

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

Tuesday, December 22, 2020 @ 6:30 p.m.  
Virtual Meeting

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

**Absent:** Allison Hamilton; Clerk

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

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

**1.) APPOINTMENTS AND HEARING**

6:30 PM – RDA, “0” Longley Road, for the installation of a water main along Longley Road. Applicant: Shepley Hill Capital Hill Partners, Larry Smith; William & Spragues, Greg Hochmuth, Jill Mann; Meridian Associates, Charlie Wear, Julia Dickinson

G. Hochmuth explained the project which involves installing a 12” duct line water main one mile long extending from Break Neck Road to the frontage of the parcel on Longley Road. A number of Bordering Vegetated Wetlands (BVW) have been delineated by blue flags close to the paved road. The proposed trench will be dug in the paved surface and is expected to be a slow process due to backfilling the trench at the end of each work day. Erosion controls will be installed and no wetlands will be altered.

Larry Smith stated thirteen additional laterals will have the ability to hook up to the town water supply if desired.

B. Easom was concerned with the location of the hydrants in relations to the wetlands and the chlorinated water levels that comes from the hydrants when they are cleared of any sediment. G. Hochmuth stated the road does have a slight crown causing the water to flow towards the wetlands, he believes the water is up to drinking water standard and will not cause any harm to the wetlands. B. Easom questioned moving the hydrant proposed at D&E

series on the map. C. Wear stated it is very easy to move at this point, he reiterated that the chlorination levels at the beginning of the pipe are used to kill any bacteria and then decreases. B. Easom then questioned the location of the air release valves. C. Wear explained air release valves are directly in the pavement at the high point of the roadway and allow for air to release from the water main.

P. Morrison questioned if each house would be subbed off throughout the project and if there would be any road closures. C. Wear confirmed the houses will be subbed and there will be a closure of one lane which will require a police detail.

E. McHugh questioned the time frame of the project and the location of the project within the pavement. L. Smith stated that two hundred feet a day is expected. C. Wear explained the hydrants will be off the road and the water main will be within the paved surface. E. McHugh then questioned if the local DPW and HWD will be inspecting the project. C. Wear agreed that both departments will be involved.

O. Lathrop was concerned about the process of the dirt that is excavated from the trench each day and its location to the wetlands. C. Wear explained that the dirt will be placed parallel to the roadway each day with erosion controls installed the trench then will be backfilled and compacted down. A small amount of excess soil will be removed from the site daily. O. Lathrop requested that the roadway be swept on a daily basis to prevent the soil entering the wetlands. C. Wear confirmed there are plans for sweeping.

L. Hurley questioned the distance of the hydrants from the water main, C. Wear answered two to three feet off the edge of the road.

Julia Dickinson stated that there is a direct detour for traffic to pass instead of waiting for the police detail.

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

VOTED to issue a Negative 3 Determination under the conditions to use erosion controls along each BVW on Longley road, the trench gets filled on a daily basis with a truck on site to remove excess soil, and the street is swept at the close of each business day.

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

6:55 PM – NOI, “0” Longley Road, for the construction of a new subdivision, MassDEP# not yet assigned

Applicant: Shepley Hill Capital Hill Partners, Larry Smith; William & Spragues, Greg Hochmuth, Jill Mann; Meridian Associates, Charlie Wear, Julia Dickinson

G. Hochmuth described the project which involves fourteen residential parcels that will be subdivided into 28 duplexes in between Sand Hill Road and Longley Road. The Planning Board requires two access points to the subdivision. The problem foreseen is crossing the

wetlands; there is a stream that runs parallel to both Longley Road and Sand Hill Road. The proposed entrance from Longley Road contains intermittent streams that are required to be protected; the proposed plan obtains an openness ratio that allows wildlife to cross. The total disturbance to the BVW is minimal at 111 square foot for this first crossing. The second proposed access point is at Sand Hill Road and crosses the outer riparian zone (Riverfront) of a perennial stream, which is located across Sand Hill Road. The second access proposal involves approx. 1,517 square foot of BVW disturbance. G. Hochmuth explained the roadway has been narrowed down to twenty feet including room for a sidewalk. The replication of the wetlands will be as close to the disturbed areas as possible. Additionally, the plans calls for the installation of several infiltration basins and associated grading. Said basins will be partly in the buffer zone. G. Hochmuth listed the proposed vegetation plan that include, Highbush, Blueberry Bushes, Red Maple, River Birch, Winterberry Jolly, Silky Dogwood, Sweet Pepperbush, Sensitive Fern, deer resistant planting (around the entrance ways), and double seed grass mixes planned for stabilization on slopes. Monitoring reports will be submitted for all the planned vegetation growth. G. Hochmuth then questioned the Commission if the 3-1 ratio had to be acquired at all times because deforestation of the land can result in wetlands and would like to save some of the older trees if possible.

