

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, December 21, 2015

John Smigelski (Chairman) called the meeting to order at 7:10 p.m. with members Eileen McHugh, Marshall Giguere, and Bruce Easom present. Peter Morrison (Vice Chairman) and Susan Black (Clerk) were absent. M. Giguere read the public meeting/hearing notices at the indicated times. Conservation Administrator Takashi Tada was present.

7:10 p.m. – Public Hearing: NOI, Tee Box Repair, Groton Country Club, MassDEP #169-1132
Applicant: Groton Country Club (Shawn Campbell, General Manager/Head Golf Professional)
Owner: Town of Groton
Site Walk: 12/19/2015

Shawn Campbell of the Groton Country Club presented the proposed plan to complete repairs to the 8th Hole tee box, and restore damage to the adjacent Bordering Vegetated Wetland (BVW), at the golf course. The work on the existing tee box was begun by the landscape contractor (Escapes Corporation) without a permit, and approximately 50 square feet of BVW was directly altered by the installation of a drain pipe and stone trench. An area of BVW approximately 12' x 4' was dug out next to the tee box for the pipe/trench. The native soils are piled up around the trench, and the contractor proposes to place these soils back in the excavated area once the drain pipe and crushed stone have been removed. The pipe will be cut at the edge of the block retaining wall that is being installed as a replacement for the previously existing timber retaining wall around the tee box.

T. Tada explained that the Commission issued an Enforcement Order to the Town on 12/7/2015 requiring the cessation of all work and the filing of a NOI with a plan to restore the BVW. The golf course is located within the Petapawag Area of Critical Environmental Concern (ACEC); therefore, alteration of BVW is prohibited except for those activities that qualify as “limited” projects under the Wetlands Protection Act regulations at 310 CMR 10.53(3). MassDEP has issued a file number for this project, with the comment that erosion controls be installed around the restoration area until it is completely stabilized. The contractor proposes to use straw wattles for this purpose.

E. McHugh expressed concern about using any machinery to replace the native wetland soils. She recommended replacing the soils by hand and leaving them uncompacted. The soils should settle and compact naturally, while allowing the existing seed bank to revegetate the area. The dominant plant in the BVW is native cat-tail, although there is some invasive bittersweet along the edge of the tee box that should be cut back by hand.

M. Giguere agreed that the native soils should be replaced by hand. He also noted that the parking of machinery within the Buffer Zone requires the use of spill prevention devices (i.e.

“diapers”) to keep any hazardous fluids out of the resource. He preferred to see machinery stored at least 50 feet away from the BVW, if possible.

B. Easom reminded Mr. Campbell of the extensive wetlands that are part of the Country Club landscape, including areas of wetland that were likely filled to create the existing golf course during the pre-Wetlands Protection Act era. Mr. Campbell mentioned that he has already reviewed other potential projects with T. Tada to understand which ones will require permits.

Russell Harris of *The Groton Herald* newspaper asked about a memo issued by Town Manager Mark Haddad, dated 12/8/2015, that questioned the Commission’s handling of the Country Club enforcement and compared it to the case of the Groton Nursery on West Main Street. B. Easom explained that most of the Commission’s enforcement actions are for encroachments into the 100’ Buffer Zone of resource areas, after the work has already occurred. It is often difficult to quantify the exact nature of the violation after it has occurred, and/or to identify the responsible party. In this case the work was in progress and was clearly occurring directly in the resource area itself. Commission members further clarified that it is standard practice for the Commission to ratify Enforcement Orders that have been issued for obvious violations. The case of the Groton Nursery is different because it involved a routine activity that appeared to occur in the 100-year floodplain. The extent of the 100-year floodplain is difficult to ascertain without the aid of a topographic survey or benchmark elevation. B. Easom added that the Town ought to be held to the same standard as anyone else, if not a higher standard.

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

VOTED: to close the public hearing for Groton Country Club, MassDEP #169-1132.
The vote was unanimous (4-0).

7:40 p.m. – Public Hearing (cont’d): NOI, 60 Valley Road, MassDEP #169-1125
Applicant/owner: Paul Johnson
Site Walk: 6/6/2015

Mr. Johnson submitted an email request to continue the hearing.

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

VOTED: to continue the public hearing for 60 Valley Road, MassDEP #169-1125, to 1/12/2016. The vote was unanimous (4-0).

