



TOWN OF GROTON
Conservation Commission
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Groton Conservation Commission
Meeting Minutes

Tuesday, May 26, 2020 @ 6:30 p.m.
Virtual Meeting

<https://us02web.zoom.us/j/83691825956>

BROADCAST ON ZOOM AND THE GROTON CHANNEL
PURSUANT TO GOVERNOR'S EXECUTIVE ORDER
CONCERNING THE OPEN MEETING LAW

Present: John Smigelski, Chair; Laurence J. Hurley, Vice-Chair; Eileen McHugh, Clerk; Olin Lathrop, Bruce Easom

Absent: Peter Morrison

Others present: Nikolis Gualco, Conservation Administrator

6:30 PM Vice-Chairman Hurley called the meeting to order.

APPOINTMENTS AND HEARINGS*

6:30PM – RDA, Sorhaug Woods, for the construction of a new trail, (E. Tobies)

Applicant: Erik Tobies

E. Tobies presented his plans to develop a trail connecting Sorhaug Woods through the newly acquired Priest Family Conservation Area to private drive off Martins Pond Road (which is open to the public for non-motorized traffic). A portion of the trail will utilize the existing access trail on the Priest Family property.

E. McHugh asked if the trail would cross wetlands to which Tobies responded 'no.' Lathrop clarified that the trail would go through the buffer zone of two wetland areas. McHugh then asked when the work would take place to which Tobies replied that he would like to begin soon, but needs to wait until state-wide restrictions are lifted as he needs help from fellow boy scouts.

B. Easom asked whether signs would be installed to which Tobies replied he would blaze the trail with the markers utilized by Trails Committee.

O. Lathrop commented that the applicant has been before the Trails Committee several times and has received their endorsement.

Paul Funch of the Trails Committee reported that the Trails Committee voted to recommend this project to the Commission for their approval.

Upon a motion by O. Lathrop, seconded by E. McHugh, it was:
VOTED to issue a negative three determination as the work will occur within the buffer zone but will not affect any resource areas.

The motion passed by a roll call vote (Yes: McHugh, Easom, Lathrop, Smigelski, Hurley).

6:40PM – RDA, 366 West Main Street, for the construction of a deck, (N. Kiernan)

Applicant: Nick Kiernan

N. Kiernan presented a proposal to install a deck at his residence. There is an existing 5' x 5' deck off the side entryway, which he would like to remove and replace with a larger deck.

B. Easom asked about the square footage of the deck footings to which Kiernan replied they would be 3 12-inch sonotubes. Easom then asked what the elevation of the flood plain to which Gualco replied 210.6 (after referring to the Town GIS map, FEMA map layer).

O. Lathrop commented that the proposed activity is within the floodplain because the state does not allow for loss of floodplain storage. He explained how to calculate this. He recommended the applicant look at the file for the septic Order of Condition. Finally, Lathrop explained that each foot of floodplain elevation is a separate consideration and needs to be compensated for individually.

J. Smigelski asked how tall the footing piers were above the ground and explained how the applicant could easily calculate volume.

E. McHugh commented that the previous owner (after the DeCilios) had come before the Commission to allow for the house to be renovated and the septic to be permitted. She continued by stating that during this previous review, the Commission exhausted itself trying to find the required compensatory flood storage. McHugh expressed a little frustration that now a new owner has come before the Commission without knowing the history of the property for yet another project in the floodplain. She concluded by stating that in her recollection, all possible compensatory storage was taken up during the previous project and that the Commission was even somewhat relaxed in their requirements for compensation in attempt to try and work with the former owner.

At this time N. Kiernan asked if he were to change the footings from 12" sonotubes to helical piles. B. Easom explained that the only portion that matters is the footing above grade up to the elevation of the floodplain. A discussion ensued about this as well as whether there will be sufficient upland on site to accommodate the project.

