

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, December 10, 2013

Chairman Peter Morrison called the meeting to order at 7:00 p.m. with John Smigelski, Craig Auman, Bruce Easom, and Marshall Giguere present. Rena Swezey arrived at 8:05 after the Stormwater Management Committee meeting ended. Nadia Madden was absent. Conservation Administrator Takashi Tada was present.

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

Andrew Davis of the Sargisson Beach Committee presented a cost estimate from David Mead, in the amount of \$850.00, for removal of two trees near the water and chipping of brush piles along the roadway. One of the trees is leaning into the water and the other is on the verge of falling. Mr. Davis emailed photos of the trees prior to the meeting. The Sargisson Beach Committee (SBC) voted unanimously to approve Mead's proposal. Mr. Davis also mentioned the possibility of future tree work needing to be done.

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

VOTED: to approve the work as proposed, to be paid out of the Land Management Fund.

The vote was unanimous.

Mr. Davis updated the Commission on SBC's beach cleanup and restoration work. Due to higher than expected water levels, they could not pull back as much sand from the lake as initially planned. The higher water levels are primarily a result of the herbicide treatment that occurred in the lake this summer to control invasive weeds. But otherwise the cleanup has gone well. Mr. Davis mentioned the good work of Matt Lambright, Eagle Scout candidate, who restored the access road. Mr. Lambright will update the Commission on his Eagle project in January. C. Auman asked about the condition of the sand that was moved during the beach restoration effort. Mr. Davis said the sand was clean with very little muck and a manageable amount of leaf litter.

Mr. Davis also mentioned that the SBC had chosen to contract with the Greater Lowell YMCA to provide lifeguard services at the beach. The proposed FY15 Water Safety Department budget has been submitted to the Town Manager for review. The SBC is currently working on an application to the Community Preservation Committee. In the spring the SBC will present a signage plan to the Commission.

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

VOTED: to approve the minutes of November 26, 2013, as drafted.

Four members voted in favor, with M. Giguere abstaining.

Moving on to the request for a Certificate of Compliance (COC) for 36 Anthony Drive, DEP #169-1038, the Commissioners were satisfied with the condition of the septic system and yard restoration. The proposed deck shown on the original plan was not built.

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

VOTED: to issue a Certificate of Compliance for 36 Anthony Drive, DEP #169-1038, contingent upon satisfactory placement of ten “No Disturb” signs along the existing tree line, to be verified by T. Tada.

The vote was unanimous.

Moving on to the COC request for 7 Baby Beach Road, DEP#169-1016, T. Tada reported that the applicant was in the process of connecting the roof gutter to the in-ground recharge structure, per the Order of Conditions.

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

VOTED: to issue a Certificate of Compliance for 7 Baby Beach Road, DEP#169-1016, contingent upon satisfactory site inspection by T. Tada to verify completion of the roof drain.

Four members voted in favor, with B. Easom opposed.

Moving on to accounts payable, the Commission approved and signed the invoice from Regional Industrial Services, Inc., in the amount of \$4,990.00, for demolition of the abandoned cottages at Baddacook Pond.

The Commission also considered the invoice from A1 Odd Jobs for services at Ames Meadow (\$400.00) and O’Neill Way (\$150.00), the total being \$550.00. The invoice did not give the name of the person requesting payment, nor did it describe the work performed. Members C. Auman and B. Easom requested to know the name of the person and the type of work performed, before signing the invoice. Chairman Morrison said the work was part of the regular mowing schedule for open field habitats under the Commission’s care. T. Tada will look into this and provide additional information to the Commission.

7:15 p.m. – Notice of Intent (NOI) Public Hearing, 383 Old Ayer Road, DEP#169-1102

Robert Oliva of David E. Ross Associates presented the NOI for 383 Old Ayer Road on behalf of the owner/applicant, Otto Piene. The proposed project is an addition to the existing house, a new septic system upgrade, removal of the existing in-ground pool where the new addition is to be located, and associated grading work. James Brook flows along the western edge of the property and there are Bordering Vegetated Wetlands along the brook and in the southern portion of the site.

Mr. Oliva explained that all of the proposed new structures and infrastructure will be located outside of the 100-foot wetland Buffer Zone, but partially within the 200-foot Riverfront Area.

The only work proposed within Buffer Zone is abandoning the old septic tank and grading for the new addition. Grading work will alter approximately 1,300 square feet of Buffer Zone. Disturbed areas will be restored to existing lawn conditions. The proposed project will alter approximately 5,575 S.F. of Riverfront Area, which is two percent of the total Riverfront Area on the site. The area to be altered consists of the existing in-ground pool and existing lawn.