7:40 p.m. – Public Meeting: RDA, Proposed Garage, 112 Sandy Pond Road
Applicant/owner: Paula M. Dewar
Site Walk: 12/19/2015

B. Easom recapped the site walk conducted over the weekend. It was observed that the location of the proposed garage is outside of the 100’ Buffer Zone. M. Giguere asked about the presence

of a test pit that appeared to be within the Buffer Zone. Ms. Dewar said the hole is for burial of a dog that passed away.

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

VOTED: to issue a Negative #1 Determination for 112 Sandy Pond Road. The vote was unanimous (4-0).

Moving on to General Business – Meeting Minutes, the Commission reviewed draft minutes from 12/8/2016. There were no comments.

Upon a motion by M. Giguere, seconded by E. McHugh, it was

VOTED: to approve the meeting minutes from 12/8/2016, as written. The vote was 3 in favor, with one abstaining (J. Smigelski).

Under General Business – Invoices, the Commission approved payment of invoices from the Groton Herald (\$135.00) and the Lowell Sun (\$149.48) for legal notices. The Commission also approved invoices the Nashua River Watershed Association (\$100.00) for annual membership; and from A-1 Odd Jobs (\$1,100.00) for routine field mowing at Ames Meadow, Crosswinds, Knowles Siding, and Smith Street Conservation Areas.

Also under General Business, the Commission considered the request for Certificate of Compliance for the renovation/addition at 58 Old Lantern Lane, MassDEP #169-1070, submitted by David E. Ross Associates, Inc. on behalf of the owners, Garrett & Charla Boles. The Commission conducted a site inspection on 12/19/2015 in the presence of the building contractor, Mike McDonald. The renovation and addition appeared to be constructed per the plans, the required conservation markers were installed along the tree line, and the site appeared to be in stable condition.

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

VOTED: to issue a Certificate of Compliance for 58 Old Lantern Lane, MassDEP #169-1070. The vote was unanimous (4-0).

7:50 p.m. – Public Meeting: RDA, Proposed Deck, 16 Island Pond Road

Applicant/owner: Sean Gaines

Site Walk: 12/19/2015

Sean Gaines presented his proposal to replace the existing (10' x 10') deck on the rear of the house, with an expanded (10' x 20') new deck. The expanded deck will use one of the existing footings and also require three new footings. The nearest existing footing was measured to be

approximately 46' from the intermittent stream bank. The expansion area with new footings would occur further away from the intermittent stream.

E. McHugh asked if it was possible to keep the new footings out of the 50' no disturbance zone (Bylaw), perhaps with a cantilevered design. She also asked if the corner of the deck could be reshaped to allow a pathway to the back yard. Mr. Gaines said he was no longer considering the access path around the corner. He will utilize the path around the other side of the house to access the back yard.

M. Giguere said he would like to see crushed stone placed on the bare ground beneath the entire deck area to mitigate runoff. Mr. Gaines agreed, saying it would be better for storing items under the deck.

B. Easom mentioned the gutter discharge pipe off the back corner of the house that was observed during the site walk. He asked if the pipe could be replaced with a French drain (stone trench) along the side of the house to infiltrate the roof runoff. Mr. Gaines liked the idea and said it would also help to infiltrate runoff from the back corner of the driveway, which has been a recurring problem for him.

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

VOTED: to issue a Negative #3 Determination for the deck at 16 Island Pond Road, subject to the following conditions:

1. Crushed stone shall be placed under the entire deck area.
2. A stone infiltration trench for roof runoff shall be installed along the east side of the house.

8:00 p.m. – Discussion: Trail Bridges in McLain's Woods, Eagle Project (Ben Hawk)

Ben Hawk was unable to attend the meeting, but he provided photographs of the box-type steps he added to make it easier to use the two trail bridges he installed for his Eagle Project. In his effort to protect tree roots at the bridge sites, Mr. Hawk placed the bridges such that the ends are not dug in. This resulted in a step-up that is higher than anticipated. According to Paul Funch of the Trails Committee, the added box steps are a reasonable compromise solution. They are stable and hiker-friendly, but not so good for mountain bikers.

Moving on to other General Business, the Commission reviewed the draft Order of Conditions for the Groton School Driveway (North Access) project, MassDEP #169-1131. E. McHugh noted that it might be difficult to find white ash trees as part of the proposed revegetation plan, but she supported the attempt to maintain native plant diversity at the site.

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

VOTED: to issue an Order of Conditions under the Wetlands Protection Act for the Groton School Driveway, MassDEP #169-1131. The vote was 3 in favor, with one abstaining (J. Smigelski).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for the Groton School Driveway, MassDEP #169-1131. The vote was 3 in favor, with one abstaining (J. Smigelski).

