

## GROTON CONSERVATION COMMISSION

### Minutes

March 9, 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, Marshall Giguere, Ryan Lambert, and Peter Morrison were present. Members Craig Auman and David Pitkin were absent. Conservation Administrator Barbara Ganem was present.

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

VOTED: to approve the minutes of February 23, 2010 as amended.

R. Lambert abstained from the vote.

In reviewing the tax title parcels that were visited on Saturday, M. Giguere pointed out the Whitewood Rd. – Parcel 124-67 – is adjacent to Martins Pond Brook and is mostly surrounded by Groton Conservation Trust land, and we should make them aware that the Town is likely to be auctioning the property. The parcel on Boathouse Rd. – Parcel 129-223 – includes part of a floating bog known as the ‘Sunken Garden’. B. Easom observed the lot is not at immediate risk from being built on. M. Giguere said the Commission’s taking over the property would offer protection from abutters expanding their holdings. W. Addy thought everything was either in the wetlands or the buffer, and Commissioners agreed to not pursue this parcel.

Another parcel at 13 Boathouse Rd. – Parcel 129-186 – had a house which was demolished by the Town. Attorney Robert Collins, who was in the audience, recommended the Commission exercise caution in accepting these tax title parcels as that was how the Town ended up owning part of the Lost Lake dam. This particular parcel would offer street access to a kettle hole. M. Giguere thought the Commission should consider it because of the proximity to the kettle hole, as well as the likelihood abutters would add it to their holdings. B. Easom thought it could be productive to have it under Commission management to prevent encroachment. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to let Tax Collector/Treasurer Christine Collins know the Commission would like to acquire 13 Boathouse Rd. – Groton Assessors’ Parcel 129-186.

The sliver of land adjacent to the Lost Lake outlet on Lost Lake Dr. – Parcel 129-41 appears suitable for municipal drainage improvements so this will be recommended to Ms. Collins.

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

VOTED: to let Tax Collector/Treasurer Christine Collins know the Commission is interested in acquiring Groton Assessors’ Parcel 129-176 on Baby Beach Rd. if the Groton Conservation Trust is not interested.

Members thought the abutter to Groton Assessors' Parcel 129-81 on Long Cope Rd. was likely to be interested in acquiring that property.

7:15 p.m. – Groton School NOI continuation DEP#169-1033

Attorney Robert Collins explained Natural Heritage has no issue with the beaver dams in the field and has issued a finding of “no take” with regard to the beaver dam adjacent to the Groton School Pond. While they had considered a beaver deceiver device at this dam, faculty member Dr. David Black has recommended using a footbridge similar to the ones designed for the Sabine fields. Mr. Collins distributed copies of the proposed bridge design. The dam would still be removed, thereby reducing the water level. W. Addy questioned whether the beaver deceiver could be a more permanent solution, and R. Collins indicated the shallow depth of the water could result in a situation in which the beavers are not deceived. In addition, the bridge would not pose an impediment to turtles. The bridge piles would be supported on two patio blocks.

Despite the shallowness of the water, M. Giguere echoed W. Addy's concern about installing a beaver deceiver. He worried that the narrowed outlet would act as a cork and attract more beavers and cautioned about the need for regular maintenance. P. Morrison said he liked the idea of the bridge better than the beaver deceiver because it would return the land to its natural state, and the Commission could include a condition that periodic inspections be conducted. R. Lambert questioned whether this is an amendment, but it was clarified this is a change from the original plan submitted with the Notice of Intent.

B. Easom thought it would still be necessary to have some type of beaver deceiver, and Mr. Collins replied “We can come back.” W. Addy questioned why patio blocks were chosen over sonatubes for supporting the bridge. Some of the Sabine field bridges were designed with a longer span, but this bridge could experience considerable flow. R. Collins said the ends of the bridge would be set at grade, and the blocks prevent the vertical sections of the bridge from disappearing into the ground. P. Morrison pointed out there are bridges of a similar design on NEFF properties, as well as the Town Forest. If there is a serious flow, the bridge could fall off the blocks, but then could be put back in place. M. Giguere worried that something more robust than patio blocks might be necessary. B. Easom mentioned he has designed bridges supported by a granite post laid on its side. There being no further questions, upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to close the hearing for DEP#169-1033 for Groton School.

