

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, August 23, 2016

Chairman John Smigelski called the meeting to order at 7:00 p.m. with Peter Morrison (Vice Chairman), Susan Black, Eileen McHugh, and Marshall Giguere present in the 2nd Floor meeting room. Bruce Easom arrived at 7:30 p.m. 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: NOI, Septic Repair & New Well, 67 Island Pond Road, MassDEP # not issued

Applicants/owners: John & Laurie Masiello

Representative: Kevin Ritchie (Civil Solutions, Inc.)

Site Walk: 8/20/2016

Kevin Ritchie of Civil Solutions, Inc. presented the plans to replace a cesspool for the existing 2-bedroom house with a conventional pressure-dosed septic system. The septic design has been approved by the Board of Health. The house sits on a narrow peninsula surrounded by Massapoag Pond, and the entire property is within Buffer Zone. The location of the cesspool is assumed to be in front (east) of the house. The proposed septic tank and pump chamber will be installed off the southeast house corner, while the leaching area will be located in the widest part of the peninsula, approximately 70 feet from the pond. A 2-inch force main (approx. 370 feet long) will connect the tank to the leaching area. Nearly 70 feet of the force main will be installed via directional drilling, through the narrowest and lowest stretch; the remainder of the pipe will be trenched and backfilled. The proposed well is 175 feet south of the house. Siltation fencing is proposed to control erosion.

P. Morrison asked how they would handle excavated material. Mr. Ritchie said there would be no changes to existing grade, and any displaced material would be taken offsite.

M. Giguere asked about erosion controls around the proposed well location and about trees to be removed. Mr. Ritchie said the plan shows siltation fence around the well location and also a sedimentation basin for dewatering. Three trees near the house need to be removed for the tank and pump chamber, while two additional trees in the leaching area will be removed.

The hearing will be continued pending issuance of a MassDEP file number.

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

VOTED: to continue the NOI public hearing for 67 Island Pond Road to 9/13/2016. The vote was unanimous (5-0).

Moving on to General Business, T. Tada updated the group on the Enforcement Order issued to 30 Britt Lane for tree clearing in the buffer zone of Flat Pond. The homeowner, Donald Partridge, has hired Stan Dillis to prepare a Notice of Intent with restoration plan, as required by the Enforcement Order.

Taking up Invoices, the Commission approved the following payments:

- \$344.61 to John Giger of the Sargisson Beach Committee, for swim rope and parking signs. This is an FY16 expense that will be paid out of the Sargisson Beach/Canoe Launch Gift Fund. Moved by P. Morrison, seconded by M. Giguere, unanimous (5-0).
- \$1,557.16 to the Town of Groton for deposit into the Conservation Fund. This money is being donated by David Moulton and is presently held in the Rocky Hill Gift Account. The money was originally set aside by Mr. Moulton to assist the Town in finalizing the Rocky Hill Conservation Restriction. It is no longer needed for this purpose.
- \$912.34 to the Town of Groton for deposit into the Conservation Fund, being donated by Robert Lacombe. This is his portion of the Rocky Hill Gift Account. See above.

The Commission reviewed the draft Meeting Minutes from 6/27/2016.

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

VOTED: to approve minutes from 6/27/2016 as drafted. The vote was unanimous (5-0).

7:15 p.m. – Discussion: Plan Modification, 34 West Main Street (Cote)

Owner/applicant: Michael Cote

Representative: Kevin Ritchie (Civil Solutions, Inc.)

Kevin Ritchie presented modified plans for the septic repair at 34 West Main Street, on behalf of the new property owner, Michael Cote. The previous plan was approved by the Commission on 2/23/2016 (Negative Determination of Applicability). The modified plan has been approved by the Board of Health. The proposed Presby system is in the same vicinity (front yard) as the previous design, but will be slightly farther away (97 feet) from the wetlands located behind the house, than the previous design (90 feet). The modified design will also be less expensive and have no mechanical components.

E. McHugh asked if there were any changes to proposed grading under the modified plan. Mr. Ritchie said the proposed grades are the same except for very minor height increase (approx. 3 inches) along the stone wall.

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

VOTED: to accept the proposed plan modification as a minor change to the existing Negative Determination of Applicability for septic repair at 34 West Main Street. The vote was unanimous (5-0).

Taking up other General Business, the Commission considered a request for Certificate of Compliance, 126 Wyman Road (Casella), MassDEP #169-1129. The project involved construction of a detached garage in the buffer zone. A site inspection was done on 8/20/2016.

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

VOTED: to issue a Certificate of Compliance for 126 Wyman Road, MassDEP # 169-1129. The vote was unanimous (5-0).

