

GROTON CONSERVATION COMMISSION

Open Session Minutes

April 28, 2009

Chairman Marshall Giguere called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Due to another commitment he had to leave the meeting at 8:20 p.m. Members Wayne Addy, Craig Auman, Bruce Easom, Ryan Lambert, Peter Morrison, and David Pitkin were present. P. Morrison left the meeting between 9:50 p.m. and 10:00 p.m. Conservation Assistant Barbara Ganem was also present.

7:00 p.m. – Groton Community School NOI continuation, DEP#169-1013

At the applicant's request and upon a motion by R. Lambert, seconded by D. Pitkin, it was

VOTED: to continue the hearing for DEP#169-1013 to May 12, 2009.

7:00 p.m. – Baker/Island Pond Rd. NOI continuation, DEP#169-1007

At the applicant's request and upon a motion by R. Lambert, seconded by D. Pitkin, it was

VOTED: to continue the hearing for DEP#169-1007 to May 12, 2009.

7:00 p.m. – Appointment Grant Brining/Eagle Scout

The Commission agreed to move Grant Brining's appointment up on the agenda and invited him to give the details on his project. G. Brining explained he is a member of Troup 3 and has approval for an Eagle Scout project that will involve the installation of two signs at Groton Woods and one sign at Sampas Woods before the fall of 2010. To fundraise for the project, the Boy Scouts collect cans for recycling and conduct car washes. If insufficient funds are raised, G. Brining indicated he would be willing to make up the remainder himself. He estimated \$200 - \$250 would be necessary for the installation of the three signs. He requested the Commission's assistance in determining the exact locations for the signs before July. Moore Lumber in Ayer has agreed to donate the paint. The 2" x 4" x 6" sign boards will be cedar, painted forest green with white routed lettering bolted on 2" x 4" x 8" posts.

Member Easom said he had some paint left over from a sign project he worked on that he is willing to donate. He also suggested Mr. Brining return to the Commission in the event additional funds are needed for the project. Chairman Giguere noted this is a very worthwhile project, and there are many conservation areas in need of signs. Mr. Easom agreed to meet with G. Brining to review the locations for signs this coming Saturday afternoon. B. Ganem recommended the Commission decide on the specific names for the parcels, noting one of the parcels in need of a sign is the Hurd parcel on Rt. 119. Upon a motion by B. Easom, seconded by R. Lambert, it was

VOTED: to call the Hurd parcel the 'Hurd Conservation Area'.

All were in favor with the exception of P. Morrison who voted in the negative and advised checking the minutes to see if another name had been agreed to by the Commission during an earlier meeting. Attorney Robert Collins was present and said he would check with Bob Lacombe (the developer who deeded the land to the Town for conservation purposes) to see if any name other than Groton Woods would be appropriate for signage in that area. Members thanked G. Brining for the work involved in planning his project.

7:00 p.m. – Gale Order of Conditions

(Member D. Pitkin was not a member of the Commission when the first two hearings on this matter were held. Member R. Lambert missed two hearings. Neither member will vote on the Order of Conditions.) P. Morrison made a motion, seconded by B. Easom, to approve the Order of Conditions for Lowell Rd., DEP#169-1006. Chairman Giguere noted the proposed driveway presents a number of difficulties for development, including that the proposed driveway is to be built on Freetown muck which brings into question its stability and meeting conditions on de-watering. In addition, the Board of Selectmen have final say on the driveway design and there is a question of self-imposed hardship. P. Morrison mentioned that the minutes clearly indicate that abutters did not want a second driveway. Attorney Robert Collins, representing the Gales, asserted that affidavits were presented to the abutters, but they never returned them.

B. Easom suggested the Commission review the draft approval and vote the items up or down. He added that he thought Condition #29 should be removed. M. Giguere commented this is a project through the middle of a wetland which could have significant impacts on the resource area. C. Auman also advised keeping it in. Members B. Easom, P. Morrison, and W. Addy agreed to the removal of #29. In parallel with this decision, members felt that #34 should also be removed. C. Auman cautioned that this is one of the most environmentally sensitive projects the Commission has ever reviewed. Members recommended changing consultant and wetland scientist to 'wetland specialist' for consistency throughout the Order. P. Morrison maintained the work could be done without harming the wetlands, similar to the project on Broadmeadow in which machinery on tracks did excavations without disturbing the resource area.

