

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

**Groton Conservation Commission
Meeting Minutes**

Tuesday, April 13, 2021 @ 6:30 p.m.
Virtual Meeting

BROADCAST ON ZOOM AND THE GROTON CHANNEL
PURSUANT TO GOVERNOR'S EXECUTIVE ORDER
CONCERNING THE OPEN MEETING LAW

Present: Larry Hurley, Chair; Bruce Easom, Vice Chair; Eileen McHugh, Olin Lathrop, John Smigelski, Allison Hamilton; Clerk (6:43)

Absent: Peter Morrison

Others Present: Nikolis Gualco, Conservation Administrator

6:30 PM- L. Hurley, Chair called the meeting to order.

1. APPOINTMENTS AND HEARINGS

6:30 PM – RDA (2021-07), 171 Lowell Road, for repair work to an existing single family house
Applicant: Rebecca Tabasky, J. Degen, Contractor

The applicant proposed removing concrete at the rear of the house located against the foundation for structural work and removing trees that are in risk of falling on the residence. J. Degen will be responsible for dredging the manmade troth which holds water currently. J. Degen explained that the 1750 home is in need of structural stabilization; there is rot and termite damage. A wall located along the backside of the foundation was encapsulated by concrete. In order to repair the sill a jack hammer will be used to remove the concrete and a 2 to 3 foot excavated trench will be required to access the stone located underneath the sill. Three large granite pieces are supporting the sill and a timber framer will be called in to raise the house up $\frac{3}{4}$ to 1 inch to reset the sill stone, and rebuild the stones that are failing from inside the house. The stock piled soil will be placed in the driveway and then backfilled in the excavated trench. The chain link fence will be removed to gain access to the yard and any holes will be backfilled. The manmade concrete drainage line near Shattuck Street has a concrete headwall that is deteriorated which runs through the swale leading up to the garage. There

is a tremendous amount of muck that runs through the 4 inch PVC pipe and if it is not cleared it will cause more damage to the yard and foundation. The pipe has been pressure washed to ensure that it was properly functioning. Chicken wire is placed on one side to prevent silt from entering. Nothing is proposed on the natural side of the drainage.

E. McHugh asked J. Degen to describe the profile of the concrete line. J. Degen stated that the swale is 3 to 4 inches deep and the concrete is in a U shape 2.5 to 3 feet wide and explained if it fills with leaves and muck it will cause clogging and overflow into the yard. E. McHugh questioned if the process was only to scrape the muck and stated by issuing a COC that the Commission requires that the drainage remains stable. J. Degen explained that there will be very minimal work performed and has charged 8 hours of labor to hose down the pipe to allow free flow underneath the garage. E. McHugh requested if any other work is required that it be presented to the Commission.

O. Lathrop questioned the erosion control that will be set in place for the stockpiled soil, also requesting that no excavation is performed during any precipitation. J. Degen stated that a tarp will be placed over the soil and weighted down. On the opposite side of the barn a piece of commercial film fabric will be inserted as a precaution for any silt that may enter the drainage.

L. Hurley questioned if there was a drawing for the proposed removal of the trees. R. Tabasky stated that she submitted a rough sketch ensuring to only remove trees that were dying, diseased, and that had already fallen.

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

Voted to issue a Negative 3 Determination under the conditions: 1. Any soil excavated is to be covered with a tarp. 2. The clearing of the drainage swale is permitted down to the concrete base. 3. A fabric filter is installed to prevent erosion. 4. Raking of the swale is allowed and another other mechanical issue will require a new RDA.

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

A. Hamilton-abstain

6:45 PM – RDA (2021-08), 249 Indian Hill Road, for improvements to an existing parking area and landscaping.

Applicant: Benjamin Wolfe

B. Wolfe proposed adding fresh gravel to the existing driveway and lining it with cobble stone on both sides to define the parking area. The gravel will be delivered outside of the buffer zone and moved into place by wheelbarrows and flattened by hand tools. A woodland buffer of White Pine and Sweet Birch will replace the current Sugar Maples and Honey Suckles. Two yards of 50/50 compost will be added to the native trees. Boulders will be brought in by New England Granite and placed loosely to create a boundary, proposing no formal wall. B. Wolfe also requested approval to remove the abundance of the Lily of the Valley.

J. Smigelski commented that the applicant may want to reconsider planting Birch Trees, explaining their lifespan is very short and would require to be replaced sooner than most trees.

E. McHugh displayed a photograph of a property that had planted White Pines as a woodland buffer so the Commission could view an example.

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

Voted to issue a Negative 3 Determination under the conditions: 1. Work is performed as shown in the plan.

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

7:00 PM – RDA (2021-09), 490 Old Dunstable Road, for the removal of hazardous trees.

