

GROTON CONSERVATION COMMISSION

Open Session Minutes

May 25, 2010

Chairman Bruce Easom called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Craig Auman, Marshall Giguere, and Ryan Lambert were present. Wayne Addy arrived at 7:03 p.m. David Pitkin and Peter Morrison were absent. Conservation Administrator Barbara Ganem was also present.

Mr. and Mrs. Roy MacGregor were present to discuss the status of the license agreement for Surrenden Farm. B. Easom provided some background information and noted the Commission is working though the process as best we can. The state holds a Conservation Restriction on the west side of Shirley Rd. and, thus, Fisheries & Wildlife has a say in how the land is managed.

(W. Addy arrived at 7:03 p.m.)

Mr. Easom noted the Commission had received a number of proposals for farming at Surrenden Farm. Haying proposals were received from Mr. Spiczka and Mr. MacGregor. The Commission and Fisheries & Wildlife agreed that grazing animals was not the best use of the property. Clarifications in the form of brush hogging the lower fields in October, using late maturing grasses, and the turtle mowing patterns were mailed out to the two parties on April 25th to give everyone a chance to re-bid. Mr. MacGregor submitted the same bid of \$25, and Mr. Spiczka also kept his original bid of \$32.50, with the understanding that animals could not be pastured.

Mr. Addy said “normally the Commission would go with the highest bid”. R. Lambert noted that Mr. MacGregor’s proposal stated his tractor would have tires without calcium which do not compact the soils as much as regular tires. Chairman Easom said he did not believe Mr. Spiczka’s proposal should be disqualified. Until the Commission has a signed contract any proposal can be considered. M. Giguere pointed out Mr. MacGregor and Mr. Spiczka were given an opportunity to reconsider their bids, and he personally believed both should be considered. Everyone was informed they could modify their proposal at that time. The Farm Policy was included in the Request for Proposals. Fisheries & Wildlife wanted to see all of the proposals even though the Commission recommended two. W. Addy asked if changes were made after the bid went out. B. Ganem reported Fisheries & Wildlife recommended getting more details for the two bids that proposed haying, and the Commission voted not to put it out for a re-bid.

Upon a motion by W. Addy, seconded by R. Lambert, it was

VOTED: to award the license to Roy MacGregor for the haying of Surrenden Farm subject to the use of late season grasses for hay, haying after July 15th and utilizing the turtle mowing guidelines to the greatest extent feasible, and brush-hogging the lower around October.

All voted in favor. Members advised Mr. MacGregor that the Town Manager will also have to review the license agreement.

7:15 p.m. – 69 Schoolhouse Rd./Myette NOI DEP#169-1040

Attorney Robert Collins explained Mr. Myette had replaced a culvert under his driveway during the spring flooding, for which he received an Emergency Certification. This is the follow-up Notice of Intent to make sure it has been done appropriately. During the Saturday site visit, W. Addy said he thought the invert was 4 – 6 in. higher than the stream channel. Members observed fish in Martins Pond Brook, and this could interfere with stream continuity. Mr. Myette maintained the elevation did not change but the culvert is larger.

Mr. Collins mentioned an earlier filing for this address for a culvert replacement which included extensive calculations but no plan. Mr. Myette has replaced two undersized culverts with a larger culvert. Mr. Addy commented he has no question about the sizing, but does have concerns about the invert. Also the headwalls require additional riprap as they are not stable. M. Giguere added that rain could easily wash the soils adjacent to the culvert into the brook. P. Myette indicated he was waiting to hear from the Commission before doing further work. Mr. Collins added the Commission could include this as one of the conditions in the Order.

R. Lambert asked if there is sufficient fill over the pipe, and P. Myette responded “it was done according to the manufacturer’s recommendation”. Members estimated it was 6 in. in the center but then tapered to 3 in. at the edges. Mr. Myette said it is unlikely it would be crushed by any vehicles traveling over the driveway.

R. Collins acknowledged the Natural Heritage & Endangered Species Program has requested additional information about this filing. W. Addy said the work on the headwall is not shown on the submitted plan, and the goal is to allow for wildlife travel through the pipe and provide riprap for the slopes to prevent erosion. It may be possible to partially bury the bottom of the pipe, but the installation should conform to the stream crossing guidelines. Member Addy said it is not an engineer-fabricated project which is likely to require the headwalls to project further out. Mr. Myette said the new pipe is actually 4 in. longer than the old one. M. Giguere pointed out that, by increasing the cross section of the opening, it is likely the wetland above the crossing is draining faster. R. Lambert estimated the 3 ft. diameter pipe provides 4 times the drainage as previously.

