



TOWN OF GROTON
Conservation Commission
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Groton Conservation Commission
MEETING MINUTES
September 24, 2019

Present: John Smigelski (JS), Chairman; Laurence J. Hurley (LH), Vice Chair; Eileen McHugh (EM), Clerk; Bruce Easom (BE); Marshall Giguere (MG) (via video call); Olin Lathrop (OL) (arrived at 6:45 PM).

Absent: Peter Morrison

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

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

1.1. 6:30 PM – RDA, 1081 Lowell Road, for the replacement of an existing septic system.

The Commission began by reviewing a RDA for the replacement of an existing septic system. The applicant, N. Vaillancourt, was represented by T. Doucette or Doucette Engineering. No one was in the audience to represent this matter to begin the meeting.

Upon a motion by L. Hurley, seconded by E. McHugh, it was:

VOTED: to continue the public meeting to later in the meeting to allow time for the applicant of their representative to show up.

The motion passed by a unanimous roll call vote (Yes: BE, MG, EM, LH, JS)

2.1.1. Surrenden Farm, red pine follow-up treatment

N. Gualco provided an update on the two red pine stands that were harvested last year. He reported that he has observed very little re-growth of invasive vegetation (e.g., bittersweet, glossy buckthorn). He concluded by stating that Bay State Forestry is planning to conduct a follow-up herbicide application on Thursday, September 26, 2019. The site will be posted in three locations to notify members of the general public of these actions.

2.6 Invoices

The Commission then signed invoices.

2.3.2. COC – Groton Inn, MassDEP#169-1109

N. Gualco reported that he recently conducted a site visit to inspect the slope behind the Forge & Vine building and reported conditions as stable. However, upon reviewing the Order, he also reported that the Inn was required to install conservation markers along the limit of disturbance, as of the time of the meeting this was not completed.

Upon a motion by B. Easom, seconded by E. McHugh, it was:

VOTED: to issue a Certificate of Compliance for MassDEP#169-1109 contingent upon the Conservation Administrator inspecting the conservation markers installed per the plan.

The motion passed by a unanimous roll call vote (Yes: BE, MG, EM, LH, JS)

1.1. 6:30 PM – RDA, 1081 Lowell Road, for the replacement of an existing septic system

At 6:37 PM, the applicant arrived and the public meeting began. T. Doucette represented the homeowner during the discussion. T. Doucette presented the proposal to replace the existing septic system. The system is located immediately adjacent to a wetland resource area and is confined to this area due to set backs pertaining to the drinking water well. He continued and stated that he is currently before the Board of Health for approval. The design calls for a Presby system with a poly-liner.

E. McHugh asked what type of barrier and T. Doucette stated a 40-millimeter PVC impervious barrier. McHugh continued by stating that she would prefer to defer issuing any determination until after the Board of Health review and also wishes to see any trees (over 6" d.b.h.) to be removed and any plans for site restoration added to the plan.

T. Doucette requested a continuation to October 22, 2019 to allow time to revise the plan and to receive Board of Health approval.

Upon a motion by B. Easom, seconded by E. McHugh, it was:

VOTED to continue the public meeting for 1081 Lowell Road to Oct. 22, 2019.

The motion passed by a unanimous roll call vote (Yes: BE, MG, EM, LH, JS)

1.2. 6:40 PM – NOI (cont.), 10 Rustic Trail, for the construction of a patio and renovation of an existing cabin, MassDEP#169-1191.

Scott Buonopane and his attorney, Frank DiLuna, were in attendance. DiLuna presented the Commission with a letter reclarifying the NOI plan. The revised plan calls for the removal of approx. 350 square feet of patio around the backside of the existing cabin. This mitigation area will remain impervious and the plans to install a perimeter drain along the front of the patio remain. The plan specified that the trench will be approx. 18 inches wide and 24 inches deep and filled with $\frac{3}{4}$ crushed stone encapsulating a 4 inch perforated pipe wrapped in landscape fabric.

E. McHugh asked what the plan was for removing the patio to which Buonopane replied he would access the area along the side.

The Commissioners discussed for several minutes the details of the plan and how it addressed their stated concerns.

Upon a motion by E. McHugh, seconded by B. Easom, it was:

VOTED to close the public hearing for MassDEP#169-1191.

The motion passed by a unanimous roll call vote (Yes: BE, MG, EM, LH, JS)

1.3. 6:50 PM – ANRAD (cont.), 63 Gratuity Road, MassDEP#169-1190.

Desheng Wang of Creative Land & Water Engineering represented the applicant at the meeting. Wang began by summarizing that he has documented 4 days within the past 3 months when the entire stretch of Gratuity Brook that flows through 63 Gratuity Road was completely dry. He reported recently digging a hole around the downstream end and finding ground water at 18 inches deep. He commented on the impact of the impoundment upstream by saying that the impoundment's slow release was contributing by prolonging flow downstream. This explains, Wang argued, why the stream would remain wetter upstream than downstream.

