

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, June 14, 2016

Peter Morrison (Vice Chairman) called the meeting to order at 7:00 p.m. with Susan Black (Clerk), Eileen McHugh, Marshall Giguere, and Olin Lathrop present. Bruce Easom arrived at 7:10 p.m. John Smigelski (Chairman) was absent. Conservation Administrator Takashi Tada was present. S. Black read the public hearing/meeting notices at the indicated times.

7:00 p.m. – Public Hearing (cont'd): NOI, Baddacook Pond Weed Management, MassDEP #169-1138

Applicant: Board of Selectmen

Representatives: Great Pond Advisory Committee (GPAC); Ted Fiust, Aquatic Vision LLC (by phone)

Site Walk: 4/23/2016

Jim Luening, GPAC Chairman, reported that the consultant, Ted Fiust of Aquatic Vision LLC, just informed him by phone that the modified harvester needed to conduct the work is no longer available. Thus, the project cannot be implemented according to the proposed timeline. The future availability of the harvester is unknown at this time.

Bill Strickland of GPAC asked if the equipment delay would change how the NOI decision is handled. The Commission explained that an Order of Conditions, if issued, would be valid for three years.

The MA Natural Heritage & Endangered Species Program (NHESP) issued a “no take” determination letter for the project on 5/25/2016.

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

VOTED: to close the public hearing for Baddacook Pond NOI, MassDEP #169-1138.
The vote was unanimous (5-0).

The Commission then reviewed a draft Order of Conditions for the project.

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

VOTED: to issue an Order of Conditions under the Wetlands Protection Act for Baddacook Pond Weed Harvesting, MassDEP #169-1138. The vote was unanimous (5-0).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for Baddacook Pond Weed Harvesting, MassDEP #169-1138. The vote was unanimous (5-0).

B. Easom arrived – 7:10 p.m.

Moving on to General Business – Invoices, the Commission approved the following invoices:

- VCS, Baddacook Field herbicide application - \$3,100.00
- Great Road Farm & Garden (Myette), brush mower maintenance - \$162.05
- J&S Business Products, plan copies - \$12.00
- *The Groton Herald*, legal notices - \$91.13

Next the Commission reviewed draft Meeting Minutes from 5/10/2016. There were no edits.

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

VOTED: to approve the meeting minutes from 5/10/2016, as drafted. The vote was 5 in favor, with E. McHugh abstaining.

Taking up Land Management topics, S. Black provided an update on Baddacook Field. She said the herbicide mix used by VCS last month seems to have been very effective on Black Swallow-wort in the areas that were sprayed. However, they did not spray all the way up the hill in the northeast corner of the property, nor did they spray in the power lines or across the road on private property. S. Black has visited some of the neighbors' properties and identified significant infestations that will be going to seed. She is drafting a letter to the neighbors to educate them on the threat posed by Black Swallow-wort and the options for controlling its spread. She will also reach out to Jeff Taylor of VCS to discuss follow-up on the spraying.

On the topic of Williams Barn, B. Easom said he would ask if the CPC would consider an out-of-cycle application to cover costs associated with repairs to the Williams Barn. T. Tada confirmed that Val Prest of Groton Engineering LLC is doing a structural evaluation of the barn.

Regarding the Rocky Hill Gift Fund, T. Tada presented a letter from Bob Collins, attorney for Rocky Hill developers Robert J. Lacombe and David C. Moulton. The letter authorizes the Commission to use the remaining balance of the account to fund the structural evaluation of the Williams Barn and/or to be added to the Conservation Fund for land acquisition. The Rocky Hill Gift fund was established in 2007 with \$4,500 from the developers to help offset the cost of legal review associated with the Rocky Hill conservation restrictions. T. Tada will draft letters thanking Mr. Lacombe and Mr. Moulton.

On the subject of Forestry, T. Tada reported that the Request for Qualifications (RFQ) for forestry/vegetation management services has been finalized and will be advertised in *The Groton Herald* this week and next, and will appear in the state's Central Register next week.

