

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, May 27, 2014

Chairman Peter Morrison called the meeting to order at 7:00 p.m. with John Smigelski (Vice Chairman), Rena Swezey (Clerk), Craig Auman, and Susan Black present. Bruce Easom and Marshall Giguere were absent. Attempts to reach B. Easom by telephone for remote participation were unsuccessful. Associate Member Mary Metzger was present. Conservation Administrator Takashi Tada was present.

7:00 p.m. – Discussion: Groton Conservation Trust, Mark Gerath

Mr. Gerath was not present. T. Tada provided copies of the letter from the Groton Conservation Trust (GCT) proposing a “conservation summit” to identify common conservation goals among local organizations and to better coordinate the efforts of each group to achieve those goals. GCT’s proposed date/time for the first summit meeting (planning session) is Wednesday, September 24, 2014, at 7:00 PM at Lawrence Academy. Commissioners expressed support for the initiative, and agreed to bookmark the proposed date.

Moving on to General Business, the Commissioners took up the issuance of an Order of Conditions for Hill Road, Lot 2, DEP #169-1106. The public hearing was closed at the previous meeting on May 13, 2014. The Commission reviewed the draft Special Conditions under the Wetlands Protection Act (WPA) and the Groton Wetlands Protection Bylaw (Bylaw)

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

VOTED: to issue the Order of Conditions under the WPA for Hill Road, Lot 2, DEP #169-1106, as amended.

The vote was unanimous.

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

VOTED: to issue the Order of Conditions under the Bylaw for Hill Road, Lot 2, DEP #169-1106, as amended.

The vote was unanimous.

7:15 p.m. – Public Meeting: RDA, Septic Upgrade, 31 Maplewood Avenue

Jesse Johnson, of David E. Ross Associates, presented the plan for proposed septic system upgrade at 31 Maplewood Avenue. The location of the proposed conventional system is constrained by private wells, the pond (Lost Lake), and the house lot configuration. The work will involve removal of the existing system and replacement with the new system in the same location. The limit of work is approximately 95 feet from the pond, with approximately 600

square feet of disturbance proposed within the Buffer Zone. Erosion controls are proposed at the limit of work. The Commission conducted a site walk on May 24th.

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

VOTED: to issue a Negative #3 Determination of Applicability for 31 Maplewood Avenue, with the special condition that the erosion controls be installed per the plan.

The vote was unanimous.

Moving on to General Business – Land Acquisition, T. Tada updated the Commission on the status of the appraisals for the Schofield Parcel and the Harvey (West Groton) Parcels. The appraiser, Ellen Anderson, provided the Executive Summary for each appraisal; however, the full reports have not been received yet. Ms. Anderson's valuation of the Schofield Parcel is \$122,000 for 81.5 acres (\$1,500 per acre). Her valuation of the Harvey Parcels is \$77,000 for 21.4 acres (\$3,600 per acre). Commissioners agreed that the appraisal would eventually become part of the public record, and that it made sense to provide a copy of the appraisals to the respective property owners.

7:30 p.m. – Public Hearing: NOI, Groton Inn Redevelopment, 128 Main Street

The DEP has not yet issued a file number for this project. Attempts to reach B. Easom by telephone for remote participation were unsuccessful.

Jesse Johnson, of David E. Ross Associates, provided an overview of the proposal to redevelop the Groton Inn site. The back portion of the site includes Bordering Vegetated Wetland and Estimated Habitat of Rare Wildlife. There is a topographic divide in the middle of the site and the runoff is untreated at the present time. The area of impervious surface would increase by approximately 5,000 square feet. However, the addition of stormwater treatment, combined with a reduction in flow rates, will result in an overall improvement over the existing site drainage conditions. No impervious surface is proposed within 100 feet of the BVW; no disturbance is proposed within 50 feet of the BVW; and no disturbance is proposed within Estimated Habitat.

A waste disposal area, approximately 3,000 square feet in area and up to 7 feet deep, was identified in the back of the site, partially within the 100-foot buffer zone. The waste will be remediated as part of the proposed project, under the direction of the DEP. The actual extent of the remediation will depend on the final results of soil testing, but the proposed project includes the estimated “worst case scenario” of waste remediation.

