

## GROTON CONSERVATION COMMISSION

### Minutes

May 27, 2008

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 Wayne Addy, Craig Auman, Bruce Easom, Ryan Lambert, and Peter Morrison were present. Holly Estes arrived at 7:05 p.m. Conservation Assistant Barbara Ganem was also present.

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

VOTED: to approve the Open Session minutes of May 13, 2008 as amended.

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

VOTED: to approve the Executive Session minutes of May 13, 2008 as drafted.

(H. Estes arrived at 7:05 p.m.)

H. Estes abstained from the vote.

During the May 24, 2008 site visit, M. Giguere and B. Easom reported they had visited the Deerhaven subdivision and noted the shed and canoe at 12 Deerfield Dr. have been moved, but the pergola, grapevine, and an apparently Chemlawn-treated lawn remain on conservation land adjacent to the property. Members felt the owner has had sufficient time to move the items and limit the mowing and chemical treatment. The trees (white pine) the landowner placed on conservation land are growing thickly and serve as a barrier between his property and the conservation land. The Commission may wish to consider removal of the trees at some time.

Chairman Giguere suggested the Commission send a letter asking the owner of 12 Deerfield Dr. to come in for a discussion on this issue. P. Morrison noted the personal property becomes the Commission's if it is left there. B. Easom objected, stating it then becomes the Commission's responsibility to move the neighbor's 'stuff'. The emergency vehicle access from Rt. 40 remains viable and is wide enough according to B. Easom and M. Giguere. Upon a motion by B. Easom, seconded by H. Estes, it was

VOTED: to send a letter to the owner of 12 Deerfield Dr. inviting him to attend the June 10<sup>th</sup> meeting to discuss the wooden pergola and mowing and fertilizing of conservation land.

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

VOTED: to approve and issue the Special Conditions under the Wetlands Protection Act for DEP #169-993 for 26 Highland Rd. as drafted.

Upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to approve and issue the Special Conditions under the Wetlands Protection Bylaw for DEP #169-993 for 26 Highland Rd. as drafted.

7:15 p.m. – 52 Lovers Lane Request for Determination of Applicability

Contractor Robert Margolius of RJM Renovations was present to explain the renovation project. He noted it would be necessary to install 4 ft. footings in the center of the existing cement pad to support the new construction, but no excavation will be necessary. For roof runoff, the landowner would install new gutters to outlet to a dry well or could put a trench filled with ¾ in. gravel at the roof drip line.

Member Auman pointed out the wetland is very close to the house and asked where they plan to install the silt fencing. Mr. Margolius thought the best place would be at the edge of the lawn where any construction debris, such as roofing wrappers, would be captured before reaching the wetlands. B. Ganem mentioned the issue of limit of disturbance, and members stressed that this would not authorize additional work in the buffer zone. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination requiring a silt fence be installed as close to the garden as possible prior to the commencement of work and construction debris shall be kept out of the 100-ft. buffer zone of wetland resource areas.

Members who attended the Saturday site visit noted that the patio walls that were part of a modification of the filing for the construction of a retaining wall at 49 Island Rd. may have tumbled down and been re-stacked. There is one capstone missing. It appears the landowners were trying to repair things, and the wall was put together as well as possible. W. Addy added that the site appears much the same in the before and after photographs. It still appears there are bare soils behind the timber walls. A letter will go to the owner outlining what work needs to be done to have the Commission consider a Certificate of Compliance.

During the site visit to 14 Island Road, members observed another pipe, which the owner said was a foundation drain, but did not have a traprock pad at the outlet. It also appeared there was a new dock at the site. Another issue is the stabilization of the slope adjacent to the new structure. The owner was present and asked what can be used to stabilize the slope, and B. Ganem replied that sometimes jute netting is used to help get vegetation established. Because the slope is so steep, bark mulch is not an appropriate stabilization measure. The Commission has reviewed the As-Built Plan, including the floodplain compensatory storage, but will hold off on issuing the Certificate of Compliance until the slope is fully stabilized.

