

## GROTON CONSERVATION COMMISSION

### Minutes

July 9, 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 Marshall Giguere, Nadia Madden, Peter Morrison, John Smigelski, and Rena Swezey were present. Bruce Easom was absent due to a coterminous Zoning Board of Appeals meeting. Conservation Administrator Barbara Ganem was present.

Great Pond Advisory Committee liaison M. Giguere reported the level of Sonar in Lost Lake/Knops Pond did not quite attain the levels of treatment needed to kill the *Cabomba caroliniana* and milfoil although the plants were definitely affected. A second treatment was done June 22<sup>nd</sup>, and they expect to do a third shortly. The Groton Lakes Association is doing a good job of educating residents about the types of aquatic vegetation in the lake. About 19 people attended a recent “Weed Watchers” program at the Lost Lake Fire Station. GPAC also discussed the issue of a beaver impoundment on Martins Pond Brook. The GLA will notify residents that the landing of boats at Sargisson Beach is prohibited. They also asked that the Conservation Commission share any suggestions that they may have to educate lake residents about steps they can take to maintain water quality.

P. Morrison said he has attempted to reach Police Chief Don Palma who is the harbormaster for Lost Lake/Knops Pond. Increasing police patrols at Sargisson Beach was a concern especially with the rope swing and portapotty incidents. Mr. Morrison wondered if an 8 – 10 ft. tall 3-sided stockade fence would serve to protect the portapotties. R. Swezey reported there had been a serious accident on Saturday when a young man jumped from the rope swing and landed on a moving boat. He suffered severe cuts, and it is anticipated he will need more surgery and rehabilitation. The Groton Police and state Environmental Police were there. The Park Ranger had cut the rope down recently but it was apparently replaced over the holiday weekend.

Chairman Morrison suggested that dropping the tree may be the only choice, given the concern about public safety. It would be a navigational hazard unless it can be winched out. J. Smigelski agreed to talk to George Brackett about removing the tree. Commissioners urged that the process be expedited.

J. Smigelski has received one bid and expects a second for the removal of the Shattuck camps. B. Ganem has asked Bennett Black for an estimate as well. M. Giguere wondered whether this should be coordinated with the work the forester will do in November. B. Ganem will check with Natural Heritage about the timing, but Mr. Smigelski indicated he did not think there would be a need for extensive improvements to the existing trail. Some limb pruning may be necessary to get a dumpster in to the site of the three camps.

#### 7:15 p.m. – 14 Paul Revere Trail Notice of Intent DEP#169-1098

Homeowner Dave Watkins explained the property needs a septic upgrade. C. Auman asked how many trees will have to be removed, and Mr. Watkins replied “five maybe six”. He drew in the

location of the trees on the Commission's plan. It was determined the Commission did not have the latest Notice of Intent plan, most recently revised June 19, 2013. Mr. Watkins submitted a copy with the revisions. Abutters have been notified and sanitarian Jeff Hannaford previously submitted the certificates of mailing. Mr. Watkins was informed that he will need to get a Ch. 91 license for his dock. He stated the cesspool was bone dry, and he expected it would have to be filled or crushed in place. Upon a motion by C. Auman, seconded by J. Smigelski, it was

VOTED: to close the hearing for 14 Paul Revere Trail DEP#169-1098.

Ms. Ganem explained the process for issuing a permit, the appeal period, and the need to record the document prior to commencing work.

As previously noted, the LAND grant people have indicated the Town can be fully paid within the FY 2013 funding cycle so all paperwork must be submitted no later than 7/31/13. Mass Audubon is well along in the preparation of the Baseline Documentation Report and Land Management Plan for Walker-Cox. They expect to have a draft ready for the next Conservation Commission meeting. Paul Funch and Kris Corwin have been very helpful in documenting existing trails and other possible routes to avoid wetland crossings.

M. Giguere reminded members that representatives of the Wetlands Bylaw Review Committee would be meeting with the Planning Board at 7 p.m. this coming Thursday. Any changes should be referred to the Committee members. As an observer, C. Auman observed that M. Giguere has done an excellent job representing the Commission on this Committee.