7:30 p.m. – Appointment Judi Barrett/Comprehensive Master Plan and Open Space & Recreation Plan

Judi Barrett of Community Opportunities Group explained she was present to discuss with the Commission how to best coordinate the responsibilities of the Planning Board, Conservation Commission, and Master Plan Committee in producing the Comprehensive Master Plan and the Open Space & Recreation Plan (OS&RP) update. The Master Plan includes, as one of the required elements, a section on open space and recreation. Ms. Barrett said the Master Plan typically takes a longer horizon view than the OS&RP, and she expressed her appreciation for the Commission's role in budgeting for the Master Plan. She commented she was aware the Action Plan update means our current OS&RP has been approved through June, 2012, and this could change the time line for producing the overall update.

Ms. Barrett expects to have the community profile prepared this year, but it can be updated with new census data which will include statistical sampling that is prepared on an annual basis. This integrative process is new with the upcoming census which has previously occurred on a 10-year rotation. She acknowledged the Commission's desire to have assistance with the design of a survey and to encourage public participation during workshops. The demographics will be looked at independently, but there are mapping issues and data collection which also have to occur. J. Barrett pointed out the OS&RP will take a much closer and more detailed look while the Master Plan approach is from a broader planning perspective. A spreadsheet showing the time line and the deliverables for the Master Plan was distributed to members, and Ms. Barrett explained she would like to set up specific conservation milestones to dovetail into the process. She assured the Commission this aspect would not get lost in the scheduling, and we should settle on a date on which we plan to submit a draft of a specific document.

A community-wide meeting is scheduled for May 13<sup>th</sup>. An open space assessment map is necessary for the sustainability element. The inventory is always going to change, and Applied Geographics is currently working on an updated map. Regarding the use of Survey Monkey, Ms. Barrett acknowledged it is good for public process, but is not likely to provide a detailed collection of data. M. Giguere said he felt the Commission needed help with designing the survey as soon as possible. B. Easom requested a chart similar to the Master Plan spreadsheet to be prepared for the OS&RP.

B. Ganem reported the Groton Electric Light Department has agreed to schedule a time when a survey mailer can be included with their billing for October 2010. J. Barrett noted that would allow November – December for the survey analysis. The inventory of open space will be incorporated into the existing conditions and trends. Members agreed it would be good to have public participation in the listing of priority parcels for acquisition or protection. Ms. Barrett said she would appreciate having access to the Commission for any open space questions.

Land Use Director/Town Planner Michelle Collette thanked members on behalf of the Planning Board for their willingness to team with the Planning Board and go forward in tandem on the production of these two plans. She explained that open space and recreation is one of eight elements included in the Master Plan, and there is a strong push for economic development in this process. It will be necessary to take all eight elements into consideration to achieve a balance with consensus building. She pointed out there are residents who are objecting to expenditures for more open space when they look at the possibility of a school budget override and increasing taxes. Part of that political discussion will include quality of life questions and open space protection as they relate to the Town's character and charm. The community meeting on May 13<sup>th</sup>, in the Middle School North cafeteria, will give residents an opportunity to express many different viewpoints.

Ms. Collette said the Planning Board expects to appoint members to the different advisory groups this coming Thursday night. Dan Wolfe described the effort the Groton Conservation Trust is making to extend its educational reach and by talking to landowners about the negative impact of development on taxes. Bob Collins pointed out there may be grouching about the amount of open space, but the Town has always stepped up to the plate when it comes to a vote on preserving land at Town Meeting. He mentioned the biomass project which was recently approved for Groton School and how this speaks to sustainability efforts in Town.

