

## GROTON CONSERVATION COMMISSION

### Meeting Minutes

Tuesday, January 12, 2016

John Smigelski (Chairman) called the meeting to order at 7:10 p.m. with Peter Morrison (Vice Chairman), Susan Black (Clerk), Eileen McHugh, Marshall Giguere, and Bruce Easom present. S. Black read the public hearing/meeting notices at the indicated times. Conservation Administrator Takashi Tada was present.

#### 7:00 p.m. – Public Meeting: RDA, Single Family Home, 48 Burntmeadow Road

Applicant: Shelby Morris

Owners: Robert & Cynthia Black (SAS Trust); Beth Ann Monahan

Representative: Daniel Wolfe, David E. Ross Associates Inc.

Site Walk: 1/9/2016

S. Black recused herself from the proceedings. Dan Wolfe presented the proposed single family house to be located behind the existing house at 48 Burntmeadow Road. Two parcels (242-11 & 127-2) will be combined to create the proposed lot. Mr. Wolfe said minor grading (1' max.) within the Buffer Zone is needed for a portion of the proposed driveway and turn-around area. All other work for the house and septic system will be outside the Buffer Zone. Straw wattles are proposed around the limit of work for erosion control. There is a USGS-mapped perennial stream that runs through the northern tip of Parcel 127-2. The stream flows from the pond west of Burntmeadow Road via a culvert under the road. Mr. Wolfe asserted that the stream is actually intermittent and thus does not have a Riverfront Area. He provided photographic evidence of the stream channel being dry on four consecutive days, from August 26 – 29, 2015. T. Tada said he confirmed with MassDEP that there were no drought advisories in effect in Massachusetts in 2015.

P. Morrison said he had no issues with the project, as it would involve minimal disturbance within the Buffer Zone.

E. McHugh asked if they planned to use the existing cart path adjacent to the stream for construction access. Mr. Wolfe said they had no plans to use the cart path for access, as it was not needed. They would utilize the proposed driveway route for access. E. McHugh then asked if the cart path could be blocked off during construction. Mr. Wolfe said they could block it if required.

M. Giguere asked if the stream appears on the USGS map. T. Tada confirmed that it does. M. Giguere also asked about the grading for the driveway and the septic system. Mr. Wolfe reiterated that the overall change in elevation in the Buffer Zone required for the driveway is about 1 foot, with grading less than 3:1. For the proposed septic system behind the house, Mr. Wolfe said they will use the existing topography (no breakout slope needed).

B. Easom asked about runoff from the driveway. Mr. Wolfe said the driveway will have a slight crown and be graded to direct runoff into the natural swale near the road.

Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to issue a Negative #3 Determination for Burntmeadow Road (Morris), subject to the following special conditions:

1. To be constructed as per the plans.
  2. Existing cart path shall not be used for construction.
- The vote was 5 in favor, with S. Black having recused herself.

7:12 p.m. – Public Hearing (cont'd): NOI, 211 Whiley Road (Scalley), MassDEP #169-1130

Applicants: Tim & Stephanie Scalley

Owner: Robin F. Lawrence

Representatives: Don Black; Jack Visniewski (Cornerstone Land Consultants)

Site Walk: 9/12/2015

The applicants submitted a request to continue the hearing to 2/9/2016.

Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to continue the hearing for 211 Whiley Road, MassDEP #169-1130, to 2/9/16.  
The vote was unanimous.

7:15 p.m. – Discussion: Enforcement Order, 116 Boston Road

Property owner Dorothy Janes was present along with Shane Grant and attorney David Erickson to discuss the Enforcement Order issued for unpermitted work within Riverfront Area and Buffer Zone at 116 Boston Road. Mr. Erickson explained that his clients connected the building to the Town sewer system, as required by the Town and also by a court order related to litigation involving the abutting property, 120 Boston Road. A sewer connection permit was issued by Tom Orcutt of the Sewer Department. Mr. Erickson claimed the work does not fall under the Conservation Commission's jurisdiction, and was much less disruptive than the work going on next door.

