

GROTON CONSERVATION COMMISSION

Minutes

June 9, 2009

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

7:00 p.m. – Appointment/Ray Lyons

Attorney Lyons explained he was present to see whether the Commission was interested in a parcel in northeast Groton. It consists of 12 acres and is unusual in that there are no wetlands. His client has been working with the Planning Board to add an additional house, but it is currently approved for one house. It abuts the Red Line property which is privately owned and is blocked with a fence. Mr. Lyons said his client is considering granting a 20 ft. wide strip that parallels the Red Line which would provide a critical link in this railroad trail. Noting he had recently met with Mark Haddad, Michelle Collette, and Barbara Ganem to discuss this proposal, he felt there should be a focus on getting an application to the Self Help (now LAND) Program to preserve the strip. Indicating he did not know the worth of this strip, he commented the idea of a second house on the lot would be killed if the strip was sold. The strip could be the value of not having to develop a subdivision road.

The lot has frontage on Island Pond Rd. and touches Bryanwood Lane at its most northern point. There has been some disturbance at the south point to construct an existing house. He estimated there could be a 20 ft. change in topography on the area where the trail strip is proposed. July 15th is the deadline for filing an application before the LAND Program. The difference in value between a fee simple and conservation restriction purchase is likely to be negligible. It will be necessary to have an ANR plan prepared to show the strip, and a Special Permit modification will also be required. P. Morrison said he preferred to have a surveyed plan, and R. Lyons said Stan Dillis already has data showing the undulations of the terrain so this information can be incorporated into the actual strip which may have to be widened in areas with steep topography.

M. Giguere pointed out there is a heavily used ATV trail, and Mr. Lyons maintained this was on the McCarthy land. He acknowledged the first part of the trail strip would need work as it is steep, but the land smoothes out within 40 or 50 ft. M. Giguere said the Commission needs to know where the property is located. C. Auman cautioned there could be problems with neighbors objecting to the trail. The ATV trail hooks back into the YMCA property to the north. Members questioned what happens to the trail beyond this point, and it was noted that parts are protected in Dunstable, but there would need to be permission from the YMCA to extend any trail to the north.

W. Addy said the developer is trying to balance the profit on a house vs. the cost of putting in the subdivision road and establish whether it is cost effective to sell the strip rather than a house lot. The developer has approached the Planning Board with a clustered design which reduced the

necessary acreage, but this was rejected. With 12 acres it is necessary to create a road to provide sufficient frontage. D. Pitkin said he was interested in seeing the lot lines. R. Lambert expressed concern about spending more money on appraisals, but B. Easom pointed out the interest the Conservation Fund earns could cover this expense. Mr. Easom said this proposal was presented to the Trails Committee which agreed it was a good trail link. He noted this railroad bed was part of our walk last summer with a member of the Dunstable Conservation Commission to study their forestry activities although there are missing pieces in private hands along the way.

Chairman Easom added Mr. Lyons may wish to talk with the Groton Conservation Trust which is eligible for state Conservation Partnership grants. They would be a good entity to hold the property as they own the Red Line Path south of this parcel. It is also good to team with other partners for state grants. C. Auman commented it would show a good faith effort if the developer is willing to pay for an appraisal. Mr. Lyons said his client would prefer not to spend money unless he knows the application has been approved. B. Easom thought that whoever is getting the appraisal should pay for it to avoid a conflict of interest. R. Lyons felt there was some potential for cost sharing if the application is approved.

R. Lyons thought an appraisal value is likely to be somewhere between \$20,000 and \$50,000, but he understood the number has to make sense to the Commission given the number of other things being worked on. M. Giguere pointed out there is also very little time to get the appraisal done, make an offer, and develop a purchase and sale agreement. We do not need a purchase and sale agreement to submit the LAND application, but we do get extra points for having an agreement with the landowner. Members felt this was a worthwhile project, but stressed the need to define what we are getting. Without having an appraisal done, we do not get the link, and there is the hope that missing links to the north can be acquired eventually. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to engage an appraiser to determine the value of an approximately 20-ft. wide strip of land on Assessor's Parcels 247-29.3 and 246-16 for an amount not to exceed \$5000.

