

GROTON CONSERVATION COMMISSION

Minutes

September 11, 2007

Chairman Marshall Giguere called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Bruce Clements, Bruce Easom, Ryan Lambert, and Peter Morrison were present. Craig Auman and Holly Estes were unavailable for the meeting. Conservation Assistant Barbara Ganem was also present.

Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to approve the minutes of August 28, 2007 as drafted.

B. Clements abstained from the vote.

B. Easom reported the Conservation Commission Conservation Restriction study group visited the Baddacook Woods property owned by New England Forestry Foundation, with the Conservation Restriction held by the Commission. He provided photographs of the site on his laptop computer, noting the group visited the perimeter of the property. The entrance driveway has been paved, and there is trash at the entrance. According to the owner he was requested to pave by the Town because of runoff from the site and in order to get subdivision approval.

Mr. Easom noted that Lot 8 on the subdivision plan has a basketball hoop and a car parked on the conservation land. At 51 (Lot 7) Allens Trail NEFF has blazed boundary markers. There is a tarp, disturbed soils, a canoe, pile of crushed rock, and brush at the drainage ditch. There appears to be ongoing work to extend a turnaround area onto the NEFF property.

Chairman Giguere explained it was the intent of the group to put the report into writing with photographs to document the encroachment issues. B. Easom said he was in touch with Chris Pryor from NEFF, and he understood they would probably first try an informal approach with the encroaching abutters.

In discussion on the request for a Certificate of Compliance for 141 Wharton Row, and upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to issue the Certificate contingent upon the placement of at least four conservation markers at the original limit of disturbance.

A similar request has come in from Mark Enwright for Certificates of Compliance for #169-856 and #169-891 for 28 Boathouse Rd. B. Ganem noted the silt fence has not been removed, and there is trash in the vicinity of the wetland. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue the Certificates contingent upon the removal of all trash and silt fencing from the wetlands buffer.

To follow up on the work done at 47 Boathouse Rd., Commissioners noted there do not appear to be gutters on the lake side of the house to accommodate recharge. This should be addressed before a Certificate can be issued.

Chairman M. Giguere reported the grass needs time to mature at 749 Lowell Rd. before a Certificate of Compliance can be issued.

7:15 p.m. – 47 Off Prescott St. RDA

Kevin Kieler of Brady-Built Sunrooms explained his client, Nancy Woodle, planned to install an 11-ft. by 16-ft. sunroom after removing a portion of an existing deck. The work will be closer to the wetlands (Knops Pond/Lost Lake) than the existing structure. Mr. Kieler indicated an erosion control barrier will be installed. The sunroom will be pre-built, but will be delivered to the site in pieces so that heavy machinery will not be necessary.

B. Easom asked how runoff from the existing roof to the new sunroom roof will be handled, and Mr. Kieler replied they will

put a new system in place. P. Morrison suggested gravel to allow recharge of the runoff into the ground. M. Giguere questioned what materials will be used under the structure, and Mr. Kieler said this area is likely to be gravel and will be enclosed. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to issue a negative #3 Determination providing silt fencing or haybales are on the site in the event of erosion, recharge structures (gutters or crushed stone trenches) be installed, and the area underneath the deck be covered with materials that do not allow any erosion into the resource area.

After discussion on the three estimates (\$2100 for Dillis, \$2000 for GPR, and \$1500 for Cornerstone) for the preparation of a plan for the Sargisson Beach docks and upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to select Cornerstone Consultants to prepare a plan for the Sargisson Beach docks to submit with the Ch. 91 application package.

7:30 p.m. – 326 Nashua Rd. RDA

Resident Larry Guilmartin reported he wished to install a new shed within 100 ft. of Reedy Meadow Brook. His former shed was crushed by a falling tree, and he wishes to re-locate it away from his septic system expansion area. B. Easom noted the area is previously disturbed, but it is upgradient from the resource area. He recommended crushed or pea stone under the roof drip line. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination requiring that an erosion control or siltation barrier be available during construction and recharge structures, such as gutters or crushed stone trenches, be installed.

