

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, September 12, 2017

Location: Town Hall, 2nd Floor

Members Present: John Smigelski (Chair), Peter Morrison (Vice Chair), Olin Lathrop (Clerk),
Marshall Giguere, Bruce Easom, Eileen McHugh

Members Absent: Susan Black

Others Present: Nikolis Gualco (Conservation Administrator)

7:00 p.m. – The meeting was called to order by Chairman J. Smigelski.

Starting with General Business, the Commission reviewed the following Correspondences:

The Commission heard an announcement from Karen Hill of the Townsend Conservation Commission. K. Hill discussed a recent volunteer-based cleanup on the Squannacook River where the Townsend Commission organized and implemented the removal of wood debris. By doing so, the stretch of river from Canal Street in West Townsend to the Townsend Town Hall is now navigable for small boats. In addition to sharing details of the cleanup, K. Hill invited members of the Groton Commission to a pig roast on September 16 to celebrate the cleanup and fundraise for future activities. K. Hill mentioned in closing that she would return on a less busy evening to discuss further cleanup opportunities on the Squannacook River that could involve both towns.

Meeting Minutes, the Commission reviewed draft minutes from 6/13/2017.

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

VOTED: to approve the meeting minutes from 6/13/2017 as drafted. The vote was five (5) in favor with M. Giguere abstaining.

Meeting Minutes, the Commission reviewed draft minutes from 8/22/2017.

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

VOTED: to approve the meeting minutes from 8/22/2017 as drafted. The vote was four (4) in favor with E. McHugh and O. Lathrop abstaining.

Meeting Minutes, the Commission reviewed draft minutes from 8/22/2017.

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

VOTED: to approve the meeting minutes from 8/25/2017 as drafted. The vote was four (4) in favor with E. McHugh and O. Lathrop abstaining.

Next, the Commission considered a request to camp at the Longley Estates Conservation Area by John Lynch of Boy Scout Troop 195. B. Easom began by reading into the record the letter J. Lynch sent to N. Gualco, which detailed the Troop's intent to camp, canoe, and teach outdoor skills from October 20 to October 22, 2017 while following the Town's "Regulations for Use of Conservation Land" as well as the "Leave No Trace" BSA guide. N. Gualco commented that he had spoken recently with Richard Muelke of the Groton Conversation Trust, who suggested the Scouts park at the nearby rail trail parking area off Sand Hill Road.

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

VOTED: to issue permission to the Boy Scouts to use the Longley Estates Conservation Area between October 20 and October 22 as described in the letter under the condition that the Troop parks at the Rail Trail parking area off Sand Hill Road. The vote was unanimous (6-0).

Moving on to Land Management Topics the Commission discussed a recent correspondence between N. Gualco and Emily Holt, NHESP regarding the Commission's inquiry to restrictions of mowing activity at Shattuck Homestead/Baddacook Field. N. Gualco reported that multiple mowing are allowed, however if the mowing is to occur between April 15 – October 31, visual 'turtle sweeps' of the area must be conducted.

Continuing with Land Management Topics, the Commission discussed a request by Quintin Shea to provide a list of Conservation properties that required mowing during this year. N. Gualco stated that he intends to review the files on which fields are usually mowed and which may require mowing in 2017. The Commission agreed with this approach and recommended the field off Smith Road (part of Eliades) and the Shattuck Homestead fields as two properties that require mowing.

Moving onto Land Acquisition, the Commission reviewed a MLS listing for a property in West Groton ("0 West Main Street). J. Smigelski commented that the property (1) was listed on the Historic Registry and (2) had a building on it, which is not preferable for Commission land acquisitions. B. Easom commented that if acquired the Commission would be able to knock the building down. He continued by suggesting a joint conservation with the Greenway Committee, Historic Districts Commission, Conservation Commission, and possibly the Park Commission to gauge interest in acquiring the property.

7:15 p.m. – Public Meeting: RDA, Replacing an existing failed sewage disposal system, 32-34 McCarthy Road (J. & G. Polley).

