

TOWN OF GROTON

Conservation Commission

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### 

### **Conservation Commission Meeting**

#### **Tuesday, January 25, 2022 at 6:30 PM**

**Victual Meeting – Zoom**

**Present:** Larry Hurley, Chair; Olin Lathrop; Eileen McHugh; B. Easom, Vice-Chair; John Smigelski; Peter Morrison; Alison Hamilton, Clerk,

**Others Present:** Nikolis Gualco, Conservation Administrator

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

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – NOI (Mass DEP#-not yet assigned), 342 Main Street (Florence Roche Elementary School), for the demolition and reconstruction of the school and athletic track.

In attendance: Meryl Nistler, Studio G Architects; Steve Michener, Studio G Architects; Leena Long, Leftfield; David Saindon, Leftfield; Steve Power, Samiotes; Jeffrey, Pilat, Samiotes; Kelly Connelly, Terranink; Kelly Ashton, Terranink; Christian Huntress, Huntress Associates, Tripp McElroy, Gilbane Building Company; Stan Dillis, Ducharme & Dillis, Fay Raynor, Economic Development Committee

M. Nistler provided a brief background of the Florence Roche Elementary School and proposed a two-story building approximately 110,000 square feet east of the existing building located at 342 Main Street. The project includes the demolition of the existing elementary building, improvements, and the construction of a 400m athletic track. There are four phases planned: Phase 1. Spring of 2022, relocation of the existing athletic track. Phase 2. Construction of the new building, completion scheduled for late spring early summer of 2024. Phase 3. Demolition of the existing elementary school. Phase 4. Installation of the front lawn at the end of 2024. Phase 5. Plantings will be completed in 2025.

S. Powers from Samiotes discussed they have been very conscious of the impacts on the wetlands and how they would be protected throughout the construction. There are four flagged wetland resource areas identified on the site. Wetland Series A and Wetland Series D are located at the south side of the site and are hydraulically connected. Wetland Series B is an isolated wetland located in the center of the site. Wetland Series C is located at the northern point of the site by the proposed track. The new school would be located east of the existing school and the construction would impact the 100-foot buffer zone. South of the school there is a proposed fire access road that would proceed around the perimeter of the school and create minimal grading disturbances within the 50-foot buffer zone. There would be a significant impact to the 100-foot buffer zone for the construction of the reconfigured road that enters into the parking lot associated with the elementary school pick up and drop off in Wetland Series A. The track has been angled to provide minimal disturbances. To the north, Wetland Series C would be disturbed by grading to create a level surface and a portion of the athletic track would be constructed.

**Erosion Control Sediment plan:** The plan outlined a silt fence with straw wattles installed around the resource areas. S. Powers commented that in phase one, the proposed construction entrance/exit off of Main Street would be constructed to provide the ease of access to the property and establish safety measures to allow for the existing school to remain operational. The temporary access road would be installed with a permeable surface and then be restored to its natural vegetated state.

**Storm Water Report:** Within the next few weeks the group should be receiving approval from the Towns Consultants who are performing a peer view regarding the stormwater management. There are four underground infiltration systems proposed. 1 & 2 would be located in the south under the existing parking lot. The third infiltration system is smaller and located to the north and the fourth one would be exclusively for managing the discharge of the increased impervious surface of the track. The infiltration systems would be tied into the existing conveyance structures around the property and no new discharging points are proposed. All regulations and bylaws would be in compliance on both levels of the State and the Town. Deep catch basins would be installed to filter any sediments. Rain gardens would be installed as low impact developments to provide outdoor learning spaces. The rain gardens are to be located in the front of the building and in the open courtyard.

S. Powers then proposed a stone dust walking trail that would impact the 50-foot buffer zone and be used as a teaching tool for students.

