

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, March 25, 2014

Chairman Peter Morrison called the meeting to order at 7:00 p.m. with John Smigelski, Rena Swezey, Marshall Giguere, Bruce Easom, Craig Auman, and Susan Black present. Associate Member Mary Metzger was present. Conservation Administrator Takashi Tada was also present.

7:00 p.m. – Public Meeting: RDA, Proposed Footbridge, Wharton Plantation, Trails Committee
Olin Lathrop of the Trails Committee presented the Request for Determination of Applicability (RDA) to place a footbridge across an intermittent stream along one of the trails at Wharton Plantation. The location of the proposed bridge is approximately 350 feet west of Dan Parker Road and 1,000 feet north of Rocky Hill Road. The proposed footbridge will be 12 feet long and 2.3 feet wide and constructed of MCQ treated wood. The footings will be solid concrete blocks and/or bricks. The New England Forestry Foundation (NEFF, the landowner) supports the project; the contact at NEFF is Chris Pryor.

Commissioners expressed some concern about traction in wet conditions. Mr. Lathrop said it costs more for wood with traction. He also said the Trails Committee has installed similar footbridges in other locations without any problems as far as traction is concerned. S. Black suggested using wood with a rougher surface, such as rough hemlock. She offered to provide more information on where to get rough hemlock. P. Morrison and J. Smigelski recommended checking the price of composite decking materials such as Trex®.

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

VOTED: to issue a Negative #3 Determination for the Trails Committee's proposed footbridge at Wharton Plantation provided the bridge is built according to the plan.

The vote was unanimous.

Moving on to General Business – Minutes, the Commission reviewed the draft meeting minutes from March 11, 2014.

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

VOTED: to approve the minutes of March 11, 2014, as drafted.

The vote was unanimous.

On the topic of issuing an Order of Conditions (OOC) for Chamberlains Mill subdivision, 373 Lowell Road (DEP #169-1103), T. Tada noted that the Natural Heritage and Endangered Species Program (NHESP) has yet to issue its final determination letter. The applicant has provided

written acknowledgment via email that the Commission will not issue an OOC until NHESP's review letter has been received.

7:10 p.m. – Public Hearing (cont'd): NOI, Groton School Remediation (DEP #169-1084)

Attorney Bob Collins provided some historical background and an update on the Groton School's Notice of Intent (NOI) to remediate a former waste disposal area near Lake Romeyn (a.k.a. Groton School Pond). There are two waste piles in the area: the newer, larger pile is relatively benign but was placed on an intermittent stream between two wetlands; the older, smaller pile consists of mostly ash and represents a health risk due to arsenic exposure (dermal contact). The NOI was originally filed in 2012 but the project was put on hold due to rare species habitat concerns. NHESP objected to the original proposal to consolidate the two waste piles because it would have altered the existing habitat. Mr. Collins believes they are close to agreement with NHESP on a new plan that would allow them to cover the ash pile with clean excavated soil from the schoolhouse addition project (currently underway).

M. Giguere said the new plan represented a significant change. He suggested readvertising the NOI and notifying abutters. Mr. Collins agreed with this suggestion and said they would provide the new materials to DEP with an acknowledgment that DEP's review could take up to 30 days. Mr. Collins thought they would have the new plan materials ready by June 10, 2014.

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

VOTED: to continue the hearing for Groton School (DEP#169-1084) to June 10, 2014.

Moving on to General Business – Land Acquisition, T. Tada informed the Commission that he and M. Giguere walked the West Groton (Harvey) parcels with appraisers Ellen and Emily Anderson on March 18, 2014. Trails were still covered with ice and snow, but they managed to walk most of the trails on the two Harvey parcels. There was recent activity on the property, as evidenced by a path in the snow that was made by a small machine. There was also a small amount of sawdust left behind, presumably from cutting a fallen tree branch.

Regarding the Schofield parcel, T. Tada also mentioned that the appraiser, Ms. Anderson, would be reaching out to Carol Van Patten to see if an appraisal site inspection could still be arranged.

