

GROTON CONSERVATION COMMISSION

Meeting Minutes

Monday, November 7, 2016

Location: GELD Building, 23 Station Ave.

Members Present: John Smigelski (Chair), Peter Morrison (Vice Chair), Bruce Easom, Olin Lathrop (Clerk), Eileen McHugh, Marshall Giguere

Members Absent: Susan Black

Others Present: Takashi Tada (Conservation Administrator)

7:00 p.m. – Discussion: Groton School Sidewalks

Bob Collins presented the latest conceptual plan for Phase 2 of the Groton School Sidewalks project, which would include most of Peabody Street. Phase 1 covered Farmers Row and a short stretch of Peabody Street. The conceptual plan is to utilize a gabion wall along the stretch of Peabody Street where there is little or no room between the road and the wetlands, as a way of reducing the grading footprint. This approach would require approximately 1,000 square feet of wetland alteration. Other alternatives that have been considered include a raised walkway and making Peabody Street a one-way street. Potential mitigation for the wetland alteration could include a land donation and replication in a different location. Mr. Collins mentioned that the project also occurs in the ACEC and in NHESP rare species habitat. Groton School will begin filing for permits in the springtime.

B. Easom asked if the work would occur only in the Town ROW, or if some work on private property was needed. Mr. Collins said they need to review the boundary and elevation surveys.

E. McHugh said she liked the gabion wall as a way to reduce the impacts in resource areas.

Chairman Smigelski raised concerns about the longevity and maintenance requirements of a gabion wall. He has seen such walls in poor condition throughout the northeastern states.

7:13 p.m. – Public Hearing: NOI, Mitigation Plantings & Building Addition, 30 Britt Lane, MassDEP # not issued

Owner/Applicant: Donald Partridge

Representative: Stan Dillis (Ducharme & Dillis Civil Design Group)

Stan Dillis explained that his client, Donald Partridge, obtained a BOH permit to replace the septic system in the front yard of the house at 30 Britt Lane. The septic work was outside of the 100' buffer zone. In the process of doing the site work, Mr. Partridge proceeded to clear 30 trees in the back of the house within 100 feet of the BVW around Flat Pond. The Commission issued an Enforcement Order in August with a requirement to file a NOI with a buffer zone restoration plan.

This NOI includes a restoration plan and also seeks approval for an addition on the back of the house (kitchen expansion, 12' x 22'), a wrap-around porch on the front and east side (8' wide), and drainage improvements (extension of existing 24" RCP with proposed forebay). The addition, drainage improvements, and a portion of the porch are within the buffer zone. Temporary erosion controls (straw wattles) are proposed to be kept in place until springtime, when they will be removed to allow the buffer zone replanting to occur. The 34 trees (White Pine and Red Maple) and 63 shrubs (Highbush Blueberry and Silky Dogwood) will be planted by hand.

B. Easom asked if the addition could be moved to the front. Mr. Dillis said no, the purpose of the addition is to expand the kitchen located in the back of the house.

E. McHugh asked for clarification about the drainage easement on the property. Mr. Dillis said it was for stormwater runoff coming from Britt Lane, which explains the 24" pipe outlet on the west side of the house. E. McHugh also said the proposed density and tree size (3–4 feet tall) in the buffer zone restoration area does not adequately compensate for the loss of all the mature White Pines. Mr. Dillis said they can't plant too densely because the trees need room to grow, and it is difficult to find White Pine stock larger than 3–4 feet.

M. Giguere asked about the substrate in the forebay of the proposed outlet pipe extension. Mr. Dillis said it would be native soil with a stone perimeter. M. Giguere also asked if the wetland flags were based on the pre-disturbance conditions. There appeared to be some sandy fill material deposited near the edge of the BVW. Mr. Dillis said yes, he took soil samples below the fill with the auger. M. Giguere suggested reviewing the old subdivision Order of Conditions to confirm the pre-clearing limit of disturbance. Mr. Dillis noted that the subdivision pre-dates the Bylaw.

O. Lathrop expressed concern about the proposed new construction in the buffer zone, and he asked how they would handle new roof runoff. Mr. Dillis said the plan calls for a stone recharge trench.

P. Morrison asked how they would support the porch on the side/front of the house. Mr. Dillis said they planned to use sonotubes, and they can add crushed stone below the porch if the Commission wants. P. Morrison also asked if the existing stormwater runoff from Britt Lane was treated. Mr. Dillis said the road runoff discharging from the pipe is currently untreated and flows overland through the buffer zone.