A meeting of interested parties on the Mattbob parcels is scheduled for Thursday, May 29th at 7 p.m. at the Nashua River Watershed Association.

Lawrence Academy students Kyung Min Lee, Yune Jin Song, Akul Patel, Thomas Chen, Yoo Jin Cho, Pete Horesaengchai, and Chris Watson who participated in the 2008 Envirothon, a competition for high school students to demonstrate their knowledge of such topics as water, soils, forestry, wildlife, and energy conservation, next gave a presentation on Surrenden Farm. They explained the history of the project, including the numerous partnerships involved in the protection of this land. Noting that the Conservation Commission works closely with the Groton Conservation Trust, New England Forestry Foundation, and the Nashua River Watershed Association, the students commented over 29% of Groton is protected open space. Recreational opportunities for canoeing and boating abound on the Nashua River, the Squannacook River, Baddacook Pond, and Lost Lake/Knops Pond. Birdwatching is popular at most conservation areas, and bicycling is available on both the Nashua River Rail Trail and in the Town Forest.

The Town's *Open Space and Recreation Plan* states the goal is to maintain the Town's small town feel and protect and enhance its natural resources while encouraging active forestry and agricultural uses. The students pointed out Surrenden Farm is an important link to other protected lands along the Nashua River and has agricultural, historical, and ecological significance. Surrenden Farm also has unique habitat for many different wildlife species.

The students explained that, despite the completion of the permitting process for a housing development, the Town worked with several different conservation and private groups to raise \$19.4 million to protect the land. Surrenden Farm is now separated into two sections, divided by Shirley Rd., with the Groton Conservation Trust owning the eastern portion (now called The General Field), and the Town owning the western portion. The Trust side will be managed for hayfields and pasture. Several rare and endangered wildlife species are known to exist on the Town-owned part of Surrenden Farm. Collection of these animals (as pets) can impact populations, as can agricultural and forestry activities.

Acknowledging the need to have this land open to the public and the presence of sensitive habitats, the students recommended that only passive recreation (hiking, bird watching, and horseback riding) be allowed. Wheeled vehicles should be prohibited. Dogs can be an issue for both users and wildlife. They urged the Commission to minimize the impact of trails on the environment by avoiding swampy areas and vernal pools and utilizing existing cart paths. All trails should be clearly marked. Other questions raised by the students included whether there should be access to the River for boating. Graphic data was presented showing the impact of trail users on nearby wildlife. The students wrapped up their presentation by distributing a brochure they developed to educate visitors about the importance of staying on trails and recommending a kiosk for trail maps and to provide information about endangered species at the entrance to the Surrenden Farm area.

Chairman M. Giguere mentioned the Commission and an ad hoc committee are working to put together a resource management plan for Surrenden Farm, and he would very much like to have copies of the data on which the graphs are based. P. Morrison offered the student group congratulations on their great presentation, particularly their ability to concisely encapsulate the very complicated history of the project and their evaluation of the resources on the site. Members noted the group placed 8<sup>th</sup> out of a field of 46 teams in the Envirothon.

Commissioner Easom said Groton is unique in the amount of conservation land we have. A lot of time and effort is spent on balancing recreational uses and wildlife interests. There are good arguments on both sides - preservation of species and habitats or preserving recreational opportunities - and the need to get town votes to protect land. C. Auman thanked the students for the excellent job they did on the presentation, and said he would like to see an association of Lawrence Academy and Groton School students working on Surrenden Farm going forward. This is a good opportunity for students to do detailed studies of the species present. Dr. David Black of Groton School is working with his students at Groton School. One of the areas being studied is the grassland nesting birds on the site. It is necessary to strike a balance between habitat needs and having access to the site.

H. Estes added she has been involved in preparing plant inventories on conservation properties, a task she found very interesting that also helps with future management plans. The students who participate on the Lawrence Academy team do this as an after-school activity in lieu of sports. C. Auman pointed out the Commission needs to get our rules and regulations posted on conservation properties.

