

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, July 14, 2015

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

7:00 p.m. – Public Meeting: RDA, Old Fire Station Renovation, 20 Station Avenue

Applicants: Daniel & Lori McElroy

Representative: Robert Collins, Attorney

Site Walk: 7/11/2015

The applicants submitted a written request to continue the matter to the next meeting on 7/28/2015.

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

VOTED: to continue the public meeting to 7/28/2015. The vote was unanimous.

Moving on to General Business – Meeting Minutes, the Commission reviewed draft minutes from the 6/9/2015 meeting.

Upon a motion by M. Giguere, seconded by S. Black, it was

VOTED: to approve the minutes from 6/9/2015, as written. The vote was 6-0 (B. Easom abstained).

Moving on to other General Business, the Commission considered two requests from the Board of Selectmen pertaining to the Order of Conditions (OOC) for Lost Lake/Knops Pond Aquatic Weed Management Project, MassDEP #169-1086. The first is a request for a three-year extension of the OOC, which expires on 10/25/2015. The second is a request to conduct a follow-up treatment later this month to control variable milfoil using Reward herbicide (diquat). T. Tada reported that there is no proof of recording of the original OOC in the file, and it does not appear of record in the Middlesex South Registry of Deeds database. The Commission should withhold issuance of the approvals until proof of recording is provided by the Selectmen.

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

VOTED: to conditionally approve the requests for extension of the OOC and spot treatment in 2015, pending receipt of recording information from the Selectmen.

Moving on to a follow-up discussion with Chris Brocks, Boy Scout Troop 1, about a potential Eagle project at Bertozzi Conservation Area, Mr. Brocks presented two options for consideration. The first option is to build a barrier of stones and shrubs to protect the eroding riverbank from the additional impacts of frequent use by people and pets. He recognizes that erosion of the bank is a natural process that is accelerated by human activity. The second option is to relocate the walking path away from the eroding bank and stabilize the sensitive areas with native vegetation.

S. Black asked about the type of stones Mr. Brocks would use. He said 12"-18" crushed rock (i.e. riprap). R. Swezey wondered if he could plant and fill in the gaps around the rocks. M. Metzger mentioned the example of Walden Pond where there are defined access points to the water, with fencing elsewhere to prevent haphazard access. Mr. Brocks felt that a fence would look unnatural and detract from the site. M. Metzger suggested he sketch out his plans on paper to make it easier to understand. Mr. Brocks showed a preliminary sketch. M. Giguere said trying to divert people away from the river might be the best option, but it will be hard to keep people and dogs off the bank and out of the water. B. Easom said he prefers to keep people off the bank with plantings and temporary fencing, rather than armoring the bank with stones. Armoring the bank will trigger additional requirements such as a Corps of Engineers permit. Chairman Smigelski agreed that armoring with riprap is not the best option. Commissioners agreed that incorporating a restoration/education component into the project could provide significant public benefit.

7:20 p.m. – Public Meeting: RDA, Remove Pool & Replace Deck, 90 Hemlock Park Drive
Applicant: Glenn Conant
Site Walk: 7/11/2015

Glenn Conant presented his RDA for removal of an old above-ground pool and deck, and construction of a new, smaller deck. The area beneath the removed pool will be allowed to revert back to lawn and/or native groundcover. The vegetated wetland is approximately 65' from the work area and will be protected by a line of erosion controls (staked mulch tube).

M. Giguere asked about the dimensions of the new deck. He also asked about plans to revegetate the pool area. Mr. Conant said the new deck will measure approximately 18'x19' and he anticipated needing to install four concrete footings. He said he would try to leave some of the young native trees growing around the pool area intact; otherwise the area was surrounded on two sides by native shrubs and groundcover, and on the other two sides by lawn and house. B. Easom said the proposal would improve the existing conditions on the property, and he mentioned the Commission's list of approved native plants for revegetation.

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

VOTED: to issue a Negative #3 Determination of Applicability for 90 Hemlock Park Drive, subject to the following two (2) special conditions. The vote was unanimous.

1. Erosion controls installed per the plan.
2. Only native plantings in the areas to be revegetated.

7:27 p.m. – Public Meeting: RDA, Renovation & Landscaping, 33 Longley Road

Applicant: George Clark

Site Walk: 7/11/2015

George Clark presented his RDA proposal to renovate the existing house and regrade/landscape the lot to improve overall site drainage. Work within buffer zone includes reconfiguring the driveway to access the proposed new garage; removing invasive vegetation from, and improving, the swale area off Longley Road to allow routine maintenance; regrading the mounded area behind the house to make a gentler slope; and excavating/grading around the house to create a cellar bulkhead and improve drainage. An 8'x8' deck will be added to the back of house. The proposed garage will require a variance from the Zoning Board of Appeals.