B. Easom read aloud a comment letter from abutters, Po and Pamela Tse of 34 Britt Lane. Mr. Tse was in attendance and asked how the wildlife habitat would be restored. P. Morrison said the restoration area is not very large, and there is a much larger area of existing habitat around Flat Pond. B. Easom added that the wildlife will come back after the habitat is restored, as long as further disturbance is minimized. He suggested conservation markers to discourage future disruptions.

The applicants are waiting for MassDEP to issue a file number, and for NHESP to issue a rare species determination letter.

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

VOTED: to continue the public hearing for 30 Britt Lane to 11/22/2016. The vote was unanimous (6-0).

7:38 p.m. – Public Meeting: RDA, Removal of Hazard Trees, 65-67 Island Pond Road

Owner/Applicant: John & Laurie Masiello

Site Walk: 11/5/2016

The applicants were not present.

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

VOTED: to continue the public meeting for 65-67 Island Pond Road to the end of the agenda. The vote was unanimous (6-0).

7:40 p.m. – Public Hearing: NOI, Replace Single Family Home, Septic & Well, 284 Whiley Road, MassDEP #169-1144

Owner/Applicant: John & Linda Valentine

Representative: Jack Visniewski (Cornerstone Land Consultants)

Site Walk: 11/5/2016

Jack Visniewski, engineer with Cornerstone Land Consultants, presented the NOI proposal on behalf of John & Linda Valentine. The project involves demolition of the existing single-family home and construction of a new, larger home on the same foundation, with a deck on the back. Also proposed are a replacement septic system, a new private well, and a new detached 2-car garage. A similar project was approved in 2006 under the previous owners, but the project never got underway.

Mr. Visniewski said the new proposal is less impactful than the 2006 version. It includes replacing the existing house using the same foundation, with the addition of sonotubes and a cantilever design to allow the new house have more square footage than the existing. The existing shed will remain, with the new well proposed near the shed. A new 2-car detached garage is proposed off the northwest house corner. The replacement septic system will be in front (west) of the house in the existing lawn area. A dead birch tree in front of the house, and a damaged oak behind the house, are proposed for removal. Almost all the work is within 100' of Duck Pond, but no work is proposed within 50'.

B. Easom said he was glad to see the septic system proposed in the front yard, away from the pond. However, he noted the new deck will be closer to the pond, and the garage will be a new structure within 100' and just outside the 50' no disturbance zone. He asked how the proposal is

an improvement over existing conditions. Mr. Visniewski said the proposed garage area is already disturbed (gravel parking) and cars have been parked there uncovered. They can install drip trenches under the eaves to infiltrate roof runoff. Mr. Valentine added that the garage will be built on sonotubes (no foundation). B. Easom suggested requiring a permanent 50' no disturbance zone per the deed, to preclude future encroachment. Mr. Visniewski said the topography is naturally restrictive, as the land drops down toward the pond within 50 feet.

E. McHugh asked if the driveway surface will be paved, and if they had a plan to handle runoff down the driveway. She also asked if any plantings are proposed. Mr. Visniewski said the driveway will be paved and regraded where it meets Whiley Road, and he had a stone-lined swale and interceptor trench drain shown on an earlier version of the plan. He can add those features back to the plan to provide more definition to the drainage improvements. No plantings are proposed.

M. Giguere said the 50' no disturbance zone is protected under the Bylaw, and he recommended conservation markers along the 50' line. He asked about the garage substrate, and also about grading changes for the septic system. Mr. Valentine said he would keep the existing compacted gravel surface for the garage. Mr. Visniewski said the septic system would require only minor grading changes of approximately 1' in certain spots.

O. Lathrop said he wanted to see a net benefit from the proposed new construction, per the Bylaw. Mr. Valentine said there is no existing stormwater mitigation, and the proposed driveway with an interceptor trench and drainage swale would be an improvement. He also said they could pitch the garage roof toward the rear stonewall and provide infiltration there.

P. Morrison said the proposed garage would protect the pond from vehicle leaks, and he asked if the current proposal required any new fill. Mr. Visniewski said no filling is proposed, and he noted that the previously approved project called for nine feet of fill to raise the entire lot.

Bob Anderson, of 270 Whiley Road (direct abutter), said the current proposal is much better than the previously approved project. The proposed house is more modest in size and thus leaves more outdoor space on the lot. Also the existing house is deteriorating.

M. Giguere asked that the plan be revised per the items discussed during this hearing:

1. Specify garage surface.
2. Provide mitigation for roof runoff.
3. Add drainage improvements along the driveway.
4. Show driveway grading changes at Whiley Road.

The applicant is waiting for a determination letter from NHESP.