Moving on to General Business – Land Management, T. Tada spoke with DPW Director Tom Delaney about removal of the household debris from Baddacook Field. Mr. Delaney recommended that the Commission accept the offer made by Michelle and Jason Campbell, 641 Martins Pond Road, to remove the debris using their own equipment. Mr. Delaney said he would gladly waive the fees for disposal of bulk items at the Transfer/Recycling Center.

On the topic of Baddacook Field logging, Commissioners discussed the existing site conditions observed during an impromptu visit to the property over the weekend, following their scheduled site walks. M. Giguere said he thought the site looked fine overall, but some of the logs left behind were larger than expected. B. Easom said he would like to see a well installed for agricultural use of the field. Chairman Morrison thought the Board of Health had raised concerns in the past about putting in a well. J. Smigelski said he had reservations about

installing a well on the property. Chairman Morrison asked T. Tada to check with the Board of Health about potential concerns over a non-potable water well (for agricultural use).

Under the topic of the Williams Barn, B. Easom informed the Commission that the photo shoot at the Barn, requested by Mary Flanders and family, went off smoothly. Ms. Flanders left a check (amount unknown) in the donation box, and also gave a \$10 gift certificate to B. Easom. He was not comfortable accepting the gift and said he would make a \$10 donation to the Williams Barn Committee at its next meeting.

7:30 p.m. – Public Meeting: RDA, 49 Island Road, Tree Removal

James Faber, of 49 Island Road, presented his RDA for the proposed removal of six (6) trees within 100 feet of Knops Pond. The trees are located atop the upper (timber) retaining wall on his property, and the roots are pushing out the timbers. Mr. Faber proposes to cut the trees, grind the stumps, pull the timbers back, and add crushed stone to infiltrate runoff. He will install a line of straw wattle below the wall to prevent migration of material into the pond.

C. Auman expressed support for the project but was concerned about the integrity of the wall. M. Giguere said his primary concern was to keep debris out of the pond. B. Easom asked how the trees would be cut. Mr. Faber said they would be removed in sections; he agreed that the trees should be kept out the pond. R. Swezey expressed concern that the retaining walls were not built properly by the previous owner. S. Black said the wall looked to be in better shape than she anticipated. Chairman Morrison asked if Mr. Faber had hired someone to do the work. Mr. Faber said he was still looking into this.

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

VOTED: to issue a Negative #3 Determination for the tree removal at 49 Island Road, with the following four conditions: 1) Erosion controls will be installed; 2) Keep debris out of the pond; 3) Trees will be removed in sections; and 4) a pre-construction meeting will be held with T. Tada and the tree specialist.

Moving on to Open Session, T. Tada updated the Commission on the property at 99 Indian Hill Road. The Commission issued an OOC last year (DEP #169-1099) for a driveway within wetland buffer zone on one of the three proposed Approval Not Required (ANR) lots. Since then the owner, Donald Spigarelli, has proposed a new three-lot subdivision that utilizes a shared driveway which will be completely outside of the buffer zone of the wetland across the road. However, there is another wetland on the eastern portion of the property that was not reviewed under the previous NOI filing. There is no work proposed within the buffer zone of this wetland. T. Tada asked if the Commission was comfortable having him review the wetland with Mr. Spigarelli's land surveyor, Stan Dillis. The Commissioners agreed to have T. Tada review the wetland and report back to the Commission with his findings.

7:40 p.m. – Public Meeting: RDA, 1 Old Boston Road, Tree Removal

Paul Mueller, of 1 Old Boston Road, presented his RDA to cut three hazardous trees on his property within the wetland buffer zone. The two large pine trees at the edge of the wetland in front of Mr. Mueller's house are unstable and leaning toward the house. The one oak tree next to

his driveway is dying and has already dropped some of its limbs. The stumps will be left in place. Mr. Mueller said a certified arborist recommended removing the trees; he will ask the arborist if it is possible to leave snags approximately 6 to 8 feet tall.

C. Auman agreed that the trees posed a safety hazard. However, he cautioned that no debris from the tree cutting should be left in the wetland. J. Smigelski recommended that the dying oak tree be cut low to eliminate any safety risk.

