



**TOWN OF GROTON**  
**Conservation Commission**  
173 Main Street  
Groton, MA 01450  
(978) 448-1106  
Fax: 978-448-1113  
[ngualco@townofgroton.org](mailto:ngualco@townofgroton.org)



**Groton Conservation Commission**  
**Meeting Minutes**

Tuesday, April 24, 2018 @ 7:00 p.m.  
Town Hall, 2<sup>nd</sup> Floor

Present: Olin Lathrop, Bruce Easom, Marshall Giguere, Eileen McHugh, Lawrence Hurley (clerk), John Smigelski (Chair)  
Absent: Peter Morrison (Vice Chair)  
Others Present: Nikolis Gualco, Conservation Administrator

Chairman Smigelski called the meeting to order at 7:01 p.m.

**1.0 APPOINTMENTS AND HEARINGS\***

- 1.1** 7:00 p.m. – NOI, 120 Lost Lake Drive, for the construction of a single-family home addition, MassDEP# (not yet received).

Applicant: Erica and Ryan Monat  
Representative: David Cowell, Hancock Associates

D. Cowell began the public hearing by providing proof of mailing to N. Gualco and providing a summary for the proposed project. The project involves the construction of a single-family home addition and a connection deck within the 100 wetlands buffer zone and Riverfront area. Seven (7) large white pine trees and two (2) large red oak trees would need to be removed for this project. After summarizing the project, he stated that the Commission would not be able to close due to the fact that he had not received a MassDEP filing number nor a letter from Natural Heritage regarding the proposed project's impact on Priority Habitat. D. Cowell continued by stating that he learned that during the site walk on Saturday, April 21, 2018, the Commission documented what appeared to be conservation boundary markers (4" x 4" wooded posts) arching around the home.

D. Cowell continued by providing a suit of mitigation options for the proposed addition. These included: (1) the planting of native vegetation at a ratio of 3:1 for the trees removed; (2) the removal of several invasive species (e.g., glossy buckthorn, multiflora rose, bittersweet) along the wetland cove area; (3) full stormwater infiltration for the proposed structure utilizing the existing dry-wells; (4) other enhancements on the upland area across the brook including the creation of wildlife habitat (wood duck boxes and turtle nesting areas were discussed).

L. Hurley asked what the plan for the fill associated with the creation of the structure's foundation was, to which D. Cowell answered that it would be removed from site.

E. McHugh pointed out that the 50-foot buffer runs right into the current corner of the house and half of the proposed connection deck would be within the buffer.

M. Giguere asked about the upkeep and maintenance for the proposed wildlife habitat and areas of invasive species mitigation. He continued by stating that the Commission could add a maintenance requirement in the Order. He finished his questions by inquiring about the possibility of adding a Conservation Restriction on the property to off-set the proposed permanent structures being added to the 100-foot buffer zone. D. Cowell reported that the applicant was willing to entertain the option of a CR.

B. Easom asked D. Cowell to locate the posts found on-site on the site plan for evaluation at the next meeting. He then commented that, to him, these posts looked like conservation markers, which would typically demarcate an area of no disturbance.

O. Lathrop commented that he had a number of concerns and pointed out the temporary nature of much of the proposed mitigations (invasive species removal, wildlife habitat enhancement) as opposed to the permanent nature of the proposed addition.

At this time, N. Gualco showed the Commission a copy of the site plan and Order of Conditions for MassDEP#169-730, which was issued on July 11, 2000. He then read Condition #39, which states that the “After completion of the work, the applicant shall permanently mark the edge of disturbed areas to ensure no further inadvertent encroachment into wetland. The applicant shall instruct all agents to explain these markers to buyers/lessees/landscapers and all persons taking over the property from the applicant.”

E. McHugh suggested that the applicant may think about how they can diversify the composition of the forest and wetland areas they are proposing mitigation.

D. Cowell then stated that he would return to the site, take photos, and bring back information on the species composition and general conditions of the upland area across the brook.

Upon a motion by E. McHugh, and seconded by L. Hurley is was;  
VOTED: to continue the open hearing for 120 Lost Lake Drive, MassDEP# (not yet received) to May 8, 2018. The motion passed with a unanimous vote.