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

VOTED: to continue the public hearing for 284 Whiley Road, MassDEP #169-1144, to 11/22/2017. The vote was unanimous (6-0).

8:20 p.m. – Public Meeting: RDA, Pool & Landscaping, 228 Whiley Road

Owner/Applicant: Remigiusz Kaleta

Representative: Richard Capachione (New England Hardscapes)

Site Walk: 11/5/2016

Remi Kaleta (homeowner) and Rich Capachione (contractor) presented the RDA proposal to replace an existing timber retaining wall and stone/brick patio area with an in-ground pool and smaller patio. One mature oak tree located just beyond the retaining wall is proposed to be removed. The tree is approx. 40 feet from the edge of BVW around Duck Pond. A drywell to infiltrate runoff from the new patio is proposed.

M. Giguere asked where the 50' wetland setback is located. It is not shown on the plans. He would like to see the proposed pool shifted closer to the house, so that the limit of work extends no further than the existing timber wall. He also expressed concern about the steep slope below the wall. Mr. Capachione estimated the existing timber wall is approx. 45 feet from the BVW.

P. Morrison and B. Easom agreed that the new project should not encroach further than the existing wall, although P. Morrison was okay with removal of the oak tree. B. Easom suggested establishing the distance from the house to the timber wall as the limit of work.

E. McHugh asked about discharge from the pool. Mr. Capachione said it would have a non-backwash filter cartridge, and would connect via a permanent pipe to the proposed drywell near the driveway.

Chairman Smigelski asked about the pool volume. Mr. Capachione said the pool will hold 9,000 gallons, but will only need to be drained down by one foot.

T. Tada asked about erosion controls. Mr. Capachione provided a new side-view plan depicting straw wattles and silt fence erosion controls at the toe of the slope below the wall.

P. Morrison asked what time of year they planned to do the work. Mr. Capachione said they would install the pool before the winter, and then complete the patio hardscaping in springtime.

E. McHugh and P. Morrison said the applicants need to provide more detailed plans and other documentation to alleviate concerns about the steep slope below the wall and its proximity to the resource areas.

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

VOTED: to issue a Positive Determination of Applicability for the proposed pool/patio at 228 Whiley Road. The vote was unanimous (6-0).

8:40 p.m. – Discussion: Paul Funch, Trails Committee

Paul Funch, Chairman of the Trails Committee, presented a list of trail-related items for consideration:

1. Memorial bench for Eric Hannemann: Mr. Hannemann passed away in February. His sister, Sabine Sweeney, offered to donate a small memorial (eg., granite bench) to honor Mr. Hannemann's love of the outdoors, trails, and conservation. One potential location for the memorial is the Sand Hill Road intersection of the Nashua River Rail Trail, owned by DCR. Mr. Hannemann's parents live on Sand Hill Road. Potential locations on Town-owned conservation land include the Petapawag Boat Launch, Sargisson Beach, Baddacook/Shattuck Homestead, and Hawtree (wood bench to be added to the new observation platform constructed by Eagle Scout Alex Platt; Alex and Halsey Platt offered to build/install the bench in the spring of 2017).

The Commission members liked all of the potential locations, but with a clear preference for the Hawtree observation platform.

2. Acquisition of land or easements along Nashua River near Fitch's Bridge: Mr. Funch outlined acquisitions that would enhance parking/access at Fitch's Bridge, and help close the gap in a trail corridor along the river between the bridge and Surrenden Farm. The acquisitions would involve two parcels owned by Gary Wilkins, Jr., and one parcel owned by Allan & Donna Friedrich. Mr. Funch wondered if MassWildlife might support such an effort.
3. Trail maintenance issues: Items to be addressed through the DPW or service contracts include culvert repair at Sawtell Conservation Area; invasive species control (cutting back of Bittersweet) along Sawtell trail and Groton Hills trailhead off Kaileys Way; and delineation of the Batten Woods trail off the Orion Way cul-de-sac.
4. Legal issue – Mahoney Lane: Mr. Funch explained the ownership issue along Mahoney Lane, off Chicopee Row (across from Williams Barn). The eastern half of Mahoney Lane is owned by Marjorie Cox. The western half is owned by Valerie Best. The GCT owns a public trail access easement on the Best parcel, but not on the Cox parcel.

B. Easom suggested a friendly eminent domain taking, rather than an easement.

5. Safety improvements at road crossings: Mr. Funch identified three road crossings where vehicle speed and short sight-distance create unsafe crossings for trail users, especially equestrians. The crossings are Chicopee Row (Cox-Walker to Williams Barn/Sorhaug Woods), Chicopee Row (Mahoney Lane to Williams Barn), and West Main Street-Route 225 (Senior Center to "Newells Crossing" entrance to Town Forest). Options to improve safety include signs to alert drivers of the trail crossing, striping of the roadway, and perhaps lighted crosswalks such as those at Lawrence Academy on Main Street.

