

GROTON CONSERVATION COMMISSION

Minutes

May 13, 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 Ryan Lambert were present. Peter Morrison arrived at 7:07 p.m. Holly Estes was absent. Conservation Assistant Barbara Ganem was present.

Upon a motion by C. Auman, seconded by W. Addy, it was

VOTED: to approve the minutes of the Open Session meeting of April 22, 2008 as drafted.

Upon a motion by B. Easom, seconded by R. Lambert, it was

VOTED: to approve the minutes of the Executive Session meeting of April 22, 2008, as drafted.

Commissioners reviewed the draft Order of Conditions for 176 Shelters Rd., DEP #169-990, and upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue the Special Conditions under the Wetlands Protection Act for the Order of Conditions for DEP #169-990 as drafted.

Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue the Special Conditions, as modified, under the Wetlands Protection Bylaw for the Order of Conditions for DEP #169-990.

(P. Morrison arrived at 7:07 p.m.)

Upon a motion by B. Easom, seconded by R. Lambert, it was

VOTED: to issue a Certificate of Compliance for DEP #169-560 for a septic system design for 176 Shelters Rd.

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

VOTED: to extend the Order of Conditions for DEP #169-917 (Academy Hill south entrance) for three years.

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

VOTED: to extend the Order of Conditions for DEP #169-924 (weed harvester at

Lost Lake/Knops Pond) for three years.

B. Ganem mentioned the applicants are required to have written permission from Natural Heritage before continuing weed harvesting activities, and Commissioners said this fact should be conveyed to the Weed Harvesting Committee, as well as the Selectmen. She noted the plant surveys are to be done in coordination with the Great Ponds Advisory Committee from which Dr. Eger has resigned. Larry Swezey is currently chairing the Committee. B. Easom expressed concern that this could be a daunting task for the Committee.

In an update on the Wilson 21 Moose Trail settlement, B. Ganem reported that two Certificates of Compliance and the new Order of Conditions have been recorded, as has the deed and the Conservation Restriction. The agreed-upon check has been delivered to Jeff Ritter to cover the cost of the purchase and legal review. The Commission will have to propose an article for the October Town Meeting requesting the \$3,000 be put into the Conservation Fund.

7:15 p.m. – 26 Highland Road Notice of Intent, DEP #169-993

Mark Szela from GPR explained this is a .6 acre lot on the south/southwest side of Highland Road. There is an existing house, driveway, and shed within a treed area of the lot. The owners plan to raze the shed and a large deck, and then construct a smaller porch and an addition that extends out 8 ft. from their living area. Mr. Szela maintained the proposed work will result in less impervious area on site. Additional work includes the placement of a gravel base on the driveway. The base will be compacted to prevent rutting and ponding that currently occurs in this section of the driveway.

Member Auman said he appreciated the effort to reduce the amount of impervious surfacing on the site. Noting there is an existing concrete pad where the addition is proposed, he questioned what will be done in this area. Owner Braudis indicated the pad would be ripped up. There will be a bluestone landing or patio at the access to the addition. The applicants agreed to an extension of the erosion control line as recommended in a letter from Natural Heritage. Mr. Szela noted that only silt fencing is proposed as hay bales can bring in weed seeds.

Mr. Auman asked about the design of the driveway improvement, in particular whether it should include riprap. Mr. Szela said there is dirt and silt there now, and he felt the addition of a gravel base would improve stabilization. Chairman Giguere asked about stockpiling materials, and Mr. Szela said excavation would be done in an 8 ft. by 20 ft. space for a frost wall for the addition, and any excess materials can be removed offsite. Members reminded Mr. Szela that the stability of the driveway will be one of the items the Commission checks when considering the issuance of a Certificate of Compliance for the project.

Mr. Szela anticipates the work will take place this summer or early fall. According to Mr. Szela no tree removal is proposed, and it is expected the construction sequence will be the installation of the erosion control line, the shed and deck removed, and then the frost wall will be excavated. Access to the site will be from the south, within the erosion control line. M. Szela agreed to provide the green cards as soon as possible. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to close the hearing for DEP #169-993 for 26 Highland Road.

