



**TOWN OF GROTON  
Conservation Commission**

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**Groton Conservation Commission  
MEETING MINUTES  
August 13, 2019**

**Present:** John Smigelski, Chairman; Eileen McHugh, Clerk; Marshall Giguere; Olin Lathrop; Bruce Easom

**Not present:** Laurence J. Hurley, Vice Chair; Peter Morrison

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

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

The Committee began with item **1.1 RDA, 310 Old Ayer Road, for the installation of stone pavers (D. Zeiler)**. E. McHugh read the RDA. The applicant spoke to the Commission and discussed that he had pavers installed at the end of his driveway and was alerted that he needed to inform the Conservation Commission. He described that he has not changed the driveway material and water flows the same. Chairman Smigelski invited Commission members to comment. E. McHugh had no issue with the work. M. Giguere added that he saw the pavers as an improvement. B. Easom and O. Lathrop had no comment or issue. Chairman Smigelski also did not have a comment. M. Giguere commented on the procedural issue, but nothing else.

Upon a motion by M. Giguere, seconded by E. McHugh, the Commission VOTED for a negative two determination for the RDA at 310 Old Ayer Road, for the installation of stone pavers under no additional conditions. The Commission voted in favor by a unanimous vote.

While waiting to begin agenda item 1.2, the Commission voted on meeting minutes. The commission discussed the minutes from the July 23, 2019 meeting. They discussed some edits.

Upon a motion by E. McHugh, seconded by M. Giguere, the Commission VOTED to accept the July 23, 2019 meeting minutes as amended by a unanimous vote.

The Commission signed invoices.

The Commission then discussed the possibility of creating and sharing a guideline/FAQ document about wetlands for Groton residents. A similar document was put together around 5 years ago by the Commission. This will be revisited at a later meeting.

At **6:40 PM** the Commission discussed agenda item **2.2 Order of Conditions for 19 Baby Beach Road, Massdep#169-1189**. E. McHugh read the Order of Conditions. After reading the Commission discussed. M. Giguere suggested a change to item #61 to include the GELD pole number. B. Easom made a suggestion to item #54 to change the language from “wake” to “wash”. O. Lathrop inquired on item #28 and if the erosion control is installed above the top of the retaining wall. After some discussion it was agreed that the language was sufficient.

Upon a motion by E. McHugh, seconded by M. Giguere, the Commission VOTED in favor of the Order of Conditions for 19 Baby Beach Road, MassDEP#169-1189.

Following the Order of Conditions, E. McHugh read the Bylaw Order of Conditions. O. Lathrop inquired if #4 was a duplicate from the Order of Conditions, to which it was answered that yes, it is. This is done for in the event that an Order of Conditions is appealed, that this point is retained in both documents.

Upon a motion by E. McHugh, seconded by B. Easom it was VOTED to accept the Bylaw Order of Conditions for 19 Baby Beach Road, MassDEP#169-1189 by a unanimous vote.

At 6:50 pm the Commission began discussing agenda item **1.2 NOI, 10 Rustic Trail, for the construction of a patio and renovation of an existing cabin, MassDEP#169-1191**. The applicant discussed that he is hoping to add the existing patio and include a generator and cabin to the open NOI. M. Giguere inquired on the square footage of the patio. The applicant did not know and N. Gualco will try to scale with GIS. M. Giguere also asked about the plan for the cabin. The applicant has the as-builts from when the existing cabin was built and will keep the measurements exactly the same. N. Gualco updated the Commission that he was able to look at GIS and get an approximate measurement of the patio of 1,600 square feet. M. Giguere asked when the patio was installed to which it was answered in approximately 2014/2015. The Commission reviewed the original plan that was submitted for the older OOC. B. Easom commented that on their recent site visit, they used a tape measure to measure the existing cabin and the measurements do not look like the plan. N. Gualco also commented that the plan they were reviewing this evening was from the original construction. It shows the items that were missing from the as built plans. This was originally filed in 2008. The applicant commented on the measurements of the cabin. He plans to scale the house back six inches so there are no problems with the size of the logs and the measurements of the cabin. B. Easom requested that the exact measurements be noted on the plan as they will be used as a basis for determination. B. Easom commented that the patio does not show up on the original plan or as built and stated the work was done without a permit.

