

Conservation Commission Meeting

Tuesday, June 8, 2021 at 6:30 PM

Town Hall: Second Floor Meeting Room, 173 Main Street Groton, MA

Present: Larry Hurley, Chair; Bruce Easom, Vice Chair; Eileen McHugh, Olin Lathrop, Peter Morrison, John Smigelski, Allison Hamilton, Clerk

Absent:

Others Present: Nikolis Gualco, Conservation Administrator

6:30 PM- L. Hurley, Chair called the meeting to order.

1. APPOINTMENTS AND HEARINGS*

6:30 PM – RDA (2021-19). Whitney Well Site, for the installation of a water treatment plant
Water Dept: Thomas Orcutt, Representative: Bob Rafferty, Environmental Partners

B. Rafferty proposed the installation of a new water treatment plant explaining there would be no disturbances to any wetlands or riverfronts.

T. Orcutt explained that the project is required by the DEP and the Water Department is in the beginning stages of requesting the proper permits.

E. McHugh stated that the project is out of the ConCom's jurisdiction.

L. Hurley questioned when the other wells would be placed on line. T. Orcutt stated that the Water Department is currently monitoring the wells and seeking additional water supplies.

The next phase is anticipated within the next 30 days.

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

Voted to issue a Negative 1 Determination.

The motion passed by a unanimous vote.

6:45 PM – RDA (2021-21), 134 Shelters Road, for the installation of a drinking water well
Applicant: Mark Roder

The applicant proposed a drilled well 60 feet from the edge of Knops Pond to replace a shallow well. The installation of silt fences and hay bales would be used as erosion controls.

E. McHugh questioned if the electric line would be located in the same trench. M. Roder stated that the electric line currently runs between the house to the boat house and then to the existing pump. The proposed digging would allow access to the existing manhole which would be used to tie in the water.

B. Easom commented that the erosion controls are not well defined on the plan and would like to have the site inspected before any trenching is to commence.

O. Lathrop summarized the process of the project as drilling then stockpiling the excavated soil and then backfilling the soil and wanted to ensure that the erosion controls were placed properly.

L. Hurley requested that the silt fences and hay bales be installed around any intended trenching or holes. The Conservation Administrator would then inspect the site to ensure that the erosion controls are properly placed before any excavation begins.

Upon a motion by B. Easom, seconded by P. Morrison, it was:
Voted to issue a Negative 3 Determination under the conditions: 1.
Pre-inspection of erosion controls before the start of any excavation.
The motion passed by a unanimous vote.

7:00 PM – NOI, MassDEP#169(not yet assigned), for improvements to the Bates Land Conservation Area. Groton Conservation Trust: Bob Pine

B. Pine discussed the increase of people visiting the Bates Land Conservation Area due to the pandemic and anticipates more foot traffic when the Indian Hill Music Center opens. The Groton Conservation Trust believes that this property is critical to the Town and would require the following improvements. 1. The wooden structure that crosses James Brook has deteriorated and requires replacement. The Trust proposes removing the existing stones and installing an open bottom concrete culvert that would also provide access to heavy equipment. 2. Expand the parking quantity from three to six spots with an additional handicap area. The entrance to the parking area may require redesigning. 3. Construct a handicap accessible trail packed with sand and gravel that leads to an open picnic area. B. Pine stated that the meadows have been mowed and maintained to regenerate the growth of the native plants.

E. McHugh stated that the replacement of the culvert is necessary and recommended that it be replaced when the water flow is low. If anything is proposed for the stone walls at the entrance, they should not be relocated closer to James Brook. B. Pine explained the design of the entrance is not final and the walls are not significantly beneficial to the property. E. McHugh commented that the plan should be better developed before the ConCom approves the NOI.

A. Hamilton questioned why the expansion of the parking area would not affect the 100-year floodplain. B. Pine explained that the floodplain only extends 10 to 15 feet into the parking area from the James Brook side. The elevation would remain the same within the floodplain and changes would be outside of those parameters. The parking lot would be constructed of a gravel base using crushed stone which would provide an increase of water infiltration.

B. Easom questioned the process of the open bottom culvert. B. Pine explained that the two wings are approximately identical in dimension as the existing stones and would require minimal excavation, the excavated soil would be backfilled. B. Pine discussed that James Brook dried up early last year and the Conservation Trust would ensure that there is no water present before replacing the culvert. B. Easom then questioned if there would be any excavation in the stream and if the new culvert required a layer of topsoil. B. Pine explained that there would be no digging within the stream and no additional soil would be required if the opening of the culvert is 4 feet by 3 feet.

