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**Conservation Commission**  
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**Groton Conservation Commission**  
**MEETING MINUTES**  
**October 22, 2019**

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

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

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

E. McHugh announced item **1.1 RDA, 17 Lovers Lane, for the construction of a deck**. The applicant, Carol Mici, described the project. The existing greenhouse structure will be removed and, by using the existing foundation, an indoor living space will be built with the addition of a deck. P. Morrison asked if the deck would be on posts. The applicant had some questions about footing. N. Gualco recommended that she refer to the building committee. E. McHugh added that the applicant will also need a building permit. The construction would take place along the 100-foot buffer, with four feet within the buffer. The applicant confirmed that they will be using the existing foundation from the greenhouse and would not be constructing a new foundation. M. Giguere inquired what would be underneath the deck. The applicant replied that they would use crushed stone or whatever the Commission recommends. B. Easom commented that they would not normally permit a permanent structure in the 100-foot buffer and suggested some ways to compensate for the project. Some examples were discussed, like reducing the lawn size and letting it go to its natural state to improve water quality. The applicant was open to ideas. The Commission discussed that the buffer is actually across the street from the home. O. Lathrop commented that the road impacts the buffer more than the construction of a deck. He requested that the applicant ensures rain infiltrates the deck and the area underneath it with the use of crushed rock. It was asked if the drawings for the plan include what is proposed for underneath. They are not in the drawing, but are described in the RDA. Chairman Smigelski suggested installing bush groupings for infiltration along the roadside of the deck. B. Easom also suggested planting of native species. N. Gualco has a list of recommended native plants.

M. Giguere motioned for a negative 3 determination under the conditions that there is a permeable surface under the deck so that rain water infiltrates in place and native planting along the roadside of the deck. Discussion: commission members discussed the recommended amount of stone or gravel. N. Gualco suggested using crushed stone. Commission members discussed that 6" of stone would be adequate. L. Hurley seconded. The Commission **VOTED** in favor by a unanimous vote.

The Commission began discussing item **1.2 Discussion / Permit Extension, Academy Hill, MassDEP#169-970**. The Order of Conditions is expiring in around 6 weeks and there are 5 more lots to build. The applicant is requesting an extension. E. McHugh, would like to ensure that there are stabilizing

soils and they are meeting standards for erosion controls such as catch basins and silt sacks. P. Morrison suggested if the extension would be approved tonight, the commission could add the site to a site walk and potentially issue an enforcement order. M. Giguere inquired when the OOC expires, to which he was answered November 25.

Upon a motion by P. Morrison, seconded by E. McHugh, the Commission **VOTED** to issue an extension for Academy Hill, MassDEP#169-970 by a unanimous vote.

At 6:50 pm the Commission began discussing agenda item **1.3 NOI, 267 Whiley Road, for the improvement of two foundation walls**. Chuck Schiler, contractor, was in attendance this evening to represent the applicant. The roof on this home is collapsing, the proposed project would frame a new wall to support the roof. Walls would be constructed within the same footprint of the house. The home is in need of some foundation repair. A deck would be removed to build a new foundation. No foundation work is to be performed on the lake side of the home. The Commission members discussed where the applicant can store equipment during construction. There will not be a lot of excavation needed. It was discussed to use a flat area to the left of the driveway to stockpile materials and equipment. It was also suggested to put hay bales in an area near the driveway. M. Giguere inquired on the use of heavy equipment. The contractor expects minimal use of heavy equipment. A back hoe may be used for excavating one of the walls and it would be stored in the planned storage area. The new pier is planned to be dug by hand. Most earth material will be reused and any remaining will be removed off site. B. Easom expressed his concern that erosion controls do not extend far enough along the northeast wall and requested that they be extended. It is preferred that they use hay bales as they are more substantial and better suited for the area they will be placed. The contractor agreed and drew the extension of erosion controls on the plan during the meeting. At this point, there is no DEP number assigned to this request. P. Morrison and Chairman Smigelski had no additional comments. E. McHugh wanted to also bring up to the property owner that on their site visit they noticed evidence of the stone walls and patio falling apart and debris falling into the lake. The Commission members discussed how to address this issue. P. Morrison was concerned with delaying the repair of the roof before the winter if the issue of the crumbling wall and patio is added to the current NOI. The current NOI being discussed will have to be continued because of no permit number. It was recommended that the contractor go back to the property owner and inform him of the additional issues and for him to come back to the Commission with a plan to repair and stabilize the patio and wall.

Upon a motion by E. McHugh, seconded by P. Morrison, the Commission **VOTED** to continue the hearing for NOI at 267 Whiley Road to the November 12, 2019 meeting by a unanimous vote.

