

GROTON CONSERVATION COMMISSION

Minutes

October 9, 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, Marshall Giguere, John Smigelski, and Rena Swezey were present. Nadia Madden arrived at 7:05 p.m. Peter Morrison arrived at 7:10 p.m. Conservation Administrator Barbara Ganem was also present.

7:00 p.m. – Appointment Meredith Scarlet

Meredith Scarlet presented the article the Agricultural Commission is proposing for the upcoming Town Meeting. The purpose of the article is to exempt such farm elements as a barn, greenhouse, hoop houses, or a farm stand from the special permitting process in order to bring the Town into congruence with state law. Members of the Planning Board have expressed concern about how this process would affect projects on Town-owned land. Ms. Scarlet pointed out that the process of notifying neighbors for project input may not be in the best interests of farmers who may find it redundant and messy.

B. Easom said he had read the proposed article, and he did not see why the process should be more onerous for Town-owned land.

(N. Madden arrived at 7:05 p.m.)

B. Ganem said the Commission typically places a ‘request for bids’ in the newspaper, but she has also mailed the information to farmers in the community. M. Scarlet asked if the Commission would be willing to meet with the Agricultural Commission to work out a standardized protocol. M. Giguere said he did not see it as a problem as the Commission uses a licensing process as opposed to leasing because of Article 97 limitations on the disposition or transfer of control of conservation land. The licensing process gives the Commission control over what occurs on conservation land.

(P. Morrison arrived at 7:10 p.m.)

M. Giguere added that building is not likely to take place on Town-owned conservation land. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to support Warrant Article #24 at the October 15, 2012 Town Meeting.

The vote was unanimous.

Chairman Auman questioned the process going forward, and J. Smigelski and P. Morrison volunteered to meet with the Agricultural Commission to further discuss this matter.

At the October 15th Town Meeting, P. Morrison will present Article 17 for the LAND grant application with B. Easom acting as backup. B. Easom will present Article 9, explaining the Commission's request for \$25,000 in Community Preservation funding. R. Swezey will report on the Commission's vote supporting the sewer articles.

B. Ganem reported everything is stabilized, and Stan Dillis has provided a letter certification and as-built plan for the upgrade of a septic system at 338 Lost Lake Dr. under DEP#169-1059. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to issue a Certificate of Compliance for DEP#169-1059 for 338 Lost Lake Dr.

7:15 p.m. – 153 Main St. Notice of Intent Invasives Remediation Plan

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

VOTED: to continue the posted hearing for 153 Main St. to October 23, 2012.

7:15 p.m. – Appointment/Greenway Committee - Fitch's Bridge

Former Conservation Commissioner David Pitkin reported the Greenway Committee is proposing Warrant Article #18 for the upcoming Town Meeting in which they request \$100,000 in design costs to replace Fitch's Bridge in order to connect 70 miles of trails on the east side of the Nashua River with 30 miles of trails on the west side. The Greenway Committee returned \$20,000 of the \$60,000 previous Community Preservation funding for the renovation of the bridge when they found the cost would exceed \$2 million. The proposed replacement would accommodate pedestrian and equestrian traffic, as well as bicycles. They have an estimate of \$850,000 for the replacement costs.

Mr. Pitkin pointed out that borrowing and construction costs are relatively low right now, creating a good opportunity to bond this project. The existing bridge is quickly deteriorating and poses a liability for the Town should it fall into the River. Having a crane there will allow the removal of the existing bridge at the same time a replacement is installed which would also save money. D. Pitkin said he is looking for support from individuals, as well as from the Commission. This will require a 2/3's majority vote at Town Meeting.

M. Giguere asked why the Greenway Committee was not making an application to the Community Preservation Committee, and D. Pitkin explained that following state standards would result in a \$.5 million increase in costs. Upon a motion by P. Morrison, seconded by J. Smigelski, it was

VOTED: to support Article 18 for \$100,000 in funding for the design of a replacement bridge for Fitch's Bridge.

B. Easom reported that the rope swing and trash on the shore of the Nashua River is on the Partridgeberry conservation-restricted land owned by the Taisey Family Trust. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to send a letter to the landowner notifying them of the rope swing and trash

and requesting that it be cleaned up.

The vote was unanimous.

B. Ganem reported M. Giguere has generously donated a camera for the Commission's exclusive use. Members thanked him and requested a letter of acknowledgement be sent.

Members noted the Nashua River Watershed Association has sponsored many programs and workshops of value to the community from a conservation point of view. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to join the Nashua River Watershed Association at the Organization Membership level of \$50.