P. Morrison reported that the two abandoned cars in the field at 246 Lowell Rd. have been removed.

7:30 p.m. – Bergin/4 Brownloaf Rd. Request for Determination of Applicability continuation

Ms. Ganem informed the board the applicant had emailed to say cancel the application. Upon a motion by M. Giguere, seconded by J. Smigelski, it was

VOTED: to close the meeting without a finding.

The vote was unanimous.

N. Madden announced that, as a resident of Academy Hill, and in accordance with the Board of Selectmen's recommendation, she would recuse herself from the next appointment.

7:30 p.m. – Academy Hill box culvert and replication area

George Gallagher, financial officer for Habitec, and Peter Ogren, engineer from Hayes Engineering, Inc., were present. Mr. Gallagher distributed hard copies of plans submitted electronically by Desheng Wang this morning. Mr. Ogren said they have determined that the design of the headwall and culvert grade are an issue, and it is understood that a different type of remediation is being looked for by the Planning Board and the Commission. The plan is to remove the existing culvert and re-lay it at a different grade in which the inlet will be one (1) ft. lower and the outlet will be three (3) ft. lower than existing conditions. P. Ogren commented the

stop logs were not effective in terms of the velocity of the flow through the culvert. There has continued to be piping through the stones. The culvert is a pre-cast unit installed on site. It will be removed, in sections, in order to lower the grade. The poured headwalls at the ends will have to be removed, and a new footing poured. The u-shaped culvert will then be re-set. They will attempt to re-create a natural substrate through the use of a cocomat, silt/clay mixture, and river stones to stabilize the stream bottom. The mat and stones will reinforce the bottom and slow the flow. The river stone (rounded rocks between 4 – 8 in. in size) will be randomly placed.

A stormwater drain from the subdivision, an 18 in. reinforced concrete pipe, will have to be re-laid on top of the re-set culvert. This also requires changing the grade at the manholes. This will enable the applicant to move forward with the Planning Board but at a significant cost to themselves. Mr. Ogren suggested this is the only way to bring a satisfactory resolution to the problem. Members Smigelski and Swezey thought this would be a helpful step to alleviate what has been an on-going issue. Sections of the culvert will be picked up with a backhoe. The sections probably have mastic holding them together. The sections will have to be tied in well. The footings will be broken up with a jack hammer. The actual channel inside the 5 ft. culvert is about 4 ft. wide due to the footings forming a shelf on both sides. This plan will cut down on the scouring and piping that is currently occurring.

Commissioners advised the plan will have to show where erosion control measures are to be installed and the limit of work (grading). Mr. Ogren maintained that the elevations determined through the photogrammetric survey were correct but the culvert did not vertically line up with the wetland in the field installation. The 2010 headwall plan he submitted to the Planning Board alluded to this issue. P. Ogren indicated that everyone who attended today's visit to the site thinks this is the right thing to do, and he is 100% convinced that it will work as proposed.

(Developer Bruce Wheeler arrived at 7:45 p.m.)

Member Giguere thought a wider culvert would be better as it would help cut velocity. He expressed concern about the existing puddling at the inlet and the flow disappearing underneath the culvert. Mr. Ogren stated the concrete would be about 5 ft. below the inlet and 7 ft. below the outlet. Nitsch is reviewing the calculations on the replication area. When asked whether there would be footings all the way across the bottom of the box culvert, Mr. Ogren responded "No" as that would be inadequate to carry water flow. He said this is a minor amendment but does not change the concept of the crossing. The recommendation will be presented to the Planning Board where it is hoped they will release the bond money in order to do the necessary work and get building permit applications moving again. Members indicated they were in general agreement with what has been presented. Upon a motion by R. Swezey, seconded by J. Smigelski, it was

VOTED: to inform the Planning Board the Conservation Commission is in agreement with the plan.

