

**GROTON CONSERVATION COMMISSION**

## Minutes

August 14, 2007

Chairman Marshall Giguere 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, Bruce Easom, Holly Estes, and Ryan Lambert were present. Peter Morrison arrived at 7:05 p.m. Conservation Assistant Barbara Ganem was also present.

7:00 p.m. – Appointment - Wendy Good

Wendy Good explained the Old North Bridge Hunt Club wished to hold a mock fox hunt on the Surrenden Farm property. Members of the former Groton Hunt Club participated in hunts on the property in the late 1960's. A scent trail is laid out for the hounds to follow, and horseback riders follow the hounds within sight or hearing. The dress is formal. The Club has been in existence for 38 years and has hunted on conservation lands in Concord, Berlin, Stow, Framingham, Lincoln, Pepperell, and Hollis, NH. The hunt would be conducted on Tuesday, October 23<sup>rd</sup>, from 10 a.m. – noon.

(P. Morrison arrived at 7:05 p.m.)

Ms. Good noted this activity would be similar to what is allowed there now with horseback riding and walking of dogs. She reported she talked with the Smigelskis who farm the land, and they have no issues with the proposed hunt.

Member Easom said he was familiar with hunts as his wife has participated in the activity. He recommended consulting with Pat Huckery of the state Fish & Wildlife Department before making a determination. B. Clements agreed with this assessment, commenting it seemed it could become a very colorful event. W. Good responded that the hunt has been conducted on lands managed by Fisheries & Wildlife. C. Auman added that a variety of recreational activities were anticipated for this property, and he thought, providing the Smigelskis are okay with the event, it would be worth a trial this year. The horses would stay at the edge of the hayfield.

B. Easom questioned whether a special permit would be necessary to hold an event on town land in which guests pay to attend. He also asked whether alcohol is to be served and whether that is allowed on town land. P. Morrison suggested making a donation to the Commission's revolving account for the future management of conservation lands.

In response to a question from H. Estes, W. Good indicated the route for the horses was likely to start at the parking lot on the Groton Conservation Trust land, go around the field, and then head over the new trails connecting with the Groton School property to Rt. 225. The return route would be along the Nashua River. Ms. Estes expressed concern about possible impacts to wetland crossings.

Chairman Giguere summarized the Commission's concerns as the routing of the actual hunt and resolution of any Fisheries & Wildlife issues before finalizing a decision. It was also recommended Ms. Good check with the Board of Selectmen about possible permits needed for the use of town-owned land or serving of alcohol.

7:15 p.m. – 302 Lost Lake Dr. , DEP #169-983

Stan Dillis explained the applicant has a failed septic system which is believed to be located to the east of the house. The proposed septic system will result in a slight cutting down of the existing slope next to the roadway. The soils are gravelly, and Mr. Dillis noted the slope to the Lake will be more constant instead of terraced. Mr. Dillis submitted the green receipt cards. Natural Heritage has no issues under MESA or the WPA.

P. Morrison commented it will be necessary to remove several large trees, and the dock at the site appears relatively new. S. Dillis said the pump chamber and the septic tank will be installed at the same elevations. Both haybales and

silt fencing will serve as an erosion control barrier. The agent for the Board of Health has reviewed the plan, and it is likely the plan will meet all regulations. B. Easom questioned whether the dock needed permits. P. Morrison recommended the owner attend the informational meeting about docks on August 22<sup>nd</sup>, and M. Giguere commented the Commission is likely to include a cautionary note about the dock on the Order of Conditions. B. Easom pointed out the Commission has the leverage to make it happen now. Mr. Dillis said disturbed soils will be loamed and seeded, and Commissioners advised that fertilizers will be restricted. Upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to close the hearing for DEP #169-983, 302 Lost Lake Dr.

7:30 p.m. – 21 Moose Trail NOI continuation, DEP #169-982

Attorney Ray Lyons noted the public may have the right to enter the parcel below the high water mark on property located on Great Ponds. He explained he will develop a draft warrant article to sell the property to Mr. Wilson. The NOI was filed in order to place boulders across the boat ramp, as well as to include the structures that were added after the 2001 plan.

