

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

Tuesday, November 24, 2020 @ 6:30 p.m.  
Virtual Meeting

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

**Absent:** None

**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, 85 Boathouse Road, for repairs and renovations of existing walls, deck, and parking area, MassDEP#(not yet assigned ).

Applicant: Mark and Donna Enright

M. Enright introduced the project, he stated that he already put up a wall in front of an existing wall by the driveway; he proposed paving a portion of the driveway, building a new garage, replacing 4 timber walls that are now rotting and leaning in with concrete walls and replacing existing concrete slabs.

P. Morrison asked where all the runoff water will go with the increased new impervious areas, concerned that it would end up in the lake. M. Enright answered that he was up for suggestions, possibly a catch basin.

E. McHugh stated that retaining walls should be replaced in the existing location and not in front of them. She asked if the wall that M. Enright replaced had a full footing and if the building inspector had approved it, there had been air between the wall and dirt during the site walk which would later cause erosion. M. Enright commented that he spoke with the building inspector and was told there were no problems. E. McHugh expressed that this item be a structural issue and not a conservation issue.

B. Easom asked the applicant to provide a plan showing both the preexisting impervious areas and the after impervious areas.

J. Smigelski suggested a civil engineer look at the plan for runoff water instead of the homeowner. M. Enright stated that as a homeowner doing his own work he can work on retaining walls to 10' high according to the building inspector.

O. Lathrop recommended an engineer draft a plan for the runoff water so that it can properly be infiltrated. He also recommended that there be diagrams that show what the site looks like presently and what it should look like when completed. O. Lathrop indicated that the proposed garage is within the 100-foot buffer zone and that the Town's bylaw doesn't allow for a permanent structure, he expressed that this issue is more up to the building inspector. He also showed concern for the new 15-foot slab (parking area) and where all the runoff water would be directed. M. Enright stated all the water will be hitting each bed before making its way to the lake.

L. Hurley suggested using pavers that would allow the water to seep through.

A discussion occurred between the Commissioners regarding properly replacing the timber walls and that they remain in the same location. It was suggested that the building inspector be present for the next meeting.

Mark Leonardo, (applicant's neighbor), expressed concern that this project has encroached onto his property. There has been vast building activity and increased impervious areas that he believes that it will affect his property. He stated that he is having the property surveyed and will provide a copy of the plan to the Commission once it is completed.

A brief discussion ensued in which the Commissioners agreed that the property line needs to be assessed before they can continue and that prior measurements that have been calculated are currently in question.

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

Voted to continue the public hearing to December 8, 2020 to allow the applicant to have the property surveyed.

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

1.2 7:15 PM- NOI, 68 West Main Street, for the installation of a septic system, MassDEP#( 169-1211).

Applicant: Darcy Shultz; Representative: Jack Maloney Ducharme & Dillis

J. Maloney introduced the project, which involves replacing the existing septic with a new 1500-gallon tank and a pump chamber. A GeoMat pad will be installed which wraps around creating a short filtered leach trench, two 39” pressure pads will be laid in a sand bed held down by pipes. A retaining wall is needed due to the drop off in land. J. Maloney proposed using big blocks that contain a poly-barrier on the upside. He stated this is a very narrow lot that has a sheer ledge.

D. Shultz notified the commission that the ledge is evident in her crawl space.

E. McHugh asked if the project has been approved by the Board of Health. J. Maloney stated that the proposal is going for approval next week. She questioned how high the wall will be. J. Maloney answered that the wall is 4.5ft-5.5ft tall, with the middle being the highest. E. McHugh stated that she would like to move to continue this hearing to make sure that all the permits are in order. J. Maloney responded that he was very confident that the board of health would approve is applicants’ request.

Bruce wanted confirmation that this site was indeed on West Groton Water. It was confirmed.

O. Lathrop suggested that an order of conditions be ready for the next meeting.

N. Gualco expressed that he never received an email with the DEP and requested the comments from the DEP website. J. Maloney stated that the only comment was for them to provide the method and support for the delineation. He mentioned that there were remanences from old flagging possibly from a previous project, and stated if he needed to provide the wetland datasheets he could do so.

A brief discussion between the Commissioners occurred, it was decided that no more information was needed regarding the delineation.

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

Voted to continue the public hearing to December 8, 2020 while waiting for the approval from the Board of Health.

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

1.3 7:25 PM-RDA, Priest Family Conservation Area, for treatment of invasive vegetation, (Invasive species Committee).  
Applicant: 234-parcel 15

O. Lathrop discussed that this was the new acquired “Trimper” property. Along the driveway is where the invasive vegetation needs to be treated. In September, he proposes using boards and ropes to flatten down the vegetation so he then can spray glyphosate which will absorb into the roots and kill the entire specimen. This herbicide is approved for wetlands, which is a “Roundup” that does not contain surfactant.

