

TOWN OF GROTON

Conservation Commission

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### 

### **Conservation Commission Meeting Minutes**

#### Tuesday June 28, 2022 at 6:30 PM

Virtual Meeting – Zoom

## **Present:** Larry Hurley, Chair; Bruce Easom, Vice Chair, Olin Lathrop, Eileen McHugh, Peter Morrison, John Smigelski, Alison Hamilton, Clerk, P. Morrison (6:50)

## **Absent:**

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

Bruce Easom, Vice Chair, called the meeting to order at 6:34 PM.

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – RDA, 63 Island Pond Road, for the replacement of a septic system Applicant: Eric Lantz, Representative: Chris MacKenzie

C. MacKenzie represented the applicant proposing replacing the existing septic system with a new pump and chamber, installing a well, and constructing a small garage with a one-bedroom apartment. Minimal disturbances are being proposed within the 100-foot buffer zone and less than 200 square feet of grading is required. Proper erosion controls would be installed.

A. Hamilton asked if the proposed tank would be installed in the existing footprints. C. Mackenzie responded that the proposed tank would be slightly shifted for two reasons, one, being too close in proximity to the foundation and two, a small portion of the tank would remain inside of the buffer zone. A. Hamilton clarified that the new septic system would be moved further away from the resource area. C. MacKenzie said that the existing leach field would be removed from the buffer zone, decreasing the amount of area disturbed.

B. Easom asked if the proposed tank in the vicinity of the buffer zone is subsurface. C. MacKenzie replied yes.

Upon a motion by E. McHugh, seconded by O. Lathrop, it was: Voted to issue a Negative 3 Determination under the conditions: 1. Work is performed as shown on the plan. **The motion passed by a roll call vote. (Yes: AH, JS, OL, EM, BE)**

6:40 PM – RDA, Gamlin Crystal Spring Conservation Area, installation of trail bridges (GCT).

Mark Gerath and Paul Funch were both present representing the Groton Conservation Trust. M. Gerath briefly discussed that there are a number of parcels owned by the GCT that contain beaver ponds and water levels are being affected. He said that the GCT is requesting permission to install three bog bridges on the Gamlin Crystal Spring Conservation Area. He described the three locations shown on the map and said people utilizing the trail have laid down sticks and logs to allow for the trail to be more accessible. Mia McDonald, from the DEP has provided comments on the bog bridge design and there seems to be confusion with the use of concrete. She had indicated a pillar would be satisfied if consistent with the practice of no fill however, a concrete pad would constitute as fill. M. Gerath said he had conversed with P. Funch previously in regards to continuing the existing bridge in the northern portion of the parcel without any support; however, it may be subject to failure.

N. Gualco read aloud the comments provided by the DEP. “The proposed project may be considered a wetland fill; all impacts to the resource areas would need to be calculated and replaced. Fill without replacement would require a 401 water quality certification application. Additionally, the proposed work takes place within a priority habitat and the Commission may want to require a correspondence with the Mass DFW to confirm composed bridges will not have any impact.” N. Gualco said he requested clarification in regards to the fill and had commented that the ConCom has reviewed similar trail bridges in the past and has never received a comment of this nature. M. McDonald had responded by email and said that the fill pertains to the bridges foundation. The DEP is requesting full span bridges that do not impact the bank and any cement footings to be considered fill and if there are any impacts they would be required to be replaced. N. Gualco commented that there needs to be clarification on the bridge design provided and sono tubes will not be permitted. M. Gerath noted that there are bridges around town that obtain a mid-span support utilizing 4” heavy gauge pvc and that should be satisfactory. He explained there would be two piers that remain in dry soil and two pvc pipes in the middle of the bridge. M. Gerath then questioned if that plan was acceptable. M. McDonald recommended that Liz Newlands, CR Stewardship Coordinator from the Mass Fish and Wildlife be present for the site walk as they are the holders of the conservation restriction. Liz Newlands had suggested closing the trail beneath Indian Rock and was comfortable with the proposed continuation of the bridge to the north, along the main trail. M. Gerath said that the GCT’s intention is to keep the trail open as it is frequently used.

P. Funch commented that both trails have existed for a long duration and described the Indian Rock trail as providing a variety of hiking levels.

J. Smigelski asked what the difference is between installing a sono tube and a wooden post. N. Gualco stated that a sono tube would require pouring cement into the ground. P. Funch said the plan submitted utilizes a brick to ensure that the bridge does not sink into the earth. J. Smigelski suggested using a 12” diameter cement circle.

A. Hamilton commented that this is one of her favorite trails and is used frequently by her family. She said the installation of the bridges would be beneficial to narrow the width of where people walk. M. Gerath said the proposal endorsed by L. Newlands was to allow access to the top of Indian Rock however, eliminate the loop trail. If GCT decides against closing the trail the determination will be communicated to L. Newlands.

