

GROTON CONSERVATION COMMISSION

Minutes

July 12, 2011

Chairman Nadia Madden called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Craig Auman, Bruce Easom, Marshall Giguere, and David Pitkin were present. Peter Morrison arrived at 7:01 p.m. Bill Neacy arrived at 7:02 p.m. Conservation Administrator Barbara Ganem was also present.

In discussion on the minutes of June 28, 2011 M. Giguere noted there was no mention of Robert Lacombe's donation of several hundred acres of land. With this modification, upon a motion by D. Pitkin, seconded by C. Auman, it was

VOTED: to approve the minutes of June 28, 2011 as amended.

(P. Morrison arrived at 7:01 p.m.)

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

VOTED: to issue an Order of Conditions under the Wetlands Protection Act for DEP#169-1059 for 338 Lost Lake Dr.

(B. Neacy arrived at 7:02 p.m.)

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

VOTED: to issue an Order of Conditions, as amended, under the Wetlands Protection Bylaw for DEP#169-1059 for 338 Lost Lake Dr.

P. Morrison commented that Mr. Lacombe had been more than generous in his donations of land to the Town, beyond the level of extraction for permitting purposes. B. Ganem mentioned these donations were not recognized by the IRS as donations because they were part of getting a permit. Mr. Morrison expressed concerns that the draft Order was far lengthier than the usual Bylaw conditions. Conservation Administrator B. Ganem explained that the boilerplate conditions under both the Act and the Bylaw were combined because the filing was only under the Bylaw. There is no buffer under the Act for an Isolated Land Subject to Flooding but many of the boilerplate conditions still apply. Members reviewed individual conditions and modified the draft, and upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to approve the draft Order of Conditions for Groton Bylaw #2011-1 for Lot B-22A Paugus Trail as amended.

The motion passed by a majority vote; P. Morrison voted in the negative.

7:30 p.m. – Mavilia/21 Redskin Trail Request for Determination of Applicability

Resident Michael Mavilia explained he owns waterfront property and would like to cut out a 2 ft. x 10 ft. notch from the cement retaining wall that supports his parking area. He plans to construct a ramp from the cutout area to get down to the beach. He said, at one time, he had a lawn in this area but now feels sand would be appropriate. Mr. Mavilia estimated the ramp would extend about 8 ft. from the retaining wall toward the water and be constructed of heavy crushed stone to dissipate the water. He could use hosta plants at the back of the beach retaining wall to stop erosion. In addition, he plans to add a stockade fence approximately 42 ft. long on the Marranzini side of his property. Another fence will be added to divide the parking area.

M. Giguere asked how much sand will be added, and Mr. Mavilia estimated it would be about 20 yards or two truckloads. He thought the area was about 42 ft. by 20 ft. and would have sand approximately 3 in. deep. C. Auman stressed that no sand should get into the lake. Mr. Mavilia said the beach could use some sand, and C. Auman repeated there should be no filling of the lake. B. Easom asked about the structural integrity of the wall once it has been cut, and M. Mavilia said he had built it and didn't anticipate any problem although he could not recall whether it had rebar. Mr. Easom suggested using washed sand to avoid introducing salt into the area.

Member Pitkin asked why he would need to get equipment down there if there is no lawn. Mr. Mavilia responded "there's still grass to cut around the picnic table". D. Pitkin urged there be a buffer between this work and the water and recommended consulting a native plant list. For the new fencing M. Mavilia said he was not using cement for the post holes for the fence, and these would be hand dug. He would spread the sand and make the ramp using a bobcat.

Commissioners recommended the applicant seek a dock permit. Upon a motion by C. Auman, seconded by D. Pitkin, it was

VOTED: to issue a negative #3 Determination with the following conditions: added sand shall be no deeper than 2 -3 inches, 2) grass shall remain as a permanent buffer to the wetland (Lost Lake/Knops Pond) in the area of the picnic table, 3) plantings at the edge of the beach area shall be native, 4) only washed sand should be used on the site, 5) applicant shall seek, in a timely fashion, appropriate permitting for an existing dock, and 6) silt fencing shall represent the limit of disturbance.

7:45 p.m. – Stone/49 Old Ayer Road Notice of Intent

Homeowner Robert Stone and engineer Dan Wolfe of Ross Associates were present. Mr. Wolfe stated a stream runs north to south across the property, and the wetlands have been flagged. The wetlands were disturbed by a piece of equipment which became stuck, but has since been removed. The original condition was a cart path crossing the stream with a small wooden bridge to uplands at the back of the parcel. Fencing is to be brought back into place to the original condition.

