

## GROTON CONSERVATION COMMISSION

### Minutes

Tuesday, September 24, 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 Craig Auman, Bruce Easom, and Marshall Giguere were present. Nadia Madden and Rena Swezey arrived at 7:05 p.m. John Smigelski was absent. Conservation Administrator Barbara Ganem was present.

Upon a motion by C. Auman, seconded by M. Giguere, it was

VOTED: to approve the minutes of September 10, 2013 as drafted.

The vote was unanimous.

Commissioners observed landscape debris deposited in the wetland and buffer zone at 133 Gratuity Rd. during the site visits on September 21<sup>st</sup>. Upon a motion by M. Giguere, seconded by B. Easom, it was

VOTED: to issue a Certificate of Compliance for DEP#169-988 contingent upon a site visit by B. Ganem confirming the removal of the landscape debris at 133 Gratuity Road.

The vote was unanimous.

Members reviewed the revised draft Memorandum of Understanding with the Williams Barn Committee and made several modifications.

(Members N. Madden and R. Swezey arrived at 7:05 p.m.)

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

VOTED: to approve the Memorandum of Understanding with the Williams Barn Committee as amended.

The motion was unanimously approved.

B. Easom requested a copy of his original 2004 plan of the site, and M. Giguere observed that the next step is to schedule a meeting with the Williams Barn Committee to review and finalize the MOU. The plan is to be included as an appendix to the MOU.

Chairman Morrison commented there is not much the Commission can do regarding the increase in size of the shed (96 SF to 148.5 SF) at 7 Baby Beach Rd. A new retaining wall has been added on the west side of the lot, and this was not shown on the Request for Determination of

Applicability or Notice of Intent plan. The terrace walls appear to not be high enough to require engineered plans. The retaining wall at the shore line may extend as much as 3 ft. further into the lake than the wall it replaced.

Clerk R. Swezey read the legal notice for the Request for Determination of Applicability on erosion control at Sargisson Beach at 7:15 p.m. Steward Andrew Davis explained the Eagle Scout Matt Lambright had not yet arrived, and the Commission continued with discussion on 7 Baby Beach Rd.

Chairman Morrison indicated he would like to handle one issue at a time. R. Swezey and P. Morrison did not have a problem with the increase in the shed size while C. Auman, B. Easom, M. Giguere, and N. Madden (?) expressed reservations. Mr. Ferguson has requested an amendment to the original Determination of Applicability in which he proposed the 8 ft. x 10 ft. shed. Two additional block retaining walls to replace pressure-treated wood walls are proposed as part of DEP#169-1077. B. Easom, N. Madden, and M. Giguere observed that this seems to be a way to reward Mr. Ferguson for past bad behavior. C. Auman said he wanted to understand what is going to happen on the site, and he thought the Commission had requested measurements from a defined point. R. Swezey commented we should just go forward. M. Giguere mentioned the Commission can consider fines, particularly if the retaining wall is 3 ft. further into the lake. B. Easom and N. Madden said the Commission could also consider having him put it back in the proper place.

B. Ganem noted Mr. Ferguson submitted a survey plan as part of an earlier filing which shows the distance between the house and the retaining wall as between 3 ft. and 4.5 ft. Based on measurements taken during the site visit this distance is now 8.5 ft. Members agreed that Mr. Ferguson should be given an opportunity to rebut the plan with a time certain for a response on the increase in shed size. C. Auman thought he would be more likely to resolve the questions if we get more serious ourselves. It could be added to the Request for Determination of Applicability with a plan. The two retaining walls will remain on hold until the shore line retaining wall matter is resolved. B. Easom said this would give Mr. Ferguson an opportunity to explain what happened, and he may have some type of metric on where the original wall was located. It will be up to him to prove the plans are wrong. Commissioners agreed to schedule an appointment for Mr. Ferguson on the October 8<sup>th</sup> meeting schedule.

7:15 p.m. – Request for Determination of Applicability – erosion control at Sargisson Beach  
Kevin and Matt Lambright and Andrew Davis were present. M. Lambright explained his project involves the installation of 10 water bars and a landscaping timber barrier to prevent runoff from entering Lost Lake/Knops Pond. N. Madden asked whether the scouts will be sealing the pressure-treated wood, and A. Davis said it is too labor and cost intensive. B. Easom mentioned the *E. coli* can be due to causes other than erosion, in particular bacteria associated w/failing septic systems or ducks/geese/swans defecating in the water, torrential rains w/runoff from roadways, not cleaning up after dogs, etc. Without further testing, it is impossible to ascertain the specific cause of elevated *E. coli* readings. Upon a motion by M. Giguere, seconded by C. Auman, it was

VOTED: to issue a negative #3 Determination in which the work is performed as proposed.

