

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, October 24, 2017

Location: Town Hall, 2nd Floor

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

Others Present: Nikolis Gualco (Conservation Administrator)

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

The Commission began with a Discussion about the Committee Interest Form filed by Larry Hurley regarding the vacant Commission seat. Upon reviewing L. Hurley's resume, the Commission initiated the following interview:

P. Morrison asked what relevant skills and activities L. Hurley would bring to the table if he was to be appointed to the Commission. L. Hurley replied that he had conducted demolition jobs in Massachusetts, New Hampshire, and New England in general, which required environmental permitting. He continued by stating that he had experience in Groton working for the Commission in the past along Baddacook Pond. P. Morrison stated that L. Hurley's resume demonstrates past experience working with a variety of municipal boards and committees and asked what his role was during these experiences. L. Hurley responded that demolition jobs requiring the use of his license often involve the approval of numerous boards (via permitting), which as the contractor he has been responsible in securing. He stated that he was experienced with the working of the Board of Health, Conservation, Building Department, etc. P. Morrison asked if L. Hurley had other experience working for the Commission in Groton. L. Hurley responded that his experience was limited, but in addition to the aforementioned Baddacook project he also has done some work with the Conservation Trust. P. Morrison concluded by asking if L. Hurley was aware of any upcoming major jobs that may result in a conflict of interest if appointed to the Commission, to which L. Hurley responded he did not.

E. McHugh stated that many of the Commissioners have deep connection (recreation, ecology, etc.) with the environment and asked L. Hurley if this is true for him. L. Hurley responded that he has lived on Whitney Pond for many years and spoke fondly of living and canoeing in this environmentally special area.

B. Easom then asked if L. Hurley had ever filed a Notice of Intent. L. Hurley replied that he had not personally filed a NOI, but he has been involved in numerous NOI applications and has followed numerous Orders of Conditions for a variety of jobs. B. Easom stated that in Groton, all contractors and subcontractors are required to receive a copy of the OOC.

O. Lathrop asked for L. Hurley to share what experience he had ecologically, to which L. Hurley replied by listing canoeing and skiing as activities he enjoys.

M. Giguere, who did not receive a copy of L. Hurley's resume, asked that as a contractor applying for a seat on the Commission how L. Hurley felt about being on the opposite side of the table and how he thinks he would handle the situation. L. Hurley responded that the wetlands are more important than interactions with general contractors and that he wouldn't have an issue with it. M. Giguere continued by stating that the Commission is granted a tremendous amount of regulatory authority and asked if he would be willing to get "up to speed" (e.g., MACC trainings). L. Hurley replied that he was not concerned about these extracurricular requirements. M. Giguere concluded by stating that there are also the municipal bylaws to learn, Saturday site walks, and a requirement that Commissioners also sit on other Boards. L. Hurley affirmed he had no issues with these requirements.

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

VOTED: to recommend Larry Hurley to the Board of Selectmen for appointment to the vacant seat left by Susan Black. **Yes** – B. Easom, E. McHugh, M. Giguere, P. Morrison, J. Smigelski; **Abstain** – O. Lathrop

7:18 p.m. – Public Hearing: NOI, 17-19 West Main Street for the replacement of an existing sewage disposal system, MassDEP# 169-1166.

Owner/Applicant: Bebot Investment, LLC

Representative: Jeff Hannaford, Norse Environmental Services, Inc.

J. Hannaford began by providing an overview of the project. Some of the site-specific challenges mentioned included: 18 inches to ground water and poor soils. Due to poor soil conditions, the perk-test was conducted off-site at MassDEP using the three-class system for off-site analysis. The eventual perk rate was decided at 60 minutes/inch, which was the most conservative result. The project requires the addition of fill to build a mounded system, including a three retaining walls to accommodate the fill. The leach field design calls for a Presby Environmental System, which has been approved by the state with a two foot offset to the water table. The leach field will maintain a 50 foot offset from the intermittent stream along the eastern edge of the property. During construction, erosion controls will be installed running parallel to the stream. The area of the proposed leach field will require the removal of a small number of trees.

E. McHugh shared that she generally agrees with the plan to have the septic where it is proposed. McHugh then asked the applicant if they were willing to offer up to 25 feet to remain in a naturally vegetated state between the house/septic system and the stream. Additionally, McHugh asked to have the trees added to the plan that were proposed to be removed.

M. Giguere then asked how the applicant was planning to remove and decommission the existing septic system. J. Hannaford responded that they planned to follow Title 5 regulations. Some Title 5 regulations addressed on the plan specifically (e.g., 310 CMR 15.354).