Mr. Lyons agreed that the applicant would supply a plan for the purpose of the appraisal, and also provide the deeds and plan to the selected appraiser. Chairman Easom agreed to write the application for the LAND grant.

7:15 p.m. – 993 Boston Rd. NOI - DEP#169-1020

Upon the applicant's request and a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to continue the hearing for DEP#169-1010 to June 23, 2009.

7:30 p.m. – Baddacook Pond Weed Harvesting NOI continuation – DEP#169-1019

Proponent Bill Strickland explained he has addressed the concerns expressed by DEP Circuit Rider Jennifer Gensel. The Weed Harvesting Committee has an upcoming meeting at which time they expect to decide on an appropriate spill containment kit. Natural Heritage is still considering the request to begin an early harvest in specific locations and expects to have an answer within the next two weeks.

Mr. Strickland has prepared a power point presentation showing the extent of the weed infestation at Baddacook Pond and has learned to identify the target weeds. He noted that weeds have not risen to the surface of the water at this time of year, but are clearly visible beneath the surface. He plans to make another survey within the next month. He said that decaying vegetation adds to the muck at the bottom of the Pond. The weed harvester can operate within 10 ft. of the shoreline.

Chairman Easom asked if it would be necessary to do a survey of species and whether an inventory must be done. The cabomba and milfoil dominate at this point. Upon a motion by C. Auman, seconded by R. Lambert, it was

VOTED: to continue the hearing to June 23, 2009 for DEP#169-1019.

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

VOTED: to approve the minutes of the May 26, 2009 Open Session as drafted.

Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to approve both Executive Session minutes of May 26, 2009 as drafted.

Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to approve the Open Session minutes of April 4, 2009 as amended.

Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to approve the Executive Session minutes of April 4, 2009 as drafted.

7:45 p.m. - Groton Community School NOI continuation, DEP#169-1013

Attorney Robert Collins reported a letter has been submitted by an architect recommending against a vertical expansion of the building. Surveyor Stan Dillis stated the Operations & Maintenance Plan was submitted, along with Total Suspended Solids (TSS) calculations. The stormwater issues will be reviewed when the project goes through the Earth Removal and Stormwater Advisory Committee process. Acknowledging this is a challenging site, Mr. Collins said the board of the Community School needs to have Planning Board and Conservation Commission approval before commencing a fundraising effort to build the addition.

Mr. Dillis said the site has about an 18 in. separation to groundwater which does not meet the guidelines for installation of porous pavement, but he maintained this is an improvement over existing conditions. B. Easom asked him what the consequences of putting porous pavement within 18 in. of the groundwater, and S. Dillis indicated it would be similar to what is there now. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to close the hearing for DEP#169-1013.

Mr. Collins requested an appointment with the Commission to discuss the Groton Woods lots, and it scheduled for June 23 at 8 p.m.

Regarding the Local/Littleton Horseowners Association Trail Ride to benefit schools in South Africa, members noted the ride will cover Longley and Cronin, as well as Canterbury Lane/Jenkins Rd., Farmers & Mechanics, Taisey CR, and Surrenden Farm. P. Morrison saw the issues as insurance, signage, and cleanup. M. Giguere said he would like to see the ride confined to existing trails. B. Easom advised removing all trail markers that do not reflect the Groton Trail Network. P. Morrison noted that the Commission can only approve those portions of the ride that are on Town-owned land, and B. Ganem said they are aware of the need to contact New England Forestry Foundation, Groton Conservation Trust, and Willard Brook about the use of the Rail Trail. Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to allow the use of Town-owned conservation areas providing liability insurance is obtained, the trail ride is confined to existing trails only, information about the trail ride is posted ahead of time, and all trail markings, except for those designating the Groton Trail Network, shall be removed at the conclusion of the ride.

P. Morrison disclosed that he was formerly a member of the Local/Littleton Horseowners Association.

B. Easom reported he had talked with Earl Carter about giving us a quote for the placement of boulders at the Redskin Trail Conservation Area, and he felt uncomfortable doing so. Members suggested contacting either Bennett Black or Brian Lagasse for an estimate. Upon a motion by P. Morrison, seconded by W. Addy, it was

VOTED: to authorize B. Ganem to obtain quotes for the placement of rocks at the Redskin Trail Conservation Area.