O. Lathrop questioned the openness ratio. G. Hochmuth explained that it's a calculation by dividing a culvert's cross-sectional area by its length. He continued by stating that the project design exceeds Massachusetts Stream Crossing Standards.

P. Morrison noted a few houses are very close to the 100-foot buffer and questioned if the residents will be aware of future expansion restrictions. L. Smith stated that there will be no future expansions allowed and that the Condominium Association would have to approve any type of building on the grounds. P. Morrison recommended that conservation plaques be installed.

E. McHugh recommended that someone should be on site watching the replication and process, she then questioned if this project was going out to bid. L. Smith stated that there will be a bid however he is the site contractor and will be responsible for the quality control and any provisions made by the conservation. E. McHugh questioned if stockpiling soil in the uplands was planned, Larry stated yes. E. McHugh requested that a schedule be submitted on time frame of the project and any replanting application be applied earlier. E. McHugh would like to see the 3-1 ratio followed at the major crossing.

In response to Hochmuth's request to relax the 3:1 replication standard to save mature trees, J. Smigelski questioned the size of the trees planned on saving. G. Hochmuth explained he would like some flexibility to shape the area if necessary and reference a few 12"+ d.b.h. hickory trees along Sand Hill Road as examples.

O. Lathrop then questioned the flow of the runoff water. C. Wear displayed the Origin of Control Plan explaining that a stream runs from the southeast corner through the site, drainage is marked by a drumlin and storm water proceeds down the hill into the wetlands on both sides. C. Wear discussed capturing all impervious surfaces (roof tops, roadway) into five catch basins that will infiltrate overtime. The Groton Storm Water bylaws require more

restrictions than the state and their report is now under a peer review. O. Lathrop requested clarification on the proposed public access. C. Wear said there will be a gravel parking lot accommodating three vehicles and access to a trail. Jill Mann proposed that open space will be an easement to public and the Conservation Commission will hold the CR while the condominium maintains ownership of the site. O. Lathrop discussed the fence line between the subdivision and the abutting land (land of Ramona Tolls). C. Wear explained that, per the request of the neighbor, there will be a post and beam fence installed, which will allow wildlife to move freely. O. Lathrop showed concern for the numerous area of 1:1 slope proposed. C. Wear said he has designed this type of slope multiple times and the Planning Board had recommended using an engineered fabric that holds the soil and once vegetation is established it will not move. During the installation tie backs will be installed every foot and closely monitored.

B. Easom questioned the standard for the grading in the buffer and how the slope of the proposed grade for the stream compares to the existing topography (by the proposed Sand Hill Road crossing). G. Hochmuth responded that this area is 3:1 and is comparable to the existing conditions. B. Easom expressed he did not want it any steeper so it can remain stabilized. A brief discussion regarding the vegetation around the slope occurred. It was stated that huckleberry and blueberry bushes are the current vegetation and a grass slope mix is planned to replace the bushes to prevent erosion. B. Easom recommended spending more time and researching the best vegetation to use. B. Easom then questioned the disturbance for both Longley Road and Sand Hill Road. G. Hochmuth explained that only 111 square feet of disturbance is projected and no alterations are required for the water or land at the Longley Road access. The proposed Sand Hill access involves 1,517 square feet of disturbance. C. Wear explained they narrowed the road as much as possible while keeping a side walk. A culvert will be used with an opening of 12ftx5ft that wildlife can still walk through. B. Easom questioned why a second culvert was not used (to fully span the stream "valley"). C. Wear explained the road follows the contour of the land and a culvert of that height would not work in another part of the road. G. Hochmuth stated that the culvert would shade any vegetation growth and to replicate a wetland would be counterproductive. B. Easom requested to see a draft of the CR showing the public easement. J. Mann stated that she will provide a draft of the CR.

G. Hochmuth briefly discussed that they may owe both the state and the town additional money; he explained altering a river front with addition of a buffer, .5% would need to be added to the 200-foot river front. This small section is currently being analyzed.

Anna Elliot, an abutter, was concerned about the amount of cut and fill proposed. A. Elliot commented that she has allowed an easement on her property for the trail and would like to participate with the Conservation Commission while restrictions and protections are being developed (for the future CR proposed).

A discussion among the Conservation Commission ensued on what they would like to see at the next public meeting. E. McHugh would like the language for the CR, a plan on how 3:1 ratios are going to be met, and require scheduling documents and reporting biweekly progress. P. Morrison requested a copy of the HOA agreement and buffer markers on the next plan. O. Lathrop commented on the shaded area and would like a plan that addresses

invasive vegetation maintenance for the future and a lighting plan. L. Smith stated a lighting plan has been sent to Planning Board and explained there is no light overflowing from the road. B. Easom referenced the ACEC Prohibition Ordering of Wetlands and recommended that be put into consideration.

