



**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  
May 14<sup>th</sup>, 2019**

Present: John Smigelski, Chairman; Olin Lathrop, Vice Chair; Bruce Easom, Clerk; Marshall Giguere; Laurence J. Hurley; Peter Morrison

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

Not present: Eileen McHugh

**6:30 PM** Chairman Smigelski called the meeting to order

The Commission began with agenda item 1.1 RDA (cont.), 11 Town Line Road, for tree cutting within the wetlands buffer zone (C. Falardeau). Property owner Chad Falardeau was in attendance at this evening's meeting. He recapped the history of the issue. He had a tree company taking down trees in the back of his property to make room for his landscaping company's equipment and stopped cutting once he realized he was within the wetlands buffer zone. The area that was cut within the buffer was a small section. Other areas that were cut were away from the buffer zone. He has been in contact with David Ross Associates to review a survey map he has and make recommendations for marking the property for revegetation. He inquired to the Commission if he will be able to clean up the sticks and debris in front of the buffer zone. He confirmed there were about a dozen trees that were cleared within the buffer zone. B. Easom inquired how the wetland was determined, was it through soil logs? O. Lathrop commented that he would like to see the plan with details of what exactly will be done to remedy the issue. C. Falardeau commented that he illustrated where there will be revegetation within the buffer on the plan. At the request of the Commission, C. Falardeau made adjustments to the plan showing the work around the buffer zone using a scale. Upon a motion by P. Morrison, seconded by O. Lathrop, it was recommended to approve the RDA by a unanimous vote, under the following conditions:

There is revegetation within the 100 ft buffer zone. That C. Falardeau will level out the area from the depression area that the machinery caused, per the plan signed and dated this evening, May 14<sup>th</sup>, 2019.

6:55 pm the Commission moved to agenda item 1.2 NOI, 100 Boathouse Road, for renovation work on an existing single-family home (MassDEP #169-1185). B. Easom read the NOI. Jack Maloney from Ducharme Associates was in attendance this evening on behalf of the homeowner. He described the project plan which includes the relocation of the septic system and parking area. It will include building new retaining walls, replacing some walls and stairs. Some large trees will be removed, for which he included a list of the trees and plantings planned in replacement. L. Hurley inquired on the sequence of events. J. Maloney answered that they will remove the existing wall and install the septic tanks first. There will be an excavator to remove the old tank and install the new. There will be a stockpile of materials that they will take out. L. Hurley requested that the debris is covered. It was inquired what will happen with the old driveway, which was answered that it will remain. M. Giguere inquired on the gray dash line. It will be the limit of disturbance. Hay bails and silt fencing is likely to be used. M. Giguere noted there will be the likelihood of rain and a lot of moveable material present. He would like to see confirmation of erosion control methods in the plan. He would also like to see a more specific list of wetland plantings the homeowners propose to do that will provide habitat. N. Gualco commented that he has a list of native plants that can be used for this purpose. B. Easom would like to better understand what is being used to measure the water table. J. Maloney will look into this. It was questioned how the excavation company will address the soil removal. This was answered that it is handled by the excavating contractor and J. Maloney will confirm. He is confident there is room for the excavating equipment. It was questioned what else will happen within the 50-foot buffer to which he answered that there will be removal of some retaining walls and repair of existing stairs. There was a question of what type of work the homeowners plan to do on the house. The plan is to eventually build up and not out. The foot print of the home will not change. It was questioned how the homeowners plan to address the change in roof runoff. M. Giguere noted that even though the foot print will not change, there is an assumption that a dumpster will be used and he would like to know the location of the dumpster. Upon a motion by P. Morrison, seconded by L. Hurley it was voted to continue the public hearing at the May 28<sup>th</sup> meeting by a unanimous vote. The Commission discussed addressing the roof line, drop control, list of plants and dumpster location to be added to the proposal.

