

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, August 27, 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, Peter Morrison, John Smigelski, and Rena Swezey were present. Member Nadia Madden was absent. Conservation Administrator Barbara Ganem was present.

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

VOTED: to approve the minutes of August 12, 2013 as drafted.

The motion passed with an abstention by M. Giguere.

Upon a motion by J. Smigelski, seconded by R. Swezey, it was

VOTED: to approve the minutes of August 13, 2013 as drafted.

The motion passed with M. Giguere abstaining.

Wendy Good has requested Commission authorization for the North Bridge Hounds to conduct a mock fox hunt through the Surrenden Farm property. The expected date is October 8th, with October 9th as the rain date. The District Manager of the Northeast Wildlife District of the Division of Fisheries & Wildlife, Pat Huckery, has informally agreed that this is acceptable. Ms. Good will provide the insurance and signage to advise users in advance of the event. Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to authorize a mock fox hunt on the Surrenden Farm property on October 8, 2013 (rain date October 9, 2013).

B. Ganem reported the site where the septic system was upgraded and a paved driveway added at 290 Whiley Rd., DEP#169-1063, was well stabilized. The engineer of record, Ross Associates, has provided a certification letter and as-built plan. Upon a motion by B. Easom, seconded by J. Smigelski, it was

VOTED: to issue a Certificate of Compliance for DEP#169-1063 for 290 Whiley Rd.

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

VOTED: to issue an Order of Conditions, as drafted, for DEP#169-1097, for 78 Maplewood Ave. under the Wetlands Protection Act.

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

VOTED: to issue an Order of Conditions, as amended, for DEP#169-1097, for 78 Maplewood Ave. under the Wetlands Protection Bylaw.

Commissioners reviewed several land management tasks: 1) Larry Hurley has been notified that his estimate was accepted to demolish the abandoned camps at Baddacook Fields (Shattuck land) adjacent to Baddacook Pond. He will not be pulling the demolition permit until the second week in September; 2) Commissioners requested B. Ganem send a letter to Attorney Bob Collins about the marginal reference to the revised Fuccillo plan; 3) Commissioners will review the draft Memorandum of Understanding for the Williams Barn Committee at the next Commission meeting; and 4) the Groton Conservation Trust has gotten back to the Commission with their recommended changes for the Conservation Restriction on the Walker-Cox property. This too will be reviewed during the September 10, 2013 meeting.

7:15 p.m. – Groton School continuation DEP#169-1084

At the applicant's request and upon a motion by J. Smigelski, seconded by C. Auman, it was

VOTED: to continue the hearing to October 8, 2013 for DEP#169-1084.

7:15 p.m. – Walker Conservation Area Land Management Plan Appendix

B. Ganem summarized several concerns raised by Trail Committee member Paul Funch, some of which can be addressed with minor revisions in the Appendix. B. Easom questioned whether we have unresolved legal issues with regard to the use of Mahoney Lane as an access point for the Walker land. Groton Conservation Trust President Dan Wolfe agreed to look into the matter. Mr. Easom also offered to GPS the possible linkage between the Williams Barn Sorhaug Woods property and the Walker property. This is a 40-ft. wide access on Chicopee Row between two houses.

M. Giguere said he would like to know more about Mr. Funch's objection to the proposed parking area, and J. Smigelski suggested it may be hard to exit from. Commissioners asked Kris Corwin (a former member) how she felt about the proposed Corwin-Miner loop on her property. This connects with the Walker property and does include some small trail bridges. She did not see the loop as a problem and pointed out this is a pristine area with very few invasives. She added she would be thrilled to have additional trails. Some of the trails would likely be pedestrian only as they would not be suitable for equestrians due to the presence of wetlands and rare species habitat.

K. Corwin explained there is an easement to Brown Lane from her property, but it's difficult to locate it in the field. It would be good to make it permanent in some way. She thought the Trail Committee may have recently flagged the connection. Members agreed it would not be appropriate to encourage walkers along Chicopee Row, but when the Williams Barn is being used for another event, it may be important to have an option to park elsewhere. M. Giguere urged that the parking option for perhaps 3 or 4 cars on the Walker property be kept open. Those present questioned whether it would be necessary to have site plan review. The proposed parking is located adjacent to a stone wall, but it appears to have been used as a log landing at some point. Commissioners agreed it would be advantageous to hold a public hearing once we are fairly comfortable with the Appendix.

