

## GROTON CONSERVATION COMMISSION

### Minutes

December 11, 2012

Chairman Craig Auman called the meeting to order at 7:00 p.m. in the 2<sup>nd</sup> floor conference room in Town Hall. Members Bruce Easom, Marshall Giguere, John Smigelski, and Rena Swezey were present. Nadia Madden arrived at 7:02 p.m., and Peter Morrison arrived at 7:01 p.m. Conservation Administrator Barbara Ganem was present.

#### 7:15 p.m. – Appointment/Art Prest Lost Lake/Knops Pond watershed management

Mr. Prest acknowledged that Alex Woodle had previously submitted an update on stormwater management via an email to board members. He submitted an additional status report, dated December 11, 2012, on “Boat/Trailer Invasive Special Monitoring at Public Boat Launch” to update the Conservation Commission. He pointed out that the actual public boat access from Pine Trail appears to be located on land owned by the Groton Conservation Trust while there is public parking on land owned by the Commonwealth. Mr. Prest anticipates meeting with the Trust to determine their understanding of the land use in the vicinity of the boat access.

In legislation signed on August 29, 2012, vendors will be restricted on the sale of fertilizers containing phosphorous but not until January, 2014. Mr. Prest explained they anticipate starting a local Weed Watchers program with a rapid response team and a boat launch monitoring program. Staffing the program is a problem. He noted that the carpet padding on many boat trailers will stay wet, allowing weeds to remain viable between visits to lakes. They are looking into what it would require to set up a boat monitoring station and how it would be powered and protected. There is the potential to pass legislation which would allow fining of boat owners who fail to clean off their boats. P. Morrison suggested collecting \$10 per boat locally to fund the inspection station. J. Smigelski thought Fisheries & Wildlife may have funding available, but those present said they do not fund anything but the kiosk at the site. The staffing may be done with high school students or volunteers but requires more study. He estimated the washing equipment would cost about \$15,000. It would require the removal of trees, pumping water from the lake, and some method to control runoff. Community Preservation funds may be available for the wash station. Public access on a Great Pond is required by the state. Member Easom suggested having firm costs with quotes and credentialing before approaching the CPC. Town Counsel should also weigh in on whether this type of capital cost is appropriate under the Community Preservation Act. Mr. Prest said he would do an email survey of the monitoring carried out at 6 to 8 ramps around the state.

C. Auman asked what the Conservation Commission can do. It is likely the Town would have to enter into contractual agreements to allow access. J. Smigelski volunteered to talk with the GCT about the boat wash. R. Swezey suggested Attorney Bob Collins may also be helpful. Selectmen Josh Degen noted this is not a Department of Conservation & Recreation property. In order to be considered DCR property, they would need to own land on the lake, but no one was aware of how much land would make that possible or whether it had to include shore frontage on Lost Lake/Knops Pond.

Chairman Auman reported Savas Danos has been invited to give a presentation on January 8, 2013. The public and members of the local boards and department heads will be invited. This event is co-sponsored by the Commission and the Groton Lakes Association. Mr. Auman offered to write letters or call people to gain support for the boat monitoring program. Commissioners thanked A. Prest for his report.

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

VOTED: to approve the minutes of November 27, 2012 as drafted.

M. Giguere abstained from the vote.

Nitsch engineer Tim McGivern's has approved the temporary measures to stabilize the culvert at the north wetland crossing for Academy Hill. B. Ganem reported their consultants are to remove silt fencing from the access used to construct the turtle nesting habitat and anticipate making repairs in the turtle fencing within the next week.

To follow up on 21 Moose Trail, members reviewed photographs showing a wooden stockade type fence that has now been replaced with interlocking blocks topped by another fence. The owner has not accepted certified mail although both regular and certified were sent last time. There has been no response. The original plan for the garage addition did not show a change in the fencing. N. Madden asked how it impacts turtle habitat and the flow of water. C. Auman noted that all the Commission is asking is that he get an amendment to the Order of Conditions. P. Morrison questioned whether the slope had been sloughing, but that was not apparent from the photographs. Upon a motion by B. Easom, seconded by J. Smigelski, it was

VOTED: to have a constable hand deliver a letter to the owner of 21 Moose Trail stating the Commission is requiring an amendment under the existing Order of Conditions for recent changes that included the construction of a retaining wall, any expenditures not to exceed \$200.

The motion passed by unanimous vote.

The response should be received no later than January 21. If he is unable to comply with this requirement, he should contact the Commission.

