

Groton Conservation Commission

Meeting Minutes

Tuesday February 27, 2018

Location: Groton Town Hall, 2nd Floor
Members present: John Smigelski (Chair), Peter Morrison (Vice Chair),
Larry Hurley (Clerk), Eileen McHugh, Olin Lathrop, Bruce Easom
Attending remotely: Marshall Giguere
Others present: Nikolis Gualco (Conservation Administrator), Beth Faxon (Per Diem
Minute-taker, Town of Groton)

Chairman Smigelski called the meeting to order at 7:01 p.m.
He announced that the meeting is being recorded.

The Commission began with General Business, orders of condition 419 Old Ayer Rd, DEP#169-1168. P. Morrison read the Special Condition under the Wetlands bylaw. N. Gualco interjected on number #13 suggesting it be stricken due to the entire property being in the 50 ft and 100 ft buffer zone, and the location of the house and well replacement.

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

VOTED: issue an Order of Conditions with the aforementioned revisions under the Groton Wetlands Bylaw for 419 Old Ayer Road, Mass DEP#169-1168. The motion passed by a roll call vote: (Yes: JS, EM, OL, BE, MG, PM).

P. Morrison then read the Special Conditions under the Act. N. Gualco interjected to suggest the Commission strike Condition #50.

Upon a motion made by P. Morrison, and seconded by E. McHugh it was;

VOTED: issue an Order of Conditions with the aforementioned revisions under the Wetlands Protection Act for 419 Old Ayer Road, Mass DEP#169-1168.; The motion passed by roll call vote: (YES: JS, PM, MG, BE, OL, EM)

The Commission then continued to General Business, item 2.2, to approve meeting minutes for 2/13/2018.

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

VOTED: To accept the February 13, 2018 meeting minutes as drafted; The motion passed by roll call vote: (YES: MG, JS, PM, BE, EM,OL)

The Commission moved on to General Business, item 2.4 Invoices;

N. Gualco presented 3 invoices to the Commission for signature; 1) The Groton Herald for \$239.25 for legal notice posting, 2) Larry Huley for \$125.00 for MACC conference registration reimbursement and 3) Mass Farm Bureau for \$34.00 for advertisement for hay bids. All invoices were signed and approved.

The Commission then continued with General Business, item 2.5.2 and opened discussion regarding a vote to accept donations to the Commission of Parcel (234-2) and Parcel (205-41)

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

VOTED: Vote to accept donations of Parcel (234-2) from Regulas Realty Trust and Parcel (205-41) from L&S Builder Corporation; The motion passed by roll call vote: (YES, JS, PM, LH, MG, EM, BE, OL)

The Commission then moved to Appointments and hearings, 1.1 Public meeting, RDA, for the replacement of an existing sewage disposal system located at 42 Common St.

Presenting: Greg Roy, engineer

The applicant is proposing to replace the old septic system and upgrade to new septic system at 42 Common St. Access for construction will be made on the opposite side of the property from the wetland. Soil tests indicated suitability in the proposed area. They are proposing a mounted pump system, with some impact to the Buffer zone. They have proposed erosion control measures. The closest work will occur to the wetland will be 75 feet. E. McHugh asked about the planting schedule for stabilization and applicant replied spring 2018. B. Easom asked if the siltation fencing could be extended in the area of trenching near the house and the representative agreed. M. Giguere, asked about a stream that appears on the Assessor's Map, asked if it was apparent on the site walk.

Upon a motion by P. Morrison, and seconded by L. Hurley it was;

VOTED: issue a Negative 3 Determination, under the Wetlands Protection Act, with the addition of extension of the siltation fencing as shown on plan dated 2/27/2018. The motion passed by roll call vote: (YES: EM, OL, JS, PM, BE, MG, LH)

The Commission heard an update under General Business, 2.7 Committee Updates;

B. Easom updated the Commission about the status of the Gibbet Hill Trail bridge project and the pending site walk with MassDCR.

Nik Gualco announced under General Business 2.3.2 that Susan Black delivered a section of a newly released article from Northeast Logger Magazine on the topic of ‘Woodland Invasives’ to the Conservation Commission office. It is the first in a two-part series on invasive species and how we inadvertently spread them.

