

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, September 10, 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, and John Smigelski were present. Rena Swezey was absent. Conservation Administrator Barbara Ganem was present.

P. Morrison announced he was expecting Josh Degen at 7 p.m. Upon a motion by N. Madden, seconded by J. Smigelski, it was

VOTED: to approve the minutes of August 27, 2013 as drafted.

The vote was unanimous.

Michael Vaccaro met with B. Ganem and M. Collette to go over the permitting process for the for the proposed Hindu temple on the Mattbob property on Rt. 119. Their team is working through the permitting process for a curb cut. Mr. Vaccaro indicated they are planning to keep everything out of the 100-ft. buffer zone to the vernal pool. It is likely blasting will be necessary to install the foundation for the temple. He indicated they would have to remove about 16 ft. of bedrock. The project is starting anew as the permitting for Mattbob does not apply with the new site plan. Access to the site may require a filing with the Conservation Commission if it is within the buffer zone to the wetlands.

Selectmen Josh Degen and Jack Petropoulos, attorney Alan Hoch, and Town Manager Mark Haddad were present. Mr. Degen said he received a call from Eric Gallipeau, a neighbor to the Williams Barn Sorhaug Woods, reporting he had been visited by a Groton Police officer due to a violation, an encroachment onto conservation land. J. Degen became agitated as he explained all the work he has done at the Williams Barn property over the past 15 years, including clearing, filling, and grading which he has performed himself, on a volunteer basis, to keep the vision of Bayard Underwood, Bruce Clements, and Vic Burton alive. Mr. Gallipeau asked Mr. Degen to clear invasives and bring in about 250 yards of fill to re-grade approximately a fifth of an acre at the back of the Gallipeau property. Mr. Degen strongly objected to Commissioner Easom's call to the Groton Police rather than approaching Mr. Gallipeau. He maintained this was a violation and an audacious action by a board member, bypassing the Chairman and other members. Acknowledging he did travel over the conservation land for access to the Gallipeau property, Mr. Degen said, in the absence of asking permission, he is here now.

J. Smigelski said if he wanted to know what a contractor was doing, he would contact them directly. Member Auman indicated he would like to hear from B. Easom. Mr. Easom explained this happened this past Saturday when he attempted to carry out the GPS'ing he had agreed to do for the Commission to determine a route from the Williams Barn Sorhaug Woods property to the Walker-Cox parcels. His practice is to place his tripod over the iron pin marking the corner of the

Gallipeau- Williams Barn property. He found the pin knocked over and the surrounding ground disturbed with what appeared to be tread marks from construction equipment and activities. Recognizing this as a disturbance on town-owned property he called Chairman Morrison, leaving a message on his cell phone. Another message was left on M. Giguere's phone at which point he made a third call to report the disturbance to the Groton Police. He estimated approximately 500 SF of conservation land was disturbed by the work. He said the neighbor came out when the policeman arrived. Mr. Easom indicated that he had no way of knowing whether this was the first day or last day of disturbance, and his objective was to make sure the work was stopped. Certainly, clearing on one's own property is okay but it is not alright to use conservation land for access. Member Auman added the land would have to be brought back to its original condition.

Mr. Easom said the neighbor identified Josh Degen as the contractor who was doing the work, a fact which he had not previously known. C. Auman said he would not necessarily have called the police, but he summarized the issue as the movement of materials and machinery across conservation land to get to the Gallipeau property. Town Manager Mark Haddad questioned why the Groton Police Department were called for an administrative matter. J. Degen said he was previously accused of dumping two piles of construction debris at the Williams Barn property which he cleaned up at his own expense.

