



**TOWN OF GROTON**  
Conservation Commission  
173 Main Street  
Groton, MA 01450  
(978) 448-1106  
Fax: 978-448-1113  
[ngualco@townofgroton.org](mailto:ngualco@townofgroton.org)



**Groton Conservation Commission**  
**Meeting Minutes**  
Tuesday, October 27, 2020 @ 6:30 p.m.  
Virtual Meeting

BROADCAST ON ZOOM AND THE GROTON CHANNEL  
PURSUANT TO GOVERNOR'S EXECUTIVE ORDER  
CONCERNING THE OPEN MEETING LAW  
<https://us02web.zoom.us/j/88527563299>  
WEBINAR ID: 885 2756 3299

**Present:** Larry Hurley, Chair; Bruce Easom, Vice-Chair; Alison Hamilton, Clerk; Peter Morrison, Eileen McHugh, Olin Lathrop

**Absent:** John Smigelski

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

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

**1. APPOINTMENTS AND HEARINGS\***

- 1.1. 6:30 PM – NOI, 601 Lowell Road, for the addition to an existing single-family home, MassDEP#169-not yet assigned.

Applicant: Bob Kiley

Representatives: Stan Dillis, Ducharme & Dillis Civil Design Group; Attorney Bob Collins.

S. Dillis presented the proposal, which involves the construction of an addition of the existing single-family house. The addition will include a four-season sunroom and a deck. The proposed structure will be built on foundation piers and will be within the 100-foot buffer zone. The area is already open and will require no vegetation removal. Finally, Dillis reported that a DEP number has been assigned and the Division of Fisheries and Wildlife has provided a letter of 'no take.'

B. Easom asked what the applicant was proposing for mitigation for the privilege to build within the buffer zone. Dillis replied that B. Kiley had previously donated a sizable conservation restriction which he believes should be sufficient for the modest project proposal.

E. McHugh confirmed that the erosion controls will demarcate the limit of disturbance and then clarified that no stockpiling of materials should occur beyond them. McHugh proposed the idea of Kiley planting native vegetation (e.g., blueberry, huckleberry) in the open unvegetated area as a means of mitigation. Kiley was agreeable to this idea. McHugh stated she would like to see a planting plan including a species list and locations of the plantings.

Upon a motion by E. McHugh, seconded by A. Hamilton, it was:  
VOTED to continue the public hearing for 601 Lowell Road until November 10, 2020.

**The motion passed by a roll call vote: (Yes: BE, PM, AH, EM, OL, LH).**

1.2. 6:45 PM – RDA, Groton Country Club, for removal of invasive species (Invasive Species Committee).

Applicant: Groton Invasive Species Committee, Olin Lathrop (Rep.)

O. Lathrop explained the proposal, which involves treating a large stand of Japanese knotweed (*Fallopia japonica*) at the Country Club. The plan is to cut the shoots in June and drip approx. 2 milliliters of glyphosate into the hollow stems and then retreat any regrowth later in the year with a foliar application of triclopyr. Lathrop stated that this method has been used successfully to treat knotweed in a number of locations across Groton in recent years.

E. McHugh asked what type of vegetation comes back after a stand is treated. Lathrop replied that it depends on the location but has seen a lot of pokeweed (*Phytolacca americana*) over the past year.

Upon a motion by B. Eason, seconded by E. McHugh, it was:  
VOTED to issue a Negative 3 Determination of Applicability for the proposed work at the Groton Country Club with no special conditions.

**The motion passed by a roll call vote: (Yes: PM, AH, EM, BE, LH, OL).**

1.3. 7:00 PM – RDA (cont.), 197 Main Street, for restoration of an existing house, (R. Mullins).  
Representatives: Stan Dillis, Ducharme & Dillis Civil Design Group; Attorney Bob Collins.

S. Dillis presented a revised site plan to the Commission which clarified that there is *no* Riverfront on the property as well as demonstrating that all project elements except a 354 square foot raingarden (and some associated minor grading) had been pulled out of the 100-foot buffer zone. Furthermore, the driveway will now be constructed using permeable pavement and a rip rap catchment area will be added below the driveway.