Applicant: Ginger Vollmar

G. Vollmar explained that a tree fell on her house on March 12, 2021 and intended on removing trees that had been recommended by the tree company that were weak and in risk of hitting her home. She notified N. Gualco over the weekend that the tree company was coming out and requested for an emergency authorization to approve the removal of the trees that were previously identified.

J. Smigelski questioned if the applicant removed enough trees. G. Vollmar stated eight trees were removed and feels that it was an adequate number.

Upon a motion by B. Easom, seconded by A. Hamilton, it was:

Voted to issue a Negative 3 Determination.

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

7:10 PM – RDA (2021-10), 38 Spaulding Lane, for the removal of hazardous trees.

Applicant: Ronald Strohsahl

R. Strohsahl discussed a number of trees fell down after purchasing the property. The applicant is proposing removing eleven trees that line the backyard within the buffer zone, one tree being outside the buffer zone, they are all in risk of falling onto his home. A crane will be used to remove the trees and will remain outside of the fenced in area. The stumps will stay intact and shrubs will be planted to replace some of the trees. R. Strohsahl ensured that his intent is not to extend the backyard.

O. Lathrop suggested topping off the trees and leaving behind fifteen foot snags. A. Hamilton agreed and recommended keeping a few logs for coverage to create habitats. R. Strohsahl stated that he will speak with the tree company about both suggestions and will consider leaving a couple of logs to roll into the woods to naturally decompose.

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

Voted to issue a Negative 3 Determination under the conditions: 1. Work is performed as shown in the plan.

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

7:20 PM – Discussion, Brown Trail relocation (Fritz & Helen Walker Conservation Area)

Paul Funch briefly discussed that the Commission had requested more information regarding aligning and regrading both trail heads on Chicopee Road. After speaking with T. Delaney, the Highway Department favored rerouting the trail heads. The Trail Committee would be required to apply for a Scenic Road Permit to relocate the stone wall. A meeting with the Planning Board and the Tree Warden is scheduled for next Thursday. To ensure a successful application it will require support from both the Groton Conservation Trust and the Conservation Commission.

O. Lathrop questioned the applications content, which states that the ConCom acquired for all soil to remain on site and does not see the ecological advantage. N. Gualco stated that the CR clearly states that no soil can be removed from the property. J. Smigelski suggested the Highway Department remove anything in the road right away. P. Funch explained that T. Delaney plans to relocate anything up to the conservation marker.

L. Hurley commented that it is better to move the soil around the site and not pile it. B. Easom questioned if that is something that can be waived by the CR holder. L. Hurley then questioned the removal of the one tree. P. Funch stated the T. Delaney may be able to avoid it depending on the root system.

Upon a motion by B. Easom, seconded by A. Hamilton, it was:

Voted to support the rerouting of the trail at Fritz & Helen Walker Conservation Area.

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

P. Funch requested permission to install trail markers on the main trail at the Patricia Hallet Conservation Area.

E. McHugh questioned if the trail is marked on the Groton Trails Map. P. Funch answered yes.

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

Voted to authorize the Trails Committee to install markers on the main trail at the Patricia Hallet Conservation Area.

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

7:30 PM – RDA (2021-11), 28 Redskin Trail, for the demolition of an existing dwelling.
Applicant: Charles Bryne, Representative: Kristen Howell, Georgoulis Construction

K. Howell and the applicant submitted a permit for the demolition to the existing structure located on the property.

N. Gualco stated in addition to the demolition of the structure there is a cesspool that requires removal. The applicant provided photos of a silt fence that surrounds the backside of the property to prevent any erosion. Due to technical difficulties C. Bryne notified N. Gualco that the board can proceed with the hearing for the determination and stated in addition to the removal of the cesspool and the demolition to the existing structure, he would like to include adding sand to the beach area.

J. Smigelski questioned if adding sand is allowable. N. Gualco was unsure.

E. McHugh was concerned with the demolition and if there were any trees being removed. K. Howell answered no. E. McHugh was uncertain of the request to add more sand and commented if you were to bring in three inches of sand you may have to remove three inches.

B. Easom stated that beach sand replenishment project would be categorized under an NOI. K. Howell explained there is no intention of digging the existing sand and is simply requesting to overlay the new sand. B. Easom then questioned if the existing foundation will remain. K. Howell explained that the foundation is made up of a concrete block that would be replaced in the new design.

O. Lathrop commented that he would not approve the additional beach sand, the law states no filling. He also requested that no heavy equipment is permitted on the beach.

A. Hamilton questioned the location of the cesspool and is not comfortable with the beach sand enhancement without further research. K. Howell stated that the cesspool is at the front of the house and is upslope. A. Hamilton also requested a condition be issued stating that trees cannot be removed.

