

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, November 28, 2017

Location: Town Hall, 2nd Floor
Members Present: John Smigelski (Chair), Peter Morrison (Vice Chair), Olin Lathrop (Clerk),
Bruce Easom, Larry Hurley, *Marshall Giguere (*via video connection)*
Members Absent: Eileen McHugh
Others Present: Nikolis Gualco (Conservation Administrator)

7:00 p.m. – The meeting was called to order by Chairman J. Smigelski.

The meeting began with the Commission hearing a Discussion about proposed activities within the buffer zone associated with the renovation of the single family home at 186 Main Street, Property Owner: Donna Ward (not in attendance)
Representative: Atty. Bob Collins

B. Collins gave a primer on the property which was recently purchased by his client D. Ward. He proceeded to orient the Commission to the property via a site overview plan prepared by Ducharme & Dillis, which showed an aerial photographic base map, Groton Assessors data, and the approximate location of the 100 foot wetlands buffer zone. The proposed activities will revolve an re-zoning article as the building will be used as an office space. B. Collins pointed out that most of the site in question is located outside of the wetlands buffer zone and has been previously disturbed. There are invasive species on the property that the property owner would like to remove. B. Collins concluded his introduction by asking the Commission if the proposed activities would be sufficiently covered under a RDA.

P. Morrison inquired in the driveway needing repair comes off of Mayfield Road, to which B. Collins responded *yes*. P. Morrison continued and asked if the portion of stream and the farm pond that exists upstream from the Main Street culvert qualified as Riverfront. N. Gualco replied that under the Bylaw, this likely would not qualify (as a perennial stream) since the stream is not displayed on the USGS maps, however it is likely classified as a stream under the WPA. Riverfront designation applies to perennial streams, which James Brook is in this location. However the Wetlands Protection Regulations state that when “a river runs through a culvert more than 200 feet in length, the riverfront area stops at a perpendicular line at the upstream end of the culvert and resumes at the downstream end.” As the culvert that crosses Main Street is longer than 200 feet and the upstream end begins off locus, Riverfront does not apply to this particular parcel.

B. Easom concluded by stating that based on the discussion the filing of a RDA should be sufficient and the Commission agreed.

At this time the Commission proceeded to General Business by reviewing a Request for Certificate of Compliance for 19 Baby Beach Road (MassDEP#169-1058).

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

VOTED: to issue a Certificate of Completion under the MA Wetlands Protection Act and the Groton Wetlands Bylaw to Yvette Bigelow for 19 Baby Beach Road, MassDEP#169-1058. The vote, taken via roll call, was unanimous (**Yes:** O. Lathrop, B. Easom, M. Giguere, L. Hurley, P. Morrison, J. Smigelski).

Continuing with General Business, the Commission reviewed Meeting Minutes for May 9th, 2017.

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

VOTED: to approve and release the minutes for May 9th, 2017 as drafted. The vote, taken via roll call, passed (**Yes:** B. Easom, P. Morrison, M. Giguere; **Abstain:** O. Lathrop, L. Hurley, J. Smigelski).

Continuing with General Business, the Commission reviewed Meeting Minutes for October 24th, 2017.

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

VOTED: to approve and release the minutes for October 24th, 2017 as drafted. The vote, taken via roll call, passed (**Yes:** O. Lathrop, B. Easom, P. Morrison, J. Smigelski, M. Giguere; **Abstain:** L. Hurley).

7:15 p.m. – Public Meeting: RDA, Removal of vegetation within the buffer at 172 Main Street
Applicants/Representatives: Stephen Lane, Bob Pine

S. Lane began by providing an overview of the project which involves the proposed removal of up to 70 Norway maple trees and the creation of a public garden begin the historic society building. The idea behind this project is to re-create a garden typical of the 19th century comprised of native vegetation and an overlook vista of Gibbet Hill.

B. Pine then described in more detail the logistical components proposed. The Norway maples, which are an invasive species, grow on this site in a dense thicket casting large shadows. The proposed strategy is to clear cut and replace with new native vegetation. The cutting and stumping, if approved, would occur during the 2017-2018 winter season. There may be some months between the time the trees are cut and the time native vegetation (associated with the planned garden) is planted. During this time plantings of seasonal grasses and or an application of straw mulching would occur. The plan calls for the installation of erosion controls (hay bales and silt fence) where necessary until the area is stable.

P. Morrison asked when was the planned start date to which S. Lane reiterated this upcoming winter. P. Morrison asked how long the soils would be loose and unstable to which B. Pine replied that if by spring a landscaping plan has not been finalized then the site will be seeded temporarily (seasonal grasses). P. Morrison stated that his concern is that centered around the loose soils and the possibility of them moving around on and off site. B. Pine explained that the excavator would compact the site.

L. Hurley asked if the plan was to have the all trees cut and the stumps removed during the winter. B. Pine stated that was the idea, but this would be depended on the amount of money raised.

