

GROTON CONSERVATION COMMISSION

Minutes

January 22, 2008

Chairman Marshall Giguere called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Wayne Addy, Craig Auman, Bruce Easom, and Peter Morrison were present. Holly Estes arrived at 7:16 p.m., and Ryan Lambert was absent. Conservation Assistant Barbara Ganem was also present.

Upon a motion by C. Auman, seconded by R. Lambert, it was

VOTED: to approve the minutes of January 8, 2008 as drafted.

The next meeting of the Conservation Restriction monitoring committee was scheduled for Monday, January 28, 2008 at 7:30 p.m.

In discussion on possible Boy Scout Eagle projects, B. Ganem asked for the Commission's thoughts on putting in a bridge or boardwalk at the trail entrance to Gibbet Hill where there is a wet area. Members were concerned this would interfere with farm equipment and suggested re-directing the scout to a project on Surrenden Farm. P. Morrison mentioned there remain some trail bridges to be done on the NEFF Wharton Plantation property. C. Auman suggested control of invasive plants at the Williams Barn property might be another project. Some of this work could be accomplished with a weed wrench, but the scout could also consider raising funds to allow invasive management by a professional.

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

VOTED: to issue special conditions, as drafted, for an Order of Conditions for 94 West Main St., DEP #169-988 under the Wetlands Protection Act.

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

VOTED: to issue special conditions, as amended to exclude # 5 and #10, for an Order of Conditions for 97 West Main St., DEP #169-988 under the Wetlands Protection Bylaw.

Member Morrison reported that there have been weekly meetings on the Station Avenue project. He is serving on the streamlined permitting sub-committee, and they will be reviewing the permitting process for each land use board, as well as software that can be utilized in the permitting process. The streamlined process calls for permitting to occur within 90 days of the application, and Mr. Morrison noted that wetland filings typically take 63 days. Part of the process will involve pre-application meetings so that individual board or staff members can express their questions ahead of submittal. Much of the information is distributed via email. There is currently no applicant, but P. Morrison noted that the developer for Rivercourt (Capstone) was selected to develop the GELD portion of the property. This has been held up due to on-going litigation concerning the re-location of the GELD office. Mr. Morrison also commented Capstone has not completed part of its commitment for its filing for Rivercourt.

Whatever software is selected for the permitting process must also be approved by individual departments, as well as the Computer Committee. The wetland delineation was done in 2007, and almost all of the work will fall within the Riverfront Area or the Buffer Zone, jurisdictional areas under the Wetlands Protection Act. Because much of the land has already been disturbed, the Wetlands Bylaw is not applicable.

(H. Estes arrived at 7:16 p.m.)

7:15 p.m. – Appointment Tom Callahan/Friends of the Trees

Mr. Callahan expressed concern that the Massachusetts Division of Fisheries & Wildlife is restricting access to trails along the Nashua River at Surrenden Farm. He said his desire was to raise consciousness about trails and their maintenance. He felt that the community learned after-the-fact that \$2 million was needed to complete the deal and were not aware of the level of restriction which was to be imposed. He felt the purpose of acquiring the land was to conserve, protect, and enjoy the land. He pointed out Mrs. Campbell had installed a fence around it, but he felt there should be access. T. Callahan indicated he was aware of the need to have a management plan in place by the end of the year.

Mr. Callahan noted the Friends of the Trees is considering establishing an arboretum and wanted to know if the Commission felt this could be a proper use of conservation land, particularly since there would be an educational component. Chairman Giguere explained the Conservation Restriction does not apply to the whole parcel, and there is a process in place of negotiating to accommodate each party and to achieve a balance. He acknowledged he could not speak on behalf of endangered species which was the role of Pat Huckery from Fisheries & Wildlife. A Conservation Commission sub-committee meets about once a month to put the plan together.

Member C. Auman pointed out several different uses for Surrenden Farm were envisioned, including agriculture, forestry, open space, wildlife, and recreational access. He expressed concern that Mr. Callahan did not have an accurate picture of all the interests involved in the preservation of the property. For example, hunting and angling are both allowed. Mr. Auman worried that there was misinformation about the process involved in acquiring Surrenden Farm and suggested Mr. Callahan attend the February 1 meeting.

B. Easom recommended looking into the 14 acre on the south side of Surrenden Farm East, a parcel not subject to the Conservation Restriction, to site an arboretum. This parcel has been set aside for authorized Community Preservation purposes such as housing, historic preservation, open space, and recreation. He was not aware of any plans for its use in the near term and suggested Mr. Callahan talk to the Board of Selectmen. On the parcels covered by Conservation Restrictions, forestry and other nature-oriented activities are permitted. A written proposal, outlining what is intended. The sub-committee is currently working through one of the sections of the Management Plan. Mr. Callahan said sometimes the Highway Department has surplus trees and it is necessary to have a place to store them for later Town use. The arboretum would serve as a nursery. Mr. Callahan indicated he could work on a proposal to explain how many

trees, educational goals, and other specific information for presentation to the working committee.

7:30 p.m. – Croteau/ 25 West Main St., DEP #169-989

Dan Wolfe of Ross Associates explained he was present representing Mr. Croteau. The lot is .21 acres and is 53 ft. wide and 190 ft. deep. It has a failing septic system which is old and in the groundwater. In order to avoid a mounded system, the owner has opted for an alternative technology system which results in only a 2 ft. mound and requires less of an offset to groundwater. The effluent will move from a septic tank to a pump chamber to a leaching field. Mr. Wolfe explained there is an intermittent stream from over land flow from farm fields above the site. The proposed jet system will reduce the amount of fill, and an impervious barrier is proposed for either side of the leach field.

