

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, July 26, 2016

Chairman John Smigelski called the meeting to order at 7:00 p.m. with Peter Morrison (Vice Chairman), Bruce Easom, Marshall Giguere, Susan Black, Eileen McHugh and Olin Lathrop (Clerk) present in the 2nd Floor meeting room. Conservation Administrator Takashi Tada was present. O. Lathrop read the public hearing/meeting notices at the indicated times.

7:00 p.m. – Public Meeting: RDA, Additions & Retaining Wall Repair, 2 Alder Road

Owners/Applicants: Kyle Bargoot & Heather Turcotte

Site Walk: 7/23/2016

The applicants described their proposal to add a new rear entryway, a new deck, and expand the pump room of the existing single family house; and to repair an existing retaining wall behind the house. They are in the process of doing a complete rehabilitation of the old cottage to bring it up to code. The application packet includes a sketch plan for handling roof runoff. The Commission issued a Negative Determination on 1/13/2016 for repair work related to the foundation and water damage.

E. McHugh asked about the conditions of approval for the earlier Negative Determination. T. Tada said the three conditions were: 1) no expansion of the foundation footprint; 2) maintenance of the erosion control hay bales; and 3) appropriate mitigation of roof runoff.

M. Giguere noted the new proposal seeks to increase the existing footprint of the house and also includes excavation/disturbance for the retaining wall repair and foundations drains. He thought the scope of the proposed work merited consideration for a Notice of Intent filing. He also wondered if the retaining wall repair would require a Building Permit application with engineered plans.

B. Easom asked if there was a foundation under the old pump room, and if the new room could be built in the same footprint. Mr. Bargoot said he was not sure yet if the old pump room has a foundation (not visible). He also said a bigger pump room was needed to upgrade to a proper holding tank. The proposed pump room would add approximately 36 square feet (6'x6') to the house. B. Easom then asked about roof runoff. Mr. Bargoot referred to the sketch plan ("Gutter/Rainwater Plan") submitted with the RDA.

O. Lathrop asked for further details on the roof drainage and infiltration. Mr. Bargoot explained the plan for handling roof runoff with gutters, downspouts, and weeping drains (French drains).

P. Morrison felt it would be an onerous burden to require a NOI filing for such a small increase in the building footprint. He suggested trying to condition the work through a Negative Determination.

S. Black pointed out the applicants would be significantly improving the site overall. There were no existing controls for drainage/runoff associated with the old cottage. O. Lathrop agreed that adding gutters to the roof would be a big improvement.

Chairman Smigelski asked how the excavating would be done, and if they could install a drywell under the deck to infiltrate runoff. Mr. Bargoot said they are using picks and shovels, but they would need to install the sonotube footings for the deck before they could put in a drywell.

P. Morrison said the perforated pipe drains should work very well with the existing soils at the site. He has similar drains at his house that work well. Mr. Bargoot said runoff and erosion have been an ongoing problem, and he recognizes the need for infiltration.

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

VOTED: to issue a Negative #3 Determination for proposed additions and repair work at 2 Alder Road, subject to the following four (4) conditions:

1. All roof runoff shall be suitably recharged into the ground.
2. Erosion controls shall be maintained in good condition during construction.
3. Rock pile below the retaining wall shall be moved to a stable location outside of the 50-foot no disturbance zone.
4. All excess soils and other excavated materials shall be properly removed offsite.

The vote was unanimous.

7:29 p.m. – Public Meeting (cont'd): RDA, Addition & Parking Lot, 11 Station Avenue

Applicants: Luke & Katie Kenney

Owner: Beaudane Properties LLC

Site Walk: 6/11/2016

The applicants requested continuation of the public meeting.

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

VOTED: to continue the meeting for 11 Station Avenue to 8/9/2016. The vote was unanimous.

7:30 p.m. – Public Hearing: NOI, Music Center at Indian Hill “Phase 1”, 122 Old Ayer Road, MassDEP # 169-1139

Applicant: Gary Shepherd, Project Manager

Owner: Indian Hill Music

Representatives: Todd Morey and Devin Howe, engineers with Beals Associates, Inc.