Member Morrison commented this is a very unique situation, hopefully the first and last we will ever see. D. Wolfe said what needs to happen is to repair a large area of disturbance by collecting materials around the perimeter of the ponds and then grading it out. There are hydric soils as well

as upland soils there. D. Wolfe said we are approaching the best time of the year to do the work, but noted the stream is not draining as fast as normal. There may be a back-up downstream or some other off site problem such as fallen trees or active beavers. There is a small gradient in the landscape.

M. Giguere said he understood the intention is to grade back to the original grade. Mr. Stone indicated it is his intention to cultivate blueberries there rather than grapes as he originally intended. A blueberry crop could start producing in early August and continue into September. There are machines which can make predator sounds to deter pests. Member Giguere said he would like to see plantings for wildlife, including blueberries and viburnums. R. Stone said this is a way to put his property to its highest and best use. Mr. Giguere pointed out it is a resource area, and the Commission likes to limit the amount of disturbance to wildlife habitat. Mr. Stone said his horses spent a limited amount of time on the pasture, and the field was not viable for hay.

Member Auman commented this is an opportunity for control of invasives and to leave the wetland resource area in better shape than it was before the accident. Invasive plants tend to grow best in disturbed soils. Mr. Stone said he anticipates limited activities in the wetlands and buffer zone as it will not be a pick-your-own operation. Mrs. Stone is likely to do whatever cultivation is necessary and then take the blueberries to the Farmers Market. Mr. Stone estimated it was a 7 – 10 day project, but would be done incrementally starting with the soft materials on the high parts and then working his way down. Mr. Stone adjusted his final estimate to a 3 - 4 week project with 3 - 4 days of actual work with weather playing a significant role. B. Easom suggested he look into a beetle release to help control the invasive loosestrife. Mr. Stone indicated that Japanese bamboo tends to be persistent on the side of the cart path. D. Pitkin asked if the filter socks were biodegradable. Mr. Wolfe indicated displaced soils will be moved around on sites, and they do not plan to bring materials in. Accessibility would be a problem. If the area never dries out enough this year, B. Stone said he will work to stabilize pathway as he proceeds, filling some of the ruts when the water is way down. The work could definitely be impacted by weather.

B. Neacy questioned how debris from the barn will be handled, and Mr. Wolfe indicated the manure pile has been moved outside the buffer zone. When asked about a manure management plan, Mr. Stone said he has a manure spreader. He usually lets it compost for 2 years and then adds it to the paddock and a riding ring in the uplands at the back of the property. The manure decomposes pretty rapidly. The plan is to move it out of the buffer zone and continue to compost and spread it. He noted his wife makes “manure tea” for agricultural purposes. There will be a net positive in keeping horses out of the lower pasture in the future. Mr. Neacy expressed concern about having this high nutrient sauce so close to the resource area, but could see the value in foregoing pasturing. There being no further questions, upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to close the hearing for DEP#169-1060 for 49 Old Ayer Rd.

8:00 p.m. – Appointment Robert Collins – Partridgeberry Conservation Restriction

Attorney Collins said he has helped the Taisey family for the past 25 years. It was the wish of the late Mrs. Taisey to preserve the area next to the Nashua River which the family has continued to own. The Commission holds a Conservation Restriction on the property. Mr. Collins felt it was important to have this land in the public domain and, although there are trail easements, it is private property. It was one of the first protected pieces of the Nashua River greenway. He said the Taiseys would like to sell it at a vastly reduced price before they take it much further. Mr. Collins stressed that the property really deserves to be in the ownership of the Town of Groton. The Conservation Commission owns property to the north (Farmers & Mechanics), and the Groton Conservation Trust has Lawrence Woods to the south. Zoning issues required the gift of a permanent Conservation Restriction, but he felt the Town could legally hold the property. B. Easom suggested he talk to Marion Stoddart. M. Giguere commented a forestry cutting has been done recently. The Conservation Restriction does not prevent subdivision of the land among 16 property owners to extend their properties back to the River. Commissioners agreed to walk the site before making a recommendation.

8:15 p.m. – Alexander/59 Baddacook Pond Road Request for Determination of Applicability

David and Lucy Alexander said they were the owners of this former summer camp. The property has previously been rented, and it is now their intention to rehabilitate the house to make it their retirement home. Member Morrison disclosed he lives across from the Alexanders on Burntmeadow Rd. but has no financial interest in this endeavor.

