

TOWN OF GROTON
Conservation Commission
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Groton Conservation Commission
Meeting Minutes
Tuesday, January 12, 2021 @ 6:30 p.m.
Virtual Meeting

Present: Larry Hurley, Chair; Bruce Easom, Vice Chair; Eileen McHugh, Olin Lathrop, John Smigelski, Allison Hamilton; Clerk, Peter Morrison (7:05 P.M.)

Others Present: Nikolis Gualco, Conservation Administrator

6:30 PM- B. Easom called the meeting to order.

1. APPOINTMENTS AND HEARINGS

6:30 PM – RDA, Squannacook Sportsmen’s Club, for a Phase I & II Environmental Assessment (BETA Group).

Applicant: Peter Cunningham; Joe McLoughlin, Engineer at BETA Group

The applicant described the site as a former shooting range which is presumed to contain lead; a detailed plan has been submitted to the Commission. The proposed project entails soil boring to analyze if any lead contamination is present. P. Cunningham explained that an EPA Grant has been obtained through The Regional Planning Commission and will be completely funded.

O. Lathrop questioned the process of the soil disturbance and expressed concern for the stabilization of any stock piled soil. J. McLoughlin explained the process of soil boring, one technique included the use of a track mounted geoprobe rig or excavated by shovel. The soil will be returned back into the holes that do not contain ground monitoring wells and those with wells were originally planned to be placed on a plastic sheet at the north side of the building. J. McLoughlin then suggested the use of drums as a better erosion control for the excess soil.

E. McHugh questioned who would be performing the boring. J. McLoughlin replied Technical Drilling Services located out of Sterling, MA.

L. Hurley questioned the size of the geoprobe and the company surveying the samples. J. McLoughlin explained that 4-to-5-inch diameter holes would be created large enough to contain the ground monitoring wells. Smith and Weston would be involved with the lead testing.

B. Easom questioned if the site contained a berm and if any trees would be removed throughout the process. J. McLoughlin replied yes there is berm and stated samples will be extracted from the backstop, trees would be avoided.

Upon a motion by O. Lathrop, seconded by E. McHugh, it was:
VOTED to issue a Negative 3 Determination under the condition that any removed soil is required to be stabilized, to prevent any erosion or washing out .

The motion passed by a roll call vote: (Yes: AH, OL, EM, JS, LH, BE)

6:45 PM – Discussion, Enforcement Order, MassDEP#169-1145, 122 Old Ayer Road (Indian Hill Music Center)

E. McHugh updated the Commission that had recently viewed the site. She reported that she is pleased with the status of the erosion controls. McHugh also commented that the monitoring reports and recommendations provided by environmental scientist T. Christopher appear to working.

G. Shepard stated there is no more water migrating from the site and they are currently pumping the water out of the detention basin. Stan Dillis the new engineer was provided all the previous SWPPP reports and drawings and is overseeing any issues.

O. Lathrop expressed the site is improving and was able to view the culvert which contained a small amount of water which appeared to be clear.

L. Hurley was pleased with the erosion controls that have been installed.

N. Gualco updated the Commission that he spoke with S. Wilson and they had pumped the detention basin down one foot.

Michelle Collette informed the Commission that she will revisit the site every time there is a significant amount of rainfall. The Commission agreed to coordinate with Collette and Gualco to arrange future inspections of the site.

7:15 PM – NOI, “0” Longley Road, for the construction of a new subdivision.

Applicant: Shepley Hill Capital Hill Partners, Larry Smith; William & Spragues, Greg Hochmuth, Jill Mann; Meridian Associates, Charlie Wear, Julia Dickinson

N. Gualco read three letters to the Commission from concerned residents (David Black, Robert Pine) and The Groton Conservation Trust requesting denial of the Shepley Hills Subdivision Project. In detail they described how the project would be detrimental to the environment and would cause serious impact on the wetlands.

G. Hochmuth updated the Commission that a letter was submitted to both the Commission and MassDEP describing the proposed project as a limited project, as it was not checked off previously on the NOI. G. Hochmuth explained all requested documents and plans have been submitted. They are as follow: 1.) an updated vegetation plan including replication of planting in season; 2.) a lighting plan, which shows the dimmest light being used along with a letter from the manufacturer; 3.) a copy of the master deed; 4.) the HOA; 5.) a letter of invasive species management; 6.) and updated site plan which shows conservation markers installed along the limit of work in certain location. Checks have also been sent to both the Commission and MassDEP with the adjusted amount of money owed from the percentage miscalculation of the projected river front.

