

GROTON CONSERVATION COMMISSION

Minutes

May 14, 2013

Chairman Craig Auman called the meeting to order at 7:00 p.m. in the 2nd floor conference room in Town Hall. Members Marshall Giguere, Nadia Madden, and John Smigelski were present. P. Morrison arrived at 7:03 p.m. Bruce Easom and Rena Swezey were absent. Conservation Administrator Barbara Ganem was present.

7:00 p.m. – Appointment Paul Funch – trail maintenance practices

The Commission has received several complaints about the leaf blowing or raking of trails to the point where there is erosion and sedimentation on slopes, specifically behind Williams Barn to Brooks Orchard to the power lines, Wharton Plantation, Sawtell, Torrey, and Floyd Conservation Areas. Paul Funch and Joachim Preiss, members of the Trails Committee, were present. Mr. Funch distributed a memo on the ‘Points for consideration regarding the issue of using backpack blowers to clear trails of twigs and leaves’ to members. He explained some of the leaf blowing occurring on trails is being done by unknown people. The Trails Committee occasionally uses leaf blowers but tries to avoid trails with steep sections. He noted it is a safety and aesthetic issue.

(P. Morrison arrived at 7:03 p.m.)

Mr. Funch agreed it was not a good idea to leaf blow in the fall as the fallen leaves would help protect the trails through the freeze-thaw cycle. Having a procedure in place would be helpful. C. Auman expressed amazement that the Trails Committee has time to undertake this activity. P. Funch said they wish to encourage trail use by making the trails more appealing. M. Giguere commented we have never really memorialized the use of power equipment on the trails, and P. Morrison questioned whether this should fall under the Conservation Commission or the Trails Committee. N. Madden noted that one of the problem areas is Williams Barn, and members reported B. Easom serves as the Commission’s representative on the Williams Barn Committee.

J. Preiss stated the Trails Committee would only use the leaf blower on appropriate sites. He pointed out that well-used trails tend to clear themselves. The memo provides a summary of when a leaf blower would be used by the Committee. C. Auman agreed the subject was worth discussion and noted that action would be taken in the event there is an erosion problem. There were no further comments from the Commission.

On the issue of the use of ATVs, Mr. Preiss noted there have been some serious abuses on Chestnut Hill, including access via a public road. The ATV users are crossing a brook to Groton Hills and head from there to the power lines and behind Tom Delaney’s property on Chicopee Row. J. Preiss pointed out all of these trails, including the ones on property owned by Steve Webber, have been posted with the “no motorized vehicles” signs. What was formerly a narrow single track has now been widened to 10 feet.

M. Giguere indicated the problem lies in our court as the riders do not have permission to ride ATVs on public land, a practice prohibited under our Rules and Regulations. Installing signage is problematic in field areas, but it is critical. The police should also be notified. The education of abutters is a good starting point. A letter will go out to abutters explaining that ATV riding is not allowed and including a reference to the state law. It will include a map of the protected lands and be copied to the Groton Police.

7:15 p.m. – Sheridan/26 Anthony Dr. Request for Determination of Applicability

Resident Sandra Sheridan explained she wished to put a shed on an existing cement slab located in wetlands on her property. J. Smigelski said he had no problem with the project as cleaning up the trash and debris would improvement the situation. B. Ganem advised Ms. Sheridan to file a Form of Intent at the time she applies for a building permit for the shed. Upon a motion by M. Giguere, seconded by N. Madden, it was

VOTED: to issue a negative #3 Determination with the condition the applicant continue to remove the broken up concrete slab/trash and dispose of appropriately.

7:30 p.m. – MacDonald/2 Farmers Row Notice of Intent

Gary Shepherd was present on behalf of the applicant. He explained that a representative from Aquatic Control Technologies was unable to attend but could be reached by telephone if there are any questions. Member J. Smigelski recused himself from the discussion but remained in the room. Mr. Shepherd said it was the MacDonalds' goal to do an herbicide treatment similar to what has recently been done at Lost Lake/Knops Pond. He submitted the green receipt cards for abutter notification. A narrative describing the proposed project was faxed to the Commission office last Friday afternoon.

The applicant would like to have some latitude in determining which chemical is best for the particular problem. It is their understanding that Clipper is about to be approved by the state Pesticide Board. There is a lot of nutrient loading because the land surrounding the pond is used as a pasture, and this presents the likelihood the problem will keep reoccurring. Geese also seem to gather near the pond. Members asked if the nutrient loading has been measured. Also, there were questions about the necessity or frequency for re-treatments. Mr. Shepherd thought the pond would be re-treated in three years. He added this is the first time the pond has had a weed problem while horses have been pastured there for years.