Owner/Applicant: Joyce Polley

Site Walk: 9/9/2017

Representative: Kevin Ritchie

K. Ritchie began by giving a brief overview of the proposal including and stated the location of the system was very much determined by setback requirements. He continued by confirming that the BOH has permitted the plan and specified that two sheds would need to be relocated.

B. Easom commented that he was not happy about the amount of debris that was observed during the site walk within the 100 foot buffer and said that he would like it removed as a condition.

J. Polley responded to that by saying she was generally unaware of debris and was embarrassed by it. She continued by saying she had no problem with a condition like B. Easom described and claimed to have already begun clearing out the area.

P. Morrison asked where the sheds were going. E. McHugh requested that wherever the shed were to be relocated that the plan be revised to reflect these changes. Additionally, E. McHugh requested that any trees to be removed be added to the plan as well. K. Ritchie responded to these requests by drawing on the site plan the approximate locations of where the sheds would be moved to as well as one tree that may need to be removed. K. Ritchie then stated to the Commission that he would provide a revised plan to N. Gualco that reflected the drawings made.

Upon a motion by M. Giguere, seconded by E. McHugh, it was

VOTED: to issue a Negative Determination (#3) for replacement of the failed sewage disposal system at 32-34 McCarthy Road under the condition that the debris in the buffer zone be removed and the area restored to a natural state. The vote was unanimous (6-0).

Getting back to General Business the Commission received a Committee Update from O. Lathrop on behalf of the *Invasive Species Committee* who reported that he ISC finalized a proposal requesting the Commission declare the Farmers and Mechanics Conservation Area as a chestnut nursery and plantation. The proposal will be sent to the Commission by N. Gualco for review and discussion at a later meeting date.

N. Gualco then informed the Commission of three Upcoming Meetings/Conferences, including two MACC workshops to be hosted in Groton. J. Smigelski requested N. Gualco sign him up for the November 4th Wetland Enforcement workshop.

7:30 p.m. – Public Hearing: OOC (request for amendment), 65 & 65A Island Pond Road, MassDEP#169-1127.

Owner/Applicant: John & Laura Massiello
Rep: Maureen Herald (Norse Environmental Services, Inc.) & Connie Sullivan (Attorney at Law)

C. Sullivan began the hearing by sharing an oral history of the property, which included mentions of the former owner (Michael McCarthy) and the numerous mitigations the Massiellos have undertaken since acquiring the property.

At this time, M. Herald withdrew the request for amendment to OOC 169-1127.

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

VOTED: to issue a denial for request to amend OOC #169-1127. The vote was unanimous (6-0).

7:35 p.m. – Public Hearing: NOI, 65 & 65A Island Pond Road, MassDEP#169-1161.

Owner/Applicant: John & Laura Massiello
Rep: Maureen Herald (Norse Environmental Services, Inc.) & Connie Sullivan (Attorney at Law)

M. Herald presented details on the proposed work under the new NOI, including re-iterating the after-the-fact work (garage, second dwelling [65A], deck, and dock), as well as the newly proposed patio, walkway, and retaining walls connecting the two dwellings.

P. Morrison asked about the trees that were removed during the 2016 Determination of Applicability. E. McHugh dove-tailed this inquiry by reminding the Massiellos that in addition to approving the removal of the pine trees between the two dwellings (to address safety concerns of Insurance Company) a replanting of birch trees (utilizing a ratio of two birch for each felled pine) was required in order to restore the area to a natural state. E. McHugh then asked how, if the proposed work under the NOI is approved, the Commission can be assured that the replanting is completed. M. Giguere responded this by stating that the replanting can added to the conditions of the Order, which the Commission was happy with.

M. Giguere continued by inquiring about the type of materials that are to be used in the creation of the walkway and patio area. M. Herald replied that the plan called for pervious pavers. M. Giguere then stated that the patio area and walkways were located in the same area that was supposed to be left in a natural state (post tree cutting/replanting). M. Giguere was also concerned about the retaining wall at the 180 foot elevation line and pointed out that the grade is steep. He continued by saying that he may be in favor of the patio, retaining walls, walkway development as these improvements may help stabilize/fortify the steep slope, but he would need to see more details. To this, J. Massiello responded that it is his intent to stabilize the area and still plant the trees. P. Morrison commented that by adding stormwater infiltration ability, the proposed improvements may increase the stability, reduce the chance of runoff, and improve the condition of the slope.

