whether the delineation included some of the branches of runoff higher up on the site.

K. Corwin asked that the soil probes be shown on the plans and requested calculations to support the sizing of the swale and catch basins. Mr. Dillis said this information was presented to the Planning Board, and he would be happy to provide it to the Conservation Commission as well. P. Morrison and K. Corwin both cautioned S. Dillis about looking at the Bylaw to determine the jurisdiction on the swale and whether the project qualifies as minor grading.

M. Giguere commented there is significant flow draining toward the catch basin. He questioned whether a low impact swale is feasible. S. Dillis thought it would have to be at least 6' to 8' deep. It is anticipated the large tree at the driveway center line will be removed, but the applicant plans to check this with the Planning Board. C. Auman mentioned there are a lot of large, deciduous trees on the lots and questioned whether clearing so much of the slope would increase the surface runoff flow offsite.

Abutter Brush Bradley (285 Reedy Meadow Rd.) noted there have been a lot of problems with ice and runoff during the winter, and he is concerned about the amount of water coming from the new driveway and during construction making the situation worse. He questioned whether the capacity of the stone area where water backs up at the 24" culvert is adequate to handle the additional flow. Mr. Dillis said the flow would not be increased enough to affect the pipe.

Resident Joe Kelley (222 Reedy Meadow Rd.) said he has observed flow from the old drainage system in the orchard for 12 months of the year. He maintained the new driveway and increased traffic would be a safety hazard. Commissioners advised him to take these issues up with the Planning Board. Mr. Kelly questioned whether the soil probes would provide information on the chemicals from the orchard. Members recommended he talk with the Board of Health to ascertain whether there are issues about arsenic leaching into the sub-soils. J. Kelly noted his well is down slope from the site.

Evan Owen (5 Ridge Rd.) asked how much of a cut will be necessary from existing elevations and if it was possible to keep all breakout grading for the septic system out of the buffer zone.

Mr. Dillis indicated the grading was due to the swale, and the cut would be minimal. B. Bradley added that soils have eroded as much as 1 ft. where the drain pipe empties (on Lot 1). Karen Kelley (222 Reedy Meadow Rd.) asked when the Commission would return to the site, and members indicated the follow-up site visit will take place on August 5th.

Roslyn Harris (495 Chicopee Row) said he had an easement on the road through the backyard of these houses. He maintained a lot happens on that slope, and he has not been able to mow the area at the top due to wetness this spring.

David Zimmer (272 Reedy Meadow Rd.) noted the water cuts through his yard, creating ice flows which are a hazard. He maintained there is significant flow, and any changes in landscaping are likely to increase the flow of water. B. Bradley added there is no place for the drainage to go. Member Morrison pointed out the Commission will take jurisdiction of there is erosion or sedimentation into a resource area. S. Dillis agreed that the site has to be looked at as a whole. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to continue the hearing to August 8, 2006.

7:30 p.m. - Lost Lake Drawdown NOI continuation

Dr. Bill Eger explained the protocol for monitoring rare plant species in the Lake during the drawdown is not fully developed and volunteer Cindy Kollarics has been working diligently on it. Ms. Kollarics explained she has three letters from Fisheries & Wildlife outlining their requirements. She will use a GPS unit to document where the plants are located. The rare species are clustered at the furthest point from the dam. The locations will be marked on a USGS map. A list of the vascular plants that occur at the Lake will also be developed. She noted that, although she does not have a Ph. D. in botany, the state botanist (Paul Sommers) agrees she is qualified to do the job. Ms. Kollarics said she is developing an herbaria to help in training volunteers to recognize Cabomba, Milfoil, Potamogeton crispus, as well as the rare species. Rare species will be flagged, and notes will be kept on each location to reflect the depth of the water, height, number of leaves, and general condition of the plants and their habitat and community. Before the Diquat application there were over 1000 plants in the vicinity of Springy Cove.

C. Kollarics said this information will be compiled on a chart and combined with the GPS mapping. It is anticipated the protocol will be developed by August 3rd and then submitted to Natural Heritage for their approval. She estimated that more than half of the work has already been done. She plans to do training sessions with at least two members from the Groton Lakes Association and from the Great Ponds Advisory Committee who will then do a regular survey each year following the drawdown. The survey must be done in summer.

