

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, October 14, 2014

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

7:00 p.m. – Public Hearing: Notice of Intent (NOI), Driving Range Improvements, Groton Country Club (M. Haddad) – DEP #169-1115

Mark Haddad, Town Manager, introduced the Country Club's plan to rehabilitate and improve the driving range. The project was approved for Community Preservation Act funding by vote of Town Meeting in May. The Commission conducted a site walk with the applicant on September 20th. The proposed plan is to replace the existing utility-type poles and netting, and extend the netting with approximately five new poles, around the perimeter of the driving range. The netting will contain golf balls within the existing fairway. There are four existing poles along the far (north) end of the range; two are within the 100-foot Buffer Zone of Bordering Vegetated Wetland (BVW) and two are within the BVW, as delineated by Brandon Ducharme of Ducharme & Dillis. The five new poles are proposed to be installed in the Buffer Zone along the northeastern perimeter of the mowed fairway, along the edge of BVW. The plan calls for removal of invasive shrubs in the vicinity of the two poles in the Buffer Zone. Members of the Groton Golf Association were also present and spoke in support of the project. When the Country Club opened in 1950, the driving range was originally part of the first hole. Over the years the first hole was redesigned and the original tee/fairway became the driving range.

P. Morrison asked when the Country Club wanted to install the poles. M. Haddad said the poles would be installed by Groton Electric Light Department (GELD). GELD's preference is to do the work during frozen ground conditions. M. Giguere asked about the existing vegetation on the site. According to B. Ducharme's delineation the mowed fairway is mostly Kentucky bluegrass with some crabgrass mixed in. Vegetation in the BVW includes bulrush, woolgrass, purple loosestrife, jewelweed, white aster, and cattails. M. Metzger suggested expanding the area of invasive plant removal to include plants within the BVW.

B. Easom asked for members of the Commission to provide their opinions on whether the northern part of the mowed fairway could be considered a wetland under the Bylaw. M. Giguere believed it could be considered a wetland under the Bylaw based on hydrology, but could also be considered previously altered based on the site's history dating back to 1950. The Commission could issue an Order of Conditions under the Bylaw. T. Tada added that the line between wetland vegetation and fairway grass is fairly clear; however, the distinction between hydric and upland soils is less clear due to the presence of fill. The fill layer is about 12-15 inches deep, with no clear hydric indicators. Below this fill layer is a saturated organic layer with hydric indicators. The standard methodology for evaluating hydric soils at depth is established by the Army Corps of Engineers Wetland Delineation Manual, which requires a combination of at least

two secondary hydric soil indicators (such as mottling). Soil borings by B. Ducharme and T. Tada did not show evidence of hydric indicators in the fill layer.

Upon a motion by P. Morrison, seconded by R. Swezey, it was

VOTED: to consider the mowed area underlain by hydric soils at depth (as shown on the plan) to be upland, i.e. not a wetland.

The vote was 5 in favor with 2 opposed (M. Giguere and B. Easom).

Continuing the discussion, B. Easom asked if the poles would be considered a structure under the Bylaw. M. Giguere said the poles could be considered a structure in that they are placed in the ground to remain indefinitely, but they would not be considered a building structure or appurtenance. The exemption for utility poles is not applicable in this case, as these poles will not be used to support public utility services. S. Black asked about the plan to remove invasive shrubs. M. Haddad said he would hire an expert to prepare the invasive removal plan.

Upon a motion by P. Morrison, seconded by R. Swezey, it was

VOTED: to close the public hearing for the Country Club driving range, DEP #169-1115.

The vote was unanimous.

7:35 – Public Hearing: NOI, Septic System Repair, 42 Ridgewood Ave. (C. Quinn) – DEP#169-1114

Dan Wolfe, engineer with David E. Ross Associates, Inc., presented the proposed septic repair plan on behalf of the homeowner, Carol Quinn. The entire property is located within Buffer Zone of Lost Lake and Knops Pond. The Commission conducted a site walk with the proponents on October 11th. The existing infrastructure to be decommissioned includes a septic tank, leach pit, and a discontinued shallow well. It is possible that the Board of Health (BOH) will also require relocation of the suction pump for the point well that supplies the house. The proposed new septic components include a septic tank/pump chamber, force main, distribution box, and a single 48-foot long leaching trench. The leaching trench will be surrounded by an impervious (polyethylene) barrier. If required by the BOH, a new manhole will be dug next to the point well for installation of the new suction pump, which is located approximately seven feet from Knops Pond. The location of the new septic tank/pump chamber is such that the contractor will be able to do this work with an excavator situated on the road. The proposed leaching trench area is adjacent to the road and easily accessed. If needed, the new suction pump will be installed by hand. The applicants have requested variances from the BOH to allow the existing suction pump to remain in use (BOH hearing date: 11/3/14). Water quality has never been an issue, and should be even better after the septic repairs.