Sargisson Beach steward A. Davis reported that abutter Ron Grover has agreed to remove two trees, one at the parking lot and one on the trail. There remain two additional trees at the Priest property that should come down and another damaged one at the fishing point. The pine that has fallen into the lake may require special treatment. Mr. Davis offered to show people where the trees are located if we have to have estimates prepared for the work.

Commissioners viewed the area where tree cutting has occurred on Lakin St. in association with a water line easement held by the Pepperell Water Department. The trees have been cut within the 100 ft. buffer zone of Flat Pond Brook in Groton. B. Easom pointed out normally we would expect a filing. Members agreed to send a letter to the Pepperell Water Superintendent requesting an explanation and asking whether this has been determined to fall under normal maintenance of a utility.

Paul Funch has recently brush hogged the field at McLain's Woods, but it is clear bittersweet is the dominant vegetation there. Many of the surrounding trees are also infested. There is a small dead elm in the field, and that could be removed. Commissioners expressed concern about moving the landscape debris from this conservation area and questioned whether the Trails Committee might be willing to burn any brush piles sometime this winter. P. Morrison thought a York rake would help remove materials from the field.

Four residential units are planned for Squannacook Hall. There are wetlands just off the northwest corner of the property and any parking proposed in that area would require that they file with the Conservation Commission. Commissioners agreed to send the draft comments on the Squannacook Hall proposal to the Planning Board for their September 26<sup>th</sup> hearing.

Commissioners reviewed the proposed placement of 9 conservation markers to demarcate the wetland buffer at 26 Orion Way. As long as visibility is maintained between markers, members agreed to reduce the required number of markers to 6.

Mr. Hurley has filed for a demolition permit for the work to remove the abandoned cabins at Baddacook Field. A letter was sent to Bob Collins, reminding him of the Commission's request for a marginal reference for the corrected Fuccillo plan. B. Ganem reported that Adam Burnett has offered to be a steward for the Farmers & Mechanics parcel. He also has mentioned he would be willing to pull invasive plants as he notices them. Commissioners thought it would be helpful to meet him at the site to see what is involved with manual invasive removal.

B. Easom mentioned that the survey on the Williams Barn property will help identify the 20 ft. wide corridor to the Walker parcels. An abutter, Stacey Chilcoate, is enthusiastic about the trail potential between the two house lots.

Member Giguere mentioned the Commission was approached by a Mr. Robison to see if there was any interest in acquiring a 13-acre parcel (Map 251, Parcel 72) adjacent to the Schofield property and the Westford Sportsmen's Club. The Commission previously sent him a letter and voted to pay the costs for preparing and recording a deed. Members agreed to have M. Giguere

contact him via phone and then have the Commission follow up with a letter. R. Swezey will check to see if there are any taxes due.

B. Ganem said the Commission has previously posted our Article 97 Policy on the web site, and she would like to add this, the Baddacook Field Management Plan, and the Baddacook Field Forestry Cutting Plan so they are available for public viewing.

M. Giguere said the Wetland Bylaw Review Committee is focusing on several areas: 1) producing a map of the Town streams which is a mix of the 1986 hand drawn zoning map with named streams with the state hydrological connections overlay; 2) recommendation to remove the date of grandfathering so everyone will be treated the same, particularly as it relates to existing structures. P. Morrison noted that, at the time the Bylaw was adopted, the Bylaw applied to a new house on a new lot but grandfathered lots on an approved subdivision plan. M. Giguere commented the appeal route is different under the Bylaw (through the court and based on the record) while the Act is appealed to DEP which essentially re-tries the case. The Bylaw appeal is likely to be more expensive and take longer. N. Madden asked why take the date out, and M. Giguere explained that time has passed and evaluating on some set of criteria rather than a date seems important. The next meeting of the WBRC is scheduled for October 2<sup>nd</sup> at 8:30 a.m. Nothing is proposed for Town Meeting, mostly as a result of feedback from town committees.

N. Madden reported there has been one meeting of the Trails Vision Committee during which they discussed ways to connect the community through trails and sidewalks. She asked Commissioners to let her know if there are any recreational trails they would like to see. It's a broad-based committee with membership from many different committees.

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

Notes by

Barbara V. Ganem  
Conservation Administrator

**Approved as drafted 10/8/13.**

