

GROTON CONSERVATION COMMISSION

Minutes

Monday, December 20, 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 David Pitkin were present. Bill Neacy arrived at 7:06 p.m., and Nadia Madden arrived at 7:20 p.m. Peter Morrison was absent. Conservation Administrator Barbara Ganem was present.

Upon a motion by C. Auman, seconded by D. Pitkin, it was

VOTED: to approve the minutes of November 23, 2010 as drafted.

M. Giguere abstained from the vote.

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

VOTED: to approve the minutes of December 2, 2010 as drafted.

C. Auman abstained from the vote.

In discussion on the request for a Certificate of Compliance for DEP#169-912 for 4 Birchwood Ave., members noted there was a gap where the retaining wall near the shore line is graded into the hillside. Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to issue a Certificate of Compliance for DEP#169-912 for 4 Birchwood Avenue contingent upon stabilization of soils adjacent to the retaining wall and pending approval by Conservation Administrator B. Ganem.

(B. Neacy arrived at 7:06 p.m. and abstained from the vote.)

B. Ganem reported the budget meetings were held in early December. IT Manager Jason Bulger is attempting to locate a lower price for the purchase of the Mobile Mapper 6 and software. Neither the \$1600 for the Mobile Mapper nor the \$400 for legal notice expenses was incorporated into the Town Manager budget for 2012 however. The Water Safety budget has not been finalized, but inquiries have been made to the Littleton Recreation Dept. to see if they would consider operating Sargisson Beach next summer. Their Recreation Department is quite successful with extensive offerings to surrounding communities.

Questions arose as to whether the Commission would consider picking up 1/3 of the legal billing stipend or \$833 per month (\$9996 per year) paid by the Town. The retainer paid to Town Counsel is divided among general government, labor, and conservation issues. Members pointed out conservation legal bills are always paid out of the Conservation Fund. This includes acquisitions and litigation.

Member Auman noted the Commission has previously had a legal line item in our budget but lately legal expenses have come out of the Selectmen's budget. B. Easom suggested getting a historical break down of conservation related expenses covered by the legal retainer for FY' 11. Mr. Giguere said he had had two occasions, when he was chairman, to meet with Town Counsel David Doneski during his scheduled visits to the Town. B. Easom noted Town Counsel is advising the Trails Committee on the Jenkins Rd. access issue. He suggested re-visiting the question once we get a breakdown of conservation expenses for FY' 10.

There is some talk of making the Park Ranger position a Town employee rather than hiring on a contractual basis. It is uncertain how this will progress given the on-going negotiations with Littleton on operating the beach. The Town does have a position identified as 'Land Manager' which is on the salary schedule but has not been filled for 8 years.

Mr. Reilley of 54 Hill Rd. has moved a house within floodplain and the 100-ft. buffer zone of wetlands associated with Wrangling Brook. B. Ganem reported a letter was sent to him requesting a filing no later than December 27, 2010. B. Neacy said he observed an old stone foundation at the site that contained a PVC pipe and an oil tank. He questioned what the plans were for removing the remaining debris associated with the foundation. Upon a motion by C. Auman, seconded by B. Neacy, it was

VOTED: to have B. Ganem write a letter to Mr. Reilley if the Request for Determination of Applicability filing is not received by December 27, 2010 informing him that the Commission will commence issuing fines of \$50 per day beginning January 3, 2011.

The Commission has previously learned of a violation at 2 Loomis Lane where soils were trucked in and used to grade land within 4 ft. of Martins Pond Brook. A filing was requested by November 22, 2010. A second letter was mailed to the owner, Mr. Cloyd, on December 15th after there was no response. Upon a motion by M. Giguere, seconded by Bill Neacy, it was

VOTED: to issue an Enforcement Order with a \$50/day fine, effective January 3, 2011, requiring the filing of a Request for Determination of Applicability for filling within the Riverfront Area of Martins Pond Brook if the applicant fails to file on a timely basis.

Roy MacGregor has reported to the Commission that several new trees and fencing appear to have been added to the triangular portion of the field in the northeast corner of Surrenden Farm. Members agreed to include this site on the next site walk.