It was asked where the water goes when it rains. The applicant answered that it goes into the lawn. He commented there is no erosion and nothing is running into the lake. He commented that the retaining wall has not been changed from the older OOC before the house fire. E. McHugh commented that if the patio plan had been brought before the Commission, she would have requested permeable pavers. She inquired how the patio was built and would like to think of

ways it could be made more permeable. It was discussed if some of the squares could be removed from the patio or circles could be cut in and trees planted where water flows. The applicant requested that holes are not cut along the outside wall of the patio as it will wash away the small retaining wall that was built along the edge of the patio. The Commission discussed what would be an adequate circumference for circles to be cut into the patio to allow for proper drainage. M. Giguere commented that it is not the responsibility of the Commission to engineer the specifics for altering the patio. He commented that if the Commission had been presented with the plan for this patio, he would not have approved of a patio this size. It is within the 100-foot buffer and goes beyond the bylaw. O. Lathrop expressed his concern of what kind of example the Commission is making if they were to approve unpermitted work. B. Easom commented that through the various permitting processes that the applicant has gone through prior to this, he believes there was an awareness of the wetland protection act. He continued to comment that he is leaning toward requesting a smaller sized patio. N. Gualco commented on how much of a reduction of the patio would create appropriate permeability. The Commission discussed alterations of the patio. The homeowner commented that taking out a portion of the patio would require raising the level of the earth. The septic system also needs to be taken into consideration. M. Giguere reiterated that the bylaw states there are to be no permanent structures within the 100-foot buffer. B. Easom commented that he would like to see the situation resolved in that there is no advantage for an applicant to build without a permit versus someone requesting a permit. Chairman Smigelski commented that if the hearing is continued the Commission would like to see a plan that shows infiltration methods, something that sets an example to the public and also addresses the size of the patio. B. Easom commented that measurements and location of the cabin are needed on the plan. He also commented that there are two members of the Commission who are not in attendance this evening that may have more to add to the discussion.

Upon a motion by E. McHugh, seconded by M. Giguere, it was VOTED to continue the NOI hearing for MassDEP#169-1191 to the August 27<sup>th</sup>, 2019 meeting by a unanimous vote.

At 7:37 the Commission discussed item **1.3 NOI Fitch's Bridge repair, 490 Pepperell Road (Groton DPW), MassDEP (not yet received)**. Tom Delaney of the Groton DPW was in attendance at this evening's meeting to discuss. The DPW needs to repair a wall along Fitch's Bridge as pieces of it are falling down. He described the process by which they will perform the repairs. They will have to recreate drainage to make the area more stable. They will use hay bails and will reload fuel at the top of the road. The plan is to use their new equipment to hopefully make the process quick. B. Easom commented that the plan looks straightforward. O. Lathrop asked if the property is on town land, to which he was answered that yes it is mostly. He also wanted to ensure that whatever land is moved doesn't end up in the water. E. McHugh did not have any comments. M. Giguere suggested using a silt curtain. The NOI does not yet have an order number from DEP. Natural Heritage did respond and has no issue with the project.

Upon a motion by E. McHugh, seconded by B. Easom, it was VOTED in favor to continue the NOI to the August 27<sup>th</sup> meeting by a unanimous vote.

At **7:45 PM** the Commission discussed item **1.4 NOI, 7 Baby Beach Road, repair work to three retaining walls, MassDEP (not yet received)**. Contractor Brian Bell was in attendance representing the homeowner. He performed a recent repair for an emergency filing of one of the retaining walls because of erosion and safety issues. The homeowners need to do work on the remaining retaining walls. The original NOI expired in April. O. Lathrop asked if there was work to be done on the retaining wall that is along the water front. The contractor replied that no work is to be done along that retaining wall. All the repair work along the home is done by hand. O. Lathrop commented that he cannot follow the drawing that was submitted and requested a new drawing. The drawing should show a view from the top with the dimensions of the walls with references to a structure on the property. This is needed to understand the scope of the project as well as for when the Certificate of Compliance is issued. E. McHugh also requested to see the location of erosion control. The contractor replied that the erosion controls are still there from the emergency repair. E. McHugh requested that the new drawing show how the area will be restored between the lake and the wall. M. Giguere also requested that the plan show what will be at the top of the project area. E. McHugh asked if there is to be a safety rail, to which it was answered yes and she requested that is also put into the plan. B. Easom suggested the hearing is continued pending the revised plan. The contractor inquired if he could perform any of the work now. It was answered that he cannot do work because a permit needs to be issued. N. Gualco commented that a draft OOC can be put together for the next meeting on August 27<sup>th</sup> to help speed things up.

Upon a motion by M. Giguere, seconded by B. Easom it was VOTED to continue the hearing to the August 27<sup>th</sup> meeting by a unanimous vote.

At **8:00 PM** the Commission began discussing item **1.5 RDA (continued), Parcel 129-162, Baby Beach Road**. D. Jones was in attendance at this evening's meeting. He commented that Natural Heritage had no issue with the project. No Commission members had any comments.