N. Madden expressed concerns about the lack of specifics in the description of the project. She asked what alternatives have been considered. Mr. Shepherd pointed out they may use an aeration system. The proposal is to treat the pond when there is no flow into the pond and none leaving the pond. The chemical must remain in the pond for 7 days to be effective. Mr. Shepherd indicated the treatment would be done through Aquatic Control Technologies which holds pesticide licensing. No DEP number has yet been assigned to the project.

Tom Daley (80 Riverbend Dr.) asked if the results of the chemical treatment would come onto his property. Mr. Shepherd stressed that the MacDonalds want to assure that there are no impacts to fish or wildlife. The treatment would be done when there is no flow from the pond. M. Giguere said the chemical would dissipate out of the water column. Algae, duck weed, and water

meal are problematic in the pond. The Commission would like to know what form (liquid, pellet) and the amount of herbicide to be used in the pond. Mr. Shepherd requested the Commission email him a list of their questions. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to continue the hearing for 2 Farmers Row to May 28, 2013.

7:45 p.m. – Appointment Peter Myette, Rob Antcil – 120 Boston Rd.

Surveyor Stan Dillis was present and explained that a new concept plan, dated May 9, 2013, shows that the current impervious area is 32,000 SF. The current graveled area is 24,000 SF. The proposed building and parking is to be 61,000 SF with 25% to be permeable pavement. Although no wetland alteration is proposed, they anticipate creating a 5,000 SF wetland. The goal is to try to make less of an impact than under existing conditions. A landscape architect will help with the design plan, and a catch basin that is currently dumping directly into Cady Pond Brook will be replaced with a more environmentally-friendly structure. Mr. Dillis summarized the improvements by stating Mr. Myette is trying to address the earlier concerns raised by the Commission.

N. Madden said the Commission will have to see the final plan before making any decisions. M. Giguere added it was his impression that redevelopment in a Riverfront Area called for a reduced building footprint or area of disturbance. It also requires an improvement to existing conditions. S. Dillis outlined the following benefits: 1) the proposed use (a medical office building) will result in a decreased potential for contamination than what is located there now (lawn equipment service and repair) and 2) stormwater runoff will be properly treated which is not currently happening. There is an effort to minimize impervious surfacing, to restore wetlands, and to create a more naturalized landscape. The location of the current septic system location will be converted to a parking area, and the project will utilize town water and sewer. Mr. Dillis said that low-impact development techniques will be used to the extent possible, but more conventional curbing and catch basins may also be necessary. For instance, a grassed swale parallel to the parking area next to the Hurd parcel will help infiltrate and treat runoff on site. The overall reduction in impervious surfacing is an improvement. The water table is 18 inches below the ground surface so fill will be required in some areas where a specific offset to the water table is necessary. The total disturbed area under existing conditions is 56,000 SF while the proposed disturbance is 61,000 SF. The Commission had no further comments.

Attorney Antcil was present and asked if the Commission had any questions about his request for a Certificate of Compliance for work at his home address 7 Shenandoah Rd. M. Giguere noted the as-built plan and statement showed the proposed dry well had not been installed. He added that the area on the road side of the garage appeared stable. Mr. Antcil said the pilings at the shore line were something his uncle put in years ago, and he expects to remove them shortly. Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to issue a Certificate of Compliance for DEP#169-1027.

Upon a motion by M. Giguere, seconded by N. Madden, it was

VOTED: to approve the Executive Session minutes of April 9, 2013 as drafted.

Upon a motion by M. Giguere, seconded by J. Smigelski, it was

VOTED: to approve the minutes of April 23, 2013 as drafted.

8:00 p.m. - Groton School Notice of Intent DEP#169-1084 continuation

At the applicant's request, upon a motion by P. Morrison, seconded by N. Madden, it was

VOTED: to continue the hearing for DEP#169-1084 to June 25, 2013.

