

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, September 13, 2016

Peter Morrison (Vice Chairman) called the meeting to order at 7:00 p.m. with, Susan Black, Eileen McHugh, Marshall Giguere, and Olin Lathrop (Clerk) present in the 2nd Floor meeting room. Bruce Easom arrived at 7:08 p.m. Chairman John Smigelski was absent. 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, Eagle Scout Project at Baby Beach (Andrew Wilson)

Applicant: Andrew Wilson, Troop 1

Owner: Mountain Lakes Club, Inc.

Site Walk: 9/10/2016

Andrew Wilson presented his proposed Eagle Project to reduce erosion and improve stormwater drainage at Baby Beach, on Lost Lake. The beach is currently a source of pollution into the lake due to beach erosion and unmitigated runoff from the end of Baby Beach Road. Proposed activities include: regrade the upper portion of the beach at the end of the road; fill in the gully that has formed due to erosion down the beach; add water bars to slow down and divert runoff from the road; install a rain garden to receive and infiltrate runoff from the road; and (possibly) construct a retaining wall to protect trees near the road whose roots have been exposed by the erosion. The Mountain Lakes Club, Inc. owns the beach property and strongly supports the project. The project will reduce erosion and runoff, improve water quality, and enhance the beach property. An added benefit of the project will be improved access for emergency vehicles.

S. Black asked about the plantings in the rain garden. Mr. Wilson said he consulted with Bob Pine (engineer) and Savas Danos (former Supt. of Littleton Public Works) on the rain garden design and they recommended a variety of daylilies for this site. Mr. Wilson provided an example of a perennial daylily rain garden design prepared by GeoSyntec Consultants (from Mass.Gov website). He said it would only require minor digging to create the rain garden. Bob Pine concurred, saying the existing soils provide good natural infiltration and wouldn't require a geo-textile liner.

M. Giguere said it was a great project idea and would be glad to see the trees preserved. He asked about the project schedule. Mr. Wilson said he hoped to do the work in mid-October.

O. Lathrop also thought it was an excellent project. He asked if the water bars could impede access for emergency vehicles. Mr. Wilson said the water bars would be only one or two inches above grade.

[B. Easom arrived.]

P. Morrison asked about the current health of the trees near the road. Mr. Pine said the trees are old and in decline, but it would be costly to take them down. Mr. Wilson said the trees could eventually pose a safety risk. Mr. Pine noted that the proposed grading at the top of the beach (end of road) will improve the overall site drainage characteristics.

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

VOTED: to issue a Negative #3 Determination of Applicability to Andrew Wilson for his proposed Eagle Project at Baby Beach, subject to the condition that erosion controls be installed as shown on the RDA plan. The vote was unanimous (6-0).

Moving on to General Business, the Commission took up requests for Certificates of Compliance 6 Hazelwood Avenue, MassDEP #169-857 and #169-979. The work authorized under these now-expired Orders was completed, but the former property owner did not close out the permits. The new owner, Wayne LeGacy, submitted the requests. A site walk was done on 9/10/2016.

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

VOTED: to issue a Certificate of Compliance for 6 Hazelwood Avenue, MassDEP #169-857. The vote was unanimous (6-0).

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

VOTED: to issue a Certificate of Compliance for 6 Hazelwood Avenue, MassDEP #169-979. The vote was unanimous (6-0).

7:15 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

The hearing was previously continued, pending the issuance of MassDEP file number and comments. MassDEP issued the file number, 169-1140, without any comments.

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

VOTED: to close the NOI public hearing for 67 Island Pond Road, MassDEP #169-1140. The vote was unanimous (6-0).

Under General Business – Invoices, the Commission approved the following payments:

- \$116.35 to *The Lowell Sun* for legal notices.
- \$50.63 to *The Groton Herald* for a legal notice.

