

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, November 26, 2013

Chairman Peter Morrison called the meeting to order at 7:00 p.m. with John Smigelski, Rena Swezey, Craig Auman, Bruce Easom, and Nadia Madden present. Marshall Giguere was absent. Conservation Administrator Takashi Tada was present.

7:00 p.m. – Appointment/Andrew Davis – Sargisson Beach Tree Removal

Andrew Davis of the Sargisson Beach Committee was not present.

Moving on to other business, upon a motion by C. Auman, seconded by J. Smigelski, it was

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

The vote was unanimous.

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

VOTED: to approve the minutes of November 15, 2013, as drafted.

The vote was unanimous.

Moving on to the request for a Certificate of Compliance (COC) for 213 Whiley Road, DEP #169-1076 and 169-922, the Commissioners were satisfied with the location and condition of the retaining wall as observed during the site walk held on November 23, 2013.

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

VOTED: to issue a Certificate of Compliance for 213 Whiley Road, DEP #169-1076 and 169-922.

The vote was unanimous.

Moving on to the COC request for 32 Blossom Lane, DEP#169-1096, the Commissioners were satisfied with the condition of the septic system upgrade and landscaping as observed during the site walk held on November 23, 2013. T. Tada reported that the silt fence was removed by the applicant.

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

VOTED: to issue a Certificate of Compliance for 32 Blossom Lane, DEP#169-1096.

The vote was unanimous.

7:05 p.m. – Walker-Cox CR Amendment

Selectman Peter Cunningham was present to discuss the Fire Lane provision that was inserted into the Walker-Cox Conservation Restriction by the Board of Selectmen. The BOS approved the amendment at its meeting on November 25, 2013. The Fire Lane amendment appears at Section III.B.10 as follows:

10. Fire Lanes. The clearing of vegetation and the creation, use, maintenance, and repair of such unpaved fire lanes as the Groton Fire Chief may deem reasonably necessary or convenient to access and preserve the Premises in the event of fire, the location of such lanes to be subject to the approval of the Groton Conservation Commission, which fire lanes shall not be more than 15 feet wide;

Mr. Cunningham explained that the amendment was based on recent experiences with forest fires on protected land, specifically Rocky Hill, which required significant expenditure of Town resources to contain. A major difficulty in fighting the fires was the lack of access to the site by emergency vehicles. The purpose of the amendment by the BOS to allow creation and maintenance of fire roads is to give the Town the option to be more proactive in its future management of forest fires on CR land. Any proposed new fire road would be planned in conjunction with the Commission, the Groton Conservation Trust (GCT), and the Natural Heritage and Endangered Species Program (NHESP).

Prior to the meeting, member Marshall Giguere (absent) submitted written comments on the amendment via email for consideration. Mr. Giguere proposed the following change to the amendment:

"...the location of such lanes to be subject to the written approval of the Groton Conservation Commission, the Grantee (GCT) and Natural Heritage (NHESP),..."

T. Tada reported that he contacted Irene DelBono, Division of Conservation Services, for her input on the CR amendment. Ms. DelBono responded that she considers fire lanes to be a subset of woods roads, which are routinely allowed in CRs approved by the Commonwealth. Ms. DelBono also reiterated that any proposed fire road in sensitive habitat should be reviewed by NHESP.

C. Auman said he was not opposed to allowing fire roads, but worried about implementation of such roads without knowing what the Fire Chief's requirements are. Mr. Auman suggested relying on the Town's forestry consultants to make recommendations based on the needs of the Fire Chief and in conjunction with input from the Commission, GCT, and NHESP.

B. Easom asked if the Town or the State had a policy for suppressing forest fires in undeveloped areas. Mr. Easom mentioned the lessons learned in western states where routine suppression of forest fires results in a buildup of fuel that ultimately leads to bigger, hotter fires that are harder to contain. Unless there is a threat to safety or property, allowing fires to burn in a controlled manner might make sense, although it would be difficult to implement such a policy in certain areas. Mr. Easom also expressed concern about the introduction of invasive species and the use of ATVs along access roads.

