

## GROTON CONSERVATION COMMISSION

### Open Session Minutes

June 23, 2009

Vice Chairman Ryan Lambert 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, Marshall Giguere, Ryan Lambert, Peter Morrison, and David Pitkin were present. Chairman Bruce Easom was absent. Conservation Administrator Barbara Ganem was present.

Upon a motion by W. Addy, seconded by D. Pitkin, it was

VOTED: to approve the Open Session minutes of June 6, 2009 as drafted.

Upon a motion by W. Addy, seconded by D. Pitkin, it was

VOTED: to approve the Executive Session minutes of June 6, 2009 as drafted.

Upon a motion by W. Addy, seconded by D. Pitkin, it was

VOTED: to approve the minutes of June 9, 2009 as drafted.

Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to issue an Order of Conditions under the Wetlands Protection Act for the Groton Community School, DEP#169-1013, as amended.

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Protection Bylaw for the Groton Community School, DEP#169-1013, as amended.

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

VOTED: to extend for 3 years the Order of Conditions for Crossroads Plaza, Groton Wetlands Bylaw#06-1 Amendment.

Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to authorize Craig Auman and Marshall Giguere as payroll signatories for staff time sheets.

B. Ganem reported that Jonathan Liebold/246 Lowell Rd. submitted a partially completed Notice of Intent on June 16<sup>th</sup>. The fees were not paid, nor was a plan submitted for the re-located driveway. Mr. Liebold indicates that he has contracted with Dillis & Ducharme to prepare a plan.

Members agreed to stay the fines as of June 16<sup>th</sup>, but to convey to Mr. Liebold that he will need to file the plan and complete NOI by July 14, 2009 or risk incurring additional fines.

W. Addy pointed out there are inconsistencies between the 'Request for Proposals' and the contract with the Lowell YMCA for providing waterfront management services at Sargisson Beach. Members noted that the language in the contract itself controls. The document has been reviewed and approved by Town Counsel David Doneski. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to approve the contract with the Greater Lowell YMCA for the provision of waterfront management services for summer 2009.

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

Owner Bob Tierney explained he wished to repair the sewage disposal system and has received Board of Health approval of all requested variances. Members requested the green cards for confirmation of abutter notifications, and Mr. Tierney said he did not know anything about this. P. Morrison asked if any trees other than the one in the front yard are to be removed, and Mr. Tierney replied he didn't think so.

Commissioners expressed concern about the proximity of the well to wetlands, and Mr. Tierney indicated he thought Skillings would take care of the well slurry. When asked what the finish elevations would be for the septic system, Mr. Tierney thought there would be some fill because the house is at an elevation of 236 ft. M. Giguere pointed out it would be helpful to have cross sectional contours on the plan and also said the plan should show where silt fencing is to be placed. B. Tierney asked if the Commission was familiar with using silt socks as they are easier to install.

Mr. Tierney said it is necessary to move the junction box for this system installed around 1960. It must be removed and then the area filled. It is likely the house can serve as a portion of the erosion control line. He did not know where the existing well is located. Members said Mr. Tierney could draw in the siltation barrier and mark the tree that is coming out and initial and date the revised plan. It is necessary to be sure that abutters have been notified, update the plan with trees to be removed, existing well, location of erosion control measures, and the finish grades for the septic system. Given these outstanding items, upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to continue the hearing to July 14, 2009.

Mr. Tierney asked if the Commission had received the appraisal for the Oak Ridge parcels, and members said "not yet".

7:30 p.m. – 65 Boathouse Rd. RDA

Stan Dillis explained that resident Erik Collins has an existing dock for which he has a Ch. 91 license. He proposes adding a dock on wheels to be configured in an L-shape and connected to the existing docks. He will have to amend the existing Ch. 91 license to include the additional dock. The wheels of the dock sit on the bottom of the lake. The measurement of the new dock is

less than 600 SF (actually 288 SF). Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination.

Commissioners agreed to send a letter to the proponents of Slow Growth Initiative outlining concern with the fact that local wetland bylaws are waived in the case of Ch. 40B projects and we would like to see this changed.

Members discussed the appraisal for the Flowers parcels and agreed to request that the \$4,500 be encumbered from the FY'09 operating budget for the Conservation Commission.

Member Pitkin photographed the status of the area that has been fenced off at Groton Place to prevent dogs from swimming in the Nashua River. He noted there is a lot of signage and the fencing prevents concentrating erosion in one area. C. Auman commented there appears to be little vegetation becoming re-established. Members felt the fencing should be left in place as there has been improvement and recommended contacting steward Rick Muehlke to see if he had any further proposals to stabilize the slope.

B. Ganem reported work has commenced on the improvements to the sitting areas adjacent to the Groton School pond on the Nashua River Rail Trail. Photographs of the site show the silt curtains have been installed, and they are beginning to mobilize the machinery necessary to move the granite blocks. They are to send the MSDS sheets on the 'dirt glue' to be used for the walking areas.

