

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, December 6, 2016

Location: Town Hall, 2nd Floor

Members Present: John Smigelski (Chair), Olin Lathrop (Clerk), Susan Black, Bruce Easom, Marshall Giguere, Eileen McHugh

Members Absent: Peter Morrison (Vice Chair),

Others Present: Takashi Tada (Conservation Administrator)

7:00 p.m. – Public Meeting: RDA, Garage, 103 Nashua Road

Applicant: Thomas Norton (contractor)

Owner: Sam Fischer

Site Walk: 12/3/2016

Thomas Norton presented the RDA proposal to construct a 26'x40' free-standing garage with a 12' overhang, to be located off the northwest corner of the existing single-family house. The existing driveway will be extended to the proposed garage. The work is outside of the buffer zone, but portions of the garage and driveway extension will occur within the Riverfront Area of an unnamed perennial stream (outer riparian zone). The nearest corner of the garage overhang will be approximately 160' from the stream bank. Mr. Norton provided an alternatives analysis and he estimated the project would alter approximately 3.9% of the total Riverfront Area on the property. The proposed work area is existing lawn/landscaping.

S. Black said the proposed project makes sense.

M. Giguere said the work qualifies under the Rivers Protection Act.

B. Easom thanked Mr. Norton for reading the regulations and providing the relevant information.

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

VOTED: to issue a Negative Determination (#2 & #3) for the proposed garage at 103 Nashua Road. The vote was unanimous (6-0).

Moving on to General Business - Invoices, the Commission approved the following invoices:

- Ducharme & Dillis Civil Design Group - \$350.00 for resetting a conservation restriction boundary marker (post) at 27 Crystal Springs Lane.
- *The Groton Herald* - \$184.00 for publication of various legal notices.

7:10 p.m. – RDA, Underground Propane Tank, 6 Hazelwood Avenue

Owner/Applicant: Wayne LeGacy

Site Walk: 12/3/2016

Wayne LeGacy explained that he forgot to include the underground propane tank in his previous RDA filing for the proposed deck. The tank will be installed off the southern corner of the house, in the existing lawn area surrounded by the concrete block wall. It will be approximately 25' from Lost Lake.

E. McHugh asked how deep the tank would be buried, and if the excavation would impact the mature oak tree closer to the house. Mr. LeGacy said the top of the tank would be five feet below ground. He wants to preserve the oak tree and will stay clear of it.

M. Giguere asked about handling of excess material. Mr. Legacy said excess material will be hauled offsite.

B. Easom asked if the proposed activity was prohibited under the Bylaw, and if it would have the potential to leak. M. Giguere said it is generally prohibited, but can be permitted if there is no alternative. Mr. LeGacy said the propane would not contaminate the water if it were to leak; it will convert to gas and dissipate.

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

VOTED: to issue a Negative Determination (#3) for the proposed underground propane tank at 6 Hazelwood Avenue, subject to the following conditions:

1. Disturbed area to be loamed and seeded.
2. Excess material to be removed offsite.
3. No trees to be removed.

The vote was unanimous (6-0).

7:10 p.m. – RDA, Deck, 34 Brown Lane

Owner/Applicant: David & Kimberly Eiselen

Representative: Peter Bradley (contractor)

Site Walk: 12/3/2016

The applicants and contractor presented an RDA for proposed deck with stairs, on the rear of the existing house. The deck itself will measure 12' x 14', plus 4' for the stairs (16' x 14' overall). The house was constructed in the early 1990's under an Order of Conditions (MassDEP #169-290) that permitted some filling of the wetlands to create a level yard. Prior to filling the wetlands, the 100' buffer zone may have included the deck location, according to the old plans. Mr. Bradley said he would install a double row of staked hay bales at the edge of the yard to prevent erosion.

M. Giguere said the deck location might be outside of the buffer zone now, post-filling.

B. Easom asked if they planned to place any material under the deck to infiltrate stormwater runoff. Mr. Bradley said he would place crushed stone under the deck.