J. Mann addressed the letters and allegations by referring to the regulatory definition of a limited project. She continued and stated that the Commission shouldn't look at each crossing as an individual limited project, but as part of a whole single project. She also referenced MassDEP guidance (Wetlands Policy 88-2) on how the specific limited project should be interpreted. This particular project has two crossings that are necessary to make the site safe and to meet the Planning Boards requirements and J. Mann stated that all alternatives have been reviewed, grades and cuts reduced to the minimum, and replication is being met 3:1. G. Hochmuth explained that the narrowest part of land has been targeted and that there is no alternative to loop the road without a third crossing. 64 square feet of alteration of wetland is essential to provide room to build a wall for proper erosion controls, and is planned to be replicated. G. Hochmuth discussed the concern of shading at each crossing and stated there will be no major impacts to these areas. The Wetland Application Methodology (as defined in the NOI and its supporting documents) requires a two-year monitoring period but will be revised to meet the Commissions requirement of five years. C. Wear stated that the group will be presenting to the Planning Board on January 14, 2021 to request a waiver known as the Vertical Curve, to change the speed limit to an adequate speed. C. Wear explained with the waiver they can go back and make changes to the preliminary cuts from 20 feet and adjust for optimal minimization. J. Mann confirmed the requested documents were delivered stating the Commissions control regarding protection for the replication areas, crossings maintained and preservation to buffers of the wetlands. J. Mann reiterated the document is consistent with the most recent CR.

O. Lathrop stated his email is no longer applicable since the project is listed as a limited project and explained that the Commission holds a lot more control and discretion for the area. O. Lathrop expressed he would like to see less impact on the three resource areas and

suggested scaling back on the project. O. Lathrop then questioned the angle of the street lighting, ensuring that it does not reach the ground within 100 feet of the wetlands.

B. Easom explained the definition of a limited project which would allow a homeowner to cross a wetland to acquire higher ground to build a residence, not creating a hardship, and it was never intended for multiple crossings or a subdivision. B. Easom expressed in order to meet the ACEC requirements he is in favor of one crossing and discouraged any filling of wetlands.

E. McHugh shared there was a brief discussion at the Earth Removal Stormwater Advisory Committee regarding not using riprap. She then questioned how the 1:1 slopes will be addressed. C. Wear explained a product called “envirogrid” would be used which is a general slope design plastic sheet which pops up into place 3-6 inches above grade. Loam is placed on top and then any vegetation is planted. This erosion control capability is up to 70% slope and in this particular case the slope is proposed at 45%. E. McHugh then questioned the adjoining process to the existing slope. C. Wear described the process of excavating and then back filling the area with compacted soil and pinning down the engineered fabric, which will prevent any slumping. A successful project using the proposed material was displayed to the Commission.

A. Hamilton questioned the current vegetation on the 1:1 slope. C. Wear stated it is currently wooded.

J. Smigelski questioned the thickness of the fabric. C. Wear reiterated the product is a 40mil plastic that comes in sheets and rolls and explained it has the capability of being mowed a couple of times a year.

L. Hurley reviewed the definition of limited projects within small and large complexes (MassDEP Wetlands Policy 88-2). L. Hurley is pleased with the minimal impacts and all the effort to protect the wetlands. C. Wear summarized their minimization to the roadway, by cutting it down to 20 feet with a sidewalk only on one side and excluding the grass stripe.

A. Hamilton questioned the soils hydrology and any heat impact. C. Wear explained if the area was a meadow of grass the curve numbers would remain similar and the amount of water infiltrated, however going from woodland to a grassland heat impact would be slightly warmer. G. Hochmuth stated it would be cooler than riprap,

Anna Eliot whom is a direct abutter explained she is disheartened by the Groton Conservation Trust’s letter of denial for the project. A. Eliot stated the Shepley Hills Group has been diligent and professional thus far and has addressed every detail requested. This is the most desirable project for this site and the town. A. Eliot reminded the Commission she has granted a trail easement to make the least wetland impact. Anna Eliot requested that the town hold the conservation restriction allowing abutting neighbors recourse if any violations occur in the future.

David Black (Groton Conservation Trust) stated that he understands the limited project and acknowledges that the three crossings proposed are the most challenging decision for the Commission. D. Black responded to B. Easom's comment and described an alteration as anything that causes destruction to vegetation and causes the change in both sedimentation and water temperature.

Ed McNierney (Groton Conservation Trust) is concerned about the applicant's argument that there is no alternative way to loop the road and explaining it is entirely permissible for the Commission to allow only two crossings, the third crossing is unnecessary. G. Hochmuth explained the third crossing is not a prominent wetland and there is no intermittent stream, only 64 square feet would be impacted and it can adequately be replicated on the site. E. McHugh requested clarification for what the Trust suggests for alternatives. E. McNierney stated the Trust is not suggesting anything and they would like the use of two wetland crossings and believe the loop road is only being developed to build more homes. J Mann stated if there were only two wetland crossings at Longley Road and Sand Hill Road a cul-de-sac would need to be installed at both ends of the roads creating more pavement and impacted areas. Mann reiterated that all alternatives have been reviewed. G. Hochmuth commented that L. Smith is very respectful for the impact on the site and many of the abutters approve of the proposed project.

Anna Eliot commented that the Planning Board has a requirement for two entrances depending on the number of units to allow proper fire routes.

L. Smith stated this community will contribute \$275,000 a year with a minimum financial burden on the town (due to the units being 55+).

D. Black commented on the third crossing and stated that a small impact on a wetland would require permission under Groton's Wetland Protection Bylaw.

