



TOWN OF GROTON
Conservation Commission

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Groton Conservation Commission
MEETING MINUTES
November 12, 2019

Present: John Smigelski, Chairman; Bruce Easom; Marshall Giguere; Olin Lathrop; Peter Morrison

Not present: Laurence J. Hurley, Vice Chair; Eileen McHugh, Clerk

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

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

M. Giguere announced the first agenda item **1.1 RDA, 838 Townsend Road, for the construction of a shed (M. Murray)**. The applicant has purchased a 14'x30' shed. He has installed an 18'x36' pad of 3/4" stone at 6" deep. P. Morrison commented that the shed is to be installed outside of the 50-foot buffer, on the existing lawn. The 3-foot extension around the shed will allow for infiltration. M. Giguere inquired if the electrical / trench work is labeled in the plan. The applicant answered that it was not yet in the plan as he wanted to discuss with the electrician first. He has since discussed with the electrician and marked the plan this evening. The trench will be dug 18" down, below the frost line. It will be a small trench using a ditch witch. The electrician will install the same day. B. Easom inquired with the applicant why the shed isn't outside of the 100-foot buffer zone. The applicant answered that he was unsure of boundaries and believed trees would have to be cleared to install it there. B. Easom replied that the tree removal would have been out of the Commission's jurisdiction. Commission members discussed that the bylaw states there are to be no permanent structures within the 100- and 50-foot buffers. Sometimes it will be granted in extenuating circumstances. O. Lathrop questioned the commission about the bylaw related to permanent structures. He also asked that the record shows that the applicant has stated the crushed stone is 6 inches deep, to which the applicant confirmed. With this, O. Lathrop is confident that the proper infiltration is in place. He requested that when the electrical work is done that the trench is filled in the same day it is dug. In response to the question about the bylaw regarding permanent structures, N. Gualco researched the bylaw and read aloud that it states no permanent structures, barns, garages, and attached structures. The Commission discussed that this description is vague. M. Giguere recalled that the Commission reviewed this years ago. O. Lathrop commented that the shed is sitting on the ground and not permanent. Chairman Smigelski commented that he had no problem with the project and believed there is sufficient drainage. The applicant initialed and dated the marked trench and the stone being 6" deep.

M. Giguere moved for a negative 3 determination for the application at 838 Townsend Road under the following conditions: that the trench is dug with a ditch witch, is no more than 18” deep and that it is opened and closed on the same day. P. Morrison seconded. B. Easom was opposed.

Upon discussion about altering the motion to include the requirement that the shed is installed according to plan, M. Giguere moved to recall the motion for the negative 3 determination, seconded by P. Morrison. The Commission VOTED in favor of recalling the motion by a unanimous vote.

M. Giguere motioned for a negative 3 determination for the RDA at 838 Townsend Road under the following conditions: the trench is no more than 18” deep, it is dug and filled on the same day, and it is required that the shed is built according to the plan. P. Morrison seconded. The motion carried with a vote of 4 to 1. AYE: O. Lathrop, M. Giguere, P. Morrison, J. Smigelski; NAY: B. Easom

The Commission moved on to item **1.2 RDA, 55 Flavell Road, for renovation work on a front entry way (Longo Landscaping)**. The applicant described that the entryway of the home needs to be rebuilt and will require two footings to be dug. No Commission members had questions about the project. M. Giguere added that during their site walk, it looked like a new wall was built on the property without a permit as the entire property is within the 100-foot buffer. M. Giguere queried the Commission how they would want to proceed. P. Morrison inquired if septic work was done as there appeared to be new lawn. The applicant replied that they reseeded the lawn after constructing the wall.

M. Giguere motioned for a negative 3 determination for 55 Flavell Road under the conditions described in the application. Olin seconded. All members **VOTED** in favor by a unanimous vote.

Commission members discussed the fence / wall issue and that it is too late for an enforcement order. The applicant was directed to speak to N. Gualco about filing an after-the-fact RDA.