N. Madden recommended that the consideration of fire roads be incorporated into the forestry management plan. She also suggested that ATVs will do more damage if there are no established pathways for them to travel; keeping vehicles on designated roads would reduce the chances of doing harm in other, more sensitive areas. Selectman Cunningham said he thought NHESP had a forester on staff who dealt with fire-related issues.

Kris Corwin and Paul Funch of the Groton Trails Committee said they have observed no evidence of ATV use in the Walker-Cox parcels except along Mahoney Lane. They also said they have seen some evidence of invasive plant species growing in areas where tree clearing has occurred. Wayne Tuttle, former Groton resident and wildlife enthusiast, said there are enough existing cart roads throughout most of the Town's protected lands such that we don't need to create new ones. He mentioned Dan Parker Road and Bridge Street as examples of roads that provided connectivity in the past, and could be re-opened and maintained to provide fire access in the future. Mr. Tuttle also stated that the fires at Rocky Hill were most likely caused by unauthorized land use (overnight campfires) and that any fire policy should make an effort to discourage such use.

A motion made by B. Easom, seconded by J. Smigelski, to accept M. Giguere's proposed revision to the Fire Lane amendment, resulted in a vote of one member in favor and the other 6 members opposed. The Commission further weighed the fire lane amendments as proposed by the BOS and revised by M. Giguere. There was general agreement that the written Groton Conservation Trust, as Grantee, should necessarily be included in the process of approving any proposed fire road.

Upon a motion by N. Madden, seconded by B. Easom, it was

VOTED: to accept the following amendment to be inserted into the Walker-Cox Conservation Restriction at Section III.B.10.

10. Fire Lanes. The clearing of vegetation and the creation, use, maintenance, and repair of such unpaved fire lanes as the Groton Fire Chief may deem reasonably necessary or convenient to access and preserve the Premises in the event of fire, the location of such lanes to be subject to the written approval of the Groton Conservation Commission (Grantor) and the Groton Conservation Trust (Grantee), which fire lanes shall not be more than 15 feet wide;

The vote was unanimous.

7:42 p.m. – Request for Determination of Applicability, 197 Maple Ave. (Lot 1)/Walter Eriksen, Applewood Construction

Walter Eriksen of Applewood Construction was present to discuss this after-the-fact filing for driveway construction/grading within 100 feet of Bordering Vegetated Wetland. Site clearing work has already occurred, but further work is on hold until the RDA process is completed. Mr. Eriksen explained that he was not aware of the presence of wetlands adjacent to the site when he started the clearing work. He said he would add a covenant in the property deed to make future owners aware that a portion of the property is within the buffer zone.

Commissioners conducted a site walk on November 23, 2013 and verified the wetland flagging as depicted on the plan, but there was a question about proposed grading within the buffer zone. T. Tada confirmed that the proposed grading within the buffer zone did not exceed 3:1. Overall, the proposed grading within buffer zone is 5:1 or greater. There was also concern about the extent of site clearing; Commissioners asked the applicant if he intended to restore portions of the site on either side of the proposed driveway. Mr. Eriksen indicated that he would revegetate the area with native plantings.

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

VOTED: to issue a Negative #3 Determination of Applicability with the special condition that the disturbed areas be revegetated with native plantings.

The vote was unanimous.

7:50 p.m. – Groton Trails Committee, Proposed Trail at Williams Barn

B. Easom led members of the Commission on a walk along the proposed trail route on November 23, 2013, along with Trails Committee members Paul Funch and Wendy Good. During the walk it was agreed that the location of the intermittent stream crossing be shifted a few yards upgradient where the stream channel is narrower and the terrain is more level.