L. Hurley questioned the placement of both the dumpster and the machinery, stating that all the equipment should remain outside of the 50 foot buffer zone and recommended keeping it closer to the 100 foot buffer zone. K. Howell ensured that the dumpster and machinery would remain in the driveway at the front of the house. A small machine will be used for the demolition by applicant.

E. McHugh stated that she expects that there will be plans submitted for rebuilding the structure and required a drawing of the existing foundations location. N. Gualco stated that in 2007 there was a surveyed plan on the property displaying the existing foundation. The proposed work was never completed and the 2007 plan is no longer valid. B. Easom commented that if the foundation were to be removed there will be a large opening and questioned how they plan on preventing water from entering it. The applicant responded that the foundation can remain and there is no existing basement. L. Hurley commented that the footing would also create a hole even if there is no basement. O. Lathrop was concerned that there is an assumption if there is an existing home and it is removed then the existing footprint is no longer grandfathered in.

The Commission had a brief discussion regarding if there is removal of an existing structure without the plan of rebuilding then the grandfather rule is lost. The Commission stated that the applicant should clarify this prior to any demolition and speak with the appropriate people. K. Howell stated if

there are any risks of not being able to rebuild that they will leave a percentage of the existing structure standing and will speak with the Building Department before moving forward.

The applicant agreed to remove the request for the beach sand replenishment from the RDA to continue with the determination.

L. Hurley questioned if the asphalt driveway would remain. K. Howell confirmed that it would not be removed.

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

Voted to issue a Negative 3 Determination under the conditions: 1. No work outside the erosion controls. 2. No trees removed. 3. Equipment stays outside the 50 foot buffer zone.

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

7:40 PM – Follow-up discussion on the effort to conserve the Surrenden Farm Reserve Parcel (220-33.2) N. Shapiro

N. Shapiro briefly reviewed the background of the Surrenden Farm Reserve Parcel that was rescued from a building development in 2006. 350 acres were transferred under Conservation Restriction and the remaining 14 acres sat in limbo for the last 15 years. Affordable Housing had proposed developing the parcel however, a number of citizens in Groton were against the development. A Citizen's Petition was requested for the Select Board to transfer the land to the Conservation Committee. Any development would trigger the path to be upgraded to a subdivision road and Groton School would close Joy Lane. N. Shapiro and many others want to close the loop at the Town Meeting and are requesting for the Commissioner's support in the transfer of the parcel into the Conservation Restriction.

O. Lathrop stated that the Forest Legacy Program is limited to 30 parcels and they have met the allowance with high priority parcels however, this has not been finalized and suggested waiting for the Town Meeting.

J. Smigelski stated that he is the reason that N. Shapiro sought out to form a Citizen's Petition. If a subdivision road takes over the present road it will disrupt the use of the recreation. The road keeps widening over time from visitors parking off to the side. If the land were to be developed, the road will be required to be upgraded causing the landscape to significantly be altered. J. Smigelski believes that a CR needs to be written and the parcel should be transferred into Conservation Land.

E. McHugh stated that she understands both sides and still supports the Citizen's Petition.

A. Hamilton commented that she voted to support the Citizen's Petition and explained it is better to have the protection in place and as a resident this also encourages the community to preserve land.

L. Hurley is also in favor of supporting the Citizen's Petition and reflected on N. Shapiro's comment from last week regarding if nothing is done with the land it is not compliant with the original plan.

P. Morrison commented by email that he supported the transfer of the land into the Conservation Restriction which would prevent any future threat of development and the closure of Joy Lane.

Upon a motion by J. Smigelski, seconded by A. Hamilton, it was:
Voted to support the Citizen's Petition at the Town Meeting for the Surrenden Farm Reserve Parcel.

The motion passed by a roll call vote: (Yes: EM, JS, AH, LH /No: BE, OL)

7:50 PM – NOI (cont.), 85 Boathouse Road, for repairs and renovations of existing retaining walls, deck, and parking area, MassDEP#169-1213.

Applicant: Mark Enright

N. Gualco updated the Commission that he viewed the survey plan and noted progress has been made. The applicant requested a continuance to the next public meeting.

Upon a motion by E. McHugh, seconded by A. Hamilton, it was:
Voted to continue to the next public hearing on April 27, 2021.

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

2. GENERAL BUSINESS

General Discussions/Announcements

Update on timetable for Lost Lake/Knops Pond water treatment (A. Woodle).

