

## GROTON CONSERVATION COMMISSION

### Minutes

Tuesday, January 14, 2014

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

7:00 p.m. – Matt Lambright, Eagle Scout Project at Sargisson Beach

Matt Lambright was a late cancellation. His presentation to the Commission has been rescheduled to January 28, 2013.

Moving on to General Business, the Commission reviewed meeting minutes from December 10, 2013. Chairman Morrison recommended that T. Tada provide copies of the draft meeting minutes on Saturday mornings whenever the Commissioners conduct site walks. C. Auman suggested correction of a minor error on page 5.

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

VOTED: to approve the meeting minutes of 12/10/2013, as amended.

The vote was unanimous.

The Commission also reviewed the meeting minutes from January 11, 2014.

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

VOTED: to approve the meeting minutes of 1/11/2014, as written.

The vote was unanimous.

Moving on to Land Management issues, T. Tada reported that the TABCOM Conservation Restriction was finally recorded at the Registry of Deeds. This CR has been pending since 1987. Attorney Robert Collins will provide the Commission with the original document when he gets it back from the Registry.

Commissioners signed the revised Walker-Cox Conservation Restriction. This revised version was approved and signed by the Board of Selectmen on December 23, 2013. The BOS accepted the Commission's modification to the Fire Lane provision as originally proposed by the BOS. Attorney Robert Collins, a Notary Public, was in attendance and offered to notarize the signature page. T. Tada will forward the signed CR to the Groton Conservation Trust (Grantee) for its approval and signature.

T. Tada announced that the next meeting of the Groton Conservation Trust is Wednesday, February 5, 2014, at 7:00 p.m. The location is to be determined. Wendy Good, Trustee, requested the presence of Commission members to discuss general land management issues and specific parcels such as Walker-Cox and 66 Island Pond Road (Lot 1). Commissioners P. Morrison, J. Smigelski, and B. Easom said they would plan to attend. T. Tada will contact M. Giguere to see if he is interested in attending as well.

Moving on to Land Acquisition issues, the Commission had a preliminary discussion of Parcels 106-31 (4.5 acres) and 106-32 (16.9 ac.) located in West Groton. The owners of these two contiguous parcels, David and Martha (Hallet) Harvey, contacted T. Tada to see if the Commission would be interested in purchasing the land for conservation purposes. The Harveys intend to put the parcels up for sale in the near future. The land is predominantly forested upland and is contiguous with Lawrence Park Conservation Area (11.7 ac.). The eastern portion of the parcels is mapped as Rare Species Habitat and BioMap2 Core Habitat. The entire parcels are within the Squannassit Area of Critical Environmental Concern. B. Easom said he was familiar with a trail that traversed the larger parcel. Other Commissioners were not familiar with the parcels. Chairman Morrison recommended conducting a site walk to get acquainted with the land. The parcels are landlocked (no road frontage); T. Tada will coordinate site access with abutters (Senior Center and GEMS, Inc.).

B. Easom provided an update on the land court proceedings of the Schofield property (Parcel 251-71). The executor of the Schofield estate, Carol Van Patten, did not have legal counsel at the last court hearing and it appears that the property could be sold. Attorney Robert Collins, in attendance, said the property was in tax arrears and that it could result in a tax taking.

7:20 p.m. – Public Hearing: Notice of Intent, 373 Lowell Road (Route 40)

Stan Dillis, of Ducharme and Dillis Civil Design Group, presented the proposed plans for Chamberlain's Mill residential subdivision to be located north of Lowell Road (Route 40) and east of Schoolhouse Road on Groton Assessors Parcel 233-75. The parcel is approximately 23.94 acres. The proposed subdivision will consist of nine lots, including the existing house on Lowell Road, and is designed pursuant to the Flexible Development provisions of Groton's Zoning Bylaws. Attorney Robert Collins stated that a total of 11.79 acres in the eastern portion of the site will be set aside as Open Space and donated to the Groton Water Department for protection of public drinking water supply. This portion of the site is within the Zone 2 wellhead protection area. In addition to protecting the existing production well on Baddacook Pond, the land donation increases the possibility of establishing a new well in the future.

According to Mr. Dillis, approximately 22,000 square feet of work is proposed within the 100-foot wetland Buffer Zone in the western portion of the site near Schoolhouse Road, primarily as a result of grading for the subdivision road and stormwater recharge basin. Approximately 2,200 square feet of new impervious surface is proposed within the Buffer Zone. In addition, approximately 1,900 square feet of work is proposed within the outer Riverfront Area (200 feet) of Martins Pond Brook in the southwestern portion of the site. This amounts to less than four percent of the total Riverfront Area (approximately 53,000 square feet) present on the site. Proposed work in the Riverfront area is associated with the recharge basin, which will be located

in an existing disturbed area that forms a topographic depression. The proposed construction entrance will utilize the existing cart road off Route 40.