On the topic of General Business – Land Acquisition, the Commission took up the Groton School’s donation of a 7.44-acre portion of the former Decilio property on the Nashua River. Representing the Groton School, attorney Robert Collins explained that the land is shown as ‘Parcel B’ on the plan of land prepared by Ducharme & Dillis, dated 10/20/2015. Chairman Smigelski announced that he was fully supportive of the land donation, but would abstain from any vote because the donation is related to the Groton School Driveway project. Discussion of the land donation occurred previously as part of the public hearing for the driveway project.

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

VOTED: to accept the donation of 7.44 acres of land by the Groton School. The vote was 3 in favor, with one abstaining (J. Smigelski). Commissioners signed the Acceptance Form and Mr. Collins notarized it.

The Commission then took up the donation of land on Lost Lake by Beverly Gustin, as represented by Robert Collins. The parcel (Map 124, Parcel 22) contains 0.14 acres or 6,000 square feet, according to the Assessors database. However, Mr. Collins asserted that the Assessors data is incorrect because it is based on a 60’ x 100’ rectangular lot shape. The actual lot configuration is irregular and extends from Balsam Walk (a paper road) all the way to the shoreline of Lost Lake, which is over 200 feet away along the northern lot line. Mr. Collins said the actual area of the parcel is closer to 0.25 acres. T. Tada reported that the back taxes owed on this parcel are in ballpark of \$1,000.00 according to the Tax Collector, Mike Hartnett.

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

VOTED: to accept the donation of Parcel 124-22 by Beverly Gustin and authorize the transfer of up to \$1,500.00 from the Conservation Fund to pay taxes owed on the parcel. The vote was unanimous (4-0). Commissioners signed the Acceptance Form and Mr. Collins notarized it.

The Commission also took up the donation of 13 acres of land by Clifford Robison (North Woodlot Nominee Trust, Parcel 251-72). T. Tada received the signed Deed from Clifford and Barbara Robison earlier today. Mr. Collins pointed out that the Deed should be recorded before the end of the year in order to take it off the tax rolls. He offered to execute the recording of the Deed.

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

VOTED: to accept the donation of 13 acres of land by Clifford Robison (Parcel 251-72). The vote was unanimous (4-0). Commissioners signed the Acceptance Form and Mr. Collins notarized it. Commissioners thanked Mr. Collins for recording the Deed.

Moving on to Open Session, Chairman Smigelski acknowledged Karen Vanderborgh of 47 Fairway Drive. Ms. Vanderborgh said she and her neighbors have noticed patches of trees/shrubs cleared in front of some houses on Lovers Lane, on the Country Club (east) side of the road. There is a large BVW around Cady Pond in the east side. The clearing has occurred clandestinely, so she can't say for sure who is responsible. Chairman Smigelski suggested putting up a game camera in the area. B. Easom said the Commission should conduct a site walk to look at the area, and also send out a letter to the neighborhood residents informing them of the requirement to get landowner (Town) permission and Commission approval for any clearing of vegetation in this area. Members Easom, Giguere, and McHugh will walk the area with Ms. Vanderborgh on 12/24/2015.

Under General Business – Land Management, B. Easom reported that he received approval from the MA Dept. of Conservation & Recreation (DCR) for his design of the proposed bridge on Gibbet Hill. He will begin the process of seeking grant funding and getting permit approvals for the bridge, including filing a NOI.

As a final order of business, the Commission reviewed the draft Order of Conditions for the Groton Country Club Tee Box Repair, MassDEP #169-1132.

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

VOTED: to issue an Order of Conditions under the Wetlands Protection Act for the Groton Country Club Tee Box Repair, MassDEP #169-1132. The vote was unanimous (4-0).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for the Groton Country Club Tee Box Repair, MassDEP #169-1132. The vote was unanimous (4-0).

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

VOTED: to adjourn the meeting. The meeting was adjourned at 9:20 p.m.

Notes taken by Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. Groton Country Club, MassDEP #169-1132
 - a. Enforcement Order
 - b. Notice of Intent (NOI)
 - c. Order of Conditions (OOC)
2. OOC, Groton School Proposed Driveway, MassDEP #169-1131
3. NOI, 60 Valley Road, MassDEP #169-1125
4. RDA, 112 Sandy Pond Road
5. RDA, 16 Island Pond Road
6. Certificate of Compliance, 58 Old Lantern Lane, MassDEP #169-1070
7. Meeting Minutes, 12/8/2015

Approved 1/12/2016