



**TOWN OF GROTON**  
**Conservation Commission**  
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**Groton Conservation Commission**  
**Meeting Agenda**

Tuesday, February 25, 2020 @ 6:30 p.m.  
Legion Hall, 75 Hollis Street

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

**Others present:** Nikolis Gualco, Conservation Administrator

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

1. APPOINTMENTS AND HEARINGS\*

**1.1. 6:30 PM – NOI, 128 Martins Pond Road, for grading associated with the construction of a single-family house, MassDEP#169 - (not yet assigned)**

**In attendance:** Attorney Kimberly Rogers, Representative

The hearing began with Atty. Rogers recapping the history of the site, which included the positive determination and the subsequent filing of the Notice of Intent. Rogers reported that she worked with Stan Dillis, who originally flagged the site for the ANR, to re-flag the wetland. A plan was included in the NOI that showed all wetland flagging on the site (the former 'Pietras Property').

P. Morrison commented he would like to see the area from the third haybale (the one furthest from the foundation) to the house cleaned up post-construction and planted.

E. McHugh commented that she would like to see the house and the associated grading added to the NOI plan. Atty. Rogers commented that she could accommodate this as the house location is the same as shown on the septic plan that was submitted for the RDA.

M. Giguere expressed agreement with McHugh's comments and wants to see that no grading is within the buffer zone.

B. Easom said that in addition to wanting to see the plan revised he would like to see a limit of work proposed. He continued by explaining that a limit work is sometimes marked with conservation markers to communicate to home owners that you cannot disturb beyond this line. Rogers had questions about which haybale line should be limit of work. O. Lathrop commented that the limit should be the furthest line as this would enable the contractors the room they needed to complete the project. Easom then stated that he would expect to see the limit of work on the as-built, which will be required for the certification of compliance.

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
VOTED: to continue the public hearing to March 10, 2020.

**The motion passed by a unanimous vote.**

**1.2. 6:40 PM – NOI (cont.), 227 Boston Road, for the construction of a single-family home and driveway. MassDEP# not yet assigned.**

**In attendance:** Stan Dillis, Representative

S. Dillis presented a revised set of plans, which changed the angles of the driveway further away from the wetlands and included the sewer connection between the proposed house and the existing house. Additionally, he addressed DEP's comment that an area of ponding water may act as a vernal pool by re-designing the roof runoff system to now flow (underground) towards the ponding area with the intention of keeping area wet longer throughout the year. The roof runoff would be collected via gutters into an underground level splitter that would pitch the water towards the pond down the hill.

E. McHugh confirmed that the new runoff system replaces the originally proposed underground drywell.

M. Giguere commented that he is appreciative that the driveway has been pulled further from the wetland, but is still concerned about its proximity to the resource area.

B. Easom clarified the design of the roof runoff to ensure that hot water would not be dumped into the pond. He then continued by asking for ideas for compensatory means to offset the impact of building within the 50 and the 100 foot buffer zone. He asked Dillis to consult with his client and prepare a list of compensations. O. Lathrop commented that he liked this idea.

Upon a motion by E. McHugh, seconded by P. Morrison, it was:  
VOTED to: continue the public hearing to March 10, 2020 to allow the applicant time to provide a list of compensatory measures for building in the buffer zone.

**The motion passed by a unanimous vote.**

**1.3. 6:50 PM – RDA (cont.), 55 Sunset Road, for the re-grading and paving of an existing driveway (O. Lathrop)**

**Applicant:** O. Lathrop, homeowner

O. Lathrop began the meeting by sharing several measurements he had taken regarding the size of the drainage area (affected by the driveway). A discussion ensued about adding a 4-foot-deep trench along the downslope side of the driveway to act as a French drain.

E. McHugh asked what the distance was from the driveway to the neighbor's lot line. Lathrop commented that he does not know exactly where the lot line is but estimates a width of approx. a "car and a half" between the driveway edge and the lot line.

M. Giguere commented that he was "OK" with the project as long as it was completely contained on Lathrop's property.

B. Easom commented that he was convinced the proposed project would improve the situation for the environment. He added he was “OK” with the trench.

P. Morrison expressed concern that Lathrop had not 1) verified the exact location of the lot line and 2) still haven’t shown the amount of runoff. To the second point, Lathrop showed Morrison runoff calculations for a 100-year storm event at 30-minute and 24-hour intervals. Morrison commented that he wants to make sure that the Commission hold itself to the same (if not higher) standards it holds the rest of the Town.

The Commission finalized the discussion by providing the following tasks for Lathrop to complete: 1) find a surveyed plan of the property showing boundary markers; 2) find boundary markers on the ground; 3) measure the distance from the boundary markers to the proposed work.

Upon a motion by E. McHugh, seconded by P. Morrison, it was:

VOTED to: continue the meeting until March 10, 2020.

The motion passed by a majority vote with O. Lathrop recusing himself.