Mr. Oliva addressed a concern from the site walk regarding proposed erosion controls. He said they would add silt fencing to the proposed straw wattles to prevent erosion and sedimentation. He also said they would add erosion controls around the new septic leach field as a precaution to contain the materials in that area, even though it is located well outside the Buffer Zone and Riverfront Area. Commissioners thanked Mr. Oliva for his consideration of the resource areas in the project design.

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

VOTED: to close the public hearing for 383 Old Ayer Road, DEP#169-1102.

The vote was unanimous.

Moving on to other business, Commissioners signed the Order of Conditions for 99 Indian Hill Road, DEP#169-1099 (Donald Spigarelli).

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

VOTED: to authorize Chairman Morrison to sign the Baseline Report prepared by Groton Conservation Trust for the Walker-Cox Conservation Restriction.

The vote was unanimous. Chairman Morrison signed the Walker-Cox baseline report on the Commission's behalf.

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

VOTED: to authorize Chairman Morrison to sign the Baseline Report prepared by Groton Conservation Trust for the Baddacook Conservation Restriction.

The vote was unanimous. Chairman Morrison signed the Baddacook baseline report on the Commission's behalf.

Moving on to land management, T. Tada provided an update on forest management at Baddacook Field. T. Tada met this morning with the consulting forester from Bay State Forestry Service, Eric Radlof, to walk the property and see the cutting in progress. Trees along the new access road have been cut, as have some of the trees marked by Mr. Radlof. The skid roads have been laid out, and the smaller field area across from Floyd Hill Road has been cleared of invasives and other nuisance vegetation. Some abutters had contacted the Commission to express concern about the condition of the existing access road after one of the logging vehicles used the road and was parked near the entrance. According to Mr. Radlof, the logging crew used

the access road to get to the landing area, from which point they began cutting the new access road in the direction of Martins Pond Rd. The vehicle was no longer parked on the existing access road at the time of T. Tada's site walk. There were ruts in the road, but T. Tada concurred with Mr. Radloff's assessment that the rutting was minor and that the ground was firm enough to conduct the cutting. The logging crew will restore the existing road at the conclusion of the operation. J. Smigelski said he stopped by the site and agreed that it looked good for being actively cut.

7:30 p.m. – Notice of Intent (cont'd) Public Hearing, 120 Boston Road, DEP#169-1100

The public hearing was reopened. The applicants had another hearing scheduled at 7:00 p.m. with the Earth Removal/Stormwater Advisory Committee. They were still tied up in that hearing at this time. The Commission agreed to delay until the applicants arrive from the other hearing.

Moving on to other business, B. Easom said he and Wendy Good of the Trails Committee flagged a proposed trail on the Watson Way Conservation Area. The trail is approximately one-quarter of a mile. The Trails Committee would like to have this on the agenda for the next meeting on January 14, 2014.

M. Giguere provided an update on the Wetlands Bylaw Review Committee. The clerk of the review committee, Fran Stanley, has emailed the most recent version of the revised bylaw to the committee. M. Giguere asked T. Tada to forward the latest revisions to the Commission members for review.

B. Easom provided an update on the Community Preservation Committee (CPC). The Parks Commission was unsuccessful in its application for a \$400,000 reimbursement grant from the state to construct new athletic fields on Cow Pond Brook Road. The Parks Commission also applied for \$350,000 in funding from CPC. Alternative sites for the athletic fields will need to be considered, including the golf course. B. Easom suggested three fields could be built on the golf course at a lower cost than Cow Pond Brook Rd. This would require approval at Annual Town Meeting. Chairman Morrison said that a discussion about athletic fields at the golf course should be part of a broader reuse plan for the entire golf course property.

7:45 p.m. – Request for Determination of Applicability (RDA), 54 Off Prescott Street

Farshad Pourmoussa presented his RDA for renovation of an existing deck and replacement of siding at 54 Off Prescott Street. He submitted revised sketches showing the dimensions of the existing deck as verified during the site walk held 12/7/13 and the layout of the proposed deck. The existing deck wraps around three sides of the rectangular house and varies in width from approximately 4 feet on the north side to 7 feet on the east side. The length of the proposed deck will be shortened by 19 feet on the south side. The proposed deck will be 5 feet wide on both the north and south sides, and 10 feet wide on the east (lake) side which is 3 feet wider than originally proposed in the application.