O. Lathrop was concerned with the stabilization of the grass. B. Pine explained that the Trust proposed using a Turfgrid, described as a plastic material that would be rototilled into the soil which would create stabilization of any steep slope. O. Lathrop questioned the long-term decomposition of the product and requested additional information. B. Pine was unsure of the long-term use of Turfgrid.

J. Smigelski questioned the length of the culvert. B. Pine answered 15 feet.

P. Morrison questioned if the project would pass stream guidelines. B. Pine explained that the project is an exact replacement and there are no changes to the flow of the water. If the hydrology were to be increased or decreased regulations would have to be met. P. Morrison questioned what would stop any debris from flushing downstream. B. Pine answered that crushed stone would be placed behind the new structure.

L. Hurley questioned the dimension of the wooden structure and clarified that when the structure is removed that the new one should fit in place. B. Pine stated that the structure is 6.5 feet and that behind the structure there would be minimal gaps that would require backfilling of stones. L. Hurley recommended that larger stones should be relocated to the edge of the culvert to ensure stabilization. B. Pine assured there would be stabilization.

E. McHugh requested that the Conservation Trust provide additional information on the new bridge and the entrance pertaining to the stone walls.

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

Voted to continue the meeting to the next public hearing on June 22, 2021. **The motion passed by a unanimous vote.**

7:15 PM – NOI, 62 Raddin Road, MassDEP#169(not yet assigned), for the replacement of a septic system and general landscaping. Applicant: Pedro Lima, Jessica LaPlante
Representative: Steve Sawyer, DCI

S. Sawyer discussed being hired to repair the existing septic system that is located in front of the dwelling. Test pits resulted with high quality materials and with the Board of Health's regulations on the offset of the leach field they were able to move it away from the resource area and outside of the 100-foot buffer zone. The applicant had performed repairs on the property after purchasing the home and was told to stop work by the ConCom. J. Plante clarified that an Enforcement Order was never issued to stop any work if specific conditions were followed. S. Sawyer explained an informal meeting occurred in the fall and a surveyor was requested to come out regarding the driveway, patio and the new walls. P. Lima has made numerous improvements from the previous conditions and has been able to improve water infiltration by removing impervious areas. The ConCom had expressed concern that the grass was not in good shape. P. Lima had laid down loam and sod, by late April the vegetation was fully stabilized. The homeowners are asking for approval to complete the patio, driveway, and the septic system.

J. LaPlante discussed the challenges that they were faced with after purchasing the property. The septic system failed, timber retaining walls had deteriorated, numerous impervious surfaces caused improper drainage, the septic system being partially located under the driveway which needed repair and decks were collapsing. The retaining walls have been rebuilt with cement blocks, the patios were replaced with brick pavers and 20 trees have been planted. A total of four dumpsters were filled to remove all the unnecessary debris and trash from the property.

A. Hamilton questioned if the homeowners viewed the backside of the house before purchasing it. J. Plante answered no. A. Hamilton questioned the type of trees that were planted. J. Plante stated that she had planted Arborvitae and some smaller bushes and was open to any suggestions. A. Hamilton recommended visiting gardeninthewoods.com.

B. Easom questioned if there was any more work to be completed within the 100-foot buffer zone. S. Sawyer explained that the site is out of the 100-foot buffer zone however, there is a 200-foot riverfront. B. Easom commented on the minimal disturbances that have been made and the applicants' attempt to improve the site and then questioned why there is a missing DEP number. S. Sawyer explained the forms were submitted late. N. Gualco stated that the DEP office is also understaffed which is causing delays.

O. Lathrop was pleased with all the changes made from impervious areas to pervious. He then requested that the applicants identify the locations of the trees planted and a list of their species for the next meeting.

P. Morrison questioned the water type being used for the pool and the grade of the existing slope in the backyard. J. Plante responded that salt water would be filled into the pool and the slope has not been altered.

Both L. Hurley and E. McHugh were pleased with the progress made on the property.

Upon a motion by B. Easom, seconded by A. Hamilton, it was:

Voted to continue the meeting to the next public hearing on June 22, 2021. **The motion passed by a unanimous vote.**

7:30 PM – NOI (cont.), 16 Maple Ave, MassDEP#169-1215, for the construction of a residential addition. Applicant: Bob Margolius, Corey Magliozzi
Representative: Bruce Ringwall

B. Ringwall discussed the six-bedroom dwelling built in 1993 and the conveyance swale located in the backyard. The narrow wetland is dry the majority of the time and was in question of being identified as a wetland. Nashoba Analytical LLC confirmed that hydrology soils and wetland vegetation were found in the soil testing. The applicant is proposing an attached apartment to the existing home to create an additional 800 square feet of living space to provide adequate room for himself and his family. There are no disturbances to the 50-foot buffer zone. The BOH is requiring an expansion to the septic system to meet the current Title 5 regulations. The tank would become a 2-compartment tank. The original design has been reconfigured and the addition would be constructed on the opposite side of the wetland and the pool would be moved over slightly. B. Margolius is also proposing to replace an existing organic material walkway with stones, extending the deck, and removing a Maple Tree.