7:30 p.m. – Appointment Dan Cyr – forestry project

M. Giguere introduced Dan Cyr of Bay State Forestry who was selected to act as the Town's forester. Mr. Cyr was accompanied by colleague Eric Radloff who also is a licensed forester in Massachusetts and has computer and GPS skills that are useful for forestry planning. Mr. Cyr said his firm manages over 10,000 acres of municipal land, including forestry activities and the control of invasive plants. He noted Groton has a lot of good parcels, and it is his intention to triage the parcels to decide at what point in time they would best be managed. Forests can be put to multiple uses based on the owner's specific objectives. He is working from a copy of

Commission's 'Forestry Policy' as a guide him in the development of the plan. In addition to forestry activities, some of the components of a management plan might include the identification of boundaries, signage, trailhead parking, and creating appropriate wildlife habitat.

D. Cyr mentioned he is currently working on a state project in which the goal is to restore appropriate habitat for the New England Cottontail rabbit in New England, and efforts are underway on the Cape, in Otis, MA, Connecticut, and Rhode Island. In addition he is managing 4000 acres of forest associated with the Fitchburg water reservoir. His understanding of the high profile nature of municipal work will guide the development of the plan. Income is to be generated by the selling of forestry products and this can then be turned around to fund the control of invasives or boundary marking on other parcels. The \$10,000 limit on the revolving fund for land management will guide expenditures. There is also an opportunity to partner with the Groton Land Trust and the Water Department to create recreational opportunities.

Mr. Cyr observed that access to some tracts is only 20 feet wide which is more appropriate for a trail than an access for logging activities. This is particularly true of parcels that surround subdivisions where forestry may not be well-received because of nearby homeowners. He commented the Surrenden Farm and Williams Barn properties are beautiful. The existing Forestry Management Plan for Sorhaug Woods Williams Barn expires at the end of 2010. C. Auman asked about his work in other towns, and D. Cyr said he manages 2000 acres for the Town of Pelham, NH, as well as land in Merrimack and 1500 acres for the Goffstown Water Department. The biomass market has been up and down. The Department of Energy Resources (DOER) allows 15% of total tonnage to go toward biomass, and this results in the removal of a lot of junk trees, but prevents high grading forestry management.

For the treatment of invasives such as bittersweet, Mr. Cyr said the Commission could consider a winter cut followed by an herbicide treatment. It would be necessary to spot treat as a follow up. Previously there have been cost share opportunities for landowners, but this is currently only available to private individuals, not municipalities. He noted the parcels he has visited appear to be actively used, and he is looking forward to working closely with the Commission. January 25th was set as the target date for his triage report.

Chairman Easom questioned the process for paying for the forestry work and indicated he thought the forester would be paid with the proceeds of forestry activities. M. Giguere pointed out the Commission has the revolving fund for land management, and this can include the preparation of forestry management plans. It will be Mr. Cyr's job to evaluate tracts for potential timber revenue to provide seed monies for other activities such as invasive control and boundary marking. B. Easom asked whether Mr. Cyr will submit invoices for services he has already rendered. Mr. Cyr said the methodology for payment is included in the contract with the Town. Mr. Cyr noted there are different fees for different services, and he would be billing for services according to the contract schedule. The scope of the work is approximately 1900 acres, but he doubts it will be necessary to do a management plan for each parcel. Good communication, potential budget items, boundary marking, whether it's necessary to hire a surveyor to find lines, and deciding on the location of the landing are all part of the triage strategy. The focus will be on lands managed by the Conservation Commission and Water Department, but as an example of partnering, Mr. Cyr said it would make sense to log the Farmers & Mechanics and Fairgrounds

parcels simultaneously. Don Black of the Parks Commission has previously indicated he would be interested in this.

One of the items to be considered by Mr. Cyr is the potential revenue generated by a particular project. B. Neacy pointed out this management is on a 10 to 20 year horizon, and the idea is to have the harvestable effort pay for other maintenance. There may need to be legal agreements for access, but the goal is to make the forestry project relatively revenue neutral. M. Giguere advised finishing the triage with D. Cyr taking a look at the various parcels.

B. Easom asked what is to prevent Mr. Cyr from submitting an invoice for \$100,000 for the work already done. Mr. Cyr responded the purpose of this meeting is to establish a relationship with him as the forester who will be an open-ended contact, and the Commission will need to authorize individual projects. Mr. Cyr estimated he could type up a work order to bill for about three parcels at a time. He recommended approaching the project in small bites. The Commission could do work orders parcel by parcel subject to the Commission's review and approval. B. Easom underscored the need to have explicit paperwork and an evaluation of what is proposed. M. Giguere stressed the work is done on a project by project basis. Cyr said he is accustomed to having signed contracts and would be willing to do whatever the Commission requires. B. Easom clarified the Commission will incur no costs until the submitted order is approved. The Commission will be the contact for bidding purposes. Mr. Cyr said it is unlikely the Commission will plan harvests on every acre of conservation land. He said he feels it very important to have good communication with the Commission, and he plans to get the triage recommendations to the Commission a week before the January 25th meeting to give members a chance for adequate review. N. Madden said it is her understanding that Mr. Cyr will weigh a number of things before making recommendations to the Commission. Members thanked Mr. Cyr for coming in to discuss the Town forestry project and said they would look forward to reviewing his suggestions.