There was a brief discussion among the Commission; E. McHugh suggested that any outstanding documents including the CR needed to be reviewed by the Commission. O. Lathrop would like the CR to include minor wording explicitly including trail direction signage.

Upon a motion by E. McHugh, seconded by O. Lathrop, it was:
Voted to continue to the next public hearing on January 26, 2021.
The motion passed by a roll call vote: (Yes: PM, OL, EM, AH, JS, BE, LH)

2. GENERAL BUSINESS

Permitting

Order of Conditions, 210 Indian Hill Road, MassDEP#169-1211.

Upon a motion by P. Morrison, seconded by B. Easom it was:
Voted to issue the Orders of Conditions under the Wetlands Protection Act for 210 Indian Hill Road, MassDEP#169-1211 as amended.
The motion passed by a roll call vote: (Yes: EH, PM, OL, BE, AL, JS, LH)

Upon a motion by P. Morrison, seconded by B. Easom, it was:
Voted to issue the Orders of Condition under the Groton Wetlands Protection Bylaw for 210 Indian Hill Road, MassDEP#169-1211 as drafted.
The motion passed by a roll call vote: (Yes: JS, AH, OL, BE, PM, EM, LH)

Land Management

Review Lost Lake CR (Groton CR 49 Ref 16938)

N. Gualco updated the Commission that this was the third time reviewing this CR and is pleased with its contents, it represents the Commissions previous reviews as well as the states. N. Gualco recommended the CR be approved only after approval of the Town Council.

O. Lathrop suggested changing the language to include no barrier preventing wildlife movement.

Upon a motion by O. Lathrop, seconded by A. Hamilton, it was:
Voted to approve the CR under the conditions of approval by the Town Council and to include language for passage of wildlife. **The motion passed by a roll call vote: (Yes: AL, BE, EM, PM, OL, JS, LH)**

Other Discussions

Conservation CPA FY22 Application (update)

B. Easom stated the Commission's CPA application is budgeted at \$350,000 as agreed upon last time. He continued to state that CPA funds are oversubscribed again this year mainly due to the \$1,000,000 requested for the track at the middle school.

N. Gualco updated the Commission that he received three letters of support from Conservation Trust, Parks Commissions, and the Trails Committee that are required to be submitted by February and drafts were due this week. N. Gualco suggested reviewing the wording of the CPA application.

The Commission discussed the language of the CPA application regarding its goals, policy's, and accounting. Ensued was an agreement to leave the budget ranging from \$750,000-\$1,000,000 (a percentage from the towns budget). A copy of the application will be electronically submitted with a digital time stamp and a hard copy as well.

Request for letters of support

CPA FY22 - Squannacook River Rail Trail

Upon a motion by E. McHugh, seconded by O. Lathrop, it was:
Voted to provide support to the Squannacook River Rail Trail. **The motion passed by a roll call vote: (Yes: BE, EM, PM, JS, AL, OL, LH)**

CPA FY22 – Park Commission

Anna Eliot updated the Commission that a request will be submitted.

MassTrails Grant – Trails Committee (Marion Stoddart Riverwalk Project)

Upon a motion by O. Lathrop, seconded by B. Easom, it was: Voted to support the Trails Committee for the Marion Stoddart Riverwalk Project.
The motion passed by a roll call vote: (Yes: PM, EM, AH, JS, BE, OL, LH)

Committee Updates/Announcements

B. Easom updated the Commission that the CPC met with Josh Degen yesterday regarding if the Town of Groton should remain with a CPA of 3%. B. Easom explained if the surcharge dropped even by half a percent that the Conservation Committees loss would be substantial and would result in ineligibility for the states match benefit. The average tax payer would only be saving \$35 on their real estate tax. B. Easom stated he will be presenting to the Board of Select on January 25, 2021. Up for discussion is also the number of board members for the CPC and B. Easom would like it to remain at seven people and possibly inviting a finance committee member to the board when a seat is available.

A. Eliot stated that B. Easom was accurate with his information and wanted to reserve her comments for the CPA meeting.

O. Lathrop explained that he has been working with the Groton Conservation Trust and the Nashua River Watershed Association regarding sending out letters on the Forest Legacy Program, a program now offered to pay Groton residents for development rights for their forest. The goal is to keep forests as forests. O. Lathrop explained his next step is identifying applicable parcels in town.

The Commission had a brief discussion and concurred that the language should be changed before sending it out to any town residents.

Approve Meeting Minutes

Upon a motion by E. McHugh, seconded by P. Morrison, it was:
Voted to approve the minutes for December 22, 2020 as amended.
The motion passed by a roll call vote: (Yes: AL, BE, OL, JS, EH, PM, LH)

Invoices

None

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

None

4. 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.”

The Commission motioned to open into an Executive Session after ending the public hearing.

5. Adjournment

9:38 P.M. Upon a motion P. Morrison by, seconded by B. Easom, it was:
Voted to move to Executive Session and not to return to the open session.
The motion passed by a roll call vote: (Yes: BE, PM, EM, JS, OL, LH)

Minutes Approved: January 26, 2021