Wayne Addy questioned whether the existing system was in the same physical location, and Mr. Wolfe said it was, but its size is unknown. Ross Associates is requesting a 50% size reduction due to the limited size of the lot. The old system will be pumped, removed, and the area replaced with clean fill. Fill will be necessary beneath the new leaching area and for a distance of 5 ft. out. Mr. Addy said the liner appears to allow the free flow of effluent into the wetland. D. Wolfe indicated we want the migration of the effluent through the ground as the ability to travel through the soil creates a filtering system. H. Estes agreed, noting that the best situation, from the Board of Health viewpoint, is to keep the effluent in the ground so that it can percolate downward. M. Giguere commented it is his preference to have a functioning system.

Audience member Tom Callahan asked how far from a last resort is this project, and D. Wolfe explained the applicant could consider the use of a higher mounded system with a retaining wall or could go to a tight tank. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the hearing for DEP #169-989 for 25 West Main St.

A local variance will be necessary from the Board of Health for this project. Mr. Wolfe explained he will be making future appearances before the board as Sean Hale has been laid off.

In discussion on whether to undertake a forestry project, Chairman Giguere pointed out Alan Chaney had made some very specific talking points to consider. He thought it best that the Commission get some principles and guidelines down before we move on to a project. Mr. Chaney had suggestions for how to work with the public and with the forester. P. Morrison mentioned the Commission was involved in a forestry cutting on the Susie Shattuck property several years ago. Other possible projects include the Williams Barn Sorhaug Woods parcel and the Farmers & Mechanics property which has probably not been touched for 50 years. B. Easom suggested waiting until after the Taisey forestry project is completed so the Commission will have an understanding of what to expect. It was noted that a timber stand can lose quality, diversity, as well as the ability to generate revenue the longer the Commission waits. Such revenue could be used to cover maintenance costs on other parcels.

Mr. Chaney had indicated that although chipping may be a way of tidying up a parcel that is visible from the road, it is not necessarily appropriate for wildlife habitat management. A selective cut in which slash is left on the ground could create a situation in which it is difficult to walk. Mr. Morrison estimated that a cut of 20% of the timber on Wharton Plantation results in 5% slash remaining on the ground. Chairman Giguere reminded the Commission it would be up to members to control how much is cut, and Natural Heritage would also weigh in on sites with priority or estimated rare species habitat.

Town Counsel has indicated the Commission would be within its rights to require the removal of the docks on the Redskin Trail conservation parcel, in addition to prohibiting vehicular access or equipment storage. A letter will go to the affected abutters.

There are plans to replace the existing tent structure with a permanent roof on the function hall at the Gibbet Hill Restaurant. The Order of Conditions for construction at the site was issued in 2004 and expired July 29, 2007. Half of the parking lot is within the 100 ft. buffer zone. The parking lot was to have been permeable (per the Order). Snow storage was to have taken place behind the restaurant, but it is clear it is being dumped through the fencing that surrounds the parking lot. P. Morrison said he thought this matter had already been addressed and suggested reviewing the minutes. Member Auman mentioned you only have to drive by to see where snow is being dumped. B. Easom added that overflow parking appears to have been added in back of the restaurant. The proposed land swap (additional parking for trail access from the barn) did not receive state approval. The land remains subject to a Conservation Restriction. The road to the bull barn does allow motorized vehicles there, and P. Morrison thought this was technically a part of the farm. The site is on the Conservation Restriction monitoring committee to-do list. In the meantime, a letter will go to Steve Webber suggesting he close out the file by requesting a Certificate of Compliance.

Town Counsel has advised the Commission to record the Town Meeting vote on the tax-title taking parcels designated for conservation purposes. C. Auman agreed that this step is necessary to protect the land. For some of the six parcels it will be necessary to do more detailed deed and title research for which there will be legal fees. Commissioners questioned whether funds from the Community Preservation portion of the Conservation Fund could be utilized for this purpose. The Town Meeting vote followed the implementation of the Community Preservation Act. Dan Emerson has just recently been appointed Chairman of that Committee. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: that the Groton Conservation Commission authorize the expenditure, out of the Conservation Fund (from the Community Preservation portion provided it is deemed appropriate by Town Counsel) to research the titles and deeds and record the Town Meeting votes designating six tax-title taking parcels for conservation purposes.

The summary judgment was decided in favor of Mattbob in the case brought by the McEvoy's regarding Oak Ridge Estates. The Superseding Order of Conditions remains in effect, but there are a number of steps necessary before work can actually begin. Matt Field has a copy of the Order of Conditions in which the outstanding conditions are highlighted.

B. Ganem reported no additional information has come in from the Rosenbergers regarding the Hillbrook Orchard wetland crossing of James Brook. Members questioned whether it is currently in agriculture since the orchard is not maintained. The land can lay fallow for up to five years and still be considered in agricultural use. If this is the case, maintaining a farm road by replacing a culvert would be allowed under the agricultural exemption. C. Auman pointed out there has been major, destructive work on James Brook apparently without erosion control measures in place. He urged the Commission to take the steps we normally do and treat this like any other case. If a Request for Determination of Applicability is requested, the Commission still has an opportunity to issue a positive finding to require the filing of a Notice of Intent. P. Morrison suggested phrasing a letter to say 'please help us clear up this issue' with an inspection scheduled for the spring.

W. Addy, C. Auman, H. Estes, and M. Giguere indicated they wished to attend the MACC Annual Conference on March 1. B. Easom has already submitted his form.

Upon a motion by P. Morrison, seconded by H. Estes, and upon a roll call vote of P. Morrison, H. Estes, C. Auman, B. Easom, W. Addy, and M. Giguere, it was

VOTED: to enter Executive Session for the purpose of discussing a land acquisition and legal issues, not to return to Open Session.

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted February 12, 2008.