

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, April 12, 2016

John Smigelski (Chairman) called the meeting to order at 7:00 p.m. with Peter Morrison (Vice Chairman), Susan Black (Clerk), Eileen McHugh, Marshall Giguere, Bruce Easom, and new member Olin Lathrop present. Conservation Administrator Takashi Tada was present. S. Black read the public hearing/meeting notices at the indicated times.

7:00 p.m. – Public Hearing: NOI, Septic System Repair, 2 Bishop Road, MassDEP #not issued
Applicant: Lagasse Trucking
Owner: Jonathan McSweeney
Representative: Stan Dillis and Jack Maloney, Ducharme & Dillis Civil Design Group
Site Walk: 4/9/2016

Stan Dillis presented the septic repair NOI for the existing single family house at 2 Bishop Way. The latest plan revisions, per the Board of Health, are dated 4/6/2016. The new leaching bed will be constructed on the north side of the house and driveway. It will tie in to the existing tank which is located on the opposite side of the driveway. All of the proposed work will occur within existing lawn. The erosion controls on the east side of the work area will be approximately 50 feet from the BVW associated with the intermittent stream in the drainage easement along Pepperell Road. Mr. Dillis also noted the system elevation profile that was provided by Jack Maloney upon request by the Commission following the site walk. Substantial filling and grading will be required to create the new leaching bed. The site is located within mapped rare species habitat, but NHESP issued a determination letter stating the project is exempt from MESA review because it involves repair of a septic system entirely within existing lawn.

S. Black asked about plans to save the two mature maple trees on the north side of the work area. Mr. Dillis said they intend to save the trees and protect them with tree wells.

M. Giguere asked about the extent of filling required, and the slopes within the buffer zone, with respect to the Town's bylaws. Mr. Dillis said the maximum depth of proposed filling is 5 feet, and the graded slopes will be 3:1 or less.

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

VOTED: to continue the public hearing for 2 Bishop Way, MassDEP # not issued, to 4/26/2016. The vote was unanimous.

Moving on to General Business – Meeting Minutes, the Commission reviewed draft meeting minutes from 3/8/2016 and 3/22/2016.

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

VOTED: to approve the meeting minutes from 3/8/2016, as written. The vote was 6 in favor, with O. Lathrop abstaining.

Upon a motion by S. Black, seconded by E. McHugh, it was

VOTED: to approve the meeting minutes from 3/22/2016, as written. The vote was 6 in favor, with O. Lathrop abstaining.

Moving on to another General Business item, the Commission reviewed and amended a draft Order of Conditions for 1 Radio Road, MassDEP #169-1135. This is a septic system repair project.

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

VOTED: to issue an Order of Conditions under the Wetlands Protection Act for 1 Radio Road, MassDEP #169-1135. The vote was 5 in favor, with O. Lathrop abstaining.

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for 1 Radio Road, MassDEP #169-1135. The vote was 5 in favor, with O. Lathrop abstaining.

The Commission approved a reimbursement request from Bruce Easom for MACC Annual Environmental Conference registration fee. The amount is \$115.00.

On the topic of Land Management updates, T. Tada provided an update on the Conservation Restriction for Baddacook Field/Shattuck Homestead. The CR has been signed by all parties, including EEA Secretary Matthew Beaton. T. Tada will forward the signed document to Town Counsel for recording at the Registry of Deeds.

On a related topic, T. Tada also reported that he is filing a NOI on behalf of the Board of Selectmen for proposed removal of invasive aquatic weeds in Baddacook Pond using diver assisted suction harvesting. The public hearing is scheduled for the next meeting on 4/26/2016.

7:15 p.m. – Public Meeting: RDA, Temporary Access Improvements & Building Demolition, 122 Old Ayer Road (Indian Hill Music)

Applicant/owner: Indian Hill Music

Representatives: Gary Shepherd, Shep Co Inc.; Todd Morey, Beals Associates Inc.