N. Madden returned to the meeting.

7:45 p.m. – 78 Maplewood Ave. Notice of Intent DEP#169-1097 continuation

Engineer Kevin Ritchie has requested a continuation and upon a motion by M. Giguere, seconded by J. Smigelski, it was

VOTED: to continue the hearing for 78 Maplewood Ave. DEP#169-1097 to July 23, 2013.

The motion passed unanimously.

8:00 p.m. – Alan Schofield Property (Map 251-71)

Trail Committee members Joachim Preiss and Olin Lathrop, as well as Groton residents Elizabeth and Robert Shaw of 45 Acorn Path, were present. Mr. and Mrs. Shaw explained they were abutters to the 80-acre parcel and understood that Bill Harmon of the Westford land trust had expressed an interest. They preferred to see the Town acquire the land rather than the Westford Sportsmen's Club. Mr. Preiss emphasized how important this land would be to connect the Skinner Forest and Duck Pond conservation areas with Westford. Groton and Westford currently have no trail connections. P. Morrison said it is an interesting area to hike. R. Swezey reported the property has gone into the first year of tax taking for non-payment of taxes in the amount of \$700 in 2013. She said the land is assessed as a non-buildable lot (a 90% devaluation) because it is landlocked. After 3 years in tax title, the Town can begin the process of taking the property. Ms. Swezey suggested waiting out the process.

Mr. Shaw said he was aware of the tax title process and that the property could then be sold at auction. He also questioned the landlocked determination as nothing is truly landlocked as adjacent lots can be purchased. For instance, Mr. Desrosiers has a vacant lot at the end of Autumn Leaf Dr. The maximum length of a dead end street is 1,000 ft. but it is possible it could be a driveway to a single family house. In a letter dated June 19, 2013, Carol Schofield Van-Patten mentions an offer of \$1.5 million in the 1990's. Past overtures really can't be taken as a current realistic value. M. Giguere suggested getting an appraisal which would be necessary anyway for a LAND grant application. P. Morrison tended toward waiting for the tax title process to play out. R. Swezey reported the owners, the Schofield family members, seem to argue each year about where the tax bill should be directed. There appears to be infighting among family members. The tax bill has always been in arrears but this is the first time it hasn't been paid at all. The assessed value has risen from \$45,000 in 2013 to \$64,000 in 2014. B. Ganem estimated the cost for an appraisal would run between \$4000 and \$6000.

M. Giguere stressed that an appraisal would nail the value down and give us something with which to negotiate. R. Swezey warned that the family believes it is worth a lot more than the real value. She thought the Westford Sportsmen's Club has had the opportunity to buy the land for years. N. Madden suggested waiting out the tax title process but acknowledged her feelings could change if circumstances change. C. Auman agreed with waiting as he felt there seems to be a high probability they would not change their minds about the value and the money for an appraisal would be wasted. R. Swezey concurred, suggesting the Commission wait to see whether the 2014 tax bill is paid.

J. Smigelski suggested the Commission sit on it, especially since we are not exactly flush with money at this time. J. Preiss pointed out the Sportsmen's Club has road frontage and, if the properties are combined, the value would increase considerably. R. Swezey said access from

another town is a problem as there are two different communities overseeing such items as town services, school buses, etc. Mr. Shaw asked if there would be zoning issues were the Sportsmen's Club to set up a shooting range in Groton. R. Swezey reminded those present of the controversy surrounding the Groton Police Department's use of a gun range at the transfer station.

There appears to be an opportunity for a Westford trail connection behind the Village View subdivision. O. Lathrop said this is all good information and this is a great parcel to grab, but the danger appears to be that some other party may be interested. He suggested thinking about a deal with the Sportsmen's Club. R. Swezey said this parcel has never had any frontage for access. Mr. Desrosiers developed his own property. The consensus of the Commission was that this parcel is definitely of interest and, if anything develops, we should ask the owners to let us know.

There being no further business, the meeting was adjourned at 8:25 p.m.

Notes taken by  
Barbara V. Ganem  
Conservation Administrator

**Approved as drafted 7/25/13.**