

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, October 25, 2016

Location: Town Hall, 2nd Floor

Members Present: John Smigelski (Chairman), Olin Lathrop (Clerk), Bruce Easom, Susan Black (arr. 7:05), Eileen McHugh

Members Absent: Peter Morrison (Vice Chairman), Marshall Giguere

Others Present: Takashi Tada (Conservation Administrator)

7:00 p.m. – Public Meeting: Resource Management Plan Revisions, Surrenden Farm

T. Tada gave a brief slide presentation on the proposed revisions to the Surrenden Farm Resource Management Plan (RMP). Proposed revisions for Management Zone 1 (MZ 1) include adding specific goals to remove the Red Pine plantations; create turtle nesting habitat; and prepare a Forest Stewardship Plan. Proposed revisions for the open fields (MZ 2) include a revised mowing schedule with a “Bobolink exclusion area”; a goal to remove interior fencing/hedgerows; and a commitment to promote use of the perimeter trails while minimizing use of the path through the center of the field during grassland bird breeding season. For MZ 3, the only revision is the goal of preparing a Forest Stewardship Plan (in process).

Paul Funch, Chairman of the Trails Committee, asked for clarification on the revised trail usage. He was concerned that restricting the perimeter trail around the field would prevent people from accessing the broader trail network in MZ 3 and points north. Access to the perimeter path will remain unrestricted and the hay farmer will keep it mowed.

John Maynard, of 102 Joy Lane (direct abutter to the hay field) said it would be okay to place trail markers on his perimeter fence. Mr. Maynard said he would prefer to see the interior hedgerows remain as bird cover. Wendy Good, member of the Trails Committee and the Old North Bridge Hounds equestrian club, said she also preferred to see the hedgerows remain for birds and other wildlife. At a minimum she would like to see a baseline account of the wildlife that use the hedgerows, before they are removed.

Elizabeth Newlands of the MA Division of Fisheries & Wildlife (MassWildlife, holders of the Conservation Restriction) said the state was most concerned about grassland birds whose populations are in decline and who rely on large, intact habitats for successful breeding. The interior hedgerows and fencing cause habitat fragmentation. Ms. Newlands said the Surrenden Farm CR is one of the few within MassWildlife’s inventory that includes a grassland bird management component. MassWildlife staff had hoped to remove the hedgerows over the last winter, but they did not get to it. Ms. Newlands was unsure if it could be done this winter.

S. Black said the hedgerows were mostly invasive plants and did not provide a high quality, native food supply for birds, which help to spread the invasive seeds.

E. McHugh said she was in favor of clearing the hedgerows and asked if MassWildlife keeps track of the birds using the field.

Roy MacGregor, the farmer who maintains the fields, said birders from Mass Audubon counted 18 nesting pairs of Bobolinks in the “exclusion area” that was established this year. He also said he didn’t mind the hedgerows.

O. Lathrop also supported removing the hedgerows, but said he was willing to wait one year for baseline wildlife data.

Mr. Maynard asked about any plans to repair the underground drainage tiles. He would like to see the repairs made as a component of the next agricultural license. Chairman Smigelski said it takes a lot of effort to repair old drainage tiles, and it needs to be done before seeding. He did similar repairs on the neighboring General Field.

7:35 p.m. – Public Hearing: NOI, Music Center at Indian Hill – Phase 2, MassDEP # not issued
Owner/Applicant: Indian Hill Music
Representatives: Gary Shepherd (Shepco Inc.); Todd Morey & Devin Howe (Beals Associates)
Site Walk: 10/22/2016

Todd Morey of Beals Associates presented the NOI proposal on behalf of Indian Hill Music Inc., a non-profit educational organization. The plan is to construct a large Music Center (approx. 120,500 gross square feet) to fulfill Indian Hill Music’s educational, performance, and administrative functions. Mr. Morey noted that all of the project impacts stated in Phase 2 are cumulative, including the previously approved Phase 1 impacts, so as to avoid the appearance of project segmentation. They have submitted applications to the Planning Board and Earth Removal Stormwater Advisory Committee.

The proposed Music Center will be served by a perimeter ring road around a parking area with 678 spaces. There will be biofiltration strips (30’ wide x 5’ deep) within each of the four “pods” that comprise the parking area. At the corner of Old Ayer Road and Peabody Street, a proposed drainage basin will be created with wetland hydrology and will mimic the look of a farm pond. A row of trees planted along the northern property line will provide vegetative screening. The ring road entrance will be in the same location as the old farm access road (and current construction entrance).

