

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, September 9, 2014

Chairman John Smigelski called the meeting to order at 7:00 p.m. with Peter Morrison (Vice Chairman), Susan Black (Clerk), Bruce Easom, Marshall Giguere and Mary Metzger present. Rena Swezey was absent. Conservation Administrator Takashi Tada was present.

7:00 p.m. – Discussion: Proposed Trail Re-route, Ripley Forest (O. Lathrop, Trails Com.)

Olin Lathrop of the Trails Committee presented a proposal to re-route the existing trail that heads west off Dan Parker Road on the New England Forestry Foundation (NEFF) property known as Wharton Plantation. The trail also passes through the Conservation Commission's Harrison S. Ripley Forest. On the NEFF property, a portion of the trail along the edge of the marsh is typically underwater during the springtime. NEFF has asked the Trails Committee to reroute this portion of the trail to higher ground. Due to the steep side slopes of the adjacent esker, the Trails Committee proposes to create a new trail along the top of the ridge that would connect to the existing trail on the more-gently sloped eastern and western ends of the esker.

S. Black asked if the wet portion of existing trail would be permanently blocked off. She said it is passable during most of the year and is used by hikers, cross country skiers, etc. Mr. Lathrop said the plan is to permanently close that portion of trail. S. Black said she did not agree with the plan. Mr. Lathrop said the landowner, NEFF, has asked the Trails Committee to close off this section of trail. M. Giguere asked if any work would occur within the wetland buffer. Mr. Lathrop said the new trail likely passes within 100 feet of wetlands on both ends where it connects with the old trail. M. Giguere said they need to file an RDA for work within the buffer. B. Easom concurred with the need to file an RDA.

Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to approve the new trail in Harrison S. Ripley Forest without an RDA.

The vote was 4 in favor and 2 opposed. Smigelski, Morrison, Black, and Metzger voted yes; Easom and Giguere voted no.

After some discussion about being consistent in its application requirements, and upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to require the Trails Committee to submit a Request for Determination of Applicability (RDA) for the proposed trail on property of NEFF (Wharton Plantation) and the Town (Ripley Forest). The Commission will cover the cost of advertising the public meeting legal notice.

The vote was unanimous.

7:20 p.m. – Public Meeting: RDA, Water Line Installation, 49 Boathouse Road

Liz Dupre, of Clear Water Environmental, presented the proposal to install a water main connection from the existing house at 49 Boathouse Road to the Groton Water Department's water main, approximately 250 feet down the road. All work would occur in the shoulder of the road within the Town right-of-way. The road is within the buffer zones of both Lost Lake to the east and a bordering vegetated wetland (BVW) to the west. Erosion controls are proposed along the entire length of the project on the work-side of the road (lake side).

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

VOTED: to issue a Negative #3 Determination of Applicability for the water line installation, 49 Boathouse Road, subject to the following condition:

1. Erosion controls to be installed according to the plan, and approved by the Commission, prior to start of work.

The vote was unanimous.

Moving on to General Business, the Commission signed an invoice from the *Groton Herald* in the amount of \$223.13 for publication of legal notices in August 2014.

On the topic of Land Management, M. Metzger reported that a hatchling snapping turtle was observed in the post-logging slash at Baddacook Field. This underscores the habitat value of the logging debris. S. Black said she still had not heard back from Natural Heritage & Endangered Species Program (NHESP) regarding the use of herbicides during the active turtle season.

M. Metzger provided another update of the Property Inventory that she is working on. She submitted reports on the following Conservation Commission properties:

- Fitch's Bridge Estates: This 0.73-acre parcel is surrounded by private property but could provide a link between Johnston Conservation Area and Fitch's Bridge. It contains a portion of the former B&M Railroad spur.
 - Issue: Trail is mostly invasive plants but is surrounded by fields, yards, gardens. O. Lathrop noted that the current trail is on private property of the Shattuck family. The Town needs to work this out with the Shattucks.
- Johnston Conservation Area: This beautiful 15.56-acre parcel contains well marked trails that are used by mountain bikers and runners, among others. There are scenic views, wildlife, and a variety of habitats.
 - Issue: Trail under the power line could be overgrown. O. Lathrop said the Trails Committee mows this portion of the trail when it can.