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

VOTED: to issue a Negative Determination (#3) for the proposed deck at 34 Brown Lane, subject to the following conditions:

1. Crushed stone to be added below the deck.
2. Double row of staked hay bales to be staked for erosion control.

The vote was unanimous (6-0).

7:30 p.m. – Public Hearing (cont'd): NOI, Mitigation Plantings & Building Addition, 30 Britt Lane, MassDEP #169-1146

Owner/Applicant: Donald Partridge

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

Stan Dillis presented the revised plans and provided updates on the NOI proposal to restore the buffer zone and add to the existing house (kitchen expansion and wrap-around porch). The applicant received a MassDEP File number (169-1146) with comments about the suitability of the proposed tree/shrub species for the local conditions. Mr. Dillis said the tallest tree stock available is 4'-6' in height; these are now specified on the revised plans. Other plan revisions include: six conservation (buffer zone) signs/posts shown along the 50' wetland setback; drywell for recharging roof runoff located off the southwestern house corner; calculations of impervious areas and proposed infiltration (added below the legend); added a low stonewall with minor grading to the existing yard on east side of house to reduce runoff from the front yard.

B. Easom reiterated his concern about the proposed addition within the buffer zone. Mr. Dillis said the proposed addition only makes sense on the back of the house because that is where the kitchen is.

M. Giguere asked if the proposed drywell will mitigate stormwater runoff from the addition. Mr. Dillis said it would.

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

VOTED: to close the NOI public hearing for 30 Britt Lane, MassDEP #169-1146.

The vote was unanimous (6-0).

7:35 p.m. – Public Meeting: RDA, Removal of Hazard Trees, 65-65A & 67 Island Pond Road

Owner/Applicant: John & Laurie Masiello

Site Walks: 11/5/2016 & 12/3/2016

John and Laurie Masiello presented a revised proposal to remove trees, mostly White Pine, as required by their insurance carrier. The Commission conducted a follow-up site walk with the applicants on 12/3/2016 to review the trees marked for removal.

M. Giguere summarized the Commission's site walk. Four of the marked pine trees between the two adjacent houses (#65-65A Island Pond Road) were leaning over the pond and did not appear to represent an imminent threat to the structures. These four trees are to remain. The hillside area between the two houses is proposed to be replanted with native birch trees. He wondered if the soils were suitable, and recommended planting 2 birches for every tree removed. At #67 Island Pond Road, the trees to remain are those located south of the pump station and also those to the north of the shed beyond the narrowest point of the peninsula.

E. McHugh agreed with keeping those trees mentioned above. She also liked the proposed birch plantings (2:1 ratio) and recommended using amendments to keep the soil in the planting area cool and moist.

S. Black asked who marked the trees. Mr. Masiello said the trees at #65-65A were marked by the insurance company. Most of the trees at #67 were also marked by the insurance company, but some on either end of the work area were added by Mr. Masiello. S. Black said leaving the stumps in place will help stabilize the soil, and the hardwoods to remain will provide shade.

After further discussion, Mr. Masiello agreed to leave the four "leaners" in place at #65-65A, although he intends to prune some of the branches. He annotated the plans to indicate a total of four previously-marked trees to remain at #65-65A, and a total of eleven previously-marked trees to remain at #67.

Chairman Smigelski suggested T. Tada could verify removal of the ribbons on the trees that are to be spared. Commissioners agreed with this approach.

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

VOTED: to issue a Negative Determination (#3) for the proposed tree removal project at 65-65A and 67 Island Pond Road, subject to the following special conditions:

1. Final marking of trees to be verified by Conservation Administrator.
2. Replant native birches on the hill between 65 and 65A (2:1 ratio).
3. Stumps to remain in place, except in the replanting area. Stump grinding is allowed in the replanting area. No stumps shall be removed.

The vote was unanimous (6-0).