8:00 p.m. – Appointment Bill Strickland/Baddacook Pond weed harvesting DEP#169-1093

Bill Strickland explained there were some concerns with the Order of Conditions for the weed harvesting project at Baddacook Pond. He met with Water Superintendent Tom Orcutt and Barbara Ganem to go over specific conditions. Mr. Strickland reported the weed harvester was power washed on Saturday, May 11th at the Transfer Station. Mr. Orcutt has toured the entire lake and has indicated he would like to be more involved in the harvesting process, including the first day when harvesting commences. Mr. Strickland said his Committee is fully aware of the concern about transferring weeds among the lakes in Town.

M. Giguere asked for clarification about whether the proponents are requesting an amendment to the Order of Conditions as he was under the impression that it should be a public process with a hearing. P. Morrison thought these changes fall under the category of minor vs. major. C. Auman felt it was important to get final language that works for the Commission and the applicant, but the Commission is under no obligation to do so. The Order of Conditions has not been recorded since it applies to a Great Pond which belongs to the Commonwealth under state law, and there are no deeds.

Under the Wetlands Protection Act Special Conditions, the first concern is the inspection process in Condition#27. Commissioners agreed the requirement for Conservation Commission inspection could be removed. This Order allows harvesting of approximately 10% of the lake, and the proponents would like to harvest within 10 feet of the shore line since it is the littoral zone that is most infested with weeds. Harvesting in front of houses is especially important. The depth of muck is considerable, and the 10 foot limitation in Condition#35 is unreasonable. B. Ganem pointed out this was a condition in the previous Order of Conditions, DEP#169-1019. The Commission agreed to make the term of the Order of Conditions coincident with that of the MESA permit – 5 years instead of the usual 3 years.

Another objection was raised over the inclusion of Condition #4 in the Special Conditions under the Wetlands Protection Bylaw. Resident Jim Luening (711 Martins Pond Rd.) maintained this condition has nothing to do with weed harvesting. Commissioners said this condition is advisory and not required and, with only 9 homes on Baddacook Pond, asked what is the harm in leaving the condition in. Members explained weed harvesting is a short term fix which should be part of the larger picture for managing the lake. If the people who live around the lake are doing the public outreach, it will have much more impact than if the Commission is mandating it. Chris Forbes (597 Lowell Rd.) agreed this was reasonable. The group who worked on the Baddacook

Resource Management Plan has done a great deal of public education to residents living on the lake. M. Giguere pointed out the Great Ponds Advisory Committee has also been doing this. He found it acceptable, in the spirit of cooperation with the applicant, to do minor modifications to the Order of Conditions. N. Madden expressed concerns about abutter reactions to stirring up sediments within 10 ft. of the shore. Mr. Forbes thought the turtle population has actually diminished over a long period as a result of the caboma coming in. Upon a motion by P. Morrison, seconded by J. Smigelski, it was

VOTED: to modify Conditions #27 by eliminating the requirement for inspections, #35 by eliminating the 10 foot limit to the shoreline, and #40 eliminated while Condition #26 is modified to allow harvesting to continue through March 14, 2018 for the Order of Conditions issued under DEP#169-1093.

C. Auman noted that the Commission consider, in the future, inviting applicants who are groups volunteering for the Town in to the Commission meeting when the Order of Conditions is written. Although no further information can be accepted once the hearing is closed, the applicant can clarify particular points.

Members of the Commission visited Surrenden Farm on May 11, 2013 with the farm licensee Roy MacGregor. He raised a number of issues which he would like to see addressed by the Groton Conservation Commission:

1. OK to bring in manure for storage when the site is dry? Mr. McGregor pointed out the area where he wishes to store materials, and Commissioners agreed it would be okay to bring in the manure during a dry time of year.
2. Parking should be identified on site to prevent users from parking (and blocking farm equipment) in the field. There is no sign identifying where users should park, and the parking area is an overgrown hedgerow with wire fencing. J. Smigelski suggested cutting the vegetation and removing the fencing after burning. It may be that the Commission should consider waiving the license fee in order to allow this to go forward.
3. Discuss the possibility of mowing before July 15 (the latest recommended date to assure the survival of bobolink chicks & this is part of the farm license). C. Auman commented it was clear during the site visit that Surrenden Farm is a sanctuary for bobolinks. J. Smigelski, who has The General Field under a lease with the Groton Conservation Trust, maintained bobolink are also using that property which is intensively managed. He urged the Commission to look at land use within a regional landscape context. M. Giguere pointed out that bobolink prefer higher ground for nesting so they're unlikely to use the wetter fields on site. Member Madden commented she likes to have the opportunity to view breeding bobolink in the field. The Commission has to weigh what is convenient for the farmer vs. what is good for breeding habitat.