The Alexanders stated they would use the same foundation footprint and did not intend to remove any vegetation. The unpaved driveway will be left as it is, and roof runoff will be handled with downspouts. An excavator will be used to demolish the house, filling dump trucks with the debris to be moved off site. Haybales and silt fencing were drawn in on the plan, and members explained there should be no disturbances beyond that point. No bedrooms are being added, and Mr. Alexander indicated the Health Agent has given his approval. The builder, Bob Donell, said he did not anticipate much activity other than pickup trucks and lumber deliveries.

The FEMA flood map shows about one-third of the existing house within the 100-year floodplain. The renovation would not change that fact. There is a dry well within the paved area to the north of the house, and there will continue to be a garage under with the new design and renovations. P. Morrison said he did not see this rising to the level of a Notice of Intent as there is no net change. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination in which 1) the existing foundation footprint shall remain the same, 2) siltation control measures shall be placed according to the submitted plan, and there shall be no disturbances beyond the silt fence, 3) the driveway shall remain unpaved, and 4) no retaining wall, driveway, or deck shall be changed from current conditions.

8:30 p.m. – Cremin/52 Redskin Trail Request for Determination of Applicability

The landowner was unable to attend the meeting, but the Commission agreed the meeting could proceed. The project involves the removal of one oak tree in front of Mr. Cremin's house. Upon a motion by D. Pitkin, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination in which no debris should enter the lake

and de-stumping is prohibited.

8:45 p.m. – Cloyd/2 Loomis Lane Notice of Intent

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

VOTED: to continue the hearing to July 26, 2010.

8:45 p.m. – Appointment Ray Lyons – DeFreitas easement/47 Boathouse Road

Attorney Lyons explained this would provide public access to Lost Lake/Knops Pond, and he was here to request the Commission's acceptance of the trail easement which was approved by the Board of Selectmen last night. C. Auman questioned the practicality of the easement. Mr. Lyons said his client, Mr. DeFreitas, purchased land from the abutter. He pointed out this access is much more accessible than the old one which ran through the middle of Mr. DeFreitas' house. B. Easom asked about having a monument marking one of the sides of the 10-foot trail easement. R. Lyons said this gift is a way to resolve a lawsuit that has been litigated for a number of years. He said the easement starts exactly 4 feet from the shed. The rickety stairs at the site actually belong to the abutting neighbor. Commissioners expressed reservations about the value of the trail easement especially if it is difficult to find and use.

Mr. Lyons said the lawsuit involved the Town and an abutter. A paper street went through the house, but was marked as a public way on the original maps for the Lost Lake development. This is a way to resolve the issue. The language in the trail easement is similar to others the Commission has accepted, and Town Counsel has reviewed it. R. Lyons indicated this method of resolution could serve as a template for resolving similar issues at the lake in the future. It does provide public access to the lake. A surveyed plan has been prepared by Stan Dillis. Upon a motion by P. Morrison, seconded by B. Neacy, it was

VOTED: to accept and sign the trail easement on Boathouse Rd. on land owned by Philip DeFreitas of 47 Boathouse Rd.

The motion passed by majority vote, with B. Neacy and B. Easom voting in opposition.

9:00 p.m. – Appointment Peter Cunningham

Selectman Cunningham was present to discuss the proposed B+M trail easement in W. Groton to cross the former Adamovich land now owned by Chris Shattuck. B. Easom reported Commissioners visited the site this past Saturday. A stone bound and two headwalls in the field are not identified on the survey plan prepared by Cornerstone Land Consultants, Inc. Members also asked if it would be possible to overlap the Town of Groton land approximately 50 ft. to allow for improved pedestrian access. There is concern that not having these features on the plan will hamper future identification of the trail easement. If the surveyor can identify where these points are on the plan, it would make it more useable. B. Easom noted the trail easement itself is really not usable until a bridge can be built. N. Madden asked if the easement language gives us the right to build a bridge. P. Cunningham did not think Mr. Shattuck would allow us to move the trail easement to the cart path to avoid a trail crossing at the outlets under the abandoned railroad. Photographs of the culverts were shown to Mr. Cunningham. D. Pitkin said he was not sure it is usable trail until we have a bridge.