Wang then asked about the definition of wetland according to the bylaw. At this, N. Gualco read from the Groton Wetlands Protection Bylaw Regulations (Chapter 344, Section 21, 'Wetland Boundary'). Wang concluded his introduction by updating the Commission that the only pending item remaining is the completion of the survey plan. The field data has been updated and gathered and now his team is working on producing a revised plan.

B. Easom asked how many photos were taken as evidence documenting the dry stream. Wang replied he took a three series of photos, each containing an upstream and downstream photo. The series were located at the upstream and downstream intersections with the abutting parcels as well as a third location in the middle of the stream. Easom continued by stating that on the site walks he and other Commissioners observed mounded deposits along the stream (on either side) which he estimates may be evidence of past flooding. Wang countered that there were likely deposits of past agricultural activities, specifically the depositing of soil created from the known dredging of the channel.

O. Lathrop was not convinced of the intermittent nature of the stream and again referenced the upstream impoundment. He continued that there was a lot of evidence of hydrology spanning many feet of either side of the stream, which documents regular inundation of water. He suspects that may be bordering lands subject to flooding. A discussion ensued about the hydrologic details of this type of wetland as well as the regulatory criteria for classifying said resource area.

E. McHugh thanks the applicant for providing the updating and answering the Commission's questions. She then reiterated her interest in pursuing peer review due to the technical nature of the hydrologic system and the gravity of the decisions impact on future development.

At this time the hearing was opened up to public comment. Adam Burnet of Gratuity Road provided comments, which included:

- the stream flows through alluvial outwash;
- the watershed is greater than 1 square mile;
- the channel itself is large as wide as 6 feet and as deep as 3 feet in spot;
- there are deposits of large gravel and pebbles which is evidence of significant flow;
- the impoundment is designed to keep water in-place and the applicant's assessment of it's impact does not account for the loss due to evaporation;
- the elevation of the entire site is quite low and doesn't fluctuate by more than 3 feet, which contributes to flooding events;
- in general, this is a unique stream with unique soil conditions;
- stilted vegetation abundant on-site, which provides evidence of high ground water due to the alluvial nature of the site;
- provided a photograph of spotted salamander he found on his property, which is within 300 feet of the property under review. He reminded the Commission that this is a state-listed sensitive species.

Upon a motion by B. Easom, it was:

VOTED to continue the public hearing to October 8, 2019.

The motion passed by a unanimous roll call vote (Yes: BE, MG, EM, LH, JS)

At **8:13 PM** M. Giguere left the meeting, who had been connected via Video Chat.

3. Open Session for topics not reasonably anticipated 48 hours in advance of meeting

P. Funch, of the Trails Committee, came in to discuss a trail issue at Wharton Plantation. He mentioned that he was recently replacing a trail bridge on Wharton Planation on a section of trail that goes over private property. He knows that the house is being sold soon and was at the meeting to gauge interest from the Commission to acquire a small parcel so the trail is on public property. He stated that his is a preliminary discussion as the lot would need to be divided (Planning Board). He specifically asked if the Commission would be interested in covering the expenses (survey, recording fees, etc.). At this time a discussion ensued about the proposed plan and culminated with Funch saying he will get a cost estimate and come back to the Commission in the future.

2.1.2. Eliades Conservation Area (Pacer Way)

Gualco announced to the Commission that the mowing restriction at Eliades Conservation Area is now up for 2019. Smigelski commented that he would try and mow the autumn olive field in the coming weeks.

2.2.1. 125 Martins Pond Road, Sign Purchase and Sales Agreement (Trimper Parcel)

The Commission discussed the status of negotiations leading up to this meeting date. Additionally, the Commission discussed the status of the DCS LAND Grant. After some discussion the Commission agreed to purchase the Trimper Parcel and signed a Purchase and Sales Agreement

2.2.2. Emergency Certificate, 430 Main Street, Water Dept. repair water main.

The Commission ratified an Emergency Certificate for repair work to a water main issued by the Conservation Administrator on September 11, 2019.

2.3.1. OOO – Gibbet Hill Trail Bridge, MassDEP#169-1194

Upon motion by B. Easom, seconded by E. McHugh it was:
VOTED to issue an Order of Conditions as drafted by the Conservation Administrator for MassDEP 169-1194 under the Wetlands Protection Act (310 CMR 10.00)

The motion passed by a unanimous vote.

Upon a motion by B. Easom, seconded by E. McHugh, it was:
VOTED to issue an Order of Conditions as drafted by the Conservation Administrator for MassDEP#169-1194 under the Groton Wetlands Protection Bylaw.

The motion passed by a unanimous vote.

2.3.3. COC – NESSP Temple, MassDEP#169-1104

The applicant requested the Commission table the review of the COC until October 22, 2020 to allow time for the Earth Removal and Stormwater Advisory committee to approve the changes to the stormwater system.

2.4. Committee Updates/Announcements

None.

2.5. Approve Meeting Minutes

None.

5. Adjournment

Upon a motion by E. McHugh, seconded by B. Easom, it was:
VOTED to adjourn the public meeting at **8:55 PM**.

The motion passed by a unanimous vote.

Minutes respectfully submitted by Nikolis Gualco, Conservation Administrator, Town of Groton.

Minutes Approved: February 11, 2020