

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, October 28, 2014

Chairman John Smigelski called the meeting to order at 7:00 p.m. with Peter Morrison (Vice Chairman), Susan Black (Clerk), Marshall Giguere, and Mary Metzger, present. Bruce Easom participated remotely by telephone. Rena Swezey arrived at 7:30 p.m. Conservation Administrator Takashi Tada was present.

Chairman Smigelski announced that all votes would be taken by roll call according to the Open Meeting Law regulations governing remote participation.

7:00 p.m. – Public Hearing (cont'd): Notice of Intent (NOI), Soil Remediation, Groton School Pond – DEP #169-1084

Attorney Robert Collins presented the latest revised plan to remediate two waste disposal areas near Lake Romeyn (a.k.a. Groton School Pond) on property of Groton School. The smaller disposal area to the north of the dirt road has elevated levels of arsenic in soil and requires remediation. The larger disposal area to the south is less contaminated but interacts with high groundwater; therefore the leachate requires monitoring. The plan is to pull the debris piles away from nearby resource areas, regrade the piles as needed, cover them with clean soil, and revegetate them with native shrubs beneficial to wildlife. In addition, Groton School will place a permanent Conservation Restriction (CR) on a portion of the remediation area (2.25± acres) as well as the abutting Keyes Woods parcel (32± acres, property of New England Forestry Foundation). The latest plan has been approved by the Natural Heritage & Endangered Species Program (NHESP) as part of a forthcoming Conservation & Management Permit (CMP) under the Massachusetts Endangered Species Act (MESA). The remediation will occur within mapped habitat of the state-listed Blue-spotted Salamander (*Ambystoma laterale*; Special Concern).

Mr. Collins asked if the Commission would be interested in holding the CRs. Members expressed general interest but have not had a chance to review the draft CR. P. Morrison said he was happy to see the site get cleaned up. M. Giguere asked if new engineering plans had been developed. Mr. Collins said new plans were prepared by Lynnfield Engineering, and an As-built plan will be required under the CMP. The new plan has a construction sequence in the notes. Mr. Collins said they were open to recommendations on the specific types of “bushy things” to plant as part of the revegetation of remediated areas. T. Tada will provide recommendations to Mr. Collins.

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

VOTED: to close the public hearing for Groton School Soil Remediation, DEP #169-1084.

The roll call vote was unanimous.

7:20 – Public Meeting: Request for Determination of Applicability (RDA), Underground Propane Tank, 85 Hubbard Lane

The applicant/homeowner is William Kane. T. Tada recapped the site walk conducted 10/25/2014 to view the location of a proposed underground propane tank. The old, above-ground propane tank and concrete pad in the same location will be removed. The property is situated on a peninsula in Springy Cove (Knops Pond); the nearest distance to the pond is approximately 50 feet.

S. Black asked about the risks and benefits of placing the tank underground. Other members suggested that the benefit is purely aesthetic, while the risk of contaminating the pond from a leaking tank is minimal because the propane would be in gas phase. B. Easom asked if an underground propane tank within 50 feet of the resource was prohibited under the Bylaw. M. Giguere said the Commission could require a change in location of the tank under the Bylaw. P. Morrison agreed but clarified that there must be suitable alternative locations available for the Commission to require a change. In this case the site is constrained by the house, septic system, and private well.

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

VOTED: to issue a Negative #3 Determination for the underground propane tank at 85 Hubbard Lane, subject to the following conditions:

1. Erosion controls installed on the east side of the work area.
2. Work completed in one day.
3. Concrete pad removed offsite.

The roll call vote was unanimous.

7:30 – Public Hearing: NOI, Drainage Ditch Maintenance, 171 Lowell Road – DEP#169-1118

A site walk was conducted on 10/25/2014. Applicant/homeowner Susan Horowitz and contractor Josh Degen of Earthscapes Inc. presented the proposal to remove sediment from a stone-lined drainage ditch that originates next to the house at 171 Lowell Road. The ditch channels runoff under the old garage via a tile pipe; then under a cart path via a 4-inch PVC pipe; before discharging toward an intermittent stream that flows under Lowell Road. The ditch collects runoff from Gibbet Hill/Shattuck Street and fills up with sediment over time; it is now blocking flow through the tile pipe. Ms. Horowitz said she and her husband used to clean out the ditch by hand as needed, but have been unable to do regular maintenance over the last 10 years. She is concerned about moisture in her basement and mosquitos resulting from stagnant water in the ditch. Mr. Degen said the depth of sediment is 12 to 16 inches. He proposes to use a mini-excavator to scoop material out of the ditch and load it directly into a dump truck to be hauled offsite for composting. The tile pipe will be cleared out and some invasive multiflora rose shrubs will be removed/burned as well.

