

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, December 9, 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. Peter Morrison (Vice Chairman) was absent. Conservation Administrator Takashi Tada was present.

Taking up General Business, the Commission considered the request for Certificate of Compliance, 44 Pacer Way (DEP #169-606). T. Tada explained that the Order of Conditions (OOC) for this house lot was issued to the developer, Orchard Realty Trust, in 1998. The house was built in 2000 and purchased by Alvar Dean. As observed during the site walk conducted on 12/6/2015, they built an inground swimming pool in the back yard. The pool was constructed in 2005 with a permit from the Building Department; however, they did not file with the Commission. Portions of the house, pool, and lawn are within the Riverfront Area associated with James Brook. Mr. Dean sold to the current owners, Jose and Nidia Valles, in September 2014. Kevin Ritchie, engineer with Civil Solutions, explained that the new owners are trying to close out the OOC.

Commissioners agreed that the site is stable and the overall limit of work (tree line) has not changed. B. Easom and M. Giguere suggested the Commission could issue a COC if the applicant files an after-the-fact RDA for the swimming pool. Mr. Ritchie said he would work with the applicants to do this. T. Tada mentioned the lone "In Perpetuity" special condition in the OOC pertained to maintenance of the polishing basin. This condition would be attached to the Certificate.

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

VOTED: to issue a Certificate of Compliance for 44 Pacer Way, DEP #169-606, contingent upon receipt of a RDA filing for the pool.

The vote was unanimous.

7:10 p.m. – Public Hearing: Notice of Intent, Septic Repair, 250 Hill Road (T. McGuire) – DEP #169-1119

Tim Beauchemin, of Beauchemin Engineering Inc., presented the proposed septic repair NOI on behalf of the applicant. He provided a revised plan based showing a soil stockpile area in the driveway of the existing house. Commissioners requested this additional information during the site walk on 12/6/2015. The new septic system will include a 1,500 gallon tank and 500 gallon pump chamber. The existing cesspool will be decommissioned along with an old dug well. The house is currently connected to Town water. The existing house and yard are within Buffer Zone of BVW and Riverfront Area of Wrangling Brook. Proposed locations of septic system components are as far from the BVW and stream as possible, given the other site constraints.

M. Metzger commented that the new septic system will be better than the existing cesspool. M. Giguere thanked Mr. Beauchemin for staking the site prior to the site walk. B. Easom asked about distances to the resource areas. Mr. Beauchemin said the proposed septic tank is approximately 20 feet from the BVW and 60 feet from the stream; while the leach field is approximately 67 feet from the BVW and 110 feet from stream.

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

VOTED: to close the public hearing for 250 Hill Road, DEP #169-1119.

The vote was unanimous.

Moving on to another General Business item, the Commission reviewed and made minor amendments to the draft OOC for Lost Lake Fire Protection – Dry Hydrant (DEP #169-1120).

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

VOTED: to issue the OOC under the Wetlands Protection Act for the Dry Hydrant, Lost Lake Fire Protection, DEP #169-1120.

The vote was unanimous.

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

VOTED: to issue the OOC under the Groton Wetlands Bylaw for the Dry Hydrant, Lost Lake Fire Protection, DEP #169-1120.

The vote was unanimous.

Moving on to Meeting Minutes approval, the Commission reviewed draft minutes from its regular meeting held on October 14, 2014.

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

VOTED: to approve the Meeting Minutes of 10/14/2014, as written.

The vote was unanimous.

On the topic of the Tennessee Gas Pipeline Working Group Committee, P. Morrison reported that Kinder Morgan Energy Partners have changed their preferred route. They now propose to go through southern New Hampshire instead of Groton and neighboring towns in Massachusetts.

7:25 p.m. – Discussion: Petapawag Signage Pilot Study, Mike Roberts

Mike Roberts presented his proposal to develop a plan for information and interpretive signage throughout the Commission's conservation properties and a demonstration pilot study at the

Petapawag Canoe Launch. His proposal included a work plan, full cost estimate of \$12,460, and schedule. The goal is to make the history of Groton more visible to the citizens of Groton. At the 2014 River Fest, the Groton Historical Society placed temporary informational signs at the Petapawag Canoe Launch (with Commission approval) and received a positive response from attendees. Mr. Roberts would like to create a more permanent sign project at Petapawag and develop an overall signage policy/standards document for the Commission to use, based on the "Welcome Waysides" model used by the MA Department of Conservation & Recreation (DCR). He would also draft a Memorandum of Understanding (MOU) with the Sign Committee to enable the Commission to get sign approvals more efficiently. He stressed that he did not envision a high number of signs, but rather a few strategically placed signs with high quality informational content.

Members of the Commission expressed broad support for Mr. Roberts' proposal. S. Black said she liked the historic photos and other graphics, but the text needs to be corrected and enhanced. She mentioned an excellent reference book titled *Signs, Trails, & Wayside Exhibits: Connecting People and Places*, by Suzanne Trapp, Michael Gross, & Ron Zimmerman. She will lend it to Mr. Roberts. S. Black also noted that the proposal mentions the Groton Historical Society, and she asked if the Society was providing funding for the project. Mr. Roberts said he was looking to the Commission to fund the entire proposal.