M. Herald stated that she understood the concerns and will add to the plan where the birch trees will go and offered to include additional plantings along the water's edge (e.g., high bush blueberry) for the benefit of wildlife.

At this time, B. Easom commented that he was good with the after-the-fact work, but was not good with the new proposed work. He reminded the audience that the Groton Bylaw states that no disturbance is to occur within 50 feet and no buildings are to be erected within 100 feet of a wetland resource area.

M. Herald stated that the majority of the property is in a naturally wooded state and there is no plan/intent to develop. O. Lathrop responded by saying that "no intent to develop" does not mean the land is protected and proposed the idea that the Massiellos could consider adding a Conservation Restriction, which could possibly be used to offset the waiving of the bylaw setbacks. C. Sullivan shared that the land isn't developable due to the steep grades, to which P. Morrison responded that, if true, why not consider putting the rest into a CR. The Massiellos states that they would consider this option, but would need to get back to the Commission.

E. McHugh concluded by requesting additional details about the seating area and retaining walls (cross section, proposed grading changes, etc.). Furthermore she would like to see the patio area reduced in size.

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

VOTED: to continue the public hearing for NOI MassDEP#169-1161 for 65 & 65A Island Pond Road, to 9/26/2017. The vote was unanimous (6-0).

8:05 p.m. – Public Hearing (cont'd): NOI, 132 Cow Pond Brook Road for the construction of approximately 50 feet of driveway to access a planned single family home, MassDEP # 169-1158.

Owner/Applicant: Sandi Roberto

Rep: Keith Traywick (KC Building, Inc.)

N. Gualco presented the Commission a copy of the MassDEP correspondence, including the assigned case number and comments. K. Traywick presented a revised site plan that incorporated new settling areas at the base of the driveway (per the MassDEP comments).

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

VOTED: to close the public hearing for 132 Cow Pond Brook Road. The vote was unanimous (6-0).

8:10 p.m. – Public Hearing: NOI, 25 Whitney Pond Road for the upgrading of a septic system, MassDEP#(169-1157).

Owner/Applicant: Cyndi Dusek & Bryan Krol

Rep: Russell Wilson (R. Wilson and Associates)

R. Wilson began by providing a recap of the August, 22 meeting (septic design, driveway concerns, drainage issues). He then presented a revised site plan that addressed the comments and concerns the Commission had addressed at its previous meeting, including the new stormwater features (infiltration trench and 1000 gallon dry well).

M. Giguere asked for an explanation of how these new features are going to solve the water drainage issue. R. Wilson responded that the driveway will be sloped into the new structure, which will capture most of the water that flows off the hill. M. Giguere continued to express concern to the design's ability to mitigate the problem.

At this time, O. Lathrop displayed several of the photos B. Krol and Joseph Bozek (neighbor at 23 Whitney Pond Road) had submitted to N. Gualco.

J. Bozek then shared context to the historic challenges of dealing with the water drainage issues at this property and stated that the better location for the drainage device would be up at the top of the driveway so as to re-direct the water onto the neighboring undeveloped lot (parcel 155), which is owned by B. Krol.

E. McHugh asked about the process in which Wilson and his civil engineer selected the type of drainage device to which R. Wilson responded that he has used the design at a job site in Concord and it worked. E. McHugh indicated that she would feel more comfortable with more engineering (including drainage calculations) and wants the system to be designed to specifically handle a 25 year storm.

B. Easom also expressed concern as to how the new engineered system would adequately catch water and asked for J. Bozek's opinion on the matter. J. Bozek prefers to have the drainage up by the road as to not encroach on the already narrow driveway.

At this time, P. Morrison requested that (1) the new design will account for 25 year storm event and (2) N. Gualco will send R. Wilson pictures sent by B. Krol and J. Bozek to showing the erosion post-storm events as reference for the re-design. B. Easom added that no restriction to the width of the driveway should also be an added consideration to allow access for basic services to 23 and 25 Whitney Pond Road.