A. Woodle updated the Commission that a contractor has been hired; the boards are in the dam and they are hoping for a rain storm to increase the level of the lake water. SOLitude Lake Management is scheduled to conduct a preliminary survey on April 23, 2021 and the initial application is planned for April 28 through April 30 with the use of an Air Boat. After the first treatment the remaining boards will be set in place to keep the herbicide at the highest level of concentration. The first booster application is scheduled for May 30, 2021 and again a month later on June 30, 2021. The second preliminary survey will be conducted between those two boosters. The final survey is scheduled for August to ensure success of the application and the Town will receive the official report in September. Kevin Kelly will notify residents of the treatment application with the use of placards at road junctions; a letter will be published in the Groton Herald, and the treatment schedule can also be viewed on the Groton Lakes Webpage. There will be a 24 hour restriction on the day of the treatment for any recreational usage and residents will be urged not to irrigate their lawns or plants with the lake water.

L. Hurley questioned if fishing will be restricted at the time of treatment. A. Woodle stated there will be a restriction for all fishing, boating, and swimming.

Permitting

MassDEP#169-1181, Certificate of Compliance, 102 Weymisset Way – **updated 4/8/2021**

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

Voted to issue a Certificate of Compliance for 102 Weymisset Way, MassDEP#169-1181.

B. Easom initiated the motion to issue the Certificate of Compliance then the Commission proceeded into discussion.

O. Lathrop questioned why the generator was not present on any of the original plans and the As-Built Drawing. N. Gualco confirmed that the generator was not included on the original plan and was called out in the statement provided by David E. Ross Associates, Inc.

Dan Memont, Designer; explained that they had spoken with the electrician and the plumbing inspector and completely forgot to communicate with the ConCom to request approval for the generator. There were a number of restrictions and guidelines that needed to be followed regarding the distance from the generator to the propane tank, trees, and the home, that had to all be taken into consideration and the decision was made. O. Lathrop was not pleased with the generator being in close proximity to the lake and within the 50 foot buffer zone. He requested that the generator be added to the As-Built Drawing. O. Lathrop then suggested that something should be done to the applicant for not receiving authorization for the work completed and was worried others would consider skipping steps and not request approval for projects. E. McHugh agreed that it may have been an honest mistake and is willing to not fine the applicant due to being so compliant thus far. A. Hamilton understands that it was a mistake, on the other hand also agrees with O. Lathrop, explaining that others may take the risk of performing work now and then asking for forgiveness later. B. Easom suggested issuing a \$25.00 fine.

L. Hurley requested that the applicant update the As-Built Plan and include the generator. He believes that it was an honest mistake and that no fines should be issued.

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

Voted to amend the main motion by making the issuance of a Certificate of Compliance conditional upon the Conservation Administrator receiving a revised as-built plan that shows the location of the generator.

The motion to amend the main motion passed by a roll call vote: (Yes: EM, BE, OL, AH, JS, LH)

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

Voted to issue the Certificate of Compliance conditional upon the Conservation Administrator receiving a revised as-built plan that shows the location of the generator.

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

Upon a motion by B. Easom, seconded by O. Lathrop, it was:
Voted to Issue a fine of \$25.00 for work without a permit within the 100-foot buffer zone.

The motion failed by a roll call vote: (Yes: AH, OL, BE /No: EM, JS, LH)

Land Management

None

Committee Updates

E. McHugh updated the Commission that Stewardship Committee conducted a site walk of the Priest Family Conservation Area a week ago Monday and it went well; there was a lot of group discussion. The Earth Removal Stormwater Advisory Committee received the first storm water report for the Maple Ave Subdivision and has been continued until May 4, 2021.

O. Lathrop attended the site walk at the Priest Property and said it was very useful. The Forestry Legacy Program has made some progress and the limit of 30 parcels has been met and Surrenden Parcel is not a top priority as of now.

L. Hurley updated the Commission that the GPAC discussed the boards in the dam between Lost Lake and Knops Pond at their last meeting. The boards had been removed on an emergency basis due to safety reasons by a local resident. The GLA should be filing with the ConCom in the near future. The Sargisson Committee has recommended two new members for appointment and a tree company to clean up the beach.

Approve Meeting Minutes

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

Voted to approve the meeting minutes for March 9, 2021 as amended.

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

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

Voted to approve the meeting minutes for March 23, 2021 as amended.

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

Invoices

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

Voted to pay the invoice to the Groton Herald for \$183.25.

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

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

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.”

L. Hurley, Chair; declared that there was business that required the Commission move to Executive Session.

5. Adjournment

8:40

Upon a motion by J. Smigelski, seconded by B. Easom, it was:

Voted to move to Executive Session and not to return to the open session for the purpose of considering the purchase, exchange, lease, or value of real estate, as the chair had declared that an open meeting may have a detrimental effect on the negotiating position of the Commission.

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

Minutes Approved: April 27, 2021