B. Clements commented that Ms. Kollarics has had a monumental task imposed on her, but he anticipates a successful completion. The state will review the information after the first drawdown of 4.5 ft. to determine what impacts the plants may experience. They have endured quite well with the normal 2.5 ft. drawdown done every year. Ms. Kollarics explained she participated in plant surveys from 1992 to 1997 at ten different stations on the Lake. She was not aware of how much detail is required for surveys in other towns. P. Morrison thanked her for her very valuable assistance to the Town. Ms. Kollarics said that eventually it is the goal of the Great Ponds Committee to survey all of the Great Ponds in Town. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to continue the hearing for DEP #169-861 for the Lost Lake Drawdown to August 8, 2006.

7:45 p.m. - Public Safety Building NOI continuation

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

VOTED: to continue the hearing for the Public Safety Building NOI to August 8, 2006.

8:00 p.m. - 330 Lost Lake Dr. RDA

Homeowner Mary Bunn said she wished to replace her shed roof which is currently leaking. Her contractor, Paul Silver, was present and explained the old roof was already removed by a licensed hazardous materials specialist who could properly handle asbestos. He assured the Commission that the specialist complied with all DEP regulations for removing hazardous materials and had silt fencing in place. C. Auman observed that none of the debris appeared to have gone into the buffer zone, and he hoped it was disposed of properly. K. Corwin pointed out there has been a washout on the Lost Lake Dr. side of the property, and E. Owen commented this was supposed to be worked out with the Highway Surveyor although it's a separate project from the re-roofing. Materials are washing down the roadway,

and additional haybales are needed. Ultimately, it may be that a trench is built to handle the road runoff. Members asked that haybales be replaced within the next couple of days. E. Owen noted that he did not recall a project so close to the Lake that involved hazardous materials. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to issue a negative #3 Determination in which the silt fencing represents the limit of construction and shall be removed when the re-roofing is completed.

8:15 p.m. - 174 Shelters Road RDA

Dr. Bill Eger explained he wished to remove a tree where soils were eroding from the roots. The tree is located near the shore line of Lost Lake and leans over his dock, two boats, and shed. It is proposed that the work will be done in the winter when Lost Lake is frozen. Approximately a 3' to 4' stump will remain in place. Pieces of the tree will be dragged by toboggan to an abutter's property with less steep slopes. E. Owen complimented Dr. Eger on his well-treed lot. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to issue a negative #3 Determination requiring that the work is done when Lost Lake is frozen and the stump left in place.

Commissioners discussed the use of a self-propelled brush hog on some of the existing conservation area trails. P. Morrison noted this would be valuable equipment for the Trails Committee to use as well. K. Corwin said she has rented one from Moore's in Ayer for about \$100 per day. A member of the audience, Rosslyn Harris, offered to make recommendations on the best brush hog for Commission purposes since he has had experience with a number of makes and models. He noted they typically do a 40 in. swath. Upon a motion by K. Corwin, seconded by P. Morrison, it was

VOTED: to authorize members of the Trails Committee to use the Commission's portable brush hog as appropriate.

The Commission will also seek the advice of the Trails Committee on the purchase of a self-propelled brush hog.

8:30 p.m. - Nashua River Rail Trail NOI

Brian Milisci of Whitman Bingham explained that the plan calls for improvements to the viewing or sitting areas on the Groton School pond. The top tier of granite blocks has tumbled into the pond, and the goal is to restore these to their original location and stabilize the area. It is proposed to use anchor boulders, consisting of angular riprap about 15" to 18" in size, to provide stability. As a first step, a turbidity curtain will be installed to encircle the work area. No materials will be introduced to the site, but materials may be stirred up from the pond bottom. Filter fabric will be used under the riprap. The machinery used at the site will likely be a rubber-tired Gradeall or backhoe with an articulated bucket. Six-wheel vehicles will be used to bring materials down to the site.