Under Land Management – Surrenden Farm, T. Tada reported that the annual Mock Fox Hunt at Surrenden Farm will take place on 10/10/2016 (rain date 10/11). The event is organized by the Old North Bridge Hounds club. T. Tada also said he received a request from Andrew Young (Flying Squirrel, Inc.) to conduct aerial drone survey flights at Surrenden Farm. Mr. Young has been conducting flights at Baddacook Field with the Commission's approval. There were no objections. M. Giguere recommended asking for a copy of Mr. Young's FAA license and issuing a formal letter of approval to conduct the drone flights. He also suggested drafting a drone policy.

On the Land Management topic of Baddacook Field, T. Tada reported that he and S. Black sent out the informational letter and fact sheet about Black Swallow-wort to the neighbors of Baddacook Field on 8/31. S. Black said she received two responses. S. Black and T. Tada also provided a recap of the field assessment with Jeff Taylor, Vegetation Control Service, on 8/30. Jacob Llodra of the GDRSD Environmental Club participated in the assessment. Some new Black Swallow-wort seedlings were observed sprouting in areas where the grass is sparse. Mr. Taylor said he would provide a cost proposal for spot treatment of Swallow-wort and Japanese Knotweed using Rodeo (glyphosate) herbicide.

7:25 p.m. – Discussion: Septic Repair, 366 West Main Street, Chris Mackenzie

Chris Mackenzie, engineer with Whitman & Bingham Associates, presented a preliminary septic system replacement design at 366 West Main Street (former Decilio property). The septic design utilizes a Presby system to reduce the leaching area footprint. Nearly all of the house lot is in the 100-year floodplain. The only portion of the lot that is above base flood elevation (210 feet) is the existing house and a small area behind the house. Additional site constraints include the high groundwater table (15-18 inches below ground surface) and wetlands on the east and south sides of the house. Mr. Mackenzie explained that they would need to add approximately 3,200 cubic feet of fill to build up the leaching area. He noted that there is virtually no place on the lot to provide compensatory flood storage. He estimated that the project would displace roughly 20,000 gallons of water, or less than 0.03% of the total floodplain volume.

B. Easom asked about the possibility of a tight tank to further reduce the volume of filling required. Mr. Mackenzie responded that the Title 5 regulations do not allow a tight tank if there is enough room for a leach field. He further stated that he will need a long list of variances from the Board Of Health for any design, given the site constraints. B. Easom asked him to elaborate. Mr. Mackenzie said they will need variances for the following: depth to groundwater (3' instead of 5'); depth to ledge (2' instead of 5'); perc tests (only one test instead of two, with no reserve area proposed); distance of leach field to wetland (74' instead of 100'); leaching trenches (not used in Presby system); pressure dosing (not used in Presby system); distance of leach field to roadway (18' instead of 35'); and leach field size at 150% of Title 5 requirements (proposed leach field based on Presby system sand bed specifications).

Commissioners explained that they are obligated to enforce the WPA regulations for work in the floodplain and the requirement to provide flood storage compensation. They encouraged Mr. Mackenzie to consult with MassDEP regarding floodplain regulations, and to consult the BOH about minimizing the design footprint with a tight tank.

7:55 p.m. – Public Meeting: RDA, Proposed Deck, 6 Hazelwood Avenue (LeGacy)

Owner/Applicant: Wayne LeGacy

Representative: Dough Deschenes (attorney, Deschenes & Farrell, P.C.)

Site Walk: 9/10/2016

Wayne LeGacy and his attorney, Doug Deschenes, presented an RDA for proposed deck. The Commission previously approved their COC requests for older projects that had been completed by the previous owner. During the site walk, Commission members observed corner blocks (capstones) in the block retaining wall that appeared unfinished. Mr. LeGacy explained how he would repair/finish these blocks correctly. He also said he would add a crushed stone foundation drain around the existing house (under renovation) to mitigate roof runoff. He will also place crushed stone underneath the deck. The existing soil is sand/gravel that drains well.