Commissioners thanked Mr. Wolfe for his clear explanation of the project and the proposed construction sequence. R. Swezey asked about the permitted capacity of the new septic system. Mr. Wolfe said the BOH would issue a permit for the existing 3-bedroom capacity (no expansion

of system allowed). B. Easom asked about the height of the suction pump above the lake. Mr. Wolfe said it was about 11 feet above the lake elevation.

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

VOTED: to close the public hearing for 42 Ridgewood Avenue, DEP #169-1114.

The vote was unanimous. Mr. Wolfe asked if closing the public hearing now could lead to potential problems when the BOH decides on the request for variances. The Commission explained that the NOI proposal seems to cover all of the work that would be needed under the worst case scenario (i.e. no variances granted by BOH). If the project scope is reduced by the BOH through approval of variances, the Commission would have no issues with that outcome.

7:55 p.m. – Public Meeting: Request for Determination of Applicability (RDA), Inground Pool, 35 Hidden Valley Rd. (T. Mancini)

Ed Snyder, of Snyder Pools, presented the RDA for an inground pool (17 x 33 ft.), patio, and fence on behalf of the homeowner, Todd Mancini. The pool will be approximately 75 feet from the Isolated Land Subject to Flooding (ILSF) in the western part of the lot. The limit of work (erosion control line) will be approximately 55 feet from the ILSF. The pool sanitary system will be non-chlorine (saline). The Commission conducted a site walk with the proponents on October 11th.

B. Easom mentioned the 50 foot “no disturbance” zone under the Bylaw. The proposal stays outside of the no-disturbance zone, but it does include removal of existing trees (cutting back the treeline). He asked if the pool location could be moved so that it is no closer to the resource area than the existing house. Mr. Snyder said the septic leach field precluded them from moving it further away. B. Easom asked if they could reduce the size of the pool. Mr. Snyder replied that it was possible.

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

VOTED: to issue a Negative #3 Determination for 35 Hidden Valley Road, subject to the following conditions:

1. Erosion controls installed according to the plan and approved in the field by T. Tada.
2. Tree stumps to remain in place wherever possible.

The vote was 6 in favor, one opposed (B. Easom).

8:05 p.m. – Public Hearing: NOI, Replacement Well, 162 Shelters Road

James Morey, of Skillings and Sons, Inc., presented the revised sketch plan of the private well installation project to replace the failing well at 162 Shelters Road (Ann Griffin-White, homeowner). The water quality is fine, but the production of the existing point well is diminishing to the point of failure. The plan was revised at the request of the Board of Health (BOH). The Commission conducted a site walk with the applicant on October 11th.

M. Giguere requested that the plans be revised to show the slurry pit next to the drill hole, as mentioned during the site walk. M. Giguere also asked about regrading the site to create suitable access for the drill rig. Mr. Morey said they hoped to have enough existing material onsite to regrade the access area; otherwise they would bring in clean fill. M. Metzger asked to clarify where the dewatering area is proposed. Mr. Morey said the dewatering area will be located to the front of the house and protected with a line of hay bales. B. Easom said his main concern is the potential for damage due to the steep slopes and proximity to the pond; erosion controls will be key. Mr. Morey said they have hired professionals (S&M Farms) to install the erosion controls. B. Easom also asked about the timetable for completion. Mr. Morey said it could take up to one month. The drilling is typically done in one day, and the pump test can take up to three days. Other work includes the site preparation (grading), utility connections to the house (trenching), and site cleanup/restoration.

Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to close the Public Hearing for 162 Shelters Road, contingent upon receipt of a revised plan.

The vote was unanimous.

8:10 p.m. – Public Meeting: RDA, Home Reconstruction, 99 Boathouse Road (G. Holly)

Bob Collins presented the proposal to reconstruct the fire-damaged home at 99 Boathouse Road on behalf of the owners, George and Deborah Holly. The house burned down in 2012. Commissioners visited the site on October 11th. Mr. Collins provided a new, stamped plan from Ducharme & Dillis Civil Design Group. The applicants were hoping to get approval from the Zoning Board of Appeals (ZBA) to rebuild the house using a slightly different footprint than the existing foundation. The house would have been larger, but further from the pond. However, they were not able to persuade the ZBA and have withdrawn the alternative proposal. The current plan is to rebuild the house on the existing foundation, in the same footprint. They will use the existing tight tank septic system, but they need a new well for potable water.