7:30 p.m. – Visconti - 240 Boston Rd./septic system upgrade Request for Determination of Applicability

Wetland scientist Stephen Sears of Ross Associates explained that this septic system replacement would require grading within 100 ft. of the wetland resource area. Due to an existing well and driveway, this is the best location. The system is slightly mounded but will be constructed within existing lawn. Erosion control measures will remain in place until the disturbed area is completely stabilized. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to issue a negative #3 Determination with work completed as per the Request

for Determination of Applicability plan and erosion control measures shall remain in place until the area is re-vegetated.

The vote was unanimous.

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

VOTED: to issue a Certificate of Compliance for DEP#169-1011 for 51 Chicopee Row contingent upon B. Ganem approval of the additional conservation markers behind the house, the removal of silt fencing, and the addition of signs limiting salt use in sensitive areas and where to store snow.

The vote was unanimous.

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

VOTED: to return the \$5000 bond for the replication area subject to issuing the Certificate of Compliance for DEP#169-1011.

The motion passed unanimously.

To follow up on the Saturday site visit to the Sargisson Beach Conservation Area, members agreed it would be acceptable to move the exposed stones back into the retaining wall and to rake the parking lot. The birch water bars should be replaced with hardwood as the birch will decay quickly. Regarding the tree pruning, B. Ganem will ask GELD if they can take care of the broken tree near the Priest memorial bench. Any fires should be restricted to the grills, and signage will have to be reviewed for the entire site.

7:45 p.m. – Town of Groton - Fitch's Bridge/Nashua River Notice of Intent DEP#169-1092  
Wetland scientist Rich Kirby of LEC Associates and engineer John Hendrickson of Fay, Spofford & Thorndike were present to explain the proposed demolition of the existing bridge and replacement with a pre-constructed, unpaved bridge suitable for pedestrians, equestrians, and bicyclists. Mr. Kirby said he has flagged the mean high water mark for the Nashua River, as well as adjacent Bordering Vegetated Wetlands. The engineer has determined the 100-year flood elevation to be 207.3 ft. It will be necessary to have 1 or possibly 2 cranes to remove the old bridge, depending on whether the bridge has to be cut in half. A floating platform or barge could be located within the River itself to help remove or replace the bridge.

The abutments are composed of granite blocks, and vegetation will have to be pruned to gain access. Low pressure grouting will be used to shore up the abutments. There has been significant erosion on the west bank of the River, and a plunge pool is proposed to help control this. The second page of the revised plans shows the 1 ft. incremental elevations in a table. It is anticipated there will be a net gain in flood storage on the site. R. Kirby added we are awaiting word from the Natural Heritage & Endangered Species Program on whether the rare species near the site would be impacted by the project.

P. Morrison asked if the bridge will be ADA compliant, and Mr. Hendrickson responded “Yes, existing grades will be maintained.” N. Madden felt the addition of the plunge pool was an improvement, particularly since no compensatory flood storage is necessary. The stone surrounding the piping will be large in order to withstand flooding and water flow. B. Easom pointed out the land where the plunge pool is proposed belongs to Chris Shattuck and does not appear to be in the Fitch’s Bridge Rd. right-of-way. He needs to be a co-signer on the Notice of Intent. Mr. Fredrickson said an in-field survey was conducted to determine the contour elevations around the bridge. C. Auman thought the plunge pool was an excellent way to deal with stormwater and also expressed appreciation for the photographs showing the existing and proposed bridges. Mr. Fredrickson said they have previously worked on a similar bridge at a site in Connecticut. He has stamped the plans as a structural engineer. To assure the stability of the abutments, approximately 1 -2 ft. of grouting will be inserted between the stones.

R. Kirby does not anticipate there will be a need for significant tree clearing as pruning will clear the area needed for the turning radius of the crane arm. The goal is to have the removal and construction accomplished in one week. The grouting step will take the longest as the new bridge is built off site. Since none of the project will be in the water itself, Mr. Kirby stated there would be no need for an Army Corps permit. They do not have jurisdiction in floodplains. Members asked whether there is any agency that would be worried about the amount of clearance between the bridge and the surface level of the River. The base of the bridge would be at the 210 ft. elevation and should not interfere with navigation on the River.

Gary Wilkins (122 Shirley Rd./Pepperell) asked if any thought had been given to fixing up the old bridge. Greenway Committee Chairman David Manugian explained the bridge has lead paint, and the estimated cost for renovations has been between \$1,000,000 and \$2,000,000. It is not just a matter of adding planking for pedestrians. At this point, the Commission is awaiting a response from Natural Heritage and NOI sign-off by Mr. Shattuck. Upon a motion by P. Morrison, seconded by N. Madden, it was

VOTED: to continue the hearing for DEP#169-1092 to January 8, 2013.