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

Voted to issue a Negative 2 Determination of Applicability for the treatment of invasive vegetation on 234-parcel 15.

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

1.4 7:30 PM (cont.), 210 Indian Hill Road, for the restoration of an open meadow, MassDEP#169-1211.

Applicant: Steve Boucher; Representative: Atty. Tim Bovenzi.

T. Bovenzi stated that based on previous discussion of reflagging the wetlands the surveying is complete, however, the plan has not been revised and is expected to be done next week. He was happy to announce a settlement agreement with the Groton Conservation Trust occurred. He requested that this hearing be moved to the next meeting with the revised plan.

B. Easom commented that the Commission is not in agreement with the two samples of soil taken from the flagged wetland boundary. T. Bovenzi replied that he will have the wetland engineer address the issue at the next hearing. B. Easom suggested that the engineer be present for a walk through with members of the Commission.

A. Hamilton recommended revisiting the delineation of wetland.

O. Lathrop questioned what the issue was regarding the settlement. T. Bovenzi responded with the courtesy of the Commissioners we have supplied a copy to the board to review.

Upon a motion by L. Hurley, seconded by B. Lathrop it was:

Voted to continue the public hearing to December 8, 2020 to wait for the revised plan.

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

Atty. Buzz Constable (representing the Conservation Trust) stated that there is a settlement in place, and requested that members of the Trust attend the next walk through.

## 2. General Business\*

### 2.1 Permitting

Order of Conditions, 601 Lowell Road, MassDEP#169-1210.

P. Morrison read the order of conditions to the Commissioners. A discussion regarding number 46 (notification of projects) had been struck from the conditions. E. McHugh stated that she is in favor of being notified regarding the projects progression and when it's completed. P. Morrison stated that they are only required to let us know when they begin and when a COC is requested.

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

Voted to amend to add the motion number 46 back into the Order of Conditions to be notified with progress reports of 601 Lowell Road, MassDEP#169-1210.

**The motion failed by a roll call vote: (Yes- BE, AH, EM; No- OL, PM, JS, LH).**

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

Voted to issue the Order of Conditions for 601 Lowell Road (MassDep169-1212)

Under the Massachusetts Wetlands Protection Act as Drafted.

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

Upon a motion by L. Hurley, second by E. McHugh it was:

Voted to issue the Order of Conditions for 601 Lowell Road (MassDep169-1212)

Under the Massachusetts Wetlands Protection Bylaw as drafted.

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

### 2.2 Land Management

#### Appraising Partridgeberry Woods

Paul Funch (Trails Committee) requested that the Commission pay for an appraisal of the Partridgeberry Woods Parcel A, owned by Robert Taisey. Funch reminded the Commission that a handicap accessible trail would run from Route 225 to the fairgrounds, including observation decks and benches. He proposed the trail would be a tribute to Marion Stoddart. P. Funch mentioned he previously proposed this plan to the homeowners whom were not in favor of it. He continued to say that he has a mystery person willing to purchase the land.

J. Smigelski requested an appraisal.

A. Hamilton asked why the neighbors were opposed to the plan. P. Funch stated that the trail would bring unwanted activities.

P. Morrison agreed an appraisal is necessary and expressed that he would like the Commission to own this land.

E. McHugh was concerned with someone else owning the land and not following through with the donation of the land.

O. Lathrop and L. Hurley concurred that this is a great property to own.

Upon a motion by P. Morrison, it seconded by E. McHugh it was:  
Voted to approve the payment of \$2000 for the appraisal of Partridgeberry Woods.  
**The motion passed by roll call vote: (Yes-BE, AH, JS, PM, EM, OL, HL).**

#### Trail entrance improvements, Fritz and Helen Walker Conservation Area

Paul Funch reported that the entrance of Brown Lane has a 20% slope and is very difficult for equestrians to stop and have a safe landing from the road. He would like to be able to grade the entrance to 9%. He discussed the matter with Tom Delaney who stated that the hickory roots may be damaged in the process and possibly moving the entrance directly across from the trail entrance on the opposite side of the road.

E. McHugh stated that she would like to keep the entrance at the existing trailhead and proceed with the grading.

O. Lathrop stated he would like the trail across from the other trail entrance, and noted that the trust has a CR on this land and they would have to approve it.

J. Smigelski asked how wide would the grade have to be for a 4ft trail. P. Funch replied roughly 12 feet. J. Smigelski suggested that the grading be pushed to the left of the existing trail giving it a pitch in the other direction.

L. Hurley asked what was going to be done with the fill. N. Gualco stated that it must stay on site per the Conservation Restriction. L. Hurley would like the trail be moved to line up with the other trail.

B. Easom commented he is in favor of the major excavation directly across from the other trail, Chicopee Row is a very busy road. He stated this would be the best long term solution.

After a brief discussion the Commissioners recommended that P. Funch come back with diagrams and additional information regarding the two suggested proposals.

