

## GROTON CONSERVATION COMMISSION

### Meeting Minutes

Tuesday, August 9, 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, and Eileen McHugh present in the 2<sup>nd</sup> Floor meeting room. Olin Lathrop (Clerk) 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, 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

The applicants received approval from NHESP under the MA Endangered Species Act.

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

VOTED: to close the NOI public hearing for 122 Old Ayer Road, the Music Center at Indian Hill “Phase 1”. The vote was unanimous (6-0).

Taking up General Business, the Commission considered the request for a Certificate of Compliance for Lost Lake Fire Protection, Dry Hydrant, MassDEP # 169-1120. The dry hydrant on Island Road has been successfully installed and tested. Commissioners conducted a site inspection on 8/6/2016. M. Giguere said his only concern is the plastic netting that was used as part of the slope stabilization above Lost Lake. Otherwise the site appeared to be stable and in good condition.

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

VOTED: to issue a Certificate of Compliance for Lost Lake Fire Protection, Dry Hydrant, MassDEP # 169-1120. The vote was unanimous (6-0).

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

- \$2,312.50 – Val Prest, Groton Engineering LLC, for structural engineering assessment of the Williams Barn foundation and recommendations for shoring up the historic structure.
- \$95.63 – *The Groton Herald*, for legal notices.

On the topic of Land Management – Surrenden Farm, T. Tada reported on the meeting with Mike Barry of Bay State Forestry Service and the MA Division of Fisheries & Wildlife (MassWildlife). Mike Barry will begin drafting a Forest Stewardship Plan for Surrenden Farm. T. Tada also reported that the proposed plan to control Japanese Knotweed along the Nashua River has been approved by NHESP. The work will be done by licensed MassWildlife personnel (Jesse Leddick).

Also under Land Management – Baddacook Field, S. Black provided a draft letter and invasive species informational sheet for mailing to neighbors of Baddacook Field. There is no update from Jeff Taylor of VCS regarding the status of Black Swallow-wort following the spraying. M. Giguere mentioned the aerial drone imagery provided by Andy Young of Flying Squirrel, Inc. It would be more useful if the image resolution can be increased.

7:15 p.m. – Public Meeting: RDA, New Construction, 72 Boathouse Road

Applicant: Michael S. Rosa

Owners: Michael S. Rosa & Nicholas J. Rosa

Engineer: Peter Blaisdell, Williams & Sparages

Site Walk: 8/6/2016

Michael Rosa briefly summarized the proposal to tear down the old cottage and construct a new single-family house at 72 Boathouse Road. A site walk was conducted with the engineer, Peter Blaisdell of Williams & Sparages. The applicant has received approvals from the ZBA (non-conforming lot) and NHESP (rare species habitat).

M. Giguere noted that only a narrow gravel strip (approx. 3 feet wide) of the property, along Boathouse Road, is within the buffer zone of Lost Lake. The proposed driveway entrance will cross this strip. Otherwise the proposed work is outside the buffer zone.

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

VOTED: to issue a Negative #3 Determination of Applicability for 72 Boathouse Road. The vote was unanimous (6-0).

Moving on to Land Management – Williams Barn repairs, B. Easom said the Williams Barn Committee received approval from the CPC to submit an out-of-cycle request for Community Preservation funds in the Historic Preservation category, to help pay for repairs to the barn foundation. He will assist the chairman of the Williams Barn Committee, Leo Wyatt, in preparing the application by the 9/1/2016 deadline. He asked if the Commission would provide a letter of support for the application.

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

VOTED: to issue a strong letter of support for the Williams Barn Committee's CPC application. The vote was unanimous (6-0).

Taking up an Open Session item, the Commission reviewed an Enforcement Order for 30 Britt Lane. The Order was issued by T. Tada on 8/3/2016 for unpermitted tree clearing within the buffer zone of Flat Pond, behind the existing house at 30 Britt Lane. T. Tada was alerted to the clearing by the Health Agent, Ira Grossman, as well as a concerned abutter. The homeowner has a Board of Health permit for a replacement septic system in the front yard (outside the buffer zone) but the tree clearing in the backyard was not part of the septic permit. M. Giguere provided photos from a site visit on 8/6/2016. The Enforcement Order requires the homeowner, Donald Partridge, to immediately cease and desist from doing any further work in the buffer zone and to file a Notice of Intent with a restoration plan.

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

VOTED: to ratify the Enforcement Order issued to Donald Partridge, 30 Britt Lane. The vote was unanimous (6-0).