8:00 p.m. - Baker/Island Pond Rd. NOI continuation, DEP#169-1007

Attorney Robert Collins explained that this 9-acre parcel has an interesting configuration and includes a portion of Masspoag Pond and lies next to an old railroad bed. Surveyor Stan Dillis said the revised plans have moved the house out of the 200-ft. Riverfront Area under the Bylaw. The sewage disposal system is outside of this area as well, but everything else remains the same with drainage going toward a catch basin near the driveway entrance.

Member Addy observed there has previously been one hearing, and these appear to be positive changes. He added it is steep on both sides of the driveway. No wetland filling is involved in this filing. B. Easom asked if the grading meets the definition of 'minor' under the Bylaw inside the 200 ft. Riverfront Area. The slopes were estimated to be 3 to 1 varying to 6 to 1. The driveway is super elevated on one side to direct drainage into a swale to flow toward the catch basin.

M. Giguere pointed out there are significant changes in elevations in the Riverfront Area, and he questioned what type of mitigation is proposed for disturbance of this resource area. There is a 5-ft. grade change in front of the house which mimics the slope that is there and does not change the topography of the slope significantly. Mr. Giguere said all of the trees will be removed to do

the 3 to 1 slope. Mr. Dillis maintained that, in order to meet the Bylaw grading requirements, it would be necessary to disturb a much larger area. Mr. Giguere asked whether a conservation restriction was considered to mitigate for the disturbances.

C. Auman questioned when the lot was subdivided, and Mr. Collins said the lot has been in existence since 1953 and preceded the Wetlands Protection Act. Member Auman commented the Bylaw does not allow driveways in the buffer zone. R. Collins said there has been no other access since 1953 and indicated he would review the matter with his clients. P. Morrison questioned whether the family wished to develop the lot or sell it, and one of the owners, Mr. Baker, said it is their intention to sell the lot. Mr. Morrison did not think a conservation restriction would be an imposition on the current owners.

Abutter Charles Todd (104 Island Pond Rd.) said he had recently learned of this continuation and pointed out it is actually the third time Mr. Baker has been before the Commission as they had filed for the wetland delineation first. He said his own house was built in 1986, and he has heard it is unlikely it could be built today because of the kettle hole and its ecological significance for Blanding's turtles. He stated he has immediate concerns with the steep slopes in the buffer zone and the fact the driveway faces north and is likely to require the use of a lot of chemicals, salt, and sand which will go into the stream. Mr. Todd felt the size of the house, driveway, and septic system are likely to disrupt the local ecology. He requested more time to review the revised plan and to have neighbors look at it too.

Mr. Collins said the house has been downsized to 4 bedrooms, and no gravel removal is proposed. The driveway will be approximately 450 ft. long, and M. Giguere asked if any turnaround is proposed. Mr. Dillis replied it will be located out of the buffer zone. Natural Heritage has commented on the project and advised using 'critter gaps' in the placement of the erosion control barrier.

Resident Robert Pine (100 Hollis St.) also requested more time to review the plan more carefully. He noted that grading around the retaining wall fades away, and it does look as though some of the cuts exceed 2 ft. He pointed out the Wetland Bylaw offers additional protection to wildlife, and he expressed concern that more information about wildlife is not being presented. For instance, he said the retaining wall will serve as a significant barrier to turtles. He stressed that the proponent should address wildlife issues in this critical area, and it should be done by a wildlife biologist with attention paid to the issues raised by David Black at the December hearing. He felt the area of concern went beyond the 100 ft. buffer to the vernal pool, and he questioned whether the edge of the vernal pool had truly been defined as the edge of bordering vegetated wetland and the two resource areas are not necessarily coincident. S. Dillis said soils and vegetation were used to define the edge of the pool. Mr. Pine stated the high water mark may actually be different.

