

GROTON CONSERVATION COMMISSION

Minutes

May 22, 2012

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, Peter Morrison, and David Pitkin were present. Bill Neacy arrived at 7:11 p.m., and M. Giguere was absent. Conservation Administrator Barbara Ganem was also present.

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

VOTED: to approve the Open Session minutes of the May 8, 2012 meeting.

The vote was unanimous.

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

VOTED: to approve the Executive Session minutes of the May 8, 2012 meeting.

The vote was unanimous.

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

VOTED: to issue a Certificate of Compliance for DEP#169-1074 for 16 Ridgewood Ave.

The vote was unanimous.

In discussion on the removal from Ch. 61 tax classification of 7 acres of the Gilson property off Dale Lane, B. Easom reported he had had an email from Ed McNierney asking what time this was on the agenda for tonight's meeting. He noted the Town has 120 days in which to respond to the certified letter from Ms. Gilson's attorney and thought the vote could be postponed until we have this scheduled at a specific time on the agenda. P. Morrison suggested making a recommendation to the Selectmen this evening as they will be the ones who make the final decision. Mr. Easom said he would like to hear from the public before making a decision. Upon a motion by B. Easom, seconded by D. Pitkin, it was

VOTED: to schedule a timed appointment on June 12th for consideration of the removal of 7 acres of the Gilson property on Dale Lane from Ch. 61 tax classification.

The motion passed with C. Auman, B. Easom, and D. Pitkin voting in favor and P. Morrison and N. Madden voting in the negative.

B. Ganem reported there remain outstanding items with regard to the construction of the replication area for the north entrance to Academy Hill. A hole was dug adjacent to the detention

basin, but the sizing of the replication area has never been confirmed. No planting has been done as yet. Members agreed to delay further discussion due to an impending appointment.

(B. Neacy arrived at 7:11 p.m.)

7:15 p.m. – Appointment – Lisa Wiesner/Community gardening at O’Neill Way Conservation Area

Chairman Madden asked Ms. Wiesner to summarize her written plans for agricultural use of this parcel. L. Wiesner explained she had developed a 5-year plan for the management of the property and was meeting with the Commission to get final approval to go forward. The purpose of the endeavor is to grow food and allow residents to learn about gardening, art, and music. The intent is to develop an integrated system on this 2-acre parcel, and she indicated she was open to the Commission’s input and advice. To get started, the field would be mowed, leaving a 100 ft. buffer and providing a small path for access to a 120 ft. by 120 ft. garden area. They would use sheet mulch and a no till method that could involve a cover crop such as pumpkins. Invasives such as multiflora and honeysuckle would be removed and dead or dying trees harvested for safety reasons. The cutting in and preparing of the plot would also involve composting. She suggested having an arbor or pergola to provide shade for the gardeners. There is a large willow in decline which may need to be removed. She would like to have a sign visible from Rt. 119 so travelers could identify the spot. Ms. Wiesner anticipates some grading will be necessary for a parking area and information kiosk. At the end of the growing season, they would plan a dinner to celebrate and invite others to learn about the property.

D. Pitkin recalled the Commission had discussed setting up a 501(c)(3) at the Commission’s last meeting with L. Wiesner, as well as putting the parcel out to bid for farming proposals. Ms. Wiesner said she was in discussion with Groton Local and Three River Arts, who would be fiscally responsible for this endeavor, and was set to convey something that could go out to bid. The farming proposal would then be subject to a license with the Commission. Ms. Wiesner felt that Commissioners were very supportive of the ideas that were presented at the first meeting, and it is her intent to implement those ideas. She explained she would like to get started on the work as soon as possible but things are becoming more difficult to manage as the season progresses.

Members pointing out that adding structures makes the process more complicated, and the Commission would have to have a progressive conversation to move forward such on such items as permanent or temporary structures vs. those requiring a foundation.

N. Madden pointed out this is an ambitious plan whose scope may need to be adjusted. She felt this type of community garden would be an asset. She questioned whether the 100-ft. buffer zone could impact some of what is proposed and asked Ms. Wiesner to take a look at the wetlands line in relation to her plan.