Moving on to Committee Updates, E. McHugh reported on the Earth Removal Stormwater Advisory Committee's last meeting on 8/2/2016. The NESSP Temple's plan modifications were approved following satisfactory peer review by Nitsch Engineering. The Groton School's north access driveway is still under review; they met with Nitsch Engineering. And the Committee issued a permit to Grotonwood (TABCOM) for reconstruction of a dormitory building destroyed by fire.

For the Community Preservation Committee, B. Easom mentioned they are accepting public comments as part of the Community Preservation Plan update. (See above for update on the Williams Barn update.)

7:30 p.m. – Public Meeting: RDA, Additions & Septic Repair, 16 West Main Street  
Applicant/owner: Michael Cote  
Site Walk: 8/6/2016

Michael Cote, 16 West Main Street, presented his RDA application to build an addition to the existing house, construct a new barn, and relocate the existing septic tank. The existing house is an old brick Federal style next to the abandoned railroad tracks and RiverCourt Residences. The addition will expand the kitchen and garage. The new barn will measure 36' x 42'. The septic tank has a dip ("bellow") in the line; moving the tank will allow the line to be repaired and also provide clear access to the expanded garage and new barn. The existing paved driveway will be replaced with pea stone or gravel.

S. Black asked about the proximity to the intermittent stream, as observed on the site walk. She said converting the driveway to pea stone could be a positive. Mr. Cote said the approximate stream line is shown on the RDA plan, but the stream channel has been altered over the years by previous owners.

E. McHugh asked for clarification on what is being proposed in this RDA. She observed that the RDA project description includes three “steps” and the site plan is difficult to decipher, although it appears the additions will be approximately 68’ from the stream. Mr. Cote explained that the septic tank relocation is Step 1; the kitchen and garage expansion are Step 2; and the new barn is Step 3. E. McHugh stated that she was uncomfortable with Steps 2 and 3.

M. Giguere said he wanted to see the 50’ and 100’ wetland buffer zone lines shown on the plan. Under the Bylaw, permanent structures within the 100’ buffer zone are prohibited. Mr. Cote replied that the barn would encroach into the buffer zone by approximately 30’. He needs to honor the property line setback of 10’; he has proposed 12’ to be safe. The existing leach field is about 30’ from the stream.

B. Easom asked Mr. Cote to clarify which way is North on the plan, and which lines depict the existing house and stream. He followed up M. Giguere’s Bylaw observation by noting the proposed new structures will be closer to the stream than the existing house. The new structures must provide a net benefit in order to be approved under the Bylaw. Mr. Cote responded that the proposed work will replace the asphalt driveway with pea stone or gravel, and will also improve the grading around the house. The historic grading of the property has resulted in the cellar windows being at ground level. B. Easom also asked about any plans for the leach field. Mr. Cote said he plans to continue using the leach field for now and will relocate it in the future as needed. M. Giguere pointed out that the project description doesn’t mention the leach field. B. Easom said he would be in favor of moving the leach field outside the 100’ buffer zone. He suggested doing perc tests to find a suitable location.

P. Morrison asked about the acreage of the lot and if there were any restrictions or constraints on the property. Mr. Cote said it was about 10 acres. Most of it is located in the Zone 2 protection area of the public supply well adjacent to Town Forest. It is also mapped as rare species habitat and is within the Squannasit ACEC. P. Morrison said there were a few too many “unknowns” involved in the project, and suggested better plans showing the existing and proposed conditions, with the wetlands and buffer zones clearly shown.

M. Giguere agreed and said the project rises to the level of requiring a NOI with engineered site plans. He would be in favor of a Positive Determination, and suggested Mr. Cote might want to withdraw the RDA and hire an engineer. B. Easom informed Mr. Cote that he could also request continuation of the RDA public meeting until he develops a better plan. Mr. Cote agreed.

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

VOTED: to continue the RDA public meeting for 16 West Main Street to 8/23/2016. The vote was unanimous (6-0).

8:10 p.m. – Discussion: Ch. 61A Land off Dale Lane (Gilson)

Robert Collins, attorney for Edward Juskalian (buyer) and Thomas Gibbons, attorney for Jodie Gilson (seller) were present to discuss the proposed purchase and sale of approximately 16.5 acres of land currently enrolled in Chapter 61A (agriculture) special-use tax incentive program.

Mr. Collins said his client, Mr. Juskalian, wants to purchase the land to protect the viewshed around his house at 72 Dale Lane (under construction). He said any future project on the subject land would require an Order of Conditions to cross the wetlands off Dale Lane, and would likely include placing a Conservation Restriction (CR) on some portion of it. Mr. Juskalian would like to retain the possibility of building a house on the land, but his main goal is viewshed protection. Mr. Collins said the Commission should buy the land if it really wants it.

