

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, October 10, 2017

Location: Town Hall, 2nd Floor

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

Members Absent: Marshall Giguere

Others Present: Nikolis Gualco (Conservation Administrator)

6:35 p.m. – The meeting was called to order by Chairman J. Smigelski.

The Commission began with General Business the Commission reviewed a request for Certificate of Compliance for **27 Orion Way** (MassDEP# 169-768):

N. Gualco introduced backstory to aid in the discussion. This property was part of a small subdivision (Batten Woods; seven [7] units, OOC approved in September 2001). A COC was never applied for post-construction, which leaves the burden to each homeowner to request. The Applicant (Bob McDonough) is scheduled to close on 10/13/2017, which requires the securing of the COC.

B. Easom shared that neither the extent of the tree line and the addition of a patio were not included in the original OOC. He stated that he would like to see conservation markers, which currently demarcate the unapproved tree line, moved to the originally approved line and for the disturbed area reverted back to a natural state.

B. McDonough responded by saying that these conditions would likely affect the sale of the house and explained that when he moved in the conditions (e.g., tree line) were as they are today and that he did not alter the area.

B. Easom explained that the subdivision would not have been allowed to be constructed in the first place without the concessions stated in the OOC – including the approved tree line. O. Lathrop stated that he agreed with this point.

At this time a discussion ensued about the changes that were made to the lot since the time of the OOC being issued. B. Easom reiterated that he would like to see the conservation markers moved to reflect the approved tree line stated in the OOC and have N. Gualco verify this change.

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

VOTED: to issue a partial Certificate of Compliance under the MA Wetlands Protection Act and the Groton Wetlands Bylaw for 27 Orion Way, MassDEP #169-768, under the conditions that (1) the conservation markers are moved to the approved tree line stipulated under the OOC and inspected by N. Gualco, (2) the locations of the relocated markers drawn on the as-built plan, (3) measurements are taken on-site from the house to the various markers and that these distances are added to the plan, and (4) the area beyond the relocated markers is to revert to a naturally vegetated state. The vote was unanimous (5-0).

7:08 p.m. – Public Hearing (cont.): NOI, 62 Island Road for the upgrade of an existing retaining wall and patio, MassDEP# 169-1165.

Owner/Applicant: Bob Buonopane

O. Lathrop began by sharing photos that were taken during a second site-walk on October 7th. These photos confirmed that the outer wooden wall bordered land (earth and gravel). O. Lathrop shared that with this evidence he felt comfortable supporting the project to re-build the wall.

E. McHugh inquired about the plan that was discussed at the last meeting to add deck 6” above grade to save the trees and asked B. Buonopane if he received the materials she sent to N. Gualco. B. Buonopane responded that he did receive the material, had reviewed it, discussed it with his project designer (who expressed concern that the proposal would act only as a “bandage” and would be costly). At that, B. Buonopane stated he was not interested in the proposed plan. E. McHugh expressed concern and disappointment that the idea was not considered sincerely by the Applicant and concluded that the plan to save the trees was not meant to be an “end all” but rather a possible solution to save the trees.

B. Easom stated at this time that he was not in favor of the trees being removed.

O. Lathrop commented that the permeable surface (currently installed patio stone) did not appear to be permeable and is concerned that an expansion as proposed would only increase the impermeable surface area along the pond shore.

J. Smigelski asked if the trees were to be removed, would the Applicant be agreeable to planting shrubs to replace the service the current trees provided (roots stabilizing the soil, water infiltration/absorption).

P. Morrison commented that he did not prefer the expansion of the patio area, but was agreeable to the idea as long as the pavers indeed were permeable. He then commented that the lawn appeared to be extremely compact and not able of trapping runoff. E. McHugh and O. Lathrop agreed with this point.

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

VOTED: to close the public hearing for 62 Island Road, MassDEP# 169-1165. The vote was unanimous (5-0).

7:30 p.m. – Public Hearing (cont.): 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 a revised site plan, which included several changes (addition or 20 “wildlife planting” [vegetation between the house and the pond], shrinking of proposed patio area, the inclusion of all proposed retaining walls and stormwater features). Two details were also provided, which displayed the paver foundation and the retaining wall designs.

E. McHugh asked where the native trees (originally recommended birch trees) from the 2016 Determination of Applicability, which allowed for the removal of fourteen mature pine trees for concerns of safety, were to be planted. At this point the Commission discussed this for some time. E. McHugh asked M. Herald to mark on the plan the approximate location where the trees are to be planted. M. Herald marked and initialed the location on the plan.

