



**TOWN OF GROTON
Conservation Commission**

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**Groton Conservation Commission
MEETING MINUTES
November 27th, 2018**

Present: John Smigelski, Chair; Peter Morison; Larry Hurley; Eileen McHugh; Marshall Giguere; Olin Lathrop, Vice Chair (arrived at approx. 7:15 p.m.)

Absent: Bruce Easom, Clerk

Others present: Nikolis Gualco, Conservation Administrator, Town of Groton

When: Tuesday, November 27th, 2018 @ 6:30 p.m.

Where: Town Hall, Second Floor Meeting Room

- 1.1 6:30 p.m. – RDA, 279 Main Street, for the conversion of an asphalt driveway to lawn (Schwartz Family Trust).

Representatives: Atty. Robert Collins & Stan Dillis, Ducharme & Dillis

Atty. Collins summarized the proposal and displayed drawings showing the building design. The proposal would reduce the total pervious area of site. The project has already been reviewed by the Zoning Board of Appeals and Earth Removal and Stormwater Committee. Stormwater issued limited stormwater permit.

The Commission had no questions.

Upon a motion by M. Giguere, seconded L. Hurley, it was:

VOTED: to issue a Negative three determination of applicability to the Schwartz Family Trust for the proposed activities at 279 Main Street under the condition that the erosion controls are inspected by the Conservation Administrator prior to the start of any work.

The motion passed by a unanimous vote.

The Commission then moved to General Business, Item 2.1.1 Gibbet Hill CR Monitoring Report. P. Morrison provided an update of the meeting, which was attended by himself, M. Giguere, O. Lathrop, N. Gualco as well as Jed and Josh Webber and Felicia Bakaj and her associate from MassDCR. Morrison detailed the plan for the Webbers to remedy the issues found during the June monitoring event. The Webbers agreed to approach the encroaching abutter and to work

with NRCS to develop a Farm Plan. Additionally, DCR and the Town agreed to allow the Webbers to keep the farm parking area that exists outside the agreed upon building envelope. In order to accommodate the needs of the farm, all parties agreed to memorialize the current farm parking by taking GPS points. The parking area will be improved by the addition of a pervious surface material in the future. A letter will be sent to the Webbers summarizing all that was discussed at the meeting.

The Commission then continued with General Business and moved to Item 2.1.2 Surrenden Farm West – red pine removal update. N. Gualco informed the Commission that the cutting has begun, which has thus far consisted of defining the landing area.

1.2 6:45 p.m. – RDA, 167 Prescott Street, for renovation work on three cabins at the Baptist Camp (Christian Carpenters, LLC).

Representative: Aaron Torres

A. Torres presented the proposed work, which involves replacing the front entry ways on three cabins, two of which are located within the buffer zone of nearby wetland area. Additionally, three trees that were flagged for removal were discussed. It was determined that these trees are outside of the buffer zone and are therefore not jurisdictional.

E. McHugh asked questions about the limit of work and how the contractor would mitigate any threat to the resource area as well as how they would communicate the sensitivity of the wetland area to builders. It was agreed that erosion controls would be installed and signs posted indicating the environmental sensitivity of the wetland areas.

Upon a motion by M. Giguere, seconded L. Hurley, it was:

VOTED: to issue a Negative three determination of applicability to Christian Carpenters, LLC for the proposed activities at the Baptist Camp at 167 Prescott Street under the following condition:

1. The applicant shall establish a 20 buffer between the wetland areas and the cabin and marked by a line of erosion controls.
2. For each cabin where a wetland buffer area is established (see above condition) a sign shall be posted stating “No Disturbance Beyond This Point – Sensitive Wetland Area.”
3. All construction materials shall be stockpiled outside of the wetland buffer zone (e.g., one-hundred linear feet from the edge of the wetland area).

The motion passed by a unanimous vote.

The Commission then moved back to General Business, Item 2.9 and invoices (Groton Herald, Surrenden Farm invasive species management, Bay State Forestry sale administration) were signed.

- 1.3 7:00 p.m. – NOI (cont.), NOI, Groton Country Club (94 Lovers Lane), for the replacement of approx. 930 feet of irrigation lines.

Applicant: Shawn Campbell, Country Club Manager

S. Campbell presented the proposed work at the country club, which will involve installing a new irrigation line across the surface of the wetlands surrounding Cady Pond. None of the work will involve digging in the wetlands and only a minimal amount of vegetation trimming will be required – the amount needed for a man to pass through any area with the pipe.

L. Hurley asked when the work would occur and Campbell responded it would be during the winter when the ground is completely frozen.