7:15 pm the Commission moved to section 1.3 NOI, 716 Lowell Road for the repair of an existing concrete patio (MassDEP# not yet assigned). B. Easom read the NOI for which the homeowner will be replacing a patio within priority habitat area. M. Giguere expressed that he should use booms to catch what could potentially fall into the resource area. B. Easom also expressed concern that concrete does not fall in. L. Hurley inquired about the design of the booms to which he was answered that it is one large boom with curtains. The original concrete pans will remain and be used in the construction of the new patio. B. Easom recommended that the DEP number be assigned before the Commission recommends to close the NOI. It can be voted on at the next Commission meeting.

7:25 pm the Commission moved to section 1.4 RDA 19 Baby Beach Road, for the removal and replacement of two existing retaining walls and installation of a privacy fence (S. Dean). S. Dean showed the commission a plan he created to replace the lower retaining wall along the water line and install a new

retaining wall at the upper portion of the slope of his yard. The work had already begun as a result of a tree falling and damaging the wall. When he was informed of the permitting processes needed because of his location near a resource area, he stopped work. He described the original lower wall along the water as in bad shape, old and rotting. B. Easom commented that because work is being done in the resource area that he recommends an NOI be filed. He referenced the guideline that if work is extensive, then an NOI is recommended. O. Lathrop asked the condition of the yard prior to the tree falling to which S. Dean replied it was very similar to what it is now. He commented that the tree that fell was located up near the road, it was not in the yard. The Commission reviewed photos that were available from 2014 that showed the lower wall. The water level in these photos was so low, that the wall appeared to be in a different location. The photos showed the condition of the original wall which was in line with S. Dean's description. P. Morrison stated that he was also leaning toward an NOI because this would require better documentation and recorded measurements. N. Gualco confirmed that filing a NOI will require the work to stop. N. Gualco confirmed with S. Dean that there are erosion controls currently in place. P. Morrison suggested that the lowest wall has another level of permeable pavers added to the top. N. Gualco told S. Dean that he would find out the specs of the permeable pavers. The Commission discussed if he should do this now to address the amount of dirt on the hill. M. Giguere was not as concerned and was satisfied with the current erosion controls. O. Lathrop expressed concern with the amount of concrete and no vegetation. P. Morrison replied it was not very vegetated originally. S. Dean requested if the process could move quickly so that he could return to the work and address the amount of dirt in his yard. P. Morrison and M. Giguere discussed they would like to see distances and dimensions marked in a plan for an RDA.

P. Morrison moved to accept the RDA under the following conditions: there are pavers used on the lower wall; measurements are taken for demarcation; the commission reserves the right to inspect the work at any time. The commission voted as follows:

AYE: L. Hurley, P. Morrison, J. Smigelski

NAY: B. Easom, M. Giguere, O. Lathrop.

M. Giguere then moved for the RDA to a positive 3 to which the following replied:

AYE: B. Easom, M. Giguere, O. Lathrop.

NAY: L. Hurley, P. Morrison, J. Smigelski

As a result of the two tied-votes the RDA did not succeed. Commissioner E. McHugh was absent from this evening's meeting, the Commission discussed having a vote at the next meeting when she's available. The Commission continued to discuss. The lower wall sits in the water and the Commission discussed if this should be a reason for a NOI as the wall is in the resource area. It was discussed that the work can be done out of the resource area, where S. Dean does not physically have to do work within the water, but will work at it from the top, potentially under an RDA. The Commission had a discussion about if this situation is better suited for an RDA or NOI. The Commission recommended S. Dean continue the RDA and consider filing a NOI. At this time the RDA has not succeeded. In the meantime, the Commission wanted to ensure that S. Dean maintains stabilization.

Upon a motion by P. Morrison, seconded by B. Easom it was VOTED to continue the RDA to the May 28<sup>th</sup> meeting by a unanimous vote.

N. Gualco explained to the applicant what the options are for next steps. It was recommended S. Dean pull benchmark measurements for the next meeting.