B. Pine mentioned that part of the plan calls for the planting of pollinator plants.

M. Giguere asked about the proposed seating area and specifically what materials would be used to create it. B. Pine stated that stone benches would be installed on a pervious bed and surrounded by pollinator plants. M. Giguere stated that since this area was within the wetland buffer he would like to see wetland appropriate plants. B. Pine for a recommendation to which M. Giguere recommended high bush blueberry (*Vaccinium corymbosum*), which is classified as Facultative Wet in Massachusetts.

O. Lathrop asked about the portion of the site that was within the 50 foot wetlands buffer to which B. pine replied that the plan only called for the removal of invasives and planting of native vegetation

Both the property owner and an abutter were in the audience and stated they full supported the project.

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

VOTED: to issue a Negative Determination (#3) for the removal of invasive vegetation within the wetlands buffer zone at 172 Main Street under the following conditions:

1. Only the removal of invasive vegetation (e.g., Norway Maple, *Acer platanoides*) is permitted. Other activities within jurisdictional areas on this property will require future filings with the Groton Conservation Commission.
2. All disturbed areas shall be loamed, seeded, and properly stabilized post-cutting. Disturbed areas shall be mulched with loose straw until vegetation is established. Any plantings shall be native, non-invasive species.
3. Erosion control devices shall be placed and maintained to ensure their proper functioning until all exposed soils have been stabilized with final vegetative cover and the Conservation Commission or its agent has authorized their removal.

The vote, taken via roll call, passed unanimously (Yes: O. Lathrop, B. Easom, M. Giguere, L. Hurley, P. Morrison, J. Smigelski).

The Commission then heard a Discussion about a proposed trail at Parcel "A", Partridgeberry Woods.

Property Owner: Robert Taisey (not in attendance)

Representative: Atty. Bob Collins (not in attendance)

Conservation Restriction Owner: Groton conservation Commission

Proponent: Paul Funch, Groton Trails Committee

P. Funch began by introducing the introducing the proposed trail project (the Marion Stoddart Riverwalk). The trail as proposed (approximately one mile long, 10 feet wide, comprised of a firm, smooth, and permeable surface) would predominantly be built on top of the existing undeveloped trail. Bridges would likely be required to span wet areas of ecological significance. This parcel parallels the Nashua River and connects two conservation areas (GCT's Lawrence Woods in the south and GCC's Farmers & Mechanics in the north). P. Funch language from the Open Space & Recreation Plan, which prioritizes the exploration of "developing a river walk along the Nashua River and Squannacook River." The vision for the Riverwalk, P. Funch continued, is to provide access to the scenic Nashua River for all ages (strollers to walkers/wheelchairs) and provide educational opportunities of the area's history, biodiversity, and watershed ecology. The Trails Committee plans to apply for CPA funding for the design of the Riverwalk. However, as stated in the CR, approval of the trail, which is considered a permitted activity under the CR, must first be acquired by the landowner (R. Taisey). P. Funch asked the Commission to consider supporting the project and writing a letter to R. Taisey soliciting his support.

L. Hurley asked about the materials the Trails Committee plans to use in constructing the multi-use trail. P. Funch replied that the construction plan would be similar to the John Tinker Trail, which involved the application of crushed rock (3/8" flat with fines).

M. Giguere asked if the Trails Committee plans to file with Conservation. P. Funch replied *yes* and that he anticipated a Notice of Intent would be necessary considering the trail will intersect areas within the wetlands buffer, Riverfront, and in some cases will require the crossing of a wetland resource area (e.g., bridge). Trail development within Riverfront would require compensatory restoration. M. Giguere then reiterated that even though the Commission owns the CR it is the landowner that ultimately needs to approve the proposed trail. This point, M. Giguere clarified, was his main concern with the project.

B. Easom shared that the process for approving this trail is similar to what was required for approving the construction of the trail bridge at Gibbet Hill. He continued and said that the project seemed reasonable and supports the Commission sending a letter to R. Taisey to seek input/permission.

O. Lathrop agreed and said overall the project seemed reasonable to him.

P. Morrison inquired about the design of the bridge and asked what type of users would be permitted on the trail. P. Funch replied that primarily the vision was for walkers, strollers, wheelchairs, horses, and possibly mountain bikes. At this time, P. Morrison read a section from

a letter the Commission received from R. Taisey's attorney, which expressed concern about the proposed trail. P. Funch replied that this issue would need to be resolved.

At this time, J. Smigelski opened the discussion up for public comment. Several residents of the Partridgeberry Woods subdivision were in attendance to share their input on the proposal.

A petition of 58 homeowners against the proposed Riverwalk was submitted to the office of the Conservation Commission, which reflects the comments shared during this meeting, and is available for review upon request.

One homeowner, Chris Petroff of 227 Riverbend Drive, was in support of the proposed trail and stated that he has not had issues with crime, does have trouble with accessibility, and would benefit from the proposed trail.

The Commission then heard a Discussion proposed minor site plan change for OOC MassDEP#169-1144, 284 Whiley Road.