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

VOTED: to issue a Negative #3 Determination for the tree removal at 1 Old Boston Road, with the special conditions that the stumps are left in place and no debris will be left in the wetland.

Moving on to other General Business topics, T. Tada reported that the deadline for making changes to the proposal before the Community Preservation Committee (CPC) was this past Monday. Aside from the various letters of support submitted on the Commission's behalf, no changes to the draft application were made.

J. Smigelski noted that he observed a new manure pile at 122 Old Ayer Road (Puritan Hill Farm). The manure pile is not surrounded by erosion controls and could potentially leach into the nearby stream (James Brook). B. Easom mentioned that this farm has a history of non-compliance. The farm is owned by the Thomas More Foundation. T. Tada will write a letter to the owner.

7:50 p.m. – Public Hearing: ANRAD, 6 Boston Road (DEP #169-1105)

Sean Hale of Epsilon Associates, and attorney Bob Collins, presented the Abbreviated Notice of Resource Area Delineation (ANRAD) on behalf of Alliance Energy LLC. The northern portion of the property at 6 Boston Road consists of an existing gas station and convenience store; the southern portion consists of upland forest transitioning to open wetland. Mr. Hale provided two copies of the revised site plan, based on modification of the wetland delineation by the Commission during the site walk held March 22, 2014. The Commission requested relocation of WF-12, and the addition of new flags WF-12A and WF-12B, to encompass a shallow drainage channel with visible surface water and evidence of hydric soil conditions. The channel appears to drain runoff from Old Ayer Road.

B. Easom asked if the new flag locations were surveyed. Mr. Hale said they were GPS-located to sub-meter accuracy. B. Easom also asked if the Commission was comfortable with WF-1 through WF-5, as these were not scrutinized during the site walk. T. Tada stated he had reviewed these flags with Mr. Hale in January and was satisfied with their locations. M. Giguere suggested that WF-13 be eliminated from the plan because it no longer fit in with the modified wetland delineation. Mr. Hale agreed.

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

VOTED: to approve the revised ANRAD for 6 Boston Road, DEP #169-1105, with the condition that WF-13 be removed from the plan. Mr. Hale will provide a revised plan to T. Tada.

The vote was unanimous.

8:00 p.m. – Discussion: Trail Stewardship Plan, Gibbet Hill and Angus Hill

David Pitkin of the Trails Committee presented the revised draft Trail Stewardship Plan for Gibbet Hill and Angus Hill. The plan is a requirement of the Conservation Restrictions governing the two properties. Mr. Pitkin explained that the Trails Committee consulted with the two property owners (Steve Webber of Gibbet Hill and Meredith Scarlet of Angus Hill) as part of the latest draft revisions. From a land management standpoint, the main issues involve sorting out the multiple ownership and shared/overlapping maintenance responsibilities, such as mowing the path up the hill. According to Mr. Pitkin it is technically the Commission's responsibility to mow the hill path, but the Gibbet Hill restaurant currently keeps it mowed for the numerous events it hosts throughout the year. The Commissioners will review the Trail Stewardship Plan and have another formal discussion next month.

Moving on to other Open Session topics, M. Giguere provided an update on the Wetlands Bylaw Review Committee. The Board of Selectmen will hold a public hearing on the proposed Bylaw revisions (date TBD). Chairman Morrison reminded T. Tada to post a meeting for the Selectmen's hearing. M. Giguere also mentioned that GPAC meets tomorrow night.

B. Easom provided an update on the Community Preservation Committee (CPC). On April 1, the CPC will decide which proposals to recommend to Town Meeting. Based on the Department of Revenue's budget recommendation, there is \$297,000 available. The total amount requested in the applications to CPC is approximately \$400,000.