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

VOTED: to continue the public hearing for NOI MassDEP#169-1157 for 25 Whitney Pond Road, to 9/26/2017. The vote was unanimous (6-0).

8:32 p.m. – Public Hearing: NOI, 228 Whiley Road, for the construction of a swimming pool and patio area MassDEP#169-1159.

Owner/Applicant: Remiginsz Kaleta

Rep: Russell Wilson (R. Wilson and Associates) & Rich Capachione

N. Gualco shared that this property filed a RDA in 2016 with the Commission for the construction of a swimming pool and patio area, but it received a positive determination requiring the filing of a NOI.

R. Wilson shared details about the proposal to build a swimming pool and patio area in a previously disturbed area within 50 feet of Duck Pond.

B. Easom stated that it appeared that half of the pool will be within the 50 foot No Disturb buffer and asked if there was something that could be given back (to the environment) to compensate the loss of buffer. R. Capachione responded that the removal of the wooden wall would be an improvement for the buffer. To this, O. Lathrop asked what would replace the wall. R. Capachione responded that a stone wall would replace it and stay in the same approximate location as the current wall.

P. Morrison asked if the plan calls for the removal of the stump of the oak tree to be cut, to which R. Capachione said *yes*. P. Morrison asked how the wall would be removed, to which R. Capachione responded *using a crane*. At this time, P. Morrison discussed with R. Capachione and R. Wilson options for improving the natural conditions at the site.

O. Lathrop asked if the proposal would increase the existing footprint of the altered area, to which R. Capachione replied *no, it would stay the same if not be slightly reduced*.

E. McHugh expressed frustration with the lack of information on the plan and stated that she would like to see more details. Specifically E. McHugh was interested in whether the location of the pool could be adjusted back (away from the resource) and if more than the one tree is to be removed if this information can be added to the plan.

M. Giguere added to E. McHugh's point by stating he was also frustrated by the lack of detail and requested clarity on: (1) any fill to be added to the buffer; (2) if any fill is to be removed from the buffer; (3) an explanation to why the infinity pool is beyond the original footprint.

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

VOTED: to continue the public hearing for NOI MassDEP#169-1159 for 228 Whiley Road, to 9/ 26/2017. The vote was unanimous (6-0).

8:53 p.m. – Public Meeting: RDA, Drilling of two replacement wells, 49 & 54 Off Prescott Street (F. Pourmoussa).

Owner/Applicant: Farshad Pourmoussa

Site Walk: 9/9/2017

F. Pourmoussa began the meeting by describing the project in which two new wells are proposed to be drilled within the buffer zone to replace a failed single well. The failed well services the

two houses. Numerous setbacks, including septic systems, have dictated a very small area where this project can occur.

B. Easom stated that he was fine with the proposal because the proposed erosion controls would contain both the drilling area and the containment pit. B. Easom inquired to what was the plan for the material generated by the drilling, to which F. Pourmousa responded that the material would be hauled away.

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

VOTED: to issue a Negative Determination (#3) for replacement of the failed well at 49 & 54 Off Prescott Street under the conditions that (1) the hay bales are placed as displayed on the plan and (2) the excess material generated by the drilling is removed from site. The vote was unanimous (6-0).

8:58 p.m. – Public Hearing: NOI, 18 Blossom Lane, for the construction of an attached porch, MassDEP#169-1160.

Owner/Applicant: Jim and Penny Hommeyer

J. Hommeyer began the hearing by explain the project, which involves the construction of an attached three-season porch (approximately 224 square feet) within the buffer zone.

E. McHugh asked how the roof pitch was planned, to which J. Hommeyer responded the roof would be a gable that mimics the same line as the main roof. E. McHugh continued by asking what the plan was for dealing with runoff and specifically mentioned gutters. J. Hommeyer stated he would like to add gutters to protect the foundation. To this, M. Giguere commented that he would like to see gutters running into an infiltration well and continued by asking about the planned material to be placed under the porch. J. Hommeyer responded that they planned to install crushed stone, which is what currently borders the foundation of the house.