Property Owner: John Valentine

J. Valentine presented the proposed changes which involved the addition of a landing at the top of the back stairs. J. Valentine explained that adding a landing to the top of the back stairs would permit a change in direction to hug the side of the house rather than going straight out from the door. He explained that two sonotubes would be required for the stair design. Finally, he request clarification as to the intention of the design of the stormwater (roof runoff) catchment system.

P. Morrison suggested using gutters with the downspout draining into a catch basin as opposed to the trench design.

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

VOTED: to deem the following changes to the approved plan as minor changes for OOC MassDEP#169-1144:

1. To add a landing to the top of the back stairs, permitting a change in direction to hug the side of the house rather than going straight out from the door.
2. The addition of two sonotubes to accommodate the proposed change to the back stairs.
3. The roof runoff to be controlled in a manner appropriate to the site.

The vote, taken via roll call, passed unanimously (**Yes:** O. Lathrop, B. Easom, M. Giguere, L. Hurley, P. Morrison, J. Smigelski).

The Commission then reviewed a Correspondence (email) sent by Cyndi Dusek of 25 Whitney pond Road requesting clarification on approved methods of stabilization for a septic system, MassDEP#169-1157.

Property Owner: Cyndi Dusek (not in attendance)

The Commission reviewed an email it received from C. Dusek requesting clarification of approved stabilization methods for the project associated with OOC MassDEP#169-1157. The Commission discussed this for several minutes. Ultimately, the board came to an agreement that an application of a minimum of four (4) inches of wood chipped mulch would be an acceptable method for stabilizing the disturbed area associated with the installation of the leach field. Additionally it the placement of straw wattles between the disturbed area and the driveway was recommended. N. Gualco will write C. Dusek a letter summarizing this discussion.

The Commission then continued with General Business, Other Discussions and resumed a conversation from the November 14th meeting on the recent submission of a CPA summary application.

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

VOTED: to request \$25,000 in CPC funding. The motion, taken via roll call, passed unanimously (**Yes:** O. Lathrop, B. Easom, M. Giguere, L. Hurley, P. Morrison, J. Smigelski).

The Commission then made a recommendation to N. Gualco regarding future Eagle Scout project request, which was to send them to the Trails Committee.

The Commission then continued with General Business and discussed the Open Space & Recreation Plan update.

The Commission discussed their interest in finding a contractor (like was done in 2012) to conduct the update. M. Giguere asked about how intensive of an update was required and stated the he was involved in the 2012 update, which was quite intensive. B. Easom inquired about how this update would involve the Master Plan update and in what capacity the Planning Board would be involved. N. Gualco stated he will look into the requirements of the 2019 update and agreed to talk with the Town Planner about how to work with the Planning Board during the update.

The Commission signed an Invoice for \$48.88 from the Groton Herald for a legal notice posting.

The Commission then continued with General Business, Land Management and discussed **Surrenden Farm West.**

N. Gualco provided an update on a recent conversation with Mike Barry, Bay State Forestry, regarding the treatment of invasives (Oriental bittersweet, *Celastrus orbiculatus*) at the two red

pine stands, which are planned for clear cutting next year. N. Gualco also provided the Commission with a copy of the Cutting Plan for their approval and comment.

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

VOTED: to approve the forest cutting plan. The vote, taken via roll call, passed unanimously (**Yes:** O. Lathrop, B. Easom, M. Giguere, L. Hurley, P. Morrison, J. Smigelski).

Next the Commission agreed to table the further discussion on the Agricultural License to the next meeting (December 12th), but did discuss re-posting the RFP to hay the field.

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

VOTED: to re-post the RFP to hay the 36 acre field at Surrenden Farm West. The vote, taken via roll call, passed unanimously (**Yes:** O. Lathrop, B. Easom, M. Giguere, L. Hurley, P. Morrison, J. Smigelski).

The Commission then continued with General Business, Land Management and discussed the purchasing of a new conservation sign for the Fritz and Hellen Walker Conservation Area.

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

VOTED: to authorize N. Gualco an amount not to exceed \$300 from the general fund for the purchase of a green-white routed plastic conservation area sign for the Fritz and Hellen Walker Conservation Area. The vote, taken via roll call, passed unanimously (**Yes:** O. Lathrop, B. Easom, M. Giguere, L. Hurley, P. Morrison, J. Smigelski).

9:43 p.m. – B. Easom made a motion (seconded by P. Morrison) to adjourn the meeting. The motion, taken via roll call vote, passed unanimously: (**Yes:** O. Lathrop, B. Easom, M. Giguere, L. Hurley, P. Morrison, J. Smigelski.)

Exhibits on file at Conservation Commission Office:

1. Site Plan, “Existing Conditions, 186 Main St.”
2. COC, 19 Baby Beach Road, MassDEP#169-1058
3. DOA, 172 Main Street (S. Lane)
4. Partridgeberry Woods, Marion Stoddart Riverwalk, Trails Committee Presentation
5. Partridgeberry Woods, Marion Stoddart Riverwalk, Homeowners Petition
6. Partridgeberry Woods, Marion Stoddart Riverwalk, Letter from Atty. Collins
7. OOC, 284 Whiley Road, MassDEP#169-1144

Approved: December 26, 2017