S. Black asked if the ditch connects to the intermittent stream. Mr. Degen confirmed that the runoff eventually flows to the stream. B. Easom asked what will happen to the material cleared from the tile pipe. Mr. Degen said there is about 12 inches of clearance in the ditch below the PVC pipe so it is unlikely that any material would make it through there; however, he proposed

to place a hay bale in front of the PVC pipe to allow settling. M. Metzger said she shared Ms. Horowitz' concern about mosquitos breeding in the ditch. M. Giguere agreed that restoring flow through the ditch would benefit the local drainage situation. P. Morrison asked about plans to maintain the ditch going forward. Mr. Degen suggested the ditch be cleared by hand every two years. P. Morrison also asked about the burning of the multiflora rose. Mr. Degen said the plants would be added to brush piles on his lot and burned during the season.

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

VOTED: to close the public hearing for 171 Lowell Road, DEP #169-1118.

The roll call vote was unanimous.

Taking up General Business, the Commission reviewed the draft Order of Conditions (OOC) for the Groton Country Club Driving Range rehabilitation project, DEP #169-1115. The public hearing was closed on 10/14/2014.

Upon a motion by P. Morrison, seconded by S. Black, it was

VOTED: to issue the OOC under the Wetlands Protection Act for Groton Country Club Driving Range, DEP #169-1115.

The roll call vote was unanimous.

Upon a motion by P. Morrison, seconded by S. Black, it was

VOTED: to issue the OOC under the Groton Wetlands Protection Bylaw for Groton Country Club Driving Range, DEP #169-1115.

The roll call vote was unanimous.

7:45 p.m. – Public Hearing: NOI, Home Reconstruction, 99 Boathouse Road

Attorney Robert Collins presented the NOI plan to rebuild the fire-damaged single family home on behalf of the homeowners, George and Deborah Holly. The plan is to rebuild the house on the existing foundation in the same footprint as the structure that burned down in 2013. The rebuilt house will be 9.7 feet from the southern property line. The structure will tie-in to the existing tight tank septic system, but a new drinking water well is proposed. Erosion controls are proposed along the bank of Lost Lake. Mr. Collins explained that the homeowners are up against a deadline imposed by the insurance agency; they must rebuild the house by May 2015. An existing retaining wall is proposed to remain.

M. Metzger asked what the retaining wall is made of. Attorney Jerome Benson, representing Patricia Simmons-Mavilia (abutter), stated that the wall is made of wood timbers and showed a photograph of the wall. M. Giguere asked if the rebuilt house will overhang the lake, as did the house that burned down. Mr. Collins replied no. M. Giguere then asked if the rebuilt house would be within the same footprint. Mr. Collins replied yes. M. Giguere also asked how the

debris would be removed. Mr. Collins replied that it would be done by hand as much as possible.

Mr. Benson expressed his client's concern about the poor condition of the three retaining walls on the property, especially the two upper walls. The walls are not shown on the plan. He provided copies of the wall photographs. Mr. Benson also suggested that the proposed well is infeasible due to its location on top of a retaining wall. M. Metzger asked if the Commission could dictate the well location, or if it was up to the Board of Health (BOH). P. Morrison said the BOH has final say on the well location, but the Commission can place certain conditions on the well installation as appropriate.

Mr. Benson also said his client was concerned about stabilization of the steeply sloped site, and he mentioned that the review of the project under MESA by NHESP was still ongoing. Mr. Collins said NHESP had received a copy of the NOI and would make a determination within 30 days. Mr. Collins also noted that the DEP had yet to issue a file number for this project.