In discussion on the proposed forestry cutting on the Taisey parcel next to the Nashua River, Commissioners noted the state forester requires 70% of the canopy within 300 ft. is to be preserved, and there is no cutting within 50 ft. of the Nashua River. Some of the tree markings have to be removed within these areas. Members directed B. Ganem to send a letter to the forester, Gary Gouldrup, outlining the Commission's wish to use the top of slope as the edge from which to measure the 50 ft. no-cut buffer and authorizing the cut to go forward as planned.

While out on the Saturday site walk, Mr. Gouldrup also pointed out that the adjacent property, the 19-acre Farmers & Mechanics parcel, would benefit from proper woodland management. Occasionally there are grants available for the preparation of Forestry Management Plans. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to authorize the development of a Forestry Management Plan to be paid for with funds from either the Revolving Fund or the non-CPA Conservation Fund if it is a minimal amount.

B. Clements questioned whether this is likely to be a profitable operation, and members suggested \$5000 might be a reasonable expectation. It is likely, however, that we are at least a year away from implementation.

7:45 p.m. – 2-8 Hollis St. RDA

Joyce Morrow was present to represent 2-8 Hollis St. LLC. She explained they will actually need a new water line to be installed to 10 Hollis St. Water Superintendent Tom Orcutt has recommended a separate water hookup for this building. Mr. Orcutt said he met with Brian Lagasse to plan the work. He explained there are blue markings at the edge of Mayfield Dr. where the water main is located. This will be the access pit for directional drilling toward the 10 Hollis St. structure. Mr. Orcutt indicated connecting to the water main in Hollis St. is not an option due to the expense of excavating through ledge and shale. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to issue a negative #3 Determination requiring that any excavated materials be properly stabilized during construction, haybales are installed at the edge of asphalt on both sides of the wetlands as shown on the plan, and that any excavated materials are removed by truck from the site and any necessary fill be clean.

Mr. Orcutt estimated that the access and receiving pits are likely to be 4 ft. by 8 ft. with the direction of the drilling going from the parking lot to Mayfield Dr. He plans to be on site during the installation of the water line.

Diane Berinson, 54 Off Prescott St., explained she continues to have concerns about the drainage coming from the shared driveway onto her property. B. Ganem confirmed she observed a plume of silt running between 54 and 52 Off Prescott St. running into the Lake during a rainstorm today. In addition, the Commission has received a copy of a letter relative to the MESA filing in which Natural Heritage states they have no issues with Ms. Berinson's proposed fencing. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to authorize the construction of the fencing around the three sides of Ms. Berinson's lot at 54 Off Prescott St.

B. Easom abstained from the vote.

Commissioners reviewed photographs of the edge of Knops Pond/Lost Lake and the driveway during the rainstorm. Based on the pictures and the Commission's previous visit to the site, it appears the driveway has been re-worked over a period of time. The residents have a shared easement on the driveway, and it is not considered a public road. Road Surveyor Tom Delaney has informed the residents of this aspect of his negotiations with Grotonwoods Camp to have the Town take on the maintenance of 'Off Prescott'.

Ms. Berinson maintained that people have contributed to the drainage problem as some of the cut-offs from the roadway have been filled in and re-graded. She said her neighbor uses his ATV as a plow, and the cut-off has disappeared due to filling and re-grading. Snow has been plowed into her shed, and water is now rutting the roadway. She explained she has contacted the Director of Grotonwood Camp to explain the origin of the drainage problems. M. Giguere pointed out it was his understanding that Mr. Delaney did not want to maintain this section of the roadway, but would provide sand. P. Morrison suggested Mr. Berinson take this up with Mr. Delaney. Mr. Giguere noted the Commission's main concern is erosion into wetland resource areas, and one way to deal with it is to issue Enforcement Orders to all parties.