Mr. McWade (79 Schoolhouse Rd.) said his field has been underwater, and he was pleased to see the water down. Members mentioned the spring rains may have reached the 50-year storm event, but there is concern this driveway could blow out with a 25-year event without proper design. Mr. Collins agreed to review the stream crossing guidelines, and upon a motion by M. Giguere, seconded by R. Lambert, it was

VOTED: to continue the hearing to June 8, 2010.

7:30 p.m. – Appointment Sue Edwards

Ms. Edwards explained she was present to invite members to attend the premier screening on June 12th of a documentary about two state treasures – the Nashua River and Marion Stoddart.

She noted she was inspired to do the film as a result of Ms. Stoddart's spearheading the cleanup of the Nashua River and how it empowers other people to perform similar feats. S. Edwards encouraged Commissioners to register on-line and, although the screening is free, there is a fee for the party to follow. C. Auman asked what gave her the idea to undertake this project, and Ms. Edwards replied "Ms. Stoddart's story needs to be more widely told as we can learn from her and the process she used to improve the Nashua River." The film will be shown at the 500-seat theater at Lawrence Academy. Chairman Easom mentioned he had seen a trailer for the documentary and thought it very good.

7:45 p.m. – 58 Old Lantern Dr. NOI DEP#169-1031

Engineer Kevin Ritchie and attorney Robert Collins were present on behalf of the applicant. Mr. Collins explained this property has been in Garrett Boles' family for several generations, and they now have an opportunity to replace the sewage disposal system. It is a large lot on Lost Lake/Knops Pond. The location of the leaching field and well has been moved outside the 100-ft. buffer zone. Mr. Ritchie stated the Board of Health has approved the new design, and it totally complies with Board of Health and Title 5 regulations. The re-designed plan shows trenching for the sewer line will be routed through some larger trees, but it will not disturb them. The installation of the well will require the removal of one tree, but it's out of the 100-ft. buffer zone. The trenching should be manageable using small machinery. Three feet of cover is the maximum that can be used for the septic tank, and this will result in a 3 to 1 slope within the buffer. C. Auman commented this plan is definitely an improvement over what was previously proposed. Upon a motion by C. Auman, seconded by R. Lambert, it was

VOTED: to close the hearing for DEP#169-1031 for 58 Old Lantern Dr.

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

VOTED: to approve both the Open and Executive Session minutes for May 11, 2010.

Members reviewed the draft special conditions for 144 Shelters Rd., and upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to issue an Order of Conditions for DEP#169-1039 for 144 Shelters Rd. under the Wetlands Protection Act.

The motion passed by majority vote, with R. Lambert abstaining.

Upon a motion by M. Giguere, seconded by W. Addy, it was

VOTED: to issue an Order of Conditions for DEP#169-1039 for 144 Shelters Rd. under the Wetlands Protection Bylaw.

The motion passed by majority vote, with R. Lambert abstaining.

Chairman Easom reported Senate Bill 2257 on illegal riding of off highway vehicles (OHVs – including ATVs, dirt bikes, and snowmobiles) is making its way through the legislature.

Everyone has seen the damage off road vehicles can cause on conservation lands which are under our care and custody.

B. Ganem reported a Certificate of Compliance has previously been issued by the Commission for 18 Kemp St. She will certify a copy and give it to Mr. Lyons.

Regarding the request for a Certificate of Compliance for the W. Groton Town Forest well and water treatment plant, members requested that haybales and left-over string be removed. W. Addy said he would especially like to see haybales near the opening to the existing wetlands removed. Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to authorize B. Ganem to write a letter requiring the removal of the haybales and string and to issue the Certificate of Compliance once that is completed.