M. Giguere stated his opinion that the NOI plan is deficient because it does not adequately reflect the existing site conditions. There are no elevation contours; the retaining walls are not depicted; and the details of the proposed well are lacking. Other members of the Commission agreed.

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

VOTED: to continue the Public Hearing for 99 Boathouse Road to the next meeting on 11/12/2014, during which time the applicant shall prepare a revised site plan that accurately reflects existing conditions.

The roll call vote was unanimous.

8:10 p.m. – Public Meeting: RDA, Eagle Project, Sargisson Beach North Point

Ian Henriques of Scout Troop 3 presented his RDA proposal to reduce erosion at the North Point of Sargisson Beach Conservation Area. He provided two sketch drawings with the RDA. Mr. Henriques discussed the project in detail at the previous Commission meeting on 10/28/2014.

The Commission thanked Mr. Henriques for the drawings. M. Giguere asked if the steps would rest on top of the ground. Mr. Henriques said yes, although they will be anchored with rebar. M. Metzger asked when he planned to do the work. Mr. Henriques said he would start the project as soon as it is approved by the Eagle Council.

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

VOTED: to issue a Negative #3 Determination to Ian Henriques for his proposed Eagle Project at Sargisson Beach, North Point, with the condition that the work be done during the period of winter water level at Lost Lake/Knops Pond.

The roll call vote was 6 in favor; none opposed (*end of remote participation by B. Easom due to a disconnected phone line*).

8:20 p.m. – Discussion: Plan Change Request, 6 Wyman Road (Elio Sgrosso) – DEP #169-1067
Kevin Ritchie, engineer from Civil Solutions, Inc. presented a proposed plan change on behalf of the landowners, Elio and Maria Sgrosso, who were also present. The proposed change is to re-route the driveway off Wyman Road such that it is entirely on the Sgrosso's property. The plan of record calls for a shared driveway entrance on the abutting property (4 Wyman Road). The re-routed driveway entrance will use the existing unpaved access from the road, across the existing culvert. The property is located within Estimated Habitat of Rare Wildlife and any plan change will require review/approval by NHESP.

M. Giguere asked if the overall project impact was less than 10 percent of the Riverfront Area within the property. Mr. Ritchie said the proposed disturbance within Riverfront Area would increase slightly, from five to six percent. The revised plan includes calculations of Riverfront Area impacts; however he said he noticed an error in the calculations shown on the plan and would submit a second revised plan with the corrected figures.

Upon a motion by P. Morrison, seconded by S. Black, it was

VOTED: to approve the revised driveway layout as an insignificant plan change under the existing OOC for 6 Wyman Road (Lot 2), DEP #169-1067, contingent upon the following two items:

1. Receipt of revised plan with corrected Riverfront Area calculations; and
2. NHESP approval of the proposed change.

The vote was unanimous (6-0).

Moving on to General Business, the Commission reviewed a draft OOC for the proposed septic repair NOI at 42 Ridgewood Avenue, DEP #169-1114. The public hearing was closed on 10/14/2014.

Upon a motion by P. Morrison, seconded by S. Black, it was

VOTED: to approve the NOI and issue an OOC under the Wetlands Protection Act for the septic repair project at 42 Ridgewood Avenue, DEP #169-1114.

The vote was unanimous (6-0).

Upon a motion by P. Morrison, seconded by S. Black, it was

VOTED: to approve the NOI and issue an OOC under the Groton Wetlands Protection Bylaw for the septic repair at 42 Ridgewood Avenue, DEP #169-1114.

The vote was unanimous (6-0).

The Commission also considered a draft OOC for the proposed well installation NOI at 162 Shelters Road, DEP #169-1116. The public hearing was closed on 10/14/2014.

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

VOTED: to approve the NOI and issue an OOC under the Wetlands Protection Act for the well installation project at 162 Shelters Road, DEP #169-1116.

The vote was unanimous (6-0).

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

VOTED: to approve the NOI and issue an OOC under the Groton Wetlands Protection Bylaw for the well installation project at 162 Shelters Road, DEP #169-1116.

The vote was unanimous (6-0).

Moving on to Meeting Minutes approval, the Commission reviewed draft minutes from 9/23/2014.

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

VOTED: to approve the 9/23/2014 meeting minutes, as written.

