

## GROTON CONSERVATION COMMISSION

### Minutes

June 11, 2013

Chairman Peter Morrison 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, Peter Morrison, John Smigelski, and Rena Swezey were present. Nadia Madden was absent. Conservation Administrator Barbara Ganem was present.

#### 7:00 p.m. – Appointment/Tom Orcutt Lost Lake Fire Protection Committee

Both Water Superintendent Tom Orcutt and Fire Chief Bosselait were present, as co-chairmen of the newly appointed ad hoc committee to study fire protection at Lost Lake/Knops Pond. Commissioner Rena Swezey who resides at the lake is also on the committee as well as engineer Val Prest. Their major task is to look at the installation of dry fire hydrants around the lake and the extension of public water service. It is likely the work will involve a filing with the Commission as a pipe is installed under the frost line and extended into the lake from which water can be pumped to a truck. This would provide access to water for places that are now difficult to reach. The combination of limited public water and narrow streets makes firefighting a challenge at the Lost Lake area, as recently demonstrated with the fire at 99 Boathouse Rd. The committee expects to issue a draft report at the end of August in preparation for an appropriation for dry fire hydrant installations at the fall Town Meeting.

Chief Bosselait said withdrawing water from the lake is limited by a vertical draft lift of 15 feet. Installing dry hydrants will improve safety as well as insurance ratings. Member Auman asked how many will be necessary, and Chief Bosselait said this will be driven by elevations in relation to the lake level. The pipes have to be below the winter ice line. M. Giguere questioned the methodology to be used, and the Chief responded it is typically done by an excavator with an extender arm and would be done during the winter drawdown. Members suggested filing a blanket Notice of Intent describing the process, pipe details, and locations identified. Other areas, not served by the Water Department, may have an interest in this type of installation as a safety step. Commissioners thanked Mr. Orcutt and Chief Bosselait for coming in to describe the project.

B. Easom made a motion, seconded by C. Auman, to approve the minutes of May 28, 2013. In discussion C. Auman pointed out the decision on the appointment to the Great Ponds Advisory Committee was delayed, and he asked that the vote be struck from the minutes. Returning to the vote, as amended, it was

VOTED: to approve the minutes of May 28, 2013 as amended.

The motion passed with M. Giguere and J. Smigelski abstaining.

Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to appoint Marshall Giguere as the Commission's representative to the Great Ponds Advisory Committee.

The vote was unanimous.

7:15 p.m. – 78 Maplewood Ave. Notice of Intent DEP#169-1097

Kevin Ritchie of Civil Solutions, Inc. and homeowner Mike Smutek were present. Mr. Ritchie explained the property has a private well, cesspool, and dry well for the kitchen area. They have determined that moving the well is not an option. There is a turnaround on the edge of the lake where the homeowner can park. The installation of the tight tank will be tucked partially into the hillside behind a retaining wall. The tight tank will be located 50 feet from the well and within 31 feet of the lake. The retaining wall will be moved out 5 feet.

There has been a delay in getting a response from the Natural Heritage Program as they wanted photographs of the site. The existing railroad tie retaining wall will be replaced with concrete blocks, and members requested that the wall details be shown on the plan. The floodplain should also be shown on the plan. M. Giguere asked if breakout protection is necessary, and Mr. Ritchie replied "No, this is for a tight tank." The cesspool will be pumped and filled with sand.

R. Swezey cautioned against leaving trees around the tight tank as roots can grow into it. She said the alarm on her tight tank has never been used as she knows when pumping is necessary. M. Giguere advised that any tree removal be shown on the plan. Mr. Ritchie said there were several rhododendrons that would have to come out. In response to Mr. Smigelski's question about how far above the water the tank is located, K. Ritchie acknowledged the bottom will be in the groundwater.

B. Easom asked about the buoyancy calculations which seemed to indicate the tank could float, and Mr. Ritchie said the entire tank will not be submerged. There has been some discussion with potential buyers of the property about whether this is to be a year-round dwelling. The existing patio, dock, and boathouse are subject to Ch. 91 licensing. Pending the plan revisions and hearing from NHESP and upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to continue the hearing to June 25, 2013.

B. Ganem reported that several agricultural issues have been raised recently. One is manure management on what used to be Puritan Hill Farm and is now Thomas More College where horses are boarded. Stockpiling manure in close proximity to James Brook has been an on-going concern at least through three owners. Ms. Ganem said that the owner's representative was notified and they are beginning to truck the manure for composting at a facility in Shirley. J. Smigelski thought the Commission should give them time to work this out as they appear to be making progress.

Complaints have also come in about John Crow Farm, in particular the direct discharge of water from bare fields into James Brook. Also, they are pumping water from the Brook for livestock apparently. B. Ganem has requested they work with the Natural Resources Conservation Service

in Westford to develop a conservation farm plan that will address the potential for erosion and sedimentation into the Brook.