E. McHugh asked about performance standards for the raingarden and the stormwater features (permeable driveway, rip rap). B. Collins offered to have an Operation & Maintenance Plan created for the property and recorded at the Registry of Deeds.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:  
VOTED to issue a Negative 3 Determination of Applicability for 197 Main Street under the condition that an Operation & Maintenance Plan is recorded at the Middlesex Registry of Deeds for the rain garden, rip rap below the retaining wall, and permeable pavement driveway.

**The motion passed by a roll call vote: (Yes: AH, EM, OL, BE, PM, LH).**

1.4. 7:15 PM – NOI (cont.), 210 Indian Hill Road, for the restoration of an open meadow (S. Boucher).

Applicant: Steven Boucher.

Representative: Attorney Tom Bovenzi; Steven Marsden (engineer)

T. Bovenzi presented a restoration plan to the Commission, which showed the area to be restored and the area undisturbed. The restored area included the area where the irrigation system was installed in 2019. The whole buffer zone is planned to be replanted with wildflower meadow plants by Tanner Cole of Gatsby Grounds.

E. McHugh stated that she has personally worked on establishing meadows and reported that it is not an easy task. She commented that she would like to see follow-up efforts (beyond the initial planting) and regular monitoring reports provided to the Commission over the next few years. S. Marsden stated he is agreeable to this being added to the Order of Conditions.

O. Lathrop stated he was concerned with the wetland delineation line and requested that it be flagged and verified by the Commission. He also stated he would like to see conservation markers installed beyond the 100-foot buffer zone line to serve as means of mitigation for the fill that was added to the graded area (where the irrigation system was installed). The Commission discussed these two points for several minutes.

A. Hamilton asked if the seed mix was native to which Marsden confirmed that to be true.

L. Hurley opened the hearing to public comments and read a comment from Ben Wolfe (249 Indian Hill Road) who asked for clarification of the wildflower seed mix. S. Marsden stated he could provide a list of species for the next meeting.

Ted Lapres (of the Groton Conservation Trust) recounted the difficulties he and the Trust have had working with the homeowner on resolving the issue of encroachment of the Conservation Restriction.

L. Hurley read another comment from Erica Hager (126 Indian Hill Road) who stated that the cost to the homeowner is not the concern but rather it is the cost to the land and the neighborhood that are most important.

Upon a motion by E. McHugh, seconded by B. Easom, it was:  
VOTED to continue the public hearing for 210 Indian Hill Road until November 10, 2020.

**The motion passed by a roll call vote: (Yes: EM, OL., BE, PM, AH, LH).**

## 2. **GENERAL BUSINESS\***

### 2.1. Permitting

#### **Emergency Certificate, 52 Island**

Upon a motion by B. Easom, seconded by O. Lathrop, it was:

VOTED to ratify the Emergency Certificate for 52 Island Road.

**The motion passed by a roll call vote: (Yes: PM, AH, EM, OL, BE, LH).**

**Enforcement Order, 62 Raddin Road**

Homeowners: Pedro Lima, Jessica LaPlante

L. Hurley provide a brief summary of the inspection of the property that occurred on October 24, 2020. He then asked for an update on mitigation measures.

J. LaPlante stated that they had finished installing the majority of the silt fencing and was waiting for the rest of it, which had been ordered, to be delivered in the next few days. J. LaPlante also reported that they have contacted a surveyor to mark the property and the 200-foot Riverfront.

E. McHugh asked for clarification on the process in front of the board. N. Gualco replied that no Enforcement Order has been issued yet. He continued and shared that due the 200-foot complexities of the site he opted to have the Commission issue the Enforcement Order during the meeting.

O. Lathrop offered the following suggestions for how the Enforcement Order should read: 1.) install rip rap/gravel at the base of the driveway; 2.) erosion controls shall be installed all the way around the property (street and brook sides); 3.) cease all work that could impact the buffer zone.