Discussion ensued on the appropriate course of action for the tax title parcels (dedicated to conservation use in 2006). According to Town Counsel, documentation is complete for three of the parcels, and the information can be recorded. B. Easom stated it is important to have this information recorded against the deed. Additional research is necessary for the remaining parcels because some of them are registered land. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to give permission to B. Ganem to authorize Town Counsel to go forward with recording the Town Meeting vote dedicating Parcel 129-138 (Redskin Trail), Parcel 129-220 (Boathouse Rd.) and Parcel 231-4 (Reedy Meadow Rd.) for conservation purposes.

B. Ganem mentioned there are ownership questions with regard to the Wallace Road land, and the other two parcels are registered. There is a legal process to work through this, but Town Counsel has verbally indicated there is a less expensive option which the Commission can consider. This would include carefully documenting that these parcels are dedicated to conservation purposes within all Town records so that they are not inadvertently sold at a later date.

7:30 p.m. – 54 Ridgewood Ave. NOI continuation DEP#169-992

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

VOTED: to continue the hearing to the May 27, 2008 meeting.

Chairman Giguere noted the new owners of 1 Lost Lake Dr. completed the seeding and planting of junipers and white pines at the site by the May 1 deadline.

It was noted that Swift River Hydroelectric (owner of the dam in Pepperell) plans to do a 30 in. drawdown from flashboards on the top of the dam as soon as possible. The repair or replacement of flashboards is normal maintenance which is necessary to continue generating 'green' power on an economically viable scale. However, last year's drawdown had serious repercussions upstream for mussel beds and fish spawning grounds, as well as recreational events on the Nashua River. B. Ganem met with representatives of the Nashua River Watershed Association, Pepperell Conservation Commission, Bill Biswanger (reporter for local newspapers on fishing and hunting), and Richard Hartley (aquatic biologist for Fisheries & Wildlife) to see what can be worked out to improve timing of this repair. Because this dam is now a source of power, it does not fall under the Wetlands Protection Act – one of the exemptions in the Act itself. Commissioners asked to be kept informed on the progress in deciding on the timing of the drawdown. One alternative which was discussed is to vary the dates of the drawdown so you don't impact the same fish species each year.

Smart Associates from Concord, NH has contacted the office about what is necessary to get the Rosenberger/Old Ayer Rd. site in order. The consultant is aware of the Commission's request for

the filing of a Request for Determination of Applicability for the wetland crossing of James Brook.

The Commission has received a letter from David Elliott/35 Common St. withdrawing his filing to construct a barn. It does not address the violation for excavation and dredging within a wetland resource area. It appears he is under a misapprehension about what needs to be done. Commissioners discussed whether to proceed to an Enforcement Order or to have him come in to discuss a plan for restoration of the wetlands. B. Easom suggested sending a letter stating a date and time to meet with the board. W. Addy recommended commencing with fines if he fails to show up. A letter will be sent to Mr. Elliott requesting his attendance at the next Groton Conservation Commission meeting.

Both the Board of Health and the Building Inspector are pursuing the Truax/148 Mill St. violation in Housing Court. They have not complied with the Commission's request to file a Request for Determination of Applicability by April 4, 2008 for the demolition of the building, the deadline for which is May 15th.

B. Ganem reported the fence at Crosswinds Conservation Area remains in place. Commissioners recommended issuing a fine for the violation and with an explanation to the owner that each day the fence is left in place could count as a separate offence. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to issue a fine of \$50 for the violation of the Town bylaw regulating use of conservation land.

