

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, September 26, 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: *none*

Others Present: Nikolis Gualco (Conservation Administrator)

6:30 p.m. – The meeting was called to order by Chairman J. Smigelski.

6:30 p.m. – Public Hearing (cont.): NOI, 31 Flavell Road, for the construction of a replacement septic system, MassDEP# 169-1162.

Owner/Applicant: Nancy Brine (*not in attendance*)

Rep: James Morin (Northeast Classic Engineering) (*not in attendance*)

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

VOTED: to close the public hearing for 31 Flavell Road. The vote was unanimous (6-0).

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 31 Flavell Road, MassDEP #169-1162. 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 31 Flavell Road, MassDEP #169-1162. The vote was unanimous (6-0).

Transitioning to General Business, the Commission reviewed a draft of an Order of Conditions for 18 Blossom Lane (MassDEP# 169- 1160):

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 18 Blossom, MassDEP #169-1160. The vote was unanimous (5-0) with E. McHugh abstaining.

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 18 Blossom, MassDEP #169-1160. The vote was unanimous (5-0) with E. McHugh abstaining.

6:45 p.m. – Public Hearing (cont.): NOI, 65 & 65A Island Pond Road, MassDEP#169-1161.
Owner/Applicant: John & Laura Massiello (*not in attendance*)
Rep: Maureen Herald (Norse Environmental Services, Inc.) & Connie Sullivan (Attorney at Law) (*not in attendance*)

N. Gualco read a request from M. Herald requesting a continuation of the public hearing to the October 10th meeting.

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

VOTED: to continue the public hearing for NOI MassDEP#169-1161 for 65 & 65A Island Pond Road, to 10/10/2017. The vote was unanimous (6-0).

Returning to General Business, the Commission reviewed a request for Certificate of Compliance for 993 Boston Road (MassDEP# 169-1020):

M. Giguere shared that at the recent site walk the Commission discovered grass clippings on site that were within the 100 foot wetlands buffer zone.

Upon a motion by M. Giguere, 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 993 Boston Road, MassDEP #169-1020, under the condition that site is inspected by N. Gualco and is found free of grass clippings. The vote was unanimous (6-0).

Certificate of Compliance for 25 Ross Road, MassDEP# 169-1156.

The Commission discussed their findings on the recent site walk and reviewed photos taken by O. Lathrop. While the project was indeed complete, the site had not been seeded and was therefore found not stabilized and vegetated.

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

VOTED: to deny the request for a Certificate of Compliance under the MA Wetlands Protection Act and the Groton Wetlands Bylaw for 25 Ross Road, MassDEP #169-1156

due to the site not yet being stabilized. The vote was five (5) in favor with P. Morrison out of the room and not voting.

Meeting Minutes, the Commission reviewed draft minutes from 5/23/2017.

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

VOTED: to approve the meeting minutes from 5/23/2017 with revisions. The vote was unanimous (6-0).

7:00 p.m. – Public Hearing (cont.): NOI, 25 Whitney Pond Road for the upgrading of a septic system, MassDEP# 169-1157.

Owner/Applicant: Cyndi Dusek & Bryan Krol (*not in attendance*)

Rep: Russell Wilson (R. Wilson and Associates) (*not in attendance*)

N. Gualco read a request from R. Wilson requesting a continuation of the public hearing to the October 10th meeting.

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

VOTED: to continue the public hearing for NOI MassDEP#169-1157 for 25 Whitney Pond Road, to 10/10/2017. The vote was unanimous (6-0).

Meeting Minutes, the Commission reviewed draft minutes from 9/12/2017.

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

VOTED: to approve the meeting minutes from 9/12/2017 with revisions. The vote was unanimous (6-0).

7:07 p.m. – At this time the Commission was presented a request by Scott Nelson for the NESSP Temple (MassDEP# 169-1104) for a minor site plan change under the Order of Conditions.

S. Nelson began by explaining the proposed changes which included a relocation of the leach field and the rerouting of two drainage features. The rerouting of the drainage features would involve a reduction in the amount of piping necessary, but would change the wetland drainage would ultimately be captured in.

M. Giguere asked why the pipe wasn't routed in the proposed alignment in the first place to which S. Nelson replied that he wasn't sure, but indicated that the plan was created by the previous engineer.

E. McHugh indicated that she had several question for the engineer of the revised plan who was not in attendance. E. McHugh stated that she would like to have stormwater review the proposal and time for peer review to respond to the proposal before the Commission takes a vote. Additionally, McHugh requested an answer to why the original plan called for the pipe to drain into the wetland to the west.

P. Morrison suggested that as long as stormwater and the peer review approve the changes that the Commission can accept the proposal as a minor change to the OOC. The Commission agreed with this suggestion.

