

## GROTON CONSERVATION COMMISSION

### Minutes

Tuesday, April 8, 2014

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

7:00 p.m. – Public Meeting: RDA, Proposed Solar Project, GELD Parcel off Nate Nutting Road  
Kevin Kelly, Manager of Groton Electric Light Dept. (GELD), presented the proposed solar photovoltaic array on GELD's parcel off Nate Nutting Road. The proposed plan includes two arrays on either side of the power line that runs through the site. There is an area of Isolated Land Subject to Flooding (ILSF, potential vernal pool) west of the power line; shadow clearing of vegetation between 50 – 100 feet of the pool is proposed. The site is located within mapped rare species habitat. Mr. Kelly said the deadline for Natural Heritage and Endangered Species Program (NHESP) to complete its review is April 24<sup>th</sup>; however, he hopes to have a determination letter by the Commission's next meeting on April 22<sup>nd</sup>. The plans already include a turtle nesting area on this site, along with a second nesting area behind GELD's substation off Lowell Road.

The Commission conducted a site walk on April 5<sup>th</sup> and observed a greater extent of water in the ILSF than indicated on the plan prepared by Ducharme & Dillis. M. Giguere noted that he and B. Easom returned to the site with the soil auger and did not find any clear evidence of hydric soils. They did observe an invert near the existing path. He would like to have Ducharme & Dillis determine the elevation of this invert and calculate the extent of ILSF based on this elevation. B. Easom concurred with M. Giguere's assessment and said much of the flooding appeared to be on the opposite side of the ILSF (away from the proposed solar panels).

S. Black asked how the nesting area locations were chosen. Mr. Kelly said the NHESP reviewer, Misty-Ann Marold, recommended these areas based on topography and proximity to the existing power line habitat corridor. M. Giguere said the Commission was being asked to consider a proposal of significant disturbance within a jurisdictional area under the Groton Wetlands Protection Bylaw. However, M. Giguere also stated that he believed the Commission could consider the project as a public benefit under §215-5C of the Bylaw. He asked if GELD would consider filing a Notice of Intent (NOI) to provide the level of detail he felt was necessary for the Commission to make a decision. Mr. Kelly said he would confer with GELD's counsel, Robert Collins.

Ray Lyons, member of the board of the Sargent Youth Foundation (abutter) mentioned that GELD had agreed to "rough in" a new access road off Nate Nutting Road to provide better access to the foundation's camping area south of the GELD property.

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

VOTED: to continue the public meeting for GELD Solar Project to April 22, 2014.

The motion was approved unanimously.

7:15 p.m. – Discussion: 134 Main Street, Boynton Meadows, Document Review

Commission members agreed that they needed more time to review the draft Conservation Restriction and related documents provided by Rob Anctil, attorney for Boynton Meadows, 134 Main Street. T. Tada will find out if the Conservation Restriction has been vetted by Town Counsel.

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

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

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

The vote was unanimous.

On the topic of the Community Preservation Committee (CPC), B. Easom updated the group on the status of the Commission's request for \$200,000 to help replenish the Conservation Fund. On March 31<sup>st</sup>, CPC voted to recommend a pared-down request in the amount of \$100,000 to the Board of Selectmen for inclusion on the Town Meeting Warrant. On April 7<sup>th</sup>, the Selectmen approved the CPC's recommendation. C. Auman commended B. Easom for representing the Commission's best interests on the CPC; he also thanked the members of the Trails Committee (Paul Funch and Olin Lathrop) and the public (Leslie Lathrop) who spoke up in support of maintaining the Conservation Fund at a viable level.

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

VOTED: to reduce the Commission's CPC funding request to the amount of \$100,000.

The vote was unanimous.

Regarding the other proposals before the CPC, B. Easom mentioned that the only request not recommended to the Selectmen was the Baddacook Pond study. CPC recommended that the applicants refine their proposal and resubmit next year. M. Giguere added that the Board of Water Commissioners could not establish any benchmarks or minimum requirements, and therefore the pond study was too difficult to define. The Great Ponds Advisory Committee (GPAC) will work with the Water Commission to revise the proposal.