B. Clements noted the project appears to address the objective of keeping materials out of the water, but he expressed concern about the heaviness of the granite blocks. Rick Nikitas, an engineer with the state Department of Conservation and Recreation explained his department will put out a specification booklet for bids and will provide the size and weight of the blocks to assure bidders have equipment heavy enough to handle the weight. K. Corwin questioned whether machinery will remain on the paved surface of the trail, and Mr. Milisci replied that machinery would not enter the wetlands and would remain within the paved area of the trail. The machines will have rubber tires and be able to reach out to pick up the blocks. The blocks in the water may be harnessed and winched out of the water. Ms. Corwin pointed out it is a steep slope, and there will be a tendency for riprap to migrate down the slope. B. Milisci answered that the materials will be bigger and more angular than what is there now. He understood that the ¾ in. crushed stone may be a problem as it is tempting to throw. M. Giguere cautioned that this could be a problem over time and asked if stairs are a possibility. He also questioned whether the granite blocks should just be left where they are. R. Nikitas thought stairs would increase the cost of the project and also pointed out people like to sit down and enjoy the area, and they would like to put the two rows back in place to maintain the sites' stability. P. Morrison pointed out the work will involve putting the blocks back where they belong. He thought the size of the riprap proposed for the project was likely to remain in place.

Member Auman said he uses the trail frequently, and these are good spots to stop and rest. People want to see the fish, and he thought the site should be designed to handle foot traffic down to the water. The blocks are big enough that they will not move, but he thought the riprap would not be all that inviting for people who want to go to the shore. He added the improvements are likely to be a worthwhile investment. It is not anticipated that de-watering will be necessary. K. Corwin questioned whether there are alternatives to the ¾" peastone. Mr. Milisci replied this is actually an aggregate that will lock into the sitting area. Highway Surveyor Tom Delaney was present and cautioned that materials that get up to the paved surface could prove hazardous to roller bladders. He recommended that materials be large enough so that users can see it. He did not think stone dust or Starpac would work well. He sweeps the trail several times a year. The 15" to 18" riprap is not easily picked up, and it might be possible to place the stones in such a way that they mimic stairs. It was noted that flagstones are difficult to anchor into the soil.

Abutter Roy MacGregor (284 Old Ayer Rd.) asked if there would be changes between the fence rail and hardtop, and Mr. Nikitas said no improvements were planned in this area. Members indicated they understood the need to eliminate future maintenance requirements, but expressed concern that users will continue to wear down trails leading to the water's edge. Other alternatives to consider include crushed cement or a stone dust mix. Mr. Milisci suggested the Commission could include a condition in the Order that would allow the Commission to review the specifications booklet before the project goes out to bid. Upon a motion by P. Morrison, seconded by K. Corwin, it was

VOTED: to close the hearing for the Nashua River Rail Trail improvements NOI.

8:45 p.m. - 122 Old Ayer Rd. NOI

Resident Scott Lathrop explained he wished to fix his driveway. He said he had purchased the property 9 years ago, and there was a natural dirt entry way that was used periodically to bring in hay deliveries. He acknowledged there was an accumulation of manure approximately six years ago and large equipment was brought in to remove the manure. He commented this appears to be a battle between town boards as he was told he needed to put in a culvert. When he hired someone to put it in, he was called by the Conservation Commission. He said he is left with a ditch which prevents access to the property. Mr. Lathrop stated his new barn manager was very concerned about the safety hazard as it would be impossible to access the barn if there is a fire. He maintained he only wishes to undo the damage ordered to be done by the Highway Department by simply restoring the access. He explained he would hire Brian Lagasse to smooth out the ruts and put in gravel.

Member Owen commented he believed there has always been a swale that carried water in this location. K. Corwin said she was familiar with the site and the fact that water collects there to the point where it overtops the road. Highway Surveyor Tom Delaney said he informed the owner when the barn was built that it would be necessary to put in a culvert under the access. A 4 in. pipe had been in there, but it was inadequate to carry the flow which backs up onto the roadway and causes icing which then has to be scraped off. The Highway Department periodically opens up the swale to assure that water flows down to the culvert.