R. Swezey and P. Morrison said it was good to see the property being renovated and improved. M. Metzger agreed, especially with the removal of invasive plants and improved drainage. She suggested creating a more defined vegetated swale off Longley Road to capture road runoff. Mr. Clark said he planned to clear away the invasive brush, add a layer of crushed rock, then loam and seed so that it can be mowed routinely in the future. M. Giguere also said it was good to see the invasives removed, but added that the purpose of the swale area is infiltration of runoff. B. Easom said he was opposed to any filling that would decrease the capacity of the swale to capture runoff. This would likely create additional runoff on the abutting property. He said cleaning out the swale and making it maintainable was a good thing, but it should be done with no net decrease in the existing swale capacity. Chairman Smigelski asked how deep the swale is now. Mr. Clark estimated 12" to 16" deep, and said it was more of a "hole" than a swale.

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

VOTED: to issue a Negative #3 Determination of Applicability for 33 Longley Road,
subject to the following two (2) special conditions:

1. No net filling of the swale in the northeast lot corner is allowed.
2. Erosion controls installed per the plan (may use silt socks).

The vote was unanimous.

7:40 p.m. – Public Hearing (cont'd): NOI, Boulder Wall and Filling, 60 Valley Road, DEP #169-1125

Applicant: Paul Johnson

Representative: Mike Landry

Site Walk: 6/6/2015

Mike Landry requested a continuation on behalf of the applicant, Paul Johnson, who is away on vacation. The applicant also submitted a request to continue via email.

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

VOTED: to continue the public hearing for 60 Valley Road, MassDEP #169-1125, to 7/28/2015. The vote was unanimous.

7:50 p.m. – Discussion: Draft Memorandum of Understanding (MOU), Williams Barn

The Commission reviewed the draft MOU for Williams Barn, as edited by Town Counsel David Doneski. T. Tada also mentioned that the Williams Barn Committee rejected a proposal from an Eagle Scout candidate to construct picnic tables and a kiosk at the barn. Committee Chairman Leo Wyatt stated in an email that they are opposed to having picnic tables on the barn grounds. Also, for future reference, kiosks are considered to be structures under the State Building Code and therefore require a building permit, according to Building Commissioner Ed Cataldo.

Chairman Smigelski wondered if the ‘Prohibited Activities’ section was too restrictive. P. Morrison pointed out that the Commission could approve any such activity in writing, if needed.

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

VOTED: to accept the Williams Barn MOU, as amended by Town Counsel.

T. Tada will prepare a clean version to be signed by Chairman Smigelski and then passed on to the Williams Barn Committee.

Moving on to Land Management Updates, M. Metzger reported that she completed the Northwest properties and the general introduction. T. Tada can print out copies upon request. She is now moving on to the Southwest properties. She also contacted John Strauss, the volunteer steward for Integrity Way Conservation Area, about coordinating a cleanup day; she has not heard back from him yet. Regarding the proposed trail in Groton Woods (off Paugus Trail) she said she flagged the invasive plants to be removed by Will Premru and his fellow Scouts. On the topic of invasive plants education/outreach, she is working on an informational handout for applicants and the general public. She will coordinate her efforts with S. Black and the new Invasives Control Committee.

On the topic of Baddacook Field mowing, T. Tada reported that the Commission received a price quote from Harris Farms in the amount of \$2,100. NHESP has approved the use of herbicides at Baddacook Field, but they have not yet issued a determination on mowing during the turtle season. M. Metzger said she would like to mow the fields as soon as possible before the Black Swallow-wort seed pods open.

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

VOTED: to authorize spending up to \$2,500 from the Land Management account to mow Baddacook Field, pending approval from NHESP. The vote was unanimous.

Under Land Management – Agriculture, Chairman Smigelski mentioned that he plans to plow the field this year at Walnut Run. He will also push back the hedgerows. R. Swezey reported that the Thomas More Foundation is selling its property to a buyer who plans to tear down the buildings and convert it to hay production.

Moving on to other Updates, T. Tada mentioned that the Forest Legacy Program is now accepting grant applications for the next funding cycle. The program is for landscape-scale conservation projects of at least 500 acres.

B. Easom mentioned that GELD is looking to dispose of its old building on Station Avenue and will go out to bid if the Town is not interested in purchasing it. He said GELD used up all of their stormwater credits for the new building. P. Morrison wondered if a Transfer of Development Rights (TDR) gets recorded at the Registry and is transferable.

M. Metzger suggested removing the hazard tree that leans precariously over the swimming hole at Bertozzi Conservation Area. T. Tada will get a quote for the tree work.

8:30 p.m. – Public Hearing: NOI, Tear Down/Rebuild, 283 Townsend Rd., DEP #169-1126

Applicant: Kenneth Tully, Tully Homes Inc.

