

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, May 13, 2014

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

7:00 p.m. – Public Meeting: RDA, GELD Solar Project, Nate Nutting Road

The applicant, Groton Electric Light Department (GELD), has withdrawn the RDA. M. Giguere said the project would have had some public benefit and he was disappointed that it has been withdrawn.

Moving on to Open Session, Will Premru of Scout Troop 1 presented a proposal to build a bog bridge over the wet area along the trail on Gibbet Hill for his Eagle Project. He would do so in conjunction with the Trails Committee. The bog bridge design is for pedestrian use; it is not suitable for equestrians. A separate path across the wet area would be designated for horses. Mr. Premru has not yet contacted B. Easom to see if a larger, horse-friendly bridge could be done as an Eagle Project, but he thought the scope of the project was too big. The Commission encouraged Mr. Premru to discuss the possibility with B. Easom, who said he was willing to share his design for a larger bridge and collaborate with Mr. Premru and the Trails Committee. T. Tada will provide B. Easom's contact information to Mr. Premru.

7:15 p.m. – Public Hearing: NOI, New Home Construction, "Lot 2" Hill Road, DEP #169-1106

Stan Dillis, of Ducharme & Dillis Civil Design Group, presented the NOI for proposed new single-family home construction on Lot 2, Hill Road (Assessors Parcel 104-2). The lot consists of approximately 12 acres, mostly wet, with an existing garage and shed in the upland portion of the site, and an existing substandard culvert crossing an intermittent stream. The lot is located in Estimated Habitat of Rare Wildlife and also in the Squannassit ACEC. The proposed house will be constructed in the level area created by historic use of the site as a borrow pit, while the septic system will be installed in the southwest corner of the site. A proposed replacement culvert (designed to meet the new Massachusetts stream crossing standards) will provide driveway access off Hill Road. A recharge basin near the culvert is proposed to handle runoff from the driveway and house area. In addition, a wetland replication area of 461 square feet is proposed next to the intermittent stream to mitigate the minor alterations (150 s.f.) resulting from the culvert replacement. Mr. Dillis said they received a determination letter from NHESP approving the project with a requirement for temporary turtle barriers around the work area. The plans have been revised to show the turtle barriers.

J. Smigelski asked about water service. Mr. Dillis said the plans show a tie-in to Town water on Hill Road. M. Giguere asked if there would be any changes to the intermittent stream bed

elevation. Mr. Dillis said no. C. Auman asked about disturbance within the buffer zone. Mr. Dillis said most of the project is within previously disturbed areas. C. Auman also asked about alternatives to the proposed driveway. Mr. Dillis said they looked at other access points and explained how the disturbances would be greater in these alternative scenarios.

Bruce Hall, resident of 296 Hill Road since 1970, expressed concerns about the size of the culvert as it relates to flooding along Hill Road. Mr. Dillis responded that the new culvert will be seven feet wide and four feet high, which is much larger than the existing culvert. The new culvert meets the new stream crossing standards and will result in less localized flooding.

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

VOTED: to close the public hearing for Hill Road "Lot 2", DEP #169-1106.

The vote was unanimous.

7:30 p.m. – Public Meeting: RDA, Retaining Walls off Baby Beach Road, 333 Lost Lake Drive
Jessica Engels and Henry Amistadi, 333 Lost Lake Drive, presented their proposal to replace two rotting wooden retaining walls located off Baby Beach Road (Assessors Parcel 129-162). They plan to extend one of the walls by 10 feet to connect to another existing stone wall at the northern property line. They plan to use stacking blocks for the new walls. They will need to temporarily move the existing shed to replace the upper wall.

C. Auman asked the applicants to revise the plan to show the location where the lower wall meets the existing staircase near the southern property line. Mr. Amistadi labeled this on the plan, and said they have written permission from the abutter to tie the wall into the stairs. M. Giguere asked if the height of the new walls will be the same as existing; he also reminded the applicants that the walls cannot exceed four feet in height, per code. C. Auman asked that the height of proposed walls also be indicated on the plan. The Commission suggested that the new walls not exceed 3 feet in height. Mr. Amistadi added this note to the plan.

Upon a motion by C. Auman, seconded by M. Giguere, it was:

VOTED: to issue a Negative #3 Determination for 333 Lost Lake Drive (Baby Beach retaining walls) with three Special Conditions for: 1) height of the walls not to exceed 3 feet; 2) southern terminus of lower retaining wall will be at the base of the existing stairs, as indicated on the plan; and 3) no material shall enter the lake as a result of the project.

The vote was unanimous.