The old Master Plan will be reviewed at the May 13<sup>th</sup> meeting with an eye as to whether the key goals have been achieved and how relevant these items are to the Town today. M. Giguere asked how

the Commission's deliverables will fit into the spreadsheet. There will be a discussion about things already done and capacity issues, and the way in which the three statutory objectives are addressed under the Community Preservation Act. B. Easom suggested Ms. Barrett look at the Community Preservation Plan which sets up a funding mechanism for projects whose scores are higher if they address more issues. It is important to understand the feedback loop in the way the Town meets its goals and objectives.

Members mentioned there is no Recreation Commission, but there is a Park Commission which is an elected board. It was suggested a joint meeting might be helpful after Labor Day to review existing conditions, analysis, recommendations, and set some priorities instead of options.

8:15 p.m. – Groton School RDA

Attorney Collins acknowledged there may be no Certificate of Compliance for the new docks at the School, but they have found that the Correct Deck materials used for the decking have failed. The decking has warped in spots and appears to expand and contract at different rates. The installer is very concerned and is standing behind the warranty for the project. The problem might be related to the length of time the installation has been in place, and the decking company has filed for bankruptcy. Mr. Collins urged the Commission to check with the installer because the Sargisson Beach docks were purchased several years after the Groton School docks.

The new docks will be constructed off site and the old docks removed from the subsurface anchors and floated down the Nashua to the boat launch. The decking in the ramp will be replaced on site with similar composite materials. Mr. Collins stated that nothing will occur to impact the resource area, and the project probably does not rise to the level of a Notice of Intent. Member Morrison advised coordinating the loading and unloading of the docks with the Pepperell Conservation Commission and the Division of Fisheries & Wildlife.

Chairman Easom asked how the docks are fastened in place as the ramp appears to go up and down with changes in the water elevation of the Nashua River. Mr. Collins said he thought it was a concrete anchor, and he could probably get a sketch or detail for the underpinnings. M. Giguere suggested including this item as condition. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to issue a negative #3 Determination providing 1) the applicant submits a sketch or diagram showing the method by which the docks will be anchored; 2) no materials or construction debris shall enter the resource area; and 3) the old dock shall be removed off site.

Mr. Collins requested additional time on the Commission agenda, stating he had just been notified that the clay outflow pipe for the Groton School sewage treatment plant had failed, and DEP has ordered that it be replaced. He thought the pipe was located slightly downstream from the Groton School boathouse. It will be necessary to do borings to ascertain whether the soils are suitable for directional drilling and to prepare a design for the pipe replacement. The existing pipe is 8" to 10" in diameter while the new one will be about 4". R. Collins said the borings would be done in the buffer north of the boathouse driveway. Members agreed that this work could be heard as a Request for Determination of Applicability at the next meeting if the filing is received by tomorrow.

8:30 p.m. – 35 Whitney Pond NOI DEP#169-1036

Engineer Dan Wolfe of Ross Associates, Inc. represented the McMillans who own the lot. He explained this is a proposal to upgrade the sewage disposal system for a 2-bedroom cottage on the shore line of Whitney Pond. The combination tank/pump chamber will be more compact and is to be located between the porch and shed with a force main going under the road to a leaching field across the street. Currently the old leaching field is about 25 ft. from the wetlands so the proposed design will be a significant improvement.

Natural Heritage has indicated there is 'no take' for the proposed project. D. Wolfe reported the Board of Health has approved variances, including one to allow the force main to leave the property. DEP now has 30 days in which to approve the permit.

Members expressed concerns about how close the septic tank will be to the top of the slope above Whitney Pond. Mr. Wolfe stated the types of soil on site are likely to result in cave-ins when digging the hole for the septic tank. The proposed silt fence will serve as a limit of work line. Any lateral movement will be into the hole and not down slope. The machinery to dig the hole will sit on the plateau above the site. It is likely the deck and stairway will need to be reinforced while the excavation is underway. Commissioners felt the contour lines should be shown on the slope to the water line. D. Wolfe questioned whether having a 3 to 1 or 2 to 1 degree of slope would have any bearing on the Commission's decision. B. Easom replied "If we have before and after plans, we can determine if there are any changes." Mr. Wolfe maintained there would be no work on the hillside.

