

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, December 12, 2017

Location: Town Hall, 2nd Floor
Members Present: Peter Morrison (Vice Chair), Olin Lathrop (Clerk), Bruce Easom, Larry Hurley, Eileen McHugh, *Marshall Giguere (*via video connection)*
Members Absent: John Smigelski (Chair)
Others Present: Nikolis Gualco (Conservation Administrator)

7:00 p.m. – The meeting was called to order by Vice Chairman P. Morrison.

The meeting began with a Discussion with Atty. Robert Collins regarding a letter about trail policy on open spaces across Groton. The letter, written on behalf of his client, the Groton School, expressed concerns related to the dog walking culture that exists at Groton Place (New England Forestry Foundation [NEFF] land), which borders Groton School lands. R. Collins stated that he personally has witnessed irresponsible behavior (trash, litter, the formation of illegal trail that lead to erosion of resource areas, dogs out of control) at this site over many years. The unofficial dog park has become a problem for Groton School as there have been instances of dogs chasing and biting people on Groton School land. Signs have been posted, but to no effect. R. Collins postulated this problem is not unique to Groton Place. He then asked the Commission, as the landowner of many trails and open spaces across Groton, for their support of new regulations (to include fines for violations) he will propose to the Board of Selectmen as a means of remediating the problems associated with the use of trails by those who do so irresponsibly.

At this time, P. Morrison opened the discussion up for comments from the audience.

Bob Pine (Groton Conservation Trust) stated that he does not want dogs off-leash on the Trust's abutting property along the Nashua River (Sabine Memorial Woods). His reasons for this include (1) loose dogs scare wildlife and (2) there is significant erosion occurring along the bank of the river as a result of dogs and, to a lesser degree, beaver activity, which loosens soil in this location. B. Pine is concerned that eventually the trail will be lost to erosion.

Rick Muehlke (NEFF) introduced himself as the responsible individual for monitoring and maintaining NEFF lands (Groton Place and adjacent Sabine Woods). He recommended that the Animal Control Officer should be informed of this discussion and invited to comment. R. Muehlke commented that it was his experience that most people were responsible with dogs at Groton Place and finished by saying that NEFF is interested in participating in the conversation further.

E. McHugh commented that he has a dog and likes to walk it off-leash. She doesn't go to Groton Place because it feels overrun with dogs. She concluded that she does not like a heavy-handed approach to dealing with this issue, but does support an educational approach.

L. Hurley asked about Groton's bylaws specific to animal control. The Commission, R. Collins, and members of the audience discussed this for several minutes. R. Collins stated that the bylaw may need to be updated to clarify current needs. L. Hurley stated that he supports fines for out of control animals.

B. Easom stated that his experience is that Groton Place is a unique place concerning dogs and doesn't like an all-encompassing approach. He echoed earlier sentiments by expressing an interest in seeking input from the Animal Control Officer. Finally, he suggested the direction of adding fines to the bylaw.

O. Lathrop stated that, even though he does not have a dog, he likes NEFF's policy that allows dogs. He suggested that private landowners post signs where trails cross property lines communicating their intention to walkers (i.e., "No DOGS") stating in direct language the intention of the landowner.

P. Morrison was in favor of control when it comes to animals and believes that the bylaw needs fines to address this issue.

M. Giguere referenced the Nuisance Dog bylaw and suggested adding teeth to the existing bylaws as an appropriate means of addressing the issue. He concluded that private property owners can do what they want on their land.

The Commission then heard a Discussion about vegetation management at **419 Old Ayer Road**. Atty. R. Collins represented the landowner (Patricia Madigan) and began this discussion by introducing the proposed activities proposed at the site. P. Madigan, R. Collins stated, recently purchased the old farm house at this location and plans to repair and renovate the structure. R. Collins informed the Commission that this property will be before them shortly as he has filed a NOI for the installation of a septic system and well. However, in the meantime there is overgrown vegetation around the house, which makes renovating the exterior impossible. The wetlands on site were recently delineated by Ducharme & Dillis, which indicated that the house was within the wetlands buffer of a small wetland. R. Collins concluded by inquiring as to whether the removal of vegetation within 15 feet of the house would require the filing of a RDA or could occur without a permit.