Mr. Gibbons said that his client, Ms. Gilson, has been waiting patiently for over two months to complete the sale of her land. He asked the Commission to make a decision without further delay, despite the 120-day period in which the Town may exercise its right of first refusal.

B. Easom said it would be irresponsible to make a rushed decision about the disposition of the land. The Commission must think about the long-term ramifications, and this is likely to be the only “bite of the apple” in terms of protecting the land from development. He pointed out that Ms. Gilson has derived tax benefits from the Ch. 61A classification, and that the 120-day period is built into the process of removing land from Ch. 61A.

P. Morrison added that there are a multitude of considerations the Commission must weigh, all of which takes time. He said the Commission is trying to do its best for the Town. He also noted that they won't be accused of buying a swamp if they decide to purchase the land. He asked if it was too late to submit a LAND Grant application. B. Easom said yes, the application deadline for this year was July 15.

M. Giguere asked if Mr. Juskalian would consider selling a CR. Mr. Collins suggested his client would probably be willing to gift a CR on some of the land at a later date. Mr. Gibbons said this type of negotiation was not in keeping with the right of first refusal option. Mr. Collins asked the Commission to give him two more weeks to discuss this with Mr. Juskalian.

Ted Lapres, President of the Groton Conservation Trust (GCT) was in attendance, along with GCT members Mark Gerath, John Llodra, and Wendy Good. They presented an ecological assessment of the land conducted by fellow GCT members David Black and Michelle Ruby. The land is designated as BioMap2 Core Habitat and also Rare Species Habitat, and it connects the vast protected areas to the east (Town, GCT, and Mass Audubon lands) with the James Brook corridor to the west. The GCT feels strongly about the ecological and conservation value of preserving this critical corridor. However, the GCT is unable to provide financial assistance. Ms. Good asked how the cost of this potential purchase (\$21,000 per acre) compares with past purchases. P. Morrison said the cost per acre is higher than usual.

B. Easom asked when the 120 day period officially started. T. Tada said the notice of intent to sell and convert to land was delivered to the Town on May 23, 2016.

8:30 p.m. – Discussion: Minor Plan Modification, 20 Station Avenue (McElroy)

Robert Collins presented a proposed modification to the renovation plan for the old fire station at 20 Station Avenue, on behalf of Daniel McElroy. The revised plan, dated 7/28/2016, calls for a larger addition to the rear of the building to house mechanical equipment. In the currently

approved plan, this location is to be a paved driveway and parking area. The proposed addition would include a gutter system to collect roof runoff and discharge it into the subsurface stormwater management structures below the adjacent parking lot. The proposed bio-infiltration area (rain garden) in the outer riparian zone will remain to mitigate the smaller area of pavement needed for dumpster access. According to Mr. Collins, the proposed modifications will result in better overall stormwater management.

B. Easom observed that the proposed change will reduce the potential for pollution from vehicles in the riparian zone.

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

VOTED: to accept the 7/28/2016 plan revisions as a minor modification. The vote was unanimous (6-0).

8:40 p.m. – Discussion: Minor Plan Modification, 283 Townsend Road (Tully), MassDEP #169-1126

Owner/Applicant: Ken Tully (Tully Homes, Inc.)

Engineer: Jeff Hannaford (Norse Design Services)

Jeff Hannaford presented the proposed plan revisions, dated 7/6/2016, that will reduce the overall impact in the 100-year floodplain. The project is a tear-down/rebuild with new septic system. The revised house footprint is 25% smaller than the approved footprint and the driveway location has been shifted to require less grading. Also, the new foundation will be above the floodplain elevation of 248 feet (248.5 proposed). The approved foundation elevation is 244.5, with a portion of the cellar below flood elevation.

P. Morrison said he liked the smaller footprint and higher elevation of the proposed house. B. Easom asked for a comparison of the floodplain filling volume between 247-248 feet elevations. Mr. Hannaford said the total fill volume would drop from 250 cubic yards to 55 c.y., but he did not have it calculated at each elevation interval. He said he would provide the calculations.

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

VOTED: to accept the 7/6/2016 revisions as a minor modification to the Order of Conditions for 283 Townsend Rd., MassDEP #169-1126. The vote was unanimous (6-0).

8:45 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 M. Giguere, seconded by P. Morrison, it was

VOTED: to continue the meeting for 11 Station Avenue to 8/23/2016. The vote was unanimous (6-0).