The Commission then moved on to Appointments and Hearings, 1.2 Public Hearing, NOI, for the installation of a submerged aeration system to ecologically restore Duck Pond, MassDEP#(not yet received)

Presented by: Tyler Ferrick, DeRosa Environmental

Others Present: Bob Anderson, project manager

The Duck Pond restoration project includes the installation of an aeration system to increase dissolved oxygen, and increase quality of the resource for fish and wildlife. Currently algae are eating up excess nutrients in the 26 acre pond, located off of Wiley Road. The proposal includes placement of a 250 pound compressor, servicing a ten air submerged pipe delivery system. The electric connection system is located in close proximity to a telephone pole, to power the compressor. The aeration apparatus for each tube is weighted and would sit on the bottom of the pond. Installation of the buried utility line will be done using an excavator, creating a path to waterfront for access to install compressor on a concrete pad for stability. DeRosa Environmental has done similar projects in the past. The goal is to increase the dissolved oxygen and consequently the fish and mammal populations. Also to reduce the algae and other unwanted vegetation that is blocking the sunlight and killing bottom vegetation.

L. Hurley asked about the size of the pipe and if the cement pad size could be reduced? Answer was no because the 4’x5’ pad is designed to stabilize the generator. E. McHugh asked about the absence of a suitable **site plan** accompanying this presentation that shows specifically what the project will involve in terms of what excavation will occur, areas of disturbance, location of apparatus and erosion control. Question as to who will be managing the construction. Mr. Anderson stated that he would be onsite and oversee site work. Chairman Smigelski stated that the project NOI Site Plan must be marked to indicate the area of work. B. Easom asked if it is possible to hand dig the 4’x5’ area instead of bring in a excavator, and, if Mass. Natural Heritage has been heard from on this project. He also opined that the most critical part of the project will be right at the water's edge. O.Lathrop expressed his dissatisfaction at the fact that no drawings, or plans were provided and no information regarding materials to be utilized. Questions about

the electric wire and trenching were asked. Answer was 30 AMP breaker, and eighteen inch depth of wire. Questions from the Commission included the noise level of the compressor, this was answered minimal. Will the compressor be idle in winter? Answer was yes to allow for citizens to use the pond ice for winter recreation. The project will be considered a permanent installation. Maintenance will be done by a contractor said Bob Anderson, quotes have been received. The system maintenance will be minimal and primarily involve cleaning of debris.

E. McHugh asked about the plans to study the project. Bob Anderson, project manager, noted that there is a data collection requirement for this project by the Groton Conservation Trust. The plan is to collaborate with school students and volunteers for data collection and analysis. E. McHugh would like a study plan to be in the Order of Conditions for the project. Chairman Smegleski read an email which included some questions from Board of Health Agent, Ira Grossman. Bob Anderson explained that the application of the commercial bacteria product will be handled by a consultant once a month, when the temperature is above 50F. The compressor will supply sufficient pressure and there will be periodic turbidity water testing added to the data collection study plan. The measure of success will be improvement of habitat, use by wildlife, reduction of muck and increase in dissolved oxygen. Data will be provided to CPC as well.

B. Easom requested a second site walk be scheduled.

Upon a motion by E. McHugh, seconded by P. Morrison it was;

VOTED: to continue the public hearing, NOI, for the installation of a submerged aeration system to ecologically restore Duck Pond until March 13th, 2018. The motion passed with a roll call vote: (YES: JS, PM, LH, EM, MG, OL, BE)

The Commission then continued to the next appointment 1.3, Public hearing, NOI, for the redevelopment of the existing senior center located at 163 Main street, MassDEP#(not yet received).

Presenting for the applicant: Greg Roy, Ducharme & Dillis Civil Design

The parcel of land for this project is located in the Buffer Zone, an Area of Critical Environmental Concern (ACEC), and NHESP priority habitat. The resource includes Wrangling Brook, a perennial stream with associated Bordering vegetated wetlands. Flags are in place as were seen on the site walk. The proposed site of work is not in the floodplain..

Mr. Roy noted that the site plan includes the existing conditions superimposed on the proposed project. The plan includes completely replacing the building and parking area, upgrading the septic system, drainage, water, gas and electric systems to support the new building. The size of the building will increase 5 fold, with complete build out of just less than 11,000 sq. ft. 77

parking spaces are proposed using the existing access, with a slight change in grading. The drainage system has been designed to be in compliance with NPDES, under the standard provisions.

Mr. Roy informed the Commission that this NOI was filed jointly with Mass Natural Heritage. Mass Natural Heritage responded with a letter outlining the following conditions: a protection plan for the Blanding's turtle, a stormwater operation maintenance plan, post construction removal of the erosion control barrier and a request for curbing styles that would be conducive to wildlife migration.

B. Easom expressed concerns over the location of the building within 100 feet of the resource. He also feels the grading plan is ambiguous, and questions the need for 75 parking spaces. He further expressed concern over the ability of the proposed septic system to mitigate potential contamination to groundwater, specifically with regards to prescription drug residue. Mr. Roy stated that there are special treatments that can be employed to reduce the amount of impact, but they are very costly. He is confident that the proposed system will be substantial and effective.