Site Walk: 4/9/2016

Gary Shepherd and Todd Morey presented Indian Hill Music's request to temporarily improve the existing unpaved farm access way off Old Ayer Road. They are using the access for site investigations and also to demolish the old house and garage. Approximately half of the garage is within the buffer zone. Temporary improvements to the access will include replacing the existing failed culvert pipe with a 12" diameter concrete pipe of the same length (20 feet); regrading the path to make it safer for CNST vehicles; and adding crushed stone on top (first 30 feet off the road to be 6" stone to trap dirt). Mr. Shepherd said they would also like permission to maintain the drainage ditch and catch basins along the road frontage of the property, under the direction of DPW Director Tom Delaney. The ditch does not flow properly and the catch basins are underwater.

S. Black said it would be a good thing to clean out the drainage ditch, including the removal of invasive plants. She asked if they planned to clean out the existing pipes that carry drainage under Old Ayer Road to James Brook. Mr. Morey said yes, they would clean them out.

E. McHugh asked for more details about the work to maintain the ditch and catch basins. Mr. Delaney said they would need to slightly regrade the channel to get rid of humps that impede the flow. He said there are sumps in the catch basins, but they are old and might need replacing. Mr. Shepherd said there is approximately 2,000 feet of road frontage along the property line, and they would "do whatever it takes" to clean out and restore flow in the ditch.

M. Giguere said he was uncomfortable with the lack of detail in the RDA plan and description. He asked for more details about the temporary replacement culvert and the extent of work to improve the access way. Mr. Shepherd said the new culvert would be a 12" diameter reinforced concrete pipe (RCP) of the same length (20 feet) as the existing, smaller pipe. Mr. Morey said the slope of the improved gravel road will be fairly steep (8-10% grades) and will require swales and check dams to handle runoff. The gravel road will be created by excavating the top 12" of native material; placing a geogrid liner at the bottom; filling in with 12" of gravel; and adding a layer of 6" trap rock over the first 30 feet off Old Ayer Road.

B. Easom agreed that the RDA project description is inadequate, and he also expressed concern about Mr. Shepherd's pledge to "do whatever it takes" to clear out the ditch. Mr. Shepherd reiterated that the ditch maintenance work would be done according to Tom Delaney's guidance.

O. Lathrop said he observed minimal flow to the north in the ditch during the site walk. He asked how they would keep silt from entering James Brook, once the drainage flow is restored. Mr. Morey said the proposed excavation for the access improvements is below grade; therefore no material will move downhill as a direct result. The swales and check dams along the gravel road will mitigate surface runoff, and the trap rock CNST entrance will prevent tracking of dirt onto Old Ayer Road.

P. Morrison said he was okay with the ditch maintenance being done under DPW supervision. He asked if replacing the catch basin sumps would be considered routine maintenance of public ways. Mr. Delaney said replacing an existing sump falls under the category of routine maintenance. P. Morrison also asked if a curb cut permit would be required for an expanded

driveway entrance in the future. Mr. Delaney said it is an existing access point; therefore no curb cut permit is needed.

Mr. Shepherd said he and Mr. Delaney found a second drainage swale, further off the road, toward the southern end of the property. He noted they are still learning about the site.

E. McHugh asked where the excavated soil would be stockpiled. Mr. Shepherd said they have a landing area on top of the hill, well beyond the buffer zone. It is protected by a berm.

M. Giguere asked if they intend to remove the stone wall behind the old garage. Mr. Shepherd said they would leave the stone wall intact. The garage structure and concrete foundation will be removed.

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

VOTED: to issue a Negative #3 Determination of Applicability for 122 Old Ayer Road (Indian Hill Music), subject to the following four (4) special conditions:

1. Work along the drainage ditch to be done during a dry time of year.
2. Ditch maintenance to be done under supervision of Groton DPW Director.
3. All material to be stockpiled outside the buffer zone.
4. Existing culvert pipe can be replaced at any time, as proposed.

The vote was 6 in favor, with M. Giguere opposed.

7:50 p.m. – Discussion: Minor Field Change, 120 Boston Road, MassDEP #169-1100

Applicant/owner: John Amaral, 120 Boston Road LLC

Representative: Stan Dillis, Ducharme & Dillis Civil Design Group

John Amaral presented a brief history of the project and the circumstances surrounding the proposed field change. The original Order of Conditions was appealed by the abutter, Dorothy Janes (116 Boston Road) and the project ended up being mediated in court. MassDEP issued a Superseding OOC that affirmed the Commission's permit. The specific issue that requires a field change is construction of the retaining wall along the shared property line, through the old septic mound. The contractor could not safely complete the approved retaining wall and associated drainage swale, due to interference by the abutter. The proposed field change, as shown in the redline plan by Stan Dillis, will shift the drainage swale 2 feet to the east, away from the septic mound. The western edge of the swale will be graded to meet up with the partially completed wall, and the slope will be stabilized with riprap. The revised swale will have the same elevations and drainage capacity as the original design. Joe Bellino of MassDEP approved of the field change in an email dated 4/1/2016.

