

GROTON CONSERVATION COMMISSION

Open Session Minutes

June 24, 2008

Vice-Chairman Ryan Lambert 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. Members Marshall Giguere and Holly Estes were absent, and Conservation Assistant Barbara Ganem was present.

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

VOTED: to approve the minutes of the Open Session of the June 10, 2008 meeting as drafted.

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

VOTED: to approve the minutes of the Executive Session of the June 10, 2008 meeting as drafted.

In discussion on 47 Boathouse Rd., member Morrison questioned exactly what the owner is doing wrong. It was noted a shed has been built, without a wetlands permit, in the buffer zone. It appears some work has been done on conservation land to shore up the roadway. Members suggested including the site on the next site walk to verify what has happened and to invite the owner to our next meeting.

John Petropoulos has contacted the Commission to determine whether there is any interest in preserving land next to his lot at 18 Kemp St. P. Morrison noted cows used to graze in the Bordering Vegetated Wetlands at the site, and the Commission can lease land to a farmer although there is unlikely to be much income. B. Easom said he is not so worried about the money as about the appearance of doing such activities for the income. P. Morrison said he would like to see an open process, and B. Easom cautioned the Town is not a business and cannot act like a business. W. Addy asked if this is an isolated parcel and noted it would have more value if it is connected. Vice Chairman suggested we return to the topic after the scheduled item on the agenda.

7:15 p.m. – 100 Hollis St. Request for Determination of Applicability

Owner Bob Pine explained he wished to continue the process of removing invasive plant species which he started over five years ago. He presented a slide show depicting the property which had been neglected for some time and was overgrown with bittersweet 8 inches in diameter and buckthorn at the time he purchased it. A ‘brontosaurus’ was used to knock the vegetation down, and the chipped debris was left to decompose. He has subsequently cleared the re-sprouting buckthorn with a brush mower. During the intervening time a lot of native species have come in. He reported he gave a presentation for the Nashua River Watershed Association on alternative

ways of dealing with the removal of invasives. He felt there could be a simpler process to facilitate similar invasive removal projects other people might want to do on their own property. The Determination expires in August. B. Easom complimented him on taking on a horrendous task with a great deal of success. C. Auman commented he remembered the buckthorn from the original site walk and was pleased to see native dogwood and crab apples coming in on their own.

Mr. Pine said he had thought it would be necessary to re-plant the site, but many natives came back without the competition from the invasives. Some of the wildflowers he planted at the edges have migrated into the targeted area. W. Addy questioned whether the Commission is extending the permit for mechanical removal. B. Pine said he would continue to use a walk-behind brush mower or a chain saw. All of the work going forward would be done by hand.

P. Morrison acknowledged he was horrified at the beginning of the project but his misgivings have disappeared with the good work Mr. Pine has accomplished at the site. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination requiring that any plantings to be done be native species.

7:30 p.m. – 100 Hollis St. Notice of Intent

Mr. Pine said he wishes to extend beyond his invasives control project to do an improvement to wildlife habitat. He proposes a wildlife pond, all of which is located within the buffer zone to the wetlands. It will be lined with bentonite clay to create an impervious surface to contain the water. The water table in the wetland varies by a couple of feet, and Mr. Pine indicated this is the best location as the pond can be fed by water from the roof into a confined area. He plans to create borders of emergent wetland vegetation with the center of the pond to be open water. The clay liner is estimated to be about 6 inches. Some sand and large stones will be placed where the roof drains outlet to allow cooling of the water before it enters the pond. This will also help filter the water. Water lilies will create a natural buffer, and Mr. Pine estimated the pond will be one foot deep at the edges.

He explained the red line the Commission observed in the field will serve as the limit of disturbance, and there will be a berm between the pond and the Bordering Vegetated Wetland. The lawn and walk area will be mulched and planted with shrubs. Any overflow will be directed to a stony channel at the original ground elevation. He does not anticipate the pond will overflow often as it is designed to handle all anticipated runoff from the roof. The proposed pond is in a fractured shale zone, and there may be seepage in the spring moving toward the wetland. He noted the net evaporative rate of the pond in the spring will be less than what occurs there now.

C. Auman stated two outstanding items are the response from Natural Heritage and the assignment of a DEP number. This project does fall under MESA because it is within Priority Habitat. The heavy equipment necessary for construction includes a bulldozer and an excavator to do the digging. The pond depth will be 4.5 ft., and the bulldozer will do the final grading. The limit of work will be defined by haybales, and the process should take no more than several days.

