

GROTON CONSERVATION COMMISSION

Meeting Minutes

Monday, June 27, 2016

Chairman John Smigelski called the meeting to order at 7:00 p.m. with Peter Morrison (Vice Chairman), Olin Lathrop (Clerk), Susan Black, Eileen McHugh, and Bruce Easom present in the 1st Floor meeting room. Marshall Giguere participated remotely by speakerphone. Conservation Administrator Takashi Tada was present. O. Lathrop read the public hearing/meeting notices at the indicated times. Chairman Smigelski noted that all votes would be by roll call.

7:00 p.m. – Public Meeting: RDA, Private Well Connection, 392 Boston Road

Applicant: Christopher Eaton, Skillings & Sons Inc.

Owner: Sharon Broadstone

Representative: Mike Pelletier, MassDOT

Site Walk: 6/25/2016

Mike Pelletier of MassDOT Highway Division's Salt Remediation Program presented the plan to connect the existing house to a new private well that was installed under a previous negative Determination of Applicability. The work will require a four-foot trench from the well to the house, for the water line and electrical conduit. It should only take one day to complete.

During the site walk the Commission observed some debris around the new well. The existing erosion control (silt fence) was also observed to be in need of repair. Mr. Pelletier said the debris would be hauled offsite, and the area around the well would be loamed and hydroseeded.

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

VOTED: to issue a Negative Determination of Applicability for work in the buffer zone, subject to the following special conditions. The roll call vote was unanimous.

1. Excess material and debris shall be removed offsite.
2. Disturbed areas shall be loamed & seeded.
3. Silt fence shall be repaired and maintained in good condition.

7:15 p.m. – Discussion: Land Donation, 530 Old Dunstable Road (Michael Dermody)

Michael Dermody of Dermco LLC and his attorney, Robert Collins, asked the Commission to accept a donation of 2 acres of land associated with the redevelopment of 530 Old Dunstable Road. The 2 acres of land represents a portion of Parcel 247-53, which has been granted a Special Permit by the Planning Board to demolish the existing multi-unit structure and replace it with three separate houses. Mr. Dermody said the land to be donated is an existing corridor used by deer and other wildlife. Mr. Collins said the land is almost contiguous with the Woodland Park Conservation Area (Wildflower Lane subdivision). He also said the subject property is registered land, which makes it more difficult and time consuming to transfer ownership.

M. Giguere said he drove by the parcel recently and it looked like all the trees had been removed and stumped, except for the perimeter trees. He reiterated that the property is not contiguous with other protected areas, and worried that the Commission would be taking on the inevitable problems with encroaching abutters. Mr. Dermody and Mr. Collins assured the Commission that they would install signs along the boundary as directed. The Commissioners discussed a 50' interval between signs.

S. Black and E. McHugh said they would like to see the property before agreeing to accept it. S. Black was concerned about taking on a management headache with respect to invasive plants.

B. Easom said he would also prefer to see the property first, but this was not a crucial point. He said it was better to own this type of property in fee, rather than hold a restriction on it. The donation being offered would result in fee ownership.

O. Lathrop said he didn't see any real downside to accepting the donation and owning the land, even if it had invasive plants. The situation would not be made any worse.

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

VOTED: to accept the donation of two acres of land off Old Dunstable Road by Michael Dermody (Dermco LLC). The roll call vote was unanimous. The Commission will conduct a site walk in the near future.

7:27 p.m. – Public Meeting: RDA, Removal of Invasive Plants, Surrenden Farm & Town Forest
Applicant/Owner: Town of Groton (Conservation Commission & Town Forest Committee)
Representative: MA Division of Fisheries & Wildlife (MassWildlife)

T. Tada explained the proposal by MassWildlife to control invasive Japanese knotweed patches growing along the Nashua River on Town properties (Surrenden Farm West and Town Forest). MassWildlife had offered to cut/treat the knotweed during discussions with the Commission to update the Resource Management Plan for Surrenden Farm West. The treatment methodology was provided by Jesse Leddick of MassWildlife's Natural Heritage & Endangered Species Program (NHESP). Mr. Leddick is a licensed applicator and will perform the work with assistance from other MassWildlife personnel. NHESP will be issuing a "no-take" determination letter under the exemption for management of rare species habitat.

Stephen Babin, Chairman of the Town Forest Committee, said his committee meets tomorrow night to discuss the proposal. He did not have any individual comments and did not expect any objections from the committee.

S. Black said she likes the methodology outlined by Mr. Leddick.

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

VOTED: to issue a Negative #2 & #3 Determination of Applicability for the Knotweed control project at Surrenden Farm & Town Forest, subject to the following conditions.

The roll call vote was unanimous.

1. The work shall be performed as described in the RDA.
2. Receipt of NHESP's exemption letter is required prior to the start of work.

7:40 p.m. – Discussion: Permitting Issues, 6 Hazelwood Avenue (LeGacy)

Wayne LeGacy, owner of 6 Hazelwood Avenue, and his attorney, Doug Deschenes, discussed the current state of the property. Two outstanding Orders of Conditions for septic repair and a retaining wall (MassDEP File Nos. 169-857 & 169-979, respectively) were never closed out. The previous owner (Carson) applied for a Certificate of Compliance in 2008, but the Commission observed evidence of instability in the retaining wall during site inspection. At that time he Commission asked Mr. Carson to stabilize the site before a Certificate of Compliance could be issued; however, he did not follow up with the Commission.