Returning to General Business, B. Easom read a letter from Susan Black's stating her intent to officially resigning from the Commission immediately.

At this time the Commission reviewed a request by the Old North Bridge Hounds to use Surrenden Farms on Sunday October 8th for their annual Mock Fox Hunt.

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

VOTED: to approve the request by the Old North Bridge Hounds to use Surrenden Farms as the site of the Mock Fox Hunt on October 8th under the conditions that (1) Pat Huckery of the Division of Fisheries and Wildlife approves the proposed activities and (2) any signage that is installed is removed after the event concludes. The vote was unanimous (6-0).

7:15 p.m. – Public Hearing: NOI, 62 Island Road, MassDEP#(not yet received).

Owner/Applicant: Bob Bunopane

B. Bunopane opened the hearing by explaining his proposal to repair an existing retaining wall in Knops Pond as well as repair and expanding a patio area between his house and the pond. The plan would call for the removal of up to three trees.

E. McHugh asked if Bonopane considered raising the walkway and then adding pavers as a way saving the trees. B. Bunopane responded to this that a raised wooden deck would be a safety hazard during the winter. E. McHugh explained a method she had utilized on a similar job that could be possible adapted to this project, which should save the trees.

B. Easom asked if excavation would be necessary to rebuild the retaining wall to which B. Bunopane replied he wasn't sure, but did not think so.

M. Giguere pointed out that the concrete wall was probably the original wall and that the wooden wall was most likely added later. He asked about using boulders, which are better for wildlife and breaking wake instead of bouncing it back to lake.

O. Lathrop asked what was behind the wooden wall as he was concerned about reducing the flood storage capacity of the pond if behind the wall is water. He expressed no concern about the proposed work on the concrete wall. Regarding the expansion of the patio, O. Lathrop was agreeable to permeable pavers but was not in favor new construction within the 50 foot no disturb buffer zone.

P. Morrison stated that the wood wall appeared to be in place since before the wetlands regulations and suggested that B. Bunopane use large textured face blocks to replace the wall. He was adamant that the wood wall needs to go as it is a current safety concern and possibly contains chemicals (e.g., preserving chemicals). P. Morrison finished by stating that he had no other issues but was curious about the health of the trees.

E. McHugh expressed it might be possible to save the trees as the applicant had expressed interest in. She suggest B. Bunopane consider a permeable paving system up six inches above the roots. J. Smigelski asked if E. McHugh could send a resource to the applicant with details on the proposed system to which she agreed to send N. Gualco a few hyperlinks to share with B. Bunopane.

B. Easom stated that he did not visit the site, but would like to see what was behind the wood wall. He then asked the applicant if interested members of the Commission could re-visit the site and try and inspect what is behind the wood wall.

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

VOTED: to continue the public hearing for NOI for 62 Island Road to 10/10/2017 to allow time for the DEP file number and to allow for a second site visit on 9/30/2017. The vote was unanimous (6-0).

7:45 p.m. – Public Meeting: RDA, Rebuilding a two-family home that burned down in 2016, , 464 Boston Road.

Owner/Applicant: Dennis Lacombe

Representative: Bob Collins

B. Collins explained the project and explained that a small portion of the back of the house was within the 200 foot Riverfront buffer zone. Additionally, he explained that he had added four (4) new notes (house to remain in same location, erosion controls to be installed, no new structure beyond previous patio limit, fill stored outside of Riverfront) to the plan on September 25th. At this time the Commission reviewed the plan and discussed the proposed activity and recent revision (e.g., four notes).

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

VOTED: to issue a Negative Determination (#2) for the reconstruction of a two-family home at 464 Boston Road under the condition that the 9/25/2017 revised plan and referenced notes are followed. The vote was unanimous (6-0).

7:55 p.m. – Public Meeting: RDA, Removal of several trees within the 100 foot buffer zone of Baddacook Pond, 601 Lowell Road.

Owner/Applicant: Robert Kiley

Representative: Bob Collins

B. Collins explained the project which involves the removal of several trees for concerns of safety. Additionally, he presented the revised plan that R. Kiley provided including the location and dimensions of the trees proposed for removal. At this time the Commission discussed trees at the various locations as well as the buffer zones of the pond and the wetland complex behind the house.

B. Easom stated that it has been standard practice for the Commission to approve the removal of trees that pose a safety concern.

M. Giguere disclosed that the applicant's son and daughter are his real estate agents. He checked with the Attorney of the Day who stated that this was not a conflict. M. Giguere stated that he had no issues with the project but asked if they planned to stump? R. Kiley said to this: no.

O. Lathrop asked if re-planting was an option. E. McHugh stated she likes this idea. R. Kiley expressed he was agreeable to the idea.