The project will directly impact approx. 1,560 square feet of BVW in the northeast corner, where historic inundation due to blocked culverts under Old Ayer Road has resulted in wetland conditions. The culverts will be repaired, which might dry out the BVW. A pedestrian walkway through this area is proposed. Other jurisdictional impacts include 56,355 s.f. of disturbance within the 100-foot buffer zone, of which 16,284 s.f. will occur within the Bylaw’s 50-foot “no disturbance” zone. The site also contains Riverfront Area associated with James Brook. No disturbance within the 100-foot inner riparian zone is proposed. Within the outer riparian zone (100-200 feet) the project will disturb approx. 13,698 s.f., or less than 10% of the total Riverfront

Area. In the southwestern part of the site, some of the proposed work will occur within rare species habitat as mapped by NHESP. A copy of the NOI has been submitted to NHESP for review.

E. McHugh asked for clarification about the pedestrian access through the BVW. Mr. Morey said it would be an extension of the proposed sidewalk from the corner of Old Ayer/Peabody. This is a more direct route for pedestrians to enter the site and is also safer as it keeps them away from vehicular traffic.

S. Black agreed with the applicants that restoring the culverts under Old Ayer Road might make the wet area go away. Gary Shepherd said the culverts were blocked when National Grid installed its gas line along the road. National Grid will relocate this section of gas line.

Mr. Morey noted that there is a hydrological divide on the site. The wetlands on the eastern side of the property drain to James Brook, which flows to the south before ultimately turning west toward the Nashua River. The beaver pond wetland in the western side, adjacent to the Nashua River Rail Trail, flows south toward Groton School Pond before eventually draining to James Brook, south of Smith Street. Initially it was thought the beaver pond wetland drained into James Brook to the north of the property.

Mr. Morey also provided some detail on the proposed underground stormwater basin, below the parking pods area. The basin will be lined with 18 inches of stone and will meet the MassDEP stormwater infiltration standard. The stormwater design in the building and parking areas will result in over 90% TSS removal before it enters the underground basin.

E. McHugh asked it was intentional to divert more stormwater volume to the Groton School Pond (west) side, and less volume to James Brook (east). Mr. Morey responded that they tried to balance the stormwater volumes as much as possible while relying on natural topography, low-impact “country drainage” features, and bioretention areas to handle stormwater. There are only two catch basins in the proposed system design, and it is difficult to shift the volumes around.

B. Easom mentioned the Bylaw’s “net benefit” standard for work in the 50-foot no disturbance zone and for structures within the 100-foot buffer zone. What is the net benefit, and what are the alternatives? Mr. Morey said they would provide an analysis of net benefits and alternatives for the proposed work in the buffer zone.

O. Lathrop asked about the existing conditions in the proposed “farm pond” area, and also for clarification about the buffer zone along the eastern property boundary. Mr. Morey said the “farm pond” will be a wet basin constructed in the northeastern corner of the site, on the north side of the existing access road (and proposed permanent entrance). The area is currently overgrown with dense brush and will be cleared when they are ready to create the basin. The wet basin will be planted and is not intended to be a wetland. The wetland replication areas are separate from the wet basin. The BVW along the eastern property boundary is from the flooded swales along Old Ayer Road.

MassDEP has not issued a file number or comments on the NOI. A determination from NHESP is also pending. Mr. Morey suggested the public hearing be continued to 11/22 rather than 11/7, in order to have more time to address the questions/comments from tonight's hearing.

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

VOTED: to continue the NOI public hearing for Indian Hill Music – Phase 2, to 11/22/2017. The vote was unanimous (5-0).

8:10 p.m. – Public Hearing: NOI, Septic Repair, 366 West Main Street, MassDEP # not issued

Owner/Applicant: Douglas & Karyn Pulsifer

Representative: Chris Mackenzie (Whitman & Bingham Associates)

Site Walk: 10/22/2016

Chris Mackenzie, engineer with Whitman & Bingham Associates, presented the proposed septic system replacement for the existing house at 366 West Main Street. A new deck is also proposed on the back of the house, along with removal of an old garage foundation east of the house. The site is constrained by wetlands, 100 year floodplain, and a high water table. The only viable location for the leaching area is in the front yard. A Presby leaching system is proposed to reduce the volume and area of filling required. This will be combined with a Micro-Fast septic tank to provide pre-treatment. Mr. Mackenzie said the Board of Health might not allow the combination of two different innovative technologies in the same system, so a revised design (with greater impacts to floodplain and buffer zone) could be needed. The site is also within rare species habitat, but Mr. Mackenzie expects to receive an exemption letter from NHESP for septic system replacement within existing lawn.