R. Swezey asked if they encountered any underground storage tanks on the site. Mr. Johnson said they found no tanks in the waste disposal area, but in the past a leaking tank near the existing carriage house was removed and cleaned up with DEP approval. R. Swezey also asked about the extent of fill in the rear portion of the site. Mr. Johnson responded that they encountered fill material up to the toe of the slope, with native soil heading down to the wetland. The proposed stormwater basin is located in native soil.

C. Auman asked about the waste remediation process. Mr. Johnson said the process is regulated by the DEP. A licensed site professional (LSP) has been hired to oversee the site investigation and remediation. C. Auman also mentioned that the Commission had some questions about the wetland delineation after the site walk. He requested a follow up site visit with the wetland scientist to review the flagging. Mr. Johnson agreed to check with the wetland scientist, Steve Sears, in order to schedule a visit. Mr. Johnson stated it would be difficult to propose an alternative location for the stormwater basin, due to soil and groundwater conditions on the site. If the Commission believes the edge of wetland is closer to the redevelopment area, then the basin would likely be within the 50-foot no disturbance zone.

Chairman Morrison asked about the remediation schedule. Mr. Johnson estimated it would take about a month or so to complete, as they are still waiting for the final analytical results.

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

VOTED: to continue the public hearing for Groton Inn to June 10, 2014, pending review of the wetland flagging and issuance of the DEP file number.

The vote was unanimous.

Moving on to other General Business, the proposed public site walk at Baddacook Field (initially scheduled to occur on June 7th) was tentatively rescheduled to Saturday, June 14th. The Commissioners signed invoices from Bay State Forestry (re: Baddacook Field) and Nitsch Engineering (re: NESSP Temple).

On the topic of Reorganization, the Commission reorganized as follows:

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

VOTED: to nominate J. Smigelski as Chairman. The vote was unanimous. Members congratulated Mr. Smigelski.

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

VOTED: to nominate P. Morrison as Vice Chairman. The vote was unanimous. Members congratulated Mr. Morrison.

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

VOTED: to nominate R. Swezey as Clerk. The vote was unanimous. Members congratulated Ms. Swezey.

R. Swezey expressed a willingness to continue as the Commission's representative on the Earth Removal Stormwater Advisory Committee (ERSWAC).

Upon a motion by J. Smigelski, seconded by P. Morrison, it was

VOTED: to nominate R. Swezey as ERSWAC representative. The vote was unanimous. Members congratulated Ms. Swezey.

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

VOTED: to nominate S. Black as Great Ponds Advisory Committee (GPAC) representative. The vote was unanimous. Members congratulated Ms. Black.

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

VOTED: to nominate B. Easom as Community Preservation Committee (CPC) representative. The vote was unanimous.

8:05 p.m. – Public Hearing: Abbreviated NOI, Septic Upgrade (Tight Tank), 4 Alder Road
Jonathan Markey, engineer from Markey & Rubin, Inc., presented the proposal to replace a failed cesspool with a 2,000 gallon tight tank at 4 Alder Road, on Lost Lake. With the exception of the two utility conduits to the existing house, the entire project is between 50 and 100 feet from the lake. An existing retaining wall above the house will need to be rebuilt as part of the project.

C. Auman said the project seemed to be designed appropriately for the small lot. J. Smigelski asked if there was a risk of lateral erosion toward the side lot lines. Mr. Markey said no. R. Swezey asked about the size of the tank and the maintenance schedule. Mr. Markey said the tank will be 2,000 gallons with a recommendation to pump every two weeks.

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

VOTED: to close the public hearing for 4 Alder Road, DEP #169-1108.

The vote was unanimous.

Under Open Session, C. Auman asked about the public informational meeting being held by the Board of Selectmen on Thursday, May 29th, regarding the proposed Tennessee Gas Pipeline. T. Tada explained how the meeting came about and who the participants would be. Chairman Morrison said informational meetings had already occurred in some other towns along the proposed pipeline route. M. Metzger and Stan Dillis said some of those meetings were organized by anti-fracking groups, rather than the municipalities. R. Swezey mentioned that the presence of a pipeline running through town would generate a steady revenue stream, based on her experience as the assessor in Carlisle. C. Auman expressed concern that the pipeline would carry gas for export, rather than for local use. S. Black brought up concerns about the safety of the pipeline. J. Smigelski responded that a pipeline was likely to be safer than other modes of transport such as rail or truck. He also mentioned that the Groton Conservation Trust had agreed to allow the pipeline company (Kinder Morgan) to conduct preliminary surveys on its property. Gaining additional information about specific properties could be a benefit. M. Metzger asked about the pipeline's potential impact on property values. R. Swezey said it would depend on the

type of easement. Under the assessing regulations there is a limit of 10 percent adjustment on back lands.