7:45 p.m. – Public Meeting: RDA, Tree Removal & Landscaping, 157 Wintergreen Lane
Timothy Brown, 157 Wintergreen Lane, presented his request to expand his existing yard further into the buffer zone for the purpose of installing a children's swingset. Commissioners conducted a site walk on 5/10/14 and found evidence of hydric soils at the toe of the slope above

the wetland behind Mr. Brown's house. Soils above the slope were organic, but not hydric. The builder of the lot, Robert M. Hicks Inc., did not install the "No Disturbance" signs along the approved limit of work as specified in the OOC issued for the house construction back in 1998. The OOC (DEP #169-613) was never closed out and is expired.

M. Giguere said he was uncomfortable with allowing further encroachment into the buffer zone. C. Auman agreed and said it was not in the interests of the Act to allow further encroachment. S. Black asked why the swingset was not proposed to be placed within the existing lawn. Mr. Brown responded that he was unaware of the 50-foot "No Disturbance" setback under the Bylaw. J. Smigelski suggested placing the swingset on the eastern side of the backyard, which could be completely beyond the 100-foot buffer zone. Mr. Brown indicated that he intended to remove the existing basketball court and allow that area to revert back to lawn; he offered an alternative proposal to place the swingset adjacent to the existing court. Mr. Brown said one mature tree would need to be removed under this alternative scenario, according to his tree expert. Members of the Commission indicated this alternative would be preferable, and agreed that the area of vegetation clearing adjacent to the northeast corner of the basketball court should not exceed 20 feet by 20 feet. M. Metzger expressed concern about the use of pesticides and fertilizers within the buffer zone. Mr. Brown revised the sketch plan to show the dimensions of the cleared area.

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

VOTED: to issue a Negative #3 Determination for 157 Wintergreen Lane with three Special Conditions for: 1) the area of vegetation clearing shall not exceed 20 feet by 20 feet; 2) the existing basketball court shall be removed and converted to lawn; and 3) debris shall be removed from the wetland buffer zone, beyond the treeline.

The vote was unanimous.

8:10 p.m. – Public Meeting: RDA, Deck & Retaining Wall Repairs; 25 Ridgewood Avenue
Alex Eckel, 18 Whitney Road in Shirley, presented his RDA for replacement of the existing substandard, unsafe deck and repair of the rotting wooden retaining wall along the Lost Lake shoreline. The new deck will be the same dimensions as the existing deck and will utilize the existing footings (no new footings required). The new deck will be made with composite decking and pressure treated lumber. Due to steep grades and limited access, all materials will be "carry in, carry out." Mr. Eckel also proposes to replace the top two layers of lumber on the existing retaining wall. This work will be done by hand.

C. Auman said he had no issues with the deck, and asked if the lower layers of the retaining wall would be left in place. Mr. Eckel said yes, he would simply replace the top portion of the wall. S. Black asked about the condition of the lower portion of the wall. Mr. Eckel responded that the lower part of the wall was preserved somewhat by being submerged.

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

VOTED: to issue a Negative #3 Determination for 25 Ridgewood Avenue, with the Special Condition that no material/debris enter the lake as a result of the project.

The motion was approved unanimously.

8:20 p.m. – Public Hearing (cont'd): NOI, NESSP Temple

The applicants requested that the hearing be continued to the Commission's next meeting date.

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

VOTED: to continue the hearing to May 27, 2014.

Moving on to General Business, the Commission took up the Request for Certificate of Compliance (COC), 78 Maplewood Avenue (Mike Smutek), DEP #169-1097, for the completion of a septic system upgrade. Commissioners visited the site on May 10th and had no concerns.

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

VOTED: to issue a Certificate of Compliance for 78 Maplewood Avenue, DEP #169-1097.

The vote was unanimous.

Under General Business, the Commission discussed the Request for COC (partial), 26 Orion Way, DEP #169-768, submitted by LandTech Consultants. Commissioners walked the site on May 10th. The "No Disturbance" markers have been placed along the original Limit of Work line, which now runs through the existing lawn. The shed is now located near the northern property line. The small restoration area near the shed has some native shrub plantings and was recently seeded with New England Wildflower Mix.

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

VOTED: to issue a Partial COC for 26 Orion Way, DEP #169-768.

The vote was unanimous.

Also under General Business, T. Tada informed the Commission that Robert Lacombe submitted requests for extensions of two Orders of Conditions issued for lots on Winding Way, in the Groton Woods development. The two lots are B-34 and B39. T. Tada said that both Orders appear to have expired in November 2013, although Mr. Lacombe's request was based on the Orders being still in effect for another few months. Members of the Commission expressed a willingness to issue the extensions for Mr. Lacombe. T. Tada will check with Mr. Lacombe's attorney, Bob Collins, to confirm the November 2013 date. C. Auman asked T. Tada to remind

the applicants to request extensions for any other permitted lots that are nearing expiration or have already expired.

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

VOTED: to extend the Order of Conditions for Groton Woods Lot B-34, Winding Way, DEP #169-752, for a period of three years from the expiration date of record.