L. Hurley commented that clearing within 15 feet should be permissible without a permit.

B. Easom agreed and stated that the proposed activity sounded to him like maintenance.

O. Lathrop, E. McHugh, and P. Morrison were all fine with the proposed work without a permit.

M. Giguere said an RDA may be appropriate but did not think it was unequivocally necessary.

7:23 p.m. – Public Hearing: NOI, 21 Moose Trail for the replacement of an existing retaining wall along the shore of Lost Lake, MassDEP# 169-1167.

Owner/Applicant: Tom Wilson

T. Wilson began the hearing by sharing details about the proposed work. He intends to replace the existing timber wall requiring with a timber wall or a cement block wall. There is a Conservation Restriction (owned by the Commission) on the western edge of the property that allows for the unrestricted movement of turtles between Lost Lake and the nearby vernal pool. T. Wilson stated that it will likely be required for equipment to cross the “turtle path” during this project. He concluded that his preference was to replace the wall with concrete block.

B. Easom stated that he preferred to see the wall replaced before it collapses and that he has no issue with either wood or blocks as a replacement material. He also expressed no concern to the equipment traversing the “turtle path” as the work will occur during lake drawdown when turtle hibernate. B. Easom finished by stating that the implementation of siltation fence (silt fence and wattles or hay bales) will be required between the work area and the edge of the water.

O. Lathrop commented that he mostly approve the proposed project as long as the new wall is located in the same footprint. He referenced measurements that were taken during the December 9th site walk that will need to be verified after the new construction.

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

VOTED: to close the Public Hearing for 21 Moose Trail, MassDEP#169-1167. The vote, taken via roll call, passed unanimously (**Yes:** OL, BE, LH, MG, EM, PM).

The Commission then moved to a Discussion where member of the Greenways Committee, Historic Commission, and Parks Commission participated in a Joint Conversation about the property referred to as “0 West Main Street” (Groton Assessors Map/Parcel: 101-12).

George Wheatley (Historical Commission) gave an account of the building’s history which dates back to the late 19th century. The property was functioned as a store between the 1920’s and 1930’s. According to Winnie Sherwin, the building was the Culver Store and in 1950’s and 1960’s it was the location of the Ladies Aide Attic where the women of the Christian Union Church sold donated household items and used clothing to raise money for the church. The property was purchased by the late Charlie Vlahos and currently belongs to his son. Finally, G. Wheatley shared that the Historical Commission voted that the building has no historical significance.

Marion Stoddart (Greenways Committee) shared that the purpose of the Greenways Committee is to protect land along the Squannacook and Nashua rivers for conservation and recreational purposes. M. Stoddart continued for several minutes describing why the acquisition of this parcel would be a beneficial asset to the Town as well as the environment. She highlighted that residents of adjacent Rivercourt would likely utilize the property if it were converted into a park. She was concerned that if a body for the Town did not act soon that someone would purchase the

property and use it for something not desirable. Finally, M. Stoddart shared that she had recently spoken with MassDOT regarding the reasoning for re-routing the bridge during the Route 225 improvement around the existing building. This point is important because there is an anecdotal recollection among those familiar with this property that the state deemed this building to be historically significant and therefore re-designed the bridge to save the building. This may make acquiring the parcel with the plan to raze it more difficult.

James Gaffney (Parks Commission) expressed an interest in the idea of acquiring the parcel, razing the building, and incorporating it into the adjacent memorial park.

E. McHugh stated that she supported the idea of buying the property but may want to preserve the footprint (for a deck or similar structure).

M. Giguere expressed an interest in acquiring the property and merging it with the park. He also supported E. McHugh's idea of preserving the buildings footprint.

L. Hurley asked M. Stoddart if she is opposed to razing the building to which she replied *no and that she was in favor of this idea as long as there was no historic or cultural value*. L. Hurley continued by expressing support of E. McHugh's idea of preserving the footprint.

B. Easom stated he was in favor of purchasing the property and razing the building but only if the land is to be Conservation land. He commented that if the final product of the purchase is a park then he was of the belief that Parks should be the body to purchase it. M. Stoddart commented that the Petapawag Canoe Launch is a Conservation property that functions as a park.