8:45 p.m. – Public Meeting (cont'd): RDA, Agricultural Improvements, 1 Dan Parker Road  
Owner/Applicant: Carl Flowers  
Site Walk: 7/9/2016

The applicant requested continuation of the public meeting.

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

VOTED: to continue the meeting for 1 Dan Parker Road to 8/23/2016. The vote was unanimous (6-0).

8:46 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 update. T. Tada was not able to send a letter to the applicants in time for this meeting.

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

VOTED: to continue the public hearing for 116 Boston Road to 8/23/2016. The vote was unanimous (6-0).

8:48 p.m. – Discussion: Eagle Project, Bertozzi Restoration, Chris Brown, Troop 1

Chris Brown of Groton Troop 1 reported that he finished his Eagle Project to reduce erosion of the Squannacook River bank at the Bertozzi Conservation Area. The temporary fence was installed in one day by a 15-person crew. The plantings were done in conjunction with the NRWA (Al Futterman) and the MWRC (Alex Krofta).

Members of the Commission reviewed the work on 8/6/2016 with Chris' mother, Elena Lazaris. Two issues were observed during the site walk. First, there is a tree root in the way along the restoration area. Second, there may be a need for more plantings to fill in and stabilize the area. Transplanting *Clethra* plants (sweetpepperbush) growing nearby is one possibility.

E. McHugh said the sparsest area is closest to the main trail and suggested some of the plantings may have died due to the drought.

S. Black brought up the issue of people respecting the work and signage. The area is a party hotspot. Mr. Brown said some people have removed slats from the fence, while others have told him it is a great project and even helped to water the plants. Most of the plantings are growing. M. Giguere suggested using a staple gun to affix the slats.

Mr. Brown asked if he could cut the exposed root and transplant *Clethra* to fill in gaps. S. Black recommended waiting until fall, but said it would be a good experiment.

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

VOTED: to allow Chris Brown to cut the exposed tree root and transplant *Clethra* from nearby patches, to augment his Eagle Project at Bertozzi Conservation Area. The vote was unanimous (6-0).

Moving on to other Committee Updates, M. Giguere reported the Great Pond Advisory Committee (GPAC) met last week and they are planning to conduct another aquatic weed survey in Baddacook Pond. GPAC will submit a proposal for \$200,000 in funding through Community Preservation Committee (CPC) for weed control. He also said the Weed Watcher program had less participation this year; more volunteers are needed. He asked if the Order of Conditions issued earlier this year covers all of Baddacook Pond. T. Tada said the OOC covers the weed-infested areas of the pond, which were estimated to be 35 acres at the time of last survey. The entire pond is roughly 76 acres.

9:15 p.m. – Discussion (cont'd): Ch. 61A Land off Dale Lane (Gilson)

The Commission resumed discussion on this topic. Members were in agreement that the land has high conservation value and would like to protect it in some manner.

P. Morrison said the purchase of a CR on this land would be more cost-effective than an outright purchase. E. McHugh emphasized the importance of knowing, and planning for, the 120-day deadline. The notice was delivered on 5/23/2016; therefore the 120-day deadline is 9/20/2016..

M. Giguere and B. Easom offered a motion that the Commission purchase of the land if no CR proposal is received from Mr. Juskalian by 8/23/2016. B. Easom noted that under Robert's Rules of Order, the Commission cannot bind the hands of a future board. The Commission can change its mind at a later time.

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

VOTED: to purchase the Ch. 61A land of Ms. Gilson if no CR proposal is received from Mr. Juskalian by 8/23/2016. The vote was unanimous (6-0). J. Smigelski, B. Easom and T. Tada will meet with Town Manager Mark Haddad tomorrow morning to lay out the Commission's intent and timetable.



9:25 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 9:25 p.m.

Notes taken by Takashi Tada  
Conservation Administrator

**Exhibits on file at Conservation Commission Office:**

1. COC, Dry Hydrant, Lost Lake Fire Protection, MassDEP #169-1120
2. RDA, 72 Boathouse Road
3. RDA, 16 West Main Street
4. Enforcement Order, 30 Britt Lane
5. Notice to convert land under Ch. 61A (Gilson)
6. RDA, 11 Station Avenue
7. RDA, 20 Station Avenue
8. RDA, 1 Dan Parker Road
9. OOC, 283 Townsend Road, MassDEP #169-1126
10. NOI, 116 Boston Road, MassDEP # not issued
11. NOI, Music Center at Indian Hill, Phase 1, MassDEP #169-1139

**Approved 1/10/2017**