In response to P. Morrison's question about the vertical difference between the 100-ft. buffer zone and the pool, Mr. Dillis replied it is 40 ft. below. Mr. Pine asserted this is not relevant to the septic system. C. Auman and P. Morrison thought that a strong case has been made for a wildlife study of all the disturbances on the lot. Members said mitigating measures could include a

conservation restriction, the issues raised by David Black should be addressed, and the driveway profile should be provided. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to continue the hearing to July 14, 2009 for DEP#169-1007.

8:15 p.m. – Appointment Scout Grant Brining

Mr. Brining reported he has raised the money, bought the materials, and is in the process of putting together three trail head signs. He requested clarification from the Commission on the specific names to be used on the signs. M. Giguere indicated the Commission previously agreed on Sampas Woods and the Hurd Conservation Area. For the Groton Woods sign, the Commission previously voted to name the area the “Robert J. and Deborah M. Lacombe Sanctuary”. B. Easom had reviewed several locations with Mr. Brining for the sign, including Paugus Trail which gets little traffic and Hidden Valley which leads to Carmichael Swamp. It was thought Forest Drive might be the optimal site as it borders on conservation land and is in a prominent location even though the houses have not yet been built. Members thought the size of the Lacombe sign should be increased because of the long name. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to authorize B. Easom to acquire a 2 in. by 12 ft. x 48 in. board to allow two lines on one board for the naming of the Robert J. and Deborah M. Lacombe Sanctuary.

B. Easom agreed to pick up the board the next day. Commissioners discussed the process of getting this approved through the Sign Committee. The Lacombe sign will come in at 6 sq. ft., the maximum allowed under the Sign Bylaw while the other two signs are 4 sq. ft. Mr. Brining will assist with the sign bylaw approval process.

Chairman Easom reported that apparently Patrick Blouin of Whitewood Rd. had trespassed behind his house and cut some trees on land owned by the Groton Woods Baptist camp. The largest was an 8-in. diameter pine. All of the trees were felled in a southwest direction, apparently to improve reception for a television satellite dish, a cable for which connected to Mr. Blouin’s house. He was given permission, after-the- fact, from the camp property manager who also said he could clean up the mess. Members noted this could create more damage to the resource area, Martins Pond Brook, and requires a filing. Some of the trees were felled directly in to the stream. B. Easom felt they should not be left there as they could snag debris and begin to back water up upstream from the site. It is likely they could be cut and removed rather than dragged out. The decision is who to have file and what is the deadline.

Although the property owner gave permission and the work is within a resource area, a Request for Determination of Applicability could be less complicated as there should be no permanent alteration of the land. B. Easom thought a Notice of Intent might be a better alternative. Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to request Groton Woods Baptist camp to file a Request for Determination of Applicability for tree removal.

All were in favor.

Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to have a constable deliver a letter to Patrick Blouin requiring that no further work (cleaning up) be done until the filing is complete, and the Commission issues a permit.

The nephew of Hilda O'Hara, Calvin Moore, has contacted the Commission office about her property on Nashua Rd. He indicated she wishes to get \$1000 net which would mean the Commission picks up the costs involved in producing a deed, title certification, and recording. P. Morrison recommended the Commission do this, especially in view of how much the Fitch family has done for the Town. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to authorize the expenditure of funds to cover the legal expenses associated with the \$1000 purchase of the O'Hara Nashua Rd. property.

The motion carried with a majority, with W. Addy voting in the negative.

Commissioners advised getting a 'power of attorney' document from Mr. Moore in order to begin the process.

B. Ganem reported Sargisson Beach opened for weekends only on June 6th until July 1 when we begin the Wednesday through Sunday schedule. The contract with the YMCA is still pending. It is anticipated the Park Ranger will be on board by Friday.

The Planning Board has requested comments on the Jenkins Rd. Special Permit Plan, dated May 20, 2009. Members noted a lot less area will be disturbed with the addition of two house lots, and any work within the 100-ft. buffer zone will require a filing with the Conservation Commission.

Members noted the \$50 per day fines commenced yesterday since no filing has been received from the owner of 246 Lowell Rd.

C. Auman requested fellow members to examine the draft farm policy in preparation for issuing the advertisement for farmers.

There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 6/23/09.