The area was supposed to have been brush mowed in the fall, but winter snows set in before it could be done. Commissioners urged that this be done as soon as possible to avoid conflicts with turtle nesting periods. B. Ganem reported she has asked GELD to remove and chip some debris at the entrance to the property from Crosswinds Dr., but they requested that the material be sorted (trash and pressure-treated wood w/nails removed) before they do the chipping. She estimated there may be a pick-up truck load worth of materials unsuitable for chipping. B. Easom volunteered to sort through the material and get in touch with Bruce Dubey about taking it to the transfer station. All the trees were initially cut and chipped; this action was partially paid for through a WHIP grant. Some of the stumps have re-sprouted, particularly cherry and poplar.

7:45 p.m. – Ogilvie/Chicopee Row ANRAD, DEP #169-994

(B. Easom recused himself, explaining that his wife has a business relationship with the applicant, Jon Sjoberg.)

Stan Dillis of Ducharme & Dillis submitted revised plans showing the in-field flag change made during the May 10th site visit. Member Lambert reminded Mr. Dillis of the need to file with Natural Heritage under MESA and the Wetlands Protection Act and Bylaw when a Notice of Intent is brought forward. Members noted that ATV traffic on the parcel is in violation of wetlands laws. C. Auman remarked the wetland flagging was well done and, for the most part, there is a fairly clear break between uplands and wetlands. M. Giguere expressed concern that

ATVs were traveling through wetlands at the site. He also noted a female hooded merganser with 2 ducklings was observed in one of the ponded areas.

Abutter Dale Ames (85 Chicopee Row) requested the details of the proposal, and members explained the filing was strictly for the confirmation of the wetlands delineation. No work is proposed under this filing, but the applicant wishes to identify the resource areas prior to designing the project. P. Morrison said this is usually the first step for a landowner to plan a project. The Commission is the only body that can officially confirm the wetland boundary. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to approve the delineation shown on the plan with the revision date of May 12, 2008.

(B. Easom returned to the meeting at 7:56 p.m.)

Those Commissioners who were present for the May 10th site visit to the Eliades land reported abutters are mowing adjacent conservation land. It is anticipated that Trails Committee member Steve Legge will be present at the May 27th meeting to discuss the proposed trail location on the Eliades land.

Members agreed to try to schedule a site walk with Alan Cheney of the Dunstable Conservation Commission to visit areas where that Commission has conducted forestry operations on June 7th.

8:00 p.m. – Stan Dillis/Appointment Groton Community School

Stan Dillis explained the school is considering an addition that will involve an expansion on both ends of the existing building. He acknowledged the entire site is within Buffer Zone and/or the Riverfront Area, but their board is interested in keeping the school viable. He pointed out that one advantage of doing a new filing is that an Operations & Maintenance Plan would have to be prepared for the parking lot. In addition, the teachers would like to have access to the brook for educational purposes. This would be an opportunity to develop a nature's classroom program. He noted the discussion was informational at this point. The playground would continue to be at the back of the school, and all of the work would be within existing lawn. The wetlands would be re-delineated, and Mr. Dillis indicated the goal in this meeting is to get feedback from the board on which alternative works best for the school.

P. Morrison said the proposed small addition that is to house the administrative portion of the building brings work closer to Cady Brook. He questioned whether the work would be feasible with the high water table, particularly since an installed fence collapsed due to wet site conditions when construction was underway in that area.

C. Auman also acknowledged the site is problematic and may not be a good location to expand. Mr. Dillis said there are no plans to expand or re-locate the playground, but he did indicate activity would move from 75 ft. to within 50 ft. of the stream. Mr. Auman said he was uncomfortable commenting on vague plans, but Mr. Dillis responded he was just looking for feedback from the Commission.

The school's board is attempting to determine whether expansion of administrative and library areas is a possibility. P. Morrison observed that having an O & M Plan in place to deal with the parking lot and roof runoff is certainly a positive. M. Giguere worried about increasing impervious surfacing on the lot. He added that the Commission wants to avoid giving the appearance of a 'pre-approval' approval and is in the uncomfortable position of having an unofficial filing before us. P. Morrison acknowledged the site is all previously disturbed even before the current building was constructed. Much of the area is filled and was previously used as a hayfield.

