

GROTON CONSERVATION COMMISSION

Open Session Minutes

February 23, 2011

Vice Chairman David Pitkin 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 Nadia Madden were present. Bill Neacy arrived at 7:05 p.m., and members Bruce Easom and Peter Morrison were absent. Conservation Administrator Barbara Ganem was present.

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

VOTED: to approve the minutes of February 8, 2011 as drafted.

Members reviewed the draft comment memo to the Planning Board on the development of the Woodle property on Lost Lake/Knops Pond. C. Auman advised including wording from the Bylaw on the limit of work within 100 feet of wetlands and no disturbance within 50 feet. M. Giguere suggested the buffer zone be demarcated with the Commission's no-disturb signage. B. Ganem recommended calculations be prepared to determine whether some of the wetlands fall under the Isolated Land Subject to Flooding category. These comments will be forwarded to the Planning Board in time for their March 10th hearing.

The Community Preservation Committee is scheduled to hold the final hearings on March 1, and N. Madden volunteered to attend on behalf of the Commission's \$150,000 application. The Commission has previously authorized the Commission's representative to negotiate the actual amount.

Two articles are to be submitted for the April Town Meeting warrant: one is a housekeeping article to continue to authorize the revolving funds (but to increase the amount to \$25,000) and the other is to assign several tax title parcels to the care and custody of the Conservation Commission. These are parcels which were visited last year.

7:15 p.m. – Caruso/3 Champney St. Request for Determination of Applicability

Mr. Caruso said he originally came before the Commission with a Notice of Intent to construct an addition within the 100-foot buffer of wetlands. This was proposed because they wished to save two large trees in the front yard. The contractor informed them the trees would have to go regardless of the location of the addition and they were able to pull the addition forward out of the buffer. However, they wish to remove an existing garage which is in the buffer, and this filing is for the demolition. He explained it is their intention to have the garage demolished and then to replace it with grass. Upon a motion by C. Auman, seconded by B. Neacy, it was

VOTED: to issue a negative #3 Determination requiring that haybales be on site and the area re-seeded as weather permits.

In discussion on the forestry management project, the Commission has previously voted to proceed with a management plan for the Williams Barn Sorhaug Woods property. This is likely to cost between \$1400 and \$1600 and will be paid for upfront out of the revolving fund. The project will involve public outreach both to the Williams Barn Committee and to residents. M. Giguere questioned whether the Commission wished to consider also going forward with a joint cutting on the Farmers & Mechanics parcel and the Fairgrounds parcel managed by the Park Commission. This would help the Commission re-coup some of the anticipated expenses to carry out such activities as boundary demarcation, restoration of agricultural fields (including de-stumping), and control of invasive plants at Williams Barn. Mr. Giguere noted Michael Roberts of the Historical Commission had informed him they would share the information derived from the archaeological agricultural study.

As an example of a forestry management plan and a forestry cutting plan, Commissioners looked at the plans prepared for the Taisey property just south of the Farmers & Mechanics parcel. The management plan is more lengthy and detailed than the cutting plan which presents the amount and type of trees to be cut. The Commission would have to review both plans, but it was thought the cutting plan would be adequate for Farmers & Mechanics. Once Mr. Cyr marks the trees, we will have an idea of the value of the cutting. M. Giguere made a motion, seconded by C. Auman, to go forward with a forestry cutting plan. B. Neacy, seconded by C. Auman, made a motion to have a ceiling of \$500 which was approved unanimously. Returning to the main motion, it was

VOTED: to authorize B. Ganem to contact Bay State Forestry and request the preparation of a forestry cutting plan for Farmers & Mechanics with a limit of \$500.

7:30 p.m. – Cloyd/2 Loomis Lane Request for Determination of Applicability

Homeowner Kenneth Cloyd explained he wished to clean up a mess in his backyard that included old appliances, tires, and bedsprings. Then he added a couple of loads of gravel. He said he was aware that the Determination was good for three years and thus included a proposed 30 ft. x 30 ft. addition. He summed up the work that has already occurred as a cleanup that included landscaping.

Member Giguere pointed out filling occurred within 100 feet of Martins Pond Brook. Mr. Cloyd estimated three 1-ton truckloads of gravel were added. He plans to construct the 30 ft. x 30 ft. addition, which is to include a couple of bedrooms, on a slab as there is high groundwater. He would like to move the furnace out of his cellar because it regularly floods. His plan is to start this work over the next couple of years. He reported his neighbor, Jay Rider, has said the area was formerly a pond when he was a child. The filled-in area would become lawn.

There are two large pines Mr. Cloyd proposes to take down. One has a bittersweet infestation, and C. Auman cautioned this could kill the tree. Mr. Cloyd said he likes the woods and the brook and does not plan a wholesale removal of trees. C. Auman stated the Riverfront Area is very important habitat for wildlife, and the Commission wishes to work with him in maintaining it. He read from the Wetland Regulations at 310 CMR 10.58 on the value of the Riverfront Area. Member Auman pointed out the Commission can't assure that these values are protected if we do not learn about it before the activity takes place. He noted it is important that this area be

naturally vegetated with native trees and shrubs. Mr. Cloyd reported he has seen 60 snapping turtle hatchlings emerge from his yard.

Members Madden and Pitkin asked if this represents all the work proposed for the next three years. Mr. Cloyd said “yes” and estimated the distance from the stream to the proposed addition varies between 60 ft. and 70 ft. B. Neacy questioned why it took so long for Mr. Cloyd to respond to the Commission’s requests to file, and K. Cloyd acknowledged he had been a little negligent as he was working out of town most weeks. The Enforcement Order was issued with a \$50/day fine in effect as of January 4, 2011. This accrued to January 7th, the date on which Mr. Cloyd picked up the form, to \$150. Mr. Neacy pointed out Mr. Cloyd had had more than sufficient time to respond. Mr. Cloyd admitted he had not put haybales in place yet. He agreed to get the bales and filter fabric. B. Neacy said the Commission does not want to see any gravel wash into the stream.

Commissioners asked if the two trees were an immediate issue, and K. Cloyd said the large white pine tends to drop branches frequently. Members said this could be a natural process, not necessarily a sign it is dead. In addition to the three truckloads of fill, he estimated he had moved approximately 15 yards of material from the back of his lot down slope. C. Auman indicated the Commission is likely to issue a positive Determination that will call for the restoration of the Riverfront Area, including the removal of invasives and planting of trees and shrubs, as well as address the tree removal. The addition should also be part of a Notice of Intent filing. Some of the work is after-the-fact, while other components are proposed.

C. Auman made a motion, seconded by M. Giguere, to issue a positive #3 and #5 Determination. Members discussed the timeline for submittal of the Notice of Intent, debating whether 30 or 60 days was appropriate. M. Giguere mentioned an engineered plan gives exact dimensions, elevations, and grading. D. Pitkin urged Mr. Cloyd not to do any work in the resource until the appropriate documents are submitted. Mr. Cloyd said this work may depend on what an engineer costs. Members expressed concern that the work be done fairly soon. Commissioners advised him to work with B. Ganem to develop a plan that includes plantings. B. Neacy stressed that it is important to get the haybales in place as soon as possible. He questioned what the consequences would be if the applicant did not submit a plan in 45 days. Would fining continue if we temporarily hold it in abeyance? B. Neacy offered an amendment to the original motion, seconded by M. Giguere, to require the filing submittal within 45 days. The amendment passed unanimously, and returning to the original motion, it was

VOTED: to issue a positive #3 and #5 Determination in which the applicant is required to file within 45 days.

Upon a motion by B. Neacy, seconded by M. Giguere, it was

VOTED: to suspend all but \$150 of the fine; however, if the applicant fails to file within 45 days, the full amount plus any further accumulation will accrue to the applicant.

7:45 p.m. Appointment Robert Collins – Myette 120 Boston Road

Mr. Collins and Surveyor Stan Dillis were present. Mr. Collins said it is the owner's intent not to change the amount of impervious surfacing on the lot, but they are thinking about ways to deal with the surface runoff from the impermeable surfaces and the water that sheets off the hill above Mr. Myette. He mentioned the Groton High Department installed a swale and culvert on the Myette property. It is likely the site will be raised several feet, and they are contemplating a combination detention basin/rain garden along the property boundary with the Hurd Conservation Area. He was wondering whether the Commission would sign as a co-applicant or as the owner of the property. He explained the entire site is within the Riverfront Area.

R. Collins noted B. Easom had previously brought up the idea of the trails cut into the Hurd parcel pouring water onto the Myette property. That water is currently untreated, and Mr. Collins maintained this would be an opportunity for improvement. While acknowledging there is no compelling rush, he questioned whether the Commission wished to be a party to a filing before itself. Members stated they have previously acted on wetlands filings on conservation lands, but it is necessary for the Commission to see the actual plan before making comments.

Since the project falls within the qualifying period for the Permit Extension Act, upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to send a letter to Mr. Collins acknowledging DEP#169-754 for Lot B32 Forest Drive falls within the Permit Extension Act, but recommending a re-inspection of the erosion controls.

In discussion on land management tasks, members requested a letter be sent to Gordon Newell pointing out the conservation restriction on the Blood parcel was a condition of their permit. The Groton Conservation Trust has made several additional comments on the Conservation Restriction for the Shattuck Baddacook Pond parcel in light of the proposed livestock pasturing at the site. Members reviewed the deeds and plans for Lawrence Woods and questioned whether New England Forestry Foundation might be a better match if forestry activities are allowed there. This would not be a no to the Groton Conservation Trust's inquiry about holding the Conservation Restriction. Other items on the tickle list remain the same.

B. Ganem reported Eagle Scout Jon Tiedeman has asked if there are any building projects for on conservation areas which the Commission would like to see implemented. He plans to check out the area where stairs are needed to access Groton Hills off Kaileys Way to see whether that project would qualify for an Eagle Scout project. Other possibilities include signs for the Fuccillo property (which may be re-named the Clements Conservation Area), the Shattuck-Baddacook Pond property, and eventually the Baddacook Pond NEFF property. Footbridges may be required for Surrenden Farm.

C. Auman, M. Giguere, and B. Ganem attended the Master Plan Goals Workshop on February 12th. Mr. Auman reported the group reviewed and revised some of the 45 goals that were developed by committees working on the various elements of the Master Plan. The final exercise was to have participants identify their top three priorities among the goals. The top 'vote-getter' was to "ensure that Groton's wildlife habitat, greenways, waterways, agricultural, forested and recreation open spaces are protected, enhanced, and expanded for present and future

generations.” He added that the results of the Commission’s upcoming community survey are likely to reflect a different perspective as it will be distributed more broadly. He did feel, however, that town officials were generally supportive of the Commission’s goals as people are concerned about their wells and about flooding. He also pointed out the Commission makes well thought out decisions and spends its money wisely.

To follow up on the request for a Certificate of Compliance for River Court Assisted Living (DEP#169-668), Commissioners previously voted to hire a consultant to do a peer review. Nitsch Associates has prepared a proposal, and upon a motion by B. Neacy, seconded by C. Auman, it was

VOTED to accept the proposal for \$2000 for a peer review of the River Court file and request for a Certificate of Compliance from Nitsch Engineering Associates.

Town Counsel Shirin Everett has worked with Ray Lyons to prepare a deed for the purchase of the NEFF Baddacook Pond parcel. The deed recognizes reciprocal obligations for which both the Town and NEFF are responsible on easements crossing their respective lands. Upon a motion by M. Giguere, seconded by B. Neacy, it was

VOTED: to accept the wording of the deed as prepared by Town Counsel and sign off on the acceptance.

The vote was unanimous.

Upon a motion by M. Giguere, seconded by N. Madden, and a roll call vote of B. Neacy, M. Giguere, C. Auman, N. Madden, and D. Pitkin, it was

VOTED: to enter Executive Session for the purpose of discussing a land purchase, not to return to Open Session at adjournment.

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 3/8/11.