E. McHugh requested that the group discuss the information that they are knowledgeable of regarding the Groton Wetlands Protection Bylaws. S. Powers stated that his understanding is that there are a number of restrictions in the 50-foot buffer zone with no disturbance. He does recognize that they are proposing grading disturbances in the 50-foot buffer zone. Buildings are excluded from the 50-foot buffer zone and impervious surface areas cannot be discharged directly into the wetlands. He explained that they tried to respect the bylaws however there are numerous constraints within the property. E. McHugh commented that there is proposed work within the 50-foot buffer zone which is against the Bylaws and explained that there are different levels of disturbances. S. Powers replied that they have limited the amount of work from the area that has previously been disturbed. The emergency access road would be impacting the 50-foot buffer zone and a small portion of the building would be within the 100-foot buffer zone. E. McHugh then questioned if the surface of the emergency access road had been considered to minimize its impact and requested identification to a building shown on the plan. S. Powers stated yes there has been a discussion on the options for the road surface. The building that was unidentified is a battery energy storage system that GELD would be installing to generate power in case of an outage. E. McHugh agreed with the recommendation to develop a construction entrance and questioned if someone would be managing the traffic. T. McElroy explained that they are considering using a flagger or a resource officer to temporarily direct traffic. E. McHugh then questioned the property line in the east and if there were any plans of increasing the buffer zone with naturalized vegetation. S. Powers confirmed the line shown on the map is the property line and noted that the recommendation can be considered.

J. Smigelski was concerned that the surface for the access road may not sustain heavy machinery. S. Powers stated that stabilization has been a factor and with the use of a permeable pavement it would be required to accommodate fire trucks and construction vehicles. The surface would also need to be properly maintained over time.

O. Lathrop expressed that there was a great quantity of construction proposed within the resource areas including a roadway, athletic track, and a portion of the school building. No permanent structures are allowed within the 50-foot buffer zone and there needs to be a return to the environment and there is none shown. He noted that there are several options where construction can be relocated or adjusted to fit outside of the buffer zone. O. Lathrop then questioned if the location of the school building had been explored. M. Nistler stated that the entire campus was analyzed and a design study was performed. It is the most ideal location for the new building while the existing building could remain occupied. A natural design has been incorporated including the use of elevation, trees, and the essence of Groton.

P. Morrison questioned how many square feet of the structure exists today inside each of the buffers versus the number of square feet of structure that will exist once the project is complete within the buffers. P. Morrison defined structure as anything permanent to the ground. S. Powers replied that he did not have those calculations and would return with the requested information.

A. Hamilton requested more information on the rain gardens including the location, square footage, and the amount of runoff. S. Powers replied, possibly 1500-2000 square feet. He explained that the rain garden is not handling water; it is a treatment and provides a water quality treatment that then discharges to the onsite conveying system. J. Pilat discussed that rain garden 2 would service the canopy in front of the school entrance and then tie into rain garden 1. Rain garden 3 manages the runoff from the roof and is located in the learning exhibit. A. Hamilton questioned what the white space in the center of the plan was. M. Nistler replied that it is an outdoor lab and they have worked with the School Commission to create the space to incorporate an educational program for the students providing a natural setting and the rain gardens would be used as learning tools. A. Hamilton questioned the plans for the ground surface and the runoff in the learning lab. S. Michener stated that runoff from the road would flow into the stormwater management system. He then briefly discussed the various outdoor classroom spaces and the paved area for the media center. K. Ashton listed that there would be pavers, stone dust, planted natural vegetation including perennials, and small trees in the learning lab. She stated that there is an opportunity to use permeable pavers. A. Hamilton commented that she would like to see the potential connection of the two wetlands as E. McHugh had recommended, the area should increase naturalization by using additional vegetation.

L. Hurley commented that there is a significant elevation change both shown at the new entrance for the construction vehicles and the track and questioned if the areas required filling within the buffer zones. S. Powers confirmed that there are elevation changes and they do need to be accounted for. The eastern portion of the track consists of higher ground and fill would be required towards the north to level the surface. J. Pilat explained for the temporary expansion for the construction entrance that there would not be any walls constructed and the surface would be at grade level.

Fay Raynor addressed the concerns that the Commissioners had expressed. She stated that the building is LEED required and would be using drought tolerant plants. The permeable pavement can be expensive and requires a significant amount of maintenance. The rain gardens would be utilized for the plantings that require minimal maintenance. The stormwater is extensive and we have ensured that the water is being absorbed and utilized while being compliant. Regarding the cut and fill we are trying to minimize economics and prevent safety issues that pertain with installing retaining walls.