R. Swezey mentioned she received a complaint from Mr. McBee on Lakin St. concerning tree cutting. B. Ganem said she plans to visit the site tomorrow to follow up.

There remain unresolved issues with the replication area near the north entrance to Academy Hill. Engineer Tim McGivern of Nitsch has prepared a report, dated August 23, 2013, in which he notes the modified plan does not provide soil strata or the water level where it connects with Flat Pond Brook. Based on the data submitted, it appears the area would only receive flow during 5-yr. storm events. C. Auman commented the engineer will have to prove the work is in compliance with the Order of Conditions. J. Smigelski said this seems like a long time impact on the resource area. While the wetland plants may survive, it is unclear whether the work replicates the wetland functions. Desheng Wang has indicated he will provide a response and anticipates presenting it to the Commission at the September 10th meeting. B. Easom pointed out Commissioners can point out the concerns and make it clear what we want at that time.

8:00 p.m. –Appointment Matt Lambright - Eagle Scout Project Sargisson Beach

Matt Lambright explained that he was 17 years old and a member of Troop 1 in W. Groton. It is his intention to install erosion control measures along the pathways at Sargisson Beach. M. Giguere said the Commission would need to know where and how this will be arranged and whether any engineering is necessary and understand potential impacts on the surrounding area. Andrew Davis said the work will begin just below the culvert west of the shed.

B. Ganem gave Mr. Lambright the Request for Determination of Applicability package, including the ‘Wetlands Kit’, for filing for work within 100 ft. of wetlands. She stressed that the map is the key part which can be supplemented by photographs and a Commission site walk. Commissioners said they will look for details on what, where, and how the activities are to be implemented, particularly where water will be directed and how the flow can be slowed down. B. Easom pointed out the filing can be accompanied by a one-page letter describing the issue and what needs to be accomplished. Before and after photographs are also helpful.

Member Auman thanked M. Lambright for considering this type of project which he expects to complete within the September to November time frame. The materials necessary for the work include pressure-treated wood, stone or gravel, and possibly landscaping timbers. Commissioners asked how the water bars installed as part of the last Eagle Scout project are working out, and Mr. Davis said they may consider a trench with a gap filled with gravel as an alternative in areas very close to the water. He is looking at the New Hampshire guidelines on the use of pressure-treated wood and landscaping timbers. Mr. Auman asked if Mr. Lambright will raise money as part of this project, and Mr. Davis explained this is supposed to be a leadership project and fundraising is not the purpose. He added that Mr. Lambright will be looking for matching funds in exchange for his talent.

Chairman Morrison commented he is looking forward to the project as he liked the earlier project. Mr. Davis said Mr. Lambright will need approval from the Groton Conservation Commission as his sponsor before he can go to the Boy Scout Council.

Returning to the subject of a parking area on the Walker Conservation Area, Land Use Director Michelle Collette said it is likely this project would fall under level 1 site plan review and would require a sketch plan, a process that usually takes a week or two. She pointed out it would need an ADA-compliant parking space, but is generally a quick Planning Board review.

8:10 p.m. – Sargisson Beach Committee (SBC) charge

Residents John Giger and Andrew Davis were present, as well as Land Use Director/Town Planner Michelle Collette. Chairman Morrison observed the Commission has been presented with several versions of the SBC charge, and the problem now is how to homogenize them. Member Auman noted he had reviewed the version from Town Counsel and that provided by Andrew Davis dated August 26, 2013. He pointed out Town Counsel recommended 18 changes while Mr. Davis made 6 changes in his document. He requested an explanation of the logic behind his decision.

Mr. Davis maintained he stayed true to the Commission's original vote (8/13) that the Board of Selectmen would control the Sargisson Beach Committee. His general pattern was not to incorporate any of the "and/or" recommendations. Some of the review dates were altered to line up with the fall budgeting process. If the Conservation Commission also reviews the budget this would mean a double review process for the Sargisson Beach Committee. C. Auman mentioned that the deeds specify that the property is to be managed and controlled by the Conservation Commission, and this step essentially removes all of that control from the Commission, and he asked why the Commission was totally removed from the process. A. Davis felt that this would make for more effective reviews and a more timely process given the Commission's current level of responsibilities. Mr. Auman recommended that a management plan be brought before the Commission for approval. Mr. Davis said these are amendments that should have been brought up at the last meeting. C. Auman stressed that, in his opinion, this should be there.