B. Neacy was supportive of the plan which he felt reflects Groton’s agricultural heritage and could be a showcase for sustainable activities and provide an opportunity for community interaction. P. Morrison also was in support of the plan and thought it could be a win-win for all

parties. He did not feel that the buffer zone should be a limiting factor for agricultural activities. A shed or pergola did not represent permanent structures in his opinion.

C. Auman expressed concern about involving the abutters. Ms. Wiesner indicated they had canvassed the entire neighborhood, and the greatest concern was about parking at Groton Residential Gardens. She felt that the neighbors were generally supportive. Jean Nordin Evans, a resident on O'Neill Way, confirmed there were informal discussions with the neighbors, and they know what is going to happen. They would certainly share the plans for the first year and invite them to a meeting. Giving residents in the condominium units at Groton Residential Gardens an opportunity to garden is conceptually a great idea.

Member Easom mentioned the Commission does have a process that was instituted to implement agricultural activities on conservation lands. This involves a license of up to 5 years which can be renewed. Commissioners understand there is some risk for farmers who invest time, work, and money. Mr. Easom asked if Ms. Wiesner has had an opportunity to talk with other towns to see how they handle this. Article 97 protects the public's interest in open space, and the Commission cannot give away rights to the land. P. Morrison pointed out the short term of a license could alienate most farmers as they wish to see a return on their investment. Members also considered gardening as a passive recreational activity, but worried about taking away rights of the public for access. B. Easom said this appears to be open to only members of an organization, and there are a limited number of plots.

L. Wiesner indicated they would maintain a waiting list of applicants, and the garden plots would be open to anyone. The town of Concord has a certain number of plots that become available each year while returning gardeners can retain the same plot if they wish. If there is outstanding demand for a plot this idea could spread to other parts of town. B. Easom said there are pros and cons to going against the opinion of Town Counsel, and he was uncertain whether this project meets this standard. Upon a motion by P. Morrison, seconded by B. Neacy, it was

VOTED: to advertise for agricultural proposals for the use of the O'Neill Way Conservation Area with a due date for the bids of June 12, 2012.

The vote was unanimous.

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

VOTED: since time is of the essence, Ms. Wiesner is allowed, at her own risk, to maintain the field, which should be mowed every other year, and to commence the preparation of a 120 ft. by 120 ft. garden with soil amendments. No further activities, such as structures, are permitted at this time.

All were in favor of the motion.

D. Pitkin asked for clarification on the buffer and whether this matters. A letter will go out to Ms. Wiesner clarifying the expectations, and an advertisement will appear in the newspaper

outlining the requirements for the bid such as mowing the field, cleaning up dead trees, and maintenance tasks.

7:45 p.m. – Request for Determination of Applicability – Goudey/50A Pleasant St.

Homeowner Bebe Goudey explained they were new owners of the two-family house and required additional storage space. The proposed shed is within the 100-ft. buffer zone of seasonal wetlands that showed up on the town's GIS mapping. They anticipate installing a 4 – 6 in. deep crushed stone pad under the shed. There will be no excavation other than the removal of topsoil. The Building Department does not require a foundation and their concerns about setbacks have been resolved. There will be a 1 ft. high retaining wall just beyond the perimeter of the stone pad on the side of the wetland. Upon a motion by C. Auman, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination providing a crushed stone pad is installed and that roof runoff is directed into the stone.

8:00 p.m. – Request for Determination of Applicability – Ferguson/7 Baby Beach Rd.

Resident Joey Ferguson stated he wished to install a 12 ft. by 8 ft. shed between the lake side retaining wall and the second terrace. The RDA also includes an existing dock and boathouse for which he needs Commission approval before seeking a Ch. 91 license.

Member Auman asked if there will be any removal of materials, and Mr. Ferguson indicated it would be done by hand using a shovel and bucket. He said the roof of the shed will not extend beyond the retaining wall. B. Easom asked if the shed is closer than 15 ft. to the property line, and Mr. Ferguson said it meets the code for the lake area. Mr. Ferguson reported a building permit is necessary for any shed you can walk into. Mr. Easom asked if the deck was installed correctly as it appears to extend 2 ft. out over the lake. J. Ferguson replied that it was constructed as a separate matter, and he had to remove a portion of the boathouse to accommodate the deck. B. Ganem confirmed that the Order of Conditions for the second story of the house and deck included a condition that the deck not extend over the lake.