Proposed impacts include approximately 7,700 s.f. of buffer zone disturbance, along with a loss of roughly 9,300 cubic feet of flood storage volume between the elevations of 207.5 – 210.1 feet. Mr. Mackenzie conservatively estimated that the incremental loss of flood storage from the project would result in an increase of less than half an inch of flooding over the entire range of the floodplain. He did not propose any compensatory flood storage.

S. Black said she liked the combined innovative system concept. She wondered if removing the old stone foundation, along with invasive plants, beyond (south of) the proposed limit of work could provide some mitigation and flood storage compensation for the project's impacts.

E. McHugh asked that all trees proposed for removal be indicated on the plan. She also asked if the loss of flood storage volume from the septic grading could be reduced with retaining walls. Mr. Mackenzie said the Title 5 regulations prohibit the use of barriers and walls unless it is absolutely necessary. There is no way to keep the system out of the floodplain or buffer zone, but there is enough room in the front yard to grade the leaching mound.

B. Easom observed the existing ground elevations range from about 208 – 210 feet, within the floodplain. He asked Mr. Mackenzie to provide a table of flood storage impacts at each foot of elevation.

O. Lathrop said he was dismayed by the absence of any proposed flood storage compensation. The applicant needs to show some effort and creativity to provide flood storage. Mr. Mackenzie emphasized that the groundwater table is approximately 15 inches below grade, so they are severely limited in their ability to create storage volume via excavation. The site is also within rare species habitat. He will need to consult with NHESP about altering wildlife habitat in order to create flood storage.

E. McHugh asked Mr. Mackenzie to clarify the variances he will need for this design. He said they will need variances for separation from groundwater (3 feet instead of 4); percolation tests (1 instead of 2; no reserve area); distance from wetlands (74 feet to leaching area); distance from roadway (18 feet); and multiple variances associated with the Presby leaching system.

B. Easom outlined the punch list of items to be addressed at the next hearing:

1. Tabulation of floodplain filling per foot of elevation.
2. Proposed flood storage compensation.
3. Use of retaining walls/barriers to reduce leaching area footprint.
4. Other potential mitigation, e.g. removal of old stone foundation and/or invasives.
5. Trees to be removed (show on the plan).

Mr. Mackenzie agreed to continue the hearing to 11/22/2017 to allow time to address the above items.

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

VOTED: to continue the NOI public hearing for 366 West Main Street to 11/22/2017.
The vote was unanimous (5-0).

8:50 p.m. – Public Meeting: RDA, Riparian Buffer Restoration, RiverCourt Residences, 8 West Main Street

Applicant: Alex Krofta, MRWC & NRWA

Owner: RiverCourt Residences

Site Walk: 10/22/2016

Alex Krofta, restoration scientist with the Merrimack River Watershed Council (MRWC), presented a proposed riparian planting project in partnership with the Nashua River Watershed Association (NRWA) as part of the “Restoring Riparian Buffers” grant-funded program. The planting of native vegetation will occur in an open area south of the RiverCourt Residences building, between the power line and the tree-lined bank of the Squannacook River. Plantings will be primarily native tree and shrub species, with possibly some native grasses and wildflowers closer to the power line right of way.

S. Black said she liked the mix of native species proposed, but they need to be mindful of the high water table that was evident in certain spots during the site walk. She also asked if they

plan to monitor the site after planting. Mr. Krofta said he and Al Futterman of the NRWA would be monitoring the site and would cut back some of the invasives before planting.

Upon a motion by B. Easom, seconded by E. McHugh, it was

VOTED: to issue a Negative Determination (Nos. 2 & 3) for riparian buffer plantings at RiverCourt Residences, 8 West Main Street, with a special condition to monitor for invasives. The vote was unanimous (5-0).

8:55 p.m. – Public Hearing: NOI, Septic Repair, 72 Martins Pond Road, MassDEP # not issued

Applicant/Owner: John Sheedy

Representative: Doug Smith (Soilsmith Designs)

Site Walk: 10/22/2016

Doug Smith of Soilsmith Designs presented the septic repair proposal for 72 Martins Pond Road. The existing system has failed. The proposed leach field is in existing lawn area below the house, approximately 72 feet away from the edge of BVW, but some of the grading for the raised mound will be closer to the wetland. Mr. Smith flagged the wetland which is located on the abutting property to the west, on the other side of an unpaved farm road.

E. McHugh said the odor of the failed septic system was evident during the site walk, and she asked if any trees were to be removed. Mr. Smith said there were no trees in the lawn area where the leach field will go, but installation of the tank will require removal of the shrubs from the sloped area next to the driveway, just within the 100' buffer zone.