W. Addy asked if there was any potential to break the crest of the hill particularly in a freeze/thaw situation. Mr. Wolfe said the weight of the tank will hold it in place, and there is more likely to be vertical movement with frosts. Some heat is generated by the tank, and the old septic tank has been there for years. Members questioned whether the tank could be brought closer into the toe of the slope. D. Wolfe estimated the top of the septic tank would have about 2 ft. of cover. He cautioned against excavating too far into the hill as it could potentially make it steeper and less stable.

Mr. Wolfe commented there will be no water coming into the septic tank if there is a power outage, and the tank allows for a 24-hr. storage volume. An alarm in the house will alert residents if there is a pump failure. Members expressed reservations about perching the septic system above the resource area, but acknowledged it is an improvement over what is there now. To preserve the integrity of the lower crest, a second and third tier of silt fencing may be required. There being no further discussion, upon a motion by P. Morrison, seconded by W. Addy, it was

VOTED: to close the hearing for DEP#169-1036 for 35 Whitney Pond Rd.

8:45 p.m. – 65 Rawding Road NOI continuation DEP#169-1034

Consultant Brian Thorne has provided an updated construction sequence and retaining wall plan. He maintained there will be no excavation necessary for the construction of the retaining wall. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to close the hearing for DEP#169-1034 for 65 Rawding Rd.

8:45 p.m. – 35 Common St. NOI continuation DEP#169-1037

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

VOTED: to continue the hearing for DEP#169-1037 to March 23, 2010.

8:45 p.m. – 302 Lost Lake Dr. RDA continuation

Homeowner Timothy Jones has requested a second continuation, and upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to continue the meeting to March 23, 2010 on RDA for 302 Lost Lake Dr.

Returning to the subject of tax-title takings, members thought Earl Carter may be interested in the Lost Lake Dr. parcel, and upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to let Tax Collector/Treasurer Christine Collins know the Commission would like to acquire Groton Assessors' Parcel 129-99 on Lost Lake Dr. providing the abutter is not interested in acquiring the property.

The property on Weymisset goes down to the Lake, but it appears to divide land owned by one individual. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to let Tax Collector/Treasurer Christine Collins know the Commission would like to acquire Groton Assessors' Parcel 131-49 on Weymisset Rd. providing the abutter is not interested in acquiring the property.

Although it is likely both parcels are located partially in Martins Pond Brook, upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to let Tax Collector/Treasurer Christine Collins know the Commission would like to acquire Groton Assessors' Parcels 125-127 & 128 on Chestnut Rd.

To follow up on the Saturday site visit to Puritan Hill Farm, P. Morrison noted the Commission was previously successful in getting the farm owners to move the manure piles out of the Riverfront Area of James Brook, but the practice now appears to be occurring again. This facility does not meet the definition of a farm under the Wetlands Protection Act. Member Morrison commented there is an expired Order of Conditions which covered the installation of a culvert on the drainage ditch that parallels Old Ayer Rd. Water flows through this ditch and outlets through a storm drain to wetlands that border James Brook. It was suggested that a letter be sent to the owner requesting the re-location of the stockpile outside of the 200-ft. Riverfront Area on the other side of the barn and enclosing a brochure on manure management.

Members Easom and Giguere reported they met with an abutter to the Farmers & Mechanics conservation area who has concerns about the use of ATVs on sensitive wetlands at the site. Some of the trails connect to the Gratuity Rd. trail. Member Giguere distributed a copy of a map showing where ATV damage was occurring as well as the location of several "No Motorized Vehicles" signs they posted. Commissioners discussed whether letters should be sent to abutters to alert them to this issue. In further discussion, members stressed we will need the support of these neighbors and the letter should explain this land was set aside for the general benefit of residents for passive recreational purposes and should have an educational and informational perspective rather than condemnation. Upon a motion by P. Morrison, seconded by R. Lambert, it was

VOTED: to authorize the posting of "No Motorized Vehicles" signs at conservation

areas where this activity is prohibited in the Commission's Rules & Regulations.

