



Groton Conservation Commission
Meeting Minutes
Tuesday, March 27, 2018
Town Hall, 2nd Floor
7:00 p.m.



Present - Peter Morrison (Vice Chair), Olin Lathrop, Bruce Easom, Marshall Giguere, Lawrence Hurley

Absent - John Smigelski (Chairman), Eileen McHugh

Others Present - Nik Gualco, Conservation administrator, Beth Faxon, Per Diem Minute taker, Town of Groton.

Vice Chairman Morrison called the meeting to order at 7:01 p.m.

1.0 APPOINTMENTS AND HEARINGS*

- 1.1** 7:00 p.m. – Public Meeting, RDA, for the installation of a holding tank associated with a proposed slaughterhouse, 401 Nashua Rd (K. Zadaki, Landowner).
Present: Nick Daigle

Mr. Daigle described the proposed project to the Commission noting the resource area nearest to the area of work is Reedy Meadow Brook, a perennial stream. His design recognizes the 50' no disturb buffer, and he notes that the 200 ft buffer zone covers most of the property. They are proposing a holding tank with a drain, to be located in the barn, which is just outside of the 100 ft buffer. The RDA has been filed to understand if any impact is expected from the installation of the drain which will be in place to capture the blood and waste of processing animals. At present the proponent is processing animals and attempting to keep the area clean. Mr. Daigle states that the addition of the drain and holding tank will improve the process and ensure no seepage occurs. He added that the tank has no outlet and will be pumped out when necessary. He explained that because it is a holding tank, it is not considered sewerage. It is considered an industrial tank and as such the proponent understands he will need to self-register with the DEP. George Moore was present and stated that this activity is allowed under an agricultural exemption because it is not a business. The activity and associated infrastructure is a private operation.

Upon a motion by M. Giguere, seconded by O. Lathrop it was;

VOTED: To issue a Negative # 2 RDA. The applicant will report to the BOH the plan prepared by GPR dated 2/2018.

- 1.2** 7:15 p.m. – Public Hearing, NOI, for the construction of residential appurtenances including the redevelopment of an existing dock, 54 Ridgewood Ave, MassDEP# (not yet received). L. Hurley read the notice aloud to open the public hearing.
Present: Mr. Glen Kinnear, applicant

Mr. Kinnear described that the plan is to increase the height of the existing retaining wall and backfill the adjacent downhill area with crushed stone to create a parking space. Two 8ft X 12ft sheds will be added as well as an expansion to the existing dock. Mr. Kinnear stated there will be an additional 568 sq. ft of alterations to existing structures. He noted that this is under the maximum permissible alteration of 600 sq. ft. which would trigger the requirement of a professionally engineered plan. M. Giguere remembered that on the site walk the alteration near the stairway discussed was not included on the NOI. He supports erosion control near the stairs to protect the wetland resource. He also noted that the parking space entrance is not shown on the plan. He would like to see this clearly marked on the plan noting the steepness of the slope above and below the proposed parking area. He asked what material the parking area will be comprised of and how will the additional runoff created be mitigated. Mr. Kinnear responded asphalt and that the runoff will travel on the roadway and did not have any mitigation to offer. A Commissioner raised a point with regards to the alteration of the dock, noting a discrepancy between the plan and the presentation. The commission is in agreement that they are not satisfied with the present plan and would like to see proper documentation of the proposed work.

Mr. Kinnear agreed to supply requested documentation to the plan submitted with the NOI.

Upon reviewing the plans, the commission agreed that everything in the narrative of the NOI is on the plan before them. B. Easom requested that the proposed vertical addition to the wall be inspected and certified by an engineer for structural stability. He would support a pervious layer of the parking area to avoid creating additional runoff. He would like more information regarding stormwater runoff created as a result of the proposed work, i.e. infiltration rates and overland flow with regards to potential resource impact. He informed Mr. Kinnear that this is information a design engineer can address. B. Easom supports the creation of the stairway noting that this addition will protect the resource by stabilizing the slope for foot traffic. B. Easom asked how this project, which includes work in the 50ft and 100 ft buffer zone will create a betterment for the resource. He heard that the applicant will be planting trees and asked the Commission for guidance on which species would be most beneficial for surface water infiltration. He plans to plant rhododendrons and trees that would stabilize the area and create habitat. O. Lathrop requested a more accurate plan and strongly recommends this as a streamline path to successful acquisition of Certificate of compliance and ultimately release of deed restrictions. He asked the applicant for confirmation that no trees will be removed during this project and, would like that fact noted on the plan. He concurred with other Commission members that the additional stormwater runoff created by the installation of two sheds and parking area needs to be addressed in more detail. He explained the need to capture and infiltrate the additional runoff so as not to cause erosion that would impact the resource. L. Hurley inquired about the plan for the shed foundations. He continued that the applicant may want to consider a cement