O. Lathrop confirmed that proposed structure would be within the 100 foot buffer, which the bylaw disallows and asked what the environment would get back from the proposal. J. Hommeyer stated that the naturally vegetated area between the house and the wetland (intermittent stream with BVW) used to be lawn when they moved in, but was converted back to a naturally vegetated area. O. Lathrop expressed interest in allowing this area to offset the “take” of allowing the structure if the owners agreed to leave this area in a naturalized state in perpetuity. To this, B. Easom commented that he would like to see this as a condition in the Order.

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

VOTED: to close the public hearing for 18 Blossom Lane. The vote was unanimous (6-0).

9:10 p.m. – Public Hearing: NOI, 31 Flavell Road, for the construction of a replacement septic system, MassDEP#(not yet received).

Owner/Applicant: Nancy Brine

Rep: James Morin (Northeast Classic Engineering)

J. Morin begin the hearing by providing an overview of the project, which involves the replacement of a failed septic system, the building of a retaining wall to support the new system, and the minimal removal of vegetation. He continued by stating that the Board of Health has approved the permit, but due to complication related to setback regulations, the project will require variances. These will be discussed at the next BOH meeting.

J. Morin presented a revised plan that addressed changes made post-site walk, which included labeling the tree to be removed and the addition of a silt fence to the proposed straw wattle line. Upon reviewing the revised plan, B. Easom requested that the labeling be updated on the plan to reflect the changes (e.g., straw wattles) and that a detail be added to address the access for vehicles, which will be confined to the south side of the house and not involve any tree removal.

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

VOTED: to close *(NOTE due to the fact that a DEP file number had not yet been issued, the Commission could not technically close the hearing)* the public hearing for 31 Flavell Road. The vote was unanimous (6-0).

Returning to General Business, the Commission took the following actions:

Certificate of Compliance for 167 Mill Street, MassDEP #169-365.

N. Gualco shared background on this property, which was one of the locations for the groundwater monitoring wells Honeywell installed as part of the Conductor Labs cleanup. In 2015 the wells were removed by Honeywell (a letter confirming this is on file); however a request for COC was never filed.

B. Easom inquired if anyone had seen the site, to which neither the Commission nor N. Gualco had.

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

VOTED: to issue an Certificate of Compliance under the MA Wetlands Protection Act and the Groton Wetlands Bylaw for 167 Mill Street, MassDEP #169-365, under the condition that site is inspected by N. Gualco and is found to be in a satisfactory condition.
The vote was unanimous (6-0).

The Commission reviewed the draft Order of Conditions for 132 Cow Pond Brook Road, MassDEP #169-1158.

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

VOTED: to issue an Order of Conditions under the MA Wetlands Protection for 132 Cow Pond Brook Road, MassDEP #169-1158. The vote was unanimous (6-0).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for 132 Cow Pond Brook Road, MassDEP #169-1158. The vote was unanimous (6-0).

9:28 p.m. – E. McHugh made a motion (seconded by B. Easom) to adjourn the meeting. The vote was unanimous (6-0).

Notes taken by Nikolis Gualco
Conservation Administrator

Exhibits on file at Conservation Commission Office:

1. DOA, 32-34 McCarthy Road, J. & G. Polley.
2. OOC, 65 & 65A Island Pond Road, MassDEP#169-1127.
3. NOI, 65 & 65A Island Pond Road, MassDEP#169-1161.
4. OOC, 132 Cow Pond Brook Road, MassDEP#169-1158.
5. NOI, 25 Whitney Pond Road, MassDEP#169-1157.
6. NOI, 228 Whiley Road, MassDEP#169-1159.
7. DOA, 49 & 54 Off Prescott Street, F. Pourmousa.
8. NOI, 18 Blossom Lane, MassDEP#169-1160.
9. NOI, 31 Flavell Road, MassDEP#(not yet received).
10. COC, 167 Mill Street, MassDEP#169-365.

Approved: September 26, 2017