E. McHugh recommended that Gualco share with the applicant the plans and other relevant documents from the Notice of Intent filed for the septic. Gualco reported that next time he was at Town Hall he would digitize these records and share them with the applicant as well as the Commission.

A punch list, including the list below, was discussed:

- the elevation of the floodplain;
- the elevation of the grade where the proposed deck is to be built;
- have Gualco and Kiernan review the past minutes, relevant files associated with the NOI;
- Kiernan will calculate the impacts to the floodplain and the required amount of compensatory flood storage.

Upon motion by E. McHugh, seconded by B. Easom, it was:
VOTED to continue the public meeting until June 10, 2020.

The motion passed by a roll call vote (Yes: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, L. Hurley).

6:50 PM -NOI (cont.), 50 & 52 Island Road, for the replacement of two failing sewage disposal systems, MassDEP#169-1203.

Applicant: Sanford Leavenworth; Representative: Dan Wolfe, David E. Ross Associates

D. Wolfe updated the Commission that the Board of Health has approved the septic plans. During this review, however, the BoH Agent noticed that due to a complication of a “paper road” located in the vicinity of the proposed activity, the drinking water well needed to be relocated. Furthermore, the original plan called for the new well to serve both homes, but this was not compliant with Board of Health regulations. Therefore, the new plan has the new well relocated slightly to the north of its previous location and house 52 is now being served by the existing point well, which will be salvaged.

The Commission had no questions.

Upon a motion by E. McHugh, seconded by B. Easom, it was:
VOTED to close the public hearing for MassDEP#169-1203, 50 & 52 Island Road.
The motion passed by a roll call vote (Yes: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, L. Hurley).

6:55 PM – Discussion, 305 Martins Pond Road, long-term management plans to address flooding caused by beavers (W. Jason Grennell).

N. Gualco reported that Jason Grennell and he have been in contact and that he is currently working on his NOI. He is hopeful that he will have something ready for the next meeting on June 10.

7:00 PM – RDA (cont.), 210 Indian Hill Road, restoration plan/establishment of lawn area (S. Boucher)

N. Gualco read an email he received from the applicant stating his intent to withdraw the RDA. The Commission discussed the property and the associated Enforcement order.

GENERAL BUSINESS*

Installation of Solar System scale model on Town land (Bertozzi)

Proponent: Matty Berg

M. Berg proposed an idea to build a scale model of the solar system to be centered in the Town of Groton. This will be for educational purposes and for those interested in astronomy. Of the celestial bodies, only Ceres is proposed on Town land (in the Bertozzi Conservation Area). Berg intends to build the model beside an established trail to minimize impacts to wildlife. The model will be built on a one-meter base. Berg intends to work with a member of the Artisan's Asylum to help build the structures. He stated that he intends to begin work when the Governor moves the state to Phase III of the re-opening.

J. Smigelski requested additional information on the design of the proposed model such as a scale sketch.

O. Lathrop reiterated Smigelski's request for additional information to assist the Commission make its decision.

E. McHugh asked where the proposed model would be located in proximity to the Squannacook River and requested Berg add a survey marker to a photo for reference.

B. Easom asked about how long the installation would be up to which Berg replied that his intention is to have it be permanent. Easom continued and asked if there was a Conservation Restriction on the property to which Gualco replied he did not believe this was so.

Hurley asked about the specific dimensions of the base.

O. Lathrop recommend the applicant file a Request for Determination of Applicability.

Crystal Springs Conservation Restriction

Ron Folley, representative of the Crystal Springs Homeowners Association

Gualco provided an update of the effect of the microburst on the Crystal Springs neighborhood. He continued and explained that the layout of the sub development contained "conservation buffers" along the back of each parcel that were protected by a Conservation Restriction, which is held by the Town. The intent of the CR, Gualco explained, was to offset impacts to wildlife habitat so any proposed vegetation management requires approval by the Division of Fisheries and Wildlife Natural Heritage & Endangered Species Program. This condition, while primarily used for managing logging or cutting of vegetation, still applied here as the State wants to ensure compliance with the CR during the cleanup. Finally, Gualco reported that he has been in touch with the State, has toured the site and met with the residents, and is working to help identify the quickest path forward while still complying with the requirements of the CR.