8:25 p.m. – Discussion: Chamberlains Mill, 373 Lowell Road, DEP #169-1103

Stan Dillis, of Ducharme & Dillis Civil Design Group, presented the proposed change in temporary construction access at Chamberlains Mill Subdivision. The revised plan, dated May 14, 2014, shows the temporary construction entrance at the existing break in the wall to the west of the existing garage on Lot 2.

S. Black asked why they were going to remove the large tree near the proposed subdivision road intersection on Schoolhouse Road. Mr. Dillis stated the tree is old and damaged; removing the tree will allow other healthier trees to remain. Chairman Morrison asked if the new construction entrance requires any grading work. Mr. Dillis said no; they will simply lay down the crushed stone over the existing grade.

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

VOTED: to approve the new construction entrance plan as a minor modification to the OOC for Chamberlains Mill, 373 Lowell Road, DEP #169-1103.

The vote was unanimous.

8:30 p.m. – Public Hearing: NOI, Riverbank Restoration, 35 Cannery Row, DEP #169-1107

The applicants requested the public hearing be opened and continued to the next regular meeting on June 10, 2014. They are still under review by Natural Heritage for impacts to rare species.

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

VOTED: to continue the public hearing for 35 Cannery Row, DEP #169-1107, to 6/10/14.

The vote was unanimous.

8:45 p.m. – Public Hearing (cont'd): NOI, NESSP Temple, DEP #169-1104

Representatives: Scott Goddard, wetland scientist with Goddard Consulting; and Ian Rubin, engineer with Markey & Rubin. The applicants presented updated site plans and drainage report, including proposed connection to Town water service via a utility easement off Monarch Path cul-de-sac. The utility easement will be 25 feet wide, and the installation of water line and electric conduit will require approximately 1,063 square feet of temporary disturbance to the 100-foot buffer zone of the BVW in the northeast corner of the site. The disturbed area will be restored with a native grass and wildflower seed mix. Mr. Rubin pointed out that the location of the proposed utility easement is constrained somewhat by an existing drainage easement for the Monarch Path subdivision (offsite) and the proposed septic area for the Temple. C. Auman asked how close the water line would be to the BVW. Mr. Rubin said the nearest point of the proposed water line installation to the BVW is approximately 94 feet.

Mr. Rubin also updated the pre- and post-construction vernal pool catchment area calculations. The percentage of upland forest will be slightly reduced, from 58.5 to 58.2 percent, if the project is constructed. There will be more infiltration due to stormwater management, and less transpiration due to the reduction in tree cover. Mr. Rubin mentioned that their public hearing with the Earth Removal & Stormwater Advisory Committee has been closed, and they are in the process of doing a traffic study as required by the Planning Board.

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

VOTED: to close the public hearing for NESSP Temple, DEP #169-1104.

The vote was unanimous.

9:00 p.m. – Public Meeting (cont'd): O’Neill Way Agricultural Proposal

Jean Nordin-Evans was present to resume discussions on her proposal to graze two cows on the field at O’Neill Way Conservation Area. Chairman Morrison stated the two main issues to be resolved are liability insurance coverage and the electric fence configuration.

Ms. Evans said she had no problem with the Town’s insurance requirements. She will either add it to her homeowners policy or switch to a farm policy. She also said she was willing to install a second (outer) fence as a good faith effort. She wants to be a good neighbor while she gains experience with grazing. George Moore of the Agricultural Commission stated his opinion that the second fence is not really needed.

R. Swezey said she was still concerned about granting exclusive access to one person. Ms. Evans replied that the fence layout would allow public access around the perimeter of the field. C. Auman brought up one of the questions from abutters regarding the health of the grass and soil. Mr. Moore responded that good grazing practices will result in healthier grass and soil. C. Auman also said any proposed use of the field needs to respect the wetlands in the southern part of the property. S. Black said she supports the idea of grazing cows on the field, and she thinks the cows would add to the view. She conceded that the neighbors are not likely to be happy with any proposed use of the field, so why not give Ms. Evans a chance? J. Smigelski said he supports the proposal within the parameters that have been discussed.