Member N. Madden asked what is the Commission's jurisdiction here. P. Morrison said the Commission has authorized B. Ganem to issue Enforcement Orders or cease and desists, and he was not sure this was a good precedent to set. B. Easom pointed out it is easier to stop a problem rather than clean it up afterwards. M. Giguere said he accompanied B. Easom on Sunday when he saw the disturbance on the property, photographs of which were shared with members. He stated "It is nice to be asked first." He noted the preparation of the Williams Barn Memorandum of Understanding is underway to clarify and define what is permitted and when it is good to check with the Commission. He added the boundary marker was knocked over and will probably need to be re-set, an action that is an expense for the Commission. Mr. Degen maintained the pin is in the original hole even though it was knocked down. M. Giguere also pointed out there was access from the Gallipeau property to the work area.

Mr. Degen said he will quit plowing and grading materials at the Williams Barn property. He apologized to the Commission for never coming to the Commission to get permission to drive his truck over conservation land. Chairman Morrison asked Commissioners what they would like to see happen. He suggested a site visit to figure out what to do, but it was his opinion that it should be handled in a low key manner. M. Haddad said it is more appropriate that the police be called on matters of keeping the peace. Members asked Mr. Degen if he would like to finish the job by traversing conservation land. When he stated "yes", upon a motion by B. Easom, seconded by C. Auman, it was

VOTED: to allow Mr. Degen to travel over the Williams Barn Sorhaug Woods property for access to the Gallipeau property providing the area is restored to its original state when the work is complete.

Mr. Degen apologized for his upset demeanor. M. Giguere reiterated there is a Memorandum of Understanding in the works between the Williams Barn Committee and the Conservation Commission as the Commission is responsible for the appropriate management of this property.

7:15 p.m. – Appointment – Paul Funch/Trail Visions

Paul Funch, a member of the Trail Committee, explained he was present to explore the possibility of forming a “Groton Trails Vision” committee in connection with an initiative started by the Montachusett Regional Trail Coalition. This is part of the state vision for trails and will help the town become more competitive for grants. It is really an opportunity for Groton residents to take into consideration trails, paths, sidewalks and rivers to create a higher quality of life. Projects will be prioritized perhaps based on maximum usage, use by the young or senior citizen population segment or mobility-impaired, or signage improvements. Creating this vision can be used as a forcing function to get these things done. The idea will be to focus on things that we can do and then to build on successes. The pathway vision can provide a means to get to the schools, post office, recreational fields, or restaurants. Trails can be designed to enhance people’s understanding of the natural world. Mr. Funch stressed that he is looking for a broad-based membership, drawing participation from the Economic Development, Conservation Commission, Sustainability, Planning, Council on Aging, ADA committees to bring together a group with an assortment of different reasons that can come up with a prioritized scheme. There will be a short window of meetings as the plan is due by December. Projects will be evaluated on how difficult they will be to do, identifying the resources necessary to accomplish them, and the production of a document to guide us in the future.

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

VOTED: to appoint N. Madden as the Commission’s representative to the Trail Vision Committee.

The vote was unanimous.

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

VOTED: to appoint M. Giguere as an alternate representative to the Trail Vision Committee.

The vote was unanimous.

C. Auman pointed out the Master Plan process included discussions on using trails for transportation purposes, and he felt this was a good start to the implementation of this vision. Mr. Funch noted he had brush hogged the Johnston parcel trail in preparation for the Fitch’s Bridge opening ceremony on September 15th.

At the last Commission meeting there was some discussion about the feasibility of having parking on the newly purchased Walker Cox parcels. P. Funch indicated his thinking was that it would be unnecessary if we have parking at the Williams Barn property. M. Giguere mentioned he and B. Easom walked the strip between 210 and 222 Chicopee Row. Although it is overgrown

and there has been some dumping, there is the potential for it to be a good connection with the Walker piece. P. Funch said the trail layout in the Appendix to the Land Management Plan should probably make it clear that horses and bikes should not use the loop trails as these go through some sensitive areas. The Watson Way strip connection should be clarified in the field.

Mr. Giguere asked P. Funch his thoughts on the Schofield property off Graniteville Rd. Mr. Funch said trail connections with other towns were very important, and it's important to look at these opportunities. This parcel also connects with Flavell Crossing and Painted Post, and he would like to see it pursued as it would also help encourage more trail development in Westford.