Mr. Pine concluded by saying the project will improve the habitat by adding some additional diversity to the site.

W. Addy said he did not understand why the pond wasn't constructed further away from the wetland, and Mr. Pine replied "It would be necessary to excavate to a depth of 6 ft. lower than what we are proposing." He added the proposed location will minimize the necessary amount of disturbance and also make use of existing contours. In addition, this is the portion of the property where he has had the least success in establishing plant diversity and where he can capture the greatest quantity of water. By not separating the work from the Bordering Vegetated Wetland he is not introducing a potential variable.

Mr. Pine said heat is more of a concern in taking water from the roof than is the water quality. Roof runoff is generally regarded as fairly clean. B. Easom asked if he could check on whether any of the work is within the floodplain. B. Pine assured the Commission he does not propose to add fish to the pond.

Abutter Scott Snow (110 Hollis St.) questioned how erosion from roof runoff will be prevented and how to assure that petroleum products do not enter the pond from roofing materials. B. Pine indicated there is some phosphorous from roof runoff but this is generally a limiting nutrient whereas nitrogen is what controls algae. Nitrogen can bind with silt particles from runoff from the driveway or the lawn, and this could create a problem. Energy from roof runoff will be dissipated by the large stones at the outlet.

Mr. Snell pointed out there is a stagnant pond behind 96 Hollis St., and he felt this was a source of mosquitoes. He noted there are bats everywhere when he walks his dog in the evening. Bob Pine said the overall work he has done has resulted in improved ecology and they actually experience fewer mosquitoes at this location than they did when they lived across the street. He felt there was now an ecological balance of habitats and the wildlife living there. Mr. Pine acknowledged he would consider installing an aerator if he found the pond starting to putrify, but he stressed that he has found the proposed system has been quite successful in other ponds he has designed. He hopes to bring conditions into a more natural ecological balance and might consider harvesting algae. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to continue the hearing to July 8, 2008, pending the receipt of additional information.

7:45 p.m. – 110 Boston Rd. Request for Determination of Applicability

Surveyor Stan Dillis and Betsy Kehoe from the Groton Community School Board of Directors were present. The plan is to increase the building footprint, but not to increase the number of children in the school, and to improve the parking area. They do not anticipate altering the lawn area or other playground area. There will be an increase in impervious area, and they plan to mitigate for the runoff in an appropriate fashion. An operations and maintenance plan would be prepared, and stormwater conditions would be improved over time. The drainage structures will deal with the quality and volume of stormwater runoff. The project will also come under the Planning Board for site plan review. Mr. Dillis said pervious pavement could be considered, and he maintained the work, with proposed mitigation, could result in overall improvements to the

site. He noted the existing concrete block building will not support a second story. P. Morrison asked if a completely separate structure had been considered, but added he did not think there would be a negative impact as long as roof runoff and recharge are addressed.

R. Lambert noted the square footage of Riverfront Area was not provided so it is unknown what percentage has already been disturbed and what the additional percentage will be with the proposed additions. B. Easom pointed out the 100 ft. and 200 ft. buffer lines are not shown. It is likely the entire site will have to be re-delineated. Looking into the future, the entire site may be covered with some structure, and this may not be the best decision.

C. Auman read from the MACC handbook information about 310 CMR 10.58 3 d which states that 5000 SF or 10% of the lot, whichever is less, require the Riverfront area to be calculated. The other caveat is that the 100 ft. inner riparian zone be preserved, and this area has already been disturbed. He questioned how the new work could meet these standards.

Abutter Jim Cullen (66 Boston Rd.) said he was concerned that the Notice of Intent address whether the mitigation measures proposed by the applicant will further change the characteristics of Cady Brook. He maintained construction in the area has already affected the extent of wetlands in the area.

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

VOTED: to issue a positive Determination, checking numbers 2b, 3, 5, and 7.

8:00 p.m. – Appointment/ James Conahan 598 Old Dunstable Rd.

