

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, August 13, 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, Nadia Madden, Peter Morrison, John Smigelski, and Rena Swezey were also present. Marshall Giguere was absent while Conservation Administrator Barbara Ganem was present.

The following representatives from the Westford Sportsmen's Club were present: Norman Silva, Keith Gerhardt, and Ron Peck. Mr. Gerhardt said they had an opportunity to read minutes of the Commission's recent meeting in which they discussed the Schofield parcel off Graniteville Rd. He wished to offer some clarification on the issues surrounding the property. He explained they were all in favor of conservation, and 160 acres of their 180-acre Club are classified under Ch. 61A. Their property was purchased in the 1960's at the same time the elder Dr. Schofield purchased the other half. A lawyer representing the Schofield sister who is in bankruptcy court has contacted the Sportsmen's Club about purchasing the Schofield property. In 2006, the Club made an offer of \$1000 per acre. Mr. Gerhardt agreed with the Commission's view that the owner(s) believe the land is worth more than it actually is. Some concerns were raised at the meeting about the possibility of having a shooting range there, and Mr. Gerhardt stated the Club has no intentions of building on the property.

R. Swezey mentioned the lot is in tax title which means they are in arrears on paying their taxes. Mr. Gerhardt noted the will has not been probated since Dr. Schofield's death in 1997. Ms. Swezey said the property has a low assessed value because it has no road frontage. The Town would not consider taking the property until the property taxes have not been paid for 3 years. Anyone, other than the Town, who takes over the property would be responsible for paying back taxes.

Member Easom explained he attended the Bankruptcy Court proceedings on this matter the previous Tuesday. Karen Cruickshank is the attorney who is handling the filing, and it appears the court can compel the owner to sell the property and take shares for distribution to creditors. The executrix is Carol Von Patten. During the proceedings it was mentioned there is an offer from an abutter on the table. Mr. Gerhardt thought the Sportsmen's Club President Mark Annese had made an offer, but it was not accepted by Ms. Cruickshank. There is also another piece of property in Westford in which that town has an interest. B. Easom noted there is the potential to connect Groton trails with the Westford trail network via the Schofield property.

The water resources on the Schofield property are important to the Sportsmen's Club because they feed a trout pond on their land. Mr. Silva said the Sportsmen's Club has concerns about liability as the Schofield parcel is near their rifle range. He indicated the Club did not wish to get into a fight over the land, but does have an interest in the property. Commissioners thanked the representatives for coming to the meeting and sharing their concerns.

Upon a motion by C. Auman, seconded by J. Smigelski, it was

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

The vote was unanimous.

Upon a motion by C. Auman, seconded by R. Swezey, it was

VOTED: to approve the minutes of August 5, 2013 as drafted.

The motion passed by majority with J. Smigelski abstaining.

A celebration for the opening of the new Fitch's Bridge is scheduled for Sunday, September 15th.

7:15 p.m. – Carl & Carol Canner/erosion on Squannacook River

Mr. Canner expressed concerns about the frequency and intensity of flooding that now occurs on the Squannacook River. The USGS weather service tracks water levels at a gauge on the Bertozi Wildlife Management Area, and he submitted a graph of recent flood events. He noted they experienced no erosion from the 1970's until the mid-1980's. He passed around sample bags containing the types of soils that are eroding, noting that both are very susceptible to water flows, especially a type he labeled "glacial flour". The embankments along the River are giving way in many areas, and the River is coming toward his house. He estimated he has lost approximately 15 ft. of bank during recent storms. The structure, a former warehouse, contains both his residence and a storage area for his business.

He has consulted with Mickey Marcus who does river bank restorations in which he tries to keep the restoration as natural as possible. A technique he has used successfully is the burying of tree stumps along the banks of the Housatonic and Connecticut Rivers, supplemented with plantings and riprap to stabilize and restore the river bank over the long term. Mr. Canner acknowledged there had been discussion during the site walk of the impact of removing the W. Groton dam. He noted that this could form an unsightly hole where they dredged a portion of Thomason's Pond. He asserted the dam has the potential to produce hydroelectricity and provided documentation from 1990 confirming the viability of a Groton hydro facility at this location.