The Commission began discussing item **1.3 NOI (cont.), 255 Old Ayer Road, for the construction of a pole barn to enclose an existing dressage ring, MassDEP#169-1195**. Paul Alvord was in attendance representing the applicant. They were following up regarding questions related to stormwater management. After a walk with Michelle Collette of the Storm Water Committee and Matt Waterman of LandTech Consultants there have been changes to the plan. During the site walk M. Waterman tested the soil for the infiltration basins, and in the process, he uncovered the berm from the last NOI in the late 1980s which encloses the existing retention basin. After the finding, the stormwater design was revised. The infiltration basin was relocated and increased in size. The maple tree from previous discusses will be spared as the basin has been relocated. M. Collette reported from the site walk with M. Waterman that she did not see any red flags. She described the farm as a very well managed property and noted it’s active agricultural use which aligns with the town goal to keep land under active agricultural use. Commission members and the representative from LandTech Consultants had a lengthy discussion regarding confusion over the drainage capacity of the existing basin and the proposed infiltration basin. Water will

overflow the existing basin during a 100-year storm event, and it will overflow the newly proposed basin during a 25-year storm event. B. Easom commented that untreated water going into a wetland is a concern. He inquired if the new basin will require removal of trees, to which he was answered no. M. Collette commented that she can see the existing basin is well stabilized and vegetated. It will likely meet the standards of the Stormwater Committee's recommendations.

P. Morrison moved to close the public hearing. B. Easom commented that the applicant has not yet heard from the Stormwater Committee. The applicant stated they will take the chance to close the hearing this evening before hearing from Stormwater. They understand that if Stormwater requires a change to a plan that they will need to file with the Conservation Commission again. B. Easom seconded. All **VOTED** in favor by a unanimous vote.

At 7:21 B. Easom announced the next agenda item **1.4 NOI (cont.) 267 Whiley Road, for the replacement of an existing foundation wall and installation of a pier foundation, MassDEP 169-1197**. The hearing was previously continued because there was no DEP number assigned, and there were issues with pieces of the patio and wall falling into the lake. N. Gualco added that he filed a new NOI today to deal with the patio issues.

Upon a motion by P. Morrison, seconded by M. Giguere, the Commission **VOTED** to close the hearing by a unanimous vote.

At 7:20 pm M. Giguere announced agenda item **1.5 for the RDA at 430 Main Street (Conductor Lab), for the application of a non-hazardous solution to groundwater aimed at reducing the concentration of hexavalent chromium (Honeywell International, Inc)**. A representative from Wood Environmental and Infrastructure Solutions was in attendance on behalf of the applicant this evening. Conductor Labs has been engaged in remediation procedures over the years and are currently addressing the presence of Hexavalent Chromium. The plan is to use an injection process to reduce hexavalent chromium. There are amounts of hexavalent chromium displays in the surface water that is above ambient water quality. The injection procedure is described as benign and non-toxic. There are no formal drain lines for the pathway of the hexavalent chromium and it is showing up almost exclusively in specific surface water areas and the hope is that this procedure will address that. The process is a dry drilling push rod application that does not generate waste. The iron is supposed to bind to the chromium and when it comes in contact will go from chromium 6 to chromium 3. Any dirt that is a result will not be put into the wetland. Erosion controls are in place.

M. Giguere motioned for a negative three determination due to the location near an intermittent waterway. P. Morrison seconded and all **VOTED** in favor by a unanimous vote.

At 7:30 pm the Commission began discussing item **1.6 RDA for 210 Indian Hill Road for the establishment of a lawn area**. The applicant was not present at the scheduled hearing time and the Commission decided to table the discussion to later in the meeting to allow time for the applicant to show up.

The Commission then began discussing **2.3.2, Certificate of Compliance for 91 Culver Road, MassDEP#169-886**. The Commission discussed that this is a two parcel COC for 91 and 121

Culver Road. It was discussed if in this situation it would be appropriate to issue a partial COC for 91 Culver Road. B. Easom cautioned against this because if an COC is issued to both parcels at the same time, both owners would be equally responsible for any issues. If an COC is issued for one party, there is a risk that any issues identified after the fact would be the responsibility of the other party. P. Morrison was in agreement and suggested that having an open COC provides an opportunity for the Commission to visit the other property and discuss at the next meeting.