E. McHugh would prefer that the building completely out of the 100 ft. buffer.

O.Lathrop concurred and felt the design was not compliant with the bylaw because of the location of the building. He is concerned with the slope behind the proposed building at the steepest part, creating the potential for rogue stormwater runoff directed towards the wetland resource. Mr. Roy indicated it is a 3:1 slope in this area and the post construction erosion control methods (i.e., loam and seed used will mitigate impact). The impervious area is captured by the drainage system claimed Mr. Roy.

M. Giguere reminded those present that our bylaw states no permanent structures may exist in the 100 foot Buffer Zone. He asked if the project proponents would consider giving up parking spaces to move the building.

P. Morrison concurred that this would be more acceptable to him.

L. Hurley mentioned the curbing may be a problem for species migration.

A member of the audience spoke about the curbing concern with regards to turtle movement and habitat impact. She is concerned with protecting the Blanding's turtle and other wildlife that live in this ACEC. Julie Lisk, an abutter, testified that the Buffer zone between her property and the Senior Center parcel, is a very nice area and she is concerned with its potential impact. She reports having 18" of water in her basement and is concerned with how the proposed project might negatively impact the groundwater levels at her residence. Those present were informed

that many of the topics of drainage and stormwater runoff will be addressed at the Planning board meeting scheduled to be held on March 8th, 2018. All interested parties are encouraged to attend. Audience member Darcy Donald inquired about the timing of the project, as she was concerned with the protection of the turtles and asked if a biologist may be onsite during construction. The erosion control barrier should not be a material that will entrap animals, stated an audience member. She asked about including the creation of nesting habitat for the turtles as part of the project, noting that turtle nesting habitat is scarce. She thanked Nik Gualco for his time and expertise to help her understand the proposed project and its potential impact to the protected species.

M. Collette, a member of the Senior Center Building Committee, announced that there is a meeting Thursday March 1, 2018, and they will be looking for ideas and ways to compromise. Ideas such as considering styles and placement of curbing and the proposal of placing a Conservation Restriction along both sides of Wrangling Brook were mentioned.

B. Easom asked is there anything preventing the property line being extended and moving the recharge area for the septic system, moving the building out the the Buffer Zone? Mr. Roy stated he understands the Commission's strong adversity to the location of the proposed new building in the 100 foot Buffer Zone. E. McHugh added that this project will be before Town meeting and suggested if the building is moved out of the buffer zone, then it will be out of the jurisdiction of the Commission and this might facilitate the whole process of approval.

Upon a motion made by P. Morrison, and seconded by L. Hurley, it was;

VOTED: to continue the public hearing of the NOI for the redevelopment of the existing Senior Center to the March 13, 2018 Commission meeting. The motion passed unanimously by roll call vote: (YES-E.M, O.L, M.G, B.E, J.S, P.M, L.H.)

The Commission then opened the final appointment of the meeting at 8:50 pm, agenda item 1.4 - a joint discussion with the Agricultural commission regarding the management of the Baddacook Field/Shattuck Homestead parcel and other Conservation Commission owned agricultural sites.

Present for discussion: George Moore, Agricultural Commission
(No quorum present for Agricultural commission)

B. Easom shared some reports from the site walk where the Commission met with George Moore on the Baddacook Field/Shattuck Homestead parcel. There is a Conservation Restriction on this parcel and it was the grantor's wish that the view remain open and unobstructed to Baddacook Pond from Martin Pond Road. It does create a financial burden because the Conservation Commission must pay for mowing. The thought is to look for a farmer who may be interested in leasing and haying this field.

The primary obstacle to farmers, according to Mr. Moore, is the lack of a water source. The possibility of installation of a dry well and the possibility of grazing animals was suggested. N. Gualco researched a quote that was procured in 2012 from a drilling company for installation of a dry well at the cost of \$10,000. It was also noted, that the field is small for any reasonable income from haying. The discussion of a lease ensued and the term of 10 years was suggested by Chairman Smigelski. This was a reasonable amount of time, opined Mr. Moore, for a farmer to recover their operating costs. He reiterated the concern over lack of water on site, and feels this might create problems finding a lessee.

E. McHugh recommended starting the process of finding a farmer, creating an RFP and working towards this vision. Nik Gualco would like a discussion with Mass Natural Heritage due to the fact that they should be consulted in the event of land use changes.