N. Gualco stated that there are two letters for the Commission to review.

Upon a motion by B. Easom, seconded by O. Lathrop it was:  
Voted to continue the public hearing to January 12, 2020.

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

8:07 PM – RDA, 49 Valley Road, for the removal of trees in close proximity to a house.  
Applicant: John. Kilgo

The Applicant proposed removing several unhealthy and dying trees which are beginning to cause damage to his stone wall and are concerning due to the close proximity to his house. J. Kilgo submitted a replanting plan to the Commission, showing raspberry bushes, blueberry bushes, various shrubs, and the use of Canada Wild Rye grass.

E. McHugh commented that replanting is crucial to prevent erosion, and explained that the trees act as perforated umbrella.

B. Easom questioned if the stumps would remain in place. J. Kilgo stated he plans on leaving the stumps, explaining that one birch stump may need to be removed.

L. Hurley questioned the current ground coverings. J. Kilgo stated that the landscapers removed all the top leaves from the ground.

Upon a motion by P. Morrison, seconded by it O. Lathrop, it was:  
Voted to issue a Negative 3 Determination under the condition that the applicant shall follow a replanting plan similar to the one submitted with the RDA.

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

8:20 PM – Discussion, Enforcement Order, MassDEP#169-1145, 122 Old Ayer Road (Indian Hill Music Center).

N. Gualco updated the Commission that the site visit with Scott Wilson and Michelle Collette showed a lot progress. N. Gualco stated a letter, to which Nitsch also submitted a peer review, was received from the new Environmental Scientist Tom Christopher specifying the conditions currently on the site.

Scott Wilson discussed receiving the recommendations from T. Christopher for the runoff water and has started addressing those items; the recent snow slowed down progress to the site.

Jared Gentilucci from Nitsch explained he received a call from M. Collette regarding the breach within the erosion control. J. Gentilucci then visited the sight on December 14 2020 and issued a report to both the Conservation Commission and the Earth Removal Stormwater Advisory Committee (ERSAC). After reviewing T. Christopher's observation J. Gentilucci explained his recommendations and observations, which include: 1.) the north sediment basin was filled with water and may need to be dredged out to continue and control maintenance; 2.) erosion control/riprap was not installed at the north sediment basin; 3.) heavy sedimentation was noted on the north side of the construction area and ultimately needs to be removed by hand for minimal disturbance, no sooner than next spring; 4.) a few areas of runoff with turbidity were observed. J. Gentilucci then commented that this site contains silty soil and is the main cause of the erosion and suggested utilizing flocculant logs which can aid in some of the swales.

\*\*\* E. McHugh called the ERSAC meeting to order at 8:34 P.M. \*\*\*

J. Smigelski questioned if the site can handle the upcoming weather forecast. J. Gentilucci stated the site is in a better position and the erosion sediment controls are in place. The frozen grounds can affect how runoff flows.

O. Lathrop questioned the dredging of the northern basin and the walls steepness not being stabilized. J. Gentilucci stated with the current conditions any improvements should occur in the spring. O. Lathrop then asked if the eight acres have been remedied. G. Shepard responded the water is going through the field into the swale as designed. J. Gentilucci observed the area and stated the field naturally drains towards Old Ayer Road and does not flow towards the site.

B. Easom questioned the use of flocculant logs. J. Gentilucci described flocculant logs as anionic logs that help sediment bind together to create a mass and settle out. They should not be used wide spread, only in challenging sediment migration areas such as a swale or the north detention basin. J. Gentilucci explained flocculant logs generally last a few months and do require replacement. B. Easom then questioned if the overflow sedimentation basin near Peabody Street and Old Ayer Road ended up in James Brook. J. Gentilucci explained that he only heard what occurred, T. Christopher noted that there does need to be some upgrades and repairs on the erosion controls in that area. B. Easom requested recommendations to clean the entire pond suspended with sediment. G. Shepard stated that he obtained two large water tanks from Rain for Rent and plans on pumping the water out, treating it with a flocculant to take the sediment out and then spreading the water out over the field. This is intended to be done as soon as the weather allows them to do so.

P. Morrison questioned J. Gentilucci if the orders of conditions were reviewed and explained that this was the main reason for a peer review. After a brief discussion P. Morrison brought to attention the various conditions including numbers 31, 34, 37, and 40 of the orders of conditions that he felt may have been violated and is concerned with the impact they may

have on the wetlands J. Gentilucci agreed to review the orders of conditions and will report back his findings of any violations and to what extent at the next meeting.

L. Hurley notified the Commission he has viewed the pictures of the site and is pleased to see a progression towards stabilization.