T. Tada also provided brief updates on Bertozzi and Sargisson Beach. Chris Brown of Troop 1 and Alex Krofta of MWRC/NRWA are nearing completion of their riparian restoration work at Bertozzi Conservation Area. They expect to finish this week. At Sargisson Beach, the Park Ranger, Jordan Dorff, is back on board for the duration of the season. The lifeguards from Greater Lowell Family YMCA are under contract through the end of June (FY16), but funding for FY17 is up in the air due to the school budget/override uncertainty.

7:15 p.m. – Public Meeting: RDA, Addition & Parking Lot, 11 Station Avenue (Kenney)

Applicants: Luke & Katie Kenney

Owner: Beaudane Properties LLC

Site Walk: 6/11/2016

Luke & Katie Kenney, proprietors of the Blackbird Café, presented a concept plan to convert the existing house at 11 Station Avenue into a restaurant. They propose a 25'x30' addition on the back of the house for kitchen and seating, and a gravel parking lot for 13 cars on the south side of the house. The existing garage, deck, and gazebo will be removed. Mr. Kenney said he was looking into his options for dealing with stormwater runoff from the parking lot, such as permeable pavers or a stone trench. He plans to install a French drain for roof runoff. The proposed addition is located just outside of the 50' no disturbance zone, but the proposed parking area extends into the 50' setback up to the existing fence line on the east side of the parcel. The edge of wetland is presumed to be in the vicinity of the fence line.

E. McHugh expressed concern about concentrating the infiltration from the parking lot so close to the wetland, if a rain garden and/or stone trench is used. The existing area is vegetated (lawn) except for the garage. She also would like to see on-street parking to reduce the parking lot size, but acknowledged this was a zoning issue. She suggested the parking lot could be reconfigured to minimize encroachment within the 50' no disturbance zone.

M. Giguere said the proposed work within the 50' setback under the Bylaw was a concern, along with the potential to alter the function of the wetland buffer zone by constructing a parking lot. Mr. Kenney said he was weighing the installation and maintenance costs to install permeable pavers that would maintain the current infiltration in the buffer zone. He also noted that he would be removing two impervious features (gazebo and garage) from the buffer zone.

B. Easom observed that the removal of the gazebo and garage would more than offset the proposed building addition. However, a plan to infiltrate the proposed parking lot is needed to avoid an overall negative impact.

O. Lathrop concurred that the mitigation of stormwater runoff is the real issue. Mr. Kenney said he got some preliminary calculations and design specifications from his engineer (Stamski & McNary, Inc.), but not a formal plan.

P. Morrison noted the permeability of stone/gravel surfaces varies, but a hardpack gravel can be as impervious as asphalt. He prefers pervious pavement over permeable pavers. The small

paved lot behind Town Hall is a pervious paved surface that seems to function well. He agreed that the main issue is parking lot runoff.

Mr. Kenney agreed continue the public meeting in order to prepare a plan for handling parking lot runoff.

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

VOTED: to continue the public meeting for 11 Station Avenue RDA to 6/27/2016. The vote was unanimous (6-0).

7:55 p.m. – Public Hearing (cont'd): NOI, Boulder Wall, 60 Valley Road, MassDEP #169-1125

Applicant/owner: Paul Johnson

Site Walk: 6/6/2015

MassDEP provided no additional comment on the revised NOI plan submitted by Paul Johnson. T. Tada prepared a draft Order of Conditions for review.

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

VOTED: to close the public hearing for 60 Valley Road, MassDEP #169-1125. The vote was unanimous (6-0).

The Commission then reviewed the draft Order of Conditions for the project.

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 60 Valley Road, MassDEP #169-1125. The vote was 4 in favor with 2 abstaining (McHugh, Lathrop).

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 60 Valley Road, MassDEP #169-1125. The vote was 4 in favor with 2 abstaining (McHugh, Lathrop).

8:05 p.m. – Public Hearing (cont'd): NOI, Sewer Connection, 116 Boston Road, MassDEP # not issued

Applicant/owner: Dorothy Janes & Shane Grant

Representative: David Erickson, attorney

MassDEP has not issued a file number for this NOI. The Commission asked T. Tada to instruct the applicant to resend the NOI application to MassDEP. T. Tada will also ask if MassDEP cashed the check for the state's portion of the NOI fee.