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

VOTED: to issue a Negative Determination (#3) for the proposed removal of trees at 601 Lowell Road under the conditions that (1) no stumping is to occur and (2) re-planting of native vegetation is to occur in the areas of tree removal. The vote was unanimous (6-0).

8:08 p.m. – Public Hearing: NOI, 42 Martin's Pond Road, for the construction of a replacement septic system, MassDEP#169-1163.

Owner/Applicant: Greg and Mary Herald

Rep: Neil Gorman, David E. Ross Associates

The hearing began with G. Herald showing the Commission historic photos of the creation of the farm pond on his smartphone. After this, N. Gorman introduced the project, which involves the construction of new septic system to replace the failed existing one. Several limitation exist on the site including sub-optimal soil conditions and two wetland areas (a farm pond and a seasonal wetland along the edge of the lawn). The proposed system itself is a Presby system, which are not common in Groton. N. Gorman stated that the BOH has not yet approved the project.

M. Giguere asked if the farm pond constitutes a resource area. The Commission discussed this for several minutes. N. Gualco shared that under the Act the pond would not be considered a protected resource (less than 10,000 sqft. in total area), however it the size is just under this threshold. Furthermore, Gualco added that under the Groton Bylaw, the pond would be protected as a freshwater wetland.

After this the Commission and N. Gorman discussed the plan to include a liner/barrier as well as concerns about the pitch of the grading.

P. Morrison stated that since the project is for a septic replacement it should be exempt under both the Act and the Bylaw and therefore has no issues with the project.

E. McHugh asked what happens in the event of a power outage to which N. Gorman replied that a battery powers the pump and that the tank is large enough to accommodate one full day without pumping. He clarified that the residents would need to ration their use of the system, but this is standard with septic systems.

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

VOTED: to close the public hearing for 42 Martin's Pond Road. The vote was unanimous (6-0).

8:23 p.m. – Public Hearing: NOI, 382 Chicopee Row, for the construction of a replacement septic system, MassDEP#169-1164.

Owner/Applicant: Everett Cole

Rep: Neil Gorman, David E. Ross Associates

N. Gorman introduced the project to the Commission and explained that while the home is within Riverfront, the house was build before 1997 and therefore exempt under the Act. Additionally he shared the proposed plan, discussed the shared driveway, and atypical lot share. The problem with the failed septic system appears to have been caused by the former owner planning a tree over the old system resulting in the roots compromising the pump chamber and the eventual Title 5 fail. Site specific setbacks include two wells and NHESP Priority Habitat in the other section of the existing lawn. These setbacks “pinned” the system to the proposed location.

E. McHugh asked if there were plans for silt fencing to which N. Gorman responded no. E. McHugh explained the would like to see erosion controls and make sure sediment is not transported by truck tires during construction.

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

VOTED: to close the public hearing for 382 Chicopee Row. The vote was unanimous (6-0).

8:30 p.m. – Public Meeting: RDA, Construction of a trail bridge, Groton Hill Conservation Area (a.k.a. Kailey’s Way).

Applicant: Olin Lathrop, on behalf of Groton Trails Committee

N. Gualco explained that the Groton Herald did not publish the legal notice and therefore the Commission cannot hold a public meeting.

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

VOTED: to continue the public meeting for , Groton Hill Conservation Area (a.k.a. Kailey’s Way) until 10/10/2017. The vote was unanimous (6-0).

8:30 p.m. – Public Meeting: RDA, Repair of a failed drainage system, 227 Boston Road.

Applicant: Kevin Lindemer

Representative: Kevin Smith, Kevin Smith Site Contractors

K. Smith introduced the project which involves the repair of a failed French drainage system. Currently the house get flooded (basement) during rainstorms and the applicant is concerned that if the system is not repaired soon the winter could result in serious damage to the home. K. Smith showed on a revised plan the location of the drainage pipe, location of stored materials during construction, as well as where he plans to install erosion controls and the rip rap spill way. At this time the Commission discussed the details of the project.

J. Smigelski asked about two pipes shown on the schematic. K. Smith clarified that the top one is for the roof drain and the lower one is for the proposed repaired drainage.

E. McHugh asked for the location of the fill. K. Smith showed the area of the hillside that he is proposing to fill (a previously excavated area) and confirmed on the plan that the area is outside the 50 foot buffer but within the 100 foot buffer.

B. Easom stated that he doesn’t like day lighting pipe discharge into wetland directly to which K. Smith replied that there will not be much water coming out at any given point – the system drains groundwater and maintains a low flow rate. B. Easom asked about a crushed stone well and discharge three feet below the surface. K. Smith expressed concern with this idea and stated that if the pipe freezes during the winter it may be impossible to remedy, which would likely result in flooding at the home.