8:15 p.m. – Public Hearing (cont'd): Notice of Intent, Boston Road, NESSP Proposed Temple DEP file #169-1104. Representing the applicants were Scott Goddard, professional wetland scientist with Goddard Consulting, and Ian Rubin, engineer with Markey & Rubin. Mr. Goddard submitted a revised WPA Form 3 – Notice of Intent (page 5) to indicate a streamlined, 30-day joint filing under the Wetlands Protection Act (WPA) and the Massachusetts Endangered Species Act (MESA). He also provided the wetland report with DEP field data forms, and the MESA impact calculation table, as requested by the Commission during the last hearing. Mr. Goddard stated that the delineation conducted last fall resulted in a wetland boundary very similar to the previous flagging (40B project).

Mr. Rubin provided responses to the peer review comment letter prepared by Tim McGivern of Nitsch Engineering at the Commission's request. Mr. Rubin began by pointing out that the applicants are now proposing to tie-in to Town water, instead of using a private well as originally proposed. This change of plan eliminates many of the peer review comments which dealt specifically with the well and its associated Zone II protection area. Regarding the concern about altering the hydrologic regime of the vernal pool, Mr. Rubin said the drainage has been designed to mimic the existing groundwater volume at the site. The difference is that the ratio of infiltration versus runoff has been changed (more infiltration, less runoff).

At Chairman Morrison's request, Mr. McGivern summarized the design issues that remain to be addressed by the applicants. The proposed impacts to vernal pool buffer zone should be

recalculated based on the limit of clearing, and the proposed erosion control line should be shown on the plan at this limit. Some additional information was needed to complete the Operations and Maintenance Plan, such as snow management and temporary erosion control maintenance. Also, a Stormwater Pollution Prevention Plan was needed. Regarding the use of porous pavers, the applicants need to provide an analysis of storm events. Mr. McGivern also asked for clarification on the infiltrative capacities of the retention ponds and the proposed discharge direction of Pond #1.

Chairman Morrison asked the applicants where they were proposing to hook up to Town water. Mr. Rubin said he would provide the full revised plans when those details are ironed out. Mr. Rubin turned his attention to the six questions/concerns of the Commission that he agreed to address at the last hearing:

1. Tree Canopy: The proposed impact to tree canopy within the buffer zone is 10 percent; 90 percent of the existing tree canopy within the buffer zone will remain.
2. Alternative Layouts: The applicants have already modified the general design with respect to maintaining 50-foot property setbacks, honoring traditional Temple orientation practices, and minimizing buffer zone impacts. M. Giguere presented an alternative design “plan” of his own rendering showing an example of what the Commission is asking for, with the parking areas shifted outside of the buffer zone and into the Littleton portion of the property. Mr. Rubin noted that M. Giguere’s alternative changed the symmetry of the layout. Chairman Morrison said that this is exactly the type of analysis that the Commission wants the applicant to provide.
3. Definition of LUHPPL: This acronym stands for Land Uses with Higher Potential Pollutant Loads, and would only apply to parking lots with high intensity use such as shopping malls or supermarkets. Parking for the Temple will not be high intensity use.
4. Water Feature: The proposed water feature will be fed by a hose, aerated by the fountain, and discharged into the storm drain system before winter. No additives are proposed, and the volume of water in the pool is small compared to the whole site water budget.
5. Salt and Pavement: Mr. Rubin mentioned that porous paving eliminates the need for heavy salt application in winter conditions. He also provided an analysis of proposed pavement areas relative to the existing paved surfaces within entire catchment area of the vernal pool.
6. Limit of Work Boundary: The plans have been revised to show the erosion controls as demarcating the limit of work. A note shall be added to the plan stating the same.

C. Auman reiterated his concern about the project’s impact on amphibian migration corridors. Mr. Goddard said most of the habitat within the buffer zone would remain intact. NHESP would weigh in regarding impact to rare species habitat. Mr. Rubin said they could use sloped granite curbing to facilitate wildlife movement across the site. C. Auman also said he was worried about the net loss of water in the vernal pool. Mr. Goddard said the water budget will remain in balance; but he agreed to address this in writing.