The vote was unanimous.

Members agreed to include 111 Wintergreen Lane on its next site visits. In response to a complaint, B. Ganem reported she visited the site where there has been extensive tree clearing and the creation of a stump dump within the 100-ft. buffer zone. The new residents are planning to put in an above-ground pool.

P. Morrison reported no progress has been made in the Memorandum of Understanding for Ames Meadow. Attorney Collins has Irene Del Bono's revisions of his recent draft TABCOM (Grotonwoods Camp) Conservation Restriction and is in the process of making the changes. B. Ganem mentioned a new owner has proposed a single family house for Lot 2A/Culver Rd. on Tracy Eliades' property. This may involve an amendment to the Order of Conditions under DEP#169-886.

7:30 p.m. – Lost Lake/Knops Pond Aquatic Weeds Management Proposal, DEP#169-1086
(Member R. Swezey stepped down, but remained in the audience.)

Selectman Josh Degen stated he was present to represent the Board of Selectmen as the applicant. He explained the Commission would also be hearing from Aquatic Control Technologies. The herbicide Diquat was applied to Lost Lake in 2002, 2003, and 2004. It helped control some of the aquatic weeds but cabomba is now out of control. Residents are endangered by the weeds. The weed harvester has been in use, but it is like a lawn mower going through the weeds. This proposal includes the application of the herbicide known as Sonar to control both milfoil and cabomba. Mr. Degen maintained that lakefront property pays 1.4 times the usually assessed value of a house, and the Lake itself is a tremendous asset to the Town.

Art Prest, Chairman of the Groton Lakes Association, explained he has several individuals who wish to speak in favor of the herbicide application. His family has owned property on the Lake since 1947, and Mr. Prest recently bought a retirement home there. He acknowledged Commissioners had participated in a boat tour of the Lake this summer. He presented a video showing activities, such as fishing and boating, which take place on the Lake and extensive areas which are clogged with non-native weeds that interfere with recreational use and the lives of

residents. The video showed the inlet from Martins Pond Brook in the August – September 2011 time period. He stressed that residents wish to take a pro-active stance to restore the Lake. Watershed management is an element of the lake management process, and Mr. Prest said volunteers will participate in the ‘weed watchers’ training program. They will form a rapid response team to monitor new infestations. Water quality monitors will assess the streams coming into the Lake and the outlet below the dam. Information will be distributed to residents on methods to control stormwater runoff from their properties. The installation of signage and a boat wash at the public boat launch is anticipated. Reducing the nutrient input into the Lake will be possible through the proposed sewerage of the area. The watershed around the Lake is 14 times the size of the Lake itself, and the Groton Lakes Association is prepared to support all of the above activities.

Mr. Prest introduced Groton resident Savas Danos who is the manager of the Littleton Water Department and has recently overseen the application of herbicides at Spectacle Pond in Littleton. Spectacle Pond is bordered by a public water well as well as private wells. The herbicide Sonar was applied to control milfoil and cabomba. Because of the high flow rate through the Pond, they used an application rate of 40 ppb three times to maintain a high enough treatment level. There was no impact on the public or private water supplies. N. Madden noted that the herbicide was detected at the outflow at 10 ppb. Mr. Danos said the level of safety is determined under EPA regulations. He felt the distance of the Groton water well on Whitney Pond was considerably more than the one on Spectacle Pond.

Art Prest commented the flow is more limited at Lost Lake/Knops Pond so the application rate would be between 15 and 20 ppb. Chairman questioned the cause of the problem at Spectacle, and Mr. Danos said it was due to the runoff from Rt. 119. There is also nutrient load coming in from Ayer. He urged those present to consider a boat wash and inspection process as it is definitely spread by boating and human activities. He gave the example of Hickory Lake in Lunenburg which is completely surrounded by private homes and has a strong inspection program. No invasives have become established in this lake. The shallow morphology of Lost Lake/Knops Pond probably contributes to the spread of invasives. He stressed that stormwater management and a comprehensive plan are necessary to control invasives.

Mr. Prest distributed copies of both the Spectacle Pond and Neponset reports. J. Degen said the initial control through the use of Sonar should be followed up with the installation of a boat wash. Currently the Lake is an exporter of weeds because of the extent of the infestation. Having a boat wash at the boat launch would require a well or sump and electricity. The funding mechanism may be the Community Preservation Committee. Ticketing by police could also help enforce boat washing.

