

GROTON CONSERVATION COMMISSION

Open Session Minutes

July 24, 2012

Chairman Craig Auman called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Bruce Easom, Nadia Madden, Peter Morrison, John Smigelski, and Rena Swezey were present. Member Marshall Giguere was absent. Conservation Administrator Barbara Ganem was present.

In reviewing the minutes of June 26, 2012, a motion made by P. Morrison, seconded by B. Easom failed with B. Easom, C. Auman, and J. Smigelski voting in favor, and P. Morrison voting in the negative, and the abstention of N. Madden and R. Swezey due to their absence from the meeting.

Upon a motion by P. Morrison, seconded by N. Madden, it was

VOTED: to approve the draft minutes of July 10, 2012.

The motion passed by majority, with N. Madden abstaining.

Wendy Good has requested the Commission's permission for the Old North Bridge Hunt to hold a mock fox hunt at Surrenden Farm. The requested date is Tuesday, October 9th, with a rain date of Oct 23rd. This avoids the opening day of the archery deer hunting season. They would follow the same route as in previous years. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to allow the mock fox hunt at Surrenden Farm on October 9th, with a rain date of October 23rd.

The vote was unanimous.

Commissioners re-visited the Rocky Hill Subdivision this past Saturday to review conditions before issuing a Certificate of Compliance. Upon a motion by B. Easom, seconded by J. Smigelski, it was

VOTED: to issue a Certificate of Compliance for the Rocky Hill Subdivision, DEP#169-909 under the condition that outstanding items have been checked and verified in the field by Conservation Administrator B. Ganem.

Following up on the boat tour of Lost Lake/Knops Pond, attended by most Commissioners on July 21st, R. Swezey said she was amazed at how much weed growth has occurred in the past two years. Members observed the removed weeds can be composted and used as fertilizer. N. Madden thought the boat tour should be a requirement for every Commissioner to see the lake environment. Upon a motion by B. Easom, seconded by R. Swezey, it was

VOTED: to send letters of thanks and appreciation to Art Prest who organized the boat trip, Paul Markham who provided the boat, and John Diezemann who provided commentary and history.

The vote was unanimous.

Upon a motion by B. Easom, seconded by J. Smigelski, it was

VOTED: to send letters of thanks to D. Pitkin and B. Neacy for their years of dedicated service on the Conservation Commission.

The vote was unanimous.

B. Ganem noted Hopkinton Forestry has paid a total of \$32,565.73 for the selective logging operation at Farmers & Mechanics. In accordance with the contract, Bay State is paid 15% of the gross for marking, layout, and administration of the timber sale. This comes to \$4,884.86 bringing the net to \$27,680.87. The billing is in tonight's sign-off packet.

Roy MacGregor reports the area in the triangle on Surrenden Farm abutting Mr. Maynard's property was mowed again this year despite their installation of new fencing. Roy also delays mowing until July 15 to accommodate the bobolinks and this mowing was done earlier. J. Smigelski commented Mr. MacGregor has a contract with the Commission, and this could cause him harm. Upon a motion by P. Morrison, seconded by J. Smigelski, it was

VOTED: to send a letter to Mr. Maynard asking him to refrain from mowing this area as the Commission has it under contract with someone else.

The vote was unanimous.

The Commission has received provisional approval of the update to the Open Space & Recreation Plan from the state Division of Conservation Services; the requested revisions are underway, and it is anticipated they will be submitted by the end of this week.

P. Morrison reported he will get up to speed on the Ames Meadow matter in the near future.

7:15 p.m. – Bettencourt/Request for Determination of Applicability – 8 Autumn Leaf Dr.

Resident Bettencourt reported he is proposing an 8 ft. x 12 ft. shed on skids on a gravel bed. Mr. Easom said he paced the area off and thought the shed was out of the 100-ft. buffer zone. Mr. Bettencourt said "Perhaps the wetlands have shrunk since the 1999 filing." C. Auman urged him not to deposit lawn clippings and debris in the buffer zone, and Mr. Bettencourt said he composts materials there and uses no herbicides or pesticides. Upon a motion by R. Swezey, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination.