T. McElroy shared the approach of building the project while taking into consideration the resource areas. The site plan shows that in 2022 the construction of the entrance to the access road would commence. There are a series of five construction gates proposed A through E, A would be the primary access point into the site whereas the others are for overflow, potential emergency use or to support large pieces of material needed for construction. There was a challenge of providing the safest and most efficient way to the construction site for both the building and the athletic track and that was determined to enter the site off of Route 119. The temporary access road allows for a safe and segregated space for the construction vehicles to travel east onto the project site. To the west there are plans for a CM-OPM trailer complex and to the east to remain outside of the buffer zone there is an area for parking and storage dumpsters. Another challenge that was faced was accessing the athletic field and not driving through the campus, the field in between the middle school and the resource area would be utilized. It is ideal to work east to west off the campus. The completion of the track is projected for 2022 and would be turned over to the school for use. In the late summer to the fall of 2022 a fence would be installed to begin the construction of the new building. In the late spring or summer of 2024, the school would be turned over. The bus lane would be activated and there would be a proposed temporary parent drop off using the access road to allow for the demolition of the existing elementary school. Then working counterclockwise, the workers proceed away from the school and the parent drop off area would be activated. In the spring of 2025, the planting would be completed.

B. Easom questioned what the net impact has been or will be on impervious surface broken down by buildings, roads, and others, existing and post. Then requested an inventory on the amount of grading proposed, existing and post and broken down by the four wetlands. There seems to be an ongoing process of tearing down schools every 75 years and for every square foot that is given up in the year 2022 would then become an already existing disturbance in 2090. B. Easom expressed there would not be a problem with the additional disturbances if the design can represent reduction in the existing disturbances and requested to see that achievement. S. Powers assured he would provide those quantities and affirmed that the total impervious areas have been reduced.

P. Morrison noted that the plan indicated a total amount of impervious disturbance within the 50-foot wetland buffer zone as existing 5,965 square feet and after the completion of the project the disturbance would be 4,377 square feet. O. Lathrop requested the calculations for the 100-foot buffer zone as well.

O. Lathrop was concerned about the maintenance and requested a maintenance plan including plantings and runoff. He has viewed the lack of effort in maintaining the soccer fields. F. Raynor stated that a capital plan has been reviewed and submitted. The school has received funding to address the fields that have been neglected and the maintenance department has been made aware of those issues. F. Raynor reiterated that this is a LEED project therefore; low maintenance plantings that are drought tolerant are required. She referenced B. Easom questions regarding the net impact of impervious and pervious and stated that a larger school is necessary as a result of population studies. Transport and circulation patterns need to be addressed for safety and there is no choice on impervious or pervious surfaces. This is the lowest ratio of usable and unusable space. The building is being kept tight and a majority of the spaces will be planted. There are no variances being requested and we are being very cognizant of the wetlands. B. Easom reminded F. Raynor that the construction of the school will not be authorized unless a permit is granted by the ConCom and that means there should be no disturbances within the 50- and 100-foot buffer zone. F. Raynor replied that there are no buildings within the buffer zones. P. Morrison stated that there are multiple proposed items within the buffers zone including buildings and roadways. F. Raynor questioned if a variance was required and if the work being requested is allowed. The ConCom stated that they do not provide variances and the proposed plan is outside of what is allowed under conservation regulations and bylaws. O. Lathrop stated that if the construction was completely outside of the 100-foot buffer zone you would be “by the right.” P. Morrison reiterated that impervious surface (structures) existing now within the 50- and 100-foot buffer zone versus post construction impervious surface in the 50- and 100-foot buffer zone are the numbers being requested. O. Lathrop suggested that the number be further broken down. S. Power stated the numbers would be broken down by buildings and roadways vs impervious surfaces.

K. Connelly briefly discussed vegetation and stated that the majority of species used would be native to the area and require low maintenance in water and fertilization.

