

## GROTON CONSERVATION COMMISSION

### Open Session Minutes

January 12, 2010

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, and Peter Morrison were present. Member David Pitkin was absent. Conservation Administrator Barbara Ganem was present.

Upon a motion by C. Auman, seconded by R. Lambert, it was

VOTED: to approve the minutes of November 24, 2009 as drafted.

M. Giguere abstained from the vote.

Upon a motion by R. Lambert, seconded by M. Giguere, it was

VOTED: to approve the minutes of December 8, 2009 as drafted.

Upon a motion by R. Lambert, seconded by C. Auman, it was

VOTED: to approve the minutes of December 22, 2009 as drafted.

Upon a motion by M. Giguere, seconded by R. Lambert, it was

VOTED: to approve the issuance of an Order of Conditions under the Wetlands Protection Act for DEP#169-1027, as amended, for 7 Shenandoah Road.

The motion passed with M. Giguere voting in the negative.

Upon a motion by M. Giguere, seconded by R. Lambert, it was

VOTED: to approve the issuance of an Order of Conditions under the Wetlands Protection Bylaw for DEP#169-1027, as amended, for 7 Shenandoah Road.

The motion passed with M. Giguere voting in the negative.

Regarding the upcoming Massachusetts Association of Conservation Commissions Annual Meeting, M. Giguere noted that last year the Commission operating budget was used to pay for new Commissioners to attend the fundamentals courses while long-time members paid their own fees out of pocket. C. Auman and P. Morrison agreed that this expense should be covered under the budget, and P. Morrison added he would even go so far as to have it paid out of the Conservation Fund. Both commented that this is an important educational opportunity, and without this, "We are not Commissioners." Members will check the workshop offerings and get back to B. Ganem with their preferences.

7:15 p.m. – 65 Rawding Rd. NOI

Engineer Brian Thorne explained his client is ultimately looking to apply for a Ch. 91 license for the replacement of a retaining wall and a pre-existing dock (pre-1984) that has been razed. They plan to re-construct a 12 ft. x 30 ft. dock and add a riprap wall up to the leaning retaining wall. Mr. Thorne said that 2 in. helical piers will be hand-augered into place to support the dock. Hand equipment will be utilized as much as possible, and the work will be done when the lake is lowered.

P. Morrison questioned what will be done with the rubble under the proposed dock, and Mr. Thorne indicated it will remain there. He said the boathouse foundation has not had a structural analysis, and no work is proposed on the building. As far as can be determined the boathouse has had a certain footprint since 1953, but an addition has been added at some point. Members commented it would be helpful to have a cross section sketch of this area. M. Giguere inquired how the public would be able to cross over the existing structures as required by Ch. 91. Mr. Thorne thought this might involve constructed steps, and they would work with DEP to resolve the issue. A neighbor, Phil DeFreitas of 47 Boathouse Rd., has submitted a letter confirming the existence of the dock, but not a date. The current owner of 65 Rawding Rd. has been there since 1977 and recalls the dock was removed in the 1990's. Mr. Thorne said there would be pressure-treated wood used for the decking.

C. Auman advised checking on the filing fees as this is determined by linear feet of the retaining wall and dock. In addition, he requested a plan that includes the height of and materials to be used for the retaining wall. It could be poured concrete, blocks, or granite, and this should be spelled out. They do not plan to remove the posts from the old dock as they are below the water line. B. Thorne indicated both the boathouse and dock were there when the current owner bought the property, and they are attempting to research the history of the property. B. Easom asked whether any sediment barrier was proposed, and Mr. Thorne replied "We are not moving any dirt, just moving riprap around." Stone-based materials will be used, in addition to the new wall material which will be filled in with riprap on the backside. The applicant does not propose any re-construction of the leaning cement retaining wall. Mr. Thorne does not anticipate the need for machinery to remove the old wall. He noted the Ch. 91 program has determined the boathouse is a non-water dependent structure because it has living quarters above. This will be the subject of a public hearing on January 27<sup>th</sup>. Pending the receipt of wall details, the outcome of the Ch. 91 hearing, and resolution of public access around the docks, and upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to continue the hearing to February 9, 2010.

7:30 p.m. 59 & 69 Baddacook Pond Road RDA

Engineer Brian Thorne said there are two docks on the shore line of this property. The one at #59 is 125 SF and rests on metal posts and is seasonally removed while the one at #69 is 98 SF and sits on concrete blocks and remains in place year-round. This is one property with two structures which have been given separate addresses. Upon a motion by R. Lambert, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination with the standard dock conditions.