Upon a motion by M. Giguere, seconded by E. McHugh the Commission VOTED in favor of a negative three determination by a unanimous vote. D. Jones had a question on process and when he would be able to do the work. N. Gualco explained that he has approval to do the work. He will mail a copy of the permit and will also send a digital copy.

At **8:03 PM** the Commission discussed item **1.6 ANRAD (continued), 63 Gratuity Road, MassDEP#169-1190**. N. Gualco updated the Commission that the applicant has requested a continuation in order to gather more information.

Upon a motion by M. Giguere, seconded by B. Easom it was VOTED in favor to continue the hearing to the August 27<sup>th</sup> meeting by a unanimous vote.

The Commission discussed item **2.1.1 Fall Town Meeting (October 21, 2019) Warrant Articles**. N. Gualco commented that the Commission will speak about the Land Grant at the meeting. He inquired with the Commission if there are other items to bring to the meeting. He commented that he recently did a site walk at the Trimper Property with two employees from the

Division of Conservation Services as well as Bob Pine (Groton Conservation Trust) on Monday. B. Easom commented that the Massachusetts Historical Society has responded to him in that if artifacts have drifted within the property, there could be potential archaeological significance which would make it a property that the MA Historical Society may be interested in conserving. N. Gualco clarified that the vote at Town Meeting is to give the Commission permission to receive the Land Grant funds.

The Commission moved to agenda item **2.1.2 Status Update on NEESP Temple, MassDEP#169-1104**. N. Gualco updated the Commission that the temple is beginning the Certificate of Compliance process. Engineers are working to close out the project. The final inspection is coming up soon. O. Lathrop noted that he has witnessed a lot of trash in the area and would like to see it taken care of.

At **8:11 PM** the Commission discussed agenda item **2.3 Land Management – Shattuck Homestead**. N. Gualco updated the Commission that now is the perfect time for spraying at this property. The mowing done at the beginning of the season definitely helped.

B. Easom mentioned during agenda item **2.3.2 Land Management – Other Discussions** that he recently visited one of the newly acquired properties at Longley Road, the Fitch Best property. It appeared the field had been mowed. He commented that this is now public land, and the mowing would be considered private use of public land.

At **8:16 PM** the Commission then moved to item **2.4 Committee Updates / Announcements**. E. McHugh provided an update from the Stormwater Committee and mentioned that the Groton School is putting in solar panels. The Commission discussed the Village Meadows project on Townsend Road. N. Gualco mentioned that the work has not come into the buffer area, but part of the offset will come to the Conservation Commission. O. Lathrop expressed that he believes the Commission should get involved as discussions begin about what the Commission will end up with. B. Easom suggested drafting a letter to the Planning Board.

B. Easom updated the Commission that the 2020 Budget was just approved by the Governor and it includes an increase in fees with the Registry of Deeds. The increase in these fees will translate to an increase in the CPC match to \$60 million.

The Commission then reviewed the Village Meadows / Townsend Road project on the projection screen and discussed writing a letter to the Planning Board.

N. Gualco updated the Commission on the Open Space plan. He is working on DCS revisions, which includes some additional information on current use and parking on some of the properties. Michelle Collette has been assisting with gathering data on ADA requirements and what Groton has done at town properties in this respect. The Open Space Committee will be going to Town Meeting to request an additional \$15k to evaluate around 10 more properties.

B. Easom mentioned in a conversation he had with Parks Commissioner Anna Elliot that she expressed dissatisfaction with Community Opportunity Group, the group contracted by the

Commission to complete the Open Space Plan. Conservation Commission members discussed they were overall happy with their experience working with them.

Chairman Smigelski discussed that he would like the Commission to consider a process of how to manage issues like what was presented by 10 Rustic Trail at this evening's meeting. E. McHugh questioned if the Commission should have approached the situation as if the patio had not been built and evaluate that way.

At **8:35 PM**, upon a motion by B. Easom, seconded by E. McHugh it was VOTED in favor by a unanimous vote 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 Committee approved by a unanimous roll call vote. AYE - O. Lathrop, B. Easom, M. Giguere, E. McHugh J. Smigelski

At **8:46 PM** upon a motion by O. Lathrop, seconded by B. Easom it was VOTED to adjourn the Executive Session by a unanimous roll call vote: AYE – O. Lathrop, B. Easom, M. Giguere, J. Smigelski (E. McHugh left the meeting at 8:40 pm).

At **8:46 PM** upon a motion by M. Giguere, seconded by B. Easom it was VOTED to adjourn the Open Session by a unanimous vote.

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

**Minutes approved: August 27, 2019**