B. Easom arrived at 7:29 p.m.

The Commission also considered a draft Order of Conditions for the Music Center at Indian Hill “Phase 1”, 122 Old Ayer Road, MassDEP #169-1139.

Project proponents Gary Shepherd (applicant) and Todd Morey (engineer, Beals Associates), were present and had comments on the draft Special Conditions under the MA Wetlands Protection Act. Regarding the construction sequence requirement, Mr. Shepherd did not want to be beholden to a set schedule. Commissioners clarified that the construction sequence outlines the order of operations, not the timetable for implementation. Mr. Shepherd also wondered about performance bonds to ensure the project is carried out accordingly. Commissioners said performance bonds are part of the Planning Board’s process, not the Commission’s. As to the requirement for an “independent environmental professional”, Mr. Morey suggested that he and his colleagues at Beals Associates would be monitoring and submitting reports every two weeks to the USEPA according to the Stormwater Pollution Prevention Plan (SWPPP), as required under the NPDES permit. He would be happy to provide copies of these reports to the Commission to satisfy the monitoring requirement.

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

VOTED: to issue an Order of Conditions under the MA Wetlands Protection Act for the Music Center at Indian Hill “Phase 1”, 122 Old Ayer Road, MassDEP #169-1139. The vote was 4 in favor, with 2 opposed (Easom, Giguere).

Mr. Shepherd and Mr. Morey also asked for clarification on the requirement in the Bylaw Special Conditions that the Commission be granted permission to access the site. Mr. Shepherd asked for the courtesy of a phone call prior to the visit to notify the site supervisor.

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for the Music Center at Indian Hill “Phase 1”, 122 Old Ayer Road, MassDEP #169-1139. The vote was 4 in favor, with 2 opposed (Easom, Giguere).

Mr. Shepherd asked about the procedure for getting “Phase 2” permitted. They are close to finishing the engineering design of the building. Commissioners explained three possible scenarios. One option is to close out the “Phase 1” Order of Conditions before proceeding to the next phase. A second option is to request an amendment to “Phase 1”. The third option is to go ahead with the “Phase 2” NOI and then have two Orders open at the same time. Mr. Morey asked if the Commission would be willing to have a preliminary discussion before moving ahead with “Phase 2”. Commissioners said they would.

7:47 p.m. – Public Meeting: RDA, In-ground Pool, 33 Saddle Lane (Rathbone)

Owner/Applicant: Andrea Rathbone

Representative: Gary McQuaide (Matley Pools & Spas, Inc.)

Site Walk: 8/20/2016

Gary McQuaide of Matley Pools & Spas Inc. presented the proposal for an in-ground swimming pool in the backyard of the existing house at 33 Saddle Lane. The pool plan submitted with the RDA is based on the subdivision site plan (ca. 1980s) that shows the proposed pool within 100 feet of an old drainage ditch wetland. This ditch was filled in to create the driveway when the house was constructed in the early 1990s, under the subdivision permit. The site walk on 8/20/2016 confirmed the proposed pool location is no longer jurisdictional.

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

VOTED: to issue a Negative #1 Determination of Applicability for 33 Saddle Lane. The vote was unanimous (6-0).

7:50 p.m. – Discussion (cont’d): Ch. 61A Land off Dale Lane (Gilson)

The Commission reviewed a letter from Bob Collins (attorney for Edward Juskalian) dated 8/23/2016, regarding the 16.5 acres of land owned by Jodie Gilson and enrolled in Chapter 61A. Ms. Gilson has an agreement to sell the land to Mr. Juskalian for \$330,000. The letter from Mr. Collins proposes to re-enroll the easternmost 5 acres of land in Ch. 61A. This portion abuts the Town’s Half Moon Swamp Conservation Area. Mr. Collins had also suggested previously that the Commission designate a liaison to work with him and Mr. Juskalian on the details of an agreement.

B. Easom thought the proposal to focus on just 5 acres fell short of his expectations after the last discussion. B. Easom said Commission should weigh the pros and cons of purchasing the entire 16.5 acres outright.

S. Black agreed and said reverting some of the land back to Ch. 61A does not represent progress.

David Pitkin, representing the Groton Conservation Trust (GCT), said the GCT strongly supports the permanent protection of the land, although they don’t have any money to assist in the purchase. The GCT reached out to Mass Audubon and the New England Forestry Foundation (NEFF) to gauge their level of interest. Mass Audubon provided a letter in support of protecting

the land, which is of high ecological importance and provides a critical linkage for wildlife passage between other protected lands, including Rocky Hill Wildlife Sanctuary. However, Mass Audubon is focusing its monetary resources on acquiring land contiguous to Rocky Hill. The NEFF did not express an interest. Mr. Pitkin further stated that the Town's Conservation Fund exists for opportunities such as this, when a quick turnaround (120 days) is needed.