Member Auman commented this is the first time, in his 12 years on the Commission, that such a project has been proposed. He cautioned against filling a resource area – the floodplain – and noted compensatory flood storage must be provided. This area is also within priority habitat of rare species. It is likely the Army Corps will require permits as well. Without a filing before the Commission it is difficult to determine whether the plan is workable, but the approach seems relatively benign compared to other approaches. Mr. Canner said he was aware that he is undertaking a major, complex project. B. Easom also pointed out the need for permits from the Army Corps and under the Massachusetts Endangered Species Act. It is unknown what will happen to the course of the River should the dam be removed. If a bank is armored, we do know that the River will continue to cut upstream and may change the River's course anyway. N. Madden recommended looking at both potential upstream and downstream impacts from the proposed stabilization project. Chairman Morrison said he appreciated that the Canners had come before the Commission to listen to members' opinions.

7:30 p.m. - 78 Maplewood Ave. Notice of Intent DEP#169-1097 continuation

Engineer Kevin Ritchie provided an updated plan showing the floodplain based on the NGVD rather than an assumed datum. A small portion of the driveway is located within the floodplain. He also prepared buoyancy calculations which show that the tight tank will not float when empty and a detail for the proposed retaining wall. C. Auman thanked Mr. Smutek for filing the Ch. 91 paperwork for the docks, deck, and boathouse. There being no further questions to address, upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to close the hearing for 78 Maplewood Ave., DEP#169-1097.

The permit should be made out to John & Kathleen Smutek as trustees of the Smutek Realty Trust.

Andrew Davis, John Giger, and Josh Degen were present to discuss the draft charge for a Sargisson Beach Committee. Selectman Degen acknowledged the decision was made not to fund lifeguarding at Sargisson Beach some time ago, but he and several others (Davis, Giger, and Selectman Jack Petropoulos) would like to see the program re-invigorated. What is proposed does not include swimming lessons, just lifeguards. It would also include oversight of the trails. Mr. Davis noted the charge is based on the Williams Barn Committee and is designed to address communication issues and interdependencies among departments. They have received edits and feedback from the Groton Lake Association and the Great Ponds Advisory Committee. They may seek Community Preservation funding to repair the retaining wall and pull the sand back from the beach. The charge was presented to the Board of Selectmen this past Monday, and J. Degen said it is his hope the project can be fast tracked with a decision made at their next meeting. The Committee could then be up and running by October 1.

B. Easom noted the Commission had ended up running a recreational program it never wanted to operate. He questioned whether the deeds for the parcels show any conflicts with the proposed charge. According to A. Davis, MGL Ch. 40 §8C has allowed arrangements in other communities for stewardship committees.

N. Madden asked how the FY 2014 line item in Section 2.F. would work. J. Degen responded that a plan to transfer \$15,000 to the line item would allow the operation of the Beach from Memorial Day through the end of June 2014. He estimated the cost for lifeguards and property maintenance would run between \$60,000 and \$75,000 for an annual budget. A. Davis confirmed for P. Morrison that the Committee would not be looking for funds from the Conservation Commission. N. Madden noted that staffing the committee would require some departmental interdependencies. Mr. Davis said the Committee may look at an external organization to provide lifeguards. J. Smigelski thought the charge was a great idea. R. Swezey asked if boats would be allowed on the beach, and A. Davis said this needs to be addressed. He pointed out a new rope swing has been installed and the shed was broken into. He recently removed the new rope swing. He maintained that reinstalling the docks would help deter motorboats.

C. Auman endorsed the efforts to restore lifeguarding at the beach, and thanked those working on the Sargisson Beach Committee charge. He expressed reservations about reporting to the Board of Selectmen and setting policy. This appears to put the park ranger and general management under the Town Manager. J. Degen said there could be some synergy with the pool of lifeguards managed by the Groton Pool & Golf Center which is under the Town Manager, but it could be a private organization. Mr. Auman recommended integrating final approval of the policy with a management plan approved by the Groton Conservation Commission. A. Davis said the recreation and conservation aspects could be handled separately, and there would be regulations for the use of land over which the Commission has final say. This is addressed under 2.K. P. Morrison recommended a plan with checkpoints along the way. This section could be modified to include an April 1 and second Wednesday in October review. C. Auman advised that the Conservation Commission is a commission, not a committee.