7:30 p.m. – Appointment - Academy Hill consultants – wetland replication area

Dr. Desheng Wang and George Gallagher were present on behalf of Habitec, Inc. Member Madden recused herself as she is a resident of Academy Hill. Dr. Wang noted it appears that the issue of culvert placement has been resolved, and a plan has been approved. He commented the town's engineer, Tim McGivern of Nitsch Engineering, has requested some clarifications on the wetlands replication plan although the Commission approved the plan last October. Mr. McGivern has concerns that the wetland replication area will not succeed, as outlined in his September 10, 2013 letter. Dr. Wang stated there has been no overflow from Detention Basin 1 for the past 3 or 4 months. His plan will involve raising the bottom of the replication area between 4 in. to 12 in. with the creation of a channel in the middle to mimic the filled wetlands. Red maples will grow in to provide shade, and the winterberry and high bush blueberry will be planted in the understory. He would like to be able to move things along as the modified plans contain the requested specifics on monitoring, contingency plans, and soil composition. The groundwater is more than 12 in. deep, and there is a need to build up organic matter on the top. He maintained he is not counting on overflow from the detention basin for hydrology. Dr. Wang stated the water in Flat Pond Brook will sustain the growth of plants in the replication area, and it is not necessary to believe what the computer models predict.

C. Auman said the open issue is whether the hydrology will work and what kind of warranty the Commission has that the replication area will succeed. What if it fails within 2 years? P. Morrison suggested working through the Planning Board's performance bond. Another possibility is to have third party look at the plan and review it before implementation. B. Easom suggested having any replies in writing. Paragraph #2 of McGivern's letter addresses the water budget, and he recommends getting a certified wetland scientist to confirm that the wetland replication area meets the performance standards as set forth in 310 CMR 10.00 prior to issuing a Certificate of Compliance. The third party recommendation is the only outstanding item. M. Giguere observed that holding back on the performance bond would give us financial recourse to look for repairs if necessary. Chairman Morrison suggested getting information on the performance bond from the Planning Board. Members estimated that somewhere around \$5000 might be appropriate. G. Gallagher questioned whether this could hold up road acceptance if a bond remains outstanding. P. Morrison assured him that Commission issues have nothing to do with the road. Mr. Gallagher indicated they are waiting for the new ends of the culvert before they re-lay it at the appropriate elevation.

D. Wang mentioned there is some urgency in planting the replication area before the season is too far along. The Commission needs assurance that the performance bond is something that can

be tapped into. B. Easom asked if the minutes could be read back so the applicant will have clear instructions on how to proceed. Member Auman pointed out that Tim McGivern's report recommends the repair of the silt fencing downstream from the crossing. Commissioners thanked Dr. Wang and Mr. Gallagher for coming in, and N. Madden returned to the meeting at 8:05 p.m.

7:45 p.m. – Appointment – Matt Lambright/Andrew Davis – Sargisson Beach erosion control
Mr. Lambright made a PowerPoint presentation on the erosion control proposed for his Eagle Scout project. A series of water bars are planned to divert water from the trail into the marsh. In addition he plans to install landscape timbers to border the path as it goes out to the fishing point. This area will then be filled with wood chips and/or stone. Another technique he is considering are erosion bars which are trenches filled with stone also designed to divert water from the path. His list of materials includes pressure treated lumber, landscape timbers, mulch, stone, mesh filter fabric, culvert piping, and metal screening. He estimated 9 – 10 yards of stone are necessary for an area where water pools. His cost estimate is \$820 plus the cost of the stone.