8:00 p.m. – Appointment/Jim Selders Deerfield Homeowners' Association

Resident Jim Selders (76 Deerfield Dr.) explained he was present to discuss the future management of the conservation-restricted land owned by the Deerfield Homeowners' Association and to work out some type of agreement between the Association and the Commission. Members provided written information on grassland management that originated with Mass Audubon and an MACC workshop.

Commissioner Auman pointed out the Conservation Restriction specifies the area is to be managed as a meadow, and J. Selders asked how often it is to be cut. M. Giguere said meadow and grassland management does control how much mowing is to occur and what is removed. He requested some type of written plan and added the area would not look like a golf course. Mr. Selders said his child has had Lyme disease, and residents were concerned about the ticks in the tall grasses. While there are to be trails in the area, B. Easom commented the Commission would not be having the land mowed. Before accepted the conservation-restricted area, the Commission did require that the area be cut, and this was done by Bruce Dubey at the direction of the developer, David Moulton.

Resident Bennett Black Jr. (65 Burntmeadow Rd.) said he manages adjacent land as a hayfield and was concerned that this area serves as source of weed seeds which make it difficult for him to have good hay. He also noted there is a lot of autumn olive which he does not like to see become established in the fields.

Mr. Auman explained that this land was set aside when the developer chose to go with a flexible development scheme which clustered the houses more closely. It is ideal bird habitat, and this should be taken into consideration with the mowing regime. He had no problem with the removal of invasives such as the autumn olive. Members acknowledged that ticks are a problem nearly everywhere.

H. Estes questioned exactly when the area is to be mowed if it is to be kept as a meadow. If July 15<sup>th</sup> is the first cut, this would prevent shrubs and trees from growing in. M. Giguere said certain species need some form of tall cover for housing and breeding. P. Morrison mentioned it is usually necessary to mow annually in order to keep it in an early successional stage. Mr. Black pointed out that autumn olive is already coming in around the area of the community septic system. If mowing is done in spring once the snow goes, it may not be good for migratory bird species. M. Giguere said the general push is to do the mowing the fall, and this provides forage for migrating birds, as well as their predators.

Mr. Selders worried that coyotes and deer come in close to the houses, and asked when a fall cut would be done. Mr. Giguere said it is usually a late fall regimen and added he has not observed meadowlarks there since the houses were built, but he has seen some Savannah sparrows. Mr. Selders said a late October cutting would increase the risk of exposure to ticks because the grasses would be high throughout the 'outdoor' season. He noted it is particularly problematic in his yard where he has very little buffer to the conservation-restricted land.

H. Estes said ticks are particularly active from April to May and in October, although they are active year round. She said she was unsure whether the Commission can manage its lands for ticks. J. Selders asked that consideration be given to making the area inviting from a public perspective of people enjoying the land. M. Giguere mentioned that Groton is definitely a tick hot spot, and people have to learn that regular tick checks are necessary after being outdoors. He urged the development of some type of written plan or agreement to manage the land. Mr. Selders said currently neighbors feel they have been told 'hands off' and to just pay the taxes. He indicated no one knows what "sound woodland and meadow management" means. Commissioners said that the written materials should provide some background information on field management.

M. Giguere noted he has contracted Lyme disease as a result of being bitten by a tick in August in his own yard so it is no guarantee that cutting grasses will eliminate tick bites. Bennett Black said he would like to remove some trees on the ridge that are getting large; Commissioners advised him to let us know what is planned and that would include invasives control and perhaps maintaining trails to help with tick control. Steering walkers away from house lots is also an important element of the plan as people do not like to feel they are walking through someone's backyard. H. Estes recommended that controlling autumn olive requires yanking out the entire plant and removing all root fragments. Commissioners said this can be just a 1-page proposal, and thanked Mr. Selders for coming in.

8:15 p.m. – 54 Ridgewood Ave. Notice of Intent - DEP #169-992 continuation

Brian Thorne of GPR explained the topography of the site has presented a design challenge. The applicant owns land on both sides of the road. Mr. Thorne elaborated on the construction sequence, addressed roof runoff, and provided a cross section of the proposed structure. The design has also been modified in order to allow footings to temporarily reinforce or shore up construction at the edge of the road. Because the foundation has been raised, it is estimated that there will only be 220 cubic yards of excess material, 100 cubic yards of which will be used for the septic system across the street.

