

GROTON CONSERVATION COMMISSION

Minutes

Thursday, July 25, 2013

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

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

VOTED: to approve the minutes of June 25, 2013 as drafted.

The vote was unanimous.

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

VOTED: to approve the minutes of July 9, 2013 as drafted.

The vote was unanimous.

B. Easom explained he had volunteered to assist the Park Commission with their PARC grant application and noted that projects are given 5 out of a possible 100 points if the town is considered a 'green community'. Groton already meets some of the requirements to become a green community, including the expedited permitting process and by right small-scale solar and wind energy projects. Other policies have to be adopted such as adding the stretch code to the building code. Such features as higher insulation values and higher efficiency are important components of the stretch code. There are grants available to encourage the reduction of energy consumption, and the town would be eligible for a grant of \$137,000 upon meeting the state requirements. The Selectmen have recently appointed a committee to explore whether Groton could become a green community. Upon a motion by N. Madden, seconded by R. Swezey, it was

VOTED: to appoint B. Easom as the Commission's representative on the Green Community Committee.

Mr. Easom reported the Committee will be holding its first meeting on Monday, August 5th at 8 a.m.

B. Ganem explained the directional drilling for the sewer and communication lines between the Public Safety Building and the new Fire Station has been completed. They were able to get under the wetlands fine, but ran into a shale ledge within the Safety Building parking lot itself.

Resident Carl Canner has called with concerns about the fast pace of erosion of the shore line of the Squannacook River adjacent to his home. He would like to protect the banks in some fashion,

but would like to discuss it with the Commission prior to engaging an engineer. Members noted that removing dams is becoming a priority in the state. GELD does not appear to be interested in the Squannacook River dam as a source of electricity. There would be wildlife and other concerns associated with dam removal, including the impacts to landowners. However, restoring natural flow can improve the resource. Commissioners agreed to invite Mr. Canner to the next meeting to discuss the problem.

B. Ganem reported that one of the Selectmen's goals for 2014 includes the reopening of Sargisson Beach. Selectman Josh Degen told his colleagues that a group of interested residents had been formed with the intention of creating a permanent body on the lines of the Williams Barn Committee, to oversee the administration of the beach. She noted the Commission had approved about 10 signs, 12" by 18" in size, for placement at the Beach during the June 25th meeting. The Sign Bylaw prohibits the placement of signs on trees so this means an array of posts with the signage. Individual u-channel posts run about \$65 apiece, and the signs are about \$24 apiece. Security is also an issue as the Commission has had the experience of signs disappearing. It is unclear how this array of signs would look plus the Commission must consider an overall plan in light of the Selectmen's goals above as well as wording for the sign at the entrance to Sargisson Beach. Members agreed to hold off on ordering the signs until these matters are better sorted out.

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

At the request of the applicant's consultant and upon a motion by J. Smigelski, seconded by M. Giguere, it was

VOTED: to continue the hearing for DEP#169-1097 to August 13, 2013.

7:15 p.m. – Appointment Don Black/49 Island Rd.

Member Easom recused himself from the room as he felt he had a conflict of interest. Mr. Black explained that he understood a Notice of Intent was filed for this property which is now for sale. He would like to clarify some unknown issues. The current owner has also had a stairway built to the waterfront. D. Black asked the Commission what steps are necessary to rectify the situation. Member Swezey recused herself from the discussion as she is an abutter and the owner is her cousin. She sat in the audience.

The current owner filed for a retaining wall in 2004. The Order was amended in 2007 as an after-the-fact filing for the patio at the shore line. Recently, a worker was installing a stairway to the shore without permitting in place. In 2010, the owner filed a RDA to re-locate a sewer force main. The Commission visited the property on August 7, 2010 and noted the retaining wall around the patio was falling into the lake. Members refused to issue a Certificate of Compliance, and the property is currently in non-compliance with the Order of Conditions. Mr. Black indicated he may wish to remove some of the blocks from the patio retaining wall and stack them on a pallet on land. M. Giguere asked if this work could be delayed until the winter drawdown of the lake. Members agreed it would be okay to remove the blocks by hand as long as the crushed stone is left in place. The goal is to be sure there is no erosion or sedimentation into the lake.

Members recommended a new Notice of Intent for the repair of the retaining wall, the installation of the stairway, and any stabilization of the shore line that has not yet occurred. The Commission can issue a Certificate of Compliance for both Orders once the new work is completed. The new Notice of Intent plan would basically document everything that is currently there. Mr. Black said he would start the filing process as soon as possible in order to do the work during the winter drawdown. Work that is not in the resource area could be started earlier. Mr. Black thanked Commissioners for their input, and members B. Easom and R. Swezey returned to the table.

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

VOTED: to issue an Order of Conditions, as drafted, under DEP#169-1098 for 14 Paul Revere Trail under the Wetland Protection Act.

The vote was unanimous.

In discussion on the Bylaw OOC, R. Swezey questioned the need for Condition #27, pointing out the presenter at the recent 'Weed Watchers' program said that docks no longer require licensing. B. Ganem mentioned she had talked with a representative from the state Waterways Department yesterday, and she indicated Ch. 91 licenses were required for existing docks.

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

VOTED: to issue an Order of Conditions, as drafted, under DEP#169-1098 for 14 Paul Revere Trail under the Wetland Protection Bylaw.

The vote was unanimous.