Members stressed that silt should be kept out of the wetlands, and D. Berinson maintained this had not occurred previously, but now flow is concentrated onto her property and has created a channel with the water moving faster. Where she used to locate her garden, the area is now sunken and needs grading. P. Morrison reiterated that the next step could be an Enforcement Order which requires a lot of work and could cost a lot of money. He asked if there was any chance the neighbors could work together to address the drainage problem. Ms. Berinson maintained the runoff comes from two sources. Chairman Giguere instructed B. Ganem to draft a letter to all of the neighbors requesting that they work together to rectify the situation before the Commission is forced to issue Enforcement Orders and require an engineered repair from all parties.

8 p.m. – Appointment/Michelle Collette

Town Planner Collette explained the Planning Board has scheduled a public hearing on September 20th to discuss the Town's adoption of Ch. 43D, Expedited Local Permitting, as it relates to the proposed Station Avenue Overlay District. This type of permitting is targeted to non-residential development, and the Station Avenue Overlay Districted is envisioned as a mixed-use development. It will be considered at the October 22nd Town Meeting. The Planning Board is in the process of asking all the landowners who would be affected by this change to support the expedited permitting concept. There is an opportunity for state funding, up to \$150,000, when expedited permitting is in place for a community. It will give the Town more latitude in negotiating with developers up front. All land use departments would be involved in helping to shape the development, but each department would agree to a 180-day limit to complete the permitting process. The Town would have the option of how to structure the oversight committee to best suit the Town's needs.

Bonnie Biocchi, former Groton Town Clerk and present Regional Director of the Massachusetts Office of Business Development, pointed out the 180 day limit only requires that the Town render a decision, not approve the project. She explained that 14 communities have adopted the law, and it is being used as a tool for economic development throughout Massachusetts. So far, just one site has been designated. It provides communities with a lot of latitude in how it is set up, but also gives the developer an opportunity to know the answer by a given deadline. Ms. Biocchi said it does not mean towns have to give up control, but it does change the process by which a town may make a decision. Towns are provided with an opportunity to review the controversial parts up front before the filing is made. It can help both parties to work more efficiently and also pressure the developer to put his best plan forward at the earliest possible time.

P. Morrison suggested the process is similar to a pre-application review. M. Collette said she expects to present this information to other boards, in addition to the Conservation Commission. She pointed out the engineering consultants for the Planning Board are likely to become involved in very technologically oriented discussions with applicant's consultants, and they will be able to hammer out a resolution for how to handle stormwater before the project plan is submitted. She asked for the support of the Conservation Commission at the upcoming Town Meeting.

The 180-day period would commence with the submittal of the full, completed application, and B. Easom noted this is often the cause of delays. P. Morrison added that a complete application, in the Commission's view, may include a wildlife study which is usually conducted in the spring. To have this already taken care of as part of a completed application would expedite the process. In summary, the benefit of accepting the expedited process will mean extra funding, higher priority in consideration of grants, and a stronger position from which to negotiate with developers. There has been a positive response from those communities that have already adapted the measure.

Bonnie Biocchi added that the Town can charge fees above and beyond the usual fees, a benefit in addition to the technical assistance available from the state. Frequently, infrastructure improvements require bonding or grants, and more funds are available or a community may move more quickly up the funding list. It is not necessary for the Town to spend money for infrastructure improvements before a developer applies. It may be reasonable to assume, however, that the taxpayer will bear some additional costs. M. Collette pointed out that, in the example of improvements to Station Avenue, the Town is likely to recover additional tax revenue in the future.