M. Giguere observed that the grit and oil/water separator were part of a complicated and difficult stormwater system for a private homeowner to maintain. The Operations & Maintenance Plan was not submitted so this is created based on the new state stormwater maintenance recommendations. As the Commission finished the discussion, the motion was

VOTED: to approve the Order of Conditions, as amended, for DEP#169-1006 for Lowell Rd. under the Wetlands Protection Act.

With a modification to Condition #15, upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to approve the Order of Conditions, as amended, for DEP#169-1006 for Lowell Rd. under the Wetlands Protection Bylaw.

Members P. Morrison, B. Easom, and W. Addy voted in favor while C. Auman and M. Giguere voted in the negative.

7:30 p.m. – 29 Boathouse Rd. NOI continuation – DEP#169-1017

Consultant Bartlett Harvey explained they have received a number from DEP. He submitted the construction sequence for the project and noted the ZBA had approved the proposed plan with no changes. There being no further questions, upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to close the hearing for 29 Boathouse Rd., DEP#169-1017.

7:45 p.m. - James Brook Restoration Project NOI

Town Planner Michelle Collette introduced Highway Surveyor Tom Delaney and members of the Earth Removal Stormwater Management Committee Ed Perkins, Ryan Lambert, John Giger, and Bob Hanninen. She explained that James Brook originates at the base of Gibbet Hill and moves through Half Moon Swamp and then under Main St., through Broadmeadow and along Old Ayer Rd. to eventually empty into the Nashua River. The Town has received a 319 grant through EPA/DEP for stormwater improvements along the portion of James Brook that parallels Court St. and then empties into Broadmeadow.

Stephanie Hanson of CEI Associates explained that the Town is several years into the restoration process, using low impact development and best management practice techniques to improve water quality within the James Brook watershed. This filing includes a demonstration rain garden and dry wells to capture roof runoff and infiltrate it into the ground. This reduces the impact of stormwater and helps maintain water levels in the Brook. Eight off line leaching catch basins will provide both storage and treatment of stormwater before it reaches the Brook. Five of these are located outside of the Riverfront Area. For stream bank restoration, biologs and vegetation will be used to stabilize the often bare soils. The rain garden and infiltration well require partnerships with private landowners.

Ms. Hanson added that the Highway Dept. has installed pervious pavers for the sidewalk on Court St. outside the Riverfront Area. The next section of the sidewalk will be pervious asphalt. These will be additional elements of the demonstration project that the public can observe. T. Delaney and his crew have provided in-kind contributions to the project. Another component of the project is public education which has been spearheaded by members of the Earth Removal Stormwater Committee, M. Collette, and volunteers from the neighborhood and Town. Mr. Delaney said the maintenance for the sidewalk requires vacuuming sand out. Another option would be to have a geogrid that is grassed, but stormwater could move through. P. Morrison recalled that pervious pavement was used on a driveway down at Kirk Farm.

At this time, no DEP number has been assigned to the project. W. Addy asked about tree removal, and S. Hanson said one dead tree will be taken out, but biologs will be fitted under trees that lean over the Brook. Stumps will be left in place to help stabilize the banks. Willow and dogwood species are likely to be used along with grass/reed plugs. Hydroseeding will not be used. Commissioners asked if there was any chance the next section of the Brook, with many invasives, will be restored. This will depend on receiving another grant.

M. Collette noted that many private property homeowners, including the Mischels, John Madigan, Elea Kemley, and Fran Stanley, have agreed to participate in the process. C. Auman commended the proponents on their efforts, but expressed concern that the sewerage for these houses meant a lot of

water is being shipped to Pepperell. The storm drains, however, will continue to direct cleansed stormwater to the groundwater table. Mr. Auman asked about the cost effectiveness of the pavers, and T. Delaney acknowledged they are more expensive, and it is more labor-intensive to install them. The materials will wear similarly and do look nice.