Member P. Morrison reported he had had a call from John Maynard, an abutter to Surrenden Farm, with concerns about downed trees along the edges of the fields. He may be interested in clearing up the tree debris and mowing the fields. He would like to attend a Commission meeting to discuss this. Chairman Easom questioned whether we should add him to our list of potential hayfield farmers. It was thought he is probably interested in taking care of the triangle of land that is closest to his house, and will be invited to an upcoming meeting.

In discussion on the bids for the appraisal of the NEFF Baddacook parcel, Commissioners noted Jon Avery came in with the lowest bid. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to select Jon Avery as the appraiser for the NEFF Baddacook parcel to be subject to a conservation restriction.

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

VOTED: to authorize B. Ganem to contract with Jon Avery for appraisal services with the fee of \$4000 to be taken from the Conservation Fund.

B. Ganem explained we are in similar straits as in previous years regarding the funding for Sargisson Beach. The operating budget is \$2500 to include a contract park ranger and portapotties. The YMCA has proposed a budget of \$17,000 for waterfront management (including lifeguards and swim lessons) while \$6600 remains in the Sargisson Beach Gift Fund. Members expressed concern about the perception that we are fundraising in order to keep the beach staffed with lifeguards. A 501(c)(3) is necessary to solicit funds. This means the Commission has to make a decision with regards to the docks, selling stickers, and insurance liability for the upcoming summer. P. Morrison suggested putting the docks in and posting signs stating "Swim at your own risk". Members agreed to request a meeting with Mark Haddad and Val Jenkins to further discuss this issue. B. Easom, M. Giguere, and B. Ganem will also attend. M. Giguere mentioned he had talked with Bob Whalen, the manager of the Groton Country Club, about possibly operating a cooperative pool/pond swim program, but Mr. Whalen pointed out the Country Club views us as competition, and both of us are in a cash-poor position currently.

Members agreed to delay scheduling a site visit to follow up on the request for a Certificate of Compliance for the W. Groton Town Forest well and treatment plant until May or later in order to observe how things are stabilized during the growing season. B. Ganem will send a letter to the consultant.

D. Pitkin is working with B. Ganem to develop a management plan for the Fuccillo property. Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to allow the expenditure of up to \$100 for the purchase of signs required by the LAND grant program.

B. Ganem reported she expects to get final comments from Pat Huckery by March 12<sup>th</sup> on the draft Resource Management Plan for Surrenden Farm. Members agreed to schedule discussion of the draft town-wide forestry management plan for April 13<sup>th</sup>. This was emailed to members earlier in the week

and is really a skeleton of what is needed in terms of our goals. Resident Dana McKiel is scheduled to meet with the Commission at 7:45 p.m. on March 23<sup>rd</sup> to discuss the encroachment of a retaining wall and fence onto conservation land at Integrity Way. Formalizing a suitable access to Ames Meadow remains a Commission goal. Although the Town Forest Committee is apparently interested in working with abutter Murphy to acquire land where the trail is currently encroaching we have not received direct communication from the Committee about an adequate access. Members suggested requesting a progress report on our request for access and mentioning our hope the matter can be resolved by June 1.

Attorneys Lyon and Collins are still discussing alternatives for the Allens Trail encroachments. A land swap is under review, but P. Morrison thought this should be totally within the purview of the New England Forestry Foundation as the owner and the Commission is just trying to enforce the Conservation Restriction. The Executive Office of Energy & Environment Affairs has final authority over this as it is an Article 97 process. B. Easom did not think the Commission could make a determination on whether it has merit until we have a proposal before us.

B. Ganem will touch base with Gordon Newell to see if it is likely we can expect a reply on the draft Conservation Restriction for the Blood parcel in W. Groton by June. B. Easom reported he is finishing up the draft Gibbet & Angus Hills CR monitoring report.

There being no further business, the meeting was adjourned at 10 p.m.

Respectfully submitted,

Barbara V. Ganem  
Conservation Administrator

**Approved as amended 3/23/10.**