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

VOTED: to continue the public hearing for 116 Boston Road, MassDEP # not issued, to 7/12/2016. The vote was unanimous (6-0).

8:06 p.m. – Discussion: Shared Driveway Culvert, 173 Gratuity Road, MassDEP #169-791
Beth Barr, of 173 Gratuity Road, voiced concern about the shared driveway stream crossing (culvert) that was constructed incorrectly in 2002 by the developer, Breezy Hill Realty (Barry Cunningham). It is also unclear if the required wetland replication was done. Ms. Barr explained that her husband passed away recently and she could no longer afford to live in the house. She is also dealing with health issues and is desperate to sell the house. But the old Order of Conditions was recorded on her property title and never closed out via a Certificate of Compliance. She would like to be able to close out the Order, sell the house, and move on. She urged the Commission to consider issuing a Certificate of Compliance.

Adam Burnett, of 155 Gratuity Road, explained how the installed culvert deviates from the approved design. He said the stream is intermittent, and the culvert crossing has proven to be fully stabilized over the years.

P. Morrison, E. McHugh, and M. Giguere suggested Ms. Barr hire an engineer to certify that the existing culvert is functioning as intended. This would provide the expert opinion needed for the Commission to consider issuing a Certificate of Compliance. At present, it is a lack of suitable information about the crossing, rather than a lack of sympathy, that prevents the Commission from taking action to close out the permit.

B. Easom added that there is a need to ascertain if the wetland replication occurred to offset the loss of wetlands due to the culvert installation. The approved plan calls for 1,000 square feet of replication. Mr. Burnett speculated that the replication for this wetland crossing might have been combined with the replication area for two other crossings, further downstream (completed under separate Orders of Conditions). B. Easom asked on whose property the downstream replication area is located. Ms. Barr, Mr. Burnett, and Asha Mohan of 151 Gratuity Road, estimated the replication area is located on the properties of Lee (#175) and Madigan (#191). The Commission requested that the residents reach out to their neighbors to secure permission to conduct a site walk to review the replication area.

Moving on to Committee updates, E. McHugh reported that the Earth Removal Stormwater Advisory Committee continued the hearing for the Groton School Driveway. The Committee also discussed the issue of sedimentation in the stormwater retention basins at the NESSP Temple construction site.

O. Lathrop said the Invasive Species Committee would like permission to remove some Bittersweet vines by mechanical methods on the Cox-Walker Conservation Area trail, north of Chicopee Row. B. Easom asked if approval of the Groton Conservation Trust (GCT, holder of the conservation restriction) is needed.

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

VOTED: to authorize the Invasive Species Committee to remove Bittersweet plants along the trail on Cox-Walker Conservation Area, contingent upon approval by the GCT.
The vote was unanimous (6-0).

Taking up the issue of Reorganization, the Commission reorganized as follows (all votes unanimous):

- John Smigelski – Chairman
- Olin Lathrop – Clerk
- Peter Morrison – Vice Chairman
- Bruce Easom – CPC representative
- Eileen McHugh – ERSWAC representative
- Olin Lathrop – Invasive Species Committee representative
- Bruce Easom – Williams Barn Committee representative
- Marshall Giguere – GPAC representative

9:05 p.m. – There being no further business in Open Session, upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to adjourn the Open Session and enter into Executive Session pursuant to MGL Ch. 30A, Sec. 21(6), without the possibility of re-entering into Open Session. The roll call vote was unanimous (6-0). The Open Session was adjourned at 9:05 p.m.

Notes taken by Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. NOI, Baddacook Pond Weed Management, MassDEP # 169-1138
2. RDA, 11 Station Avenue
3. NOI, 60 Valley Road, MassDEP #169-1125
4. NOI, 116 Boston Road, MassDEP # not issued
5. Meeting Minutes, 5/10/16

Approved 7/26/2016