P. Morrison said the work occurred very close to Cady Pond Brook and was clearly done in violation of both the state law and the local bylaw. He said that the parties involved are very familiar with the laws and regulations that protect wetlands, and it is incomprehensible that they did not file for a permit with the Commission. He noted that there were no protections in place to prevent erosion into Cady Pond Brook, and the excavator used to dig the trench was parked next to the brook. He mentioned that the project at 120 Boston Road was fully permitted, and that the Commission's Order of Conditions was upheld by MassDEP upon appeal by Ms. Janes. He also pointed out that the Commission recently issued an Enforcement Order to the Town for unpermitted work at the Country Club, just across the road.

Ms. Janes said she was told by the Sewer Department that she did not need to file a Notice of Intent (NOI). She presented an email from April Iannacone of the Sewer Department, dated 1/4/16, indicated that all of the necessary sewer connection permits and fees were taken care of. The email made no mention of filing a NOI with the Conservation Commission.

Mr. Erickson said his clients would do whatever is required to achieve compliance. T. Tada noted the Enforcement Order requires immediate installation of erosion controls to protect the brook, and the filing of an after-the-fact NOI by 1/25/2016. T. Tada said he could meet with Mr. Grant onsite to discuss placement of the erosion controls.

Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to amend and ratify the Enforcement Order issued for 116 Boston Road. It was amended to include the requirement to remove the excavator from the site. The vote was unanimous. Members signed the Enforcement Order.

7:35 p.m. – Public Hearing (cont'd): NOI, 60 Valley Road, MassDEP #169-1125

Applicant/owner: Paul Johnson

Site Walk: 6/6/2015

Mr. Johnson submitted an email request to continue the hearing.

Upon a motion by P. Morrison, seconded by S. Black, it was

VOTED: to continue the public hearing for 60 Valley Road, MassDEP #169-1125, to 2/9/2016. The vote was unanimous.

7:37 p.m. – Public Meeting: RDA, Home Renovations, 2 Alder Road (Bargoot)

Applicants/owners: Kyle Bargoot & Heather Turcotte

Site Walk: 1/9/2016

Heather Turcotte and Ronald Bargoot presented their home repair/renovation project on 2 Alder Road, on Lost Lake. Mr. Bargoot explained that the house has been in his family for three generations, but it suffered major damage last winter due to the extreme snow and ice. They are repairing and renovating the house, with no expansion of the existing footprint. The roofline will be raised to minimize future damage from snow and ice dams.

E. McHugh asked about the contractor and timetable. Mr. Bargoot said they were on hold, pending additional permit approvals from the Zoning Board of Appeals and the Board of Health. The work will be done by relatives with carpentry expertise.

M. Giguere asked that the hay bales along the edge of the retaining wall be replenished. They are in poor condition. He noted that the work does not involve significant excavation, but there is exposed soil on the steep slope. M. Giguere then asked about removal of the construction

debris observed during the site walk. The applicants responded that they are removing debris in dumpsters; they have filled four already. M. Giguere also asked about handling of roof runoff. The applicants acknowledged that they will have to mitigate runoff from the roof, but this aspect of the project has not been designed yet.

B. Easom asked the applicants to confirm that all work will be within the existing foundation and footprint. The applicants said yes.

P. Morrison asked if the house is currently occupied. It is. The applicants said they will be able to observe and respond to any runoff issues as the roofline is changed.

Upon a motion by M. Giguere, seconded by B. Easom, it was

VOTED: to issue a Negative #3 Determination for 2 Alder Road (Bargoot), subject to the following conditions:

1. Stay within the existing footprint (no expansion of existing structure).
2. Maintain hay bales in good condition.
3. Roof runoff to be recharged appropriately.

The vote was unanimous.

7:47 p.m. – Public Meeting: RDA, Well Installation, 392 Boston Road (Eaton/Broadstone)

Applicant: Chris Eaton, Project Manager, Skillings & Sons Inc.

Owner: Vincent & Sharon Broadstone

Site Walk: 1/9/2016

Chris Eaton of Skillings & Sons presented the proposal to drill a new private water supply well at 392 Boston Road (a.k.a. Route 119). The existing well has been contaminated by road salt used on the state highway and is no longer usable; it will be decommissioned. MassDOT is providing bottled water to the residents and is paying for the new well. The RDA site plan shows the proposed locations of the new well, the drill rig and water truck, the access route on the west side of the house, the slurry containment pits, and the hay bales/silt fence. Well is to be located approximately 75 feet from the flagged wetland.

