

## GROTON CONSERVATION COMMISSION

### Minutes

Tuesday, March 11, 2014

Chairman Peter Morrison called the meeting to order at 7:00 p.m. with John Smigelski, Bruce Easom, Craig Auman, and Susan Black present. Marshall Giguere participated remotely by speakerphone (7:30 – 8:35) from a geographically distant location. Rena Swezey arrived at 7:40 p.m. after conclusion of the Earth Removal/Stormwater Advisory Committee meeting. Associate Member Mary Metzger was present. Conservation Administrator Takashi Tada was also present.

7:00 p.m. – Discussion: Lost Lake Fire Protection, Groton Water Dept. and Fire Dept.  
Tom Orcutt, Water Dept. Superintendent, presented the proposed plans (90% design) for the Lost Lake Fire Protection project and asked for the Commission's recommendation on how to proceed with permitting. Plans call for two cisterns and one dry hydrant, in addition to water line upgrades along Boston Road, Summit Avenue, Lakeside Drive, Lost Lake Drive, and Pine Trail. One cistern is proposed near the Baptist Camp off Prescott Street; the other is proposed off Weymisset Road north of Highland Road. The dry hydrant to be located off Island Road will require excavation of a trench into Knops Pond for the horizontal pipe installation. The pipe will be approximately 60 feet in length; it will extend into the pond approximately 30 feet. The depth of the proposed trench is at least 4 feet.

J. Smigelski asked about the height of the hydrant head above the horizontal pipe. Mr. Orcutt said the plans specify a height of 20.5 feet. C. Auman said the dry hydrant installation in the pond necessitated the filing of a Notice of Intent (NOI). B. Easom suggested filing a NOI for the dry hydrant work within the pond, and filing a Request for Determination of Applicability (RDA) for other work within Buffer Zone, such as the water main installation along Lost Lake Drive near Lone Lane. The other Commissioners concurred with B. Easom's suggestion. Mr. Orcutt thanked the Commission for its recommendations.

Moving on to General Business – Minutes, the Commission reviewed the draft meeting minutes from February 25, 2014.

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

VOTED: to approve the minutes of February 25, 2014, as drafted.

The vote was unanimous among the five members present.

Moving on to General Business – Land Acquisition, T. Tada mentioned that he is coordinating an appraisal site inspection of the Harvey Parcels in West Groton. The appraiser, Ellen Anderson, is available on Monday and Tuesday of next week; the most likely day is Tuesday.

Moving on to General Business – Land Management, T. Tada updated the Commission regarding a second set of additional comments on the Baddacook Field Conservation Restriction from the Executive Office of Energy and Environmental Affairs (EEA). These comments are more extensive and include questions about the supporting documentation such as the plan of land (Exhibit B). The plan does not have the usual metes-and-bounds information on it. T. Tada will contact Irene Del Bono at EEA to work through the additional comments.

Moving on to Open Session, T. Tada provided copies of the letter submitted by the attorneys for the project known as Boynton Meadows, 134 Main Street. The letter requests review of legal documents relating to (and required of) the project. Copies of the documents were attached to the letter. The five (5) documents consist of the following:

1. Memorandum of Understanding (MOU) regarding donation to the Conservation Fund
2. Draft Conservation Restriction (CR) including Addendum to the Master Deed of Boynton Condominiums (Exhibit E)
3. Draft Trail Easement
4. Escrow Fund Agreement for the invasive plant management program
5. Letter from owner authorizing access to the property by agents of the Town of Groton and the Conservation Commission

7:15 p.m. – Public Hearing (cont'd): Notice of Intent, 373 Lowell Road, DEP #169-1103

Attorney Robert Collins stated that the question about the location of the former schoolhouse has been resolved with the Historical Commission. The schoolhouse would have been located in the current intersection of Lowell Road (Route 40) and Schoolhouse Road. The owner/applicant, Bob Kiley, has agreed to allow the Historical Commission to do a preliminary investigation within 50 feet of the intersection to look for any evidence of the former schoolhouse. Mr. Collins stated that they have not yet received final word from the Natural Heritage and Endangered Species Program (NHESP) regarding review of the project under the Massachusetts Endangered Species Act (MESA). However, they have been working closely with NHESP and the project had been previously revised at NHESP's request. NHESP's review period ended last week and they expect to receive the final determination letter soon.

There being no questions or comments from Commissioners, Chairman Morrison asked if the applicant was ready to close the public hearing. Mr. Collins said they were ready.

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

VOTED: to close the public hearing for 373 Lowell Road, DEP #169-1103.

The vote was 4 in favor, with S. Black abstaining.