E. McHugh reviewed the areas impacting the 50 foot and the 100-foot buffer zone and questioned how those areas would be restored on the outside edge. She then questioned if the civil engineer or the landscape architect would be responsible for restoring those areas and if the capital improvements are different from the deferred movements. She wanted to ensure that it was not a capital improvement being made and recommended that there is a healthy establishment period (1-2 years) around the edge prior to handing it over to the school. K. Connelly stated that her design team wants to be involved in the selection of materials in the disturbed area. She discussed working on the muddy river restoration project on restoring the banks and has been very successful. Those identified trees, shrubs, and ground cover could be used to restore the edges and potentially create the wetland connection. They would allow for a continuous area that would grow into itself. These items can be discussed with the design team for the concept of the initial stage of establishment. E. McHugh requested that Terranink work along with the civil engineer to ensure an extended establishment period.

L. Hurley reiterated the items that the Commission requested for the next scheduled hearing. The total impervious changes between the 50- and 100-foot buffer zones pre development and post development as well as the amount of cut and fill within the buffer zones. Those numbers are to be broken down between resource areas 1-4 and by structure type. Lastly, Mr. Hurley requested the design plan of the courtyard, incorporating vegetation and previous surfaces versus impervious surfaces.

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

Voted to continue the public hearing to the next scheduled meeting on February 8, 2022.

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

6:45 PM – NOI (MassDEP#-not yet assigned), 92 Common Street, for the construction of a single-family house, driveway, and sewage disposal system. Applicant: Jean Nutt & Tim Scarczkopf; Attorney: Bob Collins; Engineer: Stan Dillis.

Attorney Bob Collins represented his client explaining that the site has a larger resource area located in the north than originally shown on the plan. The proposed driveway is within the 100-foot buffer zone and runs parallel to the property line. The area that was determined suitable for the septic system would require grading in the 100-foot buffer zone. There is a restriction area on the northerly border where the woodland vegetation is requested to remain intact and not disturbed.

Stan Dillis stated as a result with the Stormwater Committee there have been a few changes to the plan, the recharge basin located at the beginning of the driveway has been enlarged and vegetation would be added. The area would function as a rain garden and overflow runoff would be directed towards the wetland and away from the abutter’s property. The erosion control on the north side would serve as the limits of work. The runoff water for the roof has not been calculated and a dry well would be considered. The first 200 feet of the driveway is within the 100-foot buffer zone. The area for the dwelling was previously cleared and there are no proposals for any additional removal of trees. The abutter had questioned if their well would be impacted by any work being performed on the site and the answer is no, all proposed work is 380 feet away. The erosion controls have been relocated for the enlarged basin and the no cut disturbance as Attorney Collins noted would be honored.

O. Lathrop questioned if the septic system could be relocated closer to the dwelling to remain outside of the 100-foot buffer zone. S. Dillis stated that he did not design the plan however assumes that the septic system is located where it is due to being the only area with suitable soil. He assured he would determine the hardship. Attorney Collins believes that the soil was problematic. O. Lathrop requested a written statement by the engineer justifying the location of the septic system as shown on the plan.

S. Dillis stated that the original septic plan did not include grading, the wetlands were erroneously marked. He stated he would look over the documents for any additional testing.

B. Easom questioned if 1,000 square feet was the total amount of disturbances proposed. S. Dillis stated the number should be less.

E. McHugh did not view any restoration notes. S. Dillis replied that the restoration notes would be added to the plan subsequently speaking with the architect to question if they would like to incorporate them.

David Grigglestone, the abutter, questioned the appearance of easement markers. S. Dillis replied the markers would be wooden stakes with pink flags.

Upon a motion by P. Morrison, seconded by E. McHugh, it was: Voted to continue the public hearing to the next scheduled meeting on February 8, 2022. **The motion passed by a roll call vote. (Yes: PM, EM, BE, JS, OL, AH, LH)**

**2. GENERAL BUSINESS\***

Permitting

**COC, 340 Longley Road, MassDEP#169-1208**

B. Easom questioned if there is a CR on the property. N. Gualco replied that there is an easement for the driveway which includes the requirements for the wet meadows and the restriction is recorded in the Registry of Deeds.