Moving on to the next meeting agenda, T. Tada mentioned that he would coordinate the upcoming site walks for two new RDA filings (59 Baddacook Pond Road and Squannacook Hall), the grazing proposal at O'Neill Way Conservation Area, and the request for Certificate of

Compliance at 26 Orion Way. He will not be able to accompany the Commission on these walks on Saturday, April 19<sup>th</sup>.

7:30 p.m. – Discussion: Invasive *Phragmites*, Tom Delaney, DPW

Tom Delaney, DPW Director, said he was concerned about the invasive Common Reed (*Phragmites australis*) taking over wetlands throughout the town. He said the wetlands along Indian Hill Road are the most affected, but many other wetlands are becoming infested as well, such as in Torrey Woods Conservation Area near his home. He mentioned the huge expanses of *Phragmites* that are visible along the state highway corridors in neighboring Littleton as an example of the worst-case scenario. Mr. Delaney further stressed that *Phragmites* infestations can form dense stands that completely overrun native vegetation such as cat-tails, and offer no habitat value to native wildlife. Although it will cost money to control the spread of *Phragmites*, he said it is much better to take on the task before it is too late.

S. Black shared Mr. Delaney's concern and said *Phragmites* has been spreading in the woods around her home, on property owned by New England Forestry Foundation (NEFF). M. Giguere suggested contacting the Town of Harvard to learn about their program to control *Phragmites*. R. Swezey asked about the costs associated with such a project and recommended asking the Town's forestry consultant, Bay State Forestry Services, for management recommendations and cost considerations. S. Black mentioned Vegetation Control Services (VCS), based in Athol, as a vendor with experience managing invasives. *Note: Bay State Forestry and VCS are affiliated businesses.*

J. Smigelski agreed that the Commission should look into pricing as a first step. M. Metzger provided some photos taken along Indian Hill Road and Broadmeadow Road showing dense stands of *Phragmites*. She reiterated Mr. Delaney's point that there is no habitat value for native wildlife in a completely infested wetland. Leslie Lathrop, 55 Sunset Road, said she researched the cost of chemical treatment of *Phragmites* and found that it could cost between \$60 and \$100 per acre. J. Smigelski asked if this type of project could be funded through the CPC. B. Easom said it would be eligible under land preservation.

C. Auman said he would like to see someone take the lead on researching the growing *Phragmites* problem and facilitating a plan to deal with it. S. Black volunteered to take this on. M. Metzger suggested making it a collaborative effort with the DPW.

7:45 p.m. – Public Hearing (cont'd): NOI, NESSP Temple, Boston Road, DEP#169-1104

Scott Goddard of Goddard Consulting (wetland scientist), and Ian Rubin of Markey & Rubin (design engineer) provided new information in response to the list of seven outstanding issues from the previous hearing. The response packet was submitted at the site walk on 4/5/14.

1. Parking alternatives analysis: Mr. Rubin presented an alternative site plan that, with the exception of the retention pond at Boston Road, moves all of the proposed work outside of the 100-foot buffer zone of the vernal pool wetland. The amount of proposed impact within buffer zone would be reduced by 8,631 square feet, to 7,357 square feet. Mr. Rubin stated that this alternative plan is conceptual only; the water budget has not been revised under this new design.

2. NHESP Determination: NHESP issued its final “No Take” determination letter dated 3/26/14 stating that the project would not adversely affect habitat of state-listed rare species (Blanding’s turtle). Copy of letter included in packet.
3. Amphibian safe passage: Mr. Goddard explained that most amphibian migrations occur at night when automobile traffic on the access road is at a minimum. He also said signs could be placed along the access road to warn drivers to be aware of wildlife. Mr. Rubin added that they are looking at options for sloped curbing. He acknowledged that the proposed retaining wall for the driveway is an obstacle for wildlife, but there will be a corridor on the north end the retaining wall. If the Commission prefers a sloped embankment for the driveway, instead of a retaining wall, it would require more intrusion into the 100-foot buffer zone for grading.
4. Watershed analysis: Mr. Rubin explained that there was a difference of only two percent between the existing and proposed upland catchment area of the vernal pool. There would be more infiltration, and less evapotranspiration from vegetation, under the proposed conditions. Mr. Rubin displayed a plan comparison of the pre-construction and post-construction catchment areas.
5. Littleton Zone II: Mr. Rubin confirmed that there are no Zone II water supply protection areas on, or in close proximity to, the project site.
6. Net benefit of Retention Pond #1: Mr. Rubin described the benefits of the proposed infiltration structure within the buffer zone. The retention pond will store and filter stormwater, prevent flooding and erosion, and improve water quality of the vernal pool. The existing area includes a house with paved driveway and lawn that offer little habitat value. The proposed retention pond will provide aquatic and vegetative habitat for small mammals, birds, amphibians, and reptiles. It will also eliminate the potential use of chemical fertilizers or herbicides on the lawn.
7. Review of wetland boundaries: The Commission conducted a second site walk this past weekend to review the wetland delineation with Nicole Hayes of Goddard Consulting. The Commission had no issues with the delineation and thanked Ms. Hayes for her cooperation on the site walk.