Mr. Conahan was unable to attend tonight, but he would like to have a beaver flow leveling device installed in the beaver dam at the Woodland Park Conservation Area (off Old Dunstable Rd.). It's been expanding over the years. Island Pond Rd. blew out in April 2007, and it is likely the water impounded behind the beaver dam was at least partially responsible. If the Health Agent issues an Emergency Certification (which B. Ganem co-signs), the device can be installed to maintain water levels with specific conditions to control flow downstream. Mr. Conahan seems willing to take on the \$800 fee for installation, but needs the Commission's permission for work on conservation land. P. Morrison pointed out this would serve as mitigation for keeping Island Pond Rd. intact. Members thought such devices were in place at the intersection of Rt. 40 and Schoolhouse Rd., and Highway Surveyor Tom Delaney's crew also maintains one near Groton Place. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to allow the installation of a beaver flow leveling device at the Woodland Park Conservation Area.

B. Ganem said she anticipates having the conditions ready for the next Commission meeting.

Returning to the subject of Mr. Petropoulos' request that the Commission consider options for the parcel adjacent to his lot, members asked if there is any other protected land nearby, what are the environmental attributes of the land itself, and where does it stand on the priority list. A site

visit was suggested and perhaps contacting Fisheries & Wildlife. Meanwhile, Commissioners recommended approaching the owner to determine whether he would consider a sale.

Commissioners next considered a request from the B & M to verify wetlands in Groton near the railroad right-of-way where they plan to do a pesticide application. This is a very small section of track which crosses near Forge Pond, and the Commission has no jurisdiction over the pesticide application itself. Members agreed to not require a filing, providing the B & M representative flags the wetland ahead of the application so the proper distance can be maintained.

The owner of the Academy Hill subdivision has failed to comply with the Commission's requests to improve erosion control measures and to get the site adequately stabilized. Members agreed to visit the site individually. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to authorize B. Ganem to send a letter to the owner citing the lack of resolution to issues outlined in the Commission's April 2008 letter and the likelihood of fines being issued if compliance is not forthcoming in the near future.

B. Ganem reported the remaining work associated with the Norris demolition project has been completed by Mr. Black, and he has submitted billing for \$2000. While there is some trash that remains, all of the structures, as well as the barbed wire and bathtub have been removed. One outstanding item, and funds do remain in the allocated CPC amount, is seeding of bare areas. B. Easom recommended getting approval from the CPC before proceeding with this step. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to pay the remaining \$2000 bill for the demolition of structures on the Norris property.

B. Easom reported the CPC has 15 outstanding projects and is requiring an update from all project managers at its July 1 meeting.

B. Ganem reported the developer for the Squannacook Hills 40B proposes several minor modifications, including changes to drainage infrastructure, lighting, and a bus shelter within the buffer zone. These are items which are typically completed in the last phases of construction, and she has authorized them to begin work (after a pre-construction meeting and erosion control inspection) pending the hearing for an amended Order of Conditions.

Landowner Brian Pittenger/23 Radio Rd. has requested Certificates of Compliance for completed work on the 4th section of his retaining wall (DEP #169-872) and his new septic system (DEP #169-942). Both areas are stabilized with grass. Although he states silt fencing and haybales have now been removed, this has not been verified in the field. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue a Certificate of Compliance for the septic system, DEP #169-942 for 23 Radio Rd., pending an inspection to determine whether silt fencing has been removed.

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

VOTED: to issue a Certificate of Compliance for the retaining wall, DEP #169-872, for 23 Radio Rd., pending an inspection to determine whether silt fencing has been removed.

B. Ganem explained the YMCA has not yet returned the proposed contract for Sargisson Beach waterfront management. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to approve the contract provided it is the same verbiage as previous year's contracts, but with the updated dates and amounts.

A meeting with a consultant for Eric Rosenberger/Hillbrook Orchards is scheduled for Thursday, June 26th at 10 a.m.

The Wildlife Habitat Improvement Program under USDA has opened up for grant applications, the deadline for which is July 8th. Julie Lisk and Barbara Ganem will meet with the WHIP representative in Westford on June 27th at 9:30 a.m. to see if there might be a fit with management goals for Surrenden Farm West.

David Elliott/35 Common St. is scheduled to attend the Commission's meeting on July 8th.

Members discussed options for using the conservation line item budget for either signs or as partial payment of the appraisals. The sign design and locations have been approved by the Sign Committee. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to approve expenditure of remaining amounts in the Commission's line item budget for either signs or appraisals as acceptable to the Town Accountant.

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

VOTED: to enter Executive Session at 8:50 p.m., not to return to Open Session at adjournment.

There being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Assistant

Approved as drafted 7/22/08.