7:30 p.m. – Discussion: Eagle Scout Project, Sargisson Beach (I. Henriques, Troop 3)

Ian Henriques, of Scout Troop 3, presented his Eagle project proposal to address erosion and access issues at the North Point of Sargisson Beach Conservation Area. He has been working with the Sargisson Beach Committee (SBC) to define the scope of his project. John Giger of the SBC was also present. Mr. Henriques proposed to install waterbars and place mulch on the path;

place stepping stones down to the fishing wall; build a wooden fence to minimize shoreline erosion from foot traffic; and plant ground cover to stabilize soils. He hoped to complete the project this fall. Mr. Henriques expressed some uncertainty about the feasibility of the different project components. Specifically, the placement of stone steps would likely require disturbance of soil and damage to tree roots; the fence posts could be difficult to install due to the roots and rocks; and the ground cover might not establish if planted late in the fall. Some of the materials for the project, such as landscape timbers and rebar, are already available onsite.

M. Metzger asked for an explanation of the fence. Mr. Henriques said the purpose of the fence is to encourage people to use the steps leading down to the wall around the North Point, and to discourage them from scrambling up/down the sensitive shoreline. This will reduce soil erosion and root damage. M. Metzger said she thought it would be a good project and was impressed by the quality of previous Eagle Scout projects at Sargisson Beach.

M. Giguere asked if this project was part of the Sargisson Beach Restoration Project that was recently approved. John Giger of the SBC said no; it is a separate project. M. Giguere expressed concern about the stone steps being dug in to the bank. The tree roots help to stabilize the soil, and he preferred not to disturb the roots or soil. B. Easom suggested a wooden staircase as a less-damaging alternative to the stone steps; he liked the idea of a designated access point to the wall and said this component of the project should be the first priority. P. Morrison also liked the wooden stairs idea; as a "Plan B" alternative he suggested using smaller stones interspersed among the roots.

Chairman Smigelski asked what Mr. Henriques was looking for, procedurally, from the Commission. Mr. Henriques was unsure of the next step in the process. Jamie King, an advisor to the Scouts, said Mr. Henriques would need to seek approval from the Scouts for his Eagle proposal.

Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to issue a letter of approval to Ian Henriques for his proposal to address erosion and access issues at the North Point area of Sargisson Beach, as modified to include a wooden staircase instead of stone steps. Mr. Henriques is required to file an RDA for the wooden stairs, which will involve the installation of sonotube footings to anchor the stairs. The Commission will pay for the RDA public meeting legal notice.

The vote was unanimous.

Under Open Session, Paul Courtemanche, of 45 Redskin Trail, provided photographs and recounted his encounter with many dead hatchling snapping turtles on Lost Lake Drive near Route 40. The hatchling turtles were run over by vehicles while attempting to cross the road. Mr. Courtemanche said he carried the sole survivor to Lost Lake and released it at water's edge. He wanted to know if there was a group in town that concerned itself with protecting hatchling turtles. M. Metzger offered to put Mr. Courtemanche in touch with some Groton residents who are involved in this sort of thing. B. Easom informed Mr. Courtemanche that the recommended

procedure is to help the turtle across the road in the direction that it is headed, rather than relocating it to another location. B. Easom also stressed the importance of reporting observations of rare species, such as Blanding's turtles, to NHESP. O. Lathrop assured Mr. Courtemanche that while many hatchlings die while crossing roads, others survive and make it to their destination.

8:10 p.m. – Discussion: Eagle Scout Project, Groton Woods (W. Premru, Troop 1)

T. Tada reported that he, M. Metzger, and Susan Black walked the proposed trail in Groton Woods Conservation Area with Will Premru of Scout Troop 1, and Paul Funch of the Trails Committee. The trailhead would be on Paugus Trail just before the cul-de-sac, and the trail would connect with an existing trail in Groton Woods at the large culvert/dam structure, approximately one-quarter mile in distance. The start of the trail might require some form of steps due to the dropoff from the road. B. Easom recalled that he has GPS survey data collected in 2009, in conjunction with a group from Lawrence Academy that cleared a trail at that time. But the trail was not marked or maintained. B. Easom said he would be willing to share his GPS data and work with Mr. Premru to ensure the trail is located on the Town's property. Mr. Premru will return to the Commission after refining the trail route and reviewing the trail conditions during the wet (spring) time of the year.