**1.2** 7:15 p.m. – NOI, for the upgrade of an existing septic system, 33 Ridgewood Ave, MassDEP# 169-1174

Applicant: Gerrett & Judith Durling  
Representative: Jack Maloney, Ducharme & Dillis Civil Design Group, Inc.

J. Maloney began the meeting by providing proof of mailing to N. Gualco. After this, he continued by explaining the project as it is proposed, which involves the installation of an E-One pump system to a new 1,500-gallon septic tank and leaching facility. It also involves the

removal of an existing “PT” wall and the construction of a new “Redi-Rock” block wall with stairs.

E. McHugh asked about mitigation for the removal of the large red oak tree. G. Durling responded to this by stating that he plans on removing several hemlocks that are diseased. He plans to replant this vegetation, but due to the steepness of the site, which will require the trees be craned out, and the associated costs he plans to do this project in the coming years. However, in the meantime, G. Durling discussed the idea of planting shrubs along the slope on the southwest side of the house as a means of stabilizing the slope and mitigating the loss of vegetation.

M. Giguere commented that he is supportive of converting cesspools to septic systems whenever possible along the lake.

B. Easom, O. Lathrop, and L. Hurley each commented that they were fine with the project and had no issues.

J. Smigelski commented that he like the idea of planting shrubs down the side of the house where the cesspool will be removed. He recommended that these shrubs be shade tolerant as those will be the most likely to succeed in this area.

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

VOTED: to close the public hearing for 33 Ridgewood Ave, MassDEP#169-1174. The motion passed by unanimous vote.

- 1.3** 7:30 p.m. – RDA, Eliades Conservation Area, for treatment of the invasive species autumn olive, (Groton Invasive Species Committee).

Applicant: Olin Lathrop, on behalf of the Groton Invasive Species Committee

O. Lathrop gave an introduction to the proposed project, which involves the treatment of an infestation of autumn olive at the Eliades Conservation Area. Large diameter plants will be cut by hand, small diameter plants will be mowed, and all cut/mowed vegetation will be treated with herbicide. This site is within priority habitat and therefore the timing of the proposed management will follow the requirements of NHESP.

N. Gualco shared that NHESP had communicated that they had reviewed the submitted management plan and require work is restricted to September 15 through May 1.

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

VOTED: To issue a Negative # 3 Determination of Applicability subject to the following conditions: (1) Work done in accordance to the 'Eliades Conservation Management Plan' dated April 19, 2018 and; (2) In order to comply with MESA, all work shall comply with the requirements delivered by NHESP. The motion passed by unanimous vote.

**1.4** 7:45 p.m. – NOI, 2 Alder Road (cont.), for the replacement of a failing cesspool with a holding tank, MassDEP#169-1173.

Applicant: Kyle Bargoot & Heather Turcotte  
Representative: Steve Sears, David E. Ross Associates, Inc.

S. Sears began the continuation by sharing a revised site plan that shows the location of seven (7) mature trees, including their approximate diameters. These trees, S. Sears reiterated, will not be removed or altered during the proposed work.

Upon a motion by B. Easom, seconded by E. McHugh it was;  
VOTED: to close the public hearing for 2 Alder Road, MassDEP#169-1173. The motion passed by unanimous vote.

**1.5** 8:00 p.m. – NOI, 39 Off Prescott Rd (cont.), for installation of a sewage disposal system, relocation of a driveway, and remodeling of an existing single-family home, MassDEP# 169-1171.

Applicant: Rick Salon  
Representative: Jack Maloney, Ducharme & Dillis Civil Design Group, Inc.  
In attendance: Jill McCaffrey, direct abutter

J. Maloney began by presenting a revised site plan based on the comments received by the Commission at its previous meeting on April 10, 2018. The changes included the proposed removal of a section of a deck on the pond, the addition of a detail showing how the slope along the retaining wall that is proposed for removal will be stabilized with boulders, and further detail on how the stormwater will be drained from the entire house (via drip edge infiltration trench and a dry well). J. Maloney stated that the footings would be left intact in the area of the removed dock as their removal would result in a destabilization of the bank. This is because two large pine trees would need to be removed to access the footings.