E. McHugh thought the signs and striping were a good idea, but lighted crosswalks would be a too much. B. Easom said the issue should be presented to the Selectmen and DPW.

Paul Johnson and Martha Greenwood, of 60 Valley Road, said construction of the retaining wall on their property has been completed. However, they can't get an engineer to certify the work. They did not pay the design engineer to be present during construction. They asked if the Commission would issue a Certificate of Compliance without an As-Built plan, as required per the OOC.

B. Easom and P. Morrison suggested a site walk would be helpful. The next date for routine site walks is Saturday, 11/19. The applicants agreed. T. Tada will schedule the walk.

9:12 p.m. – Public Hearing (cont'd): NOI, Septic Repair, 72 Martins Pond Road, MassDEP #169-1141

Owner/Applicant: John Sheedy
Representative: Doug Smith (Soilsmith Designs)
Site Walk: 10/22/2016

MassDEP issued file #169-1141 for this project, with no comments.

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

VOTED: to close the public hearing for 72 Martins Pond Road, MassDEP #169-1141.
The vote was unanimous (6-0).

The Commission then reviewed the draft Order of Conditions for 72 Martins Pond Road, MassDEP #169-1141.

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

VOTED: to issue an Order of Conditions under the Wetlands Protection Act for 72 Martins Pond Road, MassDEP #169-1141. The vote was unanimous (6-0).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for 72 Martins Pond Road, MassDEP #169-1141. The vote was unanimous (6-0).

9:15 p.m. – Public Hearing (cont'd): NOI, Sewer Connection, 116 Boston Road, MassDEP #169-1142

Owner/Applicant: Dorothy Janes & Shane Grant
Representative: David Erickson, attorney

MassDEP issued file #169-1142, with comment to install erosion controls. Straw wattles were installed after the Enforcement Order was issued back in January.

P. Morrison said he thought the Commission was letting the applicants off the hook too easily, but agreed that it was finally time to close the public hearing and move on.

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

VOTED: to close the public hearing for 116 Boston Road, MassDEP #169-1142. The vote was unanimous (6-0).

7:38 p.m. – Public Meeting (cont'd): RDA, Removal of Hazard Trees, 65-67 Island Pond Road
The applicants (Masiello) did not show up.

P. Morrison said some of trees proposed for removal were justifiable as hazard trees, but others were clearly outliers. It would be worth continuing the meeting to discuss with the applicants.

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

VOTED: to continue the public meeting for 65-67 Island Pond Road to 11/22/2016. The vote was unanimous (6-0).

Taking up General Business – Invoices, the Commission approved payment of the following invoice:

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

The Commission also reviewed draft Meeting Minutes from 10/11/2016.

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

VOTED: to approve the meeting minutes from 10/11/2016 as drafted. The vote was unanimous (6-0).

Moving on to Committee Updates, B. Easom reported the Community Preservation Committee anticipates \$120,000 in state matching funds for FY18. There was no state budget surplus. He also reminded the Commission that the two-page Project Summaries for FY18 are due this Thursday. He recommended submitting a generic Project Summary for the Conservation Fund (amount to be determined). Commissioners were in agreement. T. Tada will prepare the Project Summary and submit it by Thursday.

E. McHugh said the Earth Removal Stormwater Advisory Committee continues to review the Indian Hill Music stormwater permit application.

M. Giguere said the Great Pond Advisory Committee is exploring the use of hydro-raking to control aquatic weeds in Baddacook Pond.

On the topic of Land Management Updates, T. Tada reported that there will be no spraying at Baddacook Field this fall. The initial herbicide treatment in June appears to have been effective in knocking back much of the Black Swallow-wort infestation, perhaps assisted by the drought. The remaining plants were affected by the hard frosts in late October, and it would not have been worthwhile to spray. Jeff Taylor of VCS recommends springtime assessment of plant conditions with an expectation of limited spraying in 2017, possibly using glyphosate.

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. NOI, 30 Britt Lane, MassDEP # not issued
2. RDA, 65-67 Island Pond Road
3. RDA, 228 Whiley Road
4. NOI, 284 Whiley Road, MassDEP #169-1144
5. NOI, 72 Martins Pond Road, MassDEP #169-1141
6. NOI, 116 Boston Road, MassDEP #169-1142
7. Meeting Minutes, 10/11/2016

Approved 3/28/2017