B. Easom noted some Commissioners were able to review the proposed location for the new Half Moon Swamp sign which is in the middle of the frontage for the two parcels on Half Moon Road. Upon a motion by B. Easom, seconded by R. Lambert, it was

VOTED: to authorize the Trails Committee to install the Half Moon Swamp sign at the selected location as reviewed by B. Easom, M. Giguere, and B. Ganem

8:15 p.m. – Appointment/Tom Orcutt

Water Superintendent Tom Orcutt said the purpose of tonight's discussion is to gain approval from the Conservation Commission for the installation of a municipal water well on the Torrey Woods property on Unkety Brook. It will be necessary to seek legislative approval under Article 97. Approximately 14.5 acres must be under the control of the Water Department as part of the Zone I for the new well. It is necessary for the Conservation Commission to endorse the proposal before going to the legislators. The Executive Office of Environmental Affairs requires a unanimous vote of the Conservation Commission for conversions of conservation land under their authority. M. Giguere suggested some consideration should be given to compensation for the loss of conservation land.

T. Orcutt inquired whether the Kiley conservation restriction or the 6 acre Patierno donation could count toward compensation, and members noted it is typically done on a 1 to 1 basis. M. Giguere suggested it should be some property that is not currently protected. A portion of the Zone I would also encompass land owned by Tom Delaney, and his driveway would be the route the water line would follow. Water Commissioner Gary Hognlund pointed out DEP requires that the Water Department control the land in a 400 ft. radius around the well site. The Unkety Brook site has been found to be a favorable site after prolonged pumping tests, and the Water Department wishes to assure its protection for a future public well. It is hoped that the current ratepayers will not have to pay for the site.

P. Morrison felt that one of the Commission's charges is to take care of water, and he was fully in support of this conversion. He thought the Commission would be looked down upon if we do not allow it. Chairman Giguere expressed concern that the Water Department could decide to make the area off limits to the public in the future. He pointed out this is a loss of 12 acres of conservation land. As an example, he noted some areas around the Quabbin are off limits to the public. P. Morrison argued that the protection of public and private water supplies is at the top of the interests protected under the Wetlands Protection Act, and this is the Commission's charge from the state.

Town Planner Michelle Collette said she would like to add some historical perspective to the discussion. She explained that a town-wide study of potential groundwater sources was undertaken in 1982-1983. The purpose of the study was to identify potential well sites within the town, and the Whitney well site was designated as an optimum water source. The site was purchased and is now a dedicated water supply land. A second site was identified in the Town Forest, and this well and

treatment plant are currently under construction. The third site recognized as a potential source is on Unkety Brook. This study took into consideration the geology and included drilling of test wells. Another site was identified on Shelters Rd., but dismissed because of the density of development in the vicinity and the proximity to Rt. 119. Another concern is the limit on interbasin water transfers. She agreed there is a rational nexus between conservation and water protection.

B. Easom said he was in favor of allowing this change and allowing the water main to go down the Delaney driveway to Chicopee Row. He pointed out the watershed is already protected, but now the Water Department is requesting an opportunity to exploit the water. In his view, what is going to limit growth in the future is access to a clean water source. The argument then becomes economic with drinking water a part of the triangle.

Tom Orcutt said the Nashua River may eventually have to become a source of drinking water, but the cost of treatment would be astronomical. The Water Department has to justify the costs of bringing clean drinking water on line. B. Clements stated the loss to conservation purposes appears to be minimal to none. R. Lambert also agreed with the change. Chairman Giguere noted this will need to be a unanimous vote of the Commission, and he wanted to be sure all sides were given an opportunity to express their opinions.

Mr. Orcutt added the land will remain protected, as will the resource, Unkety Brook, itself. He agreed that the full Commission should weigh in on the decision. Mr. Giguere said he felt it was important to air all sides, and these were fair questions to ask. In summary, Superintendent Orcutt indicated some of the land would be protected by a Conservation Restriction and the access would be via the Delaney driveway to Chicopee Row. Mr. Hogle said the Water Department needs the support of the Conservation Commission and requested a vote tonight. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to support the Water Department in its effort to further an Article 97 conversion of the potential Unkety Brook public well site on Torrey Woods.