Takashi Tada, a member of the Ayer Conservation Commission said treatment of Sandy Pond in Ayer was started in 2005. Flannagan Pond, also a flooded meadow, has also been treated with varying degrees of success. Some areas are not as clear as others. In general, there have been good results over a 5 to 7 year period. The Ayer Town Meeting approved funding mostly as a result of a beaver dam blowing out and the need to control water levels over a several year period. C. Auman asked what the Ayer Commission has done, and Mr. Tada said they applied for a Notice of Intent. The Order of Conditions, which was issued by DEP, regulates water levels

in the Pond for which the Balls Point dam is the control point. C. Auman asked if there was any effort to reduce nutrients to the pond. Mr. Tada explained Ayer has a part-time administrator, and volunteers do the outreach. Aquatic Control Technologies put together a pamphlet with basic information on such items as landscaping and the use of fertilizers. Two or three treatments have been done with follow up spot treatments at Sandy and Flannagan Ponds. The Board of Selectmen were the contacts for the project.

Consultants Erica Haug and Marc Bellaud of Aquatic Control Technologies explained the proposed project is a lake-wide application of the systemic herbicide Sonar which interferes with a plant's production of chlorophyll. The targeted plants die slowly so there is no overwhelming buildup of biomass that could cause a fish kill. Follow up re-growth can be treated with bottom barriers and hand-pulling. The water chestnuts respond well to hand pulling.

P. Morrison asked how long the treatment will go on. Ms. Haug said the plants will absorb and begin dying off within 45 – 90 days after a 2 -3 week treatment period. The slow plant decomposition helps to minimize the reduction in dissolved oxygen in the water. With a contact herbicide there is likely to be control of invasives for a year, but control with a systemic herbicide is likely to last longer. The herbicide would be applied early in the season when the plants begin actively growing.

N. Madden asked what spill precautions will be taken. M. Bellaud answered that there are several pellet formulations for Sonar which can be broadcast spread through a cyclone spreading device. The concentrated liquid form, which is very soluble, would be mixed on board the boat, and the chances of a spill are very low. Mr. Bellaud said ACT has over 150 permits in 400 water bodies throughout New England and New York and has not had any accidents. They are licensed pesticide applicators, and there are several layers of permitting involved with each treatment.

B. Easom asked whether they would do weed harvesting while the treatment was underway as it appears there could be huge rafts of weeds in the Lake. Ms. Haug said it is advantageous to start early in the season when the plants are small and immature. The application rate will be less than 20 ppb, and the invasives, European and variable milfoils and cabomba, respond very well. Native species tend to be more tolerant of the herbicide application. Water lilies are susceptible but usually rebound the next year.

M. Giguere asked if there are any known impacts to vertebrates and invertebrates, and E. Haug responded this is an EPA-approved herbicide with no unreasonable risk. The EPA sets the levels of treatment. M. Giguere questioned whether impacts could move up the food chain. The level of herbicides will be monitored throughout the treatment process. Mr. Giguere asked about addressing nutrient loading from Martins Pond Brook for which Gibbet Hill Farm may be the source. J. Degen said this is a project that requires support at Town Meeting. He thought looking at Springy Cove, Martins Pond Brook, and the unnamed brook coming in from Nate Nutting would all be necessary. A request for proposals would have to be put out to bid after funding through Town Meeting. There is a seed bank of native species, and by knocking back the weeds, it will allow them to re-bound. The initial treatment followed by spot treatments and management techniques to encourage species diversity.

It is likely that treatment should commence as soon as the boards are put back into the dam which is either the first week in April or at the time of ice out. C. Auman asked if the Groton Water Commissioners had any comments, and Water Superintendent Tom Orcutt replied "Not yet." The Commission has received several letters of support, and Clerk J. Smigelski read into the record letters from the Board of Selectmen, Planning Board, and an email from Health Agent Ira Grossman. Mr. Prest said the Lake has 60% invasive coverage.