Chairman Giguere stated the Commission really needs an official filing, and P. Morrison said it would have to be a Notice of Intent. When asked if the school building could go up rather than out, school representative Linda Kosinski indicated that the truss system was inadequate to support a second story. The best course of action may be to file a Request for Determination of Applicability to get the Commission's official stance.

Regarding the Stewardship Committee, Chairman Giguere announced he plans to schedule an organizing meeting shortly, and C. Auman offered to help out. The stewards will view conservation properties, and make surveys and record their findings. Eventually, they may be able to take on the monitoring of conservation-restricted properties. In general, it is anticipated that stewards will live near the properties they wish to steward.

Lawrence Academy students have participated in the state-wide Envirothon, and their team came in 8th out of a field of 46 this year with a presentation on Surrenden Farms. They are wrapping up their studies and would like to make a presentation to the Commission. Members agreed to schedule them for the May 27th meeting at 7:30 p.m.

B. Easom explained the Conservation Restriction Monitoring Committee has completed a draft report on the Baddacook Woods land owned by New England Forestry Foundation. Page 2 of the report, which is available as a CD, covers potential violation issues, including encroachment. Once the report is sent to NEFF and they submit comments, it is likely a site visit will be arranged.

8:15 p.m. – Appointment Roger Cruz – Sargisson Beach

Roger Cruz was present to ask the Commission to consider opening the Beach to non-Groton residents. He noted the difficulty in raising enough funds to open the Beach and suggested it might be advantageous to broaden the support base. Sharing a regional school system with Dunstable also creates an opportunity. Members suggested checking the deed to see if access to the area might be limited to Groton residents. P. Morrison recommended giving some preference to Groton residents, and C. Auman said that capacity is another consideration.

P. Morrison questioned whether the funds will be put in an interest bearing account in which the balance can be carried forward year to year. The gift fund can be expended by the Conservation Commission and can be carried forward. Over \$8,000 was raised, and an anonymous donor made up the rest to reach the \$13,000 goal. A lot of people are interested in figuring out a way to keep

the Beach open in coming years. The Town cannot do the fundraising, especially going to businesses for financial support. Members suggested Town Counsel may have suggestions for the best vehicle for a private group to get funds into the Sargisson Beach Gift Fund.

R. Cruz said he was considering talking to Shaw's about sponsoring a month of having the Beach open if they're allowed to have a display at the Beach. B. Easom suggested contacting the Attorney General's office to determine what laws apply to solicitations. C. Auman asked Mr. Cruz his view on what a reasonable amount is for a beach parking sticker, and he replied \$75 is probably the maximum. Mr. Cruz thought there would be a drop off in the number of people who purchase the stickers if the cost reaches \$100. He felt that the momentum of fundraising to keep the Beach open on a part-time basis should be carried forward to keep people involved and contributing.

Members suggested raising the fee for non-residents in surrounding towns to \$85. If overcrowding becomes an issue, the Commission reserves the right to limit the portion of stickers sold to non-residents. Preference will be given to Groton residents. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to charge \$85 per sticker for out-of-town residents going forward.

W. Addy asked how the Commission would control the number of out-of-town residents, and members explained sticker sales could be limited, but the stickers are for cars, not for individuals. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to charge \$10 for a daily permit.

8:30 p.m. – Appointment/Ron Crimmins Redskin Trail – Mr. Crimmins did not show up for the appointment.

Mr. Cruz said he thought a group would be interested in helping to clean up the area, and he thanked the Commission for their efforts. At this time, members agreed to not address any discount for seniors. Commissioners suggested contacting Karen Tuomi to let her know it would be necessary to pay for an extra lifeguard at the time the Toomey Center visits the Beach. She also is responsible for the Trust Funds, and it would be helpful if they can assist us in identifying needy families who would be eligible for free stickers. C. Auman suggested the Toomey Center should pay for parking stickers also.