B. Hanninen (ERSAC ) agreed the runoff is currently remaining on site. At the next meeting he would like to see the progression of the pumping of the basin and requests that G. Shepard update both Commissions.

M. Collette (ERSAC) has revisited the site multiple times since the initial breach and has taken photos. She was very impressed with T. Christopher's hands-on problem solving and experience, and stated his reports are reflecting our concerns and recommendations. She also reported that it was her opinion that G. Shepard is taking this very seriously and has a handle on the situations.

E. McHugh (ERSAC) is concerned and would like to address the following items at the next ERSAC meeting on January 5, 2021: 1.) Nitsch should begin to review the 80 outstanding items (from the Beals Associates report); 2.) more of the exposed soil on site shall be stabilized; 3.) since Shepco has terminated Beals a replacement engineer of record shall replace them. G. Shepard stated that he contested the eighty items not being resolved and is the sole reason why Beals Associates was terminated, he explained this project is imperative and will benefit the community. Regarding the order of conditions, the basin did overrun and can be resolved without fines being issued. He continued and stated proper steps are being taken remedy these matter as quickly as possible. Finally, Shepherd reported that a new engineer has been hired, Stan Dillis. E. McHugh requested that the new engineer be present at the next meeting.

The Conservation Commission had a brief discussion regarding attending the next Earth Stormwater Removal Advisory Committee on January 5,2020.

P. Morrison questioned if an appointment is required to visit the site. G. Shepard stated a phone call is necessary due to the fact that the site is a large and active construction site - unapproved visitation of the site is a major liability concern and therefore there will be no trespassing on the site without prior permission.

Upon a motion G. Barringer by, seconded by E. McHugh, it was:  
Voted to adjourn the Earth Removal Stormwater Advisory Committee public meeting at 9:16 P.M.

**The motion passed by a roll call vote: (Yes: GB, BH, EM)**

9:20 PM – NOI (cont.), 210 Indian Hill Road, for the restoration of an open meadow, MassDEP#169-1211.

Applicant Steven Boucher; Representative: Attorney Tim Bovenzi; Engineer: Steven Marsden.

Steven Marsden discussed the revised map of the wetlands provided by Matt Morrell. S. Marsden explained wetlands change over time as well as hydrology and runoff. The wetland flags have been moved to accordance. S. Marsden reported they will monitor the growth of the vegetation which he presumes it will present itself in the spring and report back to the Commission at that time.

O. Lathrop commented he would like have permanent conversation markers installed at the 100-foot buffer, distanced every 50 feet apart, and limit mowing to out of the growing season (November 15<sup>th</sup>). O. Lathrop also stated that he would be fine with granting permission for the of removal of any invasive vegetation.

The Commission had a brief discussion regarding the restriction of mowing. An agreement ensued that mowing can be permitted on September 15<sup>th</sup> in accordance with the agreement between the applicant and the holder of the Conservation Restriction (the Groton Conservation Trust).

Upon a motion by E. McHugh, seconded P. Morrison, by it was:  
Voted to close the public hearing on 210 Indian Hill Road, for the restoration of an open meadow, MassDEP#169-1211.

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

9:35 PM – NOI (cont.), 85 Boathouse Road, for repairs and renovations of existing retaining walls, deck, and parking area, MassDEP#1213.

Applicant: Mark and Donna Enright

The applicant proposed to the Commission digging a trench 1 foot x18 inches to then be filled with crushed stone for runoff water from the front of the house and agreed to install pavers in the driveway.

N. Gualco reported the site still has not been surveyed and the applicant is in the process contacting an engineer.

L. Hurley stated an engineer is required to develop a plan entailing the amount of impervious area and assuring the Commission that more runoff will not be generated with the new proposed work. The site must remain stabilized.

N. Gualco advised the applicant to contact him when the required survey and analysis are completed.

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
Voted to continue the public hearing to January 22, 2020.

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



## 2. GENERAL BUSINESS

### Permitting

COC, 194 Sand Hill Road, MassDEP#169-0940

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
Voted to issue the Certificate of Compliance for MassDEP#169-0940.

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

### Land Management

O. Lathrop presented the Commission with the sign that he designed to be posted at Martins Pond Road (for the Priest Family Conservation Area) and at the trailhead as previously requested by the Trail Committee. N. Gualco suggested speaking with the neighbor before removing any existing “no trespassing” signage.

### Committee Updates/Announcements

None

### Approve Meeting Minutes

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:  
Voted to approve the minutes for December 08, 2020 as amended.

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

### Invoices

None

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

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.

None

### 5. Adjournment

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
Voted to adjourn the public meeting at 9:45 P.M.

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

**Minutes Approved: January 12, 2021**