

## GROTON CONSERVATION COMMISSION

### Minutes

February 23, 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, and Peter Morrison were present. Ryan Lambert and David Pitkin were absent. Conservation Administrator Barbara Ganem was also present.

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

VOTED: to approve the minutes of February 9, 2010 as drafted.

Chairman Easom reported the Community Preservation Committee has voted not to fund the \$30,000 for the Conservation Fund. A hearing will be held on March 2<sup>nd</sup> at Legion Hall to gather public input on the four applications the CPC received. He urged everyone to attend. Mr. Easom noted there seems to be a misunderstanding among Meisner Brem, Val Jenkins, and the Housing Authority about funding to determine the limit of wetlands on the Housing Authority's Nashua Rd. property. The Housing Authority needs to do an Abbreviated Notice of Resource Area Delineation (ANRAD), but there has been an on-going question of deliverables from Meisner Brem, and they wish to be paid up front before they perform the services involved with the ANRAD and a filing under the Massachusetts Endangered Species Act. Commissioners asked B. Ganem to send a letter to clarify the process that is involved.

As part of the GrotonREADS project, an individual from the New England Native American Institute, Kenny Hamilton, has requested permission from the Commission to camp overnight in front of the Williams Barn. P. Morrison pointed out the Commission has allowed overnight camping at sites other than Bertozzi in the past. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a camping permit to Kenny Hamilton for overnight camping at Williams Barn for March 20-21, 2010 providing proper safety measures are observed and all trash is picked up.

B. Ganem said it would be necessary to also get permission from the Fire and Police Chiefs to remain overnight at a conservation area.

In discussion on the W. Groton Water District Conservation Restriction, Commissioners felt it was important to have an idea of how the open space area will be managed and what will happen with the trails. Members thought the requirement to have a land management plan should remain in the document, but it need not be extensive – perhaps 2 pages at the most. This could also cover such items as how the invasives will be handled. B. Ganem will relay the revision prepared by Town Counsel to the Water District for their input.

7:15 p.m. – 35 Common St. NOI

Resident David Elliot explained he was before the Commission two years ago to put up a shed. He was asked to re-file, but decided not to build the shed because Ross Associates indicated it would cost about \$1800 for the permitting. Because he had cleaned out an old agricultural swale, which he did not realize he needed a permit to do, the Commission requested a follow-up mitigation plan. He contacted Liz McGuire of the Natural Resources Conservation Service to assist in the preparation of a plan to bring the property back to farm land. He explained the property was rundown when he bought it, and the field needed management. Mr. Elliot indicated he did not wish to build the shed if it turns out he can't do anything with the land.

P. Morrison agreed that it was good to try to keep agriculture going in Town, but there is a difficulty with high groundwater at this site. Even the proposed location for the shed is quite wet and may require a culvert because of the stream. He suggested looking at other sites such as beside the house or in the upland portion of the lot for a better location. Mr. Morrison said he liked the idea of removing invasives on the right hand section of the land.

M. Giguere mentioned no DEP# has been assigned to the project as yet. Mr. Elliot submitted a list of abutters who had signed off on the project. Mr. Giguere pointed out the Conservation Plan contains more suggestions than a plan, and he asked what methods Mr. Elliot would choose to implement the hayfield renovation. D. Elliot said he would probably opt for Alternative #3 in which he would use a tractor to plow and re-seed the field. He expects to do the work himself, not lease it out. D. Elliot mentioned he has talked to the neighbor, Jeff Christ, where the pipe outlets (*actually it outlets onto GDS land*).

C. Auman said that agriculture is an excellent idea, but the Commission needs to identify exactly what is going to be done with the property. For instance, which alternative would be selected to deal with woodland management? Mr. Elliot indicated he would prefer not to use herbicides so it is likely he would do repeated cuttings of the invasive plants which is Alternative #1 in the Conservation Plan.