M. Giguere stated that he is fine with daylighting as long as there is a 1-2 foot deep rock rip rap apron/well to help dissipate the water. K. Smith said he agrees and prefers this method as it would allow the water to infiltrate into ground and negate erosion.

O. Lathrop had no concerns as long as the water did not directly discharge into the water and instead infiltrated.

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

VOTED: to issue a Negative Determination (#3) for replacement of the failed drainage system at 227 Boston Road under the conditions that (1) the applicant construct an infiltration zone at the daylight and (2) the activities follow the plan as presented. The vote was unanimous (6-0).

8:45 p.m. – Public Hearing (cont.): NOI, 228 Whiley Road, for the construction of a swimming pool and patio area MassDEP#169-1159.

Owner/Applicant: Remiginsz Kaleta (*not in attendance*)

Rep: Russell Wilson (R. Wilson and Associates) & Rich Capachione (*not in attendance*)

N. Gualco read a request from R. Wilson requesting a continuation of the public hearing to the October 10th meeting.

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

VOTED: to continue the public hearing for NOI MassDEP#169-1159 for 228 Whiley Road, to 10/10/2017. The vote was unanimous (6-0).

Returning to General Business, the Commission discussed Land Management topics at:

- **Surrenden Farms:**
 - The Commission discussed several areas within the License Agreement that needed to be amended to address errors and to clarify intent. O. Lathrop presented these areas of needed change and the Commission agreed to update the document.
- **Mowing of Conservation Lands:**
 - N. Gualco presented the Commission with mowing estimates he received from Quintin Shea of A1 Odd Jobs. The Commission discussed the proposed areas of mowing as well as the prices, which everyone said seemed fair.
 - Upon a motion by P. Morrison, seconded by M. Giguere, it was VOTED to authorize N. Gualco to contract mowing of Conservation Lands with Q. Shea under the condition that there are adequate funds. The vote was unanimous (6-0).
- **Surrenden Farms:**
 - N Gualco shared with the Commission an update on recent conversations he and Mike Barry of Bay State Forestry had regarding the invasive species removal phase of the forest management plan for Surrenden Farm. B. Easom asked N. Gualco to keep him and the rest of the Commission in the loop during these conversations in the future.

Moving Committee Updates, the Commission heard:

- **Stormwater (E. McHugh)** will meet next week to discuss the proposed changes at the Temple.
- **CPC (B. Easom)** has approved funds to install a frame at the kiosk at Surrenden Farms.

- **GPAC (M. Giguere)** has finished the first weed-harvesting at Baddacook Pond and stated that progress is being made with the hydro-raking. GPAC went to CPC to ask for the \$10,000 that the Water Department had promised but could not locate. At the meeting it appears that the Water Department ended up finding the funds and has provided them.
- **Invasives Species Committee (O. Lathrop)** will be sending a letter out to residents bordering the Eliades Conservation Area regarding the upcoming treatment of invasive Phragmites.

At this time N. Gualco shared that he recently received a call from one of the sisters involved in the Commission acquiring the Fritz – Cox Conservation Area. She asked N. Gualco why there were no signs installed or trace of it on the website. N. Gualco stated that he will speak with IT at Town Hall about getting the Conservation Area added to the website and will inquire about getting a sign made up. Once he receives a quote, the Commission can decide exactly where they would like to see it installed.

Finally, B. Easom reported that Paul Funch plans to flag a proposed trail at the Northwood Lot Trust and would like the Commission to inspect for approval.

9:34 p.m. – E. McHugh made a motion (seconded by P. Morrison) to adjourn the meeting. The vote was unanimous (6-0).

Exhibits on file at Conservation Commission Office:

1. OOC, 31 Flavell Road, MassDEP#169-1162
2. NOI, 65 & 65A Island Pond Road, MassDEP#169-1161
3. NOI, 25 Whitney Pond Road, MassDEP#169-1157
4. NOI, 62 Island Road, MassDEP#169-1165
5. DOA, 464 Boston Road (D. Lacombe)
6. DOA, 601 Lowell Road (R. Kiley)
7. NOI, 42 Martin's Pond Road, MassDEP#169-1163
8. NOI, 382 Chicopee Row, MassDEP#169-1164
9. DOA, 227 Boston Road (K. Lindemer)
10. RDA, Groton Hill Conservation Area (O. Lathrop)
11. NOI, 228 Whiley Road, MassDEP#169-1159
12. OOC, NEESP Temple, MassDEP#169-1104
13. COC, 25 Ross Road, MassDEP#169-1156
14. COC, 993 Boston Road, MassDEP#169-1020
15. OOC, 18 Blossom Land, MassDEP#169-1160

Approved: 10/24/2017