Site Walk: 7/9/2016

Todd Morey of Beals Associates discussed his written responses to the comments raised by the Commission and MassDEP. His response letter is dated 7/22/2016 and it addresses the five outstanding comments from the public hearing on 7/12/2016.

1. Comment: Discharge of untreated groundwater into wetlands. Response: Groundwater in the curtain drains is clean. It will not be exposed to surface contaminants and it will pass through geotextile liner and clean stone.
2. Comment: Lack of proposed infiltration. Response: The Stormwater Bylaw discourages infiltration in Group D soils, especially where groundwater table is high. Crushed stone will be added below the subsurface sedimentation basin, at the request of the Town's Stormwater consultant (Nitsch Engineering).
3. Comment: MassDEP concern about project segmentation. Response: Mr. Morey explained the rationale for the phased approach. Phase 1 is needed to inform the final design of the music center, with the added benefit of speeding up the project timetable.
4. Comment: MassDEP question about MEPA thresholds. Response: The project doesn't trigger any MEPA thresholds. No state permits or state funding are involved.
5. Comment: Provide a cross-section of groundwater and curtain drain elevations relative to the wetland resource areas. Response: A curtain drain area cross section is provided with the letter (Sheet C4.3.1).

E. McHugh asked for clarification of the groundwater cross section. The bottom elevation of the groundwater table is not shown. Mr. Morey said they did not reach the bottom of groundwater during site investigations. The groundwater table is perched, but it extends deeper than the limits of their geo-testing equipment. E. McHugh expressed concern that the curtain drains will act like a sponge that is compressed, resulting in a change in the hydrology. It will increase the quantity and timing of groundwater entering the wetlands. Mr. Morey agreed that the timing of groundwater flow to the wetlands would be accelerated, but the overall volume would not change.

M. Giguere worried about the next phase, or phases, of the project if the groundwater table remains higher than expected. Mr. Morey said the main purpose of Phase 1 is to provide insight into the next phase, i.e. to see how the site responds to the proposed groundwater management efforts. M. Giguere also wondered if the increase in groundwater flows from the curtain drains would create instability. Mr. Morey didn't think so, and he pointed out that Nitsch Engineering conducted a full peer review and did not have any comments on the curtain drains.

P. Morrison mentioned a past project in which blasting created bedrock fractures that caused the wetlands to disappear. M. Giguere said the Commission reviewed the entire site for wetlands during the Thomas More College ANRAD process several years ago. Mr. Morey mentioned they have conducted approximately 40 test pits, plus additional soil borings, across the site.

B. Easom asked about the source of water entering the proposed sedimentation basin, and if the water discharging from the basin into the Buffer Zone would be "hot". Mr. Morey said the basin will receive surface runoff, but it is not a wet pond. The water will not sit long enough to heat up. The discharged water will also be cooled as it runs through vegetation in the Buffer Zone. B. Easom asked if the discharge point could be relocated outside of the Buffer Zone. Mr. Morey said he will look into alternatives. P. Morrison noted that the sedimentation basin would

eventually be covered (i.e. underground), which would eliminate the concern about heating. Mr. Morey added that the discharge pipe would remain cool by being 7 feet below grade.

O. Lathrop said he still had concerns about concentrating the groundwater that seeps into the wetlands. Chairman Smigelski said the groundwater flows generally to the north, rather than east-west, based on his past experience at the site. Mr. Shepherd agreed, adding that the east-west flows to the wetlands seemed to be the result of “capillary action”.

E. McHugh said she would like to see the monitoring well data during the course of the project.

S. Black said unclogging the drainage pipes under Old Ayer Road was a common sense effort that would result in a big improvement, given the existing gas line obstruction.

NHESP has yet to issue a rare species determination letter for this proposal. The 30-day limit should be up in the next couple of days, depending on when they received the NOI.

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

VOTED: to continue the NOI public hearing for Phase 1, Indian Hill Music, MassDEP #169-1139, to 8/9/2016. The vote was unanimous.

8:25 p.m. – Public Hearing (cont’d): NOI, Sewer Connection, 116 Boston Road, MassDEP # not issued

Owner/Applicant: Dorothy Janes & Shane Grant

Representative: David Erickson, attorney

No updates. Chairman Smigelski brought up the possibility of fining the applicants for failing to complete the NOI submittal with MassDEP.