Mr. Rubin said their next Stormwater Advisory Committee hearing is on April 15<sup>th</sup>. He also said they are still working out their plan to hook up to Town water. Commissioners thanked the applicants for responding to each of their questions, and for a productive site walk.

Kristen McEvoy, 89 Stonebridge Way, asked if the proposed construction would be done in phases. Mr. Rubin said everything but the auditorium would be constructed in the first phase. Ms. McEvoy also asked if the project site is located in the Conservancy District. M. Giguere displayed the Town GIS map, with the Zones and Districts thematic overlay, on his tablet computer. The only portion of the site within the Conservancy District is near Route 119. Commissioners pointed out that this pertained to an outdated zoning map and was a question to be posed to the Planning Board and/or Zoning Board of Appeals.

Leslie Lathrop, 55 Sunset Road, asked about maintenance of the pervious pavers. M. Giguere said it would be part of the Operations and Maintenance (O & M) Plan. R. Swezey reminded Ms. Lathrop that the Stormwater Advisory Committee is reviewing the whole design, including the O & M Plan. B. Easom also suggested that the porous paver manufacturer would have

guidelines for proper maintenance. Mr. Rubin said the O & M Plan is included in the Project Report submitted to the Planning Board.

There being no further questions/comments, J. Smigelski summarized the outstanding issues to be addressed by the applicants:

1. Post-construction water budget and drainage calculations for the revised plan (alternative parking layout).
2. Plan for proposed water supply.

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

VOTED: to continue the public hearing for NESSP Inc., Proposed Temple, DEP #169-1104, to April 22, 2014.

The vote was unanimous.

Moving on to other topics under Open Session, T. Tada provided a draft memorandum to the Board of Selectmen expressing the Commission's support of the proposed Wetlands Bylaw revisions. Commissioners recommended changing the format of the memo to a letter, on Commission letterhead, to be signed by Chairman Morrison.

M. Metzger presented the first installment of her monthly calendar of outdoor events and activities around town and the region, called A Swarm of Drumlins. She plans to compile the monthly calendar for items relating to conservation, environment, nature, and outdoor recreation. She submitted a copy to the Town Manager, Mark Haddad, and he posted it on the Town website.

B. Easom brought up the need for a trail bridge across the wet area on Gibbet Hill. The trail in this area is in poor condition and the wetland is being negatively impacted. He said he would take this up on his own, if approved by the Commission, and would pursue trails grants to help cover the costs. He envisioned using the same bridge design that he proposed several years ago, which would require a Notice of Intent filing. O. Lathrop mentioned that an Eagle Scout candidate was supposed to be working with the Trails Committee to build a bridge in this same location; he was unsure of the latest status of the Eagle project. B. Easom said he would coordinate with Mr. Lathrop and the Scouts to help move things along.

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

VOTED: to authorize B. Easom to begin the process of implementing a trail bridge project on Gibbet Hill, in consultation with the Boy Scouts and Trails Committee.

The vote was unanimous.

M. Metzger asked if there were any equestrian groups in town. J. Smigelski mentioned the group at Hazel Grove Park, and also suggested contacting his wife, Laurie, for more information.

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

VOTED: to adjourn the meeting at 8:55 p.m. The vote was unanimous.

Notes taken by

Takashi Tada  
Conservation Administrator

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

1. RDA, GELD Solar Project, Nate Nutting Road
2. CR and related documents, Boynton Meadows, 134 Main Street
3. Notice of Intent and supplemental information, NESSP Proposed Temple, Boston Road (Mattbob)

**Approved 4/22/2014**