M. Collette said the removal of invasives would require additional applications for future phases of the project. B. Easom noted that wetland flags were shown on the plan, but none were in place in the field. B. Ganem had set the flags where the BVW corresponds with the top of bank/edge of Riverfront Area where work is proposed. The stabilization has to go where the bank is, but S. Hanson said they would be willing to reset the flags with GPS. B. Easom thought they should be re-positioned. D. Pitkin complimented the proponents on the proposed work, saying it was a great project. It was noted that stockpiling grass clippings near the Brook is an issue. Picking up pet waste is another component of the project. It is hoped other residents will be inspired to try rain gardens in their own yards. M. Collette explained a survey was mailed out with the GELD bill, and there has been an excellent response rate. The working group has been meeting every other Tuesday, and she invited members of the Commission to attend.

A kiosk is proposed near the Rail Trail as an educational tool, and there will also be a traveling display to explain the practices previously outlined. Resident Ginny Bennett (Arrow Trail) asked if there was any mechanism to slow cars crossing Broadmeadow to prevent carnage of amphibians and reptiles crossing the roadway. It was noted that Broadmeadow is outside of the scope of this project.

Resident Jessica Madoc- Jones (209 Main St.) asked how she would avail herself of some of the educational opportunities associated with this project. S. Hanson explained the survey results will guide the educational efforts going forward. There will be workshops to explain the low impact development techniques to neighbors and interested residents. Ms. Hanson thanked those present for their assistance, noting that Groton has been particularly good to work with on this project with great support from staff, residents, and the working group. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to continue the hearing to May 12, 2009.

8:00 p.m. - 16 Hayden Rd. NOI continuation – DEP#169-1015

The only outstanding question was a response from Natural Heritage which has sent a letter indicating there is 'no take' regarding MESA and providing no comment concerning rare species. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to close the hearing for DEP#169-1015 for 16 Hayden Rd.

(M. Giguere left the meeting at 8:20 p.m.)

8:15 p.m. - Appointment Glenn Kinnear/54 Ridgewood Ave.

Mr. Kinnear explained he has a rather complicated project and wanted to get feedback from the Commission before he incurs engineering expenses. He reported he has recently had a Title V-approved septic system successfully installed on the lot he owns on the west side of Ridgewood Ave. which involved work on a steep hillside that was accomplished with comprehensive erosion control measures in place. He also has a wetlands permit for the removal of a structure and replacement with

a 2-bedroom 22' x 44' house with decks. He is now planning to replace an existing boathouse located at the edge of Lost Lake/Knops Pond. The structure is on concrete blocks, and erosion is occurring underneath the boathouse. There is very little holding the boathouse up, and it is likely to buckle and fall into the Pond at any time. G. Kinnear also pointed it is necessary to remove several trees because soils are eroding from the roots. He would like to have a retaining wall with a patio at the edge of the water as he felt the problem of erosion will recur.

Elaborating on his plans, Mr. Kinnear said he would install riprap and helical pilings for a dock. This method of installation will generate very little silt. He pointed out the work on his septic system was accomplished with nothing breaching the haybales, and he planned to continue these practices with work on the house, dock, boathouse, and patio to be done by experienced contractors. He proposes to do the work on the patio, retaining wall, and boathouse by using the new house foundation pad as the site for operating machinery. He noted that several trees could pose a threat to the construction as well as cause erosion if they fall into the Lake. An arborist has identified several trees which have some degree of distress and should be removed. Mr. Kinnear also commented he is considering the installation of a geothermal well to supplement the heating system. This would be a standing column well.