8:45 p.m. – Acorn Path/abutters Colton & Burk

Commissioners noted they reviewed the proposed trail during the site walk the past Saturday. B. Ganem explained this provides access to over 300 acres of conservation land, including the Groton Woods Conservation Area, Duck Pond Conservation Area, Skinner Forest, and Flavell Crossing Conservation Area. B. Easom and M. Giguere had marked the trail in the field using GPS devices. Donald Desrosiers, developer of the project, was present and explained he located another marker in the field after the site visit. B. Ganem photographed the flagged location of the marker for the Commission's records.

Member Easom explained they were aware of three boundary monuments marking the location of the 10 ft. access which is owned by the Town. He distributed copies of his findings and pointed out his work in the field was preceded by research at the Registry of Deeds to obtain a copy of the 1993 subdivision plan. He explained that points on the ground were matched up using the GPS unit and the surveyor's plans. Differential adjustments were made using data from the US Geological Survey's Continuously Operating Reference Station (CORS) on Millstone Hill in Westford. He estimated that known-point position error was about ± 1 inch and the center line positions of the 10 ft. wide access were accurate to about ± 2 feet. The flags were set on Thursday, but some of them appeared to have been moved by the Saturday site walk, and Mr. Easom recommended that they be reset before the trail work is actually done.

C. Auman felt that a trail could be cut so that it would not be visible to abutters on either side. If horses are allowed, it will be necessary to do more cutting. P. Morrison did not think that it is necessary to accommodate horses in that section of town. Mr. Auman said abutters could participate in the decisions about what trees to cut, and the cutting need not be intensive. It provides access to a beautiful area, and people in the neighborhood are the ones most likely to use the trail. P. Morrison added he felt it appropriate to have a walking trail there.

Don Desrosiers said it appears it will be possible to go around trees and asked whether stumps will be pulled. Mr. Easom explained the Trails Committee typically cuts trees as close to the ground as possible. Any branches or brush would be hand-pruned and hauled away. He indicated that neighbors could be notified of the date on which the work is to be done. Generally, no growth larger than 2 inches in diameter is cut, and the Trails Committee goes around large trees.

Abutter Chris Colton (39 Acorn Path) explained that the neighbor on the other side, Mr. Burk, was unable to make this meeting because of a previous commitment. He expressed concern that the trail will eliminate the buffer between the two houses and that wildlife will not use the area. Commissioners felt that wildlife would continue to frequent the area regardless of a trail. He questioned whether the trail could be 2 or 3 ft. in width at the beginning in order to save some of the trees. B. Easom said he saw no harm in cutting it narrow at the beginning and then seeing how walkers adapted over time. The electric company has two poles on Mr. Colton's property and trims trees in the area. Several bounds were put in place by a surveyor, and it is estimated one of the telephone poles is located 5 ft. from a bound.

Chairman Giguere pointed out the Trails Committee is restricted to putting the trail on town-owned property and asked if it is possible to move the rhododendron which appears to be right at the entrance. B. Easom said he would look at the bounds and flags again before putting in the trail. C. Auman made a motion, seconded by B. Easom, to have the Trails Committee cut a trail at Acorn Path. Mr. Colton felt that the conservation land had many other access points and this was an unnecessary trail. P. Morrison suggested the vote should be amended to specify the trail shall be no wider than 5 ft. Upon a motion by P. Morrison, seconded by B. Easom the original vote was unanimously amended. Returning to the full motion, it was

VOTED: to authorize the Trails Committee to cut a trail, no more than 5 ft. in width, at Acorn Path.

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

VOTED: to require the Trails Committee to notify abutters of the Acorn Path trail before doing the work.

All voted in favor.

B. Easom indicated this work is likely to be done by the end of the summer. The Trails Committee meets on the 3rd Tuesday of the month and will determine a work day. Chairman Giguere thanked Mr. Desrosiers and Mr. Colton for attending the meeting. B. Easom had extra copies of the road layout plans for the subdivision which he gave to Mr. Colton.

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

VOTED: to enter Executive Session at 9:15 p.m. for the purpose of discussing pending litigation, not to return to Open Session at adjournment.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as amended May 27, 2008.