B. Easom asked why no water was encountered in Test Pit #12. Mr. McGivern recommended that a “high water” test hole be done. B. Easom also asked if any portion of the site was located within the Zone II for Littleton’s Spectacle Pond wellfield. Mr. Rubin said he would look into this. B. Easom asked Mr. Goddard to explain the expedited review process with regard to

NHESP. Mr. Goddard explained that NHESP has 30 days to assess the impacts of the proposed project on rare species habitat. If NHESP determines that the project will result in a “Take” of rare species or their habitat, then the applicants must file for a Conservation and Management Permit (CMP). If NHESP rules that the project results in “No Take” of rare species or their habitat, then the applicants do not need to file for a CMP. B. Easom then asked how the proposed project improves the situation in relation to any of the protected interests of the WPA. He raised this question in the context of whether to allow a structure (retention pond #1) to be located within the buffer zone.

M. Giguere asked if the applicant was required to do soil testing during seasonal high water conditions. Mr. McGivern replied that testing at seasonal high water was only required for septic systems, not for stormwater. Chairman Morrison reviewed the list of current outstanding items:

1. Alternatives analysis of different parking lot configurations.
2. Completion of NHESP’s review of rare species impacts.
3. Full set of revised plans, when ready.
4. Wildlife corridors.
5. Effect of less runoff/more infiltration on the vernal pool.
6. Littleton Zone II? Show on plans if yes.
7. Benefits of the retention basin within the buffer zone, per the Bylaw.
8. Review the wetland flagging. T. Tada will coordinate a Site Walk with Mr. Goddard.

Chairman Morrison opened the hearing to public comments. Leslie Lathrop, 55 Sunset Road, encouraged the applicants to move the parking areas outside of the buffer zone as a way of demonstrating the congregation’s respect for nature. Jennifer Marino, 34 Sunset Road, mentioned that some of the soil and groundwater tests were ten years old and asked if they were still valid. Mr. McGivern responded that geological test results typically don’t expire; he also said that groundwater levels can fluctuate over time, but the differences are usually within the range of error. Olin Lathrop, 55 Sunset Road, expressed his concern about potential impacts to shallow drinking water wells in the neighborhood. Chairman Morrison said this was an issue for the Board of Health to consider. Mr. McGivern added that, in his opinion, the project would not result in pollution of groundwater as long as the design is revised to address all of the deficiencies noted in the peer review comment letter.

There being no further comments, upon a motion by J. Smigelski, seconded by R. Swezey, it was

VOTED: to continue the public hearing for NESSP Temple, DEP #169-1104, to April 8, 2014.

The vote was unanimous.

9:20 p.m. – Discussion: Proposal to Graze Cows on O’Neill Way Conservation Land, Jean Evans
Jean Nordin-Evans, 18 O’Neal Way, presented a proposed pasture management plan involving the grazing of her two cows on the conservation property known as O’Neill Way. The property is approximately 2.3 acres, but there is a wetland in the southern part of the site. The usable field area is likely less than 2 acres. Ms. Evans said she consulted with George Moore, Chairman of the Agricultural Commission, about her plan. She is proposing to use three strand electric

fencing around the field and has a well spigot in her front yard that will supply water via hose or buckets.

J. Smigelski thought a three-strand electric fence would be insufficient to keep the cows from leaving the field and, potentially, wandering onto Route 119. He recommended using a four-strand fence with two “hot”. He also asked Ms. Evans what her neighbors thought about her proposal. She responded that she had not reached out to any of her neighbors, and was not planning to do so.

Chairman Morrison reminded Ms. Evans that the last proposal to use the O’Neill Way land, for community gardens, encountered resistance among many of the neighbors. That proposal was withdrawn as a result. C. Auman said the Commission would need to hold a public hearing to allow abutters the opportunity to comment. T. Tada said he would provide Commissioners with a copy of the deed, which specifies the purposes of the land donation to the Town as conservation, open space, and passive recreation.

Jon Strauss, 38 Westview Street, said the proposal would fence off the public open space and allow only one person to use it. Gineane Haberlin, 663 Townsend Road, asked about the Commission’s typical process for reviewing land use proposals. M. Giguere explained that the Commission typically issues a Request for Proposals (RFP), holds public meetings/hearings and site walks, and notifies abutters. Public input is encouraged.