N. Madden asked how negotiations are going, and Mr. Cunningham said we have tentative wording for an easement agreement and an engineered plan showing the location of the easement. P. Morrison felt the matter has gone on way too long, and he didn't think it appropriate to move the trail at this time after we had agreed on a previous plan. He said we basically appointed the Board of Selectmen to negotiate for us as a result of the Town's right of first refusal. P. Cunningham said the railroad missed part of the notification process, and this easement is a gift from the Shattucks. B. Neacy felt it was generous as he thought the lawyer blew it. B. Easom pointed out the Town of Groton did everything it was supposed to do. P. Cunningham acknowledged the court decision was very convoluted, and there was a question of whether the railroad made proper notifications which resulted in a protracted court process. B. Neacy said this concerns matters in the past, and added "It's time to put it behind and move forward." C. Auman commented this may be the reason the Shattucks have been generous. Members noted this input is based on a site visit. Mr. Cunningham maintained the goal to provide trail access is met by the proposed agreement. M. Giguere agreed it was a great idea, but he had concerns about the practicality and size of the wetland crossing where the trail easement is currently proposed. He pointed out users are going to take the path of least resistance and the Shattuck cart path crossing the stream will have a strong potential for friction in the future. Mr. Cunningham said he would follow up with Mr. Shattuck, and B. Ganem offered to accompany him in the field to review the areas where the Commission has concerns. Chairman Madden thanked Selectman Cunningham for coming in and taking input from Commissioners.

Based on a site visit to 836 Lowell Rd. where an upgraded sewage disposal system has been installed, and upon a motion by P. Morrison, seconded by B. Neacy, it was

VOTED: to issue a Certificate of Compliance for 836 Lowell Rd., DEP#169-1054 contingent upon the removal of the silt fencing.

Much of 34 Kemp St. has been recently hydroseeded, but it is likely the new owners will keep it well watered. The builder has added gravel to the retaining wall, and the revised as-built plan shows the location of the conservation markers. Upon a motion by D. Pitkin, seconded by B. Easom, it was

VOTED: to issue a Certificate of Compliance for 34 Kemp St., DEP#169-1003.

B. Ganem reported there was a staff meeting today with developer Bruce Wheeler, Larry Beals and Todd Lobo of Beals Associates, John Schmid and Tim McGivern of Nitsch Engineering, and Peter Ogren of Hayes Engineering on Phase II of the Academy Hill subdivision. Their revised wetland crossing plan is to lower the culvert bottom 18 in. rather than the 12 in. originally proposed. This bring the invert to the natural grade, but the outlet remains higher than the natural grade by about 1.5 ft. Once the revised plans are submitted, a peer review will be arranged.

Under land management tasks, B. Ganem said the detention basin at the end of Hawtree Way is actually located on the Hawtree Way Conservation Area but has been used in the past as horse pasture. With new owners, the area now has invisible fencing. The new owners want to know if the Town is going to maintain it. It would have to be up to the Commission because we have the

brush mower, a piece of equipment which the Highway Department does not have. The new owners do not have a lawn mower that would handle this. Members suggested including it on the next site walk.

Paul Funch of the Trails Committee relayed concerns about the partially collapsed culvert carrying Hawtree Brook at the Sawtell Conservation Area. In addition, an abutter is dumping yard waste. Commissioners requested B. Ganem contact Tom Delaney about this repair. A letter can go out to abutters requesting their cooperation in keeping the area clean.

Commissioners agreed to visit the access to Longley II next to 45 Drumlin Hill Rd. where a resident is mowing grass and has an invisible fencing sign apparently to deter walkers. Another site would be the access, on Orion Way, to Batten Woods where the bark mulch trail has been overtaken by grass.

The abutter to the Hidden Valley access to Groton Woods at 77 Hidden Valley Rd. continues to mow, fertilize, and herbicide the adjacent trail. He has had repeated warnings, an on-site hearing to discuss the Commission's continuing concerns, and a letter telling him to cease. Members requested a letter be sent threatening fines unless he complies.

The Forestry Cutting Plan for the Farmers & Mechanics parcel is going to be submitted tomorrow by Baystate Forestry. Letters will go out to abutters informing them that a forestry project will take place in the coming year. This seems like a good time to schedule a public site walk through the property as the trees have been marked. Members asked that the Parks Commission and Tom Orcutt be notified of the walk.

The Division of Conservation Services has the original TABCOM (Groton Woods Camp) Conservation Restriction and, hopefully, this will be ready to go on record shortly. B. Easom and D. Pitkin continue to work on finalizing the Angus & Gibbet Hill Stewardship Plan which is to be approved by the Town, owners, and DEM, now the Division of Conservation and Recreation.

B. Easom plans to review the Fuccillo plan metes and bounds and prepare a draft document to the surveyor R. Wilson to request a correction in the recorded plan. B. Easom and M. Giguere hope to finalize the Conservation Monitoring Report on Allens Trail.

There being no further business, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as amended 8/26/11.