In discussion on the draft Wetlands Protection Act Order of Conditions for DEP #169-982 for 21 Moose Trail, P. Morrison expressed reservations about tying the Order into a Ch. 91 license as he might decide to remove the dock, and the Order would be invalid. B. Clements suggested adding the wording 'for any existing dock' to Condition #40. B. Easom thought it weakened a legal document to inform rather than require an applicant to perform a certain action. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to approve and issue the amended Order of Conditions for DEP #169-982 under the Wetlands Protection Act.

Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to approve and issue the draft Order of Conditions for DEP #169-982 under the Wetlands Protection Bylaw.

Commissioners agreed that the recently revised Conservation Restriction for Moose Trail should be conveyed to Town Counsel for final review.

Regarding the discussion on the New England Forestry Foundation (NEFF) land on Baddacook Pond, Commissioners questioned whether the house could be re-built, but expressed a preference for a Conservation Restriction. The question is how much this is likely to cost. P. Morrison said he thought existing Community Preservation Act funds should be strongly considered as a source of funding. Members agreed the protection of the shore line was important, but it is not clear how many linear feet of shoreline are under consideration. NEFF is a valuable neighbor, and a CR is likely to give us the biggest bang for the buck. M. Giguere plans to attend the meeting on September 14th.

B. Ganem reported the Town of Pepperell has been awarded a \$300,000 grant to tackle the water chestnut problem in the Nashua River. This will involve mechanical weed harvesting in an effort to eradicate this weed's annual seed production. The area of infestation straddles the Groton-Pepperell town boundaries.

The Smigelskis attended the on-site Surrenden Farm West visit and seemed to be amenable to the idea of mowing patches of the field intermittently. Members discussed the proposed route for the mock fox hunt, and upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to forward the route map to Pat Huckery for review and to request permission to conduct the mock fox hunt on the Surrenden Farm West property.

The next meeting of the ad hoc committee to prepare the resource management plan for Surrenden Farm West is scheduled for Friday, September 28th at 8 a.m. B. Clements noted that the Surrenden Farm Land Use Committee might be the appropriate vehicle for developing the plan, particularly since it included representatives from different committees. The Chairman of that Committee, Peter Cunningham, should be contacted to determine whether this could be an agenda item.

Chairman Giguere stated he would like to see more stewardship activities conducted on conservation lands. He noted there is an existing Forestry Management Plan for the Williams Barn Sorhaug Woods property. He questioned whether it would be possible to bundle some of the work on the Farmers and Mechanics property with activities at Williams Barn. B. Easom cautioned that these are separate activities, preparing a Forestry Management Plan and preparing a Forestry Cutting Plan, and the Williams Barn property is in a different stage of development. The cutting plan would involve marking the trees and getting bids to do the logging. If there are any proceeds from a forestry cutting, they would go into the new revolving fund. Members estimated this could be as much as \$5000 for a selective cut. This fund cannot accumulate more than \$10,000 in a given year, but the Commission can make expenditures for signs and other maintenance activities as needed in order to maintain this level. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to obtain an estimate for the preparation of a Forestry Cutting Plan for the Williams Barn Sorhaug Woods property to include marking and bidding of the trees.

M. Giguere said he was thinking of preparing an article for the newspaper to see if the Commission could attract residents who would be interested in serving as stewards of individual conservation areas. B. Clements acknowledged it can be a difficult process to get people involved. P. Morrison noted he is a NEFF steward, and they conduct quarterly stewardship meetings which are usually combined with walks. They give their stewards jackets and NEFF publications, and the organizational work is carried out by a staff person, the 'Forest Steward Coordinator'. Members noted that the Commission formerly had about 10 Associates who acted in this capacity. Many of the Associates have now become Commissioners, however. To actively take care of a parcel, people must feel a connection.

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

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted September 25, 2007.