

## GROTON CONSERVATION COMMISSION

### Minutes

December 22, 2009

Chairman Bruce Easom 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. Conservation Administrator Barbara Ganem was also present.

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

VOTED: to approve the Open Session minutes of the November 10, 2009 meeting as drafted.

Upon a motion by M. Giguere, seconded by D. Pitkin, it was

VOTED: to approve the Open Session minutes of the November 14, 2009 meeting as drafted.

R. Lambert abstained from the vote.

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

VOTED: to approve the minutes of the November 17, 2009 meeting as drafted.

With a motion by M. Giguere, seconded by C. Auman, to approve the Executive Session minutes of November 10, 2009, members agreed to table discussion until later in the meeting.

B. Ganem reported on several older docks for which 'letters of acknowledgement' have been requested. For 597 & 599 Lowell Rd., the measurements are not clear and the pilings appear to have been destroyed although the Forbeses have submitted documentation of its existence in the 1970's. Commissioners agreed to re-consider this at a later date. Upon a motion by D. Pitkin, seconded by R. Lambert, it was

VOTED: to issue a letter for the Woodle/19 ft. x 4 ft. wooden dock at 20 Highland Rd. for which 3 neighbors have submitted verification of its existence since the 1960's.

Upon a motion by D. Pitkin, seconded by M. Giguere, it was

VOTED: to issue a letter for the McCormack/dock 1 (6 ft. x 19.5 ft.), overhang (10 ft. x 19.5 ft.) & dock 2 (4 ft. x 19.5 ft.) at 156 Shelters Rd.

Some of the pilings appear to be telephone poles, and the conditions for future dock maintenance will be included in all the letters.

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

VOTED: to issue a letter for the Griffin/White 12 ft. x 15 ft.10 in. dock at 162 Shelters Rd.

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

VOTED: to issue a letter for the Griffin 14 ft.8 in. x 14 ft.8 in. wood dock at 168 Shelters Rd.

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

VOTED: to issue a letter for the Keefe 20.5 ft. x 6 ft. dock on metal posts at 338 Lost Lake Dr.

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

VOTED: to issue a letter for the Beard boat lift w/canopy and 8.4 ft. x 10 ft. dock w/2.5 ft. x 5 ft. walkway at 10 Paul Revere Tr.

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

VOTED: to issue a letter for the Strickland 8 ft. x 3 ft. dock supported by pipes and a raft at 542 Martins Pond Rd.

#### 7:15 p.m. – Groton School NOI

Attorney Robert Collins explained the School wished to remove two beaver dams threatening agricultural use of a field and another one adjacent to the Groton School Pond. A trapping program is being conducted within the agricultural field. He noted that science classes access the Pond via a cart road that has been in existence for over 80 years, but has recently been flooded when a beaver dam blocked an underlying culvert. Alternate routes are impractical because of wetlands. There is no intention to touch the beaver lodge within the Pond, but there is a possibility they can use Beaver Solutions to control the water level at the card road. Mr. Collins was unsure whether the water depth was sufficient to accommodate a beaver deceiver that would maintain a smaller pool of water. Groundskeeper Tim Dumont thought a longer culvert would be necessary under the cart road.

Member Giguere suggested looking into other devices such as a screen or a culvert with an elbow. W. Addy requested more detailed plans for when the work is done, and Mr. Collins agreed to provide a more specific solution, including erosion control, a work schedule, and pipe elevation and configuration, before any activity is undertaken. Members agreed that the removal of the dams in the field area would fall under the category of agricultural maintenance. P. Morrison commented a slow release of the water under frozen conditions during winter may be preferable while any work in the field should be done under dry conditions. Upon a motion by M. Giguere, seconded by R. Lambert, it was

VOTED: to continue the hearing to January 26, 2010.

#### 7:30 p.m. – Groton School RDA

Attorney Robert Collins explained the School plans to do some remediation of the shore line of the Groton School Pond (Lake Romeyn). Their plan is to commence the analysis of what is going on in a manner which will cause the least possible amount of damage. They anticipate doing the installation of test pits and wells in the winter. The individual wells and pits are to be opened and closed in one day. Member Auman said he would like to see the results of the testing. Mr. Collins said it will be a lengthy process of analysis which will also be presented to DEP. A series of tests is necessary to assemble the required data to move forward.