Anthony Hauck (14 Rustic Trail) explained he used to live on Dudley Pond and is concerned about environment and wildlife. He felt it was important to keep the lake clean and home to wildlife. Marion Stoddart said she was very supportive of the Groton Lakes Association's efforts to restore the lakes and wildlife. She asked about the frequency of the use of Sonar and the plan for application and whether handpulling was to be included. The plan is to treat in the spring of 2013 with pellets used in the coves followed by spot treatment with Diquat of new patches of growth. One of the difficulties with handpulling is that the bottom sediments are 2 ft. deep, and once there has been some pulling you can't see where to pull. It is estimated that the cost for the lake-wide treatment would be \$70,000 and then \$3,000 for follow up spot treatment. M. Stoddard stressed that it is important to have a plan to support the implementation. That plan should address not having lawns at the shore line and not using herbicides and fertilizers. She added that follow up monitoring is important. Sewering the area is also very important to prevent nutrients from reaching the plants. It is great resource for the entire town. She expressed concern that Sargisson Beach continues to have no lifeguards and suggested the Town should offer assistance with a way to clean boats. Marsha Greenwood (Valley Rd.) asked if there are any plans to treat Whitney Pond, and Paul Johnson (Valley Rd.) said they get flooded out when the dam is released. This proposal does not address weeds in Whitney Pond. In response to a question about whether Lost Lake/Knops Pond would experience toxic algal blooms such as Nabnasset Lake in Westford has, Mr. Bellaud said the cyanobacteria blooms are not typical with this type of herbicide because there will be less biomass to die back. S. Danos added that alum could be added to ensure that phosphorus is not released to prevent high coliform bacteria. N. Madden pointed out that total coliform and cyanobacteria are very different organisms.

Rob Antcil (7 Shenandoah Ave.) spoke in favor of the application. Chairman Auman mentioned he was disappointed not to have any input from the Water Commissioners. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to close the public hearing for DEP#169-1086.

The vote was unanimous.

(R. Swezey returned to the table.)

8:00 p.m. – Notice of Intent for a residential driveway on Pleasant St./Farmers Row, DEP#169-1089 filed on behalf of the Lawrence Homestead Trust

(J. Smigelski recused himself and left the meeting because of a business relationship with the Lawrence Homestead Trust.)

Engineer John Perry explained the driveway will be used to access Lot 1 which is next to the wetlands. The driveway will involve 2,800 SF of pavement in the 100-ft. buffer zone. He said he

attempted to re-work the property lines, but the geometry of the lot width and frontage did not work. The easement on the adjacent property is not a desired alternative for various reasons. They do plan to do restoration in the wetlands and buffer zone which have been disturbed by haying. The plan is to till and plant the area with a wetland seed mix and then to demarcate it with concrete markers. This would involve a 12 to 1 ratio of mitigation to disturbance. Rich Kirby of LEC said there are rich hydric soils present. Clover and orchard grass seeds are included in an erosion control wet mix and there would be a 25 ft. wide line in which mowing or other activities would be prohibited. The markers would be 2.5 ft. below with 6 in. aboveground.

N. Madden asked if permeable paving had been considered for the driveway to promote recharge to the groundwater. Mr. Perry said “no” as there is 80 ft. of buffer zone in which recharge can occur naturally. Discussion revolved around whether the 25 ft. no-disturb buffer could be moved out to the 50 ft. buffer zone line. J. Perry indicated he would need to discuss this with the property owners. M. Giguere suggested shrubs such as highbush blueberry and viburnums planted at the 50 ft. buffer. P. Morrison pointed out this area has been hayed. It was estimated that 20,000 SF of the wetland and buffer is currently hayed.

B. Easom said it was a non-starter in his view to put the driveway in the buffer zone and suggested there could be a technical solution. J. Perry said they are restricted because of the property line layout. B. Easom asked about a shared driveway, and Rich Kirby pointed out this would affect the marketability of the lot. An effort has been put into restoring the wetlands and having a de minimus effect on the resource area. P. Morrison said we would be getting wetlands and buffer back that is now hayed, and he was okay with the plan. R. Swezey acknowledged there always seem to be problems with shared driveways down the road. Members asked if this should be closed tonight if it would be okay to add some plantings and move the markers to 50 ft.

C. Auman suggested invasive monitoring is also needed. Mr. Kirby asked if the Commission would be comfortable with the planting of 100 native shrubs of six varieties with the wet meadow mix underplanting to offer structural diversity. He felt this represented a substantial mitigation effort. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the hearing for DEP#169-1089.

The vote was unanimous.

8:15 p.m. – Notice of Intent for a sewer line connection from Public Safety site to proposed Fire Station, DEP#169-1090

Engineer John Perry explained they plan to use a low pressure line rather than gravity fed which will involve a smaller pipe and less disturbance. Directional drilling will be used in the 50 ft. buffer zone, and it will not be necessary to have manholes. He will submit the plan as is, but he wanted the Commission to be aware the plan could be changed with the low pressure design. Commissioners indicated they were okay with this notion. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the hearing for DEP#169-1090.