Chairman Giguere said the Commission requested a revised NOI, and Mr. Lyons has submitted a letter in lieu of the NOI. Mr. Lyons maintained it would not be necessary to file an amended NOI with Natural Heritage because the lot was not included in estimated habitat prior to the October 2006 map. P. Morrison suggested including the letter in the Order of Conditions which is recorded while the NOI is not. H. Estes pointed out the other issue is all the unauthorized work, and the applicant needs to deal with that issue. C. Auman said he was okay with that finding providing we have an accurate baseline.

R. Lyons said there are two previous NOIs for which the Commission has issued Certificates, but the boulders need to be permitted. B. Clements felt the addition of the retaining wall was ambiguous. Chairman Giguere stated the Commission needs to make a decision as to whether the letter is an acceptable description of the proposed work. B. Easom advised a survey of the portion of the property that is to be subject to a Conservation Restriction (CR) held by the Commission. R. Lyons said this could be done with pins or bounds placed at the corners. It is necessary to have town meeting approval to sell the land to an abutter, but the Commission can vote to accept the Conservation Restriction separately from that action. B. Easom said he preferred to have granite bounds placed at the corners.

P. Morrison did not feel it was necessary to require re-filing as long as we have the revised plan. The hearing does not need to be kept open for the CR. H. Estes maintained the whole purpose of filing the NOI in the first place was to cover the unauthorized work on the property. Mr. Morrison said it was not necessary for Mr. Lyons to attend the meeting as long as the form comes in. B. Ganem said the Bylaw regulations require the NOI to include the square footage of disturbance. Mr. Lyons indicated Irene del Bono wanted to be sure the CR did not exclude public access from a Great Pond. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to continue the hearing to August 28, 2007 pending the receipt of the revised NOI.

An electronic version of the draft CR, already reviewed by Ms. del Bono, is being circulated among Commissioners. Mr. Lyons noted Mr. Wilson has agreed to pay the value of the parcel, as well as back taxes, and Chairman Giguere added legal and recording fees were to be paid by Mr. Wilson as well.

7:45 p.m. – 60 Boston Rd. NOI continuation, DEP #169-974

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

VOTED: to continue the hearing for DEP #169-974 to August 28, 2007.

Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to approve the minutes of July 24, 2007 as amended.

B. Easom noted he is erroneously listed as present when he was actually absent. He abstained from the vote.

The question has arisen as to the amount or limit the Conservation Commission would like to maintain in the Conservation Fund. Currently there is approximately \$565,000 in the account, with \$172,000 under the CPC portion of the Fund. If the CPC agrees to recommend the \$200,000, the Fund will then exceed three-quarters of a million. B. Easom noted there is a list of properties identified as priority parcels. The largest and most expensive of these parcels are likely to require a town meeting vote. The Conservation Fund is to be used more for the purchase of CRs, Agricultural Preservation Restrictions (APRs), or at auctions. Mr. Easom pointed out the Commission needs to be a meaningful player in a real estate deal. Commissioners agreed to a sum between \$750,000 and \$1 million as the appropriate amount to maintain in the Conservation Fund.

8:00 p.m. Appointment/Rutledge/138 Hemlock Park Dr.

Homeowner Tammy Rutledge was present in response to the Commission's invitation. She explained they have been mowing down to the water's edge, and Commissioners pointed out this is the 100-ft. buffer zone from the edge of the Bordering Vegetated Wetland. P. Morrison noted this appeared to be heavy-duty mowing, and Ms. Rutledge said they had used mowing equipment attached to the back of a tractor because the ground is uneven. H. Estes felt some of the mowing was occurring in the wetland, especially to the right of the driveway. Ms. Rutledge acknowledged this was the area where the Commission requested grass clippings not be dumped. The area mowed on the other side of the cul-de-sac is likely to be within the buffer.

