



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

Tuesday, May 11, 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; Peter Morrison (6:50P.M.)

**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 (2021-13), 172 Martins Pond Road, for construction of an accessory residential structure.

Applicant: Lynn Duffy Architect: Bartlett Harvey

L. Duffy discussed building a pool and spa area with a surrounding deck. B. Harvey designed the project and proposed keeping the new construction outside of the 100 foot buffer zone. There would be a limited amount of work within the hay bale line. A gravel French Drain would be installed around the footing of the field side of the structure to dispose of any runoff water from the newly pitched roof.

B. Easom recommended turning the hay bales north or upgradient to prevent unfiltered water leakage and reseeding the project when it is complete to ensure ground stabilization, then removing the erosion controls.

E. McHugh suggested marking the setback line and ensuring that the land is reverted back to its original condition.

O. Lathrop stated that the land should be stabilized before removing the hay bales and agreed that markers should be installed. O. Lathrop was concerned with the actual measurements of the French

Drain and requested evidence that it would work properly. B. Harvey assured that he would provide the Commission with accurate calculations.

A. Hamilton agreed with installing the markers and the request for additional information on the French Drain.

L. Hurley explained that the markers are permanent medallions that are installed at the 100 foot buffer zone when the project is complete. B. Harvey questioned if the markers are set by the civil engineer. L. Hurley was comfortable with using the current plan and its calculations.

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

Voted to issue a Negative 3 Determination under the conditions: 1. Markers installed in 50 foot intervals at the 100 foot buffer zone. 2. Request for notification when the project is complete for a post inspection by the Conservation Administrator. 3. The area will be restored after the completion of the work. 4. The hay bale line will be modified to provide upgradient hay bales on either end.

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

6:40 PM – RDA (2021-12), 162 Martins Pond Road, for the installation of a sewage disposal system. Applicant: Kimberly Rogers Engineer: Limhuot Tiv from Gold, Prest & Ringwall, Inc.

Limhuot Tiv represented for the applicant proposing the construction of a single family dwelling and expansion on the existing septic system. There would be a limited amount of grading outside of the buffer zone and a straw wattle would encroach the buffer zone. Any area of disturbance would be reseeded or restored after the completion of work. The existing three bedroom dwelling would be demolished and replaced with a four bedroom dwelling.

E. McHugh questioned the proposed grading which would cause banks around the area identified on the plan as 229. L. Tiv explained that a flat area was necessary over the proposed septic system and then would slope down to meet the existing grade. Excavation would occur around the existing leach trenches. E. McHugh recommended placards be installed at the buffer zone.

B. Easom questioned if there would grading in the 100 foot buffer zone. L. Tiv stated no, only the erosion control will be installed in the buffer zone to allow adequate room to work. B. Easom clarified that the three bedroom structure had already been removed and questioned the existing septic system. L. Tiv explained that the existing septic system would be reconfigured.

J. Smigelski requested installing a silt fence in place of the proposed straw wattle.

O. Lathrop and P. Morrison concurred with the installation of the silt fence and the placards.

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

Voted to issue a Negative 3 Determination under the conditions: 1. Markers are installed in 50 foot intervals at the 100 foot buffer zone. 2. Replace the proposed straw wattles with a

siltation fence.

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

6:50 PM – NOI, 16 Maple Ave, for the construction of a residential addition, MassDEP#169- (pending). Applicant: Bob Margolius Engineer: Limhuot Tiv from Gold, Prest & Ringwall, Inc.

Limhuot Tiv represented for the applicant proposing adding an addition to a single family dwelling and upgrading the existing septic system. The proposed house addition is approximately 51.4 feet away from the 100 foot buffer zone and the reconfigured septic system area is approximately 88.3 feet away. Both a silt fence and straw wattle would be installed to prevent any construction runoff. The proposed addition would increase the four bedroom dwelling to a six bedroom dwelling requiring an upgrade to the existing septic system.

O. Lathrop commented that this project is outside of the ConCom's jurisdiction and that the proposed wetland is manmade and nonfunctioning.

E. McHugh requested soil samples from the engineer at the site walk. L.Tiv explained that the samples were not conducted at the time of flagging due to time restraints. E. McHugh suggested that the engineers perform more research to determine if the NOI is within the ConCom's jurisdiction. L. Tiv assured the Commission that the site was reviewed and that they had identified a culvert on the east side of the property which indicates that it is part of a wetland. L. Tiv stated there is no problem continuing with the NOI and if the Commission requests that a more definitive answer is necessary that could be provided.

J. Smigelski stated that the swale is a remnant from an old railroad bed and recommended that the engineers provide results from the soil testing.

B. Easom was concerned that the wet area was previously a swamp and the railroad bed was built on top of it however, after reviewing the 1983 Topo Map that was not the case. B. Easom believes the NOI is outside of the ConCom's jurisdiction.

A. Hamilton questioned the regulations and laws. N. Gualco referenced the bylaw which stated under the Stormwater Management Structure Retention, it identifies swales shall be exempt from the regulations unless characterized by: 1.) being located within a wetland buffer zone; 2.) it is hydrologically connected to a stream or other wetland area; 3.) it is larger than or equal to 10, 000 square feet in size. He noted that there is a stream across the road, and there might be concern for a