K. Corwin requested the green receipt cards, and Mr. Lathrop said he had not sent out the abutter notifications. Commissioners stated the hearing cannot continue until abutters are properly notified in accordance with MGL Ch. 131, §40, the Wetland Protection Act regulations at 310 CMR, and Ch. 215 of the Code of Groton. The abutter notification can be sent out by certified mail or hand delivered. Members advised S. Lathrop to consult with a wetland scientist to complete the filing process and save himself some time and money. The swale is part of the wetland system that connects to James Brook, and it is necessary to determine the wetland boundaries. Members explained the goal is to control runoff and avoid siltation into the wetland resource area. Pending abutter notification and the delineation and upon a motion by K. Corwin, seconded by M. Giguere, it was

VOTED: to continue the hearing for 122 Old Ayer Rd. to August 8, 2006.

B. Ganem explained to Mr. Lathrop that additional fees were due to the Town before the hearing is continued, and he requested a letter outlining those fees be sent to him.

M. Giguere reported he has been looking into GPS units and suggested the Commission borrow the unit owned by the Water Department. B. Easom explained that GPS can plot points onto an uploaded topographic map. He noted it is necessary to have two known points and to know what reference north is. He said the greatest accuracy can be gained by staying on one point a half hour. Mr. Easom and Mr. Giguere will further investigate GPS units.

M. Giguere and B. Easom were congratulated on their recent completion of the Conservation Commission “fundamentals” courses offered by the Massachusetts Association of Conservation Commissioners.

Members M. Giguere, B. Clements, and B. Easom may be able to attend the DEP Superseding Order of Resource Area Delineation site visit on August 2, 2006 at 10 a.m. This involves an appeal of the Commission decision on the Masalehdan/Monarch Path project.

B. Clements agreed to represent the Commission at an Ayer Planning Board meeting on the proposed expansion of Nashoba Valley Medical Center on August 3, 2006 at 6 p.m. This project is located next to the Eliades Conservation Area on Old Ayer Road.

K. Corwin indicated the vernal pool at Groton Woods is actually behind Lots B39 and B40. Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to re-issue the Determination for LotB47 Forest Drive.

K. Corwin voted in the negative.

B. Ganem reported a phone call has come in from Jim McCann, a resident of 72 Deerfield Dr., asking if it would be possible to allow his play equipment to remain on the conservation-restricted land for two years. K. Corwin objected, stating this would set a precedent for other conservation lands. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to send a letter to Mr. McCann stating that the state would not allow structures on conservation-restricted land, and the Commission cannot give permission to do so.

P. Morrison and C. Auman voted in the negative.

The gentleman who makes FedEx deliveries in town has asked if he might be able to use Sargisson Beach even though he is not a resident. The Commission agreed to allow him to purchase a parking sticker to use Sargisson Beach for the regular amount of \$25.

B. Easom reported that the Community Preservation Committee met this evening to discuss the preliminary applications. For the Norris demolition proposal it will be necessary to prepare a schedule of proposed actions. They would also like to have a copy of the letter from the state saying it is okay to remove the buildings. Thirteen copies should be submitted by the August 1 deadline. No volunteers stepped forward to serve as an alternate Commission representative on the CP Committee when Mr. Easom is unavailable. B. Easom estimates they meet twice a month and more often when proposals are under review.

C. Auman reported he attended the recent DEP wildlife habitat presentation at the Nashua River Watershed Association. The habitat guidelines provide a framework for wildlife studies and can be used for work in the Adjacent Upland Area identified in the Groton Wetlands Protection Bylaw. He recommended sending a letter to the DEP Commissioners suggesting that alterations in the buffer zone trigger a wildlife assessment.

B. Clements questioned whether the Commission could hire consultants for review of projects, and it was noted this has been adopted under both the Bylaw and the Wetlands Protection Act.

Chairman Owen noted the house at 2 Shelters Rd. is now for sale, and the owner has failed to file with the

Commission. It was agreed to send a letter to the owner and the realtor, requesting a filing within 30 days and notifying any prospective buyers of the prohibition against clearing next to the pond.

Commissioners discussed whether signage should be purchased showing the limit of disturbance.
B. Easom noted that plastic signs have been more durable than aluminum signs in the Town Forest.

The Whispering Brook Conservation Area will be included on the August 5th site walks to determine the nature of the violation there.

There being no further business, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended 8/8/06