A. Davis commented the Commission will have representation on the Committee, and Commissioners pointed out this would be one out of 5 or 7 members. J. Smigelski said it would be appropriate to review the management plan twice a year. Mr. Giger questioned the turnaround time for such a review. Chairman Morrison said the Commission could react to the management plan at a meeting if it is distributed to members ahead of time. The Sargisson Beach Committee budget could be done concurrently.

M. Collette thought the biannual review made sense as the October submittal would fit in with the budgeting process that begins in November and finishes with Finance Committee reviews sometime in February. R. Swezey cautioned that the first budget is the hardest. J. Smigelski said the onus is on the Commission to review the documents quickly, and he felt the Commission could do this as they were supportive of the effort.

B. Easom asked about the process for amending the charge. C. Auman outlined what he felt would be important to include in the management plan: the recreational piece including lifeguards and proposed land maintenance items such as improving trails or repairing the wall at the shore line. He suggested that some of the management recommendations which A. Davis made earlier to the Commission could be incorporated. If something major happens between the two dates, P. Morrison suggested a Committee representative come before the Commission to

work on modifications as necessary. B. Easom stressed there is a need to lay out the parameters for making changes.

Regarding signage, Groton has a Sign Committee which reviews sign applications and maintains records. C. Auman felt that policies should be approved by the Conservation Commission. J. Giger thought it would confuse the issue to have the Commission set the rules and regulations as there are different usage patterns today. The Committee will focus on this. He gave an example of people camping at the site, pointing out that the police did not know what to do as there is nothing enforceable in place. The Committee plans to look at policies and make changes as necessary. They will tighten up the rules.

Funding for the Committee will come out of separate line items within the operating budget. M. Collette explained she served on the Conservation Commission from 1978 to 1988 and worked closely with Harvey Sargisson for whom the beach was named. When Town Meeting turned down funding to purchase Sargisson Beach in 1967, private funds were raised in two weeks to buy the land, to be under the control of the Conservation Commission. Mr. Sargisson made it his life's work to improve both Sargisson Beach and the Petapawag Boat Launch, actively stewarding the land until the day before he died. Ms. Collette explained she had been responsible, in part, for the control of the funds donated in honor of Mr. Sargisson at his death, and she wanted to be sure the Committee and the Commission understands Mr. Sargisson's vision for this land. Although the Park Department managed the programs for the beach, the Conservation Commission managed the land, and it was Mr. Sargisson's desire that the land remain in a natural state with minimal intrusions such as not paving the parking lot or re-locating it closer to the beach. She distributed a copy of her letter to the Treasurer dated September 27, 2001 and Mr. Sargisson's obituary which she felt captured his commitment and spirit. She expressed a desire to see his vision honored.

Acknowledging there is a delicate balance between conservation and recreation, Ms. Collette has concerns about certain items in the 8/26/13 draft of the Committee charge. Sections 2. H and I deal with funds in gift accounts, one of which is for both Sargisson and Petapawag. She felt this might not be in keeping with the spirit in which the donations were made and suggested the funds remain under Commission control. She also has reservations about the assignment of tasks and thought they should go through the Town Manager or herself (Section 4.E.). She noted that communications at the staff level are critical. Section 4.L. also ties the Sign Bylaw Committee's hands, and she strongly endorsed the idea that public entities must be held to the same standards as private entities. Ms. Collette respectfully requested the Commission take these changes into consideration.

There are two separate gift accounts, one of which is for both Sargisson Beach and Petapawag, and the other mitigation imposed by the state under Ch. 91. J. Giger said it is difficult to figure out, and M. Collette agreed and clarified that there is currently \$6,974.29 in the 222-Sargisson Beach/Canoe Launch Fund and \$3,430.00 in the 294-Lost Lake/Knops Pond Gift fund which was mitigation under a Ch. 91 license. She asked that the Commission honor Mr. Sargisson's memory; she strongly supported the idea of the bringing the beach back to a level where families can enjoy it. Mr. Davis said it is his intention to balance the conservation and recreation values

through good communication that takes into consideration the past history and the background of the gifts received for maintenance.