N. Madden asked how roof recharge will be handled, and Mr. Ferguson responded there will be stone drainage behind the wall. He asked about the advertisement for the Ch. 91 license, and B. Ganem advised checking the instructions for filing. Crushed stone can be installed around the perimeter of the building to recharge roof runoff, and Mr. Ferguson said there will be three perforated pipes behind the retaining wall. Roof gutters are another option to handle roof runoff. B. Ganem read the boilerplate dock conditions for the existing dock. Upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to issue a negative #3 Determination providing a crushed stone pad shall be installed around the perimeter of the shed or gutters, directed into a recharge structure, shall be installed, as well as compliance with the standard dock conditions.

B. Easom expressed concerns about the fact the deck extends about 2 ft. over the lake. He felt the Commission should address this issue. P. Morrison said he did not have clarity on what needs to be done. B. Neacy questioned whether the Commission should track the plans and photographs and make a more measured response. B. Neacy made a motion, seconded by P. Morrison, to

withdraw the earlier motion. P. Morrison, B. Neacy, and N. Madden voted against, C. Auman abstained, and D. Pitkin and B. Easom voted in favor. The motion failed. B. Easom said "I'm asking you to propose a remedy" to Mr. Ferguson who said his builder required this to accommodate the design of the structure. B. Neacy suggested reviewing what has happened.

8:15 p.m. - Appointment Andrew Davis

Mr. Davis explained he was a direct abutter across the street from the Sargisson Beach area. He has read the regulations for the use of the property and feels they are not being followed by users. He did not know whether this was an enforcement issue or a lack of awareness on the part of users. In addition, he urged the Commission to consider off season uses of the site. The parking restrictions on Whiley Rd. are not being enforced. Sometimes there are 5 or more cars along the street despite the 'No Parking' signs. The gate is currently locked, and the primary users at this time of year are fishermen. The ground outside the entrance to Sargisson Beach is heavily compacted by the parking of cars. Litter is a problem, and the current user group deposits beer cans and liquor bottles. The shed has been damaged and apparently broken into. Some of the trails are experiencing erosion, especially the area where the grills are located. Mr. Davis also pointed out portions of the retaining wall have collapsed.

A. Davis said he was certainly willing to pick up trash and help with cleaning up the property and wanted to learn from the Commission the best way to address this. Better signage and enforcement would be helpful. It may be possible to move the boulders further out on the shoulder to prevent parking. Mr. Davis also noted there is public inebriation. He suggested providing an alternative to parking on the shoulder as this is a safety issue. Members agreed to address a letter to the Police Chief requesting assistance such as enforcement on the parking and illegal drinking issues and to assess appropriate signage.

D. Pitkin asked if he would prefer seeing the gate open for more extensive time periods. B. Neacy did not feel it would be a problem asking the police to enforce no parking from dusk to dawn. Member Pitkin noted this has been a party area for kids for years. Commissioners questioned whether the police would be willing to open and close the gate. We could also explore with the police whether the gate should just always be left open and whether the boulders should be moved. There is a secondary gate to prevent vehicles from going right down to the beach area. Members asked Mr. Davis if he was willing to act as a steward for the area, and Mr. David agreed to do so.

The replication area at Academy Hill remains an issue. The north wetland crossing has been in for two years with the proposed replication area dug out but the size never verified nor plantings done. The square footage of the replication area should be at least 2,204 SF, not including the sides. Members noted the turtle fence has been damaged by falling trees, and they should be reminded about clearing out construction trash throughout the site. Morrison asked if the homeowner association will become responsible for complying with the Order of Conditions if the developer fails to do so. The fact that the developer is not in compliance was highlighted in two Enforcement Orders. If the conditions are cited, including proof of adequate sizing and location of the replication area, the Commission can consider signing off on additional Building Permit Applications. A letter will be sent to the developer recommending the steps necessary to meet the Order of Conditions such as a construction sequence and stamped plans for the

adequate sizing and location of the replication area the replication area. D. Pitkin asked how much of the wetlands were filled and whether the calculated square footage has increased from the original plan. The Bylaw calls for three to one replication but also spells out that the sides do not count toward the square footage.

Members agreed to postpone discussion on the Memorandum of Understanding with the Williams Barn Committee until M. Giguere is present.