8:00 p.m. – Appointment Stan Dillis/Sjoberg DEP#169-1011

Surveyor Dillis reminded the Commission this is a single family house with a very long driveway on a 15-acre lot. There are two wetland crossings – one for a wetland and one for an intermittent stream. The site contractor and the logger have requested a modification to the construction sequence. In addition Mr. Dillis pointed out the Order of Conditions states the replication area will be 6,250 SF when the final approved plan authorizes 4,275 SF as a result of several hearings and discussions with the Commission.

Mr. Dillis said there are no material changes to the plan, but there are proposed modifications to the order in which things will be done. For instance, it will be necessary to construct a temporary wetland crossing in order to get the logging trucks to the house site to remove trees and allow access for a well drilling rig to drill the well. Before the owners can obtain funding they must prove water is available at the site. A temporary wetland crossing will be necessary. N. Madden requested the proposed changes in writing, and B. Ganem requested a copy of the plan displayed for the Commission's discussion. Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to allow the proposed modification to the construction sequence for DEP#169-1011

for the Sjoberg property on Chicopee Row.

Mr. Dillis also asked if the Commission would be willing to forego the plantings required for 34 (Lot 1) Kemp St. because the stockade fence already serves as a barrier. Upon a motion by C. Auman, seconded by N. Madden, it was

VOTED: to require the applicant to follow the Order of Conditions for DEP#169-1003 for 34 Kemp St.

8:15 p.m. – Appointment David Hamilton/Requests for Certificates of Compliance for Rivercourt

No one was present to represent the applicant.

8:30 p.m. – Request for Determination of Applicability GELD 21 Station Ave. practice house burn and demolition

Kevin Kelly, Manager of the Groton Electric Light Department, explained the owner was planning to remove pipes from the property, and GELD expects to close on the property either Wednesday or Thursday. Samples of possible sources of asbestos have been taken at the property. Haybales are proposed around the perimeter of the lawn area as soon as Fire Chief Joe Bosselait gets permitting in place. If he receives permission to conduct a practice burn, he would remove the garage first. C. Auman explained the haybales are to separate the work area from the wetland resource area. D. Pitkin said he understood there are strict rules for burning structures, but he questioned whether lead paint could be a problem. Mr. Kelly said none was identified. The demolition delay bylaw was triggered by the age of the buildings but the office building is constructed of cinder blocks on concrete. There may be an opportunity to make use of the facility elsewhere. K. Kelly clarified that this filing was only for the demolition of 21 Station Avenue.

C. Auman questioned the permitting process for the Fire Department. It was noted the asbestos inspection results must be in before the demolition permit is issued by the Building Commissioner. The site is on Town sewer. M. Giguere asked about the potential for lead to be dispersed. B. Neacy pointed out these questions were not raised in the demolition of the NEFF cottage. He thought other permits take care of hazardous materials such as mercury or lead which are not in our purview. These items are addressed by reference in that we mention they must be disposed of in compliance with Federal and state laws.

D. Pitkin asked if a burn will definitely happen as those requirements mandate a more stringent investigation of hazardous materials. The foundation is fieldstone, and it is generally customary to just fill it in, but things may be different in this case because a new building is proposed. Chief Bosselait arrived and said the inspections are done by DEP, and he was not aware they ever had questions about lead. The contents of the garage have already been removed. DEP will not authorize a practice burn until the inspections are completed. Upon a motion by B. Neacy, seconded by M. Giguere, it was

VOTED: to issue a negative #3 Determination in which the applicant shall assure all utilities are shut off; 2) shall install haybales as shown on the plan and this will represent the limit of work; 3) shall remove any hazardous materials from the garage prior to the scheduling of the

burn; 4) is responsible for obtaining a demolition permit; 5) shall dispose of refuse and hazardous materials in compliance with state and Federal laws; and 6) shall level off foundation excavation.