Chairman Morrison invited comments from the audience. Patricia Karohl, of 515 Main Street, said she likes cows but opposes the proposal primarily because of the fences. Ms. Karohl asked Ms. Evans what kind of cows she had. Ms. Evans said one is a beef cow and one is a milk cow. The milk cow is 10 months old and not milking yet. Ms. Karohl also asked about shelter in extreme weather. Both Chairman Morrison and Mr. Moore replied that cows don’t use shelters. Brenda Thurston, of 513 Main Street, asked if the cows would eat all the grass on the field. Ms. Evans said the cows would be rotated to avoid overgrazing any particular area. Ms. Thurston also requested that the outer fence be required. Helene Cahen, of 435 Martins Pond Road, encouraged Ms. Evans to put up electric fence signs.

Mr. Moore read a letter from Brad Mitchell of the Massachusetts Farm Bureau Federation stating the second fence is not needed; requiring it would be overkill. Steve Lane, of 67 Common

Street, said he has allowed horses/fences on his property, much to the delight of his family including the grandkids. Bob Evans said a second, child-proof fence would be ugly. Mike Rasmussen of 3 Britt Lane, representing the Groton Board of Trade (GBOT), said it was a struggle to maintain the agricultural nature of the town. The GBOT supports the grazing proposal, and does not believe the second fence is needed.

C. Auman asked how much of the field will be fenced off at any given time. He reminded Ms. Evans that she would need to respect the wetlands, avoid the willow trees, and also leave room around the perimeter for the public to walk. Ms. Evans said she would like to establish a perimeter fence and then rotate the paddock within the fenced area.

Paul Andrews, of 515 Main Street, said he did not understand how the Commission could support a proposal that is widely opposed by the neighbors. Chairman Morrison said the Commission must consider the broader management interests of its land, including agriculture and forestry where appropriate. These land uses are often opposed by neighbors. Ms. Karohl said only one abutter was in favor of the proposal, and she questioned whether the Commission could put up fences on its land. Chairman Morrison responded that the Commission does have the authority to allow fences on its land and has done so on other properties.

John Amaral, of 62 Flavell Road, expressed support for the proposal. He said it was consistent with the goal of agricultural preservation in the Town of Groton's Master Plan. He also said that the Commission could revisit the issue, if needed, after Ms. Evans' short-term lease is up. Chairman Morrison reiterated the Commission's intent to reevaluate the use of the land in November.

S. Black asked how many families live in the neighboring condominiums. Ms. Karohl said 44 families live there at present, and they don't have much in the way of common areas or green spaces.

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

VOTED: to approve Jean Nordin-Evans' proposal to graze two cows on the O'Neill Way Conservation Area, under a short-term Agricultural License to be in effect from June 1 to October 31, 2014, based on the proposal modifications and parameters discussed in the multiple public meetings.

The vote was 3 in favor and 2 opposed. Members Auman, Black, and Smigelski voted in favor. Members Morrison and Swezey were opposed. Chairman Morrison clarified that his opposition vote was based on his interpretation of the deed language, which seemed to preclude such use of the land; otherwise he was in support of the proposal.

Ms. Karohl asked if there was an appeal process. Commissioners indicated that there was no formal appeal process for the issuance of an Agricultural License on conservation land. T. Tada suggested that Ms. Karohl contact the Board of Selectmen about filing an appeal.

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

VOTED: to adjourn the meeting at 9:37 p.m.

The vote was unanimous.

Notes taken by

Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. NOI and Order of Conditions, Hill Road "Lot 2"
2. RDA, Septic Upgrade, 31 Maplewood Avenue
3. NOI, Groton Inn Redevelopment, 128 Main Street
4. Abbreviated NOI, Tight Tank, 4 Alder Road
5. Plan modification, Chamberlains Mill, 373 Lowell Road
6. NOI, Squannacook Riverbank Restoration, 35 Cannery Row
7. NOI, Proposed NESSP Temple, Boston Road (Mattbob)
8. Agricultural Proposal, O'Neill Way Conservation Area

Approved 8/26/2014