



**TOWN OF GROTON**  
**Conservation Commission**

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**Groton Conservation Commission**  
**Meeting Agenda**

Tuesday, April 14, 2020 @ 6:30 p.m.

Virtual Meeting:

<https://zoom.us/j/492285705?pwd=RXhxN2VGUDNOT1dtSGdTWkx6WmZwQT09>

**Broadcast on Zoom and The Groton Channel**  
**Pursuant to Governor's Executive Order**  
**Concerning the Open Meeting Law and the COVID-19 Pandemic**

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

**Members absent:** Bruce Easom

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

**6:30 PM** Vice-Chairman Hurley called the meeting to order.

**APPOINTMENTS AND HEARINGS\***

6:30PM – RDA, 255 Cherry Tree Lane, for the installation of a privacy fence (Bergeron).

Applicants Erin and Aaron Bergeron presented their plan to install a six foot tall privacy fence in their backyard. The fence is proposed in the 100-foot buffer zone, but is outside of the limit of disturbance associated with this house (see MassDEP#169-970). It was discussed that the limit of disturbance will be permanently marked with “Do No Disturb” conservation markers. Several photos were shown.

Upon a motion by M. Giguere, seconded by E. McHugh, it was:

VOTED to issue a ‘Negative 3’ determination under the condition that the fence be constructed per the submitted plan.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

At this time, the Commission moved to a **GENERAL BUSINESS** item and discussed an application for Certificate of Compliance: 135 Mill Street, MassDEP#169-1179. Photos were reviewed and the as-built plan was compared with the approved plan.

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

VOTED to issue a Certificate of Compliance to Cormac Bordes for MassDEP#169-1179,

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

At this time, the Commission returned to **APPOINTMENTS AND HEARINGS**.

6:40PM – RDA, 220 Hemlock Drive, for the installation of a seasonal dock (Richards).

Applicants James and Cynthia Richards presented their proposal to install a seasonal dock in a cove in Baddacook Pond. The dock would be aligned along the northern shore of the cove. The Richards explained that the dock would be removed each season and stored by the house. They referenced their neighbor's dock, which was of a similar design to their proposal. Furthermore, they explained that this dock would provide their children with special needs and an opportunity to access the pond.

Upon a motion by M. Giguere, seconded by O. Lathrop, it was:  
VOTED to issue a 'Negative 2' determination?

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

At this time, the Commission returned to **GENERAL BUSINESS** and reviewed a set of drafted minutes for March 31, 2020.

Upon a motion by O. Lathrop, seconded by E. McHugh, it was:  
VOTED to approved the minutes for March 31, 2020 as drafted.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

At this time, the Commission returned to **APPOINTMENTS AND HEARINGS**.

6:50PM – RDA, 20 Highland Road, for repairs of an existing retaining wall (Woodle).

Applicant Alex Woodle presented his proposal for repair work to an existing in-lake stone retaining wall. The wall is subject to direct wave impact which has caused the shore behind it to erode. The plan calls for the installation of landscape fabric behind the wall as well as crushed stone.

M. Giguere expressed concern about a lack of documentation of where the wall is in relation to the house. He continued by stating that it has been the custom of the board to require applicants provide measurements from the outside edge of the wall to a fixed point (a benchmark). This way the Commission can verify that the wall did not move further into the water. A discussion ensued on this topic and eventually A. Woodle gave the Commission permission to continue the hearing to the next meeting to allow time for him to provide measurements.

Upon a motion by M. Giguere, seconded by E. McHugh, it was:  
VOTED to continue the public meeting for 20 Highland Road to April 28, 2020.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

7:00PM – RDA, Bates Land & Lawrence Woods, for maintenance of the Bates Land parking area and minor grading at the Lawrence Woods entrance (Groton Conservation Trust).