Darcy Donald of the audience spoke in support of this suggestion, and feels Mass Natural Heritage may want to review the parcel again under a potential change of use scenario. L. Hurley asked about the potential need for a storage tank with the installation of a well on the parcel. Chairman Smigelski opined that it depends on the production of the well. G. Moore inquired about the Water department's opinion on livestock and water supply. An audience member asked if there would still be public access to this parcel should a farmer lease the land. O. Lathrop offered the Commission could write that in as a restriction on the lease. B. Easom suggested the two Commissions work together on the RFP. O.Lathrop suggested seeking town counsel for advice on how to proceed with this RFP. Suggestion about approaching Mass Natural Heritage resurfaced and it was surmised that E. McHugh will work with N. Gualco on this RFP.

Under General Business the Commission turned to item 2.3.1 with an update from E. McHugh. She updated the Commission on 210 Indian Hill Road, stating that a single family house is being constructed at present and there is no jurisdictional activity for the Commission at this time. N. Gualco will monitor this.

Under General Business, item 2.3.3, Correspondences Chairman Smigelski read an email from Mr. Javier Marin, Massachusetts Department of Agricultural Resources, regarding outreach trainings and a presentation for the Town of Groton regarding the Emerald Ash borer, an invasive forest pest. This can be also be presented to the NRWA, Friends of the Trees, and other interested organizations. O.Lathrop expressed interest in the Invasive Species Committee hosting a presentation and offered to contact Mr. Marin directly.

Under General business, item 2.5.1, Other Discussions; N. Gualco reported that he has received two proposals for the OSRP and would like a review committee. M. Giguere and B. Easom offered to go over the applications and score them.

The Commission moved on to General Business, item 2.5.3, Other Discussions, 228 Whiley Road;

Present: Mr. Remi Kelete, 228 Whiley Road

O. Lathrop showed photos taken on 2/24/2018 that show that the project may have exceeded beyond the limit of work. N. Gualco stated that the location of the installed wall is correct, but the area below the wall towards the water should have been left in a natural state. It is clear cut. There are also rocks emplaced which is not authorized. E. McHugh asked N. Gualco to reach out to the applicant; at this point Mr. Remi Kelete addressed the Commission from the audience, assuring them that the gravel will be removed.

The Commission heard a report from N. Gualco pertaining to General Business, Other discussions 2.5.4; budget update. The Commission heard that they are 82% through their annual budget. N. Gualco is not advising that the Commission spend money on Duck Pond restoration project at this time. B. Easom asked if there is a way to transfer the money collected in fees out of the General Fund back to the Commission funds. E. McHugh would like N. Gualco to set up a meeting with the Town Manager to discuss the Commission budget and financial situation and request more money. Chairman Smigelski offered to join the meeting. Signs for the Walker property were estimated to cost about \$1000.00 for 7 signs. We will have to wait until FY19 funds are available in July, or find another option.

General Business, Land Management; 2.6.1 Surrenden Farm West; An email was received from Jen Jones after the site walk. In it, she states that DFW recommends the Commission prioritize invasive removal in the two red pine stands post-cutting. In the future, habitat can be discussed again, but the priority is to get and stay on top of the invasives.

General Business, Land Management; 2.6.2. Farmers and Mechanics; O. Lathrop presented his revised landowners goals and objectives for the property with respect to preservation of the elm trees, he expanded the scope to include other species which are also important to the health of the diversity of the parcel ecosystem. Goals 5-12 are original goals and, goals 1-4 are ones that he added are goals and objectives unique to this parcel. E. McHugh suggested that grammar be checked. M. Giguere noted that the goal #4 only applies to farmers and mechanics property.

9:30 p.m. Upon a motion by P. Morrison, Seconded by B. Easom it was;

VOTED: to adjourn open meeting and enter into Executive Session without reconvening open session. The motion passed unanimously with a roll call vote; (YES: JS, BE, PM, OL, EM, LH, MG)

Exhibits on File:

- 1. DOA, 42 Common Street**
- 2. NOI, Duck Pond Restoration**
- 3. NOI, 163 West Main Street (Senior Center redevelopment)**
- 4. OOC, 419 Old Ayer Road**
- 5. Meeting Minutes, 2/13/2018**
- 6. Stormwater Advisory Committee memo re: 210 Indian Hill Road**
- 7. Excerpt of Norther Logger Magazine**
- 8. Email, Javier Marin of Mass. Dpt. Agricultural Resources**
- 9. Invoices (Groton Herald, Larry Hurley, Mass. Farm Bureau)**
- 10. OSRP proposals (2)**
- 11. Email, Michael Hartnett re: donation of parcels 234-2 & 205-41.**
- 12. Photos from 2/24/18, 228 Whiley Road**
- 13. Email, Jen Jones, MassDFW, re: Surrenden Farm**
- 14. Farmers & Mechanics updated Goals and Objectives**

Approved on: March 13, 2018.