M. Giguere asked if it will be necessary to remove any trees, and Jeff Polubinski of Haley & Aldrich replied it is their intention to minimize tree clearing by staying on higher ground and doing most of the work from the existing cart path. The machinery is about the width of a car. The brush that will be removed is mostly invasive in nature. It is likely the test pits/wells will require a trench permit as the depth, and consequently the width, will depend on when they reach virgin soils that underlie the landfill. The excavations will then be re-filled in the order in which the soils were removed.

Chairman Easom questioned what will happen if they encounter a drum, and Paul Ozarowski of Haley & Aldrich responded they will assess the capability of the drum, leave it undisturbed as necessary, and backfill the excavation. Members requested notification of any unusual events. Mr. Collins pointed out this was a burn dump so it is unlikely this will occur. Empty, corroded drums used at the boathouse on the Nashua River from the 1930's – 1950s have been uncovered in various locations on the School grounds. P. Morrison asked if it is likely the materials will be removed, and Mr. Collins said, depending on what DEP says, they may leave the landfill alone, cap it, or remove materials. Upon a motion by D. Pitkin, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination requiring the applicant notify the Commission of any unusual findings, the final set of soil and water testing results are to be submitted to the Commission, the well and test sites shall be opened and closed in one day, and excavated soils shall be placed upslope from the wells and pits.

Members agreed to postpone discussion on the Certificates of Compliance for 7 Little Hollow Lane and 26 Highland Road until the spring when the sites are free of snow.

To follow up on the Saturday site visit to the driveway at 150 Mill St., members discussed the repairs that have been made to control sedimentation from the driveway during rain events. The owner has placed  $\frac{3}{4}$  in. stone in a trench, layered in filter fabric, and added a second layer of  $\frac{3}{4}$  in. stone. This will allow any water that ponds in the low point of the driveway to infiltrate in the trench. In addition, two water bars, made of graded base, will deflect water into the grass along the upper slope of the driveway. The owner, John Smigelski, mentioned there is also a catch basin located near the hay barn at the top of the driveway. Member Giguere noted that a likely collapsed culvert on the abutting property, the cause of the whirlpool downstream, may be exacerbating the problem. Photographs taken in 1992 show a disconnect between the old and new culvert, and D. Pitkin agreed to make copies for the Commission's records.

7:45 p.m. – 7 Shenandoah Rd. NOI DEP#169-1027 continuation

Engineer Dan Wolfe reported that the revised plans show the ridge line of the garage, include gutters to a downspout that empties to a dry well, add a roof recharge trench, and depict an area where generalized plantings will be installed. Mr. Wolfe said that 282 cubic yards of fill will be excavated in order to construct the garage. M. Giguere commented that the Commission typically looks for native species rather than cultivars. He also questioned the size of the dry well, and Mr. Wolfe said it is small (3 ft. diameter) and will provide storage for roof runoff as well as infiltration. D. Pitkin clarified that only the top entrance to the garage will be paved.

The Zoning Board of Appeals has approved the project. Owner Rob Anctil indicated he would prefer to not plant white pine, but could consider something like a Northern white cedar. M. Addy commented a lot of impervious surfacing is being added to this lot and he appreciates the fact that the existing driveway is to remain gravel. The Commission's decision should call out that this is a mitigating factor. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to close the hearing for DEP#169-1027.

W. Addy, the Commission representative to the Great Ponds Advisory Committee, reported that Committee has submitted the Baddacook Pond Resource Management Plan to the Board of Selectmen. He asked that Commission members review the document and make any notes or comments in time for the next meeting on January 12<sup>th</sup>.