Member Addy expressed concerns about the ground not being covered while re-seeding is going on. Until vegetation is established, there could be erosion into the wetlands. He suggested contacting the Natural Resources Conservation Service for suggestions to control erosion. B. Easom acknowledged this is a wetland that has been disturbed, but it is an opportunity to convert it to productive agricultural land. He suggested this creates some obligation that Mr. Elliot will maintain the area as a field for a period of time, i.e., 5 to 10 years.

Mr. Elliot said he bought the parcel because it was 5 acres in the center of Town, and he thought it would be a good investment if he decided to subdivide it. He acknowledged he might not mow it every year. Mr. Easom thought it should be codified in some manner at the Registry. P. Morrison said the Commission could accomplish the same thing by putting an on-going condition in the Order of Conditions. M. Giguere questioned whether more years would be better. W. Addy said he was not in favor of this idea as the Commission does not know what is going to happen tomorrow. B. Easom suggested this would be a way to guide what happens in the future, and he felt a serious commitment was needed from the landowner in exchange for not having to remediate the initial destruction of the wetland without a permit.

M. Giguere observed that a lot of Field #2 was wetlands with species such as alder, phragmites, and red maple. He questioned whether Mr. Elliot would be willing to maintain this area for habitat rather than hay it as in Field #1. It could be maintained in an early successional state with mowing every couple of years.

P. Morrison said he would rather see things maintained because of the invasives on site. D. Elliot said there are a lot of mosquitoes, and his family is worried about diseases they can spread. Members suggested submitting a cover letter or narrative describing which alternatives will be selected. P. Morrison objected, stating he would not be able to change the crop he grows, and he had no problem with what he will start with. Members pointed out the barn will require another filing and the current siting is problematic. Upon a motion by P. Morrison, seconded by M. Giguere, it was

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

7:30 p.m. – 302 Lost Lake Dr. RDA

Resident Tim Jones explained he had constructed the shed in October 2009 for storage of household equipment such as his lawnmower and snow blower. He did not find out until afterwards that he needed to pull a permit for the shed. He reminded the Commission he had filed for a retaining wall last summer, but was unaware of the proper steps to build the shed. He filed a Form of Intent in early November. Members pointed out some measures would have to be in place to control roof runoff. They also reminded him that erosion needs to be controlled in some manner for the trail being used to access the lake.

Mr. Jones acknowledged the Highway Department is concerned about plowing the town road adjacent to the shed, and they were going to measure the roadway and come up with ideas. He said he has had a survey done of his lot, and the stakes pinned in the ground. Members mentioned setbacks can be a problem, and T. Jones explained they will average structure setbacks on neighboring lots since the lot is non-conforming. It may be necessary to see the Zoning Board of Appeals to keep it in the current location.

Chairman Easom requested a copy of the survey plan and suggested Mr. Jones see the Commission before moving the shed. T. Jones said he was limited in where he could place it because the first step-down is the septic system and the second step-down is where the retaining wall is proposed. P. Morrison suggested continuing the meeting until we hear back from different departments. Mr. Jones said he still has painting to do and gutters or a trench at the roof drip line to install. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to continue the meeting to March 9, 2010.

7:45 p.m. – 65 Rawding Road NOI continuation DEP#169-1034

No applicant was present, and the Commission agreed to leave the hearing open.

Members commented it was very helpful to get feedback during the forum on updating the Action Plan for the *2005-2010 Open Space & Recreation Plan*. Discussion ensued on whether the language should be more proactive with regard to potential impacts to private wells such as

the use of salt or the depths of wells. Surface or dug wells are more susceptible to surface runoff. Deciding to leave the language intact, upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to ratify the draft Action Plan for 2011-2012.

The update is due to be submitted to the state before February 28<sup>th</sup>.

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

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

VOTED: to continue the hearing to April 13, 2010.

Town Accountant Val Jenkins has suggested quarterly reporting for the Commission's legal bills. Members felt it would be difficult to keep track of funds drawn from the Conservation Fund if done this infrequently. B. Easom suggested the legal billing show more than the 2-line detail. C. Auman recommended department number accounts be assigned so that it will be clear to whoever sorts the billing the department that is responsible for the expense. The statements that we are now receiving do include both the statement number and the page number.

