

GROTON CONSERVATION COMMISSION

Minutes

Tuesday, July 28, 2015

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

7:00 p.m. – Discussion: 366 West Main Street (Decilio)

Attorney Robert Collins, representing Robert & Patricia Decilio, informed the Commission that his clients want to sell their house and property along the Nashua River. They want to know if the Commission is interested in purchasing a portion of the property (approximately 14 acres) that includes significant river frontage and protects riparian habitat. They don't yet have a plan to subdivide the entire property (approx. 16 acres total, including the existing house) and are open to suggestions. The parcel contains enough frontage on West Main Street to subdivide the existing house per zoning regulations and still provide access to the Nashua River. Preservation of this property would complete a stretch of protected riparian corridor all the way to Ayer. Mr. Collins added that the Robert Decilio is an avid birder who has cared for the property over the last 40 years.

Marion Stoddart said the Greenway Committee and the Nashua River Watershed Association are very interested in seeing this priority parcel protected. They have been in contact with the Decilios since 2006 but the discussions have stalled. The land provides rare species habitat, flood storage, pollution prevention, the possibility of trail access to the river, and educational opportunities.

M. Giguere asked about the lot lines. Mr. Collins explained that the parcel boundary shown on the GIS Assessors Map is incorrect. B. Easom asked about the condition of the house. Mr. Collins said the Decilios still live in the house.

Diane and Pete Carson, owners of the Nashoba Paddler, said people come to Groton for the experience of paddling an undeveloped stretch of river. They said this part of the river is exquisite and offered to give the Commissioners a tour by canoe. Robert Stephens, an abutter at 382 West Main Street, asked if the property was in the floodplain. The Commission explained that most it was in the floodplain, but some of the land along the western edge of the property was outside of the floodplain.

The Commission agreed to conduct a site walk on 8/8/2015 and to meet again with Mr. Collins on 8/11/2015. On the topic of an appraisal, the Commission will wait until the Decilios present a subdivision plan that outlines the property to be appraised. R. Swezey suggested they prepare a conceptual plan to discuss at the next meeting.

M. Giguere and B. Easom mentioned the possibility of applying for a state LAND grant to reimburse a portion of the purchase price. The FY16 grant round is closed. B. Easom suggested

the Decilios could sell off the house lot now, and hold on to the remainder until next year in anticipation of a successful LAND grant application. Mr. Collins said the Decilios are not in a position to wait until the FY17 LAND grant cycle next year due to financial constraints. Mr. Collins further stated they might consider a two-step purchase involving an intermediary buyer to relieve the Decilio's immediate financial burdens, while allowing the Commission enough time to pursue the LAND grant.

7:25 p.m. – Public Meeting (cont'd): RDA, Old Fire Station Renovation, 20 Station Avenue

Applicants: Daniel & Lori McElroy

Representative: Robert Collins, Attorney

Site Walk: 7/11/2015

S. Black read aloud the public meeting notice. Mr. Collins presented the latest plan revision on behalf of the applicants. He said the revised plan represents a big improvement overall. The new plan does away with the proposed addition. The only work now proposed within the Riverfront Area and Buffer Zone is the rain garden. Mr. Collins noted that they will prepare a management plan for removal of invasive plants as part of the improvements to the adjacent parking lot at 14 Station Avenue, which will be reviewed by the Planning Board.

S. Black asked about maintenance of the rain garden. Chairman Smigelski asked if the rain garden was still needed. Mr. Collins said the rain garden is still needed to control runoff from the existing building; there is no mitigation of runoff at the present time. There is existing drainage infrastructure beneath the adjacent parking lot that will be used to handle stormwater from the area to be paved for parking. They will need to submit an Operations & Maintenance Plan to the Planning Board.

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

VOTED: to issue a Negative #3 Determination of Applicability for 20 Station Avenue, subject to the following conditions:

1. This decision supersedes the previous determination issued in 2014.
2. The work shall be done per the new plan.

The vote was unanimous.

7:35 p.m. – Public Hearing (cont'd): NOI, Boulder Wall and Filling, 60 Valley Road, DEP #169-1125

Applicant: Paul Johnson

Site Walk: 6/6/2015

S. Black read aloud the public hearing notice. The applicant is away on vacation and submitted a request to continue via email.