P. Morrison said there needs to be a clear regulatory basis for levying a fine. He asked if MassDEP had cashed the check that was supposedly sent to them. T. Tada will find out.

O. Lathrop asked for some background history on the project. He was not a Commission member during the enforcement action and subsequent NOI filing back in January.

M. Giguere suggested sending a letter giving the applicants 30 days to complete the NOI filing with MassDEP, or else face the possibility of fines.

E. McHugh said such a move seemed vindictive and she was not in support of it.

B. Easom recommended the Commission proceed deliberately, as if it were headed to court. All correspondence to the applicant should be sent via Certified Mail, and should lay out the Commission’s expectations precisely. He offered a motion to send a Certified Mail letter giving the applicants a 30 day deadline to complete the NOI filing, or else the Commission will consider denying the NOI and the levying fines as prescribed in the Bylaw.

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

VOTED: to issue a Certified letter to the applicants with a 30 day ultimatum to complete the NOI filing, or face the possibility of a denial and fines for continued non-compliance.
The vote was unanimous.

Moving on to General Business – Invoices, the Commission approved payment of an invoice from *The Groton Herald* for a legal notice in the amount of \$47.81.

Taking up Meeting Minutes Approval, the Commission reviewed draft minutes from 6/14/2016.

Upon a motion by M. Giguere, seconded by O. Lathrop, it was

VOTED: to approve the 6/14/2016 minutes as drafted. The vote was unanimous.

On the topic of General Business – Land Acquisition, T. Tada said discussion on the Ch. 61A land off Dale Lane (Gilson) would resume at the next meeting on 8/9/2016 at a specified time on the agenda so that the buyer's and seller's representatives can plan to attend. Attorney Bob Collins provided a letter to the Commission on behalf of the buyer, Edward Juskalian, stating they could not commit to a permanent conservation restriction at the present time, but were willing to discuss the matter further.

Moving on to Land Management topics, B. Easom reported that the CPC agreed to accept an out-of-cycle application for structural repairs of the Williams Barn. The report by structural engineer Val Prest is done, and Leo Wyatt of the Williams Barn Committee will be using the report's recommendations to prepare a CPC proposal. S. Black asked if the Commission could get a copy of the report. T. Tada said he would contact Mr. Prest about getting the report and also the invoice. The Commission approved Mr. Prest's cost proposal on 5/24/2016.

Regarding Forestry initiatives, T. Tada announced a meeting with the Commission's consulting forester, Mike Barry of Bay State Forestry Service, to occur on 8/2/2016 at 2:00pm. The main focus of the meeting will be a Forest Stewardship Plan for Surrenden Farm.

On the topic of Aerial Surveys, the Commission received a request from Groton resident Andrew Young (d.b.a. Flying Squirrel, Inc.) to conduct aerial surveys of conservation land using two drone aircraft. Mr. Young plans to begin commercial operations in the fall, and he would like to conduct training flights in preparation. He offered to provide the Commission with any aerial survey data that he collects, if allowed to conduct flights on/over our properties. Commissioners had no objections to Mr. Young's request and identified Baddacook Field/Shattuck Homestead and Surrenden Farm as actively-managed conservation lands that could benefit from such aerial surveys. M. Giguere and P. Morrison raised questions about FAA registration and pilot certification. M. Giguere also wanted a copy of Mr. Young's operating plan. T. Tada will work with M. Giguere to provide follow-up questions/comments to Mr. Young.

Moving on to Committee Updates, E. McHugh said the Earth Removal Stormwater Advisory Committee would be discussing the reconstruction of a fire-damaged dormitory building on the Grotonwoods campus, at its next meeting on 8/2/2016.

9:00 p.m. – There being no further business, upon a motion by P. Morrison, seconded, it was

VOTED: to adjourn the meeting. The vote was unanimous. The meeting was adjourned at 9:00 p.m.

Notes taken by Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. RDA, 2 Alder Road
2. Notice to convert land under Ch. 61A (Gilson)
3. RDA, 11 Station Avenue
4. NOI, 116 Boston Road, MassDEP # not issued
5. NOI, Music Center at Indian Hill, Phase 1, MassDEP #169-1139
6. Meeting Minutes, 6/14/2016

Approved 10/11/2016