M. Giguere asked how many footings would be required for the deck. Mr. LeGacy estimated 7 or 8 footings and said he would use either sonotubes or precast footings.

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

VOTED: to issue a Negative #3 Determination for the proposed deck, 6 Hazelwood Ave., subject to the following special conditions:

1. Fix the capstones in the block wall.
2. Install crushed stone foundation drain around house.
3. Place crushed stone under the deck.
4. Excess material removed from the site.

The vote was unanimous (6-0).

8:05 p.m. – Discussion: Minor Plan Modification, 69 Boathouse Road, MassDEP #169-1122

Anne Cole and Yasmin Loft explained that the Town's water line on Boathouse Road has been extended to within 500 feet of their house. Thus, they are now required to connect to Town water, rather than utilize the existing private well. The proposed modification to the septic system repair plan adds a water line from the house to the road, and an extension of the Town water main along the road. All of the new work will occur in front of the house, within the approved limit of work.

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

VOTED: to accept the proposed water line modifications as a minor change to the Order of Conditions for 69 Boathouse Road, MassDEP #169-1122.

8:10 p.m. – Public Meeting (cont'd): RDA, Agricultural Improvements, 1 Dan Parker Road

Owner/Applicant: Carl Flowers

Site Walk: 7/9/2016

[S. Black recused herself from this discussion]. Carl Flowers said he has been in discussion with the USDA-NRCS about preparing a formal Farm Conservation Plan, but it has not been finalized yet. However, he would like to complete one of the items (culvert replacement) proposed in his RDA before the Christmas tree season. The culvert occurs along a sharp bend in the unpaved road that serves the eastern portion of his Christmas tree farm. Mr. Flowers is concerned about the safety of vehicles on this road. Work would include removing some trees from inside the bend to improve sight lines; replacing the old narrow culvert pipe with a wider pipe, and smoothing/widening the roadway along the bend.

M. Giguere asked for details about the proposed culvert. Mr. Flowers said the plan calls for a pipe that is 12 inches wide and approximately 30 feet long. M. Giguere suggested installing a wider pipe, perhaps 18 inches, to ensure unrestricted flow of the intermittent drainage channel during seasonal high water.

P. Morrison said the Commission could issue a determination for the culvert replacement, while deferring consideration for the other activities (farm pond restoration and a new culvert along former logging road in the woods) until the NRCS Farm Plan is completed.

B. Easom said he was okay with culvert replacement as long as the pipe is properly situated in the channel.

T. Tada said the culvert replacement work is covered by the agricultural exemptions in the WPA and Bylaw regulations.

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

VOTED: to issue a Negative #3 Determination for 1 Dan Parker Road, subject to the following conditions:

1. Approval granted for a single culvert replacement (min. 12” diameter; max 24”).
 2. Culvert pipe to be properly aligned in the channel so as to allow unrestricted flow and not create a plunge pool.
 3. Work to be done during a dry time of year.
- The vote was 5 in favor, with S. Black abstaining.

Mr. Flowers added that he hopes to incorporate some of the historical aspects of the landscape into his future farm operations, but he still needs to locate all the remnant features.

8:25 p.m. – Discussion (cont’d): Ch. 61A Land off Dale Lane (Gilson)

Attorney Bob Collins and surveyor Stan Dillis were present on behalf of the buyer, Edward Juskalian. Attorneys Tom Gibbons and Tracey Harding attended on behalf of the seller, Jodie Gilson. On 9/6/2016, Mr. Collins presented Mr. Juskalian’s proposal to place a deed restriction, and then a permanent Conservation Restriction, on approximately 14 acres of land. Mr. Dillis provided a stamped survey plan (dated 9/9/2016) showing a total restricted area of 14.05 acres. The proposed restriction combines 8.68 acres of land he currently owns (portion of former Lewis parcel, ID 221-20) with 5.37 acres of land from the proposed Gilson purchase. Mr. Collins noted

that the surveyors did not have time to precisely locate the eastern boundary along Half Moon Swamp, and the final acreage total is likely to increase once this is done.