8:45 p.m. – Appointment Todd Lobo/Academy Hill wetland crossing

Larry Beals was present in place of Todd Lobo. Mr. Beals explained he had met with B. Ganem and several other staff members to go over the highway work, guard rails, and increasing the size of the culvert under Townsend Rd. Because the soils are variable at the Academy Hill site, there appears to be a disconnect between what is shown on the plan and what is on the ground. Placing the culvert at grade is supposed to continue the flow from one side to another. The inlet elevation was proposed to be 274' at the culvert inlet, but this does not match the grade. He maintained the actual grade is 273.6' going to 268.9' at the outlet. He indicated the original plan was done photogrammetrically, and these measurements can be off by as much as 2 ft.± which is fully within the standards. He acknowledged there is a 6" – 8" disconnect between the grade and stream continuity. He also was aware of the pooling occurring on the upstream side of the culvert.

Distributing a new drawing to members, the grade meets at the lip of the inlet, and grading will be necessary at the outlet. N. Madden commented the width of the culvert does not match the width of the stream above it. Water flow would tend to sheet through the culvert and scour the downstream side. She said it is not clear that the new plan restores connectivity or maintains stream flow properties. L. Beals stated a small watershed contributes to the culvert. He has never actually seen water flowing in the stream, but it is likely to gather flow during a storm event, and the flow is negligible. He stated the culvert is at the design pitch. Mr. Beals said the work would be done in the spring and read the plan notes which indicated planting would also occur in the spring.

N. Madden asked the elevation of the wetland on the upstream side, and Mr. Beals indicated it went from 310' to 304'. The surface area which is proposed to be filled is about 20 ft. x 30 ft. or 600 – 700 SF. A topsoil substrate would replicate the ground surface and bring up the grade. Ms. Madden asked if fill calculations could be provided to the Commission. D. Pitkin questioned the elevation of utilities through the culvert, and Mr. Beal said the water line would have to be at a 5-ft. depth, but he did not know the other elevations. This is a proposal to re-grade and fill. The current condition of the upstream side of the culvert is that it is functioning as the forebay of a detention basin.

Chairman Easom gave Mr. Beals a copy of a field report from Bill Maher of Nitsch Engineering, dated December 16, 2010. Mr. Maher estimates the outlet was 20" – 30" above grade. The Order of Conditions also required the culvert have an open bottom. B. Neacy thought it was sand, not concrete, but the lip of the inlet is at least 10" above the grade. It appears that this lip is part of the retaining wall. Mr. Easom asked what is proposed to correct the situation and questioned whether some of the footing could be cut away. Mr. Neacy said he did not know how far down the concrete goes, but he felt amphibians could transit the culvert better without the lip, stone, and sand. He informed Mr. Beals he is looking for options for remediation.

C. Auman and M. Giguere both questioned the adequacy of the culvert for wildlife passage. M. Giguere pointed out the span area already interferes with water flow. The area under the roadway

is supposed to be wetland, and currently, it isn't. The culvert is supposed to be 2 ft. by 5 ft. with an open bottom. The grades on the ground appear to be lower than what was shown on the plans, and the Commission is looking for a natural stream bed. The goal would be to return the site to original conditions without adding additional fill. Water is currently being dammed by the culvert and retaining wall, but it appears some may be seeping through the roadway itself. N. Madden questioned what will happen to the roadway over time. M. Giguere expressed concern the pool elevation would fill up and water would run off onto adjacent property.

C. Auman asked how soon work could be done to jack hammer and remove the lip. L. Beals said he would have to consult with the structural engineer who was not in his office. He concurred this might be the best solution. Members questioned the stockpile of materials between the wetland and the replication area and pointed out the replication area was to have been constructed before the end of October. In addition soils were not to have been stockpiled in this area and should be covered. Mr. Auman said the exposed soils were troubling to him. The owner/applicant should be familiar with the scenario given the experience on the south entrance to Academy Hill. N. Madden asked about the retaining wall and requested accurate plans showing the linear feet of the retaining wall as proposed and existing. D. Pitkin questioned whether stormwater drainage would prevent lowering the culvert. M. Giguere said he was in favor of restoring the stream bed to its original condition. He felt the plan was in error. N. Madden asked whether any ground truthing was done for the design of the wetland crossing. L. Beal said this is not the most significant wetland in terms of value. M. Giguere said he regarded this as an important wetland because now it has a long road cutting right through habitat, and there are few opportunities for critters to safely cross. The important factors to consider are providing some type of mitigation, crossing capabilities, and assurance that the functions of the wetland crossing are preserved.