The Commission began discussing item **2.3.3 Certificate of Compliance for the Groton Inn, MassDEP#169-1109**. The conservation markers have been installed and inspected.

At 7:37 Commission members signed invoices.

At 7:40 the Commission began discussing item **1.7 ANRAD (cont.) 63 Gratuity Road, MassDEP169-1191**. Desheng Wang from Creative Land and Water Engineering was in attendance as well as the applicant. He reviewed that since the last meeting he has done additional research regarding the status of bordering land subject to flooding (BLSF) as well as the intermittent stream status. He revisited the site with the Commission. Tonight, he would like to close the hearing and determine stream status without a ruling on BLSF. He reiterated that under Massachusetts law the stream would be considered intermittent, but under the Groton bylaw it may not. He is asking for a ruling from the Commission on the stream status this evening. A member of the audience inquired on what the Commission is voting on this evening regarding stream status. It was explained that D. Wang has provided proof and the Commission has reviewed the requirements that 4 days in 12 months are to be dry in order for a stream to have intermittent status. There was some discussion to clarify when the findings were documented, which was from July to September 2019. N. Gualco also clarified that the findings will be physically attached to the ANRAD application in the event that this is discussed in the future. A member of the audience inquired on the length of the intermittent stream and asked that the Commission rule only on what is in the document. P. Morrison agreed that what is being discussed is the area on the map that was supplied. It was asked if a stream can be both perennial and intermittent, to which this was answered yes and P. Morrison commented that the Commission has direct experience with this occurring before. A member of the audience inquired on the issue of flooding. The Commission responded that there is no project before the Commission and what they are voting on today is the status of the stream. It was further discussed how could this parcel will be triggered to show up in front of the Conservation Commission in future meetings in regards to bordering land subject to flooding. It was discussed that any potential development discussions would go through the Planning Board who would post publicly and it would be the responsibility of the public and the Conservation Commission to follow. The Commission had a discussion on the findings to be included in the motion.

Upon a motion by O. Lathrop, seconded by B. Easom the Commission **VOTED** in favor of approving the ANDRAD at 63 Gratuity Road by a unanimous vote with the following findings:

- 1 – the delineation of the bordering vegetated wetland only is approved

2 – the stream is found to be intermittent under the act. This applies only to the portion of the stream from wetland flag CLW-4 (downstream) to CLW-70 (upstream).

3- this approval does not include presence or absence of bordering land subject to flooding.

At 8:10 pm the Commission began discussing item **2.2.2 Enforcement Order at 65 Riverbend Drive**. After the site walk for the RDA, the applicant came in this evening to discuss. The Commission reviewed photos that showed areas where the applicant plans to do replanting as well as where the lawn will exist. O. Lathrop commented that the applicant should watch the area for invasive species over the next couple of years and suggested that he pull any invasive plants and not treat with poison. O. Lathrop also commented that the silt fence needs to be adjusted as silt is getting through it. N. Gualco has emailed the applicant a list of recommended plants for replanting the area.

At 8:15 the Commission began discussing item **2.2.3 Community Preservation Act, the Conservation Fund and Conservation Restrictions**. B. Easom discussed that the Community Preservation Coalition has recently reached out to the Groton CPC. The group advocates and helps towns adopt CPA. They have requested a list from Groton that shows what land has been protected by CPA funding. B. Easom raised the question to the committee and N. Gualco about how much effort it would take to find this information out from records. The Commission discussed some situations where CPA funds were used indirectly, for example when used for legal expenses and what to do in those cases. The purpose of the Coalition's request is to show what has been purchased and how much. B. Easom discussed a recent planning board meeting in which a board member was not in favor of using CPA for open space. CPA applications are reviewed with a rating system and it was discussed how having a member of the committee against CPA funding could affect application results. It was discussed if the Commission should consider writing a letter to the planning board regarding the concern. B. Easom also updated the Committee that the state will not have a final 2020 CPA budget until later this year.