7:30 p.m. – Appointment Eagle Scout Greg Rosich/Kaileys Way improvements

Greg Rosich, a member of Troop 3, anticipates building a stairway with approximately 20 steps to provide a more accessible entrance to Groton Hills off Kaileys Way. Mr. Rosich prepared a PowerPoint presentation that included photographs of the area in which he plans to work and a prototype for the type of stairs. If he has time, he will also trim the overgrown plants, particularly invasives, that line the trail. He anticipates building wooden frames off site and then filling them with gravel for drainage. If he is able to find donated granite slabs, he would substitute those for the wooden frames. He felt these improvements will result in a more user-friendly trail.

Member Giguere thought this would make an excellent entrance and suggested crushed rock be used around the frames. B. Easom questioned whether this access would be appropriate for equestrians, and Mr. Rosich said he will put some thought into whether a longer tread is possible. Mr. Easom also cautioned about assuring that the work is on town-owned property, and G. Rosich said he will consult with the neighbors on both sides. There are also granite bounds out there according to B. Easom. C. Auman said he has been looking to have these stairs built for some time and appreciated Mr. Rosich taking on the job.

Chairman Morrison said it was his experience that horses would not take well to stairs; he suggested locating a path to the side of the trail. Members thanked Mr. Rosich for his planning effort and Mr. Morrison signed off on his Council presentation as the beneficiary of the work.

7:45 p.m. – Appointment Andrew Davis/Steward for Sargisson Beach

A. Davis also prepared a PowerPoint presentation, dated 6/11/13, with photographs showing the erosion control work done by Eagle Scout Dan Horrigan and maps showing proposed work projects. The spring cleanup is scheduled for Saturday, June 15<sup>th</sup>. They will be using rakes and the trailer to haul away bags of weeds. M. Giguere expressed concern about transporting weeds and the potential for spreading the seeds. Mr. Davis said this would be done in accordance with the Order of Conditions for weed harvesting in Lost Lake/Knops Pond. Mr. Giguere noted that stockpiling was to be done in one spot with no transport for the Baddacook Pond weed harvesting project. A. Davis responded that most of what they rake up consists of pine needles and floating weeds.

Member Easom thanked Mr. Davis for taking this project on. With the gate to Sargisson Beach left open all the time, A. Davis pointed out parking seems to be resolved but he continues to inform fishermen they are allowed to park in the parking area. He reported there have been no fire incidents. The aerial map shows where the wood chips have been distributed, and they seem to be absorbing well. He estimated that 50% of the water flowing down the driveway has been diverted. There is still a need to protect the undercut area at the shore line.

Mr. Davis proposes installing dispensers that he is willing to construct to contain plastic bags to encourage people to pick up their own trash. He estimated the cost for materials would be less than \$100. M. Giguere thought this was a good idea and suggested talking to the Great Ponds Advisory Committee about funding. Mr. Davis agreed to keep the dispensers stocked with plastic

bags. The Park Ranger, Phil Giattino, has been collecting trash, and the Highway Department picks it up on Fridays. Carol Quinn also participates in cleaning up trash.

Another project which Mr. Davis would like the Commission to consider is to set aside an area as a kayak and canoe landing at the beachfront. He noted the grassy side of the beach is not used by swimmers because this tends to be the area where weeds and flotsam collect. He did not recommend changing the prohibition against motorboats. A good way to separate the landing area from the swimming area would be to re-install the docks. Mr. Davis suggested putting in 3 sections of the dock. B. Ganem noted the DPW has installed the docks in the past, but there are concerns about liability having docks in without any lifeguards on duty. Also the swim rope covers the whole waterfront. Mr. Davis thought kayaks could skim across the rope or he would be willing to install an anchor to reduce the size of the swim area.

Mr. Davis suggested the installation of a canoe and kayak rack for residents' use. He thought this would cost about \$400. He questioned whether the Commission could consider sending out a request for proposals to construct the rack and allow residents to rent space for kayaks for a nominal fee. Carol Quinn volunteered to contact Harvard to determine how their system is operated.

Signage is another issue at the beach, particularly the 'Welcome' sign at the entrance. A lot of it is currently taped off, and Mr. Davis recommended blocking the sentence that includes "Groton residents only" as people think they can't park there if they don't live in Groton. This would be a temporary measure until the exact wording for a permanent sign is determined. Other signs would have to be added to identify the canoe/kayak landing and prohibit motor boats and launching of boats.