B. Easom, upon examining the buoyancy calculations, asked about plans for any water that is encountered when digging a four foot hole where the groundwater is at 18 inches. J. Hannaford answered that the plan calls for a de-watering setup with hay bales to treat silt. B. Easom clarified that he was not concerned about the silt, but rather the volume of water to which J. Hannaford replied, as evidence of the low perk rate, he was not concerned with the water. However, J. Hannaford agreed to add a de-watering station to the plan in the case that the volume of water becomes an issue.

O. Lathrop asked what the plans were for stabilization for the leach field mount, to which J. Hannaford replied the area would be loamed and seeded.

E. McHugh asked the Commission about the idea to have the applicant install a vegetated buffer between the house/septic and the stream. At this time the Commission discussed this point for several minutes.

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

VOTED: to close the public hearing for 17-19 West Main Street, MassDEP# 169-1166.
Yes -- . B. Easom, E. McHugh, M. Giguere, P. Morrison, J. Smigelski; O. Lathrop.

7:38 p.m. – Public Meeting: RDA, Removal of vegetation within the buffer at 263 Whiley Rd.
Applicant: Ellen Brandt

E. Brandt began the meeting by providing overview of the project, which involves the removal of vegetation from around her home and a small area along the shore of Knops Pond. She stated that when she bought the house 27 years ago, she added a planter and hemlock along the house that are now over grown and causing rodents (flying squirrels) to get into the house. She proposes removing the whole planter as well as the tree. Additionally, in an area of an abandoned sandbox near the pond's edge, E. Brandt asked for permission to remove nuisance vegetation to allow for the launching of a kayak.

The Commission discussed the details of the project for a few minutes.

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

VOTED: to issue a Negative Determination (#3) for the removal of vegetation with the buffer at 263 Whiley Road under the following conditions: (1) the area by the pond doesn't increase in area beyond the pre-disturbed (approx.. 25 square foot sandbox) area; (2) to work is to occur after lake drawdown.
Yes -- . B. Easom, E. McHugh, M. Giguere, P. Morrison, J. Smigelski; O. Lathrop.

8:05 p.m. – Public Meeting: RDA, The expansion of an existing deck at 10 Laurel Lane.
Applicant: Kerry Smith.

K. Smith presented the project, which involves the expansion of an existing deck that is located within the 100 foot buffer zone. The new design will not involve additional footings.

O. Lathrop asked what the plan for deck materials was and K. Smith replied the plan calls for Azek decking with spacing between them. Smith continued and stated that post-construction the plan calls for the addition of crushed rock under the deck to help retain water.

P. Morrison asked for clarification because the site plan has two new decks proposed. K. Smith responded that there are two decks involved in this project however the front desk is outside of the buffer zone.

B. Easom stated that the project is proposing an encroachment into the buffer zone and that under the Bylaw the Commission can approve a proposal like this as long as the project improves the situation for the environment. He then asked the application how the project will improve the site conditions environmentally. To this, K. Smith responded that the rocks under the deck will be in improvement. B. Easom did not see this as an improvement and instead proposed an off-setting the encroachment by allowing a portion of his property within the buffer to revert to a naturally vegetated state. K. Smith was open to suggestions. P. Morrison commented that he didn't see the encroachment as significant, to which B. Easom responded that the Bylaw requires an improvement to allow encroachment, not "not worse." O. Lathrop stated that he saw the rocks as a small improvement. At this time, the Commission discussed this point for several additional minutes.

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

VOTED: to issue a Negative Determination (#3) for the expansion of an existing deck at 10 Laurel Lane under the following conditions: (1) the area under the new deck will be covered with rock down to a gravel base.; (2) conservation markers shall be permanently anchored with at least one foot exposed above ground level six (6) inches in front of the current edge of lawn (where the shrub/trees of the naturally vegetated area meets the lawn). On each post a weatherproof sign of at least a 4-inch diameter saying "No disturbance beyond this point" shall be securely and visibly mounted. The posts and signs shall be permanently left in place and replaced as necessary. This condition shall remain in perpetuity inclusive of the transfer of ownership of the subject property.

Yes -- E. McHugh, P. Morrison, J. Smigelski; O. Lathrop.

NO -- B. Easom, M. Giguere.