To follow up on the site visit to the Sjoberg project on Chicopee Row, members discussed the proposed removal of the knoll to accommodate the re-location of the house. The discussion centered on whether this is a minor modification or will require a new Notice of Intent. The Order of Conditions calls for conservation markers at the 50-ft. buffer zone. The modification will require grading right up to this line. If they use a retaining wall it will keep the work outside the 100-ft. buffer zone. Chairman Easom pointed out the Commission has no obligation to allow the applicant to modify the approved design. In addition, they have requested the use of wattles instead of haybales and fencing. W. Addy stressed that, after viewing the site again, he felt the haybales and silt fencing were necessary. He noted that water could still flow over the wattles, and he would not be comfortable with this arrangement during a big storm. The silt fencing is to be used as the limit of disturbance up gradient of the work or where the area is flat. Upon a motion by W. Addy, seconded by R. Lambert, it was

VOTED: to require the filing of a new Notice of Intent because of the significance and number of proposed changes.

B. Easom and M. Giguere will try to attend a site walk scheduled with the Town Forest Committee at the entrance to the Town Forest at 6 p.m. on May 26th.

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

VOTED: to enter Executive Session at 8:25 p.m. for the purpose of discussing litigation, to return to Open Session at adjournment.

The meeting resumed at 9 p.m., and the Commission discussed reorganization. With two members absent, it was decided to postpone the election of officers. Upon a motion by R. Lambert, seconded by M. Giguere, it was

VOTED: to appoint Craig Auman as the Commission's representative to the Affordable Housing Committee.

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

VOTED: to appoint Bruce Easom as the Commission's representative to the Community Preservation Committee.

Upon a motion by M. Giguere, seconded by W. Addy, it was

VOTED: to appoint Ryan Lambert as the Commission's representative to the Earth Removal and Stormwater Advisory Committee.

W. Addy mentioned he will also be stepping down from the Great Ponds Advisory Committee with his resignation in June. He noted that Committee sometimes has difficulty reaching a quorum, but the working members seem to be very dedicated and committed. There is a great deal of interest in weed harvesting, and they have prepared reports on three of the five Great Ponds in Groton. Although it is not a huge time commitment, the Committee could use some direction to assist in reaching its goals.

Members had an opportunity to review the draft monitoring report for the Conservation Restriction on Angus Hill. Scarlet Farm currently boards and trains horses/horseback riders. The purpose of the monitoring is to identify any violations and bring it to the attention of the owner. B. Easom said it was his belief that parking farm equipment i.e., horse trailers, on the conservation-restricted portion of the property was not a problem because it is farm related. Technically, this does not qualify as a farm under the Wetlands Protection Act because no commodity is being raised. It is a farm under other Massachusetts laws. A portion of the property is used for the pasturing of cattle, and that qualifies as agriculture. C. Auman commented the people of Groton certainly view this as a farm.

M. Giguere indicated the owner should be consulted about the results of the monitoring before the Commission approves the report. The state is a co-holder of the Restriction, but it may be more difficult to have a 3-way conversation. One of the questions is whether the water jump, a 25 ft. wide pond, is okay. There is a parking envelope also located on the restricted land. There has been discussion about the re-location of the trail to avoid a wet area. If it remains in the designated trail area, it would require a second row of fencing. Alternatively, the trail could be closed during the wet season. If a public trail is to be opened on land that is not within the designated trail area, it is necessary to get permission from the owner, Meredith Scarlet, but she has no obligation to grant it. Another problem is that the gate gets left open, allowing the cattle to escape. Members agreed it is probably best to hand-deliver the report to Ms. Scarlet and talk about the alternative trail route. B. Easom agreed to call and set up an appointment.

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

VOTED: to enter into a license agreement with Excalibur Farm (Smigelskis) to hay the Walnut Run field on Jenkins Rd.

B. Easom reported that his meeting with the Town Forest Committee to review the boundary markers at Ames Meadow went fairly well. They seemed appreciative of his efforts. The neighbors made it clear they objected to the expansion of the trail.

Upon a motion by C. Auman, seconded by W. Addy, it was

VOTED: to issue a Certificate of Compliance for DEP#169-854 for Gleason/18 Kemp St. pending receipt of the engineer's certification the project was done in accordance with the Notice of Intent Plans and Order of Conditions.

Town Counsel will be presenting the new requirements related to the open meeting law to be implemented beginning July 1st. The presentation will be held at the Middle School North auditorium at 7 p.m. on May 27, 2010.

Member Auman mentioned concern about the parking to access the trails on Gibbet Hill. He suggested it be included on the next site walk schedule.

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

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 6/8/10.