O. Lathrop then stated that even with the revisions, the ask to build a permanent structure in the 100-foot buffer seems to outweigh the gain for the environment.

E. McHugh spoke to R. Salon and, while she appreciated the proposed mitigations, expressed her concern with allowing the construction of the amount proposed permanent structure within the 100-foot buffer.

J. McCaffrey expressed concern about the impact of the project as a whole on the shoreline of the pond. She stated that it was her belief that more trees would be taken down in the buffer zone than the applicant has disclosed. At this time, J. McCaffrey and J. Maloney entered into a dialog about the details of the project for several minutes.

Upon a motion by E. McHugh, seconded by B. Easom it was;  
VOTED: to close the public hearing for 39 Off Prescott Street, MassDEP#169-1171. The motion passed by unanimous vote.

## 2.0 GENERAL BUSINESS\*

### 2.1 Correspondences

#### 2.1.1 Groton Inn, 128 Main Street, MassDEP# 169-1109 – Request for Occupancy Permit.

N. Gualco read the boilerplate condition pertaining to an applicant applying for an Occupancy Permit. The condition requires the applicant submit an as-built plan, written statement by a professional engineer or surveyor, and a step-by-step plan for how the applicant plans to finalize the project ultimately culminating in the filing of a request for Certificate of Compliance. N. Gualco asked the Commission if they are amenable to him signing the occupancy permit if he receives all the aforementioned materials or if the Commission would like to first review said materials. It was agreed that the Conservation Administrator may use their discretion so long as the required materials are received.

#### 2.1.2 Warrant Article (Surrenden Farm), letter of support from the Groton Conservation Trust.

N. Gualco presented a letter to the Commission, which was sent by the Groton Conservation Trust expressing support for Warrant Article 26, the extension of the Surrenden Farm license term to 10 years. Ted Lapres of the Trust communicated to N. Gualco that there would be members of the Trust at Town Meeting to speak in support of the article.

### 2.2 Order of Conditions

#### 2.2.1 54 Ridgewood Ave, MassDEP# 169-1172.

Upon a motion made by B. Easom, and seconded by E. McHugh it was;  
VOTED: issue an Order of Conditions under the Groton Wetlands Bylaw as drafted for 54 Ridgewood Ave, Mass DEP#169-1172. The motion passed by a majority vote: (**Yes:** JS, EM, OL, BE, LH; **No:** MG).

Upon a motion made by B. Easom, and seconded by O. Lathrop it was;  
VOTED: issue an Order of Conditions under the Wetlands Protection Act as drafted for 54 Ridgewood Ave, Mass DEP#169-1172. The motion passed by roll call vote: The motion passed by a majority vote: (**Yes:** JS, EM, OL, BE, LH; **No:** MG).

### 2.3 Certificate of Compliance

#### 2.3.1 33 Winding Way (“Lot B-39”), MassDEP# 169-749.

Upon a motion made by B. Easom, seconded by E. McHugh, it was:  
VOTED: to issue the Certificate of Compliance for 33 Winding Way, MassDEP#169-749 contingent upon the installation of conservation markers to the satisfaction of the Conservation Administrator. The motion passed by unanimous vote.

## 2.4 Approve Meeting Minutes

### 2.4.1 March 27, 2018

Upon a motion by E. McHugh and seconded by M. Giguere it was:  
VOTED: to accept the March 27, 2018 meeting minutes. The motion passed by a majority vote (**Yes:** BE, MG, OL, LH; **Abstain:** EM, JS).

### 2.4.2 April 10, 2018

The accepting of the meeting minutes for April 10, 2018 was tabled until May 8, 2018 to allow for additional time for the Commission's review.

## 2.5 Invoices

The Commission approved the payment of \$162.25 to the Groton Herald for the publishing of three (3) legal notices.

## 2.6 Land Management

### 2.6.1 Surrenden Farm

Nothing was reported on Surrenden Farm land management.

### 2.6.2 Sargisson Beach

L. Hurley reported that the Sargisson Beach Committee is working to get the beach open for the 2018 beach season.

### 2.6.3 "Reedy Meadow Estates – Open Space Parcels"

N. Gualco showed pictures taken during the site walk on April 21, 2018 which show dirt bike/ATV tracks in the old sand pit located adjacent to the new development ("Olivia Way"). The photos also showed numerous trees tapped (for sap) as well as several clusters of Japanese barberry established along the bank of Reedy Meadow Brook.