Following the vote, resident Bob Woodward of 52 Schoolhouse Road asked if the applicant had compared the relative impacts of alternative access road layouts. Chairman Morrison said the alternatives were presented at the public hearing held on February 11<sup>th</sup>, 2014, to the Commission's satisfaction.

Moving on to another Open Session topic, T. Tada provided copies of a letter drafted by Leslie Gabriliska, Townsend Conservation Agent. The draft letter is addressed to Richard Sullivan, Secretary of Energy and Environmental Affairs. The letter discusses the importance of filling the Wetlands Circuit Rider position for the DEP Central Region. This position has been left vacant since 2010. Chairman Morrison said the Circuit Rider had been very helpful to the Commission in the past, and he supported the sentiments expressed in Ms. Gabriliska's letter. Commissioners discussed whether to provide copies of the letter to any elected officials; they agreed to withhold from doing so at this time.

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

VOTED: to send the letter requesting renewed support of the Wetlands Circuit Rider position for the Central Region, as drafted by Ms. Gabriliska, to EEA Secretary Sullivan.

The vote was unanimous among the five members present.

Prior to opening the scheduled public hearing at 7:30 p.m., Chairman Morrison congratulated new Commissioner Susan Black on her appointment by the Board of Selectmen. He also welcomed new Associate Member Mary Metzger. The Chairman also indicated that member Marshall Giguere would now be participating remotely, by speakerphone, from a geographically distant location.

7:30 p.m. – Public Hearing: Notice of Intent, Boston Road (Mattbob), NESSP Proposed Temple  
The DEP file number issued for this project is 169-1104. The applicant is Mahender Singh, President of New England Shirdi Sai Paravaar (NESSP). The project engineer is Ian Rubin of Markey & Rubin. The wetland scientist presenting the NOI is Nicole Hayes of Goddard Consulting. The applicants were also on the Earth Removal and Stormwater Advisory Committee's agenda this evening at 7:00. Only Ms. Hayes was present as of 7:30 p.m.

Chairman Morrison allowed Ms. Hayes to begin her presentation before the applicants, engineer, abutters, and R. Swezey (7:40 p.m.) arrived from the Earth Removal/Stormwater hearing. Ms. Hayes provided the proof of Certified Mailings to abutters ("green cards"). Ms. Hayes began by describing the existing site conditions. There is an extensive certified vernal pool wetland in the western portion of the site which is characterized by red maple overstory and highbush blueberry understory. The rest of the site is characterized by mature mixed forest of white pine, oak, and other hardwoods. The vernal pool and adjacent upland forest are known to provide primary habitat for amphibian breeding, foraging, and overwintering. Most of the site is also within mapped habitat of the Blanding's turtle, a protected species in Massachusetts. There is no nesting habitat on the site due to the closed canopy forest, but the vernal pool may provide habitat for foraging and possibly overwintering. There is a much smaller wetland in the northeast corner of the site associated with a drainage ditch off Ernie's Drive in Littleton. The habitat value of this small, closed canopy wetland appears to be insignificant for Blanding's turtle.

According to Ms. Hayes, the Temple project does not propose any disturbance within 50 feet of the vernal pool. The total proposed impact between 50 – 100 feet of the vernal pool is 15,988 square feet. The proposed impact to buffer zone consists of selective vegetation clearing, grading for the parking lot, and grading/construction of stormwater retention basins. The retention basin proposed near Boston Road will require clearing and grading up to the 50-foot vernal pool setback. The nearest distance from the vernal pool to the proposed grading for the parking lot will be 69 feet. The project does not propose any impervious surface within the buffer zone, and the proposed parking areas will utilize porous paving to encourage infiltration and reduce surface runoff. There is no impact proposed to the wetland or buffer zone in the northeast corner of the site. Ms. Hayes also pointed out that the 40B affordable housing project that was approved for this site called for approximately 51,000 square feet of proposed disturbance within the vernal pool buffer zone, including some disturbance within 50 feet.

Chairman Morrison thanked Ms. Hayes for the project overview and invited questions/comments from the Commissioners. M. Giguere (participating remotely) asked about the slopes of the proposed grading for the parking lot within the buffer zone, and whether the parking lots could be shifted eastward into the Littleton portion of the property to stay entirely outside of the buffer zone. Project engineer Ian Rubin said the proposed slopes for the parking lot embankment do not exceed 2:1. He also said the applicants want to keep the entire project within the Groton portion of the property; therefore the parking lot design cannot be shifted eastward into Littleton. M. Giguere also asked if the proposed stormwater management design (porous pavement and retention basins) would reduce the amount of recharge to the vernal pool and, potentially, dry up the pool. Mr. Rubin responded that the stormwater systems have been designed to mimic pre-development conditions very closely. M. Giguere then asked if the large pine trees shown on the plan within the buffer zone were going to be removed. Ms. Hayes stated the trees were shown on the plan for reference only (i.e. as landmarks in the field). The trees will remain.

