

GROTON CONSERVATION COMMISSION

Minutes

June 28, 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, Bruce Easom, and Marshall Giguere were also present. Peter Morrison arrived at 7:20 p.m. Nadia Madden and Bill Neacy were absent. Conservation Administrator Barbara Ganem was present.

7:00 p.m. Appointment Lisa Wiesner and Jean Nordin Evans/community garden at O'Neill Way
Ms. Nordin Evans submitted a proposal for the Nashua River Neighborhood Garden Project with a conceptual site plan for the use of the O'Neill Way Conservation Area prepared by Lisa Wiesner. She explained Ms. Wiesner, a garden designer, would present her plan later. The goal is to make it an exemplary neighborhood garden and to build community while trying to be sustainable and provide local food security.

While there are several CSAs (Community Supported Agriculture) in Groton, L. Wiesner pointed out there are no community gardens in Groton. She felt that with good husbandry, the system could support itself indefinitely. She envisioned a pond, with a clay liner, surrounded by naturalistic plantings. This would enrich biological diversity and perhaps be stocked with fish.

M. Giguere said this is an interesting plan and asked how the group will sustain itself financially. The presenters indicated they planned to seek non-profit status which could make them eligible for public funding as a 501 C(3). This is a 10 - 20 year conceptual plan which can be changed by the people who bring it to fruition. The plan would include scavenged or donated materials to construct the shed. They will research the use of black locust for fencing. Parking could be provided about 10 ft. in from the sidewalk on Rt. 119. Naturalistic plantings would be planted closest to the intermittent brook, and existing walking/riding trails would be maintained.

Member Auman asked about the maintenance of the remainder of area. He would like to see the 100'ft. buffer zone maintained as a buffer with no insect control or fertilizers. Ms. Wiesner indicated they would be happy to concur. He also asked how they would prevent the area from being all disturbed and then given up because of lack of interest or time. Ms. Nordin Evans said there are three immediate neighbors who have an interest in participating. Residents living in close by condominiums have also expressed an interest. There is a need to have a core group established before the project starts. Ms. Wiesner indicated they would need between 12 - 20 families. Different components are envisioned, including an 80 ft. x 80 ft. grow crop area, a kitchen garden, cold frames, and animal husbandry. Their goal is to develop a consensus-based plan that will establish plot deadlines and when it is appropriate to build the shed. Both Ms. Wiesner and Ms. Nordin Evans indicated this could be a beautiful example of a garden, and they would be actively involved as they are both residents in Town.

Members asked whether they would carry liability insurance. Ms. Wiesner said they would focus on soil testing, and not growing anything this year at all. B. Easom asked if they had talked to

other towns about the concept. The Commission expressed concerns about publicly owned land excluding the public and asked how the proponents would keep people from coming in to pick their crops. This can become an issue when public land is used for private purposes. Ms. Wiesner stated "It would be a public garden operated by a non-profit organization on a first come, first serve basis." She indicated it may be necessary to have a waiting list if there is an enthusiastic response. She said that is why they wish to present the proposal to the Conservation Commission as their understanding is that the Town can allow licensing for up to a 5-year period with extensions possible.

(Member Peter Morrison arrived at 7:20 p.m.)

L. Wiesner stressed that this was not to be a private endeavor. They want to look at other towns which are supportive of agricultural activities. She thought the land capacity could hold 20 families maximum. D. Pitkin agreed more research is needed with other towns, as well as working with a 501 c(3) organization. Ms. Wiesner indicated this is an opportunity to explore the potential for sharing gardens and being creative and collaborative. P. Morrison said he was supportive of the idea, but would like more details about the management. He was not particularly in favor of the Conservation Commission running a garden.

M. Giguere mentioned that public conservation land is held to a very high standard as to how other uses may be allowed. Closing off public access could be problematic. The mechanics and terms and conditions may mean going to the 'Request for Proposals' process. It is another matter where we should see how other towns handle this. L. Wiesner understood the Commission would consider long term viability for over 5 years. Commissioners in general liked the idea of having the day-to-day management out of their hands, but have questions about the structure of that management. Members felt that soil testing could be done in the interim. J. Nordin Evans said she understood the importance of management as she has done that as part of her work. She also noted that Groton Local had a very viable farm going at the Bigelow property until the loss of their strong leader. One person will not make a difference under this management plan. P. Morrison observed that the Town of Concord has gardens across from the Court House. A garden manager who also can present an educational slant should be considered. Ms. Nordin Walker and Ms. Wiesner concluded their presentation at 7:40 p.m.