B. Ganem explained that the dock plans for 597 & 599 Lowell Rd. were confusing because ice had recently destroyed one of the structures. The owner has prepared plans for both docks and rafts, and neighbors have attested to the fact the docks existed prior to 1979. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to issue letters of acknowledgement for 597 & 599 Lowell Rd.

The dock at 158 Hemlock Park Dr. is 24 ft. x 4 ft. aluminum and is on wheels for seasonal removal. A neighbor verifies a dock has existed there since 1977. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to issue a letter of acknowledgement for the dock at 158 Hemlock Park Dr.

An Eagle Scout has recently inquired about whether the Commission desires to have additional signs to identify conservation lands. Members agreed that the sign at the Petapawag Boat Launch should be replaced and perhaps protected in some fashion to prevent damage from vehicles or trailers backing up. It was also suggested that the sign be supported by granite posts. A second area which requires signage is the new Fuccillo property on Lowell Rd. Naming of the property is another consideration.

7:45 p.m. – 51 Carmichael Way NOI DEP#169-1036

Engineer Dan Wolfe explained the existing driveway serving this lot has a slight turn out in the area where a new garage is proposed. The owner had a temporary garage there which was recently destroyed by wind. Mr. Wolfe pointed out moving the garage further away from the wetland would require additional grading disturbance within the wetland buffer. There is currently a leaching catch basin in the driveway in front of the proposed garage which will catch roof runoff. An additional roof recharge trench is proposed at the back of the structure. A small maple tree will be removed in order to construct the garage. The catch basin does not tie into the Carmichael Way drainage system. It leaches into the porous sands and gravels that characterize the soils in this area. The owner has indicated the basin has never backed up or overtopped.

C. Auman asked if a berm would increase protection of the wetland, and Mr. Wolfe said the driveway pitches toward the catch basin. It will be necessary to add a small portion of pavement to access the garage. M. Giguere noted that the Commission will not verify the edge of wetland due to the time of year, and D. Wolfe maintained the edge of wetland was very clear in the field at the time of delineation. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to close the hearing for DEP#169-1036 for 51 Carmichael Way.

B. Ganem reported complaints have been received in the office about bonfires being built on the ice at local lakes and pond. Sometimes they bring accelerants to start the fire or leave trash and half burned logs that become a hazard to boat travel when the ice melts. Audience member Dan Wolfe pointed out many times vehicles, as well as ATVs and snowmobiles, park on the ice and it's important to move them from the ice before spring. Members discussed whether some type of signage might be in order to advise not burning contaminated wood and cleaning up after a fire, but acknowledged enforcement is difficult. C. Auman pointed out signs would give the police some direction. Commissioners agreed to monitor the situation, but not to take any action at this time.

8:00 p.m. – Appointment Bill Strickland/ Baddacook Pond Resource Management Plan

Mr. Strickland reported the draft Baddacook Pond Resource Management Plan was submitted to the Board of Selectmen, but they recommended working directly with the Conservation Commission. A meeting with representatives from the Areas of Critical Environmental Concern (ACEC) program is scheduled for February, and the Committee would like to have a standard format in place for all of

the Great Pond resource management plans. B. Strickland noted the draft plan has been posted on a web site, and he welcomed Commission input.

C. Auman commented it was interesting to note that the weed problem dates back at least to 1964. He thought the Great Ponds Committee did a good job describing the resource, but he expressed disappointment there is no real solution to the weed problem. Mr. Strickland said representatives of the Committee plan to attend the Massachusetts Congress of Lake and Pond Associations, Inc. workshop later in January. He reported they harvested a fair amount of material which was removed to the designated spot under the power lines. He has prepared a report and expects to do another in the fall. This work is very labor intensive, and more volunteers are needed. Some of the weeds have trunks that are 3" – 4" in diameter. Some smaller fish were caught up in the harvested materials, but in general large fish and turtles were returned to the pond. He estimated perhaps 12 fish, mostly pickerel, were accidentally captured.

Commissioner Addy has also posted draft reports for Martins Pond (prepared by Cindy Swezey) and Whitney Pond (prepared by Susan Horowitz) on the web site. Because Massapoag Pond is mostly in Tyngsborough, the group will not tackle a plan for that Pond. Brad Harper now represents Lost Lake/Knops Pond, and it is hoped there will be some movement toward the preparation of a management plan shortly. W. Addy asked if the Commission would consider accepting or approving the Resource Management Plan for Baddacook Pond. B. Ganem submitted comments on the draft plan for the Committee to consider. Mr. Strickland said it is the intention of the Great Ponds Advisory Committee to eventually be able to post minutes and the plans on the Town web site. Upon a motion by W. Addy, seconded by P. Morrison, it was

VOTED: to forward a letter of recommendation on the draft Baddacook Pond Resource Management Plan, to include suggestions from B. Ganem as appropriate.