As a future project, Mr. Davis indicated that the sand on the beach could be pulled back up with an excavator and then raked out by volunteers to improve beach conditions. Selectman Josh Degen has volunteered to do this. M. Giguere thought this could be accomplished with a Request for Determination of Applicability if work is done in the winter and silt fencing is installed. Portions of the retaining wall at the shore are falling in, but some of the rocks have been replaced in the wall. The Community Preservation Act may be a source for funding this project. B. Easom advised that whoever makes the application be willing to supervise the contractor. Planning Board member John Giger suggested this should go through the Town under the regular procurement process. Mr. Easom said the CPA process would commence on October 13<sup>th</sup>.

Commissioners agreed to the installation of trash dispensers, the change in signage for the welcome sign, and to look into re-installing the docks. They thanked Mr. Davis for all his hard work. A follow up meeting was scheduled for 6:30 p.m. on June 25<sup>th</sup>.

Members briefly discussed the Saturday site visit to the Schofield land (Parcel 251-71). The property is currently in the first year of tax title, but the Town generally does not go to auction on these properties until the third year. B. Easom pointed out there is a possible access via a vacant lot off Autumn Leaf Lane.

8:00 p.m. – Nodarse & Hanafee/34 Kemp St. Request for Determination of Applicability continuation and 8:15 p.m. - Petropoulos/18 Kemp St. Request for Determination of Applicability continuation

Jack Petropoulos was present and explained he wished to graze his cattle on the adjoining property owned by the Nodarses after the construction of a bridge on his property and installation of electric fencing around the brook on both properties. Occasional mowing will be necessary to keep weeds down because the cattle won't eat certain weeds. He doesn't anticipate there being any erosion as the work will be done when things are dry. The metal posts will be pounded in so there is no digging.

R. Swezey asked for clarification on the outstanding Order of Conditions, and members said the owner, the Nodarses, agreed verbally to this project at the last meeting and authorized J. Petropoulos to be their representative. This Determination will replace one of the conditions in the Order.

B. Easom asked if there was any success in re-locating the bridge to a narrower part of the stream, and Mr. Petropoulos replied it would be in his yard so he felt the proposed location was the best. C. Auman noted there has been a favorable response from the Natural Heritage & Endangered Species Program. Mr. Petropoulos was given copies of the draft special conditions. He noted it would be difficult to comply with selective mowing of native vs. non-native species so this condition was omitted. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to issue a negative #3 Determination for 34 Kemp St. with the following conditions: 1) This Determination allows a modification to DEP#169-1003, as amended, which is recorded at the Middlesex South Registry of Deeds at Book 56111, Page 211, in particular Condition #24 under the Bylaw Special Conditions and the prohibition against grazing any portion of Lot 1 (34 Kemp St.) noted in Exhibit A. The grazing is permitted only on condition the electric fencing is in place and maintained; 2) Work (installation of fencing and mowing) shall be performed at a dry time of year; 3) The field shall not be used for grazing until the electric fencing is installed; 4) Every effort shall be made to assure there is no sedimentation or erosion of soils into the stream or adjacent bordering vegetated wetland during the construction process; 5) Fencing shall be kept in good repair to prevent animals from entering the wetland resource area adjacent to the headwaters of Wrangling Brook; 6) Maintenance and replacement of the aforementioned equipment is permitted beyond the three (3) year life of the Determination of Applicability with prior notification to the Conservation Commission; and 7) The Commission shall be notified of any change in use in the field.

The vote was unanimous.

Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to issue a negative #3 Determination for 18 Kemp St. with the following conditions: 1) Work (including bridge construction, installation of fencing, and mowing) shall be performed at a dry time of year; 2) Bridge shall not exceed 32 feet in length nor 6 feet in width and shall be constructed in accordance with the submitted plan. Any pressure-treated lumber used for the project shall not contain chromium arsenate; 3) Appropriate erosion control measures shall be on

site; 4) Fencing shall be kept in good repair to prevent animals from entering the wetland resource area adjacent to the headwaters of Wrangling Brook; 5) The bridge is authorized for the passage of cattle and farm equipment to maintain the fields. Any change of use will require the filing of a new Notice of Intent with the Groton Conservation Commission; and 6) Maintenance and replacement of the aforementioned equipment is permitted beyond the three (3) year life of the Determination of Applicability with prior notification to the Conservation Commission.

The vote was unanimous.

In discussion on the Crystal Spring Conservation Restriction (CR) M. Giguere said he still has reservations about restrictions on private property with no public access. P. Morrison mentioned this has proven a difficulty at Deerhaven. The CR would cover 13.42 acres and the back of 9 house lots. Members indicated their preference to not hold restrictions on the rear portion of the lots. B. Ganem said they builder has been installing monuments at the corner of the CRs on each of the lots on which he has built.