The Commission discussed for several minutes the ramifications of a stop work order and how it pertained to stabilizing the site and the homeowners on-going efforts to have the existing failed septic system replaced.

At this time E. McHugh made a motion, seconded by B. Easom, to: issue an Enforcement Order for 62 Raddin Road, which shall not require a stop work order if the erosion controls are set up and inspected by the Conservation Administrator within 4 or 5 days. Also, the EO would require the filing of a Notice of Intent for all work within the buffer zone and Riverfront.

At this point the Commission discussed the timeline of requiring a NOI and how the pending septic system, which will likely need to come before the Commission, will also require the filing of a NOI. In an effort not to require two separate NOIs, E. McHugh amended her motion as follows:

Upon a motion by E. McHugh, seconded by P. Morrison, it was:  
VOTED to issue an Enforcement Order for 62 Raddin Road, which shall not require a stop work order if the erosion controls are set up and inspected by the Conservation Administrator within 4 or 5 days as well as a NOI to be filed for all work within jurisdictional areas by December 7, 2020. Additionally, the homeowners shall install rip rap to control dirt in the driveway and shall sweep Raddin Road once a week or as necessary.

**The amended motion passed by a roll call vote: (Yes: EM, OL, BE, PM, AH, LH).**

## 2.2. Other Discussions

### **CPC Application for FY22**

The Commission discussed how much CPA funding it wanted to request in FY22. P. Morrison commented that in FY21 the Commission requested \$200,000 and received a request from the CPC to increase the amount. Based on a review of the budget, B. Easom commented that there was ample funding this year to request another sizable amount. O. Lathrop recommended \$350,000, which was \$50,000 more than was requested by the Commission last year after increasing the amount.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:  
VOTED to request \$350,000 from the CPA fund in FY22 to replenish the Conservation Fund.

**The motion passed by a roll call vote: (Yes: BE, OL, LH, AH, EM, PM).**

## 2.3. Land Management

### **Stewardship Committee (updates)**

E. McHugh provided an update of the Stewardship Committee's recent meeting where eight members met and discussed the Open Space & Recreation Plan's 7-year Action Plan. Additionally, McHugh reported that education was a big topic of discussion. She concluded by stating the Committee is still finding its niche and will likely be doing so for a few more meetings.

### **Ames Meadow**

B. Easom reported that he has received permission from the Town Forest Committee to use their trails to access Ames Meadow and plans to mow the field in the coming week or so.

### **Priest Family Conservation Area**

O. Lathrop reported that he looked at the hilltop over the weekend and stated that the amount of work necessary to deal with the invasive species infestation is beyond the scope of the invasive species committee. He suggested a joint site walk of the Conservation Commission and the Invasive Species Committee. He then stated that he tried to make contact with the new homeowner and left a note on his door requesting they reach out when possible.

## 2.4. Committee Updates/Announcements

O. Lathrop (Trails Committee) reported that Erik Tobies has finished the trail through Sorhaug Woods and the Priest Family Conservation Area and has donated \$10 to the Trails Committee fund. He stated the Tobies did a terrific job on the trail.

2.5. Approve Meeting Minutes

Upon a motion by P. Morrison, seconded by A. Hamilton, it was:  
VOTED to approve the minutes for September 8, 2020 as amended.

**The motion passed by a roll call vote: (Yes: PM, AH, EM, OL, BE, LH).**

2.6. Invoices

Upon a motion by E. McHugh, seconded by B. Easom, it was:  
VOTED to approve and pay the invoice from the Groton Herald for \$110.50.

**The motion passed by a roll call vote: (Yes: PM, AH, EM, OL, BE, LH).**

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

None

4. **Adjournment (8:38 p.m.)**

Upon a motion by E. McHugh, seconded by P. Morrison, it was:  
VOTED to move to 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” not to return to open session.

**The motion passed by a roll call vote: (Yes: EM, OL, BE, PM, AH, LH).**

**Minutes Approved: November 10, 2020**