#### Posting of “dog rule” at Conservation Areas that have trails

P. Funch presented the Commission with a new sign. The Commission questioned where the signage will be placed. P. Funch stated he will provide them with a list at a later date.

Upon a motion by O. Lathrop, seconded by P. Morrison it was:

Voted: to approve the presented dog rule sign.

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

#### Trail signage at Patricia Hallet Conservation Area

P. Funch requested permission to mark the trail that runs straight through the Patricia Hallet Conservation Area, which is included on the Trail Committee’s trail map.

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

Voted to allow the standard trail markers to be placed on the existing Patricia Hallet Conservation Area.

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

#### Crystal Springs CR, baseline assessment- update

N. Gualco summarized the site visit, he stated that himself and a few other Commissioners were only able to find one boundary markers due to all the fallen leaves. He would have to return to the site with a higher powered GPS. He noted the amount of damage on the 13 acre parcel from the microburst that occurred in May. His next step is to obtain the photos from O. Lathrop and compile a monitoring report. As soon as this is completed, he will present again.

#### Review CR draft language for Patricia Hallet Conservation Area

N. Gualco stated that this property does not have a CR right now and was purchased using CPA funds, which requires a CR be placed on the land. N. Gualco requested direction from the board with 3 options. A. We take turns give thoughts and have another site walk. B. Create a subset to form a CR / present to the board. C. Task for the Stewardship Committee.

E. McHugh stated that with a forestry plan we might want someone else take the lead (option B), she expressed the Stewardship Committee was not the right fit.

B. Easom and O. Lathrop concurred that they both would be willing to help with a subset.

After a brief discussion the Commission suggested that another site walk be done and the small group of O. Lathrop, B. Easom and N. Gualco will meet on zoom and work on the CR.

#### Shattuck Homestead, fallen tree removal- update

L. Hurley stated that himself and J. Smigelski will go out on Saturday to take those two fallen trees out of the field and the ones on the edge. L. Hurley received a call from Bill Strickland regarding trees being down on the trail way. O. Lathrop, B. Strickland and himself went out and cleared the trees with his bobcat and chainsaws. Soon after the Trails Committee came out and smoothed out the area, no complaints have been made.

B. Easom asked what is going to be done with the removed trees. L. Hurley stated that they will be cut and stacked neatly on site.

#### Update on mowing of meadow properties

None since last meeting

#### 2.3 Committee Updates/ Announcements

O. Lathrop presented the Commissioners with a picture of equestrians using the new bridge at Gibbet Hill.

E. McHugh updated on the Stewardship Committee and said it's still a work in progress. The three items that she expressed they would like to work on are 1.) "boots on the ground" project, such as monitoring of conservation lands. 2.) Continue to track progress made on the Town's Open Space & Recreation Plan's 7-year Action Plan; 3.) Increase networking and education. (Website, Facebook, Instagram.) McHugh said there are roughly 7-9 people participating in the Stewardship Committee.

#### 2.4 Approve Meeting Minutes

Upon a motion by O. Lathrop seconded by B. Easom, it was  
Voted to approve and accept as amended the minutes from November 10, 2020  
**The motion passed by roll call (Yes-OL, BE, JS, EH, PM, LH).**

#### 2.5 Invoices

Upon a motion E. McHugh by second by J. Smigelski it was:

Voted to approve and pay the invoice to B. Easom for \$ 10.24 for fuel used to mow Ames Meadow.

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

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

#### **Indian Hill Music Center, James Brook siltation**

O Lathrop updated that muddy water was found running into James Brook which originated from the Indian Hill Property. He noticed that their erosion controls have failed.

N. Gualco met with the general contractor, Scott Wilson this morning Tuesday, November 24, 2020. N. Gualco stated with the increase of impervious areas due to paving the road, the catch basin failed, creating water streaming down the road, pooling and continuing into the culvert. S. Wilson contacted N. Gualco this afternoon updating him that the catch basin has been cleared, Hay bales and rock check dams were installed to slow down the water and the silt fences have been replaced. The erosion controls are now operational again. N. Gualco recommended everything be stabilized by tomorrow, Wednesday, November 25,2020.

J. Smigelski agreed with the site needed to be stabilized.

P. Morrison suggested that they keep an eye on the situation and address an enforcement order if the “coffee” water is still running into the brook by Thursday.

O. Lathrop stated that he will stop by the site to see if the muddy water was still present in the brook

B. Easom recommended that they keep this site on notice and check on them again due to lack of great care prior to the event.

4. 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.”

The Commission moved into executive session after ending the public hearing.

5. Adjournment

**9.12 PM** Upon a motion by P. Morrison, seconded by B. Easom it was:  
Voted to end the public meeting and go into Executive Session at 9:12 P.M not to  
return to open session.  
**The motion passed by roll call vote: (Yes- JS, BE, PM, LH).**

**Minutes Approved: December 8, 2020**