R. Folley reported on the conditions within the buffer zone and how the residents were concerned about safety, especially with the number of children living in the neighborhood. Additionally, Folley reported that Fire Chief McCurdy visited the site after storm and informed the residents of the eventual risk of fire. Folley reiterated that his intent is to preserve the conservation area but wants to make the area safe.

O. Lathrop agreed with the assessment and encouraged that some of the downed woody debris on the ground and the standing dead trees (snags) offer good habitat and will help with forest regeneration. However, Lathrop agreed that some of the debris needs to be removed (for safety reasons as well as due to fire risk).

B. Easom stated that any trees within the protected area that the residents desire to be removed should be marked in the field have documented (photos, inspection). He expressed his preference to have some debris on the ground for habitat but was not sure how to assess how much is too much. Easom concluded by recounting the Hurricane of 1938 and the horrific fire that occurred in this specific area the next year.

J. Smigelski recommended the use of a whole-tree chipper. He then asked in a skidder needs to be used if there is feasible access, to which Folley replied that some of the septic systems make this complicated. Smigelski encouraged the idea of finding a skid road that would access as much of the affected area as possible.

At this time, Gualco reported on his discussion with the State (Rebeka Zimmer, NHESP) who will be requiring the filing of a management plan for the cleanup. Additionally, he described two areas of relief defined within the CR: 1) residents can clear any footpaths of debris and 2) protecting property and people of imminent harm and danger (i.e., the hung-up limbs, leaning trees) can be cleaned up immediately.

MVP Proposal – Restoration/maintenance of James Brook near Broadmeadow Road
Takashi Tada, Town Planner; Tom Delaney, DPW Director

T. Tada shared a one-page summary of the proposed project put together by the consultants from Westin and Sampson. The Town is preparing a grant proposal to the State's Municipal Vulnerability Program (MVP), which will include a two-phase project. The first phase would address the flooding of Broadmeadow Road by dredging out the channels of James Brook (old agricultural channels) to offer immediate relief. The second phase would involve an environmental restoration of this portion of James Brook watershed (upstream and down stream of Broadmeadow Road). Tada informed the Commission of the Town's progress in the MVP program. The priority of addressing flooding along roadways, specifically at Broadmeadow Road, was identified during a whole day listening session with representatives from numerous Town boards and stakeholders. Tada reminded the Commission that Town Meeting a year ago approved \$50,000 to dredge (flood mitigation) along Broadmeadow. Because of this prior financial commitment this project was perfect for a MVP grant, which requires a 25% financial match. The application for the grant is due June 11th.

O. Lathrop asked why the Town doesn't fix or raise Broadmeadow Road. Delaney explained that the cost would be astronomical. The road, Delaney continued, is built on a base of floating logs. In order to raise the road you would need to get to a solid surface and the last time the Town had survey work done on this matter it was discovered that there is between 20 and 30 feet of peat below the road. You would also need to raise the road about the floodplain, which would be about 3 feet, which would translate to a huge amount of retaining walls. At this Lathrop expressed his understanding of the situation and stated that while he doesn't like dredging of wetlands, he was 'OK' with it because the Town used this practice time and time again in the past.

Delaney stated that he will be filing a Notice of Intent for this project.

E. McHugh stated her preference for engineering assessment of the hydrologic systems to inform the project. T. Tada shared that the project would (under task 2 on the 1-page summary form) look to conduct subsurface exploration and hydrologic modeling of James Brook for current and future conditions with the aim at finding the best long-term solutions to the problem. E. McHugh then asked if the grant is not received would Tom plan to still dredge, to which he said he would due to the pressing need.