M. Giguere left the meeting, which negated the need for roll-call vote.

Moving to General Business, the Commission reviewed a draft of an Order of Conditions for 62 Island Road (MassDEP#169-1165):

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 62 Island Road, MassDEP #169-1165 with the following amendments:

1. Change Condition #27 to include: following lake-drawdown, the Applicant shall place erosion controls between the area of construction and the high-water line (post-drawdown) and shall delineate the limits of disturbance.
2. Add to the Construction portion the following two additions:
 - a. Filter fabric to be added behind the retaining wall.
 - b. Any wall removed must be removed during draw down.
3. Add to the Pre-construction portion the following condition: The retaining wall must be removed and replaced within the same season (period of lake-drawdown). If the Applicant chooses to sequence the work over multiple seasons, they shall replace any section of removed wall prior to lake-refill to ensure that the wall remains stable during any period of high-water.

The vote was unanimous (5-0).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for 62 Island Road, MassDEP #169-1165. The vote was unanimous (5-0).

Continuing with General Business, the Commission reviewed a draft of an Order of Conditions for 65 & 65A Island Pond Road (MassDEP#169-1161):

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 65 & 65A Island Pond Road, MassDEP #169-1161 with the following amendment: Special condition #53, which references the occupancy permit, shall be added to the draft Order.
The vote was unanimous (5-0).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for 65 & 65A Island Pond Road MassDEP #169-1161. The vote was unanimous (5-0).

Continuing with General Business, the Commission reviewed a draft of an Order of Conditions for 228 Whiley Road (MassDEP#169-1159):

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 228 Whiley Road, MassDEP #169-1161. The vote was unanimous (5-0).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw for 228 Whiley Road, MassDEP #169-1161. The vote was unanimous (5-0).

Continuing with General Business, the Commission reviewed a request for a Certificate of Compliance for **267 Whiley Road** (MassDEP#169-1149):

The Commission discussed the site conditions observed during the October 21st site walk. The site still needs to be stabilized and the Commission agreed not to issue the COC at this time. N. Gualco will check-in with the applicant about his schedule for completing the project.

Continuing with General Business, the Commission reviewed a request for a Certificate of Compliance for **366 West Main Street** (MassDEP#169-1143):

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

VOTED: to issue a Certificate of Compliance under the MA Wetlands Protection Act and the Groton Wetlands Bylaw for 366 West Main Street, MassDEP#169-1143. The vote was unanimous (5-0).

Continuing with General Business, the Commission reviewed meeting minutes from September 26th, 2017.

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

VOTED: to approve and release the minutes for September 26th, 2017 as drafted. The vote was unanimous (5-0).

Continuing with General Business, the Commission reviewed a request for an Extension Permit on OOC MassDEP# 169-641.

N. Gualco explained that this is the fourth time the permit would have been extended since it was first issued in 1998. He shared that he would like the Commission to review the Order and consult MassDEP to make sure the extensions are still serving the purpose of protecting the resource.

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

VOTED: to issue an Extension Permit for Order of Conditions MassDEP# 169-641 for the annual removal of boards related to the facility dam at 219 Townsend Road for one year to allow time to research the two-decade old OOC. The vote was unanimous (5-0).

Continuing with General Business, the Commission received an update from N. Gualco regarding Town's moratorium on marijuana. Gualco shared that over the past two months he has taken part in advisory meetings related to the Town's effort to prepare regulations on recreational marijuana. At this time the Commission discussed their thoughts on legal marijuana and how it may affect the interests of Conservation. Upon a reminder by N. Gualco, the Commission came to agreement that any Conservation Area where "No alcohol" is posted "no drug use" shall be included.

Continuing with General Business, the Commission received a Committee Update from O. Lathrop on the Invasive Species Committee. Lathrop shared that the Committee had recently treated Phragmites at Elides and shared a small collection of photos of the work.

9:30 p.m. – P. Morrison made a motion (seconded by B. Eason) to adjourn the meeting. The vote was unanimous (5-0).

Exhibits on file at Conservation Commission Office:

1. NOI, 17-19 West Main Street, MassDEP#169-1166
2. DOA, 263 Whiley Road
3. DOA, 10 Laurel Road
4. OOC, 62 Island Road, MassDEP#169-1165
5. OOC, 65 & 65A Island Pond Road, MassDEP#169-1161
6. OOC, 228 Whiley Road, MassDEP#165-1159
7. COC (request), 267 Whiley Road, MassDEP#169-1143
8. COC, 366 West Main Street, MassDEP#169-1141
9. Extension Permit, 219 Townsend Road, OOC MassDEP169-641

Approved: November 28th, 2017