Park Commission Chairman Don Black and member Laurie Smigelski were present to discuss the revision of the Action Plan for the Open Space & Recreation Plan update. Under the category "Objectives 1) Promote the preservation of groundwater resources", those present thought the ad hoc committee studying the sewerage of the Lost Lake/Knops Pond area had completed their study and made a presentation to the Board of Selectmen. In addition, the Water Department has been successful in acquiring additional land to protect the anticipated Unkety Brook well. Mr. Black said the Nod Rd. landfill is under the jurisdiction of the Park Commission but he is not aware of any current plans for the site. The remaining items would continue to fall under on-going efforts.

For the category "Objectives 2) Improve and maintain surface water quality", signage about clearing weeds from boats and trailers has been added at both Lost Lake/Knops Pond and

Baddacook Pond, but no washes have been installed. Minor editing corrections were made to this section.

Under “Objectives 3) Preserve lands that support agricultural uses”, members agreed to eliminate the action of continuing to support funding of Conservation Fund to acquire open space & agricultural land. The chief mechanism for adding funds to the Conservation Fund is now through the Community Preservation Act. Those present noted that the right-of-first-refusal procedure under Ch. 61 has been exercised by the Town and also was once assigned to the Groton Conservation Trust. Residents participating in the Ch. 61 program can fail to renew their application in which case they are subject to pay a portion of accrued back taxes. Changes to the remaining objectives were minor in nature. The revisions will be conveyed to Angela Insinger, the consultant working on the preparation of the updated *Open Space & Recreation Plan*.

8:00 p.m. Lot B-22A Paugus Trail Notice of Intent

Attorney Bob Collins explained that two frontage lots and two hammerheads were originally planned to be accessed via a driveway through the resource area. They were able to change the lot lines to move the driveway out of the resource area. Noting that Mr. Lacombe has donated over 250 acres of land for conservation purposes, B. Collins commented the septic systems were updated and the house sites marginally tweaked. This is really a compromise solution that is infinitely better than it would have been had the lots been developed 25 years ago when the subdivision was originally approved. He maintained this was not a resource area under the wetland laws at that time although it is now classified as Isolated Land Subject to Flooding (ILSF) under the Bylaw. The roadway and utilities have been in place for almost 20 years. The subdivision is still under development, but it has been done in a very sensitive manner under the category of flexible development. Mr. Collins pointed out one could walk from this site over to Rt. 40 on public land which creates a very important link of permanently protected land. Mr. Lacombe has donated hundreds of acres of land to the Town for conservation purposes.

Member Auman said, notwithstanding the foregoing, it seems to be possible to move the house out of the buffer zone altogether. If the septic design is moved further to the front of the lot, the house could be flipped, moving everything out of the buffer zone. Mr. Collins expressed concern about moving the house into the front yard of the neighboring house. He thought this would cause greater disruption to the site. Engineer George Dimakarakos of Stamski & McNary maintained that the volume of the ILSF was around 8,000 cubic feet when the state Wetlands Protection Act set a minimum size of 10,000 cubic feet. The first observable break in the slope and change in vegetation is quite apparent in the field. B. Ganem questioned whether the watershed for the ILSF was taken into consideration along with the saturated conditions, and Mr. Dimakarakos admitted he did not prepare those calculations. He asserted this was a subtle point in the Regulations, and he felt 8,000 cubic feet was very conservative.

D. Pitkin indicated he too was interested in seeing the house out of the buffer zone. Mr. Collins said this is the most problematic of the Groton Woods lots and the reason for the re-design of the lots was to keep up with current Regulations. M. Giguere said he would like to see some tweaking, perhaps flip the house or squeeze things toward Paugus. B. Ganem asked about a common driveway to service Lots B-22A and B-23A and flipping the garage and driveway out of the buffer zone. Mr. Dimakarakos said there are more challenging soils there. They were

looking for an easier route and to move construction out of the buffer zone. He pointed out there is less impervious surfacing with the current design. The engineer explained they had hit ledge with the septic test holes, and the percolation rate was 21 minutes/inch. He maintained the ILSF did not fall under the Wetlands Act and could have been filled and replicated at the time, and this constituted a hardship for his client. In addition the ILSF has no 100 ft. buffer zone under the Act.