The vote was unanimous.

P. Morrison questioned whether agricultural activities would be allowed at the Baddacook Field (Shattuck) property, and B. Ganem responded, "The Groton Conservation Trust is looking into this in order to assure that the Conservation Restriction permits it." Member Morrison explained he had shown the property to Lisa Wiesner to see if it would suit her plans. Water is a concern.

B. Easom reported he has not done any further surveying at Gibbet and Angus Hills and will wait until the fall to do so. Attorney Bob Collins has indicated he will address the Fuccillo deed marginal reference issue.

The Lost Lake Sewer Committee has overseen the filing of an Environmental Notification Form under the Massachusetts Environmental Protection Act. Comments from various boards and committees are due no later than August 14th. The filing is very bulky, and B. Ganem said it is anticipated they will post it on the web shortly. Members agreed to review the documents and send individual comments to B. Ganem for collation into a comment letter.

R. Swezey explained that lots that are currently considered unbuildable (those under 5000 square feet with 40 ft. of frontage) would have to meet zoning requirements before being added to the district by the Sewer Commission. N. Madden asked the Commission's interest in this filing, and P. Morrison replied that individual septic systems are a source of non-point pollution. Everyone would be required to hook up, especially those who have tight tanks. The costs are anticipated to be between \$18,000 and \$24,000 for an individual connection plus \$5,000 to \$6,000 for a grinder pump with anticipated yearly costs around \$1,500. B. Easom reported the Zoning Board of Appeals has two upcoming hearings on lots where new structures are proposed to replace old, abandoned structures. B. Ganem added one of the elements of the plan is the installation of a pump station on the Sargisson Beach property, and P. Morrison suggested perhaps we can have a restroom there.

7:30 p.m. – Groton School DEP#169-1084 continuation on soil and groundwater remediation
At the applicant's request and upon a motion by B. Easom, seconded by N. Madden, it was

VOTED: to continue the hearing to August 14, 2012.

The vote was unanimous.

Natural Heritage has asked that the Commission keep the hearing open until they issue a Massachusetts Endangered Species Act (MESA) finding. Upon a motion by N. Madden, seconded by P. Morrison, it was

VOTED: to amend the above vote by including the statement "not to close before we hear from the Natural Heritage & Endangered Species Program on the Groton School Massachusetts Endangered Species Act filing."

The vote was unanimous.

7:30 p.m. - Eklof/Request for Determination of Applicability - 31 Ames Rd. continuation

Resident Dennis Eklof opted for a PowerPoint presentation to explain the status of his project to clear out invasive plants and re-vegetate within 100-ft. of the intermittent stream on his property. He has removed no live trees, but did cut dead ones affected by vines or the ice storm. Erosion is not a problem as the site is 80% re-vegetated although a lot of invasives have come in. Steve Ericksen of Norse Environmental has prepared a narrative in which limited herbicide use and mechanical means are proposed for controlling the invasives. He would like to encourage the fern varieties but also to do a fall planting of six viburnum, nine blueberry, and six witch hazel shrubs. He requested Commission permission to move forward with this plan.

N. Madden complimented Dr. Eklof on his comprehensive plan. She believes it will get rid of some well-known invasives. J. Smigelski recommended contacting the Natural Resources Conservation Service in Westford as they can provide information and help with plans. C. Auman liked the re-planting plan. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination providing the applicant follows the proposed plan filed with the Request for Determination of Applicability.