N. Madden thought it was a great project and asked where the culvert will be located. Apparently this is an existing culvert that will be cleaned out. M. Giguere noted the handout on the pressure-treated wood recommends the wood be coated before use. The goal with the culvert is to be sure it is functional. Andrew Davis, who is advising Matt Lambright, said they do not plan to recess the landscape timbers into the ground, but rather will build the ground up by filling with gravel and mulch. In general, the water is being directed from the trail into the marsh. B. Easom questioned whether the water is being handled by existing diffusers. Mr. Davis indicated he anticipates the Selectmen will appoint the Sargisson Beach Committee on September 24th. He asked the Commission to approve the proposed funding for the project. Mr. Morrison said it was previously authorized per the Commission's minutes. C. Auman estimated that four loads of stone would bring the maintenance amount to \$1,500. This would come out of the land maintenance revolving fund. M. Giguere pointed out these funds were accumulated as a result of forestry and agricultural activities on conservation lands and were to be used for land management activities such as control of invasives. P. Morrison noted the two gift funds would generally be used for big ticket items such as a new sign. Upon a motion by J. Smigelski, seconded by N. Madden, it was

VOTED: to authorize the expenditure of up to \$1,500 from the land management revolving fund for the above maintenance at Sargisson Beach.

The motion passed with M. Giguere voting in the negative.

B. Easom offered a motion, seconded by C. Auman, to expend an amount not to exceed \$1000 for the replacement of the iron pin marking the boundary at Williams Barn. The motion failed with B. Easom and M. Giguere voting in favor, and C. Auman, P. Morrison, J. Smigelski, and N. Madden voting in the negative. B. Easom pointed out he cannot do the planned GPS'ing because he needs at least two definitive starting points from which to work.

Upon a motion by J. Smigelski, seconded by N. Madden, it was

VOTED: to send written approval of Mr. Lambright's proposed erosion control project

at Sargisson Beach to the Nashua Valley Council, Boy Scouts of America.

The vote was unanimous.

Murphy Insurance, the owners of 2 - 6 Hollis St. (former site of Environ) is looking into alternative development plans since there has been some difficulty in finding lessors. B. Ganem reported a buyer for the Groton Inn property has stepped forward. They are proposing a 3-story, 24-room inn w/a 50-seat restaurant, 30 long- and short-term rental cottages, as well as a fitness area and caretaker's residence on the 8.5 acre property. They are attempting to keep everything out of the 100-ft. buffer zone but some grading may be necessary, especially for the suspected 'disposal' area. She has recommended they file an Abbreviated Notice of Resource Area Delineation to confirm the wetland boundary before proceeding with design plans.

As part of the work of the Wetlands Bylaw Review Committee, M. Giguere reported there has been discussion about creating a Groton stream map. A hand drawn map was produced in association with the 1963 Groton Master Plan prepared by Charles Eliot. This map has been scanned, and our GIS consultant, Applied Geographics, is attempting to mesh the 1963 map with the most current USGS topographic map. This will be a complementary tool for landowners to determine what resources they have on their property. Updating the map could be a process.

B. Ganem noted that a search committee has been appointed to fill the vacancy created by her resignation, effective November 15. The members are Craig Auman, Rena Swezey, Mark Haddad, Suzanne Loverin, Michelle Collette, and Stuart Schulman. The internal application deadline is 9/12 while the outside applications must be in by 9/30. MACC will post the job opening after 9/13. The job will also be posted on the Massachusetts Municipal Association web site and in the *Lowell Sun*. C. Auman requested members send him any questions they wished to see addressed during the interview process. P. Morrison asked if Commissioners would have an opportunity to review resumes, and Mr. Auman said he would try to get them electronically.

Several trees have been cut down along Lakin St., apparently by the Pepperell Water Department in association with a water line. The work is adjacent to conservation land near Flat Pond Brook. Commissioners agreed to include the site on our next site walks.

Commissioners discussed the proposed revisions made by the Groton Conservation Trust with regard to the draft Walker Conservation Restriction. There being no changes, upon a motion by C. Auman, seconded by B. Easom, it was

VOTED: to approve the Walker Conservation Restriction as amended by the Groton Conservation Trust.

The vote was unanimous.