C. Auman said the Groton Wetlands Bylaw does not apply to 40B affordable housing projects; therefore the comparison of proposed impacts between the Temple and the 40B was not straightforward. As a follow up to M. Giguere's question about shifting the parking lot location, C. Auman said the Bylaw requires looking at alternatives. He also asked if the applicants had filed with NHESP for review of the rare species impacts. Ms. Hayes said they have been in contact with NHESP on an informational basis, but have not submitted an application for project review. He then asked what proportion of the existing tree canopy would be left in place within the vernal pool buffer zone. Mr. Rubin said he would do the calculations and provide an answer. C. Auman expressed concern about the placement of the driveway and parking lots in a presumed migration corridor for amphibians, reptiles, and other wildlife. He asked the applicants to consider wildlife tunnels and corridors to avoid mortality from vehicles.

B. Easom asked if they had a target submittal date to NHESP for project review. Ms. Hayes said they had not yet finalized the submittal, but would be doing so very soon. B. Easom asked if a connection to Town water from Boston Road would require crossing the vernal pool. Mr. Rubin responded that they are not proposing to connect to Town water; the plan calls for a well to provide potable water and a cistern to store water for fire protection. B. Easom noted that the NOI application did not include the required Wetland Data Forms. Ms. Hayes said they have all

of the field data in raw form; she will fill out the standard forms and provide them to the Commission.

B. Easom also raised a number of questions relating to the stormwater drainage report for Mr. Rubin to answer. Mr. Rubin explained the four design points he used to calculate existing drainage on the site. Mr. Rubin said the points are shown on Sheet D1 of the report, and he clarified that design point #1 represents the edge of the vernal pool. Regarding the mounding analysis, Mr. Rubin said the height of the water table is two feet below the bottom of Retention Pond 1. The mounding effect would raise the water table by one foot, leaving one foot of separation. On the question of whether the parking lot was considered a Land Use with Higher Potential Pollutant Loads (LUHPPL), Mr. Rubin said he did not believe so, but he would provide the Commission with a more definitive answer. B. Easom pointed out some dates in the report appeared to be inconsistent. Mr. Rubin said he would correct the errors in the report. When asked how they determined the site elevations shown on the plans, Mr. Rubin said they conducted a ground survey. Regarding the proposed limit of disturbance, Mr. Rubin said this was indicated on the plan by the proposed treeline. He agreed to add a note on the plan stating that the erosion control line indicates the limit of disturbance.

R. Swezey mentioned that the Stormwater Advisory Committee continued its hearing on the project and will have Nitsch Engineering conduct a peer review. B. Easom brought up the cost estimate provided by Nitsch Engineering for additional peer review for the Conservation Commission. The peer review would verify the area of disturbance within the vernal pool buffer zone, and provide a letter to the Commission summarizing Nitsch's review for the Planning Board and Stormwater Advisory Committee. The estimated cost of the additional review is \$1,000. The applicants agreed to pay this amount.

Chairman Morrison asked about the contents and maintenance requirements of the proposed water feature shown on the plan. Mr. Rubin said he would provide additional information about the water feature. M. Giguere asked if the applicants would consider creating turtle nesting habitat on the site. Ms. Hayes said they would do so if requested by NHESP.

The Chairman summarized the list of issues/questions that the applicants need to address:

1. Provide a comparison of alternative parking lot configurations.
2. Calculate the proportion of tree canopy to be impacted within the buffer zone.
3. Provide the wetland delineation data forms.
4. Provide any information resulting from project review by NHESP and DEP.
5. Note the Limit of Disturbance on the plans.
6. Define the term LUHPPL and explain if this applies to the parking lot.
7. Provide more detail on the proposed water feature.
8. Provide a check in the amount of \$1,000.00 for the peer review.
9. Provide a copy of the full project plans.

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

VOTED: to authorize T. Tada to establish a peer review account for this project.

The roll call vote was unanimous.