Upon a motion by E. McHugh, seconded by J. Smigelski, it was:
VOTED to have the Conservation Administrator write a letter of support for the MVP grant application for Broadmeadow
The motion passed by a roll call vote: (YES: E. McHugh, L. Hurley, J. Smigelski; ABSTAIN: O. Lathrop, B. Easom)

Certificate of Compliance: 128 Martins Pond Road, MassDEP#169-1201.

Gualco reported that he uploaded a revised site plan, which show the conservation markers and all the grading. He continued and stated that upon a site inspection he observed two of the conservation markers were missing their medallions, the erosion controls were still installed, and that the grass was not grown enough to be considered stable. He concluded by stating that he will provide the medallions later in the week and that he was glad to see the erosion controls still installed considering the grading was not yet stabilized.

O. Lathrop stated that he believed everything was looking and suggested that the Commission issue the Certificate of Compliance conditionally upon the approval by the Conservation Administrator that that the grass, erosion controls, and conservation marker issues are resolved.

Upon a motion by O. Lathrop, seconded by B. Easom, it was:
VOTED to issue the Certificate of Compliance for MassDEP#169-1201 (128 Martins Pond Road) pending the grass being grown in, the erosion control being removed, and the remaining conservation medallions being installed to the satisfaction of the Conservation Administrator.

The motion passed by a roll call vote (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, L. Hurley).

Certificate of Compliance: 48 Redskin Trail, MassDEP#169-1196.

The Commission reviewed photos taken by O. Lathrop showing the before and after of the repair work to the retaining wall. Gualco reported that the repaired wall was no further towards the lake than it was previously and Lathrop reported that while the grass atop the wall was a little thing it seemed stable and he wasn't concerned.

Upon a motion by O. Lathrop, seconded by B. Easom, it was:
VOTED to issued a Certificate of Compliance for MassDEP#169-1196 (48 Redskin Trail).

The motion passed by a roll call vote (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, L. Hurley).

Land Management (Shattuck Homestead Property):

O. Lathrop reported that the microburst also affected the Shattuck Homestead Property as it knocked down several trees within the open meadow. He continued by describing that this was going to complicate efforts to mow the field as intended in early July. J. Smigelski asked what was the plan for disposing of the downed woody debris to which Lathrop replied that in the past they have hauled slash and other debris to a pile of wood associated with the 2011 logging. The new material could be added to the existing pile, which has been decomposing. E. McHugh commented that efforts need to be made to not block the viewshed, which is a CR restriction. L. Hurley asked who was responsible for cleaning the property to which Lathrop replied we may get some assistance from the neighbors. Smigelski suggested using a tractor and chain saw to cut and haul the wood and offered to take a look and see if this is something he could assist with.

Committee Updates/Announcements

L. Hurley commented on the Sargisson Beach Committee, which has decided to hire a contractor to clean up the beach and the parking area. He continued by stating that the Select Board and the Board of Health are likely not going to allow the town to open the beach as the guidelines are too onerous for the town's capacity.

O. Lathrop reported that the Invasive Species Committee is almost ready to treat the knotweed on Commission property off Hayden Road. He also noted that a new stand has shown up on Martins Pond Road by Shattuck Homestead. This spring they will cut the shoots and drip glyphosate into the hollow stems.

Gualco reported that the Commission needs to fill the vacant seat left by Marshall Giguere on the Great Pond Advisory Committee. After some discussion, L. Hurley volunteered to serve on the Committee.

Approve Meeting Minutes

N/A

Invoices

Upon a motion by O. Lathrop, seconded by B. Easom, it was:

VOTED: to approve the Groton Herald invoice for \$57.75

The motion passed by a roll call vote (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, L. Hurley).

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

Adjournment

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

VOTED to adjourn the public meeting.

The motion passed by a roll call vote (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, L. Hurley).

Minutes approved on: June 23, 2020