M. Metzger asked for a comparison of the original home versus the proposed rebuild. Mr. Collins said the new house would actually be about one foot narrower than original (36 x 20.5 feet versus 37 x 20.5). B. Easom asked if the new plan was based on a field survey. Mr. Collins said he believed it was a compiled plan, not surveyed. B. Easom said he would like to see a more precise plan with the proposed house location clearly indicated. M. Giguere agreed with the need for a better plan and suggested the filing of an NOI would be more appropriate for this project. It is likely that this project will require more than a handful of special conditions. B. Easom concurred with the need for a NOI, especially due to the fact that the fire damage has not been cleaned up. Mr. Collins agreed to file a NOI in time for the next meeting on October 28th.

Upon a motion by P. Morrison, seconded by R. Swezey, it was

VOTED: to continue the public meeting to 10/28/2014. The vote was unanimous.

8:35 p.m. – Discussion: Eagle Project, Sargisson Beach North Point (I. Henriques/A. Davis)

Ian Henriques of Scout Troop 3 in Groton, and Andrew Davis of Sargisson Beach Committee, presented construction details of Mr. Henriques' proposed Eagle Project to reduce erosion and increase recreational access to the North Point of Sargisson Beach. The use of box steps down to the reconstructed retaining wall was recommended by Josh Degen and inspired by similar box steps used in Muir Woods National Monument. The retaining wall contractor will be asked to place granite slabs at the top of the slope and also at the top of the retaining wall, rather than install sonotube footings. The box steps would be constructed on the slope between slabs.

B. Easom asked if the box steps require excavation. Mr. Henriques said no, they do not require excavation but will be anchored with rebar. P. Morrison said he supported the use of box steps to improve the rise-to-run ratio (i.e., less rise, more run) on the slope. He was concerned about the safety of a conventional staircase on the relatively steep slope. He also asked about the project timetable. Mr. Henriques said he would start the work after the retaining wall repair is completed, hopefully this fall. M. Giguere questioned if the proposed project was within the scope of work for the approved beach/bank restoration; he suggested the filing of a RDA might be appropriate in this case. Members of the Commission agreed that a RDA application was appropriate and would provide an excellent lesson in town governance for Mr. Henriques. T. Tada will help Mr. Henriques file the application in time for the next meeting date. The Commission thanked Mr. Henriques and Mr. Davis. Mr. Davis reminded Commission members to support the funding of Phase II of the Sargisson restoration project at Fall Town Meeting.

8:45 p.m. – Discussion: Groton Stop the Pipeline Coordinating Committee (Nick Miller)

Nick Miller and others were present to discuss the proposed Tennessee Gas Pipeline (TGP) project that, if approved by the Federal Energy Regulatory Committee, would cut through the northern portion of Groton. Mr. Miller asked if the Commission had adopted an official stance on the project, and if any conservation properties and wetlands would be affected. P. Morrison is the Commission's representative on the Tennessee Gas Pipeline Working Group Committee. He said the Commission has endorsed a letter in opposition to the proposed route of the pipeline and has not granted survey access to its affected property (Meadowbrook Conservation Area). The Commission also holds the Conservation Restriction on another affected property (GDRSD High School off Chicopee Row). P. Morrison said that all local and state laws were applicable until TGP's parent company, Kinder Morgan Energy Partners (KM), receives a FERC permit. KM has not filed any local applications. The Pipeline Working Group Committee is tasked by the Board of Selectmen to inform the Town's official response. There is much information on this topic on the Town's website.

Mr. Miller requested that the Commission register with FERC and submit official comments during the pre-filing process that has been initiated by KM. He also asked about the Commission's game plan for mitigating the potential negative impacts of the pipeline. B. Easom explained that violations of the Wetlands Protection Act and Groton Wetlands Protection Bylaw are not criminal offenses; therefore the Commission can only levy fines. The maximum allowable fine is \$300/day/offense. M. Giguere suggested posting the Commission's letter on the FERC website as a comment.

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

VOTED: to submit the Commission's letter in opposition to the proposed route of the TGP project on the FERC website.

The vote was 6 in favor; 1 opposed (P. Morrison).

Moving on to General Business, the Commission reviewed and amended the draft Special Conditions for the proposed septic repair NOI at 96 Mill Street, DEP #169-1113. The public hearing was closed on 9/23/2014.

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

VOTED: to approve the NOI and issue the Special Conditions under the Wetlands Protection Act for the septic repair project at 96 Mill Street, DEP #169-1113.

The vote was unanimous.

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

VOTED: to approve the NOI and issue Special Conditions under the Groton Wetlands Protection Bylaw for the septic repair at 96 Mill Street, DEP #169-1113.

The vote was unanimous.