Mr. Deschenes said the new owner, Mr. LeGacy, would like to complete the closeout process on the two outstanding Orders. He would also like to add a deck to the house, in the existing lawn area bounded by the retaining wall. They believe the retaining wall is stable and in satisfactory condition.

P. Morrison and M. Giguere recommended filing an RDA for the new deck. B. Easom said it would be best from a procedural standpoint to close out the old Orders before filing an RDA.

The applicants said they would follow the Commission's recommendations.

7:50 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

The applicants requested a continuation.

Upon a motion, seconded, it was

VOTED: to continue the public meeting for 11 Station Avenue RDA to 7/12/2016. The roll call vote was unanimous.

7:50 p.m. – Discussion: Plan Modification, 35 Cannery Row, MassDEP #169-1107

Carl Canner presented a proposed plan modification to his existing Order of Conditions for riverbank stabilization/restoration along the Squannacook River at 35 Cannery Row. The proposed modification is to expand the existing lean-to shed located within the driveway turn-around. The shed is approximately 147 feet from the river.

Commissioners agreed that the proposed work is minor in nature; however, it is not in keeping with the scope of the bank stabilization project. They recommended filing an RDA. Mr. Canner said he would do so.

7:55 p.m. – Discussion: Encroachment Issue, 27 Crystal Springs Lane

T. Tada informed the Commission that the homeowners at 27 Crystal Springs Lane (Vikram & Sara Narayan) have relocated the play structure, swimming pool fence, and landscaping materials from the conservation restriction area. The owners would like to know if the Commission will allow some leeway in resetting the boundary line marker (4" x 4" wooden post) away from the play structure (and toward the corner of the pool fence) to reduce the safety hazard. They have children who run around the play area. The owners are also thinking about planting native shrubs to fill in the disturbed area along the conservation boundary. They have not developed a planting plan yet.

Commissioners expressed a willingness to consider a planting plan. S. Black offered to assist the owners in this regard. Commissioners were also willing to be flexible on the location of the boundary marker to be reset by a surveyor.

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

VOTED: to authorize the conservation boundary marker to be reset as near as 3 feet from the northwestern corner of the pool fence. The roll call vote was unanimous.

8:05 p.m. – Discussion: Certificate of Compliance, 173 Gratuity Road, MassDEP #169-791

Commissioners discussed a memo prepared (and stamped) by Steve Marsden of Marsden Engineering Inc., dated 6/20/2016, pertaining to the stream crossing on the shared driveway which provides access to the residences at 151, 155, and 173 Gratuity Road. The driveway was constructed under an Order of Conditions, MassDEP #169-791, issued to 173 Gratuity Road (Marsh). The memo from Mr. Marsden certifies that the triple-culvert crossing is stable, hydraulically functional, and substantially in compliance with the approved design. It also notes that some wetland replication appears to have been done on the west side of the culverts.

M. Giguere agreed that the culvert crossing appears to be functioning well enough, and the replication area is better than some other projects the Commission has seen. He said it would not make sense to try and redo everything.

S. Black also agreed, but she noted that some of the comments made previously by the owner of 155 Gratuity Road (Burnett) about the functioning of the culvert seemed to be contradictory.

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

VOTED: to authorize the issuance of a Certificate of Compliance for 173 Gratuity Road, MassDEP #169-791. The roll call vote was unanimous. T. Tada clarified that no one has submitted a Request for Certificate of Compliance as of yet.

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

- *The Groton Herald*, legal notices - \$163.13
- Paul Funch, Trails Committee, reimbursement for gas (brush mower) - \$5.01

P. Morrison asked about the status of the Commission's weed whacker. O. Lathrop said it was stored in Mr. Funch's shed.

On the topic of Land Acquisition, the Commission discussed the land of Jodie Gilson located off Dale Lane that is proposed to be unenrolled from Chapter 61A as part of a P&S agreement with Edward Juskalian. Commissioners agreed it would be worthwhile to ask Mr. Juskalian to place a CR on the land after he buys it from Ms. Gilson. Commissioners were undecided about buying the land outright. Chairman Smigeslki and T. Tada will meet with Town Manager Mark Haddad about reaching out to Mr. Juskalian.

Taking up Land Management topics, T. Tada provided brief updates on Surrenden Farm, the Forestry RFQ, and recent brush fires at Bertozzi Conservation Area. The dry conditions this year are increasing the risk and severity of brush fires.

S. Black provided an assessment of the herbicide treatment to control invasive Black Swallow-wort at Baddacook Field. It appears VCS did not spray in the "hollow" area in the northeastern corner of the property, or across the road on Sanford Johnson's property. There are also plants around the parking area that seem to have been missed. She suggested contacting Jeff Taylor of VCS about the missed areas, especially the hollow. P. Morrison and M. Giguere said it was up to other landowners to arrange, and pay for, herbicide treatment on their own land. They said it was a slippery slope for the Commission to engage in herbicide treatment on private property.

Moving on to Committee updates, E. McHugh reported that the Earth Removal Stormwater Advisory Committee had an interesting meeting with Indian Hill Music regarding site drainage issues on top of the hill at 122 Old Ayer Road.

B. Easom said the Community Preservation Committee was waiting for final accounting from the state. Receipts are higher overall than last year, but the addition of Springfield and Boston into the mix could diminish the funds available to other towns like Groton.

8:45 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. The Open Session was adjourned at 8:45 p.m.

Notes taken by Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. RDA, 392 Boston Road
2. RDA, Surrenden Farm & Town Forest
3. RDA, 11 Station Avenue
4. Memo from Steve Marsden re: 173 Gratuity Road, MassDEP #169-791

Approved 8/23/2016