The vote was unanimous.

8:30 p.m. – Notice of Intent 49 Valley Rd. DEP#169-1088 continuation

Owner John Scira was present. The Commission has received a letter from Natural Heritage indicating no take. The applicant has also revised the plan to show the location of a dry well, the construction of a containment area around the oil tank, and the architectural plan showing the location of the 12 sonatubes. Upon a motion by P. Morrison, seconded by R. Swezey, it was

VOTED: to close the hearing for DEP#169-1088.

The vote was unanimous.

8:45 p.m. - Notice of Resource Area Delineation DEP#169-1087 continuation – Groton Housing Authority/Nashua Rd.

Engineer Jeff Brem reported the missing flags were replaced in both wetland areas by the wetland scientist on September 26th as reported in Ms. Schmitz's letter of September 28, 2012. There have been no changes in the flagging. M. Giguere questioned whether the Commission should re-check the flags. Relative to the Isolated Land Subject to Flooding, B. Ganem noted the previous documentation submitted by Meisner-Brem states that the cumulative volume in acre feet at the contour elevation of 98.7 ft. is 12,625 cubic feet or .29 acre feet which exceeds the DEP cutoff of .25 acre feet to define the volume of an ILSF. The depth range is 2± ft., with an average depth of 10.87 in. which exceeds the DEP threshold for ILSF of 6 in. She maintained the depression in the middle of the lot qualifies as Isolated Land Subject to Flooding under the Wetlands Protection Act and Bylaw because it holds a sufficient volume (>.25 acre feet) at an average depth that exceeds 6 in. It has a 100-ft. buffer zone under the Bylaw, but not under the Act.

Mr. Brem pointed out the area was not jurisdictional under the Act because it did not meet the threshold calculations for surface runoff. The surface runoff volume is 0.036 acre feet and the runoff depth is .03 in. B. Ganem commented the original ILSF delineation appeared to reflect the extent of water observed by the wetland scientist. The calculation for the 100 year storm should be added to the groundwater elevation to ascertain the boundary of the ILSF. J. Brem argued that Ms. Schmitz's delineation was based on wetland plants and the water in the depression was only the result of a frozen layer of soil, not the groundwater table. B. Ganem reminded Commissioners of the ILSF on Monarch Path in which members observed flooding in the winter extending way beyond the wetland flagging.

B. Ganem questioned how the groundwater can be discounted. Members asked if any soil testing was done in the vicinity of the depression, and Mr. Brem acknowledged the testing was either done on the ridge or at the front of the lot because the soils near the depression were not considered suitable for septic systems or stormwater treatment. Commissioners Madden and Easom agreed with the calculation process. Mr. Easom commented that this wetland is clearly under the Commission's jurisdiction in the case of the Bylaw. If the Commission determines it is not a resource area under the Act, it could be filled under a Ch. 40B development scenario. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to close the hearing for DEP#169-1087.

C. Auman reported the message from the Selectmen about the Walker-Cox acquisition appears to be fairly positive if the Commission includes a contingency about receiving the state grant before completing the acquisition. Selectman Josh Degen said, assuming we move forward, his concern is that the Commission would expend all of the Conservation Fund. It could take a long time to replenish the pot. He indicated he was now willing to support both articles with the contingency phrase in the purchase and sale agreement. Peter Cunningham agreed it would be better if the Commission could get the state money. P. Morrison pointed out the Community Preservation Committee funding has been the source of the Commission's Conservation Fund which was part of the Commission's understanding when the CPC was approved. If there is less money available, the Commission would ask for less. The Fund is also used for acquisition costs associated with closings and other expenses. Mr. Cunningham admonished the Commission for relying upon statements that were made 6 years ago as still being true.

J. Degen stated that if the Commission seeks \$200,000 at the spring Town Meeting, he would have an underlying concern if the Town does not get the grant. There is the potential for at least four house lots to go on the Walker-Cox land according to the appraisal. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: that we include in the purchase and sale agreement a clause that the sale is contingent upon the Commission's successful state LAND grant application.

P. Cunningham said he would support the acquisition at Town Meeting. M. Giguere reported the Planning Board had voted 5 to 1 to support the Commission's articles at Town Meeting.

There being no further business, the meeting was adjourned at 10:08 p.m.

Respectfully submitted,

Barbara V. Ganem
Conservation Administrator

Approved as drafted 10/23/12.