Moving on another General Business topic, the Commission considered a Request for Certificate of Compliance (COC) for DEP #169-960, Reedy Meadow Road (Assessors Map 230; Parcels 9,10,11) submitted by Orchard Realty Trust. An OOC for construction of two homes was issued in October 2006. The two homes were never built and the project has since been reduced to a proposed single-family home, with all elements of the proposed project occurring outside of jurisdictional Buffer Zones. The applicant requests that the OOC be invalidated on the basis that the project never commenced. Commissioners visited the site on 10/11/2014 to verify the resource areas and buffer zones depicted on the revised plans.

Upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to approve the request to issue a COC and invalidate the OOC for DEP #169-960 on the basis that the project never commenced.

The vote was unanimous.

Moving on to General Business – Invoices, the Commission considered a cost estimate of \$9,000.00 submitted by Josh Degen of Earthscapes, Inc., to repair a collapsed retaining wall at the Williams Barn. Mr. Degen is currently the Chairman of the Board of Selectmen. T. Tada explained that the Town Manager, Mark Haddad, reached out to Mr. Degen after learning of the wall collapse. Mr. Haddad asked Mr. Degen to cordon off the wall area and provide the repair estimate. The collapse occurred over the weekend of 10/4/2014 and Mr. Haddad took the executive action in the interest of public safety. Commissioners conducted a site walk on

10/11/2014. Members of the Commission expressed concern about the appearance of a conflict of interest in the way the estimate from Mr. Degen came about, as well as the specifics of the estimate itself. Chairman Smigelski thought the price seemed high for the scope of the project. The Commission requested T. Tada get two more cost estimates from other local landscapers such as Pinard's in Ayer.

Moving on to Land Management items, M. Metzger handed out copies of the Grasslands Inventory that she has compiled for the Commission's review. The purpose of this inventory is to help the Commission keep up with mowing and other grassland management responsibilities. The inventory will be discussed at the next meeting.

On the topic of O'Neill Way Conservation Area, T. Tada reminded the Commission that the Agricultural License issued to Jean Nordin-Evans expires at the end of October. Chairman Smigelski recommended that Dr. Evans mow the entire field with a rotary mower after the cows and fencing have been removed. T. Tada will ask Dr. Evans to do this.

Moving on to Open Session items, T. Tada noted that the Commission's next regular meeting date, 11/11/2014, conflicts with Veterans Day (Town Hall will be closed). Commissioners agreed to hold the next meeting on Wednesday, 11/12/2014.

On the topic of potential acquisition of the Schofield Parcel (Assessors Parcel 251-71), the Commission debated whether to withdraw the Fall Town Meeting Warrant Article seeking authorization to pursue reimbursement through the state's LAND Grant program, given the unlikely chance of reaching agreement with the Trustee of the Schofield Estate.

Upon a motion by P. Morrison, seconded by R. Swezey, it was

VOTED: to withdraw the Fall Town Meeting Warrant Article pertaining to the Schofield Parcel acquisition.

The vote was 5 in favor; with two opposed (B. Easom and M. Giguere).

On the topic of a Request for Certificate of Compliance for the swimming pool at 10 O'Neill Way, DEP #169-1068, members of the Commission conducted a site visit to the site on 10/11/2014. T. Tada reported that the only remaining issue is that only two "no disturb" signs are visibly posted along the edge of the lawn in the buffer zone. The OOC calls for three signs. Otherwise the site looks good.

Upon a motion by B. Easom, seconded by P. Morrison, it was

VOTED: to approve the COC request for 10 O'Neill Way, DEP #160-1068, contingent upon the posting of an additional "no disturb" sign. T. Tada will provide two additional signs to the applicant/owner, Jeff Pollard.

The vote was unanimous.

Also under Open Session, M. Metzger reminded Commissioners that the upcoming Fall Town Meeting on October 20th includes a proposal to join the Central Massachusetts Mosquito Control District. She said she is opposed to this proposal due to the ineffectiveness of the spraying, the collateral damage to other wildlife from the spraying, and the lack of environmental controls of the spraying. The Mosquito Control Districts are exempt from state and local environmental regulations.

Lastly, under Open Session, T. Tada brought up an email received this afternoon from a resident on Drumlin Hill Road who abuts the Longley II Conservation Area. The resident mentioned tree clearing by a neighbor that he believed to be occurring on the Town's land. He said the neighbor was also unfriendly to walkers on the trail that passes near his property. Members of the Commission said they would try to take a look at this area.

There being no further business, upon a motion by P. Morrison, 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. NOI, Driving Range Improvements, Groton Country Club, DEP #169-1115
2. NOI, Septic System, 42 Ridgewood Avenue, DEP #169-1114
3. RDA, In-ground Pool, 35 Hidden Valley Road
4. NOI, Well Installation, 162 Shelters Road
5. RDA, Home Reconstruction, 99 Boathouse Road
6. Grasslands Inventory

Approved 12/09/2014