M. Giguere asked if any excavation would be required around the putting green. Campbell replied that it may be necessary to excavate in this area, but stated that he is agreeable to installing erosion controls as a mitigation measure.

N. Gualco reported that MassDEP had not issued a case number yet and therefore the public hearing could not be closed.

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

VOTED: to continue the public hearing for the Groton Country Club NOI until December 11, 2018 to allow MassDEP time to review the NOI and issue comments. The motion passed by a unanimous vote.

The Commission then returned to General Business, Item 2.6 Order of Conditions – Extension Permit, 169-1062, Boynton Meadows. The Commission also discussed business still pending, which included a Conservation Easement and Trail Easement that needed finalizing and recording as well as a deposit of \$25,000 into the Conservation Fund all of which were part of the negotiations for permitting the Boynton Meadow development.

Upon a motion by P. Morrison, seconded L. Hurley, it was:

VOTED: to issue an extension to Order of Conditions, MassDEP#169-1062 for three years. The motion passed by a unanimous vote.

The Commission then continued with General Business, Item 2.8 and approved meeting minutes for October 23, 2018 as revised.

Upon a motion by P. Morrison, seconded L. Hurley, it was:

VOTED: to accept and release the minutes for October 23, 2018 as revised. The motion passed by a unanimous vote.

The Commission then continued with General Business, Item 2.5 Committee Updates/Announcements. E. McHugh announced that the Open Space and Recreation Plan Advisory Group had been making good progress and that a final draft of the Open Space Plan would be available for public review soon.

- 1.4 7:15 p.m. – NOI (cont.), NOI, for the construction of a shared driveway on the lot adjacent to 419 Old Ayer Road, filed by Patricia Madigan.

Representatives: Atty. Robert Collins & Stan Dillis, Ducharme & Dillis

Atty. Collins presented plans for the driveway including remediation required for the wetlands crossing. Collins also mentioned the plans to put a Conservation Restriction on the back side of the parcel. The big picture involves the creation of three new houses, which will be accessed by the driveway under discussion.

P. Morrison asked how many acres of the hay field would be protected by the proposed CR. Collins indicated it would be approx. 5 acres preserved in the hay field and another 12 acres of forest lands along the backside of the property.

M. Giguere mentioned that he had driven by the site recently and witnessed several lamp posts lining the way to the septic system at 419 Old Ayer Road. He admitted that this had no bearing on the business ahead of him, but he did want to know if Collins or Dillis knew anything about this matter, to which he learned that they did not. He then asked for some sort of site plan indicating where the areas to be preserved by the Conservation Restriction be presented and that this request may be included as a condition in the Order.

L. Hurley asked about four houses being located on a common drive. Collins indicated that they had been before the Zoning Board of Appeals and had received a variance.

P. Morrison asked about feasibility of putting an Agricultural Protection Restriction on the property, to which he heard Collins reply that this would not be the best option for the particular project. Collins stated that the means of preservation will be via conditions in the special permit they will apply for with the Planning Board in the future.

Collins indicated that the project was reviewed (unofficially as the area of work is outside of Priority or Estimate Habitat) by Jesse Leddick of the Natural Heritage and Endangered Species Program who Collins appeared to be in favor of the proposed CR.

Upon a motion by P. Morrison, seconded L. Hurley, it was:

VOTED: to close the public hearing for MassDEP#169-1182. The motion passed by a unanimous vote.

- 1.5 7:30 p.m. – RDA, Carol Wheeler Park, for the removal of a dying tree (Park Commission).

No representative was in attendance for the Park Commission. The Conservation Commission discussed the business of the proposal.

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

VOTED: to issue a Negative two determination of applicability for the removal of a drying tree at the Carol Wheeler Park in West Groton under the following special condition: the Park Commission take necessary steps to verify ownership of the tree. The motion passed by a unanimous vote.

The Commission then moved to Item 3.0, Topics not reasonably anticipated with 48 hours of the public meeting and heard a request for a minor site plan change for 39 Off Prescott Street, MassDEP#169-1171. Josh Degan announced that he was not at the meeting as a town official but as the owner of Earthworks representing his client, Rick Salon of 39 Off Prescott Street. Degan requested permission to ignore condition #53, which required that a line of erosion controls be installed between the wooden retaining wall (to be removed) and the low water line during work on said wall. He indicated that due to seasonally high-water line at Lost Lake it was impossible to install the additional erosion controls. He stated that he would be able to place the boulders with the excavator from shore with little to no impact to the lake (e.g., erosion). Degan continued and requested permission to remove an additional retaining wall that was discovered under the dock to be removed in front of the house. Said wall is comprised of old wooden timbers on top of a cement footing. This second wall was not known during the permitting period as it was hidden by the old dock. Degan proposed that he replace the wooden timbers with boulders to stabilize the bank.