B. Easom asked why the proposed deck has been widened on the lakeside. Mr. Pourmoussa said they wanted to have more room on the lakeside portion of the deck and felt they had enough area on that portion of the lot to accommodate it. M. Giguere asked if the applicant would install a roof drain structure (French drain or drip line) to mitigate roof runoff on the back (street) side of

the house. Mr. Pourmoussa agreed and modified the revised sketch plan to show two roof drains, one on each corner of the back of the house. C. Auman mentioned that vegetation in the yard next to the lake had been cut back by the previous owner and said he would like to see the yard reseeded with a native seed mix, at a minimum. Mr. Pourmoussa agreed to this. B. Easom requested that the area around the house directly below the proposed deck be covered with a layer of gravel to mitigate deck runoff. Mr. Pourmoussa agreed to this as well.

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

VOTED: to continue issue a negative #3 determination for 54 Off Prescott Street, with four special conditions for 1) erosion controls as shown on original plan; 2) roof drain structure as shown on revised sketch; 3) gravel to be placed under the deck; and 4) reseeded of the existing lawn with native plantings.

The vote was unanimous.

8:05 p.m. – Notice of Intent (cont'd) Public Hearing, 120 Boston Road, DEP#169-1100

Resuming under the open hearing, R. Swezey arrived at 8:05 after conclusion of the Earth Removal/Stormwater Advisory Committee meeting. The applicants also were now present. Project engineer Stan Dillis provided revised plans including the planting plan (Sheet C5.03). The proposed plan no longer includes any wetlands alteration, so as to avoid a violation of the Petapawag Area of Critical Environmental Concern (ACEC) regulations which prohibit direct alteration of wetlands. Mr. Dillis also explained that the stormwater management plan has been improved by moving the proposed activities further away from the perennial stream. The total area of proposed impervious surface within Riverfront Area has been reduced to 37,020 square feet, or 28 percent of the total Riverfront Area.

The planting plan includes relocating approximately 30 existing blueberry bushes from the existing septic system area to the existing mowed area, with enough spacing to allow continued mowing access, plus planting an additional 30 new blueberry bushes around the perimeter of the restoration area adjacent to the proposed stormwater detention basin. The restoration area will be seeded with a conservation wildlife mix and the invasive plant species present in this area (honeysuckle, multiflora rose) will be removed as part of the work. Mr. Dillis said the amount of invasive species found on the site is relatively low, and that the removal of invasives coupled with the planting of blueberries and native seeds in the restoration area would help to control the spread of invasives on the site.

M. Giguere said he was satisfied with the revised Riverfront Area calculations provided by Mr. Dillis, and would like to add a long-term vegetation management requirement in the Special Conditions. B. Easom requested that a notation be added to the plan along the erosion control/limit of work line to indicate no further disturbance beyond the line. Mr. Dillis pointed out that there should be a provision to allow for mowing beyond the limit of work line. The Commission agreed and Mr. Dillis made hand-written notations on the plan provided to T. Tada.

There being no further questions from Commission members, Chairman Morrison invited public input from those in attendance. Dorothy Janes, owner of the abutting property at 116 Boston

Road, asserted that the information provided by the applicant was incomplete. Ms. Janes worried about the stormwater runoff from the site, and she also raised issues that fall under the Planning Board's jurisdiction such as comprehensive site plan review, the type of lighting used in the parking lot, and a report by High Point. Chairman Morrison reminded Ms. Janes that the Commission could only discuss issues relevant to its jurisdiction, such as the requirement that no additional runoff be generated by the proposed activities. R. Swezey informed the gathering that the Earth Removal/Stormwater Advisory Committee closed its public hearing earlier this evening after all of the stormwater issues with the application had been resolved.

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

VOTED: to close the public hearing for 120 Boston Road, DEP#169-1100.

The vote was unanimous.

8:30 p.m. – Appointment/James Luening, Groton Lakes Association, Baddacook Pond

Jim Luening, Vice-President of the Groton Lakes Association, delivered a PowerPoint slide presentation on proposed weed management in Baddacook Pond which, at 76 acres in area, is the largest natural pond in Groton. It is mostly surrounded by conservation land and is a popular recreational water resource. According to a survey conducted by Aquatic Control Technology, 35 acres (45%) of Baddacook Pond is infested with non-native weeds. This area includes the entire littoral (near-shore) zone. The primary weed of concern is Fanwort (*Cabomba*) which spreads aggressively and can propagate by fragmentation from boat propellers. Humans are the main vector by which Fanwort is introduced and spread (i.e., boats and trailers, and fish tank waste). Another non-native weed, Variable Milfoil, is also present but of secondary concern at this point. The bio-mass level in the pond is very high, and some areas of the pond are unusable and inaccessible.