The Commission discussed these matters for several minutes. It was decided that N. Gualco will send out a letter to the neighbors of the Conservation Areas reminding them of the regulations for use of conservation land as well as specifically calling out ATV usage and tapping trees. Additionally, N. Gualco will post a copy of the Regulations on the Conservation Area sign and signs indicating 'No Motorized Vehicles' around the property.

### 2.6.4 Conservation Area Signs

N. Gualco shared that the Commission had previously authorized him to spend up to \$300 on the purchase of a Conservation Area sign for the "Helen M. and Fritz Walker Conservation Area,"

however he has learned that the expense to create a heavy duty polyethene is cost prohibitive unless you buy multiples. The reason is because the majority of the cost is the materials and the company sells 4' x 8' plastic sheets. Therefore, since you have to buy an entire sheet with your purchase it behooves the buyer to maximize the amount of used plastic. The Commission discussed this for several minutes. O. Lathrop mentioned a contact that may be willing to help with the creation of the signs at a cheaper rate (John Ellenberger). L. Hurley asked that N. Gualco to send him the quote so he could review it. N. Gualco agreed to send to quote to the Commission.

## **2.7 Other Discussions**

### **2.7.1 Keystone Training**

N. Gualco and E. McHugh shared with the Commission some of their experience at the annual Keystone training in Petersham, MA. They shared that they planned to bring an inclusive process into the update of the Open Space and Recreation Plan.

### **2.7.2 199 Duck Pond Road**

N. Gualco shared several photos of a recent site walk in which he documented nine large trees (eight white pine, one coppiced oak) that the homeowners had requested permission to remove. The trees, with the exception of the oak, are on Conservation Land. The Commission agreed that the trees could come down but asked that the homeowner leave 12' of the trunk to offer wildlife habitat. In addition, a request was made to leave some slash on the ground around the trees. The area will be left to revegetate naturally.

## **2.8 Committee Updates/Announcements**

No reports were given.

## **3.0 Open Session for topics not reasonably anticipated 48 hours in advance of meeting\***

### **3.1 Emergency Certificate: 28 Ridgewood Ave**

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

VOTED: to ratify the emergency certificate for 28 Ridgewood Ave for the removal of four (4) hazard trees. The motion passed by unanimous vote.

### **3.2 Boathouse Road – Encroachment of Conservation Land.**

N. Gualco reported on a call he had received from an anonymous resident about encroachment (dumping/storage of hoarded materials) on a parcel of Commission owned conservation land off Boathouse Road. N. Gualco reported that a survey had been done recently on adjacent land that confirmed the encroachment. The Commission discussed this for several minutes and finally instructed N. Gualco to get a quote for cleaning up the encroached materials.

Upon a motion by B. Easom, seconded by M. Giguere it was;  
VOTED: to move to executive session not to return to the open meeting at 9:04 p.m. The motion passed by roll call vote (**Yes:** OL, BE, MG, EM, LH, JS).

Respectfully submitted,  
Nikolis Gualco, Conservation Administrator, Town of Groton

**Exhibits on file:**

- 1. NOI, 120 Lost Lake Drive**
- 2. NOI, 33 Ridgewood Ave, MassDEP#169-1174.**
- 3. DOA, Eliades Conservation Area (O. Lathrop)**
- 4. NOI, 2 Alder Road, MassDEP#169-1173.**
- 5. 39 Off Prescott Road, MassDEP#169-1171.**
- 6. Email, Request for Occupancy – Groton Inn (128 Main Street), MassDEP#169-1109**
- 7. Letter, GCT Support for GCC Warrant Article 26.**
- 8. OOC, 54 Ridgewood Ave, MassDEP#169-1172.**
- 9. COC, 33 Winding Way, MassDEP#169-749.**
- 10. Meeting Minutes, March 27, 2018**
- 11. Invoice, Groton Herald for \$162.25**
- 12. Site Walk Photos**
- 13. Emergency Certification Form, 28 Ridgewood Ave**

**Accepted on: May 8, 2018**