Mr. Collins mentioned that the applicant, Robert Kiley, originally filed the Notice of Intent as Trustee for High Oaks Realty Trust. Mr. Kiley has since established a new business entity, Regulus Realty Trust, for this project.

Chairman Morrison asked for input from members of the Commission. B. Easom said that he was not able to attend the site walk and would defer to the others who walked the site. C. Auman mentioned that the site is located in rare species habitat and that the Massachusetts Natural Heritage and Endangered Species Program (NHESP) had yet to complete its review of the project under the Endangered Species Act. He also expressed some concern about the slope of the proposed subdivision road and whether a guardrail should be installed on the opposite side of Schoolhouse Road as a safety measure. Mr. Dillis said the grading profile of the proposed road is a three percent slope over the first 50 feet of the entrance off Schoolhouse Road, then transitioning to six percent slope over the remaining 425 feet of the cul-de-sac road. C. Auman added that the donation of land to the Water Department would improve the Town's water supply situation.

Chairman Morrison asked why the proposed design does not use the existing cart road off Route 40 as the subdivision road, as it would appear to result in less disturbance within jurisdictional areas. Mr. Dillis responded that the Zoning Regulations for major roads (e.g. Route 40) prohibit new subdivision roads within 600 feet of an existing intersection. Mr. Collins added that it would result in a similar amount of disturbance if they designed the new road off Route 40. Chairman Morrison also asked for an explanation of the sediment traps as shown on the plans. Mr. Dillis explained that the temporary sediment traps will be used to prevent siltation into the catch basins during construction. They would be cleaned out and repaired by the site contractor, as needed. Chairman Morrison noted that the plans did not show any Riverfront Area along Schoolhouse Road. Mr. Dillis responded that Martins Pond Brook was greater than 200 feet away from the western property edge as it flowed to the north of Route 40. T. Tada confirmed Mr. Dillis' response based on a review of the available GIS data.

B. Easom reiterated the Commission's need to better understand the tradeoff of using Schoolhouse Road as the new access point, rather than Route 40, and that an alternatives analysis is required for any work proposed within Riverfront Area. He also asked if the applicants had any information regarding the location of former Schoolhouse 9. Mr. Collins surmised that any remnant of the schoolhouse would have been removed during construction of the existing roadways. He mentioned an old map of the town showing the schoolhouse in approximately the same location as the existing intersection. B. Easom asked the applicants to contact the Historical Commission to confirm that no known historic sites would be impacted by the project.

There being no further input from Commissioners, Chairman Morrison invited public comments. Geza Lengyel, who lives at 356 Lowell Road, mentioned drainage problems at the intersection of Route 40/Schoolhouse Road and expressed concern that the proposed subdivision would exacerbate the issue. Mr. Dillis responded that the proposed drainage plan would result in an

improvement over existing conditions. Chairman Morrison explained to Mr. Lengyel that no new runoff from the site was allowed under the provisions of the Wetlands Protection Act.

There being no further public input, Chairmain Morrison summarized the issues and questions that need to be addressed: 1) an alternatives analysis comparing the areal impacts of the proposed road off Schoolhouse Road versus access from Route 40; 2) completion of NHESP's review of the impacts to rare species; 3) letter from Historical Commission regarding impact to historic sites; and 4) issuance of file number and completion of review by DEP.

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

VOTED: to continue the public hearing for 373 Lowell Road to Tuesday, January 28, 2014.

The vote was unanimous.

7:50 p.m. – Groton Trails Committee, Proposed Trail at Watson Way

The Commission will walk the proposed trail connecting Watson Way to the newly acquired Walker-Cox parcels on Saturday, January 25, 2014. Trails Committee member Steve Legge will lead the walk.

Moving on to the proposal for funding under the Community Preservation Act (CPA), T. Tada reported that a Complete Draft Proposal was submitted to the Community Preservation Committee (CPC) before the submittal deadline. A copy of the proposal was provided to Commissioners. T. Tada thanked B. Easom for his feedback in preparing the proposal. B. Easom, the Commission's representative on the CPC, said that the sum total of all the draft proposals received by CPC exceeds the currently available funds, but the CPC could utilize state matches to cover all of the potential projects and meet the Surrenden Farm debt service obligations. In addition to the Commission's request for \$200,000 to be added to the Conservation Fund, the CPC received proposals for treatment of aquatic invasive weeds in Baddacook Pond, improvement of athletic fields at Ledge Rock, beach restoration at Sargisson Beach, and upgrades at the Golf and Pool Center. B. Easom emphasized that the Conservation Commission voluntarily withdrew its funding request last year (FY14) in deference to the Park Commission's athletic fields project. Ultimately, the Park Commission failed to receive matching grants and the project did not go through. He suggested that, out of fairness, one (or more) of the other applicants should consider withdrawing this year if the Parks Commission comes forward with another large request. Finally, B. Easom mentioned that he and CPC Chairman Richard Hewitt attended a recent State House gathering of CPA VIP's. He and Chairman Hewitt met with staff members of Groton's state legislators, Senator Eileen Donahue and Representative Sheila Harrington, and advocated for increased support of the CPA. Their advocacy was met with more or less enthusiasm, respectively.