8:00 p.m. – 54 Ridgewood Ave NOI DEP#169-1026 continuation

Engineer Brian Thorne and attorney Robert Anctil were present on behalf of applicant Glenn Kinnear. Mr. Anctil asked if Commissioners had an opportunity to review the letter which he had emailed to the office earlier; hard copies were handed out to members who hadn't seen the letter. Mr. Thorne explained that MESA has issued a letter which determines that there is "no take" with regard to the proposed project. He added the shed has been moved away from the waterfront area and will have a gutter on either side draining to a 12-in. HPDE pipe where runoff will infiltrate rapidly. The biggest issue is the proposed limited disturbance of the shore line and the required compensatory storage around the terraced area and dock. Mr. Thorne said the updated plans show the fill areas in orange while the green areas represent compensatory flood storage. They plan to compensate at each fill elevation up to 117 CF. The riprap will be installed on the water side. They plan to re-construct the retaining wall near the well and have submitted a new landscaping plan which shows shore line vegetation to include Highbush blueberries. Members expressed confusion on how the riprapped area will become compensatory storage, especially since it appears the lake itself is being filled in. Mr. Thorne advised that they are extending the toe of the slope and it is clearer if you look at the detail sheet. He explained the area was not correctly identified on the plan and he provided the proper revision on the 12/15/2009 plan. Mr. Thorne maintained they will not be cutting into the bank but will stabilize the bank using large, angular rocks.

D. Pitkin pointed out there are currently two Orders of Conditions open on the parcel(s), one for the septic system and well and the second for the house. Mr. Thorne said all the work from the second Order has been incorporated into this new NOI. The second Order could either be deemed incomplete or the Commission could release it. This (third) Order of Conditions should reference the previous Orders. Rob Anctil said he tried to incorporate all previously raised issues

in his letter in the hope of closing the hearing tonight. The three major revisions were to landscaping, downspouts, and compensatory storage.

Member Lambert asked how the helical and chance piles will be installed, and Mr. Thorne said they will be hand-augered into place. They are 2.5 in. diameter piles. B. Easom pointed out the plans show a retaining wall going into the shed and building footprint, and B. Thorne agreed this was inaccurate. The retaining wall will be concrete and will be re-built. The definitive plan for plantings is the revised landscaping plan which shows the 8 in. pine to be removed to the east of the house.

Mr. Thorne said there will be 164 cubic yards of flood storage compensation while 117 cubic yards will be filled. The materials will be used on the site to re-grade the slope above the floodplain. P. Morrison stated he appreciated that the flood storage issue has been straightened out. C. Auman thought the planting plan looked good. D. Pitkin mentioned it is important that the Commission have a clear idea of the before and after picture at the site. The compensatory storage work will be done during the winter drawdown. The bank has been undercut as much as 10 – 20 in., and the soils will be replaced with riprap. B. Easom noted it would be helpful to have a representative cross section to demonstrate this work. Rocks will weigh between 200 and 500 lbs., and Mr. Thorne estimated the voids will be .3. Tree E19, shown on the revised landscaping plan, is to be destroyed and removed. Upon a motion by C. Auman, seconded by R. Lambert, it was

VOTED: to close the hearing for DEP#169-1026.

8:15 p.m. - 58 Old Lantern Rd. NOI DEP#169-1031

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

VOTED: to continue the hearing for DEP#169-1031 to February 23, 2010.

8:15 p.m. – Appointment Ray Lyons

In on-going negotiations on a Purchase & Sales Agreement for the Patriot Properties the “Red Line Alternate Connector”, Mr. Lyons said his client would be willing to add monumentation such as iron pins. If there are additional details to work out, he suggested the Commission authorize B. Easom to sign off on the document once Town Counsel has had an opportunity to review the changes. Rob Anctil, representing the abutter, said his client was unwilling to provide a release of the driveway easement.

B. Ganem explained that the Commission has copies of the document dated December 21, but there have been subsequent changes which Town Counsel has not reviewed. A survey plan showing metes and bounds and Exhibit B in which the recalculated lines showing an additional 10.5 ft. of frontage on Island Pond Rd. is to be included. M. Giguere questioned whether this was in an area suitable for a trail entrance. The easement is for access, grading, paving for 50 ft., and for utility lines. P. Morrison commented there is nothing that would permanently mark the trail. The total frontage for the parcel in which the Commission is interested would increase to 31 – 32 ft. C. Auman suggested the Commission take a look at the entrance if Stan Dillis can mark the location on the pavement.

B. Easom said the easement will be owned by the Zalewski-Whites, but the Town would own the land based on an existing driveway agreement signed by the former owners. The new owner of the back lot would be responsible for maintaining the easement area. Section 31 outlines this contingency. The sunset clause would be August 31, 2010. Mr. Lyons anticipates a filing with the Planning Board in January or February. B. Easom expressed a preference to have a publicly posted meeting posted to sign the agreement for Island Pond Rd. P. Morrison said he was okay with signing and Bruce keeping the copies until everything was in order. He thought this would show some confidence that the deal will go through. Commissioners signed five copies of the re-drafted Agreement which Town Counsel has not reviewed. Upon a motion by P. Morrison, seconded by W. Addy, it was

VOTED: to authorize B. Easom to hold onto the signed Purchase & Sales Agreement dated December 22, 2009 with Patriot Properties LLC with the instruction to retain them until such time as Town Counsel has reviewed and approved the new wording.