B. Strickland said they will also likely have recommendations from the ACEC program staff in developing a template for the plans before getting final approval from the Secretary of Energy and Environmental Affairs. Commissioners thanked Mr. Strickland for all his work in moving this project forward.

8:00 p.m. – 27 Whitney Rd. NOI DEP#169-1023 continuation

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

VOTED: to continue the hearing for DEP#169-1023 to February 23, 2010.

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

VOTED: to issue the Order of Conditions, as drafted, for 54 Ridgewood Rd., DEP#169-1026 under the Wetlands Protection Act.

M. Giguere voted in opposition.

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

VOTED: to issue the Order of Conditions, as amended, for 54 Ridgewood Rd., DEP#169-1026 under the Wetlands Protection Bylaw.

The motion passed with M. Giguere voting in the negative.

In discussion on the 2009 Annual Report, C. Auman noted that it is a good idea to recognize the volunteers, but he expressed concern that there is no mention of the amount of open space the Commission is managing. B. Ganem said space is limited in this year's report so each department was asked not to exceed 1 page. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to approve the draft 2009 Annual Report.

Regarding the draft contract proposed for the Master Plan/Open Space & Recreation Plan update, W. Addy expressed some concerns that the consultants are under scoping the project and not including specifics for deliverables. M. Giguere noted that the Commission specifically asked for assistance with the public process of preparing the update. W. Addy's comments will be conveyed to Michelle Collette.

B. Easom explained he would like to initiate a process of having a 'tickle list' to include items the Commission wishes to address in the upcoming months. The following topics were discussed:

- Fuccillo - Management Plan for Fuccillo property, clarify whether a CR is necessary, parking and LAND sign posted - B. Easom agreed to look into the matter of the CR, but he noted the Groton Conservation Trust is willing to be the holder. A parking sign and management plan are necessary before the state will reimburse Groton.
- Complete Resource Management Plan for Surrenden Farm – B. Ganem is working on editing the Plan with details to be ironed out on farming and trail re-location.
- Update Action Plan in 2005 Open Space & Recreation Plan – M. Giguere volunteered to take a look at this process.
- Town-wide forestry RFP – members thought Tom Orcutt was going to talk with the Board of Selectmen. It would be a contingency sort of arrangement where the forester would be paid out of the proceeds of any timber harvested. The Commission has received two proposals from foresters for both the Jenkins Rd. and Sorhaug Woods parcels.
- Trail and abutter issues (Hidden Valley Dr., Kaileys Way, Farmers & Mechanics, Integrity Way, Redskin Trail) – B. Ganem mentioned the Commission could consider going forward with blocking the informal access at the Redskin Trail Conservation Area as the spending freeze has been lifted.

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

VOTED: to authorize the expenditure of up to \$300 for the placement of bollards at the Redskin Trail Conservation Area.

P. Morrison voted in opposition.

- Rt. 119 trail access @ Arlington St. – Michelle Collette is to contact the landowner (Conductorlab) to see if they would consider providing an easement or in fee donation to provide access to the Nashua River Rail Trail. The trail would require a bridge crossing.
- Maintenance of Shattuck Fields and Water Dept. concurrence on a well envelope – M. Giguere understood Tom Orcutt of the Water Department has agreed to a possible building envelope for a well, but there is also language in the CR which must be finalized.

- Ames Meadow access – Selectmen John Degen and Anna Eliot have agreed to help out with negotiations on the access. C. Auman asked if the Commission has decided on a future use, and members indicated this is up in the air while the access issue is ironed out.

C. Auman noted the Planning Board will be having its first meeting with the Master Plan consultants on January 21. Kopelman & Paige are presenting a workshop on affordable housing on January 26<sup>th</sup> which unfortunately conflicts with the next Commission meeting.

Chairman Easom reported the group that has been reviewing options for the Cambridge YMCA property at Massapoag Pond met in Westford with Chris LaPointe of the Trust for Public Land (TPL) on January 11<sup>th</sup>. Those present, including representatives from the Lowell YMCA, seemed to be in favor of working with TPL, but will have to go back to their respective boards for final approval.

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

VOTED: to enter into Executive Session for the purpose of discussing litigation, not to return to Open Session at adjournment.

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Administrator

**Approved as amended 1/26/10.**