P. Morrison asked if the project was eligible for Community Preservation Act (CPA) funds. B. Easom responded that the project appeared to qualify under the Historic Preservation category. P. Morrison then suggested that the larger portion of the project be proposed for CPA funding after successful completion of the Petapawag demonstration. M. Metzger said she supported using the Petapawag/Sargisson Beach Gift Account to fund Mr. Roberts' proposal, and she asked how much was available in the account. T. Tada reported an account balance of \$13,500.00, but was unsure if all of these funds were available. The account balance had been around \$5,500 the last time he checked, and he was unaware of any new donations. P. Morrison agreed that Petapawag was a good place for the demonstration project because of its popularity, but did not want to spend all of the gift account funds on a single project. He suggested splitting the cost between the gift account and the Land Management Fund. Chairman Smigelski expressed support for the proposal but said signage for each property should be evaluated case-by-case.

Michelle Collette, Town Planner and member of the Sign Committee, cautioned against putting too much emphasis on an MOU with the Sign Committee. It would be problematic for the Sign Committee to implement such an agreement. She recommended sticking to the established sign approval process.

P. Morrison moved to authorize up to \$4,000 for Mr. Roberts' proposal, with the cost split evenly between the Petapawag/Sargisson Beach Gift Account and the Land Management Fund. B. Easom asked if there any restrictions attached to the Gift Account. M. Collette responded that the sign proposal seems to fit with the intent of the original donation by descendants of Harvey Sargisson. M. Giguere said he would be reluctant to authorize spending out of the Land Management Fund, which was established as a result of forest harvests on specific properties and was intended for use in managing those properties. Chairman Smigelski agreed. P. Morrison

asked B. Easom about encumbered CPA funds versus unencumbered CPA funds. B. Easom did not have the accounting breakdown available.

P. Morrison withdrew his initial motion and made another motion, seconded by B. Easom. It was

VOTED: to authorize up to \$4,000.00 from the Petapawag/Sargisson Beach Gift Account to support Mike Roberts' proposal to develop a signage plan that would qualify for CPA funding consideration. Mr. Roberts will prepare the following deliverables:

1. Technical memorandum based on the results of his research.
2. Draft "Groton Conservation Commission Signage Policy and Standards".

The vote was unanimous. Mr. Roberts said he hoped to have some signs ready for display by May 31, 2015, when Groton hosts a regional "Connecting Communities" event.

8:00 p.m. – Discussion: ADA Self-Evaluation, Michelle Collette, Commission on Accessibility
Michelle Collette, Town Planner and ADA Coordinator, presented a draft list of properties to be included in the upcoming Self-Evaluation/Transition Plan as required in the Americans with Disabilities Act (ADA). The Commission on Accessibility will be working with the Northeast Independent Living Program, a non-profit in Lowell, to conduct the Self-Evaluation and prepare the Transition Plan. The Self-Evaluation identifies physical barriers that restrict access to sites, as well as programmatic deficiencies that limit participation in Town programs and events. The Transition Plan will define action items and target dates for improving access to Town land and recreation activities. Having an evaluation and plan in place also protects the Town from civil rights lawsuits. The Commission on Accessibility will be submitting an application to the Community Preservation Committee (CPC) for CPA funding of the evaluation and plan preparation. Ms. Collette prepared the draft list of properties in conjunction with Fran Stanley (Park Commission) and T. Tada. She is seeking comments on the list in advance of the Commission on Accessibility's next meeting on December 15th, 7:00 p.m. at Legion Hall.

8:15 p.m. – Discussion: Stormwater Regulations Update, ERSWAC

Michelle Collette and Robert Hanninen of the Earth Removal Stormwater Advisory Committee (ERSWAC) presented draft revisions to the regulations under the Groton Stormwater Bylaw. The ERSWAC wants to ensure the revised regulations are consistent with Planning Board and Wetlands Bylaw regulations (the Commission is currently revising the Wetlands Bylaw regulations). Under the current regulations, the Planning Board routinely has to grant waivers in deference to the Stormwater Bylaw. The ERSWAC has hired Tim McGivern of Nitsch Engineering to help review the regulations. The review is funded by the Stormwater Revolving Fund. The next ERSWAC meeting is January 6, 2015. They would like any comments received by that date. T. Tada will email the current draft of the Stormwater regulations to members for review. R. Swezey, the Commission's representative on ERSWAC, said she did not see much overlap between the Stormwater and Wetlands Bylaw regulations.

8:15 p.m. – Discussion: Wetlands Bylaw Regulations, Draft Revisions

M. Giguere presented his proposed draft revisions to the Wetlands Bylaw regulations. The regulations need updating in order to be consistent with the newly revised Wetlands Bylaw,

which was accepted at Town Meeting and approved by the Attorney General in 2014. M. Giguere told the group that the biggest change to the Bylaw, and therefore the regulations as well, was the removal of references to a “date certain” that required distinguishing between pre-Bylaw site alterations and post-Bylaw site alterations. Other changes to the regulations proposed by M. Giguere included clarification of definitions, nomenclature, and the process of coordinating with other Town departments and boards through the Form of Intent. He did not propose any updates to the fee schedules for permits or consultants. He said he preferred the other Commissioners weigh in on the fee schedules.