M. Giguere agreed this was an improvement over the original design, but added he would like to see the structures out of the buffer zone. P. Morrison observed that, at the time the Bylaw was adopted, the Commission verbally agreed its standards would not affect existing approved subdivisions. This plan is clearly better than what was originally proposed, and he liked the compromise. He felt it was approvable since we did not want to cause harm to pre-existing approved subdivisions. He saw a conservation value in not having a driveway through the resource area.

C. Auman agreed with Mr. Morrison's statement about the timing of the Bylaw approval. The Commission had approved the existing subdivision prior to implementation of the Bylaw, and he appreciated Mr. Lacombe's gift of conservation land. B. Easom asked if it was possible to put everything outside of the buffer zone to make the plan better. Mr. Collins pointed out it would require clear cutting in which case the buffer between the houses would be lost. Mr. Easom said he was looking for value in terms of the resource area. B. Collins maintained the vegetated buffer improves the resource area.

C. Auman acknowledged there is nothing specific in the Bylaw about previously approved existing subdivisions. He commented there is a paragraph about public interest and environmentally sensitive areas in particular, §215-5 C of the Bylaw, which was applicable: "The Conservation Commission may grant an order of conditions for projects within wetland resource areas if it determines that the granting of such an order of conditions will result in a significant public or environmental benefit and that, because of the characteristics of the land, the proposed alterations, and/or proposed mitigation measures, the interests of this chapter will be maintained." Mr. Auman urged members to look at the bigger picture in this case. He thought it likely there were no more subdivisions which could be classified as approved prior to the implementation of the Bylaw. Upon a motion by P. Morrison, seconded by C. Auman, it was

VOTED: to close the hearing for Lot B-22A Paugus Trail.

8:15 p.m. Lot B-25A Paugus Trail Request for Determination of Applicability

Mr. Collins explained this was a de minimus situation in which service lines were already installed within the roadway and then would be carried up the driveway rather than through the resource area as originally proposed. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination requiring conservation markers ("Town of Groton No Disturbance Beyond This Point") to be placed around the 100-ft. buffer zone.

8:30 p.m. 30 Joy Lane Request for Request for Determination of Applicability

Attorney Collins explained there had been a fire at Sheerin House on the Groton School campus and while they were restoring the house they would like to reconfigure the driveway. Existing pavement will be replaced but the driveway will be straighter and the amount of impervious surfacing will be reduced. He commented the drain the Commission observed on Saturday carried roof runoff from a downspout. The house is on the Groton School community sewer. There is no plan to extend the area of disturbance. C. Auman questioned whether they would consider having infiltration trenches on the wetland side of the driveway as this would offer an improvement to what is there. B. Easom added this could be a 6 in. deep swale filled with gravel. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination in which the applicant is required to consider placing an infiltration trench on the wetland side of driveway.

8:45 p.m. 58 Old Lantern Lane Request for Determination of Applicability

Attorney Collins stated his clients have recently filed for a new septic system and well and discovered they also needed to improve the foundation. The work would occur within the existing perimeter of the structure and would be done with a small bobcat and possibly a loader and shovel. They may find it necessary to replace the cottage. Existing erosion control measures would be left in place. All the work would occur within the exact same footprint. He noted the Order of Conditions is still open so this could be added as an amendment. Member Morrison pointed out the Commission has required a Notice of Intent for much less work, and he would be more comfortable with a new Notice of Intent. C. Auman said he would like to see a construction sequence and plan which represent no changes in the footprint. Members suggested an amendment is for minor deviations which will have less impact on the resource area. Mr. Collins explained the project has expanded over time, starting with the need for a septic system which became linked to a new well. Now they need specialized treatment for the well water. D. Pitkin did not feel this work fell under a minor change nor that an amendment was appropriate. A plan should address recharge structures, foundation details, and be an engineered drawing. Mr. Collins decided to withdraw the Request for Determination of Applicability.