B. Easom requested justification for allowing a new construction within the 100-foot buffer zone and recommended identifying any improvements on the provided plan. B. Ringwall stated that 1. Any runoff water from the newly constructed roof would be infiltrated into the ground before entering the wetland, 2. A deck would be removed from the 50-foot buffer zone, and 3. The existing swing set sits on top of the ground not causing any impervious impact.

O. Lathrop commented that he expected the project to be non-jurisdictional due to the conveyance swale being identified as a stormwater management structure. O. Lathrop referenced the Groton Wetlands Bylaw by discussing there shall not be any permanent structures within the 100-foot buffer zone. There needs to be more improvements to the site to justify the necessity of an additional structure. B. Ringwall explained that he discussed the wetland area with other specialists to verify that it was a true wetland and the fact is that the

area contains no habitat values. B. Margolius then proposed changing the base of the driveway from asphalt to pervious pavers.

J. Smigelski commented that there was another project presented to the ConCom that was determined to be non-jurisdictional which contained an identical drainage swale. B. Ringwall explained the wetland has been there since the applicant purchased the land and 95% of the time it is dry.

P. Morrison questioned how similar the other site was compared to this property and was pleased that the old septic system would be removed and the new one would be further away from the 100-foot buffer zone.

E. McHugh commented she was pleased with the new location of the septic system and recommended the applicant establish a new edge and try to keep any foot traffic to the front of the house to ensure a protected area around the wetland.

A. Hamilton questioned if there was a possibility to move the addition. B. Margolius stated he originally wanted to build the addition on the left side of the dwelling, after further research that side did not provide an adequate pitch for wastewater. B. Easom stated that the runoff water should be managed by the driveway by capturing it and recharging. B. Ringwall agreed 2 feet by 12 feet wide infiltration trench could be added to the plan. A. Hamilton suggested vegetation growing through the pavers which would prevent runoff from entering the wetlands.

L. Hurley was pleased with the applicant's proposal of moving the addition away from the wetlands along with the septic tank. He recommended that the stone walkway be installed with pervious pavers and the deck not be built on top of sonotubes.

O. Lathrop requested no fertilizer be used near the wetland. The applicant agreed.

P. Morrison questioned which software program was used to design the project. B. Margolius stated Cheap Architect.

L. Hurley questioned the location of the proposed Maple Tree that requires removal. B. Margolius identified the tree on the map and stated that he thought it was very important to maintain as many trees as possible.

B. Ringwall added a stone infiltration system, a pervious walkway, and the Maple tree that would be removed to the original plan that was previously submitted.

Upon a motion by B. Easom, seconded by P. Morrison, it was:
Voted to close the public hearing.

The motion passed by a unanimous vote.

2. GENERAL BUSINESS*

Permitting

MassDEP#169-1178, Upper Massapoag Pond, request to extend Order for 3-years. Applicant: David Roach plan on extending for 3 more years, David Roach

A. Hamilton was concerned about the approach of the restoration and the herbicide not being specific to the species in the Pond. She continued to discuss how the decomposition of the invasives add additional nutrients to the water which can make the vegetation worse. The process can open an ecological edge by removing the species and becoming more colonized by different invasives unless planting of native species is planned. A. Hamilton expressed she did not want to see a decrease in the quality of the pond. A major role of the Upper Massapoag Pond is used for recreation. D. Roach discussed the biohazard and the impact of the herbicide treatment. 40 acres including portions of the pond in both Tyngsboro and Dunstable have been treated which is $\frac{1}{3}$ of the pond's total volume. The treatment is not a concern as shown in pre and post treatment surveys. The pond is capable of processing the change of oxygen levels which could also be affected by naturally maturing plants. In 2018 Sonar (Fluoridone) treatment was used to suppress the Eurasian Milfoil and Fanwort and it has been successful. Then again in 2019 and 2020 there were no signs of algae or loss of clarity to the pond. There was a short-term injury to the Water Lilly which recovered fairly quickly. The ideal outcome is reducing the plant biomass and encouraging the release of native plants and balancing the chemical composition.