B. Easom asked about the location of the proposed leach field. Mr. Smith said they encountered ledge all around the property during soil testing. The proposed location is the only suitable spot.

O. Lathrop asked if there would be any disturbance within 50 feet of the wetland. Mr. Smith said the toe of the graded slope for the leach field will be about 45 feet from the wetland at its nearest point, but within the existing lawn. The mound for the leach field will be about 3 feet above existing grade.

MassDEP has yet to issue a file number or comments.

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

VOTED: to continue the NOI public hearing for 72 Martins Pond Road to 11/7/2017.
The vote was unanimous (5-0).

9:05 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

MassDEP received the NOI and will issue a file number/comments after the check clears.

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

VOTED: to continue the NOI public hearing for 116 Boston Road to 11/7/2016. The vote was unanimous (5-0).

9:06 p.m. – Discussion: Request for Extension, Academy Hill, North Entrance, MassDEP #169-970

Applicant: George Gallagher (Habitech Communities)

George Gallagher of Habitech requested a three year extension to the Order of Conditions for the northern portion of Academy Hill residential subdivision, off Townsend Road. The existing Order will expire on 11/29/2016.

Upon a motion by B. Easom, seconded by E. McHugh, it was

VOTED: to extend the Order of Conditions for Academy Hill (North), MassDEP #169-970, for a period of three years, to expire on 11/29/2019. The vote was unanimous (5-0).

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

- \$201.25 – for various legal notices in *The Groton Herald*.

Under General Business – Land Management, T. Tada provided an update on fall spot treatment of Black Swallow-wort at Baddacook Field/Shattuck Homestead. Jeff Taylor of VCS has scheduled the treatment for Monday, 10/31, but the recent cold snap could be a factor. He recommended we assess the vigor of the Black-Swallow-wort plants on Thursday, following the forecasted hard frost Wednesday night. S. Black and T. Tada will take a look on Thursday.

T. Tada also reported that Mike Barry of Bay State Forestry is working on a draft Forest Stewardship Plan for Surrenden Farm.

On the Land Management topic of Angus Hill/Scarlet Hill Farm trails, O. Lathrop mentioned that Meredith Scarlet would like to mow the area around the trailhead off Martins Pond Road, in order to see the contours of the steep slope and potentially create a safer trail. The existing trail at the road is unsafe for equestrians and other users.

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

VOTED: to grant permission to Meredith Scarlet (Scarlet Hill Farm) to mow around the existing trailhead off Martins Pond Road, up to 50 feet away from the trail. Ms. Scarlet

will seek permission from DPW/Highway Director Tom Delaney, for any work within the Town ROW. The vote was unanimous (5-0).

Moving on to Committee Updates, B. Easom reported the Community Preservation Committee (CPC) met last night and reviewed the terms of appointment for the various CPC members. He said it made sense for the Conservation Commission's representative on the CPC to be appointed for three years, and he was willing to be re-appointed to serve for another three years.

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

VOTED: to appoint Bruce Easom as the Commission's CPC representative for a term of three years. The vote was unanimous (5-0).

E. McHugh provided an Earth Removal Stormwater Advisory Committee update. They are reviewing the stormwater application for Indian Hill Music–Phase 2. They issued an Earth Removal Permit to Indian Hill Music for 80,000 cubic yards of material. They also issued an Earth Removal permit for the Groton Inn.

On the topic of upcoming meeting dates, the 11/7 meeting will be held in the GELD building due to a conflicting meeting in the usual room. B. Easom will participate remotely by phone. The 11/22 meeting will be back in the usual Town Hall room. In December, T. Tada proposed meeting on the first and third Tuesdays (12/6 & 12/20) to maintain a biweekly schedule up to the winter holidays. Commissioners agreed with the adjusted meeting schedule.

There being no further business, it was

VOTED: to adjourn the meeting. The vote was unanimous (5-0). The meeting was adjourned at 9:35 p.m.

Notes taken by Takashi Tada
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. Draft Revisions – Resource Management Plan, Surrenden Farm
2. NOI, Phase 2 – Music Center at Indian Hill, 122 Old Ayer Road, MassDEP # not issued
3. NOI, 366 West Main Street, MassDEP # not issued
4. NOI, 72 Martins Pond Road, MassDEP # not issued
5. NOI, 116 Boston Road, MassDEP # not issued
6. Extension Permit, Academy Hill Subdivision, MassDEP #169-970
7. Meeting Minutes, 7/26/2016

Approved 3/28/2017