C. Auman said he recalled from the earlier site visit and filing that the Commission cautioned the Rutledges about the need to come see the Commission or file a Determination before doing any work. Ms. Rutledge said they will not mow there if they are not supposed to. Mr. Morrison said he is concerned about the last 10 ft. strip next to the wetland, not the remaining portion of the 100 ft. buffer. R. Lambert agreed it would be a good idea to leave 10 ft. in a natural condition. Ms. Rutledge explained the stream has expanded over the years they have lived there due to beaver activity, with more and more of the yard becoming wetlands. She noted someone is clearing the roadway culvert almost every day. B. Ganem offered to help determine the edge of the wetland from which the 10 ft. strip should be measured.

8:15 p.m. – 23 Radio Rd. NOI amendment, DEP #169-942

The applicant, Brian Pittenger, has decided to withdraw his request for an amendment. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to close the hearing for an amendment to DEP #169-942 for 23 Radio Rd.

8:15 p.m. – 147 Gay Rd. NOI continuation, DEP #169-983

Natural Heritage has indicated the project is exempt from MESA and does not pose any harm to rare species under the WPA. Homeowner Seth McKibben explained he did not anticipate a need for heavy equipment to access the back of the barn addition. The silt fence will mark the limit of disturbance. The roof line of the addition will parallel the road, but the garage portion will be perpendicular to the road. He plans to put gravel or crushed rock at the roof drip line. Mr. McKibben said the exact size of the structure is not finalized so his sketch has been slightly extended. B. Easom cautioned that any changes in the field that cause the addition to go beyond the building envelope would require returning to the Commission for an amendment. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to close the hearing for DEP #169-983.

Fire Chief Joe Bosselait has notified the Commission and several other conservation groups in Town of his concern about accessing remote sites with emergency equipment. C. Auman pointed out that not all nature trails have to be

wide enough to get fire trucks through. H. Estes added it takes away from the whole point of a nature trail. P. Morrison suggested one of their main concerns is Wharton Plantation where the police used to patrol but can no longer do so because the paths are not wide enough. Some of these haul roads have grown in over time.

Ray Lyons commented that logging activities tend to result in the widening of paths so that they are more accessible for emergency vehicles. Chief Bosselait's memo outlines specific problem areas. Mr. Lyons suggested public property owners should identify which lanes are suitable for fire trucks. It was noted that forestry cutting plans specify where logging will occur, as well as landings and haul or skid roads. This could be an educational tool for the public.

8:30 p.m. – Appointment Ray Lyons and Stan Dillis/Gleason – 18 Kemp St.

Mr. Dillis explained that the haybales and silt fence were removed and a vegetation plan was drawn up. The owner, Dr. Gleason, had an accident while visiting in France, and no re-planting has been done since the Enforcement Order was issued. S. Dillis submitted photographs of the site from the previous day which show the area relatively well-vegetated. B. Ganem asked if these are wetland plants. Mr. Dillis replied "No" in response to B. Clements' question about whether there is any need to cross the wetlands again. The re-vegetation plan called for the planting of alders, but it is likely they will spread quickly into the disturbed area from adjacent alders at the site. S. Dillis requested the Commission consider lifting the Enforcement Order and issuing a Certificate of Compliance for the previous work.

Member Auman suggested the Commission take a look at the site before making a decision. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to lift the Enforcement Order for Lot 1 Kemp St.

C. Auman voted in the negative. P. Morrison recommended the haybales and silt fencing be removed, and H. Estes advised that B. Ganem look at the site before removal.

Members reviewed estimates for a survey of the Redskin Trail conservation area prepared by Ross Associates and Ducharme & Dillis. B. Easom stated his preference for granite bounds to mark the lot boundary. He noted the survey will have to pick up a known bound somewhere in the area and carry it over to this lot. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to contract with Ducharme & Dillis in the amount of \$2,300 to cover the cost of the survey, preparation of a plan suitable for recording, and the placement of four granite boundary markers.

Commissioners expressed a preference for using CPC funds if this is acceptable to the Town Accountant; otherwise the fee would come out of the Conservation Fund.