7:57 pm the Commission moved on to item 1.5 NOI, 253 and 271 Hill Road, for the removal of two beaver dams (MassDEP# not assigned). The homeowners were present this evening and reiterated that they are having issues with beavers building dams and flooding the area, including their homes and basements. They hired a licensed trapper during the legal trapping season during which he removed 8 beavers. They would like to get permission to remove the dams. There is significant basement flooding and trees are being compromised. A number of trees have already fallen down. O. Lathrop advised that they keep the water level low so that the beavers do not keep returning, by using a beaver deceiver, to which the homeowners agreed. They will also ensure slow, progressive drainage of the dams to prevent large amounts of mud. P. Morrison discussed that with no DEP number the Commission will have to wait until one is assigned in order to close. B. Easom noted having the order of conditions for the next meeting. Upon a motion by P. Morrison, seconded by L. Hurley it was voted to continue the NOI to the next meeting by a unanimous vote.

8:05 the Commission moved on to item 1.6 RDA, 27 Old Carriage Path, construction of a shed. The homeowner would like to construct a garden shed. N. Gualco visited the site. There is not a lot of vegetation. The proposed area is approximately within the 100 foot zone. The structure will be semi-permanent and set on concrete blocks. Upon testing the soil it appeared as upland soil. The proposed structure is close but not within the 100 foot buffer zone and outside of the Commission's jurisdictional area. The vegetation does not appear to be characteristic of wetland. Upon a motion by M. Giguere, it was VOTED to approve the RDA with a negative 1 determination, seconded by B. Easom by a unanimous vote.

8:10 pm The commission moved to item 1.7 Discussion, 284 Whiley Road, minor site plan change, MassDEP #169-1144. The homeowner provided a summary of what has been done. He has separate permits for the construction of a shed and garage. He is hoping to get building permits. The retaining wall collapsed and the area is not completely stabilized at the moment. It was suggested to continue with the wall and add shrubs. For the patio work it was recommended to use permeable tile to prevent drainage issues. It was also suggested where the retaining wall is constructed that he uses drainage that connects to the driveway drainage. The homeowner is considering using artificial turf in the remaining areas. Near the road he is going to construct retaining walls and stairs to the mailbox. Within the 100-foot buffer he will build a fence. The commission discussed the construction of the garage, of which the foundation will be used a retaining wall so there is less impact on the hill. The existing shed needs extensive repair. The columns were constructed in the early 1900s. The plan is to fix the columns that have shifted first and the homeowner hopes to extend the porch to help increase stabilization. M. Giguere commented that some of the items discussed tonight falls under typical yard maintenance, and the Commission is concerned when work is affecting the topology and resource area. The shed was in the original plan and is not within the wetland buffer zone. He continued to express his concern with permeability of the patio and the retaining wall under the garage and their effects on the area. He would like to see that the property retains permeability as much as possible. He also expressed his concern with altering the stairway and recommended that it does not change too much. M. Giguere continued to express his concern that because there are multiple minor changes to the existing plan may, he wondered if this could actually be considered as a "minor" change. B. Easom expressed his concern that the collapsed retaining wall is being buried with soil and would like to see it removed instead and recommended that plantings be used to re-stabilize the area. He is ok with the garage foundation used as a retaining wall and commented that he

thinks it is an improvement. The porch is closest to the resource area and he is in agreement as long as the structure is stable. O. Lathrop was not receptive to the use of artificial turf as it is not desirable habitat. He would like to see trees added. He was also concerned with the old dock that is currently in poor condition and in the resource area. The homeowner said that it is going to be replaced and the old one will be removed. L. Hurley commented that he likes to see the treatment of invasives. P. Morrison had no additional comments. Chairman Smigelski liked the idea of using the garage foundation as a retaining wall and had no additional comments.

Upon a motion by P. Morrison to accept the minor change in plan as stated in the May 3, 2019 letter at 284 Whiley Road, DEP #169-1144 seconded by L. Hurley it was VOTED in favor by a majority vote of 3 to 2.