7:45 p.m. - Appointment Jack Petropoulos DEP#169-1003 and WPB#09-1

Chairman Auman pointed out Mr. Petropoulos serves as a Selectman, the appointing body for the Conservation Commission. J. Petropoulos explained he purchased his property, 18 Kemp St., in 2005. A 12-acre lot was subdivided into four parcels by the previous owner, Dr. Gleason. Mr. Petropoulos owns a 5-acre lot and a 2-acre lot. The third lot was sold to Heidi and Henry Nodarse while the fourth lot is wooded with frontage on Pepperell Rd. For a short time, Mr. Petropoulos was allowed to graze his cattle on the back portion of the Nodarse lot, but as part of the permitting for the Nodarse house, Dr. Gleason accepted a conservation restriction which removed the right to graze. Mr. Petropoulos said the field is currently unmanaged and going to seed, making it harder for him to manage their pasture. At present his cattle can go across Wrangling Brook at will. He asked Commissioners to re-open the idea that he could graze his cattle on the Nodarse lot and build a bridge on his property to keep the cows away from the Brook. This would re-establish the farmed area and be a win for Wrangling Brook while returning the land to agriculture.

C. Auman clarified that the Order of Conditions applies to the land owned by the neighbor. It is not a conservation restriction but a part of the Order for Lot 1 (34 Kemp St.). Mr. Petropoulos anticipates having between 3 and 5 cows and would install fencing along the Brook to keep livestock out of the Brook. He does not anticipate having equipment crossing the bridge. Member Auman stated the neighbors would have to indicate their concurrence with this plan in writing. P. Morrison suggested some type of memorandum of understanding between the parties may be appropriate. It may be best to consult with Town Counsel to ascertain whether a new Order should be filed to address the right of access, protection of property rights, and the restriction on future development should the land be sold.

N. Madden recommended consulting with Natural Heritage as their letter indicates any changes should come before them. J. Smigelski understood the issues involved with late mowing and suggested the first of August as the latest date for mowing the field. J. Petropoulos said he would

like to do be able to do it this year. B. Easom noted the restriction applied to Lot 1 for which the original Notice of Intent was filed. It seems as though the new owner would have to make a request and show a plan. Mr. Petropoulos indicated he could install an electric fence using driven steel stakes at the edge of the Brook. He would look to the Commission for guidance on the pastures and the building of the bridge. Commissioners agreed to have B. Ganem check with Town Counsel and Mr. Petropoulos will touch base with Natural Heritage and the neighbor. There was concern about maintaining prohibitions on any kind of buildings on the parcel.

Regarding Mr. Petropoulos' desire to mow as soon as possible, N. Madden suggested the Commission review the minutes and noted milkweed is used by butterflies. Members decided they need more information before making a decision on the matter and agreed to walk the property during the August 11, 2012 site visits.

8:00 p.m. – Groton Electric Light Department 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 to August 14, 2012.

The vote was unanimous.

Upon a motion by P. Morrison, seconded by B. Easom, and a roll call vote of R. Swezey, P. Morrison, N. Madden, J. Smigelski, B. Easom, and C. Auman, it was

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

The meeting was adjourned at 8:34 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 8/14/12.

EXHIBITS

Document	Source	Date
Minutes	Conservation Commission	6/26/12
Minutes	Conservation Commission	7/10/12
Request to hold mock fox hunt	Wendy Good/Old North Hounds	7/13/12
Request for Certificate of Compliance/DEP#169-909	Rocky Hill Subdivision/Robin Hill Rd. – David Moulton	7/12/12
Request for Determination of Applicability	Bettencourt/8 Autumn Leaf Dr.	6/27/12
Environmental Notification Form	Lost Lake Sewer Commission/Woodard & Curran	July 2012
Phase II Comprehensive Wastewater Management Plan	Lost Lake Sewer Commission/Woodard & Curran	July 2012
Dam Management Plan	Lost Lake Sewer Commission/Woodard & Curran	July 2012
Interbasin Transfer Act-Request for Determination of Insignificance	Lost Lake Sewer Commission/Woodard & Curran	July 2012
Request for Determination of Applicability	Eklof/31 Ames Rd.	Filed 3/8/12
DEP#169-1003 & WPB#09-1	Gleason/Kemp St.	Filed 2008; Certificate of Compliance issued 7/2/11