S. Black and P. Morrison both commented that it was a good project. They had no concerns.

M. Giguere asked if they could surround the containment pits with hay bales, and said he preferred to see excess material hauled offsite. Mr. Eaton agreed to add hay bales around the pits and said they would pump excess material from the first pit to the second pit further away from the wetland. M. Giguere also asked about connecting the new well to the house. Mr. Eaton said this RDA is only for the development of the well. If it is successfully developed, they will have to work out the connection details and file a separate RDA for any trenching or related work.

B. Easom asked how long it would take to develop the well. Mr. Eaton said this type of replacement well takes longer to complete because the state requires more water testing than usual. B. Easom then asked if the drilling rig could be removed from the well site during testing.

Mr. Eaton replied that the rig cannot be moved once it is in place, and it needs to remain in place until the well is completed.

Upon a motion by M. Giguere, seconded by B. Easom, it was

VOTED: to issue a Negative #3 Determination for 392 Boston Road (Eaton/Broadstone), subject to the following conditions:

1. Hay bales shall be installed around the slurry containment pits.
  2. Spill prevention kit shall be kept onsite while the drilling rig is in place.
- The vote was unanimous.

8:00 p.m. – Discussion: Control of Invasive Plants, 207 Hollis Street (McHugh)

E. McHugh mentioned that she has been cutting back buckthorn, bittersweet, and other invasive plants on her property at 207 Hollis Street. She does the work by hand. She wanted to know if she needed to file an RDA for this work. Members of the Commission said they had no issues with this type of work. M. Giguere noted that this type of invasive vegetation removal is exempt under the Bylaw. An RDA filing is not needed.

Moving on to General Business – Meeting Minutes, the Commission reviewed draft minutes from 12/21/2015. There were no comments.

Upon a motion by B. Easom, seconded by M. Giguere, it was

VOTED: to approve the meeting minutes from 12/21/2015, as written. The vote was 4 in favor, with two abstaining (P. Morrison & S. Black).

Under General Business – Invoices, the Commission approved payment of an invoice from the Lowell Sun (\$192.85) for legal notices.

Moving on to General Business – Land Management, T. Tada reminded the group of the next Surrenden Farm Resource Management Plan update meeting with MassWildlife on Friday, January 22<sup>nd</sup> at 10:00 AM.

T. Tada mentioned a recent complaint about the trash and debris left behind at the squatters' camp in Bertozzi Conservation Area. The unauthorized camp was abandoned last fall after it was reported to the Police. B. Easom offered up his pickup truck to help with cleanup of the area. T. Tada will coordinate with MassWildlife to gain vehicular access to the site through the locked gate in the springtime when the field conditions are more favorable.

B. Easom reported that his Gibbet Hill bridge design has been approved by MassDCR. He will begin applying for trails grants and also a wetlands permit. T. Tada will assist with the NOI submittal.

On the topic of Earth Removal Stormwater Advisory Committee (ERSWAC) representative, the Commission discussed filling the vacancy created by former member Rena Swezey's resignation.

Upon a nomination by P. Morrison, seconded by M. Giguere, it was

VOTED: to appoint E. McHugh as the Commission's ERSWAC representative. The vote was unanimous.

B. Easom provided an update on the Community Preservation Committee (CPC). He said he was trying to persuade the Board of Selectmen to consider using Community Preservation funds for the Prescott School.

There being no further business, upon a motion by P. Morrison, seconded by E. McHugh, it was

VOTED: to adjourn the open meeting for the purposes of entering into Executive Session pursuant to MGL Ch. 30A, Sec. 21(6); not to return to open session. The roll call vote was unanimous. The meeting was adjourned at 9:20 p.m.

Notes taken by Takashi Tada  
Conservation Administrator

**Exhibits on file at Conservation Commission Office:**

1. Enforcement Order, 116 Boston Road
2. NOI, 60 Valley Road, MassDEP #169-1125
3. NOI, 211 Whiley Road, MassDEP #169-1130
4. RDA, 48 Burntmeadow Road
5. RDA, 2 Alder Road
6. RDA, 392 Boston Road
7. Meeting Minutes, 12/21/2015

**Approved 1/26/2016**