B. Easom commented the mapping standard is inappropriate for this purpose, and the ± 2 ft. for the culvert crossing is a mismatch. He suggested the Commission see what they come back with. B. Neacy said they need to confirm whether the filling is less than 5000 SF lack and confirm whether the base of the box culvert is concrete. He felt the downhill outlet of crossing especially needs work. The sketch submitted tonight is based on aerial photos, but Mr. Neacy thought it might be necessary to remove some of the stone from the interior of the culvert. B. Easom urged Mr. Beals consider a way to make the elevation change be a consistent gradient between inlet and outlet. C. Auman stressed that the culvert should not present any barriers to movement. Approximately 16" to 18" of fill should be removed at the outlet, and the concrete piers reduced.

L. Beals maintained the plan is within the tolerances for which it was done. He never said the mapping standards are off. M. Giguere suggested it is a more difficult standard to meet the stream crossing guidelines called for in the Order of Conditions. The Commission is cutting some slack and is negotiating. The requirement is to get the crossing back to the original grade with natural bed material in place. N. Madden asked the purpose of the stone currently in the culvert, and Mr. Beals said it provides an anchor to the substrate. He suggested leaving some of it in place to armor the culvert interior. C. Auman expressed concern about the stone impeding movement, especially if it looks like riprap and we are not expecting fairly regular flows. The area of disturbance on the site as it is today appears to conflict with the Notice of Intent plan. A field survey was done for the wetland delineation, but not for the wetland crossing. Members

summarized their concerns as the potential for increased flow to abutters' land, soil stockpile, stabilization, replication area, linear feet of retaining wall, calculations to confirm total filling is less than 5,000 SF, and a natural substrate at the bottom of the culvert. Follow up discussions were scheduled for 7:45 p.m. on January 11, 2011.

In response to the interest of John Crow Farm (Varisco) in pasturing livestock at the Shattuck Baddacook Pond parcel, Commissioners expressed concern about poultry or pigs at the site.

B. Neacy reported the December 16th meeting with the Town Forest Committee went well. In discussing the Commission's concerns about the access to Ames Meadow, they were able to hammer out the parameters of a potential agreement. P. Morrison is working on a Memorandum of Understanding which will be brought to the Town Forest Committee on their next regular meeting date, the third Thursday of the month. The two neighbors are in favor of conveyance of the two sections of their parcels.

Regarding land management tasks, Roy MacGregor cut the lower fields of Surrenden Farm in October in accordance with the contract for this parcel. Recent revisions to the draft CR for the Shattuck 'Baddacook Fields' property to be held by Groton Conservation Trust must be reviewed by the Commission and submitted to the Division of Conservation Services. Roy MacGregor has submitted a bill for \$750 for brush hogging Baddacook Fields. In addition to their interest in pasturing livestock at Baddacook Fields, John Crow Farm is negotiating a lease/purchase of Hillbrook Farm, the APR property on Old Ayer Rd.

Bob Black has been asked to go ahead with the placement of 6 boulders (\$600) at the Redskin Trail Conservation Area. We are still awaiting authorization from Honeywell to use GPS to determine the preferred trail location for a trail access from Rt. 119 @ Arlington St. to the Nashua River Rail Trail.

The TABCOM (Groton Woods Camp) Conservation Restriction remains under review by Nicole Sicard at the Division of Conservation Services. M. Giguere and Gordon Newell have not yet had an opportunity to confer on the W. Groton Water District Conservation Restriction on the Blood parcel.

B. Easom and D. Pitkin have a few more locations to pinpoint with GPS in preparation for the development of the Angus & Gibbet Hill Stewardship Plan. Ginny Bennett has provided some figures on dead turtle counts in the vicinity of the intersection of Lost Lake Dr. and Rt. 40 to assist in the preparation of a turtle nesting habitat plan for the Fuccillo property. B. Easom will be reviewing a draft letter to R. Wilson Associates to request the correction of the recorded plan for the Fuccillo parcel.

B. Easom and M. Giguere expect to double check the basketball hoop that may be an encroachment from 55 Allens Trail onto the Allens Trail property. This is a step in the finalization of the CR Monitoring Report for this parcel.

Bennett Black has expressed concern about the outlet to his pond on Burntmeadow Rd. There have been instances where blockages actually raise the water level over the road, but the