Members inquired about how the additional 10.5 ft. was discovered, and Mr. Lyons explained the original survey was brought in from a benchmark in the direction of Old Dunstable Rd. Due to additional work Stan Dillis has been doing on the neighboring McCarthy parcel, calculations were made from a benchmark in Tyngsboro which revealed the extra 10.5 ft. of frontage on Island Pond Rd. B. Easom questioned whether we are likely to get in a boundary line dispute. C. Auman asked if it would be possible to put in granite bounds on Island Pond Rd. Despite the irregular shape of the parcel under discussion, B. Easom thought a GPS unit would work if we have pins at both the north and south ends of the parcel, with two at the entrance from Island Pond Rd. R. Lyons agreed to talk with Stan Dillis about this.

C. Auman reported he attended the Monday meeting of the Board of Selectmen in which the Master Plan and Open Space & Recreation Plan (OS&RP) were discussed. He confirmed the Commission has agreed to use \$9000 from the Conservation Fund to fund the update of the OS&RP. The Selectmen endorsed the concept of combining both planning processes and appreciated the due diligence which the Planning Board and Conservation Commission exercised in agreeing to this joint process. Mr. Auman reported he has given the proposed contract a cursory review and noted the Commission had asked for help in preparing survey questions and with a public forum specifically devoted to the consideration of open space. C. Auman said he liked the way the contract was set up so that they would deliver something and then get paid. There is a schedule of milestones, but no dates are provided. Part of this is due to the fact they will have to gather information before it can flow into the next phase of the project.

In discussion on the feasibility of sharing the cost of the GPS/camera unit with GIS Committee out of the current year's Conservation operation budget, members expressed concern about sharing the use of the equipment and especially noted the need to have the equipment available for Saturday site visits. The FY'11 Water Safety budget is funded at the same \$2500 level which includes management costs such as the park ranger and portapotties but would not cover lifeguards or waterfront management. If Sargisson Beach is to open, it would have to be with no lifeguards and signs posted 'swim at your own risk'.

Chairman B. Easom reported on a meeting on December 21, 2009 with representatives from the Lowell YMCA, Groton Conservation Trust (Rick Muehlke), Dunstable Conservation Commission (Leah Basbanes and Alan Cheney), and the Dunstable Rural Land Trust (Robert Kennedy) regarding the land owned by the Cambridge YMCA on Massapoag Pond which they are wish to sell. The Trust for Public Land, through Chris LaPointe, has indicated an interest in becoming involved in the planning for this project. The Lowell YMCA currently leases the land from the Cambridge YMCA and operates Camp Massapoag at the site which consists of 18 acres in Groton and 22 acres in Dunstable. The Lowell YMCA is interested in obtaining more information about how this process could work.

A meeting with Chris LaPointe is scheduled for January 11<sup>th</sup> in Westford. The Lowell YMCA has the right of first refusal on the property, but a value has yet to be determined. Avery Associates will be preparing an appraisal. In a discussion with Michelle Collette, Bob Pine, and Barbara Ganem, B. Easom said there appears to be no access from a public way in Groton. Groton has a bylaw which prohibits access to a dwelling in Groton from another town. It is likely at least some of this land would be appraised at its open space value. There are currently two large buildings and a number of smaller cabins on site. M. Giguere noted the facilities are in rather poor condition, and he understood the Building Inspector has condemned the mess hall. Portions of the parcel are in pristine natural condition while the remainder is more park-like. The Town of Dunstable is interested in procuring a town beach. The YMCA has concerns about having a youth facility located near a public hiking trail. B. Easom agreed to continue his investigations into whether this is a viable acquisition for the two towns.

C. Auman commented the Town has hired an IT manager who is expected to start January 25, 2010.

Returning to the vote on the Executive Session minutes of November 10, 2009, it was

VOTED: to approve Executive Session minutes of the November 10, 2009 meeting, as amended.

There being no further business, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Administrator

**Approved as drafted 1/12/10.**