P. Morrison said he was in favor of the trail remaining open with the installation of the proposed bridges, whereas dead end trails are not utilized as often. He said if the use of the trail remains unchanged it will deteriorate overtime.

E. McHugh clarified that Liz Newlands suggestion of closing the trail was not a directive. E. McHugh agreed that the trail is very interesting and would be supportive of the installation of the bog bridges. She recommended receiving clarification from the DEP and decreasing the number of supports for the bridges.

O. Lathrop commented that the proposed bridge by Indian Rock would create unnecessary disturbances and issues to the resource areas and suggested closing the trail at the porcupine den. He was in agreement that the DEP misinterpreted the plan and recommended contacting M. McDonald.

M. Gerath agreed to continue the hearing to allow for the Groton Conservation Trust to rectify any misunderstandings with M. McDonald.

L. Hurley commented that there should be no issues in regards to repairing the bridge in the north. The challenges are posed with the remaining two bridges that are within the resource area.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was: Voted to continue the public hearing until July 26, 2022. **The motion passed by a roll call vote. (Yes: LH, PM, EM, OL, JS, AH, BE)**

6:50 PM – NOI (MassDEP#169-12XX), Transmission line extending from Gay Road/Route 119 north to the Dunstable Town Line, for maintenance and improvements to the line (New England Power Company).

Representative: Alison Milliman

A. Milliman represented the BSC Group 326 Line proposal by providing a slide show to the Commission. She briefly discussed the issue with the existing transmission line in right of way and proposed the following activities, replacing the existing poles, improvements to the access roads, work area set up and minor grading when necessary, and the installation of overhead equipment to the transmission lines. She explained that the project is within resource areas and qualifies as a Limited Project under the WPA. Work is projected to commence in the summer of 2022. The anticipated construction sequence was listed as follows: 1. Reflagging of wetlands. 2. Vegetation Management. 3. Installation of erosion controls. 4. Installation of construction mats. 5. Access Road and work pad maintenance and improvements. 6. Completion of construction activities at the poles. 7. Removal of construction matting. 8. Restoration of the right of way. 9. Removal of erosion controls. There is a total of 50,259 square feet of disturbance associated with the 100 foot buffer zone. A. Milliman said that the best management practices would be utilized including, erosion controls, stabilization, vehicle refueling, mowing and invasive species management, stockpiling, dewatering, and concrete washout. The project is intended to be beneficial for minimizing disturbances by using the existing disturbed right of ways, meeting BVM standards, utilizing Beaver Management Protection, and qualifying as a Limited Project under the WPA.

B. Easom questioned BSC Groups relation with National Grid. A. Milliman said that National Grid is the parent company of New England Power Company. B. Easom commended National Grid for their superior work history and adhering to any rules and regulations. He does not expect any less from the New England Power Company. He then asked the specifications for the replacement poles. A. Milliman said that the new poles would be composed of wood and the existing poles would be disposed of.

A. Hamilton asked for a step by step process on replacing a structure. A. Milliman said that any necessary vegetation clearing would occur first to allow for equipment to be properly placed around the structure or temporary matting in the right of way. She briefly discussed utilizing bucket trucks, drill rigs, excavators, and concrete trucks. A corrugated culvert would be installed after auguring down and with the use of a crane a new pole would be installed. The area would be back filled with stone and the existing lines would be attached to the new pole. The existing poles would be demolished and removed from the right of way. A. Hamilton questioned if there are any new access roads planned. A. Milliman said no, there would only be improvements as shown on the map to remedy washed out areas from a lack of maintenance. A. Hamilton commented that the access roads and vegetation provide a nesting area for turtles. A. Milliman assured that the timing of the project would cause no disturbances to the nesting turtles. Natural Heritage is implementing a turtle protection plan and there would be a 5-year management plan instilled once the project is completed. A. Hamilton asked if the information addresses Box Turtle’s specifically and if a copy had been provided to the Commission. A. Milliman said that the turtle plan should be beneficial for all turtle species and she would request a more generic response letter to be provided to the Commission.

E. McHugh asked if A. Milliman is an Ecologist and if she would be present on site throughout the entire process. A. Milliman said that a fulltime turtle monitor would be on site until the month of October and then weekly inspections would be performed to ensure compliance. Reports would be submitted for each of those inspections and be available to the Commission. E. McHugh asked if any herbicide sprays are used for maintenance. A. Milliman explained that there is a current vegetation management plan and requires approval by the Department of Agriculture every 5 years. E. McHugh asked the time frame of the project. A. Milliman said less than a year.