Representative: Jeffrey Hannaford, Norse Design Services

Site Walk: 7/11/2015

Jeffrey Hannaford presented the proposed NOI to demolish the existing single family house and build a new house in slightly different footprint, with new septic system and a smaller, realigned driveway. The old, failing sewage disposal system (leach pit) is located partially in the water table and will be decommissioned. A new septic system with elevated leachfield in front of the new house is proposed. The site has good, sandy soils but the water table is high. The site is within the Zone II of the West Groton Water Supply District's well field off Townsend Road. The site is beyond the Riverfront Area of the Squannacook River and does not contain any wetlands or buffer zone. The only jurisdictional area is 100-year floodplain (Bordering Land Subject to Flooding, BLSF).

Mr. Hannaford showed a copy the NOI site plan with color highlights of the existing 100-year floodplain elevation contour (248') and the proposed floodplain after grading for the new house and septic system. He explained that the design attempts to balance the Title V septic requirements with the Wetlands Protection Act performance standards for floodplain protection. He requested, and received, a variance from the Board of Health to reduce the proposed leachfield's separation above groundwater from 5' to 4' in order to reduce the amount of filling in the floodplain. Approximately 250 cubic yards of filling is proposed. Mr. Hannaford did a rough calculation of the increase in flood volume based on an assumed average flood water depth of 2' during a 100-year event. He estimated a flood volume increase of 0.037%, which would be too small to see or measure. He argued that the benefits of protecting drinking water and improving groundwater quality were enough to offset the 250 c.y. of filling in floodplain.

M. Metzger agreed that the proposed plan seemed to be an overall improvement of existing conditions, especially removal of the leaching pit that is polluting groundwater.

M. Giguere asked for the area of alteration within the 247'-248' elevation. Mr. Hannaford said calculated the volume of filling (250 c.y.) and the total alteration below flood elevation (12,000 square feet), but did not calculate the area within each foot of elevation. He guessed that it would be roughly 6,000 square feet of alteration within 247'-248' elevation. M. Giguere emphasized that alterations to the floodplain are cumulative, and the Commission ought not to give a free pass to applicants simply because there isn't a suitable spot to provide compensatory flood storage. Mr. Hannaford suggested that the floodplain regulations provided leeway for the Commission to exercise its own judgement as to whether the proposed loss of flood storage capacity would increase the effects of a flood.

B. Easom said it is up to the Commission to uphold the floodplain regulations. He brought up examples of past projects where the Commission required flood storage compensation, such as opening up the sealed basement at the Leatherboard (Rivercourt) building. He said there was room for creativity on this project, such as jacking up the house and using the cellar to provide flood storage. Mr. Hannaford said such a design would trigger the need for flood insurance, which could cost \$3,000 per year.

P. Morrison said he was wrestling with the benefits of water quality versus the filling of floodplain. He said the proposal is probably better than anything else that might come along for this site. He also felt the accuracy of the FEMA flood maps ($\pm 1'$) provided room for discretion on the Commission's part.

S. Black thought the proposal made a good effort to address the various site constraints and regulatory considerations. Chairman Smigelski said the water quality improvement was in the public benefit. B. Easom asked to clarify the existing condition of the septic system. The septic is in failure and will continue to contaminate groundwater for up to two years, under Board of Health/Title V regulations.

M. Giguere referred back to the regulations at 310 CMR 10.57(4)(a)1., which state that the Commission's approval would have to include a finding of no increase in the horizontal extent and level of floodwater. Mr. Hannaford responded that there are areas mapped in the floodplain that really aren't providing any flood storage, while other areas outside of the mapped floodplain do provide storage. M. Metzger said she considered an increase of 0.037% to be insignificant.

Judy Anderson, of 270 Whiley Road, said the cleaner septic system was a clear benefit, while the changes to the floodplain seemed so small.

There being no further discussion, Mr. Hannaford requested the public hearing be closed.

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

VOTED: to close the public hearing for 283 Townsend Road, MassDEP #169-1126. The vote was unanimous.

There being no further business in open session, upon a motion by P. Morrison, seconded by B. Easom, it was

VOTED: to adjourn the open session (not to return) and move into Executive Session pursuant to MGL Ch. 30A, Sec. 21(6). The roll call vote was unanimous.

The meeting was adjourned at 9:20 p.m.

Notes taken by

Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. Meeting Minutes, 6/9/2015
2. RDA, Old Center Fire Station, 20 Station Avenue
3. RDA, 90 Hemlock Park Drive
4. RDA, 33 Longley Road
5. NOI, 60 Valley Road, MassDEP #169-1125
6. NOI, 283 Townsend Road, MassDEP #169-1126
7. Draft MOU, Williams Barn
8. Conservation Property Inventory (Northwest)

Approved 8/11/2015