8:15 p.m. – Discussion: Planning Meeting for Conservation Summit (Groton Conservation Trust)

T. Tada provided copies of the agenda prepared by the Groton Conservation Trust for their planning session on Wednesday, September 24, 2014. P. Morrison and J. Smigelski had previously committed to attend. M. Metzger expressed an interest in attending as well. She and P. Morrison have been part of the Trust's recently formed advisory group. P. Morrison suggested that two representatives from the Commission was an appropriate commitment for the time being.

Moving on the issue of Land Management – Invasive Species, S. Black reported that she found black swallowwort plants on the Deerhaven parcel for which the Commission holds the Conservation Restriction. M. Giguere confirmed the observation. P. Morrison asked if the property was still controlled by the homeowners' association. S. Black replied that the homeowners' association was still in effect, and the contact person is Jim Selders. Chairman Smigelski asked B. Easom if he had made any progress toward an applicator's license. B. Easom replied that he had looked into the process and determined that the main hurdle is the insurance requirement. Chairman Smigelski said he holds a private applicator's license and his experience is that the public notification/signage requirements are the most difficult aspect of compliance.

On the topic of the Agricultural License for Pacer Way (Eliades property), Chairman Smigelski said he spoke with Town Manager Mark Haddad about renewing Roy MacGregor's license to hay the field on Pacer Way for a second 5-year term. Mr. Haddad said the Commission could renew this time; however, the license needs to be re-opened for public bidding after 10 years. The maximum term for a land use license is 10 years. He also said the Town is not obligated to

award the license to the highest bidder; it can choose the best proposal for the land even if a higher proposal is received. Chairman Smigelski expressed a preference to award licenses to local farmers whenever possible.

Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to renew the Agricultural License to Roy MacGregor/Maple Shade Farm for the field off Pacer Way (Eliades Conservation Area) for a second five-year term.

The vote was unanimous.

On the related topic of the Agricultural License for Surrenden Farm West, T. Tada reported that the existing license agreement with Roy MacGregor is worded such that it is renewed annually upon payment by Mr. MacGregor. It does not specify an end date. Both the Licensee (Mr. MacGregor) and the Commission were under the impression that the agreement was supposed to be for 5 years, which coincides with the effective period of the Resource Management Plan (RMP) for the property. The license agreement, as written, is problematic for Mr. MacGregor because it discourages him from making improvements to the land, and it restricts him from cutting the hay before July 15. Chairman Smigelski emphasized that the July 15 date was too restrictive. M. Giguere suggested re-opening the bidding process for the use of the property, while simultaneously updating the RMP by re-convening the working group of stakeholders (MassWildlife holds the CR).

On the topic of Academy Hill – Turtle Nesting Areas, T. Tada said he would try to arrange a walk to the western nesting area on the Commission's land. M. Metzger visited the eastern nesting area and reported that it has become overgrown. She suggested scraping the eastern area to improve the substrate for turtle nesting, rather than just cutting back the vegetation.

Moving on to an update of the proposed Tennessee Gas Pipeline, P. Morrison said one of the goals of the Pipeline Working Group is to prioritize mitigation via land acquisition, with secondary emphasis on the use of directional drilling of ecologically sensitive areas if the pipeline route cannot be changed to avoid these areas. T. Tada has begun updating the Commission's spreadsheet of priority parcels for acquisition. B. Easom asked what would happen if the pipeline is routed entirely through private land. P. Morrison said the Town would still receive revenue from the personal property tax that would be levied against the pipeline company.

On the issue of appointing a representative to the Williams Barn Committee, B. Easom said he would accept a reappointment if the Commission chose to do so. He said that one of the issues he would like to see addressed is the rule that prohibits competition among vendors at the Farmers Market.

Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to reappoint B. Easom to the Williams Barn Committee.

The vote was unanimous. T. Tada will notify the Town Clerk and Selectmen of the appointment.

There being no further business, upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to adjourn the meeting at 9:25 p.m.

The vote was unanimous.

Notes taken by

Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. RDA, Water Main, 49 Boathouse Road
2. Agricultural License, Pacer Way (Eliades Conservation Area)
3. Property Inventory Reports

Approved 9/23/2014