Trails Committee members Olin Lathrop, Wendy Good, and Paul Funch were present for discussion of the next two items. P. Funch noted there are trails on Rt. 40 using the Water Department land that could connect with open space on the proposed Chamberlains Mill preliminary subdivision plan. B. Easom observed that there appear to be two choices for the entrance to Chamberlains Mill – one within the 100-ft. BVW buffer zone from Schoolhouse Rd. and the other within the 200-ft. Riverfront Area of Martins Pond Brook. The entrance to Schoolhouse Rd. drops about 10 feet over a very long distance, and N. Madden questioned whether a retaining wall would be necessary. P. Morrison observed the project is jurisdictional and would require a Notice of Intent filing. B. Easom noted all of the buildings are out of the buffer zone under either the conventional or flexible development plan. Members expressed a preference for the flexible development plan which sets aside about 11 acres of open space. The Commission will send the draft comments to the Planning Board with this preference noted therein.

Member Easom reported he had brought to the attention of the Community Preservation Committee the Commission's debate about the use of snowmobiles on the Walker-Cox land. Paul Funch explained the Trails Committee voted unanimously to allow snowmobiling in the Conservation Restriction, but not allow it under the management plan. Mr. Lathrop pointed out

the difficulty in modifying a Conservation Restriction, and this would reserve the right to say yes if something were to change in the future. He added he thought they should be banned because they're loud, and this is a very sensitive area for wildlife species. They can tear things up especially in a pristine forest.

P. Funch thought the bigger issue was what we do in town, and he would like to see a plan developed. He pointed out this area is really too small for snowmobiling. P. Morrison said snowmobilers in other states maintain hundreds of miles of trails. Mr. Funch mentioned most of our trails are single track, and we need a plan. N. Madden cautioned that trails need to be ADA compliant and whatever is needed for access can't be denied. Most cross country skiers do not like following snowmobile tracks because of the rutting. Equestrians are sometimes not allowed on cross country trails. P. Morrison commented that state law requires snowmobilers to give way to horseback riders.

In discussion on the draft baseline documentation report and land management plan for the Walker-Cox land, M. Giguere said he would like to see more trail recommendations, a possible layout of the trails and parking area, and the mapping of the invasives.

W. Good said other towns have used sheep or goats for the removal of invasives, and members noted there is no restriction against this practice. P. Funch mentioned his preference is to see where stream crossings might require bridging or board walks and alternative routes for horses. He thought there was a narrow corridor of upland that could connect Fitch-Woods and McLains Woods with the Watson Way land. W. Good observed that snowmobiles are allowed on the Red Line trail. Upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to authorize B. Ganem to submit the draft baseline documentation report and land management plan to the Division of Conservation Services as part of the LAND grant reimbursement process.

The vote was unanimous.

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

VOTED: Mass Audubon will be contacted to expand the land management plan to include trail recommendations, a potential layout of the trails and the parking area, and mapping of the invasive plants.

The vote was unanimous.

Pat Huckery of the Division of Fisheries & Wildlife notified the Commission that the spraying of herbicides to control poison ivy on Surrenden Farm is not permitted under the Conservation Restriction.

Larry Hurley of Regional Industrial Services has submitted a bid of \$4300 for the removal of the camps on Baddacook Pond. We are still awaiting a third bid from Bennett Black. The contractor

for this work must hold a contractors' license and insurance as that is necessary under Groton's demolition permitting process.

Town Manager Mark Haddad has recently released a report on the GELD permitting process. C. Auman pointed out the actual time frame in which hearings were held was not two years, but about 6.5 months. GELD appears to misunderstand that meetings outside of the public hearing framework are not part of the process. Many of these extra meetings were held at the request of GELD, and it gives the impression that they were asking for a backroom type deal or special treatment. Commissioners raised questions about the fairness of the review as it was not prepared by a disinterested, neutral party. Once GELD asserted the project was a public benefit it became the Commission's obligation to determine whether it is in the public interest which opens up everything. GELD then wanted to limit debate on public interest.

N. Madden noted the report does not address the incompleteness and inaccuracies of the Notice of Intent submittal. P. Morrison cautioned against generating ill will over less than \$15,000. C. Auman objected to the implication the Commission does not know how to run a meeting, but he urged the Commission to take the report as constructive input. N. Madden cautioned against creating unrealistic expectations by meeting outside of the public hearing process. The process was also complicated by the existence of the outside Memorandum of Understanding and the proposal to have a fire station at the site and the fact that there is no interest on the part of management to protect wetlands.

B. Easom had reservations about banning pre-meetings entirely as he thought they could serve a positive purpose in shaping a project. P. Morrison added that many people do not know what the Commission does, and part of our work is an educational process. The pressure from outside sources, the siting of the fire station, and the lack of flexibility to move the structure or make it smaller all added to the complexity of the process. Developers are sometimes willing to flex more because of time constraints, but GELD had no experience with the Groton Conservation Commission process. Their goal appeared to be doing it on the cheap with little regard for downstream consequences. Developers also want to minimize costs but they are usually in a hurry.

The purpose of the review process is to determine what went wrong. Commissioners offered a number of talking points to address in a response Mr. Haddad's report. Members scheduled a meeting for 6 p.m. on August 5, 2013 to prepare the response.

Member Easom reported the Community Preservation Committee expects to have pre-application summaries submitted in November, and he estimated the amount in the unallocated reserve to be between \$150,000 and \$300,000.

There being no further business, the meeting was adjourned at 9:45 p.m.

Notes by

Barbara V. Ganem
Conservation Administrator

Approved as drafted 8/13/13.