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

VOTED: to continue the public hearing for 60 Valley Road, MassDEP #169-1125, to 8/11/2015. The vote was unanimous.

7:36 p.m. – Discussion: Petapawag Sign Study, Michael Roberts

Mike Roberts provided an outline of the draft interpretive signage study report that he plans to submit for discussion at the Commission's meeting on 9/15/15. He has been busier than anticipated with other obligations, and apologized for not providing more frequent updates.

S. Black asked if the Commission would have a chance to review the draft report in advance of the 9/15/15 meeting. Mr. Roberts said he would email the draft to T. Tada for distribution ahead of time. M. Metzger mentioned there are a number of invasive plants at the Petapawag Boat Launch property that need to be cleaned up. She suggested doing this as part of the sign placement proposal. S. Black thought this would be a good task for the new Invasives Control Committee to take on.

7:45 p.m. – Discussion: Violation, 398 West Main Street (Groton Nursery)

Richard and Kelly Kazanjian, owners of Groton Nursery, were present to discuss the violation notice and Enforcement Order they received for the installation of concrete block retaining walls within the 100-year floodplain without a permit. The building of walls or other structures within the floodplain is not permissible unless compensatory flood storage is provided. According to the FEMA flood maps the floodplain elevation is 210'. Mr. Kazanjian explained that he put up the blocks to create bins for his landscaping materials (compost, mulch, stone). The purpose is to keep the materials separate. This helps to keep the area clean and ensure the quality of the materials. The individual blocks measure 2' x 2' x 6', and the walls are 4' tall (i.e. two blocks stacked).

Chairman Smigelski agreed that Mr. Kazanjian has done much to improve the conditions and appearance of the nursery since he took it over. M. Giguere suggested that Mr. Kazanjian could remedy the violation by simply moving the blocks 2' closer to the road (onto the higher ground that appears to be outside of the 100-year floodplain). Mr. Kazanjian said he would do it if it resolved the issue.

Robert Stephens, the abutter at 382 West Main Street, stated that the Kazanjians don't own the land where the materials are stockpiled, because it is part of the old roadway alignment. He also expressed concern that the retaining walls act like a dam and could divert flood water toward his property.

George Moore, Chairman of the Agricultural Commission, said he contacted the Farm Bureau about exemptions for agriculture under the regulations; however he had not had a chance to read through them. T. Tada presented the section of the wetlands regulations dealing with exemptions for 'Normal Improvement of Land in Agricultural Use', 310 CMR 10.04(c). Activities such as the construction of composting and storage areas are exempted as long as there is no net loss of flood storage capacity.

Upon a motion by R. Swezey, seconded by S. Black, it was

VOTED: to authorize Mr. Kazanjian to move the block retaining walls to an elevation of 210' or higher. The vote was unanimous.

The Commission chose not to ratify the Enforcement Order.

Moving on to General Business, the Commission reviewed the draft Order of Conditions for 283 Townsend Road, MassDEP #169-1126. M. Giguere read aloud the 'Findings' section of the draft Order. The public hearing was closed on 7/14/2015.

M. Giguere stated that there is no wiggle room under the Wetlands Protection Act (WPA) for floodplain filling. No net loss of flood storage capacity is allowed, and there is no place on the property to provide compensatory storage. Therefore the only option is to design the new house to provide flood storage capacity. He mentioned the empty cellar at Rivercourt (former Leatherboard building) as an example. M. Metzger suggested the benefit of cleaning up the failed septic system outweighed the 0.037% increase in flood volume as calculated by the applicant.

Jeff Hannaford, of Norse Design Services, mentioned the email he sent to T. Tada confirming the areal and volumetric calculations presented in the NOI application and discussed during the hearing.

M. Giguere read aloud the draft Denial decision and moved to deny the application; it was seconded by B. Easom.

VOTE: The motion to deny did not pass by a vote of 2-4. Giguere and Easom were in favor. Smigelski, Black, Swezey, and Metzger were opposed.

R. Swezey read aloud the draft Special Conditions under the WPA and moved to issue the Order of Conditions. S. Black seconded the motion. M. Giguere offered an amendment to add a special condition that the applicant shall install "breakaway windows" in the basement/cellar to provide emergency storage volume during a flood. B. Easom seconded the motion to amend.