Mr. Collins said he made a slight revision to the wording of the initial declaration of restriction at NHESP's request. He also provided a signed copy of the agreement between Mr. Juskalian and the Town. He said he has consulted with Town Counsel David Doneski on the wording of the two documents. T. Tada received an email from Mr. Doneski confirming the dialogue with Mr. Collins and providing review recommendations for the Commission to consider.

Members of the Commission conducted a second site walk on 9/10/2016. The area proposed to be protected on the former Lewis property includes a vernal pool perched on the hillside, surrounded by intact forest. Protecting this vernal pool would be a significant benefit of the proposed restriction.

E. McHugh read aloud the "Prohibited Acts" and "Reserved Rights" sections of the proposed declaration of restriction (Sections I & II), per Mr. Doneski's recommendation. M. Giguere observed that there is no provision for trail creation or trail access. O. Lathrop said there are no existing trails to maintain, and he believed Half Moon Road provides adequate trail access in the vicinity. However, the Trails Committee has not formally discussed this issue. B. Easom asked about public access to the land, and if Half Moon Road and Snake Hill Road are Town roads. "No Trespassing" signs have been posted along Snake Hill Road and were observed on the site walk. He suggested asking the DPW about the status of these roads.

Upon a motion by O. Lathrop, seconded by E. McHugh, it was

VOTED: to approve the proposed agreement and declaration of restriction, subject to final review by Town Counsel. The vote was unanimous (6-0).

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

VOTED: to recommend the Board of Selectmen NOT exercise the Town's right of first refusal option on the property of Jodie Gilson being sold to Edward Juskalian. The vote was unanimous (6-0).

8:45 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 withdrew his application.

8:46 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 O. Lathrop, seconded by S. Black, it was

VOTED: to continue the meeting for 11 Station Avenue to 9/27/2016. The vote was unanimous (6-0).

8:48 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

Per the ultimatum letter sent to the applicants on 8/22/2016 via Certified Mail, they have until 9/21/2016 to provide a copy of the NOI and the appropriate filing fee check to MassDEP.

P. Morrison suggested reminding the applicants of the impending deadline.

Upon a motion by B. Easom, seconded by S. Black, it was

VOTED: to continue the public hearing for 116 Boston Road to 9/27/2016. The vote was unanimous (6-0).

Taking up another Land Management issue, T. Tada said he learned that the Commission owns land on the west side of the Squannacook River, across from Bertozzi Conservation Area. Marion Stoddart brought up this issue recently, and T. Tada confirmed that the deed from the Groton Leatherboard Company included land on the west side (approximately 15 acres within Town of Shirley). It is not known how to access this parcel.

Moving on to Committee Updates, B. Easom provided an update on the Williams Barn Committee's out-of-cycle request to the Community Preservation Committee (CPC) for funding to pay for structural repairs to the barn foundation. \$45,000 is needed for repairs, of which \$10,000 will come from the Historic Preservation bin and \$35,000 from the unallocated bin.

9:10 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 9:10 p.m.

Notes taken by Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. NOI, 67 Island Pond Road, MassDEP #169-1140
2. RDA, 16 West Main Street
3. RDA, 6 Hazelwood Avenue
4. Certificate of Compliance, 6 Hazelwood Avenue, MassDEP #169-857
5. Certificate of Compliance, 6 Hazelwood Avenue, MassDEP #169-979
6. Notice to convert land under Ch. 61A (Gilson)
7. RDA, Baby Beach Eagle Project
8. RDA, 11 Station Avenue
9. RDA, 1 Dan Parker Road
10. NOI, 116 Boston Road, MassDEP # not issued
11. Plan Modification, 69 Boathouse Road, MassDEP #169-1122

Approved 2/14/2017