The Commission agreed to hold a site walk as early as April 5, 2014, with notification to abutters in advance.

9:40 p.m. – Discussion: Park Commission, Gineane Haberlin and Jon Strauss

Gineane Haberlin and Jon Strauss, members of the Park Commission, had requested time on the agenda for unspecified purposes. Ms. Haberlin began by excoriating the Commission for failing to manage its own properties, which she claimed were 30 percent eroded. She then asked why the Commission doesn’t pay for more property maintenance with its Conservation Fund, instead of just buying new land that it can’t properly manage. She also said the Commission needs to do a better job educating the public about its conservation lands.

Chairman Morrison explained that the Conservation Fund could only be used for expenses related to land acquisition. He also pointed out that undeveloped land is a finite resource that, if developed, is gone for good. M. Giguere mentioned the Land Management revolving fund, which receives revenue from forestry projects is intended to be used primarily for managing invasive species on conservation land. Mr. Strauss, who is also a volunteer land steward at Fox Run conservation area, said he was interested in teaming up with the Commission and sharing resources on projects that benefit both conservation and recreation interests, such as trail signs and kiosks. He mentioned the paucity of trail signs at Fox Run as an example.

Andrew Davis of the Sargisson Beach Committee (SBC) mentioned that the SBC was initially established to oversee both the recreational and land management aspects of the Sargisson/Priest conservation properties. SBC is responsible for operating the Town Beach and for maintaining the land, trails, signage, etc. The school budget fiasco has killed much of SBC’s operating

budget for FY15, but Mr. Davis hopes to have its funding restored in future years. He said the Conservation Commission was the first to endorse SBC's proposal to restore the beach and stabilize the shoreline on the property, through funding from the Community Preservation Committee (CPC).

Paul Funch of the Trails Committee said issues such as recreational trail maintenance and signage were the focus of the Trails Committee. He stated that the trails at Fox Run aren't signed because the parcel is landlocked and the trails don't go anywhere. The way to enhance the recreational value of the Fox Run trails is to link them up with other trails; this can only happen if the Conservation Commission succeeds in acquiring additional conservation land abutting Fox Run, as it is currently trying to do. Olin Lathrop of the Trails Committee said the Commission has more important things to do than worry about recreational trail signage. Mr. Funch added that it should be a separate group, such as the Trails Vision Committee, that focuses on recreational use of conservation land.

Regarding the issue of public education and outreach, it was mentioned that there already is information available on the websites of the Commission and the Trails Committee. M. Metzger said she started learning about Groton's conservation lands using a map published by the Groton Conservation Trust. She also mentioned the Trust's initiative to establish a Groton Conservation Forum comprised of all of the conservation-focused groups in town.

Cheney Harper of the SBC asked if the Commission would be willing to reduce its proposal for funding through the CPC. Chairman Morrison reminded Ms. Harper that the Commission withdrew its CPC proposal last year in deference to other applicants and in good faith that it would receive priority consideration this year. He also reiterated that if you miss an opportunity to protect land while it is still undeveloped, then you don't get a second chance.

There being no further business, upon a motion by J. Smigelski, seconded by R. Swezey, it was

VOTED: to adjourn the meeting at 10:25 p.m. The vote was unanimous.

Notes taken by

Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. RDA, Footbridge at Wharton Plantation, Trails Committee
2. Notice of Intent, Groton School Remediation, DEP #169-1084

3. RDA, 49 Island Road, Tree Removal, J. Faber
4. RDA, 1 Old Boston Road, Tree Removal, P. Mueller
5. ANRAD, 6 Boston Road, Wetland Delineation, Alliance Energy LLC
6. Trail Stewardship Plan, Gibbet Hill and Angus Hill – draft
7. Notice of Intent, Boston Road (Mattbob), NESSP Proposed Temple
8. Pasture Management Proposal, O'Neill Way, J. Nordin-Evans

Approved 4/8/2014