7:45 p.m. - Baddacook Pond Weed Harvesting NOI continuation – DEP#169-1019

Proponent Bill Strickland was present and reported the spill containment kit has been delivered. It consists of a 5 gallon pail with a long sock to contain spills and absorbent materials to place on top of the water. It will fit on the weed harvester. C. Auman asked if he was ready to comply with the conditions outlined in the letters from Fisheries & Wildlife, and Mr. Strickland answered "yes". It is anticipated 3 areas will be selectively harvested this summer with the remainder done when the temperatures fall. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to close the hearing for DEP#169-1019.

In discussion on the farm policy, W. Addy questioned whether there should be more reference to animals, grazing, and the land's use for pasture. He also expressed concern about notifying users of pesticide use. P. Morrison thought telling the Commission and posting signs would be adequate. The trails are likely to circumnavigate fields. Member Addy felt the Commission should be pro-active and assure people they are not being sprayed with pesticides.

In the audience attorney Bob Collins commented the liability could be reduced by posting permanent signs stating "proceed at your own risk" in active agricultural areas. Specifics could be added to individual licenses. M. Giguere pointed out this a general policy, not necessarily applicable to a particular area. Members were wary of posting permanent signs as this could

generate questions and a certain level of panic. Member Giguere stressed that this is likely to vary from parcel to parcel, and it would be up to the proposer. C. Auman added that anyone who proposes to have animals should definitely address how they will be controlled. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to approve the draft farm policy with modifications in Section c under Pesticide Guidelines.

W. Addy abstained from the vote.

P. Morrison said he is aware of a farmer who is interested in haying the Eliades parcel, and he recommended the Commission make it a priority to look at different ideas for the use of this property. In reviewing the draft request for proposals, members felt it should not specify a specific bid amount, but let the market set the price. M. Giguere mentioned that one of the concerns with haying the Eliades parcel is the birds on site, and he estimated their nesting would be complete by mid-July. Mr. Morrison indicated the agricultural goal would be to remove the grasses before they go to seed. Commissioners thought the request for proposals should go out as soon as possible, with the bids requested by July 13<sup>th</sup>. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to send out letters requesting proposals for agricultural management of the Eliades, Surrenden Farm, Baddacook Pond off Martins Pond Rd., and Walnut Run parcels.

8:00 p.m. – Appointment Robert Collins/Groton Woods lots

Attorney Collins explained there has been a reoccurring issue on 2 or 3 of the Groton Woods lots arising because of the Wetlands Protection Bylaw and keeping Orders of Conditions active. These lots have septic permits but no Orders of Conditions because they involve buffer zones of Isolated Land Subject to Flooding which were not protected under the Wetlands Protection Act, but are now under the Bylaw. This pertains to a retaining wall which not regulated 20 years ago. The house, septic system, and retaining wall are now in the buffer zone, and preliminary site work has been done. Mr. Collins said the land has already been “scarred”. He noted these unique circumstances exist on perhaps 2, possibly 3, lots. At the time the Bylaw was adopted the Commission assured the developer, Mr. Lacombe, that the projects which were approved would continue to get approved under extensions. He noted that 4 of the 6 lots were reconfigured to eliminate this issue.

Members questioned whether the sites qualify as previously disturbed, and C. Auman suggested the Commission do a site walk. Mr. Morrison recommended the filing of a Request for Determination of Applicability to get an official reading from the Commission. The Bylaw passed in 2001, and the subdivision was approved in 1987 for the road and drainage. Members agreed that the best route would be to file an RDA on the lots in question.

There being no further business, upon a motion by P. Morrison, seconded by C. Auman, and a roll call vote of D. Pitkin, W. Addy, C. Auman, M. Giguere, P. Morrison, and R. Lambert, it was

VOTED: to enter Executive Session for the purpose of discussing a land purchase at 8:20 p.m.

Returning to Open Session at 8:40 p.m., B. Ganem reported there has been a staff reduction in the Board of Health which is to take effect immediately due to budget constraints. The upstairs land use department staff will split office coverage for the upcoming fiscal year.

Member Addy indicated he would be absent from the July 14<sup>th</sup> Conservation Commission meeting.

It was noted the most recent edition (May-June) of the MACC newsletter has a report on a recent court decision on buffer zone performance standards outlined in local bylaw regulations. The Commission may need to look at our regulations to assure we have something that is enforceable. Specific definitions and the protected resource values or interests are particularly important. C. Auman agreed to contact MACC for more details on this matter.

M. Giguere mentioned the Commission still needs a response from Town Counsel on the access matter at Ames Meadow.

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

Respectfully submitted,

Barbara V. Ganem  
Conservation Administrator

**Approved as drafted 7/28/09.**