The Commission discussed for several minutes the details of the proposed changes and the overall feasibility of the work. Two motions were made:

Upon a motion by P. Morrison, seconded L. Hurley, it was:

VOTED: to approve the proposed change to the site plan for MassDEP#169-1171 as a minor site plan change and allow J. Degan of Earthworks to proceed in replacing the wooden wall with a boulder wall and due to the seasonally high-water level without installing the additional erosion controls. The motion passed by a unanimous vote.

Upon a motion by P. Morrison, seconded L. Hurley, it was:

VOTED: to approve the proposed change to the site plan for MassDEP#169-1171 as a minor site plan change to remove the wooden retaining wall under the section of existing deck identified on the plan of record (“Proposed Site Plan – 39 Off Prescott Street,” prepared by Ducharme and Dillis CDG, dated 3/5/18 and revised on 4/23/18) as being ‘to be removed’ and replace it with a boulder wall so long as said wall does no encroach further into the lake. The motion passed by a unanimous vote.

Agenda Items 1.6 & 1.7 – both discussions were cancelled due to scheduling issues.

- 1.8 8:05 p.m. – RDA, Petapawag Conservation Area, for treatment of approx. a dozen ash trees against the emerald ash-borer.

Applicant: Olin Lathrop, Invasive Species Committee

Lathrop presented the proposal, which included permission to inject approx. a dozen ash trees with pesticide. E. McHugh stated that while she supports the idea of preventative measures against invasive species, she believes that the nature of the work is beyond the expertise of Mr. Lathrop and suggested that it may be more appropriate to hire a licensed arborist. The Commission discussed this matter for several minutes.

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

VOTED: to issue a Negative two determination of applicability for treatment of approx. a dozen trees with pesticide. The motion passed by a unanimous vote.

The Commission then returned to Item 3.0, Topics not reasonably anticipated with 48 hours of the public meeting and heard a request from Peter Cricones, builder at Reedy Meadow Estates, to allow for the temporary discharge of floodwater along Olivia Way onto the abutting conservation land (e.g., the sandpit).

A discussion ensued about the cause of the flooding, the type of pump to be utilized, as well as the means of mitigating erosion on the conservation land.

Upon a motion by P. Morrison, seconded L. Hurley, it was:

VOTED: to allow pumping of floodwater from Olivia Way onto the abutting conservation land under the following conditions:

1. No erosion shall occur on the conservation land.
2. The floodwater shall be diffused across property by surrounding the outflow with haybales and lining the discharge area (area inside haybales) with rip rap.
3. Regularly monitored by P. Cricones or his agents. Proof of monitoring shall be provided to the Commission when requested.
4. This agreement to allow the discharge of floodwater is just for this specific event. If in the future pumping is required, P. Cricones or his agent shall request permission by the Commission to again discharge floodwater on the abutting conservation land.

The motion passed by a unanimous vote.

The Commission then returned to General Business, Item 2.4.1 Other Discussions – 591 North main Street. The Commission discussed its recent site walk with the Real Estate Broker, Ursula Flury, who represents the homeowner. It was decided that the large pile of waste behind the house will need to be removed prior to a Certificate of Compliance being issued. A discussion ensued on the details of how the pile could be removed without causing further damage to the wetlands.

- 1.9 RDA (cont.), 191 Pepperell Road, for the replacement of an existing failed sewage disposal system (G. Miller).

No one was in attendance for this meeting. N. Gualco mentioned that he had recently inspected the installed erosion controls and noticed that they were not entrenched. He checked the plan and discovered that there was no plan for entrenching. Finally, Gualco indicated that had contacted the contractor and informed him that he will be asking the Commission to require the erosion controls be entrenched.

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

VOTED: to issue a Negative two determination of applicability for the proposed work at 191 Pepperell Road so long as the silt fence is installed correctly and appropriately entrenched. The motion passed by a unanimous vote.

9:19 p.m.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:

VOTED: to move to Executive Session pursuant to MGL Ch. 30A, Sec. 21(6) “To consider the purchase, exchange, lease, or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.”

The motion passed by a roll call vote (**Yes:** M. Giguere, E. McHugh, L. Hurley, P. Morrison, J. Smigelski, O. Lathrop).

Minutes respectively submitted by:
Nikolis Gualco, Conservation Administrator.

Approved on: December 11, 2018