B. Easom added that our bargaining position goes away after 120 days unless we have a written agreement in place.

P. Morrison said he preferred an outright purchase to guarantee protection of the land. Mr. Pitkin observed that the price per acre of this land would be expensive, relative to other conservation purchases.

E. McHugh asked about feedback that the Commission has received in the past from Town Meeting voters and the Board of Selectmen, regarding land purchases. Commissioners explained that Town Meeting has historically supported the Commission's recommendations.

B. Easom asked for input from Rena Swezey, Principal Assessor, regarding the Ch. 61A tax implications. Ms. Swezey said the Town would receive 5 years of rollback taxes if the land is purchased by an individual or private entity. She hoped the matter could be resolved quickly.

Mark Gerath of the GCT conceded that the easternmost 5 acres are of the highest priority, but added that the entire parcel is of high conservation value and worth protecting.

The Commission discussed a motion to recommend purchase of the entire parcel. E. McHugh said it is a great property to protect, but cautioned about potential criticism for paying such a high price when a portion of the land could end up being protected anyway. S. Black noted that the proposal from Mr. Collins would leave the bulk of the land unprotected.

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

VOTED: to recommend to the Board of Selectmen that the Town exercise its right of first refusal option to purchase the 16.5 acres of Ch. 61A land owned by Jodie Gilson, with the purchase to be made using the Conservation Fund. The vote was 5 in favor, none opposed, with one abstaining (McHugh). T. Tada will notify the Selectmen.

8:17 p.m. – Public Meeting (cont'd): RDA, Additions & Septic Repair, 16 West Main Street
Applicant/owner: Michael Cote
Site Walk: 8/6/2016

The applicant requested a continuation of the public meeting.

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

VOTED: to continue the RDA public meeting for 16 West Main Street to 9/13/2016. The vote was unanimous (6-0).

8:18 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 E. McHugh, it was

VOTED: to continue the meeting for 1 Dan Parker Road to 9/13/2016. The vote was unanimous (6-0).

8:19 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 9/13/2016. The vote was unanimous (6-0).

8:20 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

T. Tada reported he mailed the ultimatum letter to Dorothy Janes on 8/22/2016 via Certified Mail. He also confirmed with MassDEP Central Region that they never received a copy of the NOI or the state filing fee.

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

VOTED: to continue the public hearing for 116 Boston Road to 9/13/2016. The vote was unanimous (6-0).

8:22 p.m. – Discussion: Minor Plan Modification, 38 Ridgewood Avenue, MassDEP #169-1134

Doug Smith of SoilSmith Designs was present, along with owners Russell and Susan Mallard, to discuss removal of additional trees in order to construct the replacement septic system at 38 Ridgeview Avenue. The revised tree removal plan shows all of the trees that will need to be removed in the leaching area next to the road, according to the excavation contractor (Frank Massarelli). The trees have been marked in the field with orange spray paint (confirmed by T. Tada).

E. McHugh reminded the applicants that the Commission raised concerns about tree removal during the public hearings, as did one of the abutters. The concern was that the excavation into the steep hillside would cause damage to more trees than the NOI plans indicated.

M. Giguere agreed that the NOI plans underestimated the tree removal, but the first priority is to fix the failed septic system that is currently polluting the pond.

B. Easom asked Mr. Smith to add a note to the plan stating all the trees shown in the leaching area will be removed.

R. Swezey mentioned that the DPW is in favor of removing the trees closest to the road.

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

VOTED: to approve the revised tree removal plan as minor change to the Order of Conditions for 38 Ridgewood Avenue, MassDEP #169-1134. The vote was unanimous (6-0).

Moving on to General Business – Land Management, T. Tada said he will plan to schedule a public informational meeting in September on the updated Resource Management Plan for Surrenden Farm.

8:35 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 (6-0). The meeting was adjourned at 8:35 p.m.

Notes taken by Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. NOI, 67 Island Pond Road, MassDEP # not issued
2. RDA, 16 West Main Street
3. Enforcement Order, 30 Britt Lane

4. Modified Plan, 34 West Main Street
5. Certificate of Compliance, 126 Wyman Road, MassDEP #169-1129
6. Notice to convert land under Ch. 61A (Gilson)
7. RDA, 33 Saddle Lane
8. RDA, 11 Station Avenue
9. RDA, 1 Dan Parker Road
10. NOI, 116 Boston Road, MassDEP # not issued
11. OOC, Music Center at Indian Hill, Phase 1, MassDEP #169-1139
12. Modified Tree Removal Plan, 38 Ridgewood Avenue, MassDEP #169-1134
13. Meeting Minutes 6/27/2016

Approved 1/24/2017