8:00 p.m. – Public Hearing (cont'd): NOI, Septic Repair, 366 West Main Street, MassDEP #169-1143

Owner/Applicant: Douglas & Karyn Pulsifer

Representative: Chris Mackenzie (Whitman & Bingham Associates)

Site Walk: 10/22/2016

The applicants requested a continuation to 12/20/2016.

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

VOTED: to continue the NOI public hearing for 366 West Main Street MassDEP #169-1143, to 12/20/2016. The vote was unanimous (6-0).

7:35 p.m. – Public Hearing: NOI, Music Center at Indian Hill – Phase 2, MassDEP #169-1145

Owner/Applicant: Indian Hill Music

Representatives: Gary Shepherd (Shepco Inc.); Todd Morey & Devin Howe (Beals Associates)

Site Walk: 10/22/2016

Todd Morey reported that they resolved the stormwater management issues with the ERSWAC and received unanimous approval of their stormwater permit. This was the last outstanding issue of concern to the Commission.

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

VOTED: to close the NOI public hearing for Music Center at Indian Hill – Phase 2, MassDEP #169-1145. The vote was unanimous (6-0).

The Commission reviewed the draft Order of Conditions for Music Center at Indian Hill – Phase 2, MassDEP #169-1145. The water quality sampling location in Special Condition #66 was corrected to indicate sampling in James Brook near the Indian Hill Road culvert (downstream of the project site).

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

VOTED: to issue an Order of Conditions under the MA Wetlands Protection Act for Music Center at Indian Hill – Phase 2, MassDEP #169-1145. The vote was unanimous (6-0).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for the Music Center at Indian Hill – Phase 2, MassDEP #169-1145. The vote was unanimous (6-0).

8:30 p.m. – Discussion: Draft Forest Stewardship Plan

Mike Barry, of Bay State Forestry Service, presented the draft Surrenden Farm Forest Management Plan he prepared for the Commission. The plan, when finalized, will be submitted to MA Department of Conservation & Recreation (DCR) for enrollment in the Forest Stewardship Program. Mr. Barry explained his delineation of the various forest stand types as

shown on the Forest Stand Map, and his management recommendations for each. The plan covers all three Management Zones on the property, including the hayfield (MZ-2).

In MZ-1, the recommendation for the two red pine stands (ST-2 “A & B”) is to clear these areas and maintain them as open/early successional habitats for turtles and other wildlife. This type of habitat is becoming increasingly rare in Massachusetts.

S. Black raised concerns about invasive plants spreading in the cleared areas, and the cost of doing such work. She also asked about the market for red pine. Mr. Barry said there isn’t much of a market for red pine. He had two recommendations for controlling invasives. The first is to begin invasive plant management before and/or during the removal of red pine stands, to prevent an explosion of opportunistic invasive plants in the disturbed areas. The second is to apply for a state grant (Mass Wildlife Habitat Management Grant) to fund both the invasives control and the wildlife habitat creation. He said he could assist the Commission with the grant application. The grant is for projects in the \$10K - \$50K cost range, and the work must be completed between December and June 30th of each cycle.

In MZ-2, the plan identifies invasive plants growing in and around the hayfield. The hayfield will remain under agricultural license.

The forest in MZ-3 is mostly mature, closed canopy hardwoods. Mr. Barry said the previous cutting in MZ-3 appears to have been well managed, but deer pressure is hindering regeneration. He recommends a selective cut to provide shelterwood for oak and pine regeneration.

O. Lathrop said the Commission’s main goal is habitat, not revenue, and asked why it isn’t better to leave MZ-3 alone to become an old-growth forest. Mr. Barry said proactive management is recommended to ensure a mixed-age, diverse, and resilient forest over the long-term. He also said the cutting could be done in a way that enhances the white oak regeneration.