block foundation with crushed stone to capture and infiltrate the runoff from the drip edge. He inquired about the dock pilings and heard they will be aluminum pipe.

P. Morrison surmised the Commissioners concerns with the following requests of the applicant; 1. professional confirmation that the proposed wall redesign will be certifiably structurally sound. 2. Runoff from the new parking area will be addressed and grading will be defined and shown on the plan. 3. Planting plan will be provided including species and quantities, with consideration of infiltration and habitat. 4. ascertain that no tree removal will occur. 5. Should there be any change or re-design of the retaining wall, this is to be noted on the plan. 6. Stormwater runoff created from the sheds will be addressed and the crushed stone solution investigated. 7. The associated project plan will be updated and reflect all of the proposed project additional changes. P. Morrison recommended that we continue the hearing in two weeks.

Upon a motion by B. Easom, and seconded by O. Lathrop is was;

VOTED: to continue the open hearing for the construction of residential appurtenances including the redevelopment of an existing dock, 54 Ridgewood Ave, MassDEP# (not yet received) to April 10, 2018. All In Favor.

- 1.3** 7:30 p.m. – Public Hearing, NOI, for installation of a sewage disposal system, relocation of a driveway, and remodeling of an existing single-family home, 39 Off Prescott Street, MassDEP# 169-1171. L. Hurley read the notice to open the public hearing. The project involves installation of a 1,500-gallon septic tank and leaching field, relocation of a driveway, remodeling of an existing home and remodeling of an existing deck with associated grading.
Present: Jack Maloney

The Conservation commission visited the site last week located on the shore of Lost Lake. The applicant is proposing the addition of a bedroom, laundry room and garage. All proposed work will be within the 100 ft buffer zone associated with Lost Lake. The project description presented to the Commission includes extending a roof overhanging the existing deck, removing a section of existing deck, replacing the existing septic system and leaching field in the upland portion of the parcel where oak trees will be removed. The septic system will be replaced in situ and the leaching field will extend out away from the wetland resource in the upland area.

B. Easom inquired what portion of the new construction will occur closer to the resource. The response was; the deck, roof overhang, and French drains will be in place for stormwater runoff mitigation.

O. Lathrop states he is not in favor and inquires what is the status of the existing buffer zone area on which the house structure addition is proposed. He hears that the area is not of environmental impact concern due to its current use as a mowed

open side yard. O. Lathrop inquiries about what benefit will be provided to the protected resource in exchange for the impact of this project, noting that per the Town bylaw, no permanent structures are to be constructed in the 100 ft. buffer zone. He also questions the mitigation plan for the newly created porch roof runoff. He hears that the deck has gravel underneath and the roof runoff currently splashes down on the existing deck, travels through the deck, and infiltrates through the gravel underneath.

L. Hurley requests the square foot change as a result of adding to the overhang roof. He hears there is no change.

M. Giguere comments that the building footprint is not allowed to change and that applicant would be most successful proposing work within the existing structure footprint when working in the Buffer zone. The applicant responds that the land under the proposed garage has been previously disturbed, modified and revamped. M. Giguere is not in favor of the encroachment of the buffer zone and asks for an alternative acceptable to the homeowner.

P. Morrison is comfortable with the proposed additions, noting that a garage will decrease the potential contamination of a vehicle parked on the site. He is in favor of the regrading and improvement of the driveway and the proposed drains.

Jill McCaffrey, an abutter, asks how many trees will be removed for the installation of the leaching field and hears three trees which are outside the 100 ft. buffer zone.