Members commented no definitive plan has been presented relative to the letter from Attorney Robert Collins on the Lindemer/227 Boston Rd. property. The Commission has previously issued an Order of Resource Area Delineation for this land. The residents have also replaced an existing culvert with a similarly sized one for the driveway improvements they recently made. Members recommended the filing of a Request for Determination of Applicability (RDA) or Notice of Intent (NOI) to define any future plans for the lot.

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

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

VOTED: to continue the hearing to April 13, 2010.

Attorney Ray Lyons was present and asked if the Commission has settled on an appraiser at this time for the NEFF/Baddacook Pond property. B. Ganem reported the information has not gone out to appraisers and requested an electronic version of the aerial map. Mr. Lyons agreed to provide one and noted that NEFF is willing to straighten out the lines which is likely to result in increased acreage.

Mr. Lyons indicated he would be talking with attorney Robert Collins about the encroachment issue on the Allens Trail Conservation Area.

In further discussion, R. Lyons stated he would like to talk about the Commission's general policy about work at the shore line of Lost Lake/Knops Pond, particularly the concerns about the loss of flood storage capacity. He pointed out the dam controls the height to which the water can rise, and he did not think there would be any change or danger to habitat or water quality. He mentioned he visited Sargisson Beach to see the erosion problem there and said he understood

the Commission's concern about minimizing harm to the lake while still preserving its recreational values. Mr. Lyons commented that he was aware that such things as fertilizers, oil, or salt used near the lake can have impacts.

C. Auman pointed out everyone at the lake wants to expand their land, and the Commission's overarching concern is the density of house lots and increase in impervious surfaces. Flood storage is one piece of this issue, and members do not want to see the land expand beyond the current line of the bank. This would apply to Sargisson Beach just as it does to private residents. For instance, a stone wall is more critter-friendly than a block retaining wall.

B. Ganem mentioned that bioengineering is another technique that has been used to protect shorelines against wave action from wind or boat wakes. Coir rolls are used to anchor terraces above the banks and then bundles of such plants as alders or willows are planted to stabilize the soils. Because the annual drawdown means fluctuating water levels, this may not be an effective technique to use at the Lost Lake/Knops Pond shoreline.

Member Addy explained he represents the Commission on the Great Ponds Advisory Committee which is working on resource management plans for each of the Town's Great Ponds.

Chairman Easom said he would like to explain how flood storage works. It's a function of surface area as well as volume. Drawing a diagram, Mr. Easom demonstrated that filling floodplain results in a greater volume of water going over the dam faster. If there are a lot of inputs, from streams and rainfall, the flow over the dam will go sooner as the water level goes up. The goal is to maintain a steady, low volume over a long period of time. The increased volume affects downstream areas. He pointed out the depth of the lake is not important and this is why excavating deeper does not buy more flood storage. The flow release goes from days to hours. What is important is the amount of surface area storage in terms of both time and flow. A 100 year storm event will be damped out by the dam, but the surface area of the lake at dam height must be preserved.

R. Lyons asked about the appropriate balance between the interests the Commission is seeking to protect. B. Easom replied "flood storage is in perpetuity while many other environmental effects can be remediated." R. Lyons said he understood that soils, slope, habitat, and impacts from wave action from boats, and whether proposing on site or off site mitigation all play a part in the decision-making process. P. Morrison said the approach also depends on what kind of deterioration is occurring. He said he was modifying his position to be more in line with that of C. Auman. He acknowledged banks are being undercut and shore lines have receded a lot as observed at Sargisson. He said rocks could be appropriate on some undercut areas while he would like to see bioengineering tried in others.

Member Auman said his preference is bioengineering or big rocks and no expansion beyond what is there or there must be compensatory flood storage. B. Easom commented this is the cost of allowing boats with high horsepower to use the lake. B. Ganem said this might be an element to be considered when developing the Lost Lake/Knops Pond Resource Management Plan.