Members of the Commission had no issues with the proposed change.

8:00 p.m. – Public Hearing (cont'd): NOI, Sewer Connection, 116 Boston Road (Janes), MassDEP # not issued

Applicant/owner: Dorothy Janes & Shane Grant
Representative: David Erickson, attorney

Shane Grant, property manager for 116 Boston Road, mentioned a letter submitted by Attorney David H. Erickson on behalf of Ms. Janes. The letter requests 30 days for review of the revised drainage swale on the abutting property (120 Boston Road) by her engineer. Mr. Grant claimed that the contractor dug onto his property and breached a legal easement.

The Commission informed Mr. Grant that due to the property owner, Ms. Janes, having appealed the Commission's OOC (120 Boston Rd) and DEP having issued a Superseding Order, the Commission no longer has jurisdiction, and that Mr. Dillis was appearing before the Commission only as a courtesy. Also if Mr. Grant had any comments or questions about the project they would have more appropriately been raised at the time public comments were solicited by the Chairman following Mr. Dillis' presentation.

Chairman Smigelski reminded Mr. Grant that the civil litigation between the property owners was beyond the scope of the Commission's jurisdiction. The Commission does not have the power to give Mr. Grant and Ms. Janes what they are looking for.

MassDEP has not issued a file number for this NOI.

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

VOTED: to continue the public hearing for 116 Boston Road NOI to 4/26/2016. The vote was unanimous.

Moving on to other General Business, the Commission reviewed and amended a draft Order of Conditions for 38 Ridgewood Avenue, MassDEP #169-1134. This is a septic system repair project.

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

VOTED: to issue an Order of Conditions under the Wetlands Protection Act for 38 Ridgewood Avenue, MassDEP #169-1134. The vote was 5 in favor, with O. Lathrop abstaining.

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for 38 Ridgewood Avenue, MassDEP #169-1134. The vote was 5 in favor, with O. Lathrop abstaining.

Taking up another Land Management Update, M. Giguere discussed the latest status of revisions to the Surrenden Farm Resource Management Plan. He and T. Tada met with farmers Roy &

Peter MacGregor last week to discuss management of the hay field (Management Zone 2). The farmers said it would make a significant difference if they could mow the lower fields one month earlier (Sept. 1 rather than Oct. 1). It would allow them to get more out of the field, and also to keep it in a much better, open state. Typically, the lower fields are too wet and the days are too short for them to get in there, even to cut back the encroaching shrubs. The MacGregors were also considering whether to apply for a reimbursement grant through Mass Audubon's Bobolink Project to further delay mowing (to Aug. 1) on a 10-acre portion of the upper field. M. Giguere provided a working draft of a field map with the various mowing schedules. Lastly, he said the Commission should plan to issue an RFP for a longer term (likely 5 years) agricultural license in July of this year, to commence in July of next year (2017).

E. McHugh provided an update on the Earth Removal Stormwater Advisory Committee. The ERSWAC approved Lawrence Academy's proposed realignment of Powderhouse Road, with minor revisions.

B. Easom provided an update on the Community Preservation Committee. The CPC met last night and all of the funding proposals are on the Annual Town Meeting Warrant.

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

VOTED: to adjourn the meeting at 8:45 p.m. The vote was unanimous.

Notes taken by Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. OOC, 1 Radio Road, MassDEP #169-1135
2. OOC, 38 Ridgewood Avenue, MassDEP #169-1134
3. NOI, 2 Bishop Way, MassDEP # not issued
4. NOI, 116 Boston Road, MassDEP # not issued
5. Field Change Plan, 120 Boston Road, MassDEP #169-1100
6. Surrenden Farm Resource Management Plan (draft)
7. Baddacook Field Conservation Restriction
8. Meeting Minutes, 3/8/2016 & 3/22/2016

Approved 5/10/2016