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

VOTED: to close the public hearing for 65 & 65A Island Pond Road, MassDEP#169-1161. The vote was unanimous (5-0).

7:38 p.m. – Public Meeting: RDA, Construction of a trail bridge and bog bridge at the Groton Hill Conservation Area (a.k.a. Kailey’s Way).

Applicant: Olin Lathrop

Representative: Paul Funch

P. Funch explained the project, which involves the construction of a trail bridge to span a perennial wet area as well as a smaller bog bridge. These proposed bridges will allow walkers a dry option to cross the wet areas. By providing access across the wet areas, these bridges will reduce the chance of erosion and help preserve the wetlands.

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

VOTED: to issue a Negative Determination (#2) for construction of a trail bridge and bog bridge crossing at the Groton Hill Conservation Area (a.k.a. Kailey’s Way).under the following conditions: (1) the trail bridge will fully span the wetland; (2) no refuse is to end up in the wetland, and; (3) the use of concrete blocks to act as footings are approved in the wetlands. The vote was unanimous (5-0).

7:45 p.m. – Public Meeting: RDA, for the repairs and reconstruction of exterior porches at 17-19 West Main Street.

Applicant: Burkley Properties, LLC (Alex Schule)

A. Schule briefly explained the project, which is part of a larger restoration effort on the two-family home located at 17-19 West Main Street. The portion of the project that was being

covered under the RDA involves the reconstruction of two exterior porches (re-setting footings) within the 100 foot buffer.

B. Easom commented that he saw no need for erosion controls and didn't have any problems with approving the proposal.

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

VOTED: to issue a Negative Determination (#3) for the proposed reconstruction at 17-19 West Main Street with no special conditions. The vote was unanimous (5-0).

7:49 p.m. – Public Meeting: RDA, for the emergency repair of a water pipe at the Baddacook Pond Wellhead, 541 Lowell Road.

Applicant: Groton Water Department (Tom Orcutt)

T. Orcutt explained the application, which involved an after-the-fact filing for emergency repair work at the Baddacook Pond Wellhead.

B. Easom asked what the emergency was to which T. Orcutt responded that iron had clogged the pipe and had significantly decreased the pumping capabilities of the station.

O. Lathrop shared photos taken during the site walk and asked about some erosion he observed. T. Orcutt explained that the erosion was caused by a flushing hydrant and that the area where the pipe was installed was not adequately mulched, which should mitigate erosion in the future.

J. Smigelski recommended that in the future T. Orcutt had erosion controls (i.e., hay bales) by the pump head in order to reduce the chance of runoff getting in the pond.

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

VOTED: to issue a Negative Determination (#3) for the emergency repair of a water pipe at 541 Lowell Road with no special conditions. The vote was unanimous (5-0).

8:03 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

Rep: Russell Wilson (R. Wilson and Associates)

R. Wilson shared a revised project plan, which showed the addition of a retention basin to drain to the east of both 23 and 25 Whitney Pond Road.

B. Easom inquired about the storage retention volume of the basin and O. Lathrop asked about the flood retention for what type of storm events.

R. Wilson responded that the engineer designed the basin to hold a 25 year storm and at this time present a storm water drainage calculation report. At this time, the Commission discussed the drainage calculations. There were several questions asked by the Commission about the report and the engineering behind the calculations. R. Wilson did not have answers to these questions, but indicated that the civil engineer would.

O. Lathrop then showed photos recently received from Joe Bozek of 23 Whitney Pond Road. J. Bozek showed on the plan the location where each of the displayed photos were taken.

P. Morrison asked the Applicant when the drainage swale was installed, to which B. Krol replied he did not remember.

J. Bozek responded to this that it was within the last year to year and a half.

J. Smigelski expressed concern about the drainage capacity of the dry well and infiltration trench to adequately handle the water coming off the slope they were situated below.

E. McHugh stated that in the past the Commission has employed peer review on projects with complicated engineering. The Commission discussed this for several minutes.

B. Easom then asked what the WPA says about when erosion enters the resource in regard to the Commission area of jurisdiction. N. Gualco shared that the jurisdiction in this case can extend outside of the buffer zone to where the cause of alteration begins.