O. Lathrop asked if CPA funds can be used for acquiring park land. B. Easom stated he wasn't sure but would find out.

P. Morrison commented that regardless of which group takes the lead that he believes the Town should acquire the land and thinks it comes down to Parks.

M. Giguere introduced the topic of "tax title taking," a process where the Town can begin a process of acquiring a property that is many years in the rears. There was some confusion about the logistics and N. Gualco agreed to talk with the appropriate Town officials about it and report back.

Linn Clark (Real Estate Agent, Nashoba Conservation Trust) commented that it was her belief that even though the listing price is \$60,000, the sellers are motivated to sell and may accept a range of offers.

Finally, P. Morrison suggested that a second joint-meeting between Conservation and Parks take place at the next meeting (December 26th) to discuss the logistics of purchasing said lot. This second meeting will take place in executive session.

The Commission then entered into a Discussion with Bob Anderson (270 Whiley Road) regarding health, environmental degradation, and proposed management of Duck Pond.

B. Anderson explained that he hoped that an informal meeting with the Commission would be informative as to what permit would be most appropriate for the reclamation of Duck Pond. Duck Pond, he continued, is a 26 acre Great Pond listed in the OSRP, however the state does not officially recognize it under this designation. The pond is currently deteriorating such that there is extensive aquatic weed growth and deep much along the pond bottom. A recent study by Lake Solitude pointed to low levels of dissolved oxygen and identified an increase in aeration as a means of “saving the pond.” Other methods for dealing the issues of Duck Pond (chemical treatment and weed harvesting) are infeasible at this time due to logistical hurdles (financial, access, etc.). B. Anderson concluded that he would like to explore the possibility of installing an aeration device into the pond and sought feedback from the Commission.

M. Giguere is during the Lake Solitude study invasive vegetation was found. B. Anderson replied *no, which truly takes herbicide off the table as a possible treatment option*. M. Giguere commented that the hydrology of Duck Pond is stagnant with little turnover. He continued by citing Baddacook Pond and Lost Lake as precedent for filing a NOI.

L. Hurley asked B. Anderson to describe his vision for an aeration system. B. Anderson described a central pumping structure with hoses extending across about half of the pond. The hoses would aerate the pond by expelling air bubbles directly into the water. The estimated cost for this would be in the ballpark of \$20,000.

B. Easom commented that he thought that \$20,000 was worth trying to “save” Duck Pond. He agreed that the proposal would likely require a NOI. He asked about the ownership of the pond and stated that if it was owned by the state that he would have additional concerns.

O. Lathrop stated that he believes that the “degradation” of Duck Pond was a natural process and doesn’t believe the process should be subverted.

P. Morrison was in favor on “saving” the pond as it is a resource and asset to the community. He agreed that aeration seems to be the cheapest and best way to start.

M. Giguere expressed an interest in comparing the treatment of Baddacook and Lost Lake to Duck Pond as a means of evaluating contrasting methodologies.

Finally, B. Anderson asked the Commission if the aeration was approved and successful what its thoughts were on introducing anaerobic bacterial – a method that was recommended as a possible next phase. The Commission commented that they did not know enough about this topic to comment.

The Commission then continued to General Business, Meeting Minutes.

Upon a motion by E. McHugh, seconded by B. Easom, it was

VOTED: to approved and release the minutes as drafted for March 28th, 2017. The vote, taken via roll call, passed (**Yes:** BE, EM, MG, PM; **Abstain:** OL, LH).

Upon a motion by E. McHugh, seconded by B. Easom, it was

VOTED: to approve and release the minutes as drafted for April 11th, 2017. The vote, taken via roll call, passed (**Yes:** BE, EM, MG, PM; **Abstain:** OL, LH).

Upon a motion by E. McHugh, seconded by B. Easom, it was

VOTED: to approve and release the minutes as drafted for April 25th, 2017. The vote, taken via roll call, passed (**Yes:** BE, EM, MG, PM; **Abstain:** OL, LH).

The Commission then continued with General Business, Correspondences and discussed a **Forest Cutting Plan** submitted to MassDCR by the Carl Flowers Jr., Revocable Trust.