Mr. Lyons stated he will be setting up a meeting with attorney Robert Collins to go over possible resolutions to the Allens Trail encroachment issue. He thanked the Commission for their input.

Chairman Easom commented it appears the Community Preservation Committee is not recommending any of the four articles submitted for CPC funding. He reported Senate Bill 90 has been proposed to keep the state revenue match steady. The state match is down 3% because more towns have adopted the Community Preservation Act. The match last year was 48%. Approximately \$250,000 would not be authorized for expenditures, but there is a chance the CPC could accept a project out of cycle.

8:30 p.m. – Groton School NOI continuation DEP#169-1033

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

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

With no applicant or consultant available, upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to continue the hearing for DEP#169-1034/65 Rawding Way to March 9, 2010.

8:45 p.m. - Appointment/Bob Collins/letter 51 Allens Trail encroachment

Mr. Collins has indicated he has scheduled a meeting with Mr. Lyons on this issue and will not be available this evening.

Both B. Easom and M. Giguere plan to submit applications for the Keystone Project by March 1<sup>st</sup>. This program is an intensive forestry workshop to be held April 15 – 18, 2010.

Water Superintendent Tom Orcutt arrived from his previous meeting and said he had reviewed the proposed water facilities envelope for the Baddacook Fields parcel. The wording in the Conservation Restriction prohibits the structure to be located in the viewshed. Mr. Orcutt said he preferred the area closer to the road as this would provide better access and would avoid the vernal pools. It would be a little below grade so should not be very visible from Martins Pond Road. C. Auman estimated the envelope would take up 20% of the field. T. Orcutt said this well would take a back seat to the public water wells already planned at Unkety, Shattuck, Surrenden/Town Forest, Baddacook 2, and Baddacook 3, some of which have been tested and permitted. Mr. Orcutt agreed with the concept of designating a primary and secondary location for the proposed facility. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to designate the envelope closest to the road as the primary location for a public water well and the envelope nearer Baddacook Pond as the secondary location.

B. Ganem asked if Mr. Orcutt's concerns about the wording in the CR have been adequately addressed, and he agreed they had. The aerial map with the designated locations and the CR will be conveyed to the Groton Conservation Trust who are to be the holders of the CR.

Mr. Orcutt explained he and M. Giguere have revised the Fitchburg 'request for proposals' to use as a template for town-wide forestry management on lands under the control of the Parks Commission, Water Department, or Conservation Commission. The goal is to keep the forestry activities revenue neutral. T. Orcutt suggested a 5 year period of operation with an option for a 5 year renewal. He indicated he would send the latest draft to the Commission for review.

Chairman B. Easom reported he and B. Ganem met with Al Wyatt to see where an engraved stone to honor Bruce Clements is to be placed at Williams Barn. There were photographs of the rock and a map of the proposed location. Josh Degen has offered to move the stone with his equipment. Members thought the stone should be prominently placed so that it is visible. It will also have to be approved by the Sign Committee. Something should be posted in the barn about the existence of the trail. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to approve the engraving of the stone with "Bruce Wyatt Clements – Dedicated Conservationist", as well as the moving of the rock for display in a permanent manner.

Commissioners reviewed the recently issued listing of tax takings to determine if any of the parcels are suitable to be preserved as conservation land. Approximately 9 parcels were selected for viewing during the March 6<sup>th</sup> site walk.

A site visit to view a possible easement to provide access from Arlington St. to the Nashua River Rail Trail is scheduled for Wed., April 7<sup>th</sup> at 3 p.m.

Chairman Easom reported he, Peter Cunningham, Mark Haddad, Philip Truesdell and Deputy Commissioner Rob Deblinger of Fisheries & Wildlife, and B. Ganem met to discuss the Surrenden Farm Resource Management Plan and Conservation Restriction. He mentioned he supports the idea of putting in a boardwalk through the wetlands to make the trail accessible.

Members agreed to meet at Town Hall at 7:00 a.m. on Saturday to carpool to the MACC Annual Meeting.

There being no further business, the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Administrator

**Approved as amended March 9, 2010.**