Greenway Committee member Marion Stoddart invited all those present to attend an informational meeting on Fitch’s Bridge on December 18<sup>th</sup> at 7 p.m.

8:00 p.m. – Jackson/153 Main St. Notice of Intent Invasives Remediation Plan continuation  
DEP#169-1091

The only outstanding item for this project is the DEP number which has now been assigned. Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the hearing for DEP#169-1091.

In discussion on the draft Order under the Wetlands Protection Act for the Jackson invasives remediation plan, M. Giguere questioned what kind of botanist we would be looking for to oversee the invasives removal. Commissioners noted the selected individual would require Commission approval. P. Morrison expressed concern about encumbering the landowner for carrying out invasive removal in perpetuity. B. Easom pointed out GELD offered this as

mitigation for building in the buffer zone, and he would be in favor of the invasives removal until the building goes away. Members agreed to substitute 5 years for in perpetuity. Upon a motion by P. Morrison, seconded by J. Smigelski, it was

VOTED: to issue the Order of Conditions, as amended, under the Wetlands Protection Act for DEP#169-1091.

The motion passed with C. Auman, N. Madden, J. Smigelski, R. Swezey, and P. Morrison voting in favor, and M. Giguere and B. Easom voting in the negative.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was

VOTED: to issue the Order of Conditions, as amended, under the Wetlands Protection Bylaw for DEP#169-1091.

The motion passed with C. Auman, N. Madden, J. Smigelski, R. Swezey, and P. Morrison voting in favor, and M. Giguere and B. Easom voting in the negative.

Former member David Pitkin was in the audience and thanked the Commission for appointing him as an associate member. He understood it would be his job to define the job description for the position.

8:15 p.m. – Appointment June Johnson/ Conservation Restrictions for Stoddart property and Lawrence Woods

Attorney Johnson explained she was representing Hugh and Marion Stoddart who wish to donate a Conservation Restriction on 5.65 acres of their 8-acre property on Long Hill Rd. to the Groton Conservation Trust. They are concerned about what the people adjacent to their property will do with their land, as well as the loss of agricultural land throughout the Town. This land represents a beautiful vista and will have a 30-ft. wide trail easement which connects to Groton Place. There is a dirt road right-of-way that runs along the right-hand side of the property which will provide access. The Restriction is written such that haying or animal husbandry can be carried out. Mowing will be restricted to after the nesting period of birds. Upon a motion by N. Madden, seconded by P. Morrison, it was

VOTED: to recommend to the Board of Selectmen that they support the Stoddart Conservation Restriction because it meets the conservation goals articulated in the *Groton Open Space & Recreation Plan*.

The Commission unanimously passed the motion and gave Marion Stoddart a round of applause for her generosity toward the Town.

Ms. Johnson explained she was also present to finalize the Conservation Restriction for Lawrence Woods. She pointed out the Groton Conservation Trust was concerned about this property because of its extensive frontage on Long Hill Rd. and the threat that it could be developed if the Trust were to face a serious legal challenge. Both Town Counsel and Irene Del-

Bono have reviewed the draft Restriction. The 28-acre property is long, but not very deep and has a network of trails.

B. Easom appreciated the need to have a Conservation Restriction held by an entity other than the GCT board. D. Pitkin noted the new model Conservation Restriction has a clause to allow archaeological digs to occur. Member Easom said a recent decision allows CPC funds to be used by the holder of a Conservation Restriction for monitoring costs. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to accept the Conservation Restriction on Lawrence Woods.

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

VOTED: to issue an amendment to the Order of Conditions, as drafted, for GELD/DEP#169-1073 under the Wetlands Protection Act.

The motion passed with C. Auman, N. Madden, J. Smigelski, R. Swezey, and P. Morrison voting in favor, and M. Giguere and B. Easom voting in the negative.

Returning to the issue of the Academy Hill wetland crossing, members noted that Tim McGivern of Nitsch Associates agreed to the temporary measures proposed by Dr. Wang. B. Easom questioned whether Dr. Wang had received the letter in which the Commission requested a permanent solution for the stream crossing. He pointed out the Commission should be sure we are not working through parallel processes, and we all have clarity. Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to accept the temporary measures to control erosion of the culvert bottom as proposed by Dr. Wang in his email of December 15, 2012 but it should not be considered as a permanent solution as we do not know if the plan will function as intended.

The vote was unanimous.