Mr. Tuttle said he felt the proposed trail goes through an area that is too sensitive from a wildlife perspective. He said there are deer that bed in the woods and ducks that nest in the wetlands. Mr. Tuttle thought the proposed trail would disturb the wildlife unnecessarily, as there are other existing trails in the vicinity. P. Funch said the typical trail is only 3 or 4 feet wide and relatively unobtrusive in the landscape. In his opinion the trails do not deter wildlife use.

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

VOTED: to accept the trail as marked in the field.

Six members voted in the affirmative, with N. Madden opposed.

GCT Baseline Reports – Baddacook CR and Walker-Cox CR

Baseline documentation reports for the Baddacook Conservation Restriction (a.k.a. Shattuck Homestead) and the Walker-Cox CR were provided in advance by Mark Gerath of Groton Conservation Trust. Mr. Gerath was not able to attend the meeting.

The Baddacook/Shattuck Homestead property consists of 36 acres between Martin's Pond Road and Baddacook Pond. The property has a double-track cart road and an old barn site, among other features. The three cabins and debris associated with abandoned summer camps have been removed from the property as of November 17, 2013. There is evidence of beaver activity in two locations, and some invasive plant species are present. The report includes a basemap and 22 photographs.

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

VOTED: to approve the baseline report for Baddacook CR, as submitted by GCT.

The vote was unanimous.

The Walker-Cox parcels were recently purchased by the Town and consist of 109 acres located north of Chicopee Row and east of Mahoney Lane. The parcels are largely forested and contain a large number of wetlands, including beaver ponds and certified vernal pools. There is an old field in the southwestern portion that is overgrown with sumac and non-native species such as multiflora rose, Russian olive, and Oriental bittersweet. Several trails crisscross the site and connect with other trails on adjacent conservation land. The report includes three maps and 35 photographs.

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

VOTED: to approve the baseline report for Walker-Cox CR, as submitted by GCT.

The vote was unanimous.

8:00 p.m. – Public Hearing (continued): Notice of Intent, Groton School, DEP#169-1084
The Commission received written request from Attorney Robert Collins to continue Groton School's public hearing to March 25, 2014.

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

VOTED: to continue the public hearing for Groton School, DEP#169-1084, to March 25, 2014.

The vote was unanimous.

Moving on to other land management issues, T. Tada relayed a concern raised by GCT member Rick Muehlke about an abandoned well structure on land owned by the Town at Surrenden Farm. The uncapped well poses a safety hazard because it is large enough for an adult to fall into and the depth to water is approximately 20 feet. B. Easom volunteered to contact Mr. Muehlke, inspect the structure to determine its exact location, and report back to the Commission.

The Commission also reviewed correspondence received from Attorney Robert Collins regarding the Fuccillo property off Lowell Road. The Commission had requested a marginal reference be added to the title to reflect the correction of an erroneous boundary annotation on the recorded plan.

Moving on to accounts payable, the Commission signed an Interfund Transfer request from the Town Accountant, in the amount of \$85.00, to cover legal expenses incurred for Town Counsel's review of the Walker-Cox Conservation Restriction.

The Commission also signed off on reimbursement requests from members M. Giguere and J. Smigelski for registered attendance of the MACC Fall Conference.

Upon a motion by N. Madden, seconded by B. Auman, it was

VOTED: to issue an Order of Conditions, as amended, for 197 Maple Avenue (Lot 1), DEP#169-1099, under the Wetlands Protection Act.

The vote was unanimous.

Upon a motion by N. Madden, seconded by B. Auman, it was

VOTED: to issue an Order of Conditions, as amended, for 197 Maple Avenue (Lot 1), DEP#169-1099, under the Wetlands Protection Bylaw.

The vote was unanimous.

There being no further business, the meeting was adjourned at 8:37 p.m.

Notes taken by

Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:
Walker-Cox Conservation Restriction (revised)
Conservation Restriction Baseline Report, Baddacook CR (by GCT)
Conservation Restriction Baseline Report, Walker-Cox Parcels (by GCT)

Approved as drafted 12/10/2013.