Applicant Bob Pine (on behalf of the Groton Conservation Trust) presented a proposal to conduct maintenance work at two entryways to conservation properties. The work included installing gravel at the Bates Land parking area and minor grading at the Lawrence Woods entrance. Pine stated that the parking area at Bates is within regulatory floodplain and so the 2-3 yards of material being brought in will be offset by the removal of an adequate volume of material on site to ensure no net loss of floodplain. Additionally, the compensatory storage area will be planted/used as a retention area. Similarly, the Lawrence site is within regulatory flood plain and similar actions are proposed (but at a smaller scale).

P. Morrison commented that the installation of crushed stone at Bates Land will likely increase the permeability of the site and therefore he is in favor of it.

E. McHugh commented that similar to the previous hearing the applicant should provide some type of verifiable measurements for the parking area at Bates Land. She then suggested that the site be staked in the field and inspected by the Conservation Administrator.

Upon a motion by M. Giguere, seconded by E. McHugh, it was:

VOTED to issue a negative determination under the condition that the Bates Land parking area is staked prior to construction and inspected by the Conservation Administrator.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

7:05 PM – NOI (cont.), 4 Alder Road, for the replacement of a sewage disposal system, MassDEP#169-1200.

N. Gualco reminded the Commission that at their last meeting they continued this public hearing to allow for additional time for the proof of mailing (Return Receipts) to be submitted. Gualco reported that he received a scan of the remainder of mailings and that the hearing is ready to close.

Upon a motion by P. Morrison, seconded by M. Giguere, it was:

VOTED to close the public hearing for 4 Alder Road, MassDEP#169-1200.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

7:10 PM – RDA, 49 Island Road, for the construction of a deck (G. Rawding).

Applicant Garrick Rawding presented his proposed project, which involves the construction of a deck. The new deck would replace an existing deck and connecting the house's side entry to a staircase that leads down to the dock.

M. Giguere asked about the location of quantity of sonotube foundation piers that would be installed.

Rawding indicated there would be four (4) installed with the decking being tied into the house on a ledger board. Rawding indicated that a previously submitted plan (to the building department) showed the location

of the piers and that he would provide a copy for the Commission's record. Giguere encouraged the installation of crushed rock below the deck to deal with the increase in runoff.

O. Lathrop indicated that he is not in favor of the project which involves the construction of a permanent structure within the 100-foot buffer zone. He informed Rawding that this was prohibited under the Town's Wetland Bylaw. A discussion ensued about this and it was discussed that the area is currently disturbed and heavily used. The deck, it was argued, may improve the area by limiting foot traffic to a more defined location.

Upon a motion by M. Giguere, seconded by P. Morrison, it was:

VOTED to issue a negative determination of applicability under the following conditions:

- 1.) The applicant shall provide a plot plan showing the location and number of sonotubes
- 2.) All excavated materials shall be either removed from site or stored outside the buffer zone.
- 3.) A layer of crushed rock shall be installed under the deck.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

7:20 PM – NOI, 50 & 52 Island Road, for the replacement of two failing sewage disposal systems, MassDEP#(not yet assigned).

Representative Dan Wolfe (David E. Ross Associates) with Applicant Sanford Leavenworth were in attendance. D. Wolfe presented the proposed project, which involved the decommissioning of a failing sewage disposal system and the installation of a new system. The new system would tie 50 and 52 Island Road together into one leach field, but each would have their own septic tanks. D. Wolfe acknowledged that proposal requires a number of variances, but expressed confidence that the design is the only feasible solution considering the location of the properties. He continued by stating that the design would be a major improvement over current condition. Finally, a new drinking water well is also proposed, which would also serve both houses.

E. McHugh asked if both homes are occupied year-round to which S. Leavenworth replied 'yes'.

M. Giguere asked about the elevation of the leaching field in relation to the ground water level. D. Wolfe replied that even though the proposed system is going to utilize a Presby design, which allows for a reduced offset to groundwater, the plans still call for the maintaining of 5 feet offset to groundwater. Giguere continued and asked if the grading of the leach field was 3:1 to which D. Wolfe replied 'yes'. Giguere finished by stating that his only remaining concerns was that Board of Health has not yet approved the plan.