According to Mr. Luening the management options include doing nothing, which is not advisable; mechanical harvesting, which is no longer effective; draw down, which is not possible at Baddacook Pond, and herbicide treatment. The only viable option is herbicide treatment using Sonar (fluridone) which has been approved for use by the U.S. Environmental Protection Agency (EPA) and is recommended by the MA Division of Conservation and Recreation (DCR) for control of Fanwort. Sonar is a systemic herbicide that inhibits a plant's ability to photosynthesize, thereby starving the plant. Sonar has not been shown to have any direct impact on wildlife. The USEPA allows Sonar concentrations up to 150 parts per billion (PPB) for treatment of ponds greater than 10 acres in size, and places no restrictions on fishing, swimming, or potable water if the concentration of Sonar is less than 20 ppb.

The plan presented by Mr. Luening is to treat Baddacook Pond in 2014 using Sonar at concentration levels below 20 ppb (unrestricted use). In practice, the actual Sonar concentrations during the course of treatment are likely to be around 10 ppb based on experience at other ponds in Massachusetts including Lost Lake and Knops Pond in Groton. The estimated cost of the treatment is \$35,000 to \$45,000. The estimated cost of filing a Notice of Intent with the Commission is \$3,500. A contingency amount of \$5,000 is also factored in. The total estimated cost of the proposed project is \$55,000. Mr. Luening said his goal in presenting the plan this

evening was to gain the Commission's endorsement to proceed with the plan, along with support for a funding request at Annual Town Meeting.

Commission members were generally receptive to Mr. Luening's presentation. R. Swezey said she was pleased with the results of the weed treatment in Lost Lake and Knops Pond, and would support the proposed treatment in Baddacook Pond. J. Smigelski also voiced support for the proposed treatment. C. Auman pointed out that the management plan presented by Mr. Luening included only one proposed action item, which is to apply herbicides. He asked for how long the treatment is effective, and if there was a management component of the plan. Mr. Luening responded that they've already instituted a boat monitoring program and had DCR conduct a "Weed Watchers" training last year for the volunteer boat monitors. They also have posted signs at the boat launch to warn about the risk of spreading invasive weeds. B. Easom said he had some concerns about the public water supply well that is located just south of the pond, and wanted to hear input from the public. M. Giguere seconded C. Auman's concerns about the lack of a long-term management plan for the pond.

There being no further comments from the members, Chairman Morrison invited public input from those in attendance. Michelle Collette, Land Use Director/Town Planner and Groton resident, expressed true skepticism regarding the use of chemical herbicides in Baddacook Pond due to the risks of exposure to users of the pond and to consumers of the drinking water from the public supply well. Ms. Collette said the health risks of exposure to the herbicides outweighed the recreational and aesthetic benefits. Art Prest of the Groton Lakes Association expressed support for the proposed treatment and mentioned the past experience of the Town of Littleton, which has treated Spectacle Pond in a similar manner and conducted extensive testing of both public and private wells adjacent to Spectacle Pond. No Sonar has been found in Littleton's test wells. Mr. Prest also said that water from Baddacook Pond does not flow into the public water supply well.

C. Auman asked Tom Orcutt of the Water Department if the existing weeds in Baddacook Pond had any impact on the water supply well. Mr. Orcutt said the weeds have no impact on the well. Chairman Morrison asked if the supply well would be impacted if the pond were to be completely overtaken by weeds or eutrophication as a result of not managing the pond in the long-term. Mr. Orcutt said there was no way to know for sure. B. Easom brought up the fact that Commission members are also customers of the Water Department and wondered if this represented a conflict of interest. T. Tada said he would inquire with the State Ethics Commission for a legal opinion on this.

The Commission concluded that the proposed herbicide treatment in Baddacook Pond would definitely require the filing of a Notice of Intent, and that a long-term pond management plan should be included as an essential part of the application.

There being no further business, the meeting was adjourned at 9:05 p.m.

Notes taken by

Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:
Baddacook Weed Management Plan 2013 (presentation by GLA)
Revised Plans, 120 Boston Road, DEP #169-1100
Revised Plans, 54 Off Prescott Street
Conservation Restriction Baseline Report, Baddacook CR (by GCT)
Conservation Restriction Baseline Report, Walker-Cox Parcels (by GCT)