B. Easom expressed surprise at the size of the deck near the resource and asked if the applicant would consider removing the deck and leaving just the covered porch and plantings or reducing the size of the deck to mitigate. Mr. Maloney stated he would inquire with his client. B. Easom would like a one for one ratio of undisturbed buffer zone to additional building build out. He would like to see a calculation of this sort of exchange from the applicant to understand any potential benefit. J. McCaffrey asked for a revegetation plan and expressed concern over the impact of tree removal. P. Morrison stated that the Commission is interested in infiltration of runoff with this project. J. McCaffrey continued to express her concern about the potential impact of potential erosion created with the loss of trees. She also stated that a large oak tree came down in the location of the proposed garage. She noted there is an existing building that has been used as a garage on the property. She inquired about potential contamination from oil or other hazardous fluids from vehicles. She asked about the oil tank on the property and heard that it is within regulations.

Upon a motion by M. Giguere, and seconded by B. Easom it was;
VOTED: to continue the public hearing of #4 Off Prescott Street NOI on April 10th, 2018. All in favor.

2.0 GENERAL BUSINESS*

2.1 Orders of Conditions

2.1.1 Senior Center Redevelopment, 163 West Main Street, MassDEP#169-1170.

M. Giguere read aloud the Order of Conditions into the record. #26, and #48 (under the Act) were stricken and #60 was considered for possible amendment to use specific type of markers.

Upon a motion by M. Giguere, seconded by B. Easom it was;
VOTED: to accept the Conditions as read. All in Favor.

M. Giguere continued to read aloud the special conditions under the Groton bylaw and moved to reposition special condition #7 in the “after construction” section, into “In Perpetuity” section of the document.

Upon a motion by B. Easom, seconded by L. Hurley it was;
VOTED: to amend the motion to include item #13 in perpetuity and to include a requirement to install the wetland buffer zone markers with installed conservation commission markers. All in favor.

2.1.2 Duck Pond Restoration, MassDEP#169-1169.

M. Giguere read aloud the first nineteen General Conditions, and then the special conditions under the Act. Under the “Pre-restoration” section special condition #25 discussion ensued regarding the Legal agreement for the easement with the owner of 228 Whiley Rd. for placement of Town owned equipment on private property. The Town is the applicant in this case. M. Giguere continued to read aloud and noted that wording on #31 and #35 be changed to reflect that the area be restored to its pre-disturbed state.

Upon a motion by M. Giguere, seconded by L. Hurley it was;
VOTED: to accept the order of conditions as drafted; The motion passed by majority vote (Yes: M.G, L.H, B.E. P.M.; No: O.L.)

M. Giguere read the Special Conditions under the Town bylaw.

Upon a motion by M. Giguere, seconded by L. Hurley it was;
VOTED: To accept the Order of Conditions under the bylaw of the Town. The motion passed by majority vote (Yes: M.G, B.E, L.H, P.M.; No: O.L.).

2.2 Certificate of Compliance

2.2.1 Long Hill Road – West Main Street, MassDEP#169-997

Upon a motion by M. Giguere, seconded by L. Hurley it was:
VOTED: to issue a Certificate of Compliance for Long Hill road - West Main Street, Mass DEP#169-997. All in Favor.

2.2.2 16 Townsend Road, MassDEP#169-801

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

VOTED: to issue a Certificate of Compliance for 16 Townsend Road, MassDEP#169-801. The motion passed by majority vote (**Yes:** M.G, B.E, L.H, P.M.; **Abstain:** O.L.)

2.2.3 54 Ridgewood Ave, MassDEP#169-975

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

VOTED: to issue a Certificate of Compliance for 54 Ridgewood Ave, MassDEP#169-975. The motion passed by majority vote (**Yes:** M.G, B.E, L.H, P.M.; **Abstain:** O.L.).

2.3 Approve Meeting Minutes

2.3.1 March 13, 2018

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

VOTED: to accept the March 13, 2018 meeting minutes as drafted All in favor.

2.4 Invoices none were presented.

2.5 Correspondences

2.5.1 Finance Committee, support line item transfer of \$4,000.

N. Gualco explained that there is an item in article #6 on spring town meeting warrant for a line item transfer request to cover a shortfall in the advertising budget. If passed at town meeting, there would also be some funding available for some land management activities and signage previously considered.