Member Addy said the removal of the boathouse would mitigate for the other work. It would help to plant additional trees for those removed. P. Morrison noted that it will be necessary to ascertain where the floodplain is if you are fixing the bank. Any loss of floodplain must be compensated for with storage at the same elevation level somewhere else on the lot. C. Auman asked the size of the new boathouse, and Mr. Kinnear estimated it will change from 9 ft. x 20 ft. to 10 ft. by 24 ft. Members noted that floodplain cannot be filled in without compensatory storage, and the retaining wall should not extend any further into the Lake than the existing shoreline. The removal of trees must be done in a safe manner, but members encouraged him to replace them. The floodplain computations should be prepared by an engineer.

B. Easom recommended that excavated materials be removed from the site. He liked the idea of having the equipment work from an existing house pad. D. Pitkin inquired about the time frame, and Mr. Kinnear said he hoped to remove the trees in the fall and be ready to start with the remainder of the project the following March. He estimated it would take 5 weeks to get the work done on the retaining wall.

8:30 p.m. - Appointment Erich Garger – Redskin Trail

Mr. Garger expressed concern that the Redskin Trail Conservation Area is being used for motor vehicles to turn around. He said one of the neighbors, Kevin Pitre, is tearing up the land. He worried that mud and siltation was reaching Lost Lake/Knops Pond because of this activity. A group of neighbors would be willing to install a gate if the Commission will consider paying for it. He submitted a sketch of the 18-ft. long gate which would cost \$185. He said it would be installed using 4 ft. x 4 ft. posts. P. Morrison said the Town Highway Department also uses the turnaround for snowplowing, and Mr. Garger said they could give the Highway Department a key to use the gate. Any fire prevention equipment or ambulances would also need to use the turnaround.

Mr. Garger explained that Mr. Pitre owns the boats on the adjacent property and uses motor vehicles to bring them in. He also noted Mr. Pitre removed a number of pines to create the turnaround. B. Easom questioned whether the Commission should be allowing the Highway Department to use

conservation land, particularly when the issue is access by motorized vehicles and people should not be driving on it. He noted that the proposed farm gate is flimsy and can be damaged quite easily. He suggested that rocks are a possibility. B. Ganem noted that T. Delaney has indicated in the past he would not be in favor of placing rocks at this location.

8:45 p.m. - Appointment Joachim Preiss, Chairman/Trails Committee

Mr. Preiss distributed maps showing where wet areas are located on the proposed Surrenden Farm West trail network in what has been called Management Zone 3. There are two trails to the Nashua River and seasonal wetness is a problem for both. One is an old fire track that parallels an existing ditch which is currently filled with logs and leaves. He said that not maintaining this ditch has created a situation in which the wetness is accentuated. He thought that opening up this ditch would keep the water flowing, but also acknowledged water bars may be needed. Approximately 200 ft. of the trail is affected.

The trails that are designated in yellow are single track trails, and the Trails Committee has looked at re-routing about 150 ft. to a better location. This would also involve the installation of water bars (logs on rocks to divert water off the trail). Member Auman asked if this area is a wetland, and Mr. Preiss said there were a lot of ferns, but indicated the trail has been there a long time with no maintenance. People tend to walk around and widen the trail over time. It may be necessary to install a boardwalk on a section of the trail that parallels the River. Mr. Preiss indicated it would be similar to the one installed at Williams Barn Sorhaug Woods and approximately 2 ft. x 12 ft. installed to the side of the trail so that horses could continue to cross through the wetlands. P. Morrison suggested the filing of a Request for Determination of Applicability for this type of work. Members agreed to include Surrenden Farm on the May 9th site visits.

P. Morrison thanked the Trails Committee for their work on clearing ice-damaged trees from the Groton trail network. Members reminded Mr. Preiss that it is important to leave trees down in strategic spots where illegal ATV traffic is a problem. Mr. Morrison noted that if walkers are physically able to walk a trail, a 12-inch diameter tree is not likely to be an obstacle. Bikers and horseback riders can also get over them. ATV traffic has become a problem behind Kaileys Way. J. Preiss agreed to communicate this to the Trails Committee. He noted that over the winter snowmobilers cleared some of the trails using chainsaws and this is particularly noticeable in Brooks Orchard.