At 7:15 the Commission began discussing agenda item **1.4 NOI, 48 Redskin Trail, for work on an in-lake retaining wall, MassDEP#169-1196**. The applicant, Karen Lippert, described the retaining wall as bowing out into the lake. Her plan is to have the wall repaired by removing material from behind the wall and pushing it back into place. The Commission discussed the process of removing the earth. M. Giguere asked if no work is to be done in the resource area, to which the applicant confirmed that there will not. The applicant was asked to ensure protection of the resource area so that material does not flow into the lake. Any excess material is to be removed from the site. The applicant updated the plan with a drawing of erosion controls. B. Easom asked that the measurements the Commission members made at the site visit are included in the filing. He was ok with the proposed erosion controls between the home and the lake and did not believe that upper level controls were necessary. P. Morrison suggested that the applicant is aware of where to retrieve additional erosion controls in the event that a significant amount of rain occurs and

additional controls are needed. L. Hurley suggested repairing one section of the wall at a time and move along the wall as it's completed. This would allow for fewer waddles to be purchased.

Upon a motion by P. Morrison, seconded by L. Hurley, it was **VOTED** to close the public hearing for MassDEP#169-1196 at 48 Redskin Trail by a unanimous vote.

At 7:26 the Commission began discussing item number **1.5 NOI (cont.) 255 Old Ayer road, for the construction of an enclosed riding area, MassDEP#169-1195**. Paul Alford was in attendance this evening representing the applicant. He responded to some of the concerns brought up at the October 8<sup>th</sup> hearing related to stormwater management. At the start of the meeting, he submitted a new plan that included updated calculations. He discussed that the detention basin has been adjusted to account for peak runoff at a 25-year storm event and in one case, a 100-year storm event. He passed the new plans around to members of the Commission. N. Gualco requested that the changes be summarized and sent to him. M. Giguere inquired on the change in elevation to which he was answered it was moved half a foot. The viewing area was moved to another location outside of the buffer zone. The proposed storage area is no longer part of the plan. B. Easom had additional questions related to runoff and how this was determined. The applicant explained that the detention basin is providing recharge volume. P. Morrison inquired how runoff is changing as predevelopment showed no increased runoff from the site. The engineer answered that they will be decreasing runoff rates. According to the wetland protection act there should be no net increase in runoff. The engineer confirmed that the infiltration pond was relocated so as to limit impact on the existing 24" maple tree. E. McHugh requested that the basin is moved to an area that is not in the critical root system of the tree. The Commission members discussed soil testing and the engineer confirmed that additional soil testing is scheduled. B. Easom would like to wait until new hydrology calculations are made to ensure that the soil is appropriate for the continuation of the project. E. McHugh commented that the Stormwater Committee is tasked with review of the soil samples. M. Giguere commented that he would not sign off on this project at this point. He added that he would have no issue if this is passed by the Stormwater Committee.

Upon a motion by P. Morrison, seconded by L. Hurley, the commission **VOTED** in favor continuing the hearing to the November 12 meeting. Discussion: B. Easom commented that it is recommended that the Commission see the Stormwater report prior to the November 12 meeting.

At 7:51 the Commission began discussing agenda item **1.6 RDA, 1081 Lowell Road, for the replacement of a septic system**. The septic planner was in attendance at this evening's meeting and updated the Commission that comments from the Board of Health were incorporated into a new plan for the septic system. He summarized the modifications to the Commission. The access route is included. Erosion controls are included. The plan requires a smaller system than originally planned; two twenty-foot pipes will still be required. The stockpiling area was discussed and no refueling will occur within the 100-foot buffer. The Board of Health has reviewed the design that is now for a three-bedroom residence as it was originally designed for a four bedroom. B. Easom commented on the thickness of the impervious barrier. The designer answered they are standard but are not listed in the specifications. B. Easom requested that it be specified in the plan. O. Lathrop had no additional comments. E. McHugh stated she would like him to document the updates he outlined this evening. The Board of Health will be reviewing on November 18<sup>th</sup>.

Upon a motion by P. Morrison, seconded by E. McHugh the Commission **VOTED** to continue the hearing to the November 26<sup>th</sup>, 2019 meeting.