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

Voted to issue the Certificate of Compliance for 340 Longley Road, MassDEP#169-1208.

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

**Update on Shepley Hill development (MassDEP#169-1214)**

N. Gualco met with Michelle Colette and Takashi Tada to inspect the first phase of the erosion controls before the commencing of the forest clearing and everything looked satisfactory. The one area that was described as a third crossing the erosion controls were off on one side and will be corrected. N. Gualco stated that he would be able to make subsequent inspections being back at the Town Hall on Monday.

General Discussions/Announcements

**Review 2021 Baddacook Pond Management Report**

James Luening was present for the discussion. A. Hamilton questioned whether the cubic yards of weeds were increasing or decreasing compared to last year. She had viewed an improvement over the summer. J. Luening stated yes it has decreased and over time with fewer nutrients it will slow down the growth of the weeds. E. McHugh suggested publishing the report in the Groton Herald. B. Easom questioned how the water department felt about the results. J. Luening replied that they are proactive in bidding and contribute to the treatment every year. J. Luening informed the Commission that Lost Lake was very successful with the sonar treatment and a follow-up is expected.

**Update on the discussion with the FinCom on the Conservation Fund**

P. Morrison stated that the agreement with the Select Board of a minimum of $750,000 and a maximum of $1,000,000 can be disregarded. The FinCom suggested having a conservation fund with a minimum of 2% of the Town Budget. Patricia Dufresne stated at the FinCom meeting that the funds received this year would be approximately $906,000 and there is no maximum number set. P. Morrison had discussed a couple of properties that the ConCom wanted to acquire that were valued over a million dollars and the FinCom had no issues and they are aware that the balance would decrease once land is purchased. At that time the Commission will work with the CPC or other funding to bring the balance back up. B. Easom commented that Mark Haddad stated that a target is required for bond rating and that the percentage should remain.

**Update on Steward Committee discussion on hosting the annual Conservation Summit**

E. McHugh reiterated from the last meeting that O. Lathrop would organize the Summit and the Stewardship Committee would step back. Anna Wilkins from the North County Land Trust committed to attend the Summit and will provide a background of the activities that are performed by Trust, she had mentioned that they are focusing on Towns such as Shirley who need additional help. O. Lathrop stated that the invites have been sent to the groups who are speaking and a date has been set for Thursday, February 17th at 7:00 P.M. The groups will introduce the activities that they have performed within the last year and their future plans. Then there will be an open discussion.

**Recommendation from Stewardship Committee re: naming a parcel for the Nipmuc Tribe**

N. Gualco received an email from Becky Pine when the Select Board was renaming the Redskin Trail and the name Nipmuc Tribe was not used. She is questioning if the ConCom would be interested in naming a conservation parcel after the Nipmuc Tribe. The Stewardship Committee suggested outreaching to a representative from the tribe before naming a parcel after them to ensure that it is appropriate and approved by the Tribe. B. Easom expressed interest in outreaching to a contact at the United Native American Cultural Council located at Devens to hear their thoughts before any final decisions are made.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:

Voted to delegate Bruce Easom to contact the United Native American Cultural Council to explore possible honoring of the Native Americans with Conservation Parcels.

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

A. Hamilton stated she would help in any way.

Land Management

**Update of Priest Hill Habitat Restoration**

None

Committee Updates

E. McHugh stated that the Florence Roche Elementary presented in front of the Stormwater Advisory Committee and the committee was displeased with the proposed underwater storage management systems and their overall attitude.

B. Easom stated that the CPC held a meeting last night. N. Gualco presented the CPA application and believed it went well.

Approve Meeting Minutes

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

Voted to approve the meeting minutes for January 11, 2022.

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

Invoices

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

Voted to approve and pay the invoice from the Town Council for the amount of $1,102.50.

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

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

Voted to approve and pay the invoice from the Groton Herald for the amount of $116.60

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

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

None

**4. (IF NECESSARY)** 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.”

Not Necessary

**5. Adjournment**

**8:37 P.M.**

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

Voted to adjourn the public hearing at 8:37 P.M.

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

**Minutes Approved: February 22, 2022**