A \$15,000 budget has been proposed to provide lifeguarding from Memorial Day through June 30, 2014. This would include wages and materials. B. Easom asked if this would require a majority vote of the Sargisson Beach Committee and the Commission. P. Morrison questioned how much money is likely to be necessary for maintenance, and A. Davis replied there could be some repairs necessary for the docks or to control erosion around the beach.

M. Collette said the gift funds could be used for compelling needs or extraordinary one-time expenses such as the replacement of the sign at the entrance to the beach or a kiosk rather than for operating expenses. Mr. Davis stated it is hard to know at this stage exactly what the funding needs will be, but he felt program issues should be resolved before replacing signs. The option to open the beach from May to June 2014 is in the preliminary planning stage. P. Morrison noted one of the expenses would be the purchase of wood for the Eagle Scout project. R. Swezey suggested perhaps we could set a not-to-exceed amount. Improving the beach could be considered a non-reoccurring expense. The Sargisson Beach Committee would present their own FY'15 operating budget, and this would include maintenance, operation, capital expenses, and improvements within separate line items. The \$15,000 covers operations through the end of FY'14. He felt the funds should be kept for extraordinary expenditures.

A. Davis offered a memorandum of understanding (MOU) which he felt honored the intent of the gift fund and would leave about \$6900. J. Giger explained that the section on signage was to make it easier to make changes down the road without going through extraordinary steps. P. Morrison said when we want to replace the sign, we will have the funds, but it's not a showstopper as far as opening the beach. Ms. Collette recalled that the installation of the original sign caused great consternation as it was bright green with day-glow yellow lettering. It is definitely time for replacement and perhaps the students at Nashoba Tech could help with the installation of a sign or a kiosk such as the architect-designed one at the Rail Trail. She pointed out that the new sign bylaw went into effect in 2010.

Chairman Morrison clarified that the SBC is looking for funds for maintenance for the remainder of FY'14, something in the vicinity of \$3000. Mr. Davis said that is the reason for the MOU. The signage is under the jurisdiction of the Sign Committee, not the Conservation Commission. It is an administrative matter in which they maintain records of what has been authorized. B. Easom pointed out the difficulty in putting in place an agreement over another committee's actions. A. Davis argued that it is impractical to have to come to Town Hall to prepare the paperwork, and there is a need for a reasonable exemption. M. Collette commented there is a framework for the administration of the Sign Bylaw. Conservation Commissioners offered to join in a presentation before the Sign Committee in the future.

J. Giger gave the example of the beach being closed when the levels of E. coli were excessive. The closure was posted but in a manner that was obscure. Mr. Giger prepared a more visible sign, and A. Davis locked the gate. He stressed the need for more flexibility. During the following discussion, the Commission agreed that Section 2. K. should state: By 1st Wed of April and 2nd Wed of October of each year provide ConCom with an updated property management

plan for the Sargisson Beach and Priest Memorial Property for review and approval. The provision for changing the document is included in Section 4. V. "Keep the SBC charge current by proposing additions, deletions and changes to the BoS for review and approval." which assures that this is a working document. Members suggested working out an agreement with the Sign Committee for signage.

It is anticipated that the Board of Selectmen will vote on the charge on September 9th with appointments to the SBC to come at the following meeting. B. Easom agreed to send information on the time table for the Community Preservation Committee to Mr. Davis. A. Davis said they anticipate sending out a survey to ascertain the level of community support for lifeguards at Sargisson Beach with the GELD bills, and this will cost about \$405. He stressed the importance of having an appropriation for this. M. Giguere recommended he look at the community survey results included in the *2012 Open Space & Recreation Plan*. C. Auman said he would like to see the final charge. Members agreed that Sections 2. H and I and 4. L would be removed with the Commission covering maintenance items in the near term in an amount not to exceed \$3,100.

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

VOTED: to recommend to the Selectmen they appoint the SBC per the charge as amended on August 27, 2013.

The vote was unanimous.

Chairman Morrison summarized that the changes were the rewording of Section 2.K., the omission of 2. H. and I, and 4. L, and the Commission's commitment to provide maintenance funding, including the survey with GELD, through FY'14. Mr. Davis questioned whether this would include the cost of replacing the lock at the shed, and Commissioners said "yes".

There being no further business, the meeting was adjourned at 9:55 p.m.

Notes by

Barbara V. Ganem
Conservation Administrator

Approved as drafted 9/10/13.