The setback distances from mean high water and high water are given for the existing and the proposed structure. Mr. Thorne noted the area is steep, and having stairs will allow the owner to get down to the lower level. Rooftop runoff will be put into 12" HPD pipes with fabric and stones to provide for infiltration. The decks have been shifted to the left across from the main floor of the house. There is a 9 ft. grade change in this vicinity.

B. Thorne again recommended the Order contain a condition in which the Groton Conservation Commission will meet with the owner and contractor before a detailed construction sequence is put into place. Although he expanded the elements of the construction sequence, the details on shoring up the roadside will have to be worked out at the time of construction.

As far as tree removal, 3 pines, a 12 in. oak, and 1 limb from the triple oak must be removed. An effort will be made to minimize the equipment that goes off the roadway. These trees will be ground in place. Mr. Thorne noted there are other properties around Lost Lake/Knops Pond that have gone from seasonal to year round dwellings. He felt that the efforts to mitigate for erosion potential were adequate to site conditions, and emphasized the Commission could include conditions that require the erosion control be cleaned up.

Chairman Giguere said the consultant has done a good job addressing the Commission's questions about this project. He stressed the importance of communicating what engineers specify to the contractor who actually does the work. Mr. Auman thanked Mr. Thorne for making the changes the Commission requested and maintaining setbacks. B. Easom asked about the status of the MESA filing, and Mr. Thorne replied the letter from Natural Heritage, a copy of which is in the Commission's records, addressed this issue along with the filing for the septic system across the street.

W. Addy questioned why haybales did not include the boathouse, and Mr. Thorne replied it is above grade. R. Lambert questioned what is proposed for the boathouse, and B. Thorne indicated they are looking at costs, and he is aware of the Commission's concern about the cumulative effect to both parcels. He is also aware that the limit on Ch. 91 square footage is 600 square feet. He mentioned the shoreline is in need of protection with several trees going over. The condition of the boathouse is poor, and it was decided to leave it out of this filing. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the hearing.

8:30 p.m. – Appointment/Steve Legge – Eliades Conservation Area

Trails Committee member Steve Legge noted the Trails Committee has been looking at this site for several years with several objectives: create a nice walk through an open, not forested, area, bring people to or from the Rail Trail and close one informal access off because it tends to be muddy and is crowded with multiflora rose, provide a way to the hospital (with signage), and to consider linkage with other properties such those on Half Moon Road.

Mr. Legge said he had marked the trail with orange flagging which some Committee members reviewed in the field on May 10<sup>th</sup>. The trail generally follows the emergency access road to the

edge of the property near the Ayer boundary of the hospital property. He estimated it is approximately 150 ft. to 200 ft. to the Rail Trail. He acknowledged that several members expressed concerns about bird habitat and what routing making sense for preserving that habitat. He introduced Trail Committee members Alan Taylor and Wendy Good. There is an approximately 7 ft. wide strip onto the Pacer Way property from Old Ayer Rd.

Resident Greg Ganley (68 Pacer Way) said there are two farms in the area whose residents ride horses on the Eliades parcel to gain access to the Rail Trail. S. Legge said he would like permission from the Commission to put in the proposed trail routing and to put the posts in place. It may be possible to put a sign at Pacer Way and to the hospital. B. Easom advised that permission would be necessary from the Department of Conservation and Recreation to install any signs on the Rail Trail. He asked that they get proper approval ahead of time for this signage.

M. Giguere pointed out this trail route will mean there are 2 trails bisecting the area since the emergency road access already exists. This means additional traffic at the edge of the cul-de-sac, and also at the property boundary. The trails are quite close together, and he felt it was far less aesthetic. He questioned the width of the trail, and it was noted it is currently mowed at a 7 ft. width. In comparison Skyfields is probably mowed at 6 ft. P. Morrison pointed out that was more a result of abutters mowing on either side. P. Morrison made a motion, seconded by B. Easom, to approve the trail layout for Pacer Way as submitted by Steve Legge on a plan dated May 27, 2008. P. Morrison maintained this plan would keep the trail near the town boundary and encourage neighborhood harmony by staying away from abutting neighbors, as well as resolve all conservation issues.