B. Ganem reported Bob Black is commencing the demolition project at the Norris property. Only hand tools are being used, and the materials will be loaded into a dumpster for removal. No heavy machinery will be used for the removal of concrete foundations until after the November 15 deadline specified by Natural Heritage. In discussion on the drainage issues at the off Prescott St. properties, members noted that the site visit this past Saturday made it evident both parties are responsible for the problem. Activity outside of the buffer zone has migrated downhill to involve maintenance work within the buffer zone. Mr. Morin 'plows' the road with his ATV; Ms. Berinson fills in depressions with loose gravel. Chairman M. Giguere questioned whether a letter could address the situation. P. Morrison thought that any expense to maintain the road might be a problem. B. Easom noted the Commission's job is to protect the resources. He recommended against taking a position which we cannot back up. P. Morrison agreed that it would be necessary to follow through. Mr. Easom indicated the Commission does not want to be in the position of mediating what is a neighbor problem. The other alternative is to ignore the problem. Member Morrison pointed out some of the ruts are almost 2 ft. deep further up the roadway. Silt is running down the driveway, and Mr. Morin's issue is the creation of a dam with the fencing. B. Clements noted there does not appear to be an ill effect on the resource area so maybe we should ignore it and take no action. Upon a motion by B. Clements, seconded by P. Morrison, it was

VOTED: To take no action on the re-grading of the existing driveway serving 52 and 54 Off Prescott St.

H. Estes, B. Clements, P. Morrison, and M. Giguere voted in favor, with B. Easom voting in the negative, and R. Lambert and C. Auman abstaining. H. Estes commented the work is not under our jurisdiction if there is no impact. It is likely to be a civil matter.

DEP has issued a three year Extension for the Matbob project. The Littleton Water Department may be interested in setting aside some of this land, but it would have to be a cost-sharing project which may result in a request to use the Conservation Fund.

Members agreed the Conservation budget should not pay for gasoline for the field and brush mower for use by the Trails Committee on non-Town properties. P. Morrison said the cost of filling the mower approaches \$15. The mower is warranted for two years, and he will service it. Member Morrison said he will send the mower out full and keep track of the tab.

Tom Delaney has asked for time on the Commission's agenda to discuss implementing a 'carry-in, carry-out' trash policy for Sargisson Beach. There have been some issues with regard to overflowing or smelly trash barrels this summer. The Commission agreed to include this on the next meeting agenda.

Chairman Giguere reported he had participated in a site visit to Carl Flowers' property on Dan Parker Road. Jeff Ritter (Interim Town Administrator), Town Planner Michelle Collette, and Michael Roberts from the Historical Commission were also present. They saw the charcoal pits, house, and walked the area to Raddin Road. Mr. Flowers is interested in doing something with the property, and is trying to get it into some type of historic preservation program. He appears to be vehemently opposed to conservation or agricultural preservation restrictions. Mr. Flowers currently raises Christmas trees on some of the property. Commissioners questioned whether this is the largest privately owned parcel in town and whether it is on the priority listing. It was suggested New England Forestry Foundation might be interested in the property, and M. Giguere noted much of the land supports upland forest.

Pat Huckery, District Manager for the Northeast Wildlife District of Fisheries & Wildlife, has asked to meet with the Commission and the Trails Committee to reach a preliminary understanding on the trail work and the farmland at Surrenden Farm. The Commission agreed to a meeting date of Friday, August 29, 2007 at 10 a.m. The Surrenden Farm Resource Management Plan must be developed by December, 2009, and this is part of the process.

Mr. Lyons asked what the deadline is for Community Preservation applications, and B. Easom informed him the deadline this year was August 1. The CPC made an exception for the Surrenden Farm project last year, and if an application is very compelling, they may decide to hear it. He advised talking to the CPC chairman.

In other business, H. Estes said she may be interested in attending the Stormwater Conference on September 20<sup>th</sup>. B. Easom announced the CPC will be holding hearings on August 21, and he expected the hearing schedule to be announced shortly.

At 9:35 p.m., upon a motion by P. Morrison, seconded by C. Auman, and a roll call vote of B. Easom, R. Lambert, B. Clements, C. Auman, H. Estes, P. Morrison, and M. Giguere, it was

VOTED: to enter Executive Session, not to return to Open Session.

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as drafted August 28, 2007.**