The proposed charge for the Wetlands Protection Bylaw Advisory Committee will be considered by the Selectmen at their meeting on June 4th. B. Neacy protested this is politically driven, and Peter Cunningham has already written a warrant article. He opined the questions totally revolve around the GELD decision, and there is a potential for the Bylaw to be repealed and not be replaced. C. Auman said he would be surprised if the Selectmen do not re-appoint current members if the people are qualified. P. Morrison recalled an incident in which the Commission unanimously voted against nominating an individual to the Commission, and the Selectmen chose to appoint him. Members thought there had perhaps been three denials in the past 11 years. B. Easom nominated B. Neacy, seconded by P. Morrison, to serve as the Commission's representative on the Advisory Committee. B. Easom, P. Morrison, and D. Pitkin voted in favor. B. Neacy indicated he felt the representative should be elected unanimously and withdrew his name from consideration. C. Auman said he had talked to M. Giguere, and he had agreed to serve on the Advisory Committee if nominated. C. Auman made a motion, seconded by P. Morrison, to nominate M. Giguere as the Commission's representative on the Advisory Committee, and it was

VOTED: to select M. Giguere as the Commission's representative to the Wetlands Protection Bylaw Advisory Committee.

The vote was unanimous.

Upon a motion by P. Morrison, seconded by D. Pitkin, it was

VOTED: to issue an Order of Conditions, as drafted, for 20 O'Neill Way, DEP#169-1082 under the Wetlands Protection Act.

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

VOTED: to issue an Order of Conditions, as drafted, for 20 O'Neill Way, DEP#169-1082 under the Groton Wetlands Protection Bylaw.

Under land management tasks, Hopkinton Forestry and Land Clearing has not yet indicated when they will commence the project at Farmers & Mechanics. They have paid the \$5000 down as required in the contract. B. Ganem asked if the Commission had any feedback on the comments received from Melinda Green concerning the proposed forestry project at the Baddacook Field (Shattuck) parcel. One of her suggestions is that water could be withdrawn from the pond to provide water for livestock. In general the neighborhood is interested in

encouraging more hardwoods to grow. Members thought it important to schedule another site walk once the trees are marked.

B. Neacy said he has not done anything further about the Ames Meadow access. In response to a question about holding a wedding on Gibbet Hill, members recommended consulting the Conservation Restriction and getting more details on parking needs, number of participants, alcohol license, and whether tables, chairs, or a tent are required.

The Nashoba Valley Medical Center is proposing a road race for which they would use the Eliades property to access the Nashua River Rail Trail. This would occur on either October 20th or 27th. Members agreed this was an acceptable use and suggested the Center also contact the Department of Conservation and Recreation to get their permission. Attorney Bob Collins has revised the Conservation Restriction for The American Baptist Churches of Massachusetts to more closely reflect the current Division of Conservation Services model CR. The goal is to send an electronic version of the revised CR. Town Counsel and Attorney June Johnson continue to collaborate on the wording for the Lawrence Woods Conservation Restriction. The Groton Conservation Trust is considering whether accommodating agricultural activities at the Baddacook Fields (Shattuck) site is doable under that Conservation Restriction.

Member Neacy requested Conservation Commission and Selectmen minutes of the meetings having to do with the acquisition of the Fuccillo property. GELD claims the purchase was made because they did not consider the site appropriate for residential use under the proposed Ch. 40B application.

There being no further business before the Commission, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as amended 7/10/12.

EXHIBITS

Document	Source	Date
Minutes – Open Session	Conservation Commission	5/8/12
Minutes – Executive Session	Conservation Commission	5/8/12
DEP#169-074 Certificate of Compliance	Danielson/16 Ridgewood Ave.	NOI filed 12/15/12
Removal from Ch. 61	Jodie Gilson/consultants	4/30/12
Replication area at Academy Hill	DEP#169-970	Issued 11/29/06

O'Neill Way community gardening proposal	Lisa Wiesner	5/22/11
Request for Determination of Applicability	Goudey/50A Pleasant St.	Determination of Applicability issued 5/24/12
Request for Determination of Applicability	Ferguson/7 Baby Beach Rd.	Determination of Applicability issued 5/25/12
DEP#169-1082	Townsend/20 O'Neill Way	Order of Conditions issued 5/24/12