AYE – P. Morrison, L. Hurley, M. Giguere

NAY - O. Lathrop, B. Easom

ABSTAIN: J. Smigelski

8:45 the Commission moved on to item 2.1.1 Land Management, Review of Gibbet Hill Farm Plan. N. Gualco updated on the CR inspection that Gibbet Hill is in compliance. He requested a management plan which they have provided. Some revisions include the addition of a mobile chicken coop. They are awaiting approval from the Conservation Commission and the Department of Fisheries and Wildlife. Upon a motion by P. Morrison to accept the farm management plan, seconded by L. Hurley, it was voted in favor by a unanimous vote.

O. Lathrop commented on a large brush pile by Shattuck Street near Gibbet Hill and inquired if it has been determined what it is. N. Gualco responded that Gibbet Hill is addressing it.

8:48 The Commission moved to item 2.2.1 Certificate of Compliance at 10 Rustic Trail, MassDEP#169-977. The Commission reviewed photos from the recent site visit and commented that the large patio in the back is not on the plan. It also appears the patio is a non-permeable surface. B. Easom recommended that this location be put back on the list for a site visit and O. Lathrop suggested comparing it to the original plan. The Commission will put this back on a site visit.

2.2.2 Certificate of Compliance 62 Island Road. N. Gualco reviewed that the project completion ended with the Town gaining 2 feet of Lake and commented on how well it turned out. As per the plan, the homeowners were to replace trees that were cut during construction. Two trees were cut, and only one replaced. With the increase in lake access, the Commission did not find an issue. Upon a motion by M. Giguere, seconded by P. Morrison it was VOTED to issue a certificate of compliance by a unanimous vote.

2.2.3 Certificate of Compliance 68 Hayden Road. Upon a motion by B. Easom, seconded by L. Hurley it was VOTED to issue a certificate of compliance by a unanimous vote.

2.2.4 Certificate of Compliance 49 Island Road. The certificate was supposed to be for the patio and a septic system was referenced in the letter. There was a plan for natural vegetation. Forsythia and witch hazel exists and Natural Heritage requested more natives. At this time, this is no longer a priority area. B. Easom recommended reconnecting with Natural Heritage. Upon a motion by B. Easom, seconded by P. Morrison it was VOTED to issue the certificate of compliance under the conditions that Natural Heritage approves the site plantings.

The Commission then moved to item 2.3.1 Other Discussions - Trimper Parcel Acquisition – Update on Planning Board Special Permits. The Planning Board has been consulted as there are three houses on the common driveway. The Zoning Board of Appeals is now also involved and the issue is being continued to Wednesday May 15<sup>th</sup>. The Commission is continuing to move forward with the acquisition.

The Commission moved to item 2.4.1 Violations and Enforcement – 419 Old Ayer Road MassDEP#16901168. N. Gualco has spoken with the homeowner’s attorney Bob Collins and they discussed the light posts and erosion controls. N. Gualco requested a site walk to ensure compliance. B. Easom recommended they continue with erosion mitigation until the machinery is removed. This will be continued at the next meeting.

The Commission moved to item 2.5 Committee Updates / Announcements. B. Easom reported that for the CPC he needs to provide a report to DOR about CPA projects that have involved land activity in the past 2-3 years. N. Gualco will get the information for him. B. Easom also reported that the \$100k in CPA funding for the Commission was approved at the recent Town Meeting.

The Commission moved to item 2.6 approve meeting minutes. Upon a motion by M. Giguere, seconded by P. Morrison it was voted to approve the meeting minutes as amended by a majority vote. B. Easom abstained. The Commission will vote on the April 23<sup>rd</sup> minutes at the next meeting.

At 9:05 upon a motion by P. Morrison, seconded by B. Easom it was voted to adjourn this evening’s meeting by a unanimous vote.

**Minutes Approved: June 11, 2019**

Minutes respectfully submitted by Naomi Campbell Siok, per diem recording secretary, Town of Groton.