The vote was unanimous.

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

VOTED: to extend the Order of Conditions for Groton Woods Lot B-39, Winding Way, DEP #169-749, for a period of three years from the expiration date of record.

8:30 p.m. – Public Meeting (cont'd): O’Neill Way Agricultural Proposal

T. Tada provided copies of the opinion from Town Counsel regarding agricultural use, fencing, and liability at O’Neill Way Conservation Area. The opinion seems to indicate that the Commission can allow grazing on the property. The electric fence could be problematic and the opinion recommends an outer fence to prevent people from touching the inner, electrified fence. To indemnify the Town from any liability, the would-be licensee is required to add the Town as an additional insured, to the satisfaction of the Town’s insurance provider.

Chairman Morrison said we need to see if Ms. Evans can meet the insurance requirements and is willing to install an outer safety fence. C. Auman said he was concerned about the abutters’ opposition to the proposal. S. Black also expressed concern about opposition from the neighbors, as well as the liability issue. J. Smigelski agreed that Ms. Evans needs to confirm she can meet the insurance requirements. R. Swezey said she was opposed to restricting public access to this property and was therefore not in favor of the proposal.

Patricia Karohl, of 515 Main Street, said she bought her condo because of the nearby wetlands and field, which provide visual enjoyment. She felt the proposed use was not in keeping with the Commission’s regulations on conservation land use, and said that the Right To Farm Bylaw only applies to private property. Ms. Karohl, along with 15 other residents of Groton Residential Gardens, submitted a written request for a Sustainability Analysis, dated May 9, 2014. Paul Andrews, Chairman of the Groton Residential Gardens Condominium Association, expressed opposition to the proposal as reiterated in their letter dated May 6, 2014. Goro Matsuo, of 521 Main Street, Unit C, asked if Ms. Evans was required to file for a wetlands permit (no); if the proposal met the agricultural exemption under the Wetlands Protection Act (no); and if he could get a copy of the opinion from Town Counsel (yes). T. Tada will provide a copy to Mr. Matsuo. Ms. Karohl added that the Sustainability Committee would like to see a pollinator garden at the field. Chairman Morrison reminded Ms. Karohl that the neighbors were vociferously opposed to the community garden proposal a few years ago.

The Commission continued the public meeting, pending a response from Ms. Evans regarding the liability insurance coverage and the second fence.

9:10 – Discussion: Sargisson Beach Updates, Andrew Davis

Andrew Davis, Chairman of the Sargisson Beach Committee (SBC), presented updates related to Sargisson Beach. The beach will open for the season on Friday, May 23rd. Mr. Davis showed a PowerPoint slide presentation of the planned signage updates for 2014. The SBC has ordered information boards that can be easily updated. For the main signs at the entrance and parking area, SBC is leaning toward PVC or other synthetic material for cost and longevity. They received a cost estimate of \$2,735.00 from Janine Lavalley, of Broadmeadow Sign Studio, for the main signs. Mr. Davis also discussed the new configuration of the docks next to the swim area. The DPW staff will be placing the docks next week. In addition, Mr. Davis notified the Commission that Meade Tree Service would be submitting an invoice for removal of the fallen trees.

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

VOTED: to authorize spending up to \$3,000 out of the Sargisson Beach/Petapawag Boat Launch Gift Fund, for the signs from Broadmeadow Sign Studio.

The vote was unanimous.

Moving on to Land Management, the Commission discussed next steps for Baddacook Field. Chairman Morrison was in favor of soliciting bids for flail mowing of the fields and encroaching invasive shrubs, as recommended by Bay State Forestry. T. Tada will check with NHESP about seasonal restrictions or other constraints due to rare species habitat.

The Commission agreed to tentatively schedule a public site walk at Baddacook Field on Saturday, June 7, 2014.

Under Open Session, T. Tada informed the Commission of a change in plan at Chamberlains Mill subdivision. The developer now plans to utilize the existing house lot to provide temporary construction access off Lowell Road (Route 40). A revised plan will be submitted for consideration at the Commission's next meeting.

As its final order of business, Chairman Morrison acknowledged receipt of C. Auman's resignation letter (effective at the conclusion of his appointed term on June 30, 2014) and thanked Craig for his 15 years of outstanding service on the Conservation Commission.

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

VOTED: to adjourn the meeting at 10:10 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. NOI, New Home Construction, Hill Road "Lot 2"
3. RDA, Retaining Walls on Baby Beach Road, 333 Lost Lake Drive
4. RDA, Tree Clearing, 157 Wintergreen Lane
5. RDA, Deck and Retaining Wall Repairs, 25 Ridgewood Avenue
6. NOI, Proposed NESSP Temple, Boston Road (Mattbob)
7. Agricultural Proposal, O'Neill Way Conservation Area

Approved 7/22/2014