A. Hamilton requested clarification if there were four different herbicide treatments proposed. D. Roach answered yes while explaining the use of Sonar and Diquat treatments. A. Hamilton stated that the herbicide treatment had occurred throughout the last 3 years and questioned if the data shows a decrease in the invasive vegetation. D. Roach stated that the treatment has been successful in treating both the Milfoil and Fanwort and they are actually seeing more growth in native plants. A. Hamilton questioned if it is necessary for continuing treatments. D. Roach explained they would like to continue to suppress the invasive vegetation.

E. McHugh questioned if there were any reports of progress tracked to be reviewed. N. Gualco stated that all the data has been provided to the ConCom. D. Roach explained that the reports were submitted to all three individual towns.

The ConCom agreed to give A. Hamilton additional time to review the reports and decided to continue the discussion to the next scheduled meeting on June 22, 2021.

D. Roach questioned whether the extension of the Order of Conditions had been extended for an additional year and would like to apply another herbicide treatment within the next few weeks. P. Morrison clarified the Order of Conditions had been extended until July 1, 2021.

- General Discussions/Announcements

Discussion: Review Hazardous Tree Policy

Gualco discussed the current Tree Policy as an unofficial policy to grant approval to remove hazardous trees on Conservation Land. Recently a resident stated that the Town should be responsible for the removal of a tree on their property. The Town Manager recommended that unofficial policy become official. The new draft of the Tree policy was displayed for the ConCom to review and adjustments on the language were made. The ConCom suggested that the liability be confirmed and that the insurance policy is accurate.

Upon a motion by E. McHugh, seconded by A. Hamilton, it was:
Voted to present the Tree Policy as a draft to the Select Board.

The motion passed by a unanimous vote.

Announcement: Surrenden Farm Resource Management Plan 5-year Revision (added to 6/22 meeting)

N. Gualco stated that the 5-year Management Plan is required to be updated before the end of January 2022 and would be discussed at the next meeting.

Land Management

Shattuck Homestead, discuss 2021 management schedule

N. Gualco stated in the previous years that the field on Martins Pond Road had been mowed at the beginning of July and the management plan has been

very successful and would like to ensure that it continue. A turtle sweep would need to be coordinated before any mowing was performed. O. Lathrop was impressed with the decrease of Black Swallow Wort in the field and recommended tentatively treating the out of reach invasive species this weekend. J. Smigelski volunteered to mow the field and B. Easom would treat the Black Swallow Wort.

Committee Updates

Earth Removal & Stormwater Advisory Committee:

E. McHugh made an announcement that there was an opportunity to join the ERSWA Committee. There was a brief discussion among the Commissioners if anyone had interest in becoming an appointee and it was agreed that E. McHugh would be reinstated.

O. Lathrop informed the ConCom that the Invasive Species Committee attempted to treat the Phragmites located at the Carmichael Swamp and was only able to treat around the edges. They would have to revisit the area when the ground dries. The phragmites in the Priest Family Conservation Area was treated with Glyphosate and as of now there has been no significant impact.

Approve Meeting Minutes

The meeting minutes for May 25, 2021 were tabled until the next public hearing on June 22, 2021.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
Voted to approve the meeting minutes for May 28, 2021 as written.

The motion passed by a unanimous vote.

Invoices

Upon a motion by E. McHugh, seconded by P. Morrison, it was:
Voted to approve and pay the invoice from the Groton Herald for \$225.50.

The motion passed by a unanimous vote.

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

Post-work day: discuss mowing considerations at Priest Family Conservation Area –
updated 6/7/2021

E. McHugh stated that the Stewardship Committee performed work for two days with eight volunteers on the Priest Hill Conservation Land. The entire field is heavily covered in poison ivy and unsafe for the volunteers. The group felt that mowing the area might help control the poison ivy and wanted the Cocom's recommendations; there are no mowing restrictions written. The next Stewardship Committee meeting is scheduled for Wednesday, June 16, 2021. The ConCom had a brief discussion on the most successful methods of removing the poison ivy. Suggestions included the use of goats, herbicide, and smothering it. The ConCom agreed that mowing would maintain the poison ivy however, it would not completely remove it. J. Smigelski volunteered to mow the field. O. Lathrop expressed he was against treating the area and believes the field should be managed for wildlife only.

4. (IF REQUIRED) 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."

L. Hurley, Chair; declared that there was business that required the Commission to move to executive session.

5. Adjournment

9:17 p.m.

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

Voted to move to Executive Session and not to return to the open session for the purpose of considering the purchase, exchange, lease, or value of real estate, as the chair had declared that an open meeting may have a detrimental effect on the negotiating position of the Commission.

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

Minutes Approved: June 22, 2021