B. Easom noted the police do not seem to be particularly interested in doing ATV enforcement in Town, and many other conservation organizations are experiencing similar problems. He questioned whether we all shouldn't be taking some initiative to resolve the issue. J. Preiss pointed out the problem is particularly prevalent under the power lines, off Martins Pond Road, around the transfer station near the Dunstable line, and on properties near the Rail Trail. C. Auman mentioned this is subject to a state law, and the environmental police are the enforcement arm. J. Preiss noted many of the parcels are not posted. P. Morrison said he is not necessarily in favor of banning all ATVs as there are some properties where motor vehicles are allowed. For instance, if we close Wharton Plantation, where will the ATV users go next? B. Easom pointed out the machines do tear up the land and blaze new trails through wetlands. The power lines are actually on private lands, and they do post against ATV traffic and sometimes put up barriers at the entrance.

J. Preiss suggested that the Trails Committee and Commission work on appropriate signage. B. Easom thought the affected groups should decide where the worst problem exists and target that area to get out the public message. We have to establish our tolerance level and rights now. J. Preiss thought an invitation should be extended to the Groton Conservation Trust, and other stakeholders should be involved in the process before it gets worse. It's important to identify the parcels, agree on signage, and do some press releases. B. Easom agreed to call Rick Muehlke and invite the police chief and NEFF as well.

Regarding chainsaw safety, for those who have received no professional chainsaw safety training, volunteers are required to sign a waiver, a hold harmless form, with the Town. UMASS Amherst is offering an intensive training course April 29 – 30th.

9:00 p.m. - Appointment – Joseph Ferguson/ 7 Baby Beach Rd.

The original plan for his deck called for two sonatubes. He has added three additional sonatubes which will require hand digging on the land side of the retaining wall at the water's edge. He had planned to cantilever the deck 4 ft. over the water, but the Order of Conditions made it clear the deck was not to extend over the water. Members explained the plans have changed from what he previously presented in his Notice of Intent, and it would be necessary to file for an amendment to his plan. Mr. Ferguson complained that this would involve notifying 60 abutters. As an alternative, Commissioners discussed accepting a Request for Determination of Applicability for the plan change. B. Easom advised it is helpful to plan ahead to avoid this type of issue in the future. Upon a motion by W. Addy, seconded by B. Easom, it was

VOTED: to allow the filing of a Request for Determination of Applicability for the change in deck plans.

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

VOTED: to enter Executive Session at 9:35 p.m. for the purpose of discussing a land acquisition to return to Open Session at adjournment.

Returning to Open Session at 10:00 p.m., upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to approve the minutes of April 14, 2009 as drafted.

In discussion on the Order of Conditions for Sjoberg/Chicopee Row, several members expressed reservations about the scope of this project. Condition #29 will be eliminated, Condition #48 amended, and street. Upon a motion by W. Addy, seconded by B. Easom, it was

VOTED: to approve the amended Order of Conditions for DEP#169-1011 under the Wetlands Protection Act.

Members agreed the Bylaw Order should require that conservation markers be installed, at 40 ft. intervals, along the 50 foot wetland buffer zone within 200 feet of the building envelope. The bond for the replication area will be \$5000. Upon a motion by W. Addy, seconded by P. Morrison, it was

VOTED: to approve the amended Order of Conditions for DEP#169-1011 under the Wetlands Protection Bylaw.

An Enforcement Order was issued to Jon Liebold for continuing work on the driveway re-location at 246 Lowell Rd. without the filing of a Notice of Intent. This work is within the 100-ft. buffer zone, and the Commission has previously issued a positive Determination requiring he file an NOI. The filing is due by May 12th, and members signed off on the Enforcement Order.

Due to work travel commitments, D. Pitkin said he was unavailable for the continued Town Meeting scheduled for May 4th, and C. Auman agreed to substitute for him to speak in favor of the Lost Lake/Knops Pond sewerage articles.

Upon a motion by W. Addy, seconded by P. Morrison, it was

VOTED: to approve the issuance of a Certificate of Compliance for 48 Martins Pond Rd. for a septic system upgrade, DEP#169-755.

There being no further business, the meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved with amendments 5/12/09.