**1.4. 7:00 PM – Request for Minor Change to Site Plan, for the connection on the water main, Groton Community School, MassDEP#169-1154.**

**Representative:** John Amaral

J. Amaral presented a change to the approved site plan, which would relocate the water main connection from going down the driveway to Boston Road to connecting to an existing line in the neighboring CVS parking lot. The new plan, Amaral stated, which was requested by the Water Superintendent, would be less disruptive to traffic and would be less expensive as the new plan greatly reduces the number of linear feet of piping required. Finally, Amaral recapped the status of the work site. On the Commission’s walk on Saturday February, 22, 2020, it was observed that large piles of dirt were directly abutting the erosion controls and in one area ever overflowed the straw wattles. Since then, Amaral reported, all necessary actions had been taken (e.g., cleaning up the area where soil overflowed the erosion controls, adding perimeter siltation barriers around the dirt stockpiles, fortifying of key stretches of the straw wattles). He reported that N. Gualco had been out to the site on Monday and Tuesday to inspect the cleanup.

B. Easom asked in the Order of Conditions calls for no storage of soil stockpiles within the 100-foot buffer zone, to which N. Gualco answered that it did. A discussion ensued about the possibility that the inclusion of this condition was a clerical error as almost the entire site is within the buffer zone.

E. McHugh commented that the Order calls for the stockpiles be seeded or covered if left for 21 days. B. Easom commented that because the piles are not being covered that this is a violation of the Order and action should be taken by the Board.

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

VOTED to issues a fine in the amount of \$25 to the Groton Community School for violations of the Order of Conditions (MassDEP#169-1154).

**The motion failed** with McHugh, Hurley, Morrison, and Smigelski voting ‘No’, Easom and Giguere voting ‘Yes’, and Lathrop abstaining.

Upon a motion by P. Morrison, seconded by B. Easom, it was:

VOTED to accept the plan entitled “Erosion & Sedimentation Control Plan” prepared by Ducharme and Dillis Civil Design Group, Inc., dated 04/6/2018, most recently revised 02/24/2020 as a minor change to approved plan for Order of Conditions MassDEP#169-1154.

**The motion passed by a unanimous vote.**

## 2. GENERAL BUSINESS\*

### **2.1. On-going Business/Other Discussions**

#### **2.1.1. Groton Conservation Trust, Conservation Restriction (Lost Lake) (added Feb 7, 2020)**

The Commission had no further comments on the CR. N. Gualco reported that he will communicate this to the Trust and wait until they are ready for the next step.

#### **2.1.2. Upcoming (March 4) Land Management Meeting**

The Commission reviewed a draft agenda for the upcoming meeting.

#### **2.1.3. Community Preservation Act, letter of support draft**

The Commission reviewed a draft letter addressed to the Groton Select Board. A discussion ensued about some of the details. E. McHugh requested the opportunity to revise the letter to make a more compelling case of the presented arguments.

### **2.2. Order of Conditions/Certificate of Compliance**

#### **2.2.1. 716 Lowell Road, MassDEP#169-1188**

Upon a motion by P. Morrison, seconded by L. Hurley, it was:  
VOTED to issued a Certificate of Compliance for MassDEP#169-1188.  
**The motion passed by a unanimous vote.**

### **2.3. Enforcement/Violations**

#### **2.3.1. 4 Alder Road, MassDEP#169-1108.**

N. Gualco reported that he was notified of work being conducted without an active Order of Conditions at 4 Alder Road. He explained that after meeting with the homeowner and contractor and reviewing the project file that he believes the best path forward is to issue an enforcement order to require the filing of a new NOI and to allow work to continue per the (expired) plan. The reasoning for this was the project was very late in the construction phase and the sooner it was completed the sooner the site would be stable. Furthermore, all details of the Order appeared to have been followed. Gualco reported that the homeowner recently had to have their Board of Health permit re-approved due to a change in the tight tank materials and it was then that the homeowner thought he had all his permits taken care of.

Upon a motion by B. Easom, seconded by P. Morrison, it was:  
VOTED to ratify the Enforcement Order issued to Stephen Jambard of 4 Alder Road for work being conducted without a valid Order of Conditions.

**The motion passed by a unanimous vote.**

#### 2.4. Committee Updates/Announcements

O. Lathrop reported that the Trails Committee has been working with a Boy Scout to create a trail connecting Sorhaug Woods to the newly acquired Priest Family Conservation Area and ultimately down to Martins Pond Road.

#### 2.5. Approve Meeting Minutes

Upon a motion by P. Morrison, seconded by L. Hurley, it was:  
VOTED to accept and release the minutes for February 11, 2020 as amended.

**The motion passed by a unanimous vote.**

#### 2.6. Invoices

The Commission signed invoices for the following:

- Groton Herald - \$99.00
- Groton Herald - \$144.50
- Reimburse N. Gualco for expenses related to mailing documents to Town Counsel - \$71.63
- Minuteman Press (printing Open Space Plan) – \$155.60
- USPS (mailing Open Space Plan to MassDCS) - \$8.70

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

None.

#### 4. IF NECESSARY: 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.”

None.

#### 5. Adjournment

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
VOTED to adjourn at 8:22 p.m.

**The motion passed by a unanimous vote.**

**Minutes Approved: March 31, 2020**