Members of the Commission were in general agreement with M. Giguere’s proposed revisions to the Bylaw regulations. Commissioners discussed the permit fee schedule and reached consensus that a 20 percent increase seemed reasonable. The Commission also discussed a similar 20 percent increase for consultant fees but wanted to check with the Planning Board on this. P. Morrison suggested that the Commission was ready to arrange a public hearing to discuss and vote on the proposed regulations. T. Tada said he would coordinate this, but would first confer with the Planning Board on the consultant fee schedule.

Moving on to Land Management topics, T. Tada reported that Harris Farms had completed the mowing and cutting of vegetation at Baddacook Field. Commissioners agreed that the site looked good. Feedback from the neighbors had been positive. The Commission approved the invoice submitted by Harris Farms in the amount of \$5,440.00 for the work.

On the topic of Surrenden Farm West, M. Giguere said he was scheduled to walk the property with Patricia Huckery of MA Dept. of Fish & Game (holders of the Conservation Restriction). He indicated that Ms. Huckery seemed to be willing to negotiate the seasonal restriction placed on the hay fields by the Resource Management Plan.

On the topic of Williams Barn, T. Tada reported that the date of the Williams Barn Committee’s next meeting in January is yet to be determined, according to Chairman Leo Wyatt. T. Tada will forward M. Giguere’s draft Memorandum of Understanding to Commission members for review.

On the topic of Sargisson Beach, T. Tada said he has received positive reports from the Sargisson Beach Committee (SBC) on the status of the bank stabilization and erosion control project. There have been some weather delays but the work is going well and SBC is pleased with the contractor, Kevin Leone. T. Tada also mentioned that the Town Manager has proposed reinstating lifeguards for the 2015 swimming season at Sargisson Beach. The lifeguards would be provided by YMCA of Greater Lowell. The proposed budget needs to be approved by the Board of Selectmen.

On the topic of Conservation Property Inventory, M. Metzger provided the following reports:

1. James River Greenway – This 1.4-acre property has moderate infestations of Bittersweet and Knotweed close to the Route 119 bridge. On the north side of Route 119 there is a wide swath down to the Nashua River that appears to be maintained, but it is not known by whom.

2. Squannacook River Picnic Site – This 3.4 –acre property was a tax taking of the Town. It features a backwater area of the Squannacook River along Townsend Road. However, there is no access to the river proper.
3. Throne Hill – This small (0.15 acre) parcel is at the corner of Castle Drive and Pepperell Road. It is quite wet, with an intermittent stream flowing through it. A moderate amount of trash has been deposited on the site.

Moving on to other General Business items, S. Black provided an update on the Great Pond Advisory Committee (GPAC). She is working on a revision of the GPAC homeowner's manual. She will provide a draft for the Commission to discuss in January 2015.

Regarding the Community Preservation Committee (CPC), B. Easom reminded the group that draft applications for funding through the CPC are due on January 12, 2015.

On the topic of an agricultural well at Baddacook Field, B. Easom asked about the Board of Health regulations and permit application process. T. Tada will forward the Groton Wells Bylaw to B. Easom.

On the topic of the McCarthy Property on Island Pond Road, R. Swezey reported that the previously postponed foreclosure auction is likely to be canceled. The McCarthy's are working with the bank to sell the property to private buyers. B. Easom expressed a willingness to track the status of the property and, if it does go to auction, to bid on the property on behalf of the Commission, per the Commission's vote in Executive Session on 11/20/2014.

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

VOTED: to authorize B. Easom to act as agent of the Commission should the foreclosure auction of the McCarthy property occur as rescheduled on December 30, 2014.

The vote was unanimous.

At the request of T. Tada, Commissioners agreed to hold its next regular meeting on Monday, December 22, 2014, at 8:15 a.m., at the Town Hall. T. Tada will be leaving for holiday vacation on December 23rd and would like to have sufficient time to process the Order of Conditions for 250 Hill Road, DEP #169-1119 before departing.

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

VOTED: to adjourn the meeting at 9:30 p.m.

The vote was unanimous.

Notes taken by

Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. NOI, Septic Repair, 250 Hill Road, DEP #169-1119
2. Petapawag Signage Proposal by Mike Roberts
3. Memorandum re: ADA Self-Evaluation and Transition Plan
4. Draft Revisions – Stormwater Regulations update, ERSWAC
5. Draft Revisions – Wetlands Bylaw Regulations
6. COC, 44 Pacer Way, DEP #169-606
7. OOC, Lost Lake Fire Protection – Dry Hydrant, DEP #169-1120
8. Conservation Property Inventory
9. Meeting Minutes – 10/14/2014

Approved 2/10/2015