O. Lathrop asked about the retaining walls, which he observed were in a state of disrepair. D. Wolfe replied that no work is proposed on the walls and that any future work will require a separate filing with Conservation. Wolfe continued by stating that any of the work involved in the proposed project would also be far enough away from the retaining walls as to not threaten them.

After a brief amount of additional discussion, D. Wolfe stated that due to the fact that the project has not been assigned a case number and has not yet been approved by the Board of Health he requests a continuation to the next meeting.

Upon a motion by P. Morrison, seconded by M. Giguere, it was:

VOTED to continue the public hearing for 50 & 52 Island Road until April 28, 2020 to allow time for MassDEP to issue the case number and for the Board of Health to approve the project.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

At this time, the Commission moved back to **GENERAL BUSINESS** and discussed Order of Condition: 4 Alder Road, MassDEP#169-1200

N. Gualco explained that he had provided two versions of the Special Conditions for the Board's consideration. This was because this specific Order was to deal with a lapsed Order and that no conditions were set to change in the original. To this point, Gualco provided a 'short version' of the Order which references the expired Order (MassDEP#169-1108; found on Middlesex Registry of Deeds Book 64829, Page 500). The logic, Gualco explained, was based on the fact that 169-1108 would remain on the title until a Certificate of Compliance is issued and so referencing it as opposed to repeating each condition would reduce redundancy.

After reviewing a drafted list of special conditions under the Wetlands Protection Act, the following action was taken:

Upon a motion by P. Morrison, seconded by M. Giguere, it was:

VOTED to issued an Order of Conditions under the Massachusetts Wetlands Protection Act for 4 Alder Road, MassDEP#169-1200 as drafted.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

After reviewing a drafted list of special conditions under the Groton Wetlands Protection Bylaw, the Commission opted to make two changes.

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

VOTED to issue an Order of Conditions under the Groton Wetlands Protection Bylaw for 4 Alder Road, MassDEP#169-1200 as amended.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

### Committee Updates/Announcements

O. Lathrop reported that the Trails Committee has continued working with a Boy Scout on the proposed connection trail between Sorhaug Woods and Martins Pond Road. So far the Scout has flagged the trail and has received comments from the Committee. Lathrop reported that the Scout needs the Commission to approve the concept of building a trail as previously described. This, Lathrop continued, does not mean that the Commission is being asked to approve the location of the trail, but rather the idea that the Scout could build it assuming an agreed upon layout.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:

VOTED to approved the concept of a trail connecting Sorhaug Woods and Martins Pond Road.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

N. Gualco announced that the Select Board and the Board of Health have voted to close Sargisson Beach for the 2020 season as part of the efforts to address the COVID-19 pandemic.

At this time, the Commission discussed the recently received letter of resignation from Marshall Giguere.

#### Approve Meeting Minutes

The Commission resumed their discussion on the meeting minutes. O. Lathrop commented that he had a number of proposed changes and had identified a few areas that needed to be addressed. N. Gualco commented that he would revise the minutes and would provide an amended copy for approval at the next meeting.

#### Invoices

N. Gualco requested the Board make a motion to temporarily authorize him to sign invoices that were approved by the Commission. This was to reduce the need for Commissioners to physically sign an invoice in person.

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

VOTED to temporarily authorize N. Gualco to sign any invoice approved by the Commission at a public meeting.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

At this time the Commission reviewed an invoice from the Groton Herald.

Upon a motion by P. Morrison, seconded by M. Giguere, it was:

VOTED to approve and pay the Groton Herald for the posting of legal notices.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

#### **8:21 p.m. – Adjournment**

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

VOTED to adjourn.

**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).**

**Minutes Approved: May 12, 2020**