In discussion on the draft Williams Barn Memorandum of Understanding, M. Giguere questioned whether the Commission has financial oversight as he has concerns about running afoul of Article 97 requirements. Holding events such as the farmers' market requires the handling of revenue and expenses. The second area of concern is a mechanism for making

changes such as a statement that the document can be amended by agreement of both parties. We could include a paragraph that activities are bound by Article 97. N. Madden suggested that Part III include any 'major' changes. Once revised to the Commission's satisfaction, members of the Williams Barn Committee will be invited to discuss it at a Conservation Commission meeting.

Under the land management category, Larry Hurley has the demolition permit paperwork for the removal of the camp at the Shattuck land/Baddacook Field property. He expects to file toward the end of the month. A letter has been sent to Mr. Collins requesting the addition of a marginal reference to the Fuccillo deed to the corrected plan.

Hopkinton Forestry & Land Clearing, Inc. has paid the last installment on the Baddacook Field forestry project (\$7,994.60) bringing the total paid to \$9993.15. The logging is scheduled to commence after November 15, 2013. There is a bill from Bay State Forestry for \$1,498.99 (the 15% charge for their work in preparing the forest management plan and forestry cutting plan) to be paid.

As a follow-up to the 2012 forestry project at Farmers & Mechanics, it is necessary to monitor invasive vegetation with the opening of the tree canopy. B. Ganem has contacted Eric Radlof of Bay State Forestry to decide whether we need to have any invasives control this fall.

The Commission had determined that Williams Barn Sorhaug Woods is to be the next site to be considered for forestry. Neither the Management Plan nor Forestry Cutting Plan have been prepared for this site as yet. If Bay State is to do selective forestry at Williams Barn Sorhaug Woods and Williams Conservation Area, it may be a good idea to combine that work with land management at the Walker Conservation Area. How to approach the management of the "old field" in an early successional state and to control the invasives that are threatening the more pristine areas of the property will be a challenge. It may require a brontosaurus approach or chemical treatments depending on the advice of Bay State. C. Auman also pointed out invasives are becoming a problem on the Pacer Way portion of the Eliades conservation land.

C. Auman asked if Commissioners could take a moment to discuss the appropriate manner in which to conduct ourselves in a situation such as that which occurred at the Williams Barn property. He said he is leaning toward a call, and it is nice to notify the contractor. He felt that filling wetlands vs. crossing conservation land called for a different approach. B. Easom said he had talked with the police before the owner because it was a weekend. C. Auman sees talking with the property owner as an educational opportunity to discuss what they should or should not do. M. Giguere pointed out this type of activity could involve a fine. J. Smigelski said there is enough blame to go around, and he emphasized the need to make a call before the activity takes place. Mr. Auman said he does not want to see the Commission's behavior regarded as inappropriate. B. Easom noted that Josh Degen appears to think he was targeted when, in fact, it was unknown who the contractor was. M. Giguere maintained it is nice to be asked, especially since the Commission probably will allow access as long as the ground is restored to its previous state.

B. Easom said that if he comes across someone destroying town property he would call the police. He called the non-emergency number for the police, and the officer came out when he

could. B. Easom said whenever he is using his GPS, he notifies the police ahead of time so they will know what is going on should they receive any calls about someone lurking in the bushes. .

B. Ganem reported there has been a wetland violation at 382 Chicopee Row. The landowner hired Buxton Co. to do repairs to a culvert for a wetlands crossing approved under DEP#169-482. The driveway crossing was developing potholes, and sediment beneath the culvert had washed away. Cement has been added at both the inlet and outlet to address this problem. The outlet is stabilized with riprap. On the plus side, all of the work has been conducted from the roadway during a time when Hawtree Brook is dry. The origin of the problem seems to be that the culvert was installed above the stream bottom, perhaps in order to create a pond. She has requested they file a Request for Determination of Applicability, and the owners have been cooperative. Commissioners agreed to request the filing prior to the next meeting.

There being no further business, the meeting was adjourned at 9:15 p.m.

Notes taken by

Barbara V. Ganem
Conservation Administrator

Approved as drafted 9/24/13.