At 8:32 P. Morrison moved to accept the **Order of Conditions for 48 Redskin Trail, MassDEP#169-1196**. The Commission discussed that the second row of erosion controls was discussed in the previous meeting. They will keep it in the OOC. N. Gualco commented on #36 stating that this is newly added and will keep. B. Easom commented on #56, to change language of "western" side to "south". M. Giguere seconded the motion and the Commission members **VOTED** to accept the Order of Conditions for 48 Redskin Trail by a unanimous vote.

P. Morrison moved to accept the Bylaw Order of Conditions for 48 Redskin Trail, which was seconded by M. Giguere and **VOTED** in favor by a unanimous vote.

The Commission revisited agenda item 1.6, RDA, 201 Indian Hill Road. The applicant was not present at this evening's meeting. An RDA has been filed. Upon a motion by M. Giguere, seconded by P. Morrison, the Commission **VOTED** to continue the hearing to the November 26th meeting.

N. Gualco reported that he is looking to find a date for the next land management Conservation Commission meeting.

The Commission discussed item **2.2.1 Site visit to Academy Hill, MassDEP#169-970**. N. Gualco reported that it looks good.

The Commission began discussing item **2.2.4 Groton Conservation Trust: Review / provide comments on draft CR for “Land Near Lost Lake: Pine Trail and Paul Revere Road”**. M. Giguere commented that he had a few discussion points and offered to share. N Gualco offered to share these with the Trust.

The Committee discussed item 2.2.5 Olivia Way (update). N. Gualco reported that the Governor has now signed the Article 97 Land Swap and that Town Counsel is working on drafting the language of the easement. Things are moving forward.

At 8:45, upon a motion by M. Giguere, seconded by O. Lathrop, the Commission **VOTED** in favor to move into Executive Session by a unanimous roll call vote. AYE: O. Lathrop, B. Easom, M. Giguere, P. Morrison, J. Smigelski.

At 9:05, upon a motion by M. Giguere, seconded by P. Morrison, the Commission **VOTED** to adjourn this evening’s meeting by a unanimous roll call vote. AYE: O. Lathrop, B. Easom, M. Giguere, P. Morrison, J. Smigelski.

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

Accepted: December 10, 2019



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EXECUTIVE SESSION MEETING MINUTES
November 12, 2019

Present: John Smigelski, Chairman; Bruce Easom; Marshall Giguere; Olin Lathrop; Peter Morrison

Not present: Laurence J. Hurley, Vice Chair; Eileen McHugh, Clerk

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

At 8:45, upon a motion by M. Giguere, seconded by O. Lathrop, the Commission **VOTED** in favor to move into Executive Session by a unanimous roll call vote. AYE: O. Lathrop, B. Easom, M. Giguere, P. Morrison, J. Smigelski.

N. Gualco opened the discussion about the Trimper Parcel. He received some comments from L. Hurley and E. McHugh by email prior to this evening's meeting. E. McHugh commented that she would like to see the Commission recuperate the survey fee. The Executor is not interested in the \$300k offer. The Commission members discussed some of the various factors that could be affecting a decision to move forward. O. Lathrop suggested a counter offer of \$350k. The Commission discussed the possibility of meeting face to face with the family members. It was also discussed who would negotiate on behalf of the Commission. Upon a motion by O. Lathrop, seconded by B. Easom it was **VOTED** to authorize Peter Morrison and John Smigelski to negotiate for the Trimper parcel by a unanimous roll call vote. AYE: O. Lathrop, B. Easom, M. Giguere, P. Morrison, J. Smigelski.

At 9:05, upon a motion by M. Giguere, seconded by P. Morrison, the Commission **VOTED** to adjourn this evening's meeting by a unanimous roll call vote. AYE: O. Lathrop, B. Easom, M. Giguere, P. Morrison, J. Smigelski.

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

Minutes Approved & Released: August 24, 2021