The Groton Conservation Trust has agreed to be the holder of the Walker-Cox CR. Member Auman said he thought the section on forestry was a little weak. B. Ganem asked how members felt about reserving the right for a changing station. She stressed the need for the Commission to have input on this CR as it will be part of the LAND grant reimbursement package. Members thought there could possibly be a need for a shed for maintenance equipment. A location for the parking of six cars will be identified on the management plan. In discussion on grantee expenses, the most likely problem is encroachment from an abutter, a situation similar to that encountered on Allens Trail where NEFF holds the CR. Members thought the grantee should bear the expense of enforcement.

Member Easom questioned whether snowmobiles should be specifically called out in the non-motorized vehicles section as there always seems to be confusion about whether they are included or not. Chairman Morrison noted that snowmobiling clubs frequently help with the maintenance of trails. C. Auman pointed out the Commission's Rules & Regulations specifically prohibit snowmobiles and asked why we would allow an exception as they're noisy, disrupt wildlife, and cause user conflicts. He added the Commission is a conservation, not a recreation, organization. M. Giguere cautioned this is a fragile parcel with connections to many other parcels; he objected to presenting opportunities for snowmobilers to connect with other conservation land, particularly land owned by Groton Conservation Trust which does not allow motorized vehicles. This could definitely affect our good neighbor policy. Members B. Easom, C. Auman, and M. Giguere agreed that snowmobiles should not be allowed, while members R. Swezey, J. Smigelski, and P. Morrison thought they should be permitted. J. Smigelski pointed out they can create good trails for skiers. B. Easom said he could change his vote and let the Groton Conservation Trust make the change. Language could be added that snowmobiles could be allowed when there is a minimum of 4 inches of snow. C. Auman reiterated that this is a conservation, not a recreation, organization.

B. Easom argued that he feels the wording requires clarification as he is not in favor of using ambivalent language. Another straw vote resulted in the same breakdown of members. P. Morrison said this would give the grantee an opportunity to weigh in. Treatment of non-native

species and authorization for wells (Reserved Rights #4 and 6) will remain the same. In discussion on structures, members agreed the ability to have agricultural activities on the site should be allowed with permission from the grantee. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to accept the wording of the Walker-Cox Conservation Restriction as modified.

The motion passed by majority vote with C. Auman voting in the negative.

Upon a motion by B. Easom, seconded by R. Swezey, it was

VOTED: to add a sentence under B. Reserved Rights 1. Recreational Activities stating "Snowmobiles may be used when 4 or more inches of snow are on the ground."

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

Members agreed to continue review of the Mt. Laurel CR and trail easement at a later meeting.

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

VOTED: to approve and issue an Order of Conditions, as amended, for 32 Blossom Lane, DEP#169-1096 under the Wetlands Protection Act.

Upon a motion by M. Giguere, seconded by B. Easom, it was

VOTED: to approve and issue an Order of Conditions, as drafted, for 32 Blossom Lane, DEP#169-1096 under the Wetlands Protection Bylaw.

J. Smigelski recused himself from discussion on the 2 Farmers Row Order of Conditions. Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to approve and issue an Order of Conditions, as amended, for 2 Farmers Row, DEP#169-1095 under the Wetlands Protection Act.

Upon a motion by M. Giguere, seconded by B. Easom, it was

VOTED: to approve and issue an Order of Conditions, as amended, for 2 Farmers Row, DEP#169-1095 under the Wetlands Protection Act.

Under land management tasks, B. Ganem reported the LAND grant people have indicated the Town can be fully paid within the FY 2013 funding cycle so all paperwork for the reimbursement must be submitted by July 31<sup>st</sup>.

The Groton Conservation Trust has reviewed some of the background documents relating to the Baddacook Field CR and noted the Town was required to remove the camps. They would like to

see this done before they sign off on the CR. Members suggested contacting additional people about the demolition since Bob Black and Brian Lagasse were unresponsive. B. Ganem will also complete the demolition delay permitting process.

M. Giguere and B. Easom tentatively agreed to go out this coming weekend to Surrenden Farm to ascertain the corner bound at the tip of the field next to Mr. Maynard's property.

M. Giguere expressed surprise at Josh Degen's claim the Williams Barn Committee was interested in having community gardens at Sorhaug Woods. They were very explicit when we met with them on the forestry plans that they would prefer not to have areas cleared for fields. B. Easom has been appointed to serve on the Williams Barn Committee for the upcoming year.

B. Ganem reminded members that representatives from the Wetlands Bylaw Review Committee will be attending the next Commission meeting to discuss proposed changes in the Wetlands Bylaw. There are some changes in wording but also an expansion of buffer zone in critical areas.

Mass Audubon has begun its review for the Baseline Documentation Report for the Walker Cox property. A field visit is scheduled for June 14<sup>th</sup> with Paul Funch to review possible trail layouts.

There being no further business, the meeting was adjourned at 10:15 p.m.

Notes by  
Barbara V. Ganem  
Conservation Administrator

**Approved as amended 6/25/13.**