E. McHugh asked about the selective cutting process. Mr. Barry said he would mark all the trees to be cut, then put out an RFP for licensed harvesters. Public outreach would be an important aspect before, during, and after the cut. Commissioners recalled past experience with public outreach for the Baddacook Field and Farmers & Mechanics harvests.

Mr. Barry said the plan makes note of access issues, which will need to be addressed as needed. It makes sense to reuse the previous landing area and existing paths in MZ-1, and also the main path through the hayfield. The Forest Management Plan estimates the volume of cordwood and timber in each stand, but the real specificity will come in the cutting plans that he prepares to meet the management goals.

O. Lathrop asked if it made sense to also recommend removal of ST-6A, which is next to the lower red pine area (ST-2B) and consists of dense, thorny invasive shrubs. Mr. Barry said he couldn’t even walk through the stand because the invasives were so thick, and it might make sense to remove these along with the Red Pines. E. McHugh said it would be helpful to walk the red pine/invasive stands.

Mr. Barry also acknowledged the comments on the draft plan submitted by MassWildlife (holder of the CR), which included a desire for more openness in MZ-1 and monitoring of invasive plants in the hayfield, especially spotted knapweed. He disagreed with opening up the canopy because it would encourage the spread of invasives. Selective patch cutting is the preferred method of opening up the canopy.

Commissioners thanked Mr. Barry and said they would provide final comments on the management plan after the next meeting on 12/20. S. Black will provide a written summary of her comments on invasives, funding, etc.

Moving on to other General Business, the Commission considered a request for Certificate of Compliance (partial) for 230 Fieldstone Drive (part of Academy Hill, MassDEP #169-917), submitted by Mark Presti. Mr. Presti purchased the undeveloped lot from the subdivision developer and has been building his house over the last two years. He is nearing completion and would like to release his lot from the existing subdivision Order of Conditions. The Commission conducted a site inspection on 12/3/2016 and observed patches of bare ground and evidence of instability on the slope behind the septic leaching field. A utility easement wraps around the back of the lot, but the lot is entirely outside of the wetlands buffer zone. Therefore, it is non-jurisdictional.

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

VOTED: to issue a partial Certificate of Compliance for 230 Fieldstone Drive. The lot will be released from the OOC for Academy Hill, South Entry, MassDEP #169-917.
The vote was unanimous (6-0).

The Commission next considered a draft Order of Conditions for 284 Whiley Road, MassDEP #169-1144. The public hearing was closed 11/22/2016. The Bylaw Special Condition for conservation markers along the 50' no disturbance zone was retained, minus the requirement to plant shrubs.

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

VOTED: to issue an Order of Conditions under the Wetlands Protection Act for 284 Whiley Road, MassDEP #169-1144, as drafted. The vote was unanimous (6-0).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for 284 Whiley Road, MassDEP #169-1144, as amended. The vote was unanimous (6-0).

As a final order of business, the Commission considered a Request for Certificate of Compliance (partial) for 43 Fawn Terrace Lane (Deerhaven Subdivision, Lot 8), MassDEP #169-596. Commissioners conducted a site inspection on 12/3/2016.

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

VOTED: to issue a Certificate of Compliance for 43 Fawn Terrace Lane (Deerhaven Subdivision, Lot 8), MassDEP #169-596. The vote was unanimous (6-0).

There being no further business, upon a motion, seconded, it was

VOTED: to adjourn the meeting. The vote was unanimous (6-0). The meeting was adjourned at 10:00 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, 103 Nashua Road
4. OOC, 284 Whiley Road, MassDEP #169-1144
5. NOI, 366 West Main Street, MassDEP #169-1143
6. OOC, Music Center at Indian Hill "Phase 2", MassDEP #169-1145
7. Draft Forest Stewardship Plan for Surrenden Farm
8. Certificate of Compliance (partial), 230 Fieldstone Drive, MassDEP #169-917
9. Certificate of Compliance (partial), 43 Fawn Terrace Lane, MassDEP #169-596

Approved 5/23/2017