Moving on to the Order of Conditions for 120 Boston Road (P. Myette), DEP #169-1100, the Commission made minor revisions to its boilerplate list of special conditions.

Upon a motion by B. Easom, seconded by R. Swezey, it was

VOTED: to issue the Order of Conditions, as amended, for 120 Boston Road, DEP #169-1100, under the Wetlands Protection Act.

The vote was unanimous.

Upon a motion by B. Easom, seconded by R. Swezey, it was

VOTED: to issue the Order of Conditions, as amended, for 120 Boston Road, DEP #169-1100, under the Groton Wetlands Protection Bylaw.

The vote was unanimous.

Moving on to the Order of Conditions for 383 Old Ayer Road (O. Piene), DEP #169-1102, the Commission made minor revisions to its boilerplate list of special conditions.

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

VOTED: to issue the Order of Conditions for 383 Old Ayer Road, DEP #169-1102, as amended, under the Wetlands Protection Act.

The vote was unanimous.

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

VOTED: to issue the Order of Conditions for 383 Old Ayer Road, DEP #169-1102, as amended, under the Groton Wetlands Protection Bylaw.

The vote was unanimous.

Chairman Morrison suggested reviewing and revising, as needed, the Commission's boilerplate list of special conditions. T. Tada will email the latest version to members for review. T. Tada will also contact the Natural Resources Conservation Service in Westford for recommendations on how to condition the use nitrogen and phosphorous in fertilizers. J. Smigelski suggested that the use of phosphates in fertilizer was worse than nitrogen.

Moving on the 2013 Annual Town Report, T. Tada provided the Commission's draft annual report for review. Chairman Morrison requested that an acknowledgement of Nadia Madden's service be added to the report. Ms. Madden officially resigned from the Commission as of January 9, 2014.

Moving on to Open Session, T. Tada provided copies of a photograph taken by Remi Kaleta, resident of 228 Whiley Road, showing a handful of trees that had fallen on his property near the shoreline of Duck Pond. Mr. Kaleta wanted to know if he could remove the trees by hand (i.e. using a chainsaw). Commissioners had no issues with the request. T. Tada will inform Mr. Kaleta that he may remove the trees.

Commissioners agreed to ratify the Emergency Certification issued for replacement of a failed private drinking water well at 293 Reedy Meadow Road. T. Tada issued the Emergency Certification after an emergency declaration by the Health Agent, Ira Grossman. T. Tada met onsite with the well driller, James Morey of Skillings & Sons, to discuss the proposed methodology for decommissioning the failed well and drilling the new well. Portions of the work were within the 100-foot Buffer Zone. The new owners of the property will file an after-the-fact Request for Determination of Applicability.

On the ongoing saga of 7 Baby Beach Road, T. Tada provided a copy of Joe Ferguson's email response to the \$150 fine levied against him as a result of multiple violations of the permit issued for his shed (DEP #169-1077). The Commission reiterated that the fine was issued as a fair and reasonable alternative to requiring Mr. Ferguson to tear down his shed. The Commission agreed to extend the deadline for payment of the \$150 fine to July 1, 2014. Commissioners did not agree on what to do if the fine is not paid by the new deadline. They will revisit this issue if necessary.

T. Tada informed the Commission that the Warrant for 2014 Spring Town Meeting was officially opened by the Board of Selectmen. Warrant article requests must be submitted by February 28<sup>th</sup>. T. Tada also mentioned that the Planning Board will hold a public hearing on January 30<sup>th</sup> to consider the newly completed Groton Housing Production Plan. B. Easom asked if this plan was related to the town's obligations under Chapter 40B. T. Tada will consult with the Town Planner, Michelle Collette, for an explanation of the plan's purpose.

There being no further business, the meeting was adjourned at 9:15 p.m.

Notes taken by

Takashi Tada  
Conservation Administrator

**Exhibits on file at Conservation Commission Office:**  
TABCOM Conservation Restriction  
Walker-Cox Conservation Restriction  
Notice of Intent, 373 Lowell Road, High Oaks Realty Trust  
Emergency Certification, 293 Reedy Meadow Road

**Approved as drafted 1/28/2014.**