There is no evidence the AT & T easement is currently being maintained. Mr. Ganley said they did occasional mowing around their building on Old Ayer Rd. C. Auman pointed out the existing emergency access is well worn. He noted this is a small field, and the trail is way too wide. Not to use the existing trail means eating up a lot more open space. He recommended the trails be narrower and use the existing emergency access rather than cutting through the field. Mr. Ganley said he does the mowing and makes it wide because as the grass grows over the summer, it tends to lop over. B. Easom emphasized the importance of satisfying public safety requirements for access by emergency vehicles. S. Legge said he understood there had to be a minimum of 20 ft between the posts. C. Auman said the idea of connecting to the Rail Trail is very good, but advised it be as narrow as possible. H. Estes pointed out the new trail still bisects the field.

Mr. Ganley indicated the hospital does hire a farmer to hay their fields. The orange flagging currently marks the trail and that is where he has mowed. C. Auman protested that the decision to allow the new trail is being made by people who were not present at the site walk. G. Ganley mentioned there are a lot of birds in the vicinity of the fire road. It appears to be mowed but, in fact, the soils are hard-packed there and grass does not grow well. It may be the responsibility of the Town to maintain the fire access road, but Mr. Ganley noted it is not plowed in the winter. He estimated the hospital has their section mowed 2 or 3 times a year. Returning to the vote, it was

VOTED: to approve the trail layout for Pacer Way as submitted by Steve Legge on a plan dated May 27, 2008.

B. Easom, R. Lambert, H. Estes, W. Addy, P. Morrison voted in favor, and C. Auman and M. Giguere voted in the negative.

A meeting of the Conservation Restriction Monitoring Sub-committee was scheduled for June 2<sup>nd</sup> at 7:30 p.m.

The first organizational meeting for the Stewardship Committee is scheduled for June 17<sup>th</sup> at 7 p.m. Chairman Giguere asked if this item could be included under 'Groton Happenings' in the *Groton Herald*.

B. Ganem reported a call had come into the office about two trees downed during a windstorm this afternoon adjacent to 82 Hidden Valley Rd. Upon a motion by P. Morrison, seconded by H. Estes, it was

VOTED: to authorize B. Ganem to expend funds, at her discretion, to take care of this matter.

Members requested B. Ganem let them know via email when the site visit by NEFF's Chris Pryor is to take place on the Academy Hill Conservation Area. He is preparing the baseline documentation report for the state which holds the Conservation Restriction.

Chairman acknowledged he is departing somewhat from the usual procedure involved with reorganization of the Commission. He volunteered to serve a second term as Chairman. Upon a motion by C. Auman, seconded by H. Estes, it was

VOTED: to nominate M. Giguere as Chairman.

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

VOTED: to nominate R. Lambert as Chairman.

R. Lambert declined the nomination.

All voted in favor of electing Marshall Giguere as Chairman for 2008-2009.

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

VOTED: to elect R. Lambert as Vice Chairman for 2008-2009.

Regarding the nomination of a Clerk, W. Addy refused the nomination. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to elect H. Estes as Clerk for 2008-2009.

C. Auman said he would like to see all vehicles using the Sargisson Beach parking area have a parking sticker. It was noted that generally students from the Twomey Center come by bus. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to require that any vehicle parking at the Sargisson Beach parking area have a parking sticker.

Members suggested a letter be sent to the Twomey Center requesting them to hire lifeguards when their students go to the Beach.

W. Addy suggested a letter of recognition go to the Lawrence Academy students expressing the Commission's appreciation of the work they did on the Envirothon project.

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

Respectfully submitted,

Barbara V. Ganem  
Conservation Assistant

**Approved as drafted June 7, 2008.**