O. Lathrop noted that the work being completed extends north from 119 to the Dunstable line. A number of the existing access roads contain water crossings and may have been lower during the observations. He questioned the state of the access roads once the project is completed. A. Milliman said that there is no proposed fill to any of the access roads, only minor improvements. O. Lathrop questioned who owned both of the power lines and if it was considered to update the lines simultaneously. A. Milliman said that the lines are owned by New England Power and decisions were determined on critical assets and were driven by the number of power outages.

Upon a motion by B. Easom, seconded by J. Smigelski, it was:

VOTED to close the public hearing.

Upon further discussion, B. Easom withdrew his original motion.

Upon a motion by B. Easom, seconded by P. Morrison, it was:

VOTED to continue the public hearing until the next scheduled meeting on July 12, 2022.

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

7:05 PM – NOI (MassDEP#169-XXXX) – 6 Island Road, for the installation of a retaining wall and parking area ***(continued).***

Applicant Jesse & Meagan Cotter

M. Cotter presented a revised narrative including the environmental benefits. She said that the preexisting timber and dirt stairs were eliminated and the newly installed retaining wall would provide adequate infiltration for the street runoff that previously descended into the resource area. 10 Lowbush Blueberries would be planted at the base of the retaining wall. M. Cotter proposed propagating the Blueberry bushes from existing bushes on the property. She had contacted a landscaper and was told to prepare the area and then plant the bushes in the spring to ensure maturity.

E. McHugh requested a commitment if the proposed propagating process fails that the bushes are obtained elsewhere.

B. Easom was opposed to accommodating a structure on wheels in the vicinity of the 50-foot buffer zone.

O. Lathrop and L. Hurley both commented that the mitigation proposed by the applicants is beneficial to the resource area.

Upon a motion by B. Easom, seconded by P. Morrison, it was:

Voted to close the public hearing

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

7:20 PM – NOI (MassDEP#169-XXXX), 50 Valliria Drive, for a septic upgrade and construction of a home addition ***(continued)***.

Representatives: Kevin Ritchie: Civil solutions; Matt Marro

K. Ritchie briefly discussed the recharge drainage systems for both the roof runoff and along the driveway. No grading is proposed in the 50-foot buffer zone. The naturalized area of 750 square feet has been dramatically increased to 2,300 square feet.

Matt Marro said that there are no revisions to the original planting plan. 7 Shasta Viburnum and 7 Winterberry bushes would be planted evenly to provide a barrier and a habitat for birds and pollinators.

B. Easom commented that the proposed naturalized area is insufficient for the amount of permanent structures being requested within both the 50 and 100 foot buffer zones. He said the Commission would be obligated to monitor any future plantings and mowing’s that occur on the property.

E. McHugh agreed with B. Easom's comment and understands the applicants need to make additional space for family, resulting in an undecided vote. E. McHugh recommended planting a Viburnum Dentatum shrub that is native to the area.

O. Lathrop was opposed of the project being constructed within the 100-foot buffer zone. He commented that the area being proposed as a naturalized area on the neighbor’s property should not be considered as additional square footage.

P. Morrison commented that if the area is naturalized it would be landscaped.

A. Hamilton stated that there is a significant amount of permanent structure being requested however, sympathizes with the request for a multigenerational addition.

L. Hurley was satisfied with the amount of the lawn being converted into a naturalized area and commented that any runoff water near the driveway would be controlled by the installation of the retaining wall and recharge drainage system.

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

VOTED to close the public hearing.

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

**2. GENERAL BUSINESS\***

Permitting

None

General Discussions/Announcements

None

Land Management

*Update of Priest Hill Habitat Restoration* ***(ON-GOING DISCUSSION*)**

N. Gualco said the final herbicide treatment has been conducted and all work needs to be completed by Thursday. Any invoices are to be submitted before July 31st.

Committee Updates

O. Lathrop said the Invasive Species Committee worked with the Nashua-Squannacook-Nissitissit Wild & Scenic River Council on the invasive vegetation training workshop that was permitted at the last meeting. O. Lathrop said the workshop was a success and well attended. He updated that the Carmichael Swamp will be treated for Phragmites in the fall due to the site being too muddy.

E. McHugh commended B. Easom for volunteering to be appointed to the Earth Stormwater Advisory Committee.

Approve Meeting Minutes

The meeting minutes were not available to the Commission for approval.

Invoices

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

VOTED to approve and pay the invoice from the Great Road Farm & Garden in the amount of $123.75.

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

Upon a motion by B. Easom, seconded by P. Morrison, it was:

VOTED to approve and pay the invoice from the Groton Herald in the amount of $178.20.

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

**8:15 PM**

Upon a motion by P. Morrison, seconded by A. Hamilton, it was:

VOTED to adjourn the public meeting.

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

**Minutes Approved: August 9, 2022**