O. Lathrop said he would like to see a 50 foot buffer around all the wetlands, not just the stream channels and stated that clearing around wetlands can result in a change in hydrology, temperature regimes, and reduce critical habitat. E. McHugh said she would be fine with a 25 foot buffer. The Commission discussed this matter for several minutes.

Upon a motion by E. McHugh, seconded by L. Hurley, it was

VOTED: to make a comment to the DCR Forest Servicer requesting the applicant maintain at least a 25 foot buffer around resource areas on site. The vote, taken via roll call, did not pass (**Yes:** LH, EM, PM; **No:** OL, BE, MG).

Upon a motion by M. Giguere, seconded by O. Lathrop, it was

VOTED: to make a comment to the DCR Forest Servicer requesting the applicant maintain at least a 50 foot buffer around resource areas on site. The vote, taken via roll call, passed unanimously (**Yes:** OL, BE, MG, LH, PM, EM).

The Commission then continued with General Business, Other Discussions about the 2018-2019 OSRP update. B. Easom expressed interest in solicitation with the contractor who updated the plan in 2012. N. Gualco agreed to contact the planning firm.

The Commission then continued with General Business, Other Discussions about a request to comment on excerpts of the Wild and Scenic Study for the Nashua River Water from the **Nashua River Watershed Associations (NRWA).**

The Commission then continued with General Business, Land Management and discussed Surrenden Farm West. N. Gualco shared an update that the Forest Cutting Plan had been sent to MassDCR Central Regional Office. He confirmed with Mike Barry, Bay State Forestry, that the Bittersweet on the two red-pine stands were treated (basal bark treatment with triclopyr). N. Gualco concluded that a meeting with Pat Huckery was needed to discuss the details of the cutting contract so that the described work aligns with the management plan and within the confines of the CR.

Continuing with Land Management, O. Lathrop then shared an update on a proposal to utilize the Farmers & Mechanics Conservation Area as a site for an American chestnut tree nursery. The Commission reviewed the details of the current 10-year Forest Management Plan. O. Lathrop agreed to draft language specific to the proposal, which he will send to N. Gualco. N. Gualco will then contact the forester responsible for creating the Forest Management Plan seeking input and comments.

The Commission then discussed the proposed trail (**Marion Stoddart Riverwalk**) at Partridgeberry Woods (“Parcel A”) – this topic was not anticipated 48 hours prior to the meeting and was therefore not posted on the agenda. O. Lathrop stated that he had time to review the CR and believes it clearly allows the trail. P. Morrison expressed interest in the Commission sending the landowner, Robert Taisey, a message of support for the trail. At this time, O. Lathrop displayed a compiled list of the comments from the Partridgeberry Homeowners Petition and the Commission discussed each one. This took place for several minutes. It was stated that the nature of the complaints against the Riverwalk were similar to those voices in opposition to the Rail Trail – *and now, as P. Morrison said, people love it!*

Upon a motion by O. Lathrop, seconded by E. McHugh, it was

VOTED: to officially endorse the Marion Stoddart. The vote, taken via roll call, passed unanimously (**Yes:** OL, BE, MG, LH, PM, EM).

The Commission concluded business with a discussion on making L. Hurley the new Clerk. M. Giguere commented that usually positions are not assigned until after Town Meeting. P. Morrison responded that is because usually new members do not start in the middle of the fiscal year.

Upon a motion by O. Lathrop, seconded by E. McHugh, it was

VOTED: to assign the position of Clerk to Laurence Hurley. The vote, taken via roll call, passed (**Yes:** OL, BE, MG, PM, EM; **Abstain:** LH).

9:12 p.m. – B. Easom made a motion (seconded by O. Lathrop) to adjourn the meeting.

The motion, taken via roll call vote, passed unanimously: (**Yes:** O. Lathrop, B. Easom, M. Giguere, L. Hurley, E. McHugh, P. Morrison)

Exhibits on file at Conservation Commission Office:

1. Letter from Atty. Collins re: Groton Place
2. Letter from Atty. Collins re: 419 Old Ayer Road
3. NOI, MassDEP#169-1167, 21 Moose Trail
4. Forest Cutting Plan, Carl Jr. Revocable Trust
5. Forest Management Plan, Farmers & Mechanics Conservation Area

Approved: December 26, 2017