C. Auman asked N. Madden to check with the Ethics Commission or talk with the Town Clerk to ascertain whether it is appropriate, as a resident of Academy Hill, for her to vote on issues associated with Academy Hill.

The LAND contract has arrived, and B. Ganem will see that it is signed off by Mark Haddad on behalf of the Selectmen as soon as possible. No purchase can be made until after EOEEA signs off and returns the contract. Member Easom underscored the need to get the LAND purchase completed as soon as possible. He noted the money comes from an Environmental Bond bill, and we are in year 3 or 4 of that bond. He felt the Commission should be as accommodating as possible with the sellers. M. Giguere thought the usual process would be to pro-rate taxes to the date of the sale, and R. Swezey suggested the sellers could also request an abatement. B. Easom volunteered to attend the LAND grant training.

B. Ganem reported a small area of cyanobacteria has been identified off the Garger property at 46 Redskin Trail. It is not at an actionable level and is unusual for this time of year. Nabnasset Lake in Westford has been closed since September due to high levels of cyanobacteria.

The Commission recently received a comprehensive letter from the President of Thomas More College addressing manure management at 122 Old Ayer Rd. It appears this issue is finally nearing resolution.

The Baddacook Field forestry walk was well attended (24 people), and the neighbors seemed to respond well to the information provided by forester Eric Radlof of Bay State Forestry Service. It is likely the forestry work will not actually occur until next year as it must be done under dry or frozen conditions. Eric is preparing the bid, separating the cost of the demolition of the shacks and the clearing along the roadway and brush hogging the field edges from the actual forestry. The property is in serious need of management, and having site walks before and after the marking seems a good approach to introducing forestry management. The Conservation Restriction to be held by the Groton Conservation Trust is still pending.

Rob Taisey called the Conservation office to say that he had cleaned up the debris at the Partridgeberry conservation-restricted area on the Nashua River shore with the exception of the rope swing which he was unable to reach. He did say something about the “locals self policing”.

The WHIP grant at Crosswinds ends this year; the program has provided a total of \$8,642 and because the reimbursement is based on their estimated cost per acre, rather than our actual costs, we have sufficient funds to continue mowing through 2016. This grant covered the clearing of trees in 2005 followed by biennial mowing. Open grassland is a disappearing natural area that provides nesting habitat for turtles and grassland dependent birds. Interpretive signage would be an asset on this property.

We have not yet heard from the Groton Conservation Trust on permission to install a barn owl box at The General Field. J. Smigelski offered to talk with Dan Wolfe about this matter.

P. Morrison reported no progress on the Memorandum of Agreement for access to Ames Meadow.

It is important to finalize the Angus & Gibbet Hill Stewardship Plan to be approved by the Town, owners, and DEM. B. Easom and D. Pitkin are working on recording several other GPS points. D. Pitkin has prepared a draft plan. Not monitoring the GPS points that represent the extent of the Conservation Restriction could be a violation of our stewardship duties.

Attorney Collins has agreed to add a marginal reference to the Fuccillo deed, directing viewers to the revised plan.

Member Smigelski pointed out that the July 15<sup>th</sup> limitation for haying makes it very hard to work the land, and agriculture takes a back seat to wildlife. Commissioners commented some bird species are declining because of the loss of grasslands. J. Smigelski said the later mowing means the hay isn't any good because it doesn't dry well. C. Auman mentioned the Commission now

has the Eliades field hayed which had a lot of milkweed for Monarch butterflies. It is difficult to balance the two interests.

There being no further business, the meeting was adjourned at 9:20 p.m.

Notes by B. Ganem  
 Conservation Administrator

**Approved as drafted 1/8/13**

EXHIBITS

Document	Source	Date
Boat/Trailer Invasive Species Monitoring at Public Boat Launch Status Report	Art Prest	12/11/12
Minutes	Conservation Commission	11/27/12
DEP#169-1041	Wilson/21 Moose Trail	Filed 5/21/10
Request for Determination of Applicability	Visconti/240 Boston Rd.	Filed 11/19/12
Request for Certificate of Compliance	Sjoberg/DEP#169-1011	Voted 12/11/12
DEP#169-1092	Town of Groton/Fitch's Bridge	Filed 11/27/12
DEP#169-1091	Jackson/GELD/153 Main St.	Filed 11/27/12
Conservation Restriction	Stoddart/Long Hill Rd.	Voted 12/11/12
Conservation Restriction	Lawrence Woods/Long Hill Rd.	Accepted 12/11/12
DEP#169-1073 Amendment under Wetlands Protection Act	GELD/23 Station Ave.	Issued 12/11/12