2.6 Land Management

2.6.1 Surrenden Farms Hay RFP: Review application/Q&A with farmer

N. Gualco asked for review of the one proposal received for Surrenden Farms lease. The Proposal is the same as previously submitted. O. Lathrop asked about the herbicide (glyphosate) use and the burn down agricultural technique in the proposal. N. Gualco replied that questions on the proposal will be taken up at the next meeting with the applicant farmer.

2.6.2 Surrenden Farms: Review Town Warrant Article 32

N. Gualco reported that the article will be presented at 2018 Spring Town meeting by the Board of Selectmen. Normal procedure would be for Town Moderator to ask for an

explanation of the article from the Conservation Commission Chairman. In this case, since the Chairman is an applicant, the spokesman will be P. Morrison, Vice-chair.

2.6.3 Shattuck Homestead/Baddacook Field

N. Gualco reports that with the uptick in permitting, he has not yet drafted the RFP for this site. He continued to discuss the invasive species which are problematic on the site and suggests there is some funding that can be used from the Land Management account if it is approved by the Finance Committee. If approved, there will be \$2,000 available for projects i.e. mowing and invasive species. There is an approved plan for invasive species Nik is looking to the Commission to decide on the timeline for this activity. B. Easom asked if Nik would like some help with the RFP and can a template be created, he offered his support with these activities. O. Lathrop noted that invasive spraying commences in late June and the plan is to proceed as normal. Because the materials are already procured, there will be no additional cost. B. Easom asked if Nik had reached out to the farmers who had historically expressed interest in operating on the site. He also asked if the installation of a well was still a consideration. The Commission agreed it would be best to draft the RFP and consider the responses, then proceed to investigate a well installation as necessary.

2.6.4 Eliades Conservation Area - N. Gualco reports that there is a checklist of action items for management of this Conservation Area including mowing and detention basin maintenance. Some of the area is in the estimated habitat under Natural Heritage. An RDA will be required from the Town. It was suggested that O. Lathrop and N. Gualco work collaboratively on this project. O. Lathrop will process the DEP requirements and N. Gualco will process the Natural Heritage process.

2.7 Other Discussions - none arose.

2.8 Committee Updates/Announcements - B. Easom reports that the Commission's CPC application did not receive enough points in the scoring process so it will not be considered in this round.

3.0 Open Session for topics not reasonably anticipated 48 hours in advance of meeting*

Present: Nadia Madden

Ms. Madden is asking the Commission to read and comment on the Nashua River Wild and Scenic River Study as drafted and found at the following linked website; <https://www.wildandscenicnashuarivers.org/>. She will be presenting this at spring town meeting and would greatly appreciate the support of the Commissioners.

4.0 Executive Session pursuant to MGL Ch. 30A, Sec. 21(6): *

“To consider the purchase, exchange, lease, or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.”

9:11 pm - Upon a motion by O. Lathrop, seconded by B. Easom it was;
VOTED: to close the open meeting and move to executive session to pursuant to M.G.L. CH. 30A, Sec. 21 (6) To consider the purchase, exchange, lease, or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.” The motion passed (Yes: O.L, B.E, M.G., L.H, P.M).

Respectfully submitted,
Beth Faxon
Per Diem Minute Taker, Town of Groton

Exhibits on File:

1. RDA 401 Nashua Road Application and Site Plan
2. NOI 54 Ridgewood Ave Application, Plan 1 and Plan 2
3. NOI 39 Off Prescott Road Application and Site Plan
4. OOC Senior Center Special Conditions Act and Special Conditions Bylaw
5. OOC Duck Pond Restoration Special Conditions Act and Special Conditions Bylaw
6. COC National Grid
7. COC National Grid email
8. COC National Grid photo locus map
9. COC 16 Townsend Rd. Application and Site Plan and OOC excerpt.
10. March 15, 2018 Draft Meeting minutes
11. Correspondence from Fincomm, line item transfer
12. Surrenden Farm, farmer application - Smigelski
13. Town Meeting Warrant Article #32
14. 3-27-18 meeting sign-in sheet.

Minutes approved on: April 24, 2018.