M. Giguere reported the Committee that developed the Resource Management Plan for Surrenden Farm emphasized the balance of agriculture and environmental studies to arrive at the July 15th date to accommodate both uses. Without mowing, the field

will become early successional habitat with woody growth coming in or we have to pay to have it brush-hogged.

J. Smigelski said farmers generally look to have the first cutting done by July 4th. Bobolink do not typically have a second clutch if the first hatching is successful. Eggs are laid between June 5 to June 25, followed by a two week fledging period. J. Smigelski pointed out the nutritional value of hay diminishes when the cutting is delayed. There is also the problem that mulch hay is not much in demand because straw bales and straw wattles are becoming more popular for erosion control.

5. Mr. MacGregor would like to re-seed portions of the field. Is drill seeding a possibility? Warm season grasses? Late maturing Timothy grass? Member Smigelski thought there would be a need to smooth out any newly seeded fields to improve machinery access. Mr. MacGregor mentioned he would like to use fill removed from the old farm road crossing to fill in holes lower in the field. Typically re-seeding is done around the first of September. Mr. Smigelski anticipates that some of these soils would fall under the highly erodible classification system used by the Natural Resource Conservation Service (NRCS).
6. Burning brush was discussed on site. Burning can occur on land in agriculture year round, but J. Smigelski recommended cutting, clearing, and building piles of brush in the fall, but not burning until we've had a lot of rain or there is snow cover. This would have to be coordinated with the Fire Department.
7. Location of brush piles. While brush piles are good for wildlife habitat, it could be problematic in this case due to the presence of invasives so burning is probably a better option.
8. Limbing lower branches on trees in the field to allow tractor access. Commissioners felt it was okay to proceed with this.
9. Location of neighbor's fence. Members Giguere and Easom will try to confirm this in the field. It's difficult to determine property bounds with the new fencing in place as some of the original survey flagging was placed on fence posts.
10. Removing mid-line fence and fencing parallel to Shirley Rd. These were goals articulated in the Resource Management Plan for the agricultural fields.

In summary, Commissioners felt it would be more appropriate to have further discussion when Mr. MacGregor can be present at a meeting.

Members reviewed the invasives management plan, dated May 1, 2013, for 583 Lowell Rd. Upon a motion by P. Morrison, seconded by N. Madden, it was

VOTED: to authorize the implementation of the Invasives Management Plan for 583 Lowell Rd.

A Paul Schofield called to ask if the Groton Conservation Commission is interested in an 80-acre parcel (Groton Assessors' Parcel 251-71) in east Groton adjacent to the Westford boundary. There are some wetlands, and it appears to have abundant rock outcrops. It is contiguous to the Groton Woods and Flavell Crossing Conservation Areas; includes "Clay Pit Hill"; is in priority and estimated habitat; identified in the 2001 priority list as a 2nd priority for wildlife, linkage,

and open space; it's a secondary resource area per the 2012 OSRP. It has no frontage on a public way. The current assessed value is \$45,400. Members agreed to include the property on a site walk.

B. Ganem reported the Selectmen signed off on The American Baptist Churches of Massachusetts (TABCOM) Conservation Restriction last night. This has previously been signed by the Conservation Commission so it is likely it can now go to the Secretary of the Executive Office of Energy and Environmental Affairs for signature and, finally, recording.

The state Division of Conservation Services has reviewed the draft language for the Conservation Restriction for the Walker-Cox land and suggested some revisions. These will be made, and then the revised draft will go to the Groton Conservation Trust for review.

There is no update regarding the Memorandum of Understanding for Ames Meadow or the Fuccillo plans.

The remaining item on the agenda was the reorganization of the Commission. Chairman Auman explained he would accept nominations for the chairman first with the individual having the highest number of votes winning. J. Smigelski nominated P. Morrison, and C. Auman nominated M. Giguere. N. Madden, P. Morrison, and J. Smigelski voted for Mr. Morrison, and C. Auman voted for Mr. Giguere who abstained from the vote. Members congratulated Mr. Morrison on his position as the new Chairman of the Conservation Commission.

P. Morrison nominated J. Smigelski as Vice Chairman, and members voted unanimously in favor. M. Giguere nominated R. Swezey as Clerk, and members voted unanimously in favor.

The meeting was adjourned at 9:25 p.m.

Notes by B. Ganem
Conservation Administrator

Approved as drafted 5/28/13.