Following the meeting, N. Gualco included the following: The WPA allows the Commission to “*In the event that the issuing authority determines that such activity (e.g., activities outside of Areas subject to the Act) has in fact altered an Area Subject to Protection under M.G.L. c. 131§ 40, it may require the filing of a Notice of Intent and/or the issuance of an Enforcement Order and shall impose such conditions on the activity (e.g., sediment entering Whitney Pond) or any portion thereof as it deems necessary to contribute to the protection of the interests identified in M.G.L. c.131, § 40*” (310 CMR 10.02(2)(d)).

B. Easom stated that evidence of silt entering the pond can trigger an Enforcement Order, which would provide the Commission a mechanism for funding peer review by the Applicant. The Commission discussed this for several minutes.

B. Easom then recommended that the Commission hold a special meeting on Friday 10/13 at 7:00 p.m. to allow a chance for the Applicant’s civil engineer to share the calculations in the stormwater report. Additionally, he recommended a second site visit on Wednesday morning 10/11 at 7:00 a.m. to view the most current state of the site. The Applicant agreed.

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 10/13/2017. The vote was unanimous (5-0).

8:54 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

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

R. Wilson presented a revised plan, which involved the pulling back of the pool closer to the house and clarification of the intent to replace the entire retaining wall.

R. Capachione explained the design for the pool and shared a 3-D rendering of the proposed project including the specifics of the elevations at the site.

B. Easom stated he was good as long as the plan stays within the footprint of the existing wooden retaining wall. He added that he would like to see the area below the wall to remain in a naturally vegetated state and wants to see measurements taken from the house before demolition so the Conservation Commission can verify post-construction.

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

VOTED: to close the public hearing for 228 Whiley Road, MassDEP#169-1159. The vote was unanimous (5-0).

Returning to General Business, the Commission reviewed a draft of an Order of Conditions for **382 Chicopee Row** (MassDEP#169-1164):

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

VOTED: to issue an Order of Conditions under the MA Wetlands Protection for 382 Chicopee Row, MassDEP #169-1164. The vote was unanimous (5-0).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw 382 Chicopee Row, MassDEP #169-1164. The vote was unanimous (5-0).

Continuing with General Business, the Commission reviewed a draft of an Order of Conditions for **42 Martin's Pond Road** (MassDEP#169-1163):

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

VOTED: to issue an Order of Conditions under the MA Wetlands Protection 42 Martin's Pond Road, MassDEP #169-1163. The vote was unanimous (5-0).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw 42 Martin's Pond Road MassDEP #169-1163. The vote was unanimous (5-0).

J. Smigelski left the room.

Continuing with General Business, the Commission reviewed a request for a Certificate of Compliance 23 Orion Way (MassDEP#169-768):

N. Gualco provided background on this request for partial COC – another property of Batten Woods subdivision. This site had no restrictions as it is completely outside of the 100 foot buffer zone.

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

VOTED: to issue a Certificate of Compliance under the MA Wetlands Protection Act and the Groton Wetlands Bylaw for 23 Orion Way, MassDEP#169-768. The vote was 4-0 in favor with J. Smigelski not voting.

J. Smigelski returned to the room.

Transitioning to the Land Acquisition section of General Business, the Commission reviewed a forwarded email sent from Takashi Tada that he received from Michael Hartnett about two (2) parcels he is requesting the Town accept as donated land. These parcels are isolated within the greater Throne Conservation Area (234-2, 205-41). These parcels both border conservation land. The Commission agreed to accept the land (no vote was taken).

The Commission reviewed another email from Takashi Tada regarding the Schofield parcel, which indicated that Ms. Ellingwood would like to resume discussions about it acquiring the land. The Commission agreed that N. Gualco will write to Ms. Ellingwood stating the Commission's interest in reengaging on the negotiation.

9:48 p.m. – B. Easom made a motion (seconded by P. Morrison) to adjourn the meeting. The vote was unanimous (5-0).

Exhibits on file at Conservation Commission Office:

1. OOC, Batten Woods (Orion Way), MassDEP#169-768
2. COC, 27 Orion Way, MassDEP#169-768
3. NOI, 62 Island Road, MassDEP#169-1165
4. NOI, 65 & 65A Island Pond Road, MassDEP#169-1161
5. DOA, Groton Hill Conservation Area

6. DOA, 17-19 West Main Street
7. DOA, 541 Lowell Road
8. NOI, 25 Whitney Pond Road, MassDEP#169-1157
9. NOI, 228 Whiley Road, MassDEP#169-1159
10. OOC, 382 Chicopee Row, MassDEP#169-1163
11. OOC, 42 Martin's Pond Road, MassDEP#169-1164
12. COC, 23 Orion Way, MassDEP#169-768

Approved: November 12th, 2017