9:00 p.m. - 338 Lost Lake Dr. Notice of Intent DEP#169-1059

Surveyor Stan Dillis said the existing septic system appears to be located under the garage; it will be pumped and filled with sand and gravel. The Board of Health has approved the new septic system plan and well. One pine tree will be removed and Natural Heritage has recently weighed in on the project, stating it falls within an exemption. There will be a 4 to 1 slope to Lost Lake/Knops Pond. There being no further questions from the audience, upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the hearing for DEP#169-1059 for 338 Lost Lake Dr.

9:15 p.m. 2 Loomis Lane Notice of Intent continuation

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

VOTED: to continue the hearing for 2 Loomis Lane to July 12, 2011.

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

VOTED: to approve the minutes of June 14, 2011 as drafted.

Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to approve the minutes of June 21, 2011 as amended.

P. Morrison abstained from the vote.

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

VOTED: to issue the Order of Conditions under the Wetlands Protection Act for DEP#169-1058 for 19 Baby Beach Rd. as drafted.

Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue the Order of Conditions under the Wetlands Protection Bylaw for DEP#169-1058 for 19 Baby Beach Rd. as drafted.

Commissioners briefly discussed a letter from Nitsch Engineering dated June 24, 2011 relative to the revised plans prepared for the Academy Hill wetland stream crossing. There has been a response from Todd Lobo of Beals Associates, but it is unlikely the matter will be resolved until there is a satisfactory plan for the box culvert.

Mr. Collins has conveyed the original, with original signature pages, TABCOM Conservation Restriction to the Division of Conservation Services. Hopefully, this will move this long-pending project forward.

D. Pitkin and B. Easom continue to work on finalizing the Stewardship Plan for Angus and Gibbet Hills. The Baddacook Pond II Baseline Documentation and Land Management Plan was mailed to Boston today. The final figures are \$382,355 total with legal fees of \$5740 and the survey costing \$7600. The anticipated reimbursement is \$229,413 or 60% of the total. B. Easom estimated that 40% of the Community Preservation funds allocated to the Conservation Fund originated from the state as well. (*Certain legal fees were disallowed, so the reimbursable amount of the project is \$379,368.50 with the state's share \$227,621.10.*) Other outstanding land management issues include following up on the Fuccillo plan metes and bounds and finalizing the NEFF Allens Trail Conservation Restriction Monitoring Plan.

B. Ganem will follow up on the status of the B&M railroad easement with the Selectmen. M. Giguere asked about the status of the filing for 583 Lowell Rd., and B. Ganem responded they had 60 days from the date of the last letter.

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

Respectfully submitted,

Barbara V. Ganem
 Conservation Administrator

Approved as amended 7/12/11.

EXHIBITS

Document	Source	Date
Conservation Commission Meeting Agenda (memo)	Lisa Wiesner & Jean Nordin Evans	6/28/11
Plan – Proposal for Community Garden on O’Neill Way Conservation Land	Lisa Wiesner	6/28/11
DEP#169-1058	Yvette Bigelow/19 Baby Beach Road	Filed 5/10/11
Five Year Action Plan Update	<i>Open Space & Recreation Plan 2011-2012</i> revision	2/11/10
Notice of Intent – under the Wetlands Protection Bylaw	Lot B-22A Paugus Trail/Groton Woods	Filed 6/10/11
Request for Determination of Applicability	Groton School/30 Joy Lane	Filed 6/13/11
Request for Determination of Applicability	Robert Lacombe/Lot B025A Paugus Trail	Filed 6/10/11
Request for Determination of Applicability	58 Old Lantern Lane/Boles	Filed 6/13/11 (withdrawn w/no action)
Notice of Intent DEP#169-1059	338 Lost Lake Dr./Keefe	Filed 6/13/11
DEP#169-1058	19 Baby Beach Rd./Bigelow	Filed 5/10/11
Minutes	Conservation Commission	6/14/11
Minutes	Conservation Commission	6/21/11
Letter to Planning Board on Academy Hill Subdivision Cherry Tree Lane – Box Culvert	Nitsch Engineering/Timothy McGivern and John Schmid	6/24/11