J. Giger said it may be appropriate to have a wrap up in September or October following the summer season, and this could be folded into a presentation for the fall town meeting. B. Ganem suggested this should be timed with the preparation of annual budgets. C. Auman said this could remove some Conservation Commission concerns about using the Williams Barn Committee as a model. He recommended the management plan be set out at the beginning of the year. P. Morrison stressed that the document must hold true to the intent reflected in the deeds. He felt the charge was a tremendous idea as the management of Sargisson Beach has become a time sink for the Commission, but underscored the importance of consistency with the deeds. J. Degen said we can have Town Counsel review the charge. J.

Giger noted this provides a structure for a new venture in which the Beach could be used in a different way. He acknowledged it will take annual fine tuning to flesh out issues, but it builds on a spirit of collaboration between the Groton Conservation Commission and Board of Selectmen.

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

VOTED: to support the creation of the Sargisson Beach Committee (SBC) as described in "Sargisson Beach Committee (SBC) 8/5/13, and amended by "SBC Charge Revisions/Addendums 8-13-13, revisions to 2. K. By April 1st and 2nd Wednesday of October and providing revision of Conservation Committee to Conservation Commission and that upon SBC, receiving its charge and appointment by the Board of Selectmen, Conservation Commission designates SBC shall manage Sargisson Beach and Priest Memorial Area on behalf of the Conservation Commission, as outlined in its charge, the above contingent upon Town Counsel review for consistency with the deeds.

The vote was unanimous.

Members thanked A. Davis, J. Degen, and J. Giger for pulling the charge together.

R. Swezey volunteered to serve as the Commission's representative on the Committee and upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to recommend the appointment of Rena Swezey as the Groton Conservation Commission's representative to the Sargisson Beach Committee once the charge is approved.

The vote was unanimous.

A. Davis updated the Commission on the next Eagle Scout project at Sargisson Beach. This fall he plans to work with Matt Lambright to bring erosion control measures down to the point. He anticipates preparing a Request for Determination of Applicability since portions of the work are within 100 feet of Lost Lake/Knops Pond. He noted that some of the water bars previously installed are rotting and breaking down, and these need replacement. The initial presentation of the project will be timed with GELD's production of wood chips. He is looking into the use of pressure-treated wood. P. Morrison questioned whether GELD's poles that are not treated with creosote would be appropriate.

B. Ganem reported Sanford Johnson has questioned where the Beals' property on Floyd Hill Rd. stands in terms of acquisition priority in the *Open Space & Recreation Plan*. It is given as a secondary resource, but it has rare species, adjoins other protected land, provides a connection, and is within Zone III of a public water well. It is about 47 acres and is currently taxed under Ch. 61 so the Town would have the right of first refusal should the owners decide to sell. These attributes make it a property of conservation interest to the Commission.

The Commission has received written bids from Chris Merrill Excavating & Trucking for \$5730 and from Larry Hurley for \$4300. Brian Lagasse, Bennett Black, and Bob Black have not yet provided written estimates. Mr. Hurley's bid is under \$5000 (the bar for three written bids) so if the Commission is comfortable with his work and reputation, the Commission could decide to go forward. Upon a motion by C. Auman, seconded by N. Madden, it was

VOTED: to authorize B. Ganem to engage Larry Hurley to demolish and dispose of

the abandoned camps on Baddacook Pond for \$4300.

The motion passed unanimously.

Members agreed to keep notifying Attorney Bob Collins of the need to correct the deed reference for the Fuccillo plan so that anyone researching the bounds can locate the appropriate information.

C. Auman commented it was outstanding to put the issue of the GELD permitting process to bed during last night's meeting with the Board of Selectmen. The Commission submitted a statement which should be entered into the record in the final report from Mark Haddad.

There being no further business, the meeting was adjourned at 8:20 p.m.

Notes taken by

Barbara V. Ganem
Conservation Administrator

Approved as drafted 8/27/13.