At 8:02 the Commission began discussing item **2.2.3 Enforcement Order, 65 Riverbend Drive, tree removal within wetlands buffer zone**. N. Gualco gave a brief summary. He received a phone call that someone was removing trees in this neighborhood. After discussing the issue with N. Gualco, the homeowner is considering filing an after the fact NOI. The homeowner gave some additional background to the reasoning behind removal of trees. Their previous home in Groton sustained extreme damage from a tree falling on the home during a storm. Very soon after, their home on Cape Cod sustained extreme damage as a result of a tornado in Spring 2019. Upon moving to their current residence, they decided to remove trees that were close to the house and would be damaging to their home if they were to fall. They were unaware of their home being in a wetland buffer zone prior to spending \$25k to remove trees. B. Easom inquired if all of the tree cutting occurred on their property to which it was answered yes. B. Easom also mentioned that if this was brought to the Commission prior to the work being done, he would have suggested removing the tops of some of the trees. He recommended replanting and restoring what is within the 100-foot buffer. The applicant replied that when cutting some of the trees they noted evidence of rot. O. Lathrop agreed that he would have also recommended leaving some snags. He expressed his concern that with the removal of trees there is potential that more invasive species may grow. He also suggested replanting and letting the area go natural. The lawn should not encroach on the buffer. P. Morrison added that the homeowner does not have to plant pine trees, he can plant other native plants like blueberry trees. They discussed the need to establish where the tree line was to determine the lawn area. They will put stakes where the edge of the lawn was. E. McHugh requested to see the plans with the wetland line. The homeowner discussed that there are neighbors with similar situations. E. McHugh suggested that the Commission come up with a communication plan stating the awareness of potential concern with the trees in the neighborhood and how residents can deal with it appropriately. Commission members discussed if it was necessary for the homeowner to file a NOI. After discussion, the Commission recommended that the applicant file an RDA.

Upon a motion by M. Giguere, seconded by L. Hurley, it was **VOTED** to approve an enforcement order to file an after-the-fact RDA. Upon a motion by B. Easom, seconded by P. Morrison, the Commission **VOTED** to accept a modified enforcement order. This will be added to the next site walk.

The commission began discussing item **2.3.4 COC, NESSP Temple, MassDEP#169-1104**. The representative of Places Associates stated that the applicants are 98% there. He's asked Nitsch Engineering to do a final site walk. One area that is incomplete is stormwater quality control. In the original plan it was proposed to use a device called a jellyfish, a high-end piece of equipment that is expensive to maintain. He proposed using standard, cost effective CDS equipment. He inquired to the Commission if he could amend the NOI or request a waiver on the OOC with the change in equipment, as the original order references the use of the jellyfish device. E. McHugh commented that if Nitsch accepts the use then she is ok with the change. The applicant noted that the additional posts are installed and signage will go up. E. McHugh noted that at their last site visit they saw trash, missing property markers, and silt fencing remaining on the property. B. Easom commented on the curbing on the northeast area of the property and asked what the original plan called for. The applicant stated that the original drainage plans don't make sense and pointed out on the plan some areas where this is the case. He commented that the pavement system is a recharge system in itself. O. Lathrop stated he is ok with a minor change to the plan. E. McHugh stated she would like to hear from Nitsch and the Stormwater Commission. The Commission agreed to extend the COC to

the November 26 meeting. B. Easom asked if the Order of Conditions will be in the extension. N. Gualco will find the original OOC in the files.

At 8:48 pm Commission members discussed item **2.3.1 Sign Extension Permit for 67 Island Pond Road, MassDEP#169-1140** and signed the documents.

Commission members signed the COC from agenda item **2.3.2 10 Rustic Trail, MassDEP#169-977**.

The Commission discussed item **2.3.3 COC, Gibbet Hill Trail Bridge, MassDEP#169-1136**. It is good for 3 years and there is an enforcement order.

The Commission discussed meeting minutes from the October 8<sup>th</sup> meeting. O. Lathrop commented on the violation language on page 4.

Upon a motion by B. Easom, seconded by L. Hurley, the Commission **VOTED** to approve the October 8<sup>th</sup> meeting minutes as amended by a unanimous vote.

Commission members discussed other committee updates and announcements:

E. McHugh commented that the House approved the Article 97 Land Swap for Olivia Way.

P. Morrison announced that the Commission received one bid to mow the one-acre hay field at the Fitch Best preserve.

Upon a motion by P. Morrison, seconded by L. Hurley the commission **VOTED** to move forward with the bid for Fitch Best mowing over the next three years by a unanimous vote.

N. Gualco updated the Commission that he is very close to submitting the Open Space Plan. What is left to do can be completed in-house.

L. Hurley updated the Commission that the Sargisson Beach committee has pulled docks and buoys and is getting the beach ready for winter.

B. Easom updated that the CPA application was received and includes a \$200k request from the Conservation Commission.

Commission members signed invoices.

E. McHugh inquired on the agenda for the upcoming meeting on October 28<sup>th</sup>. N. Gualco replied that it is posted and he will send it around.

At 9:00 pm, upon a motion by P. Morrison, seconded by L. Hurley, the Commission **VOTED** to adjourn the meeting by a unanimous vote.

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

**Approved: November 12, 2019**