VOTE: The motion to amend to require "breakaway windows" passed by a vote of 4-2. Smigelski, Black, Giguere, and Easom were in favor. Swezey and Metzger were opposed. T. Tada will write the special condition to be consistent with building code.

VOTE: The motion to issue the Order of Conditions under the WPA for 283 Townsend Road, MassDEP #169-1126, passed by a vote of 4-2. Smigelski, Black, Swezey, and Metzger were in favor. Giguere and Easom were opposed.

M. Giguere read aloud the draft Special Conditions under the Bylaw and moved to issue the Order of Conditions. R. Swezey seconded the motion. M. Giguere offered an amendment to add

a special condition that the applicant shall install “breakaway windows” in the basement/cellar to provide emergency storage capacity during a flood. B. Easom seconded the motion to amend.

VOTE: The motion to amend to require “breakaway windows” passed by unanimous vote. T. Tada will write the special condition to be consistent with building code.

VOTE: The motion to issue the Order of Conditions under the Bylaw for 283 Townsend Road, MassDEP #169-1126, passed by a vote of 4-2. Smigelski, Black, Swezey, and Metzger were in favor. Giguere and Easom were opposed.

Continuing with General Business, the Commission considered a request for Certificate of Compliance, 47 Boathouse Road, MassDEP #169-1010. The Commission conducted a site walk on 7/25/2015. The required native shrub plantings were observed to be inappropriately selected (including two non-native species) and ineffectively planted (pots stuck in the sand). Roof runoff from the house is uncontrolled. The shed has gutters with a downspout into the ground.

M. Metzger prepared a list of suitable native plants that could be established in the sand. T. Tada will provide the list to the applicant, Carolyn Defreitas.

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

VOTED: to deny the request for a Certificate of Compliance, 47 Boathouse Road, MassDEP #169-1010, until the native plantings requirement is met. The applicant shall submit a planting plan for Commission approval.

Moving on to Meeting Minutes approval, the Commission reviewed draft minutes from 6/23/2015.

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

VOTED: to approve the meeting minutes from 6/23/2015, as written. The vote was 4 in favor, with Swezey and Giguere abstaining.

Moving on to CPC Updates, B. Easom reported that the state budget signed by Governor Baker includes a transfer of \$10 million dollars to the CPA Trust Fund. The actual percentage match that CPA communities will receive is yet to be determined.

On the topic of the Pipeline Working Group Committee, P. Morrison submitted an email request to the Commission for any specific questions/concerns. Pipeline Committee Chairman Kevin Kelly will incorporate the Commission’s comments into his report to the Selectmen next Monday. The Commission agreed with the list of concerns provided by P. Morrison.

Taking up a proposed plan change at 99 Boathouse Road, MassDEP #169-1117, the Commission reviewed a letter and photographic plan from the contractor, James Basnett. The proposed change is to spread and compact an area of crushed stone on the gravel portion of Boathouse Road near the site entrance. The area of stone will protect the existing gravel surface and ensure stability during construction. The work will be coordinated with the Groton DPW-Highway. The Commission had no concerns.

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

VOTED: to accept the proposal to spread crushed stone on the road as a minor plan change to the OOC for 99 Boathouse Road, MassDEP #169-1117. The vote was unanimous.

Moving on to Land Management updates, M. Metzger mentioned that the Senior Center has a very nice pollinator garden. She also said she has started visiting the southwest properties as part of her Property Inventory update. She provided a report on Ames Meadow and said the unidentified plants observed during the site walk on 7/15/2015 are haircap moss and hornbeam. She also reported that she attended the recent Aquatic Invasives Workshop organized by the NRWA and presented by MassDCR. One of the takeaways from the workshop is that the use of Sonar herbicide (fluridone) to control fanwort is safe and effective, according to MassDCR.

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

VOTED: to adjourn the meeting. The 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, 6/23/2015
2. RDA, Old Center Fire Station, 20 Station Avenue
3. NOI, 60 Valley Road, MassDEP #169-1125
4. Order of Conditions, 283 Townsend Road, MassDEP #169-1126
5. Minor Plan Change, 99 Boathouse Road, MassDEP #169-1117
6. Conservation Property Inventory (Northwest)

Approved 8/25/2015