The vote was unanimous (6-0).

Moving on to Land Management, the Commission discussed management options for Baddacook Field (a.k.a. Shattuck Homestead). The Commission has received mowing proposals from Bay State Forestry and Harris Farms. M. Metzger suggested mowing the field this fall, followed by chemical treatment of the black swallow-wort next year, with the long-term goal of keeping goats on the property. P. Morrison asked if there were any local farmers looking for land to graze their goats. Chairman Smigelski reminded the group that such a plan would require both a well for water and a power source.

Upon a motion by M. Metzger, and seconded, it was

VOTED: to hire Harris Farms to mow the fields and cut back unwanted vegetation at Baddacook Field, at a cost not to exceed \$5,000.

The vote was unanimous (6-0).

The Commission also discussed issues pertaining to the Williams Barn. T. Tada informed the group that the Town Manager, Mark Haddad, was handling the retaining wall repair as an executive action to be paid for by a reserve fund transfer. Selectmen Josh Degen will perform

the work. M. Giguere expressed the need for a Memorandum of Understanding (MOU) between the Commission and the Williams Barn Committee to define management responsibilities and improve communication. There is already a general letter of agreement with them, but an MOU with more detail is needed. Chairman Smigelski attended the most recent Williams Barn Committee meeting. He observed that they conduct themselves with arrogance and disregard to the Open Meeting Law (OML) requirements. For example, they sometimes hold meetings during farmers markets without proper notification. R. Swezey suggested informing the Town Clerk about OML transgressions. M. Giguere offered to draft an MOU for consideration.

On the topic of the Conservation Property Inventory, M. Metzger suggested adding the landing area at the former Farmers & Mechanics Club parcel to the grasslands management schedule. She said the area appears to be popular with birds and other wildlife. Chairman Smigelski said he would take a look at the area to assess the mowing requirements.

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

VOTED: to authorize T. Tada to hire contractor(s) to mow the fields at the Farmers & Mechanics and Knowles Siding properties.

M. Metzger also mentioned the Knowles Siding property as a mowing priority. There is a dense bittersweet patch at the southern end of the field, but otherwise it is a very nice meadow with access to the Rail Trail. On the topic of excessive trail mowing by the neighbors at the Pacer Way (Eliades) field, M. Metzger drafted a letter that T. Tada will mail to abutters.

In her report on the Baddacook Woods parcel located at the corner of Allens Trail and Lowell Road (Route 40), M. Metzger said the property was very beautiful and noted the presence of nets used for ice hockey.

Moving on to the Groton Wetlands Bylaw Regulations, T. Tada mentioned that the Groton Stormwater Bylaw Regulations are also being updated. Town Planner Michelle Collette would like to identify any overlap in the two sets of regulations and make sure they are compatible.

Under Open Session, T. Tada brought up some questions that have been raised regarding the Conservation Restriction (CR) on the former Squannacook Sportsman's Club property. The property is currently owned by the Groton Emergency Medical Services (GEMS) and the CR held by the Commission. GEMS would like to know if the use of a training trailer and conversion of the existing building for firefighter training purposes are compatible with the CR. A prospective buyer of the property, Brooks Lyman, would like to know if rehabilitation of the indoor, underground shooting range for firearms training is compatible with the CR. T. Tada will review the CR and, if necessary, request a legal opinion from Town Counsel.

There being no further business, it was

VOTED: to adjourn the meeting at 9:40 p.m.

The vote was unanimous.

Notes taken by

Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. NOI, Groton School Remediation, DEP #169-1084
2. NOI, Drainage Maintenance, 171 Lowell Road, DEP #169-1118
3. OOC, Driving Range Improvements, Groton Country Club, DEP #169-1115
4. OOC, Septic Repair, 42 Ridgewood Avenue, DEP #169-1114
5. RDA, Underground Propane Tank, 85 Hubbard Lane (Kane)
6. OOC, Well Installation, 162 Shelters Road, DEP #169-1116
7. NOI, Home Reconstruction, 99 Boathouse Road (Holly)
8. RDA, Sargisson Beach North Point (Henriques)
9. Plan Change, 6 Wyman Road, DEP #169-1067
10. Property Inventory

Approved 1/3/2015