Opening the floor to public comments from those in attendance, Chairman Morrison read aloud an email sent by Patricia Castellucci, 28 Sunset Road, Groton, to the Planning Board. Ms. Castellucci wrote of her concerns about disruption of the vernal pool, increased traffic on Boston Road, and the potential impact of the project on private drinking water wells in the area. Leslie Lathrop, 55 Sunset Road, Groton, asked about infiltration of de-icing salt through the porous pavement, and its potential impacts on groundwater and eventually the vernal pool. Alinda Zawierucha, 713 Great Road, Littleton, requested that a wildlife study be done to assess how the proposed project will affect the salamander population in the area. Ms. Zawierucha noted that she has seen salamanders migrating through the woods behind her house toward the vernal pool in the springtime. She provided a letter expressing these same concerns, for the record. Arthur Kreiger, attorney for Dennis and Kristen McEvoy of 89 Stonebridge Way, Groton, said more peer review was needed to better understand the potential migration of de-icing salt to the vernal pool. He recommended prevention of impacts to the pool, rather than reaction to damage already done. He also mentioned concerns about the blasting that will be needed to level the site. Blasting is regulated by the Planning Board and Fire Department.

B. Easom suggested monitoring water levels in the vernal pool during construction. R. Swezey suggested also testing the water quality in the pool to monitor potential impacts from salt. Chairman Morrison said these types of requirements would be included as Special Conditions if the project is approved. M. Giguere agreed that it was important to prevent any impact to the vernal pool from the application of salt on the parking lot. Mr. Rubin pointed out that one of the added benefits of porous pavement is that they require very little salt application. However, he pledged to do some more research on the topic. R. Swezey mentioned that Tom Delaney, DPW Superintendent, confirmed the benefits of porous pavement and explained how they are designed to work, during the Stormwater Advisory Committee hearing held (and continued) earlier this evening. Mr. Rubin also agreed to provide a clearer analysis of the tree canopy impacts, and asked if the Commission wanted him to focus on the buffer zone area. Chairman Morrison confirmed that the Commission's concern was within the buffer zone.

There being no further questions/comments, upon a motion by C. Auman, seconded by R. Swezey, it was

VOTED: to continue the public hearing for NESSP Proposed Temple, DEP #169-1104, to Tuesday, March 25, 2014.

The roll call vote was unanimous.

Before signing off at 8:35 p.m., M. Giguere reminded T. Tada to forward the email update from Jim Luening, Chairman of the Great Ponds Advisory Committee (GPAC), regarding GPAC's updated proposal to the Community Preservation Committee seeking funding for herbicide application in Baddacook Pond. T. Tada will forward the email to the Commissioners.

8:40 p.m. – Presentation: Matt Lambright, Erosion Control Project, Sargisson Beach

Prior to Matt Lambright's presentation, Andrew Davis of the Sargisson Beach Committee (SBC) provided an update. SBC officially voted to postpone opening of the beach this year. The proposed FY15 funding for lifeguards has been cut by Town Manager as a result of the Groton-Dunstable School District's budget debacle. SBC will use the existing FY14 budget (\$15,000) to cover current maintenance and basic safety upgrades such as replacing the ropes/buoys around the swimming area. SBC will lose \$2,000 out of its budget this year, but has received assurance from Town Manager that this amount will be replaced next year. Mr. Davis also mentioned that snowmobile use on the conservation land continues to be a problem. In the latest incident, minors were caught operating snowmobiles on the property. The minors were given a warning by Groton Police. Mr. Davis asked that the Commission send out letters to the addresses from where snowmobiles are known to operate, as soon as possible. These addresses were provided to T. Tada. T. Tada assured Mr. Davis that he would send out the letters ASAP.

At 8:50 p.m., Matt Lambright presented a summary of his Eagle Scout project at Sargisson Beach. Mr. Lambright organized and led a team of volunteers that installed water bars, wood chips, stone, and a border of landscape timbers along the access road down to the beach. They installed fewer water bars along the road than originally proposed, at the recommendation of Bob Pine; instead they installed two additional water bars at the top of the road near the shed. They placed wood chips to a depth of 2 inches. The team put in over 100 combined hours of labor during the course of 5 work days. The final cost of the project was \$950.00 (original estimate was \$820.00). Groton Electric Light Department (GELD) and the DPW donated the stone and wood chips that were used. Mr. Lambright thanked GELD, the DPW, Andrew Davis and the SBC, the Conservation Commission, and others who helped him complete this project. He said a letter of commendation from the Conservation Commission would be helpful in achieving the rank of Eagle Scout.

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

VOTED: to provide a letter of commendation to Matt Lambright. T. Tada will draft the letter.

The vote was unanimous among the six members present.

There being no further business it was

VOTED: to adjourn the meeting. The vote was unanimous.

The meeting was adjourned at 9:00 p.m.

Notes taken by

Takashi Tada  
Conservation Administrator

**Exhibits on file at Conservation Commission Office:**

1. Legal Documents, Boynton Meadows, 134 Main Street
2. Notice of Intent, 373 Lowell Road, DEP #169-1103
3. Notice of Intent, Boston Road (Mattbob), NESSP Proposed Temple

**Approved 3/25/2014**