

## GROTON CONSERVATION COMMISSION

### Minutes

March 8, 2011

Clerk Nadia Madden called the meeting to order at 7:00 p.m. in the 2<sup>nd</sup> floor conference room in Town Hall. Members Craig Auman, Peter Morrison, and Bill Neacy were also present. Member Marshall Giguere arrived at 7:20 p.m. Members Bruce Easom, Peter Morrison, and David Pitkin were absent. Conservation Administrator Barbara Ganem was present.

Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to approve the Open Session minutes of February 23, 2011 as drafted.

Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to approve the Executive Session minutes of February 23, 2011 as drafted.

The Commission reviewed a preliminary concept plan for the former Kilbridge property at 134 Main St. B. Neacy expressed concerns about units 8 through 11 which are proposed within the 100-foot buffer zone. P. Morrison pointed out the area may be considered previously disturbed since it is lawn, and the wetland line may change once the Commission reviews the delineation. M. Giguere mentioned this is not proposed as a Ch. 40B project so the Wetlands Bylaw is in effect. Mitigation measures under consideration include the control of invasives or a conservation restriction on the municipally owned Brownloaf property. N. Madden said she would have to visit the property to understand what the concept plan entails. In general, the Commission would prefer not to see structures within the 100-foot buffer zone.

Resident Patsy Nelson has volunteered to head up a garlic mustard pull; she feels she would get greater response if the Commission would consider sponsoring the event. Members mentioned we could certainly help get an article in the newspaper and suggested a meeting with Ms. Nelson to work out how this could best be coordinated.

The open space community survey went out with GELD's electric bills at the end of February, and the surveys are already coming in. Land Use Assistant Dawn Dunbar has tabulated some of the surveys, and C. Auman offered to assist with the tabulation process.

The Fairgrounds property on Jenkins Rd. has been the subject of controversy lately with discussion on whether the Parks Commission could consider soccer or lacrosse fields there or whether it should be reserved for equestrian events. It is managed by the Parks Commission, but the chief users seem to be groups from out of town.

#### 7:15 p.m. – Appointment Trails Committee

Trails Committee Chairman Joachim Preiss, and members Paul Funch, Alan Taylor, Ed Bretschneider, and David Minott were present. Mr. Preiss commented the Jenkins Rd. question is

not really a Conservation Commission issue, but Bruce Easom has been quite active in trying to resolve the question of public access. There have been several meetings with the Board of Selectmen to move the issue forward.

(M. Giguere arrived at 7:20 p.m.)

The Trails Committee considers Jenkins Rd. an important connection which was still in use until it was closed by abutter Alan Friedrich in the mid-1990s. The trail continues to Fitch's Bridge. N. Madden said she felt awkward about proceeding without B. Easom present. A survey has recently been completed from town-owned land which found the boundaries as identified on the deed. Town Counsel was asked for an interpretation, and he indicated town officials on town business could use the access, but nobody else has rights. The problem is the legal interpretation of the document. P. Funch questioned whether the Town owns the right of passage in fee. One of the difficulties in pursuing the matter is that legal fees are likely to run \$30,000 - \$40,000.

J. Preiss pointed out there are other difficulties on trails with encroachment issues and residents mowing land they don't actually own. He worried it would set a dangerous precedent, but members advised that residents cannot take over public property through adverse possession. Members expressed an interest in reaching a final resolution on the Jenkins Rd. matter, but understood there needs to be money to proceed to get it through the Land Court. Town Meeting voted to discontinue the road in the 1800's, but there is no record that it was in fact discontinued. There seems to be no negotiating room with Mr. Friedrich who actually used Jenkins Rd. as frontage when he built his home. Upon a motion by B. Neacy, seconded by P. Morrison, it was

VOTED: to authorize B. Ganem to send a letter to the Board of Selectmen summarizing the Commission's discussion on Jenkins Rd.

M. Giguere explained the Surrenden Farm Resource Management Plan was sent out last August, and members of the ad hoc committee were given four weeks in which to respond with any changes or comments. The landscape context map will need some corrections, but otherwise the document has been finalized and will be posted on the Commission's home page. Trail Committee members asked if there is a management plan for the Town Forest, and it was noted nothing has been prepared other than their forestry plan.

J. Preiss noted Shirley Rd. was graded last year and, although it has not been plowed during the winter, there is a graded section suitable for parking. The Trails Committee has not done any trail maintenance yet. There are seasonally wet areas and a brook crossing on the Nashua River, and the Commission has previously walked the site with members of the Trails Committee. Several options were discussed, such as stepping stones, boardwalks, and bridges; Commissioners recommended a Request for Determination of Applicability be filed for work near a wetland.

(B. Neacy left at 7:45 p.m. to attend a joint meeting between the Finance Committee and the Community Preservation Committee.)

P. Funch asked if a wooden bridge would be appropriate or is there a better way to make the crossing. He also questioned whether it must be adequate for equestrian traffic. The Trails

Committee generally prefers to identify which trails are suitable for particular uses. It was noted that the Conservation Commission minutes of May 12, 2009 recommended the filing of a Request for Determination of Applicability and plans. One suggestion was to re-route the trail into dryer, upland areas rather than cross wetlands. J. Preiss felt the surrounding area drains through the trail, and it would help to dig out the adjacent ditch and direct water off the trail. Commissioners pointed out the whole area is wetlands. The deep ditch that separates Zone I and Zone II has been the site where hikers are adding logs and 2' x 6' lumber to temporarily bridge the area. There are no marked trails within Zone I where the ditch is located, and P. Funch pointed out this is the type of behavior the Trails Committee worries about when there are no designated trails. He indicated this is a natural consequence of what Pat Huckery has required.

N. Madden asked if they couldn't use signage indicating the trail is closed. People are allowed to walk in Zone I, but there are to be no marked trails. Members suggested photographs be taken if this continues to be a problem, but technically the 'improvements' should be removed.

Member D. Pitkin is working to be put together a management plan for the trails on Gibbet & Angus Hills. The plan would then be reviewed by the two owners, the Commission, and the Trails Committee. One of the difficulties is the wetland crossing that is inadequate for equestrians. B. Easom designed a 40 ft. bridge crossing estimated to cost \$20,000. There may be an opportunity to apply for a grant. P. Morrison suggested taking a look at some of the new trail bridges on the Wharton Plantation. Rocks have been added over time to the Gibbet Hill wetland to provide dry footing, but these are hazardous for horseback riders. P. Funch questioned whether it might be tidier to install a culvert with sidewalls, and Commissioners pointed out this would be disturbing a large area of wetlands which would then need to be replicated. Mr. Funch acknowledged this would require an engineering design and analysis to present to the Commission.

Members commented this is a typical wet seep on the side of a drumlin hill. It is likely to weep unpredictably. N. Madden said the Commission would have to consider changes in flow and how it affects the wetland there. J. Preiss mentioned people are altering the trail by throwing logs in and someone dug a trench across the wetland itself. Trail Committee member David Minott questioned the quality of the wetland itself, and P. Morrison said this depends on the functions associated with the particular wetland which can include such interests as biodiversity, water filtration, and stormwater control. He emphasized that diverting water affects other parts of the wetland, and there are various attributes of each wetland that make it unique.

M. Giguere noted it is the Commission's intention to minimize and mitigate impacts to wetlands, but there is usually a need to preserve flow. Parking for users was proposed near the pillars on Rt. 40, and this has proved to be a very wet area. Mr. Preiss said it is hoped the trail can be moved 50 ft. closer to Rt. 40 where the elevation is about 1 ft. higher than the wet area. The owner, Steve Webber, has no objection to re-routing the trail in this area. The fencing is within the conservation-restricted area and would be left as is. It is understood Mr. Webber would incur no liability as no fee is charged to use the trails. The trail may be partially located in the Rt. 40 right-of-way. D. Pitkin will be talking with the owners about how this is to be resolved as part of the Trail Stewardship Plan.

The Commission has previously rejected a 3-bridge trail design for a loop on the Sampas property. Mr. Funch asked whether a single trail from the Housing Authority land on Nashua Rd. to the Sampas parcel could be considered. M. Giguere pointed out there are several concerns to be addressed, including the presence of rare species, vernal pools, and wetland crossings, and these may preclude the presence of trails. Mr. Preiss questioned whether the donor had specific intentions for the property. P. Funch stressed there is some significance to access this area by foot from Nashua Rd. to Longley Rd. and the Rail Trail. There is not likely to be a large number of walkers. N. Madden questioned whether bikers would be attracted with the access to the Rail Trail.

Member Giguere reiterated his concern about the stream and amount of wetlands on the site. Signage could be added specifying no bikes or horses, but the fact the trail would be located within Estimated Habitat requires more scrutiny. J. Preiss worried that activities on unprotected land are also difficult to police. This parcel does not have an easy access. P. Funch said he is a strong advocate of trails, but is not in favor of putting trails through sensitive areas. If we have designated trails, it keeps people from straying into sensitive areas however. J. Preiss said it all depends on one's philosophy of trails, but this site would definitely require a bridge and re-routing to discourage people from going off trail. N. Madden expressed a preference for seeing the site before making a decision, especially if it is particularly rich in species. B. Ganem mentioned the Housing Authority continues to work through the process to develop their Nashua Rd. property, and we may very well end up with a through connection once the plans are completed.

Trails Committee members also noted there are problems with the Bridge St. crossing of Cow Pond Brook. This appears to be a discontinued Town road which was dammed by beavers, and steel supports were subsequently washed downstream during a storm. The Groton Conservation Trust and New England Forestry Foundation own property on either side of the crossing, and the question is who owns the crossing and who can help with the repair. Tom Delaney of the Highway Department has tried to clean up the area, but the level of repair is significant this time.

Another issue that concerns the Trails Committee is the use of motorized vehicles on conservation lands. The signs which were ordered do not show snowmobiles, but they are considered motorized vehicles. Snowmobiles are allowed on the Cronin property, and motorized vehicles are permitted on Fox Run, Integrity Way, and Lawrence Park. The use of snowmobiles seems to require written permission from the owner. B. Ganem mentioned the Conservation Commission home page on the Town's website lists the rules for each of the conservation areas. P. Morrison pointed out snowmobiles do not touch the land so the disturbance level is less than for ATVs.

J. Preiss mentioned snowmobilers on Brooks Orchard cut trees and left beer cans, and other trail users do not bring litter with them. N. Madden said she has noticed the use of off-road recreational vehicles is a problem on Old County Rd. and the turtle nesting areas behind Academy Hill. C. Auman read from an excerpt from the state regulations for use of recreational vehicles which prohibits operation within 150 ft. of an occupied residence without the owner's permission. In addition, no person shall operate a recreational vehicle on the property of another without permission of the owner of such property which is the case with the Town Forest. The

vehicle also needs to be registered in Massachusetts. Technically, there should be no need to have a sign forbidding the use of recreational vehicles. J Preiss pointed out the use of snowmobiles can contribute odors and obscure cross country ski tracks. Commissioners suggested submitting a joint press release to the newspaper at the beginning of the snow season next year.

(B. Neacy returned at 8:45 p.m.)

The Trails Committee has developed a list of strategic trail corridors for recreation for the transportation section of the Master Plan. J. Preiss indicated this would be an opportunity to approach landowners and ask them to consider granting trail easements. A draft map with the recommendations of the Trails Committee was prepared by the Master Plan consultants, a copy of which was given to the Trails Committee for comments and feedback. Conservation Commissioners thanked the members of the Trails Committee for coming in to present their concerns and for all the work they do on conservation land. It was suggested that quarterly meetings might be helpful to coordinate efforts between the Commission and Trails Committee.

8:00 p.m. – 213 Whiley Rd. Request for Determination of Applicability continuation

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

VOTED: to continue the meeting on the Determination for 213 Whiley Rd. to March 22, 2011.

B. Ganem reported that tree cutting was underway on the Sjoberg lot on Chicopee Row, and they have installed the sub-grade driveway entrance to allow access by logging equipment. B. Neacy said he spoke with Chris Shattuck about the width of a mid-size mower and was given the figure 12 ft. rather than 10 ft. He is still awaiting feedback from the Town Forest Committee about the draft agreement for an access to Ames Meadow.

Several items on the land management tickle list must await B. Easom's return. Capstone has submitted a check for \$2000 for the peer review of the River Court Assisted Living DEP#169-668 request for a Certificate of Compliance. The contract with Nitsch Engineering will be signed so the review can commence. The closing for the NEFF Baddacook Pond parcel took place on March 3<sup>rd</sup>, and the next step is the preparation of a base line documentation that includes mapping and assessment of property lines to qualify for state LAND reimbursement.

Mr. Neacy expressed concern about how the meeting had gone with the Finance Committee about the Commission's CPC application for this year. He said they seemed to be saying there was not enough money to cover all of the applications this year, and he worried that the article would not even be considered at the upcoming Town Meeting. Although the level of the Conservation Fund was \$803,000 in December, it is anticipated the level will go down to \$406,000 when the NEFF Baddacook land purchase is completed, and then rise to \$642,000 when the state reimbursement comes in.

Unless the Conservation Fund is replenished, one purchase could put us out of business for the year. P. Morrison reminded members that the main reason the Commission supported the Community Preservation Act was the opportunity to fund the Conservation Fund. C. Auman felt

that the Surrenden Farm bond is what is hurting us as the Finance Committee is looking at that annual bond payment. After discussion and upon a motion by B. Neacy, seconded by P. Morrison, it was

VOTED: to propose a warrant article requesting \$150,000 for the Conservation Fund.

B. Ganem said she was under the impression the warrant had already closed so the article may not be accepted.

There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Barbara V. Ganem  
 Conservation Administrator

**Approved as drafted 3/22/11.**

EXHIBITS

Document	Source	Date
Minutes – Open Session	Conservation Commission	2/23/11
Minutes – Executive Session	Conservation Commission	2/23/11
Kilbridge 134 Main St. Concept Plan	Maugel Architects, Inc. Harvard, MA	3/4/11
Minutes	Conservation Commission	5/12/99
Gibbet & Angus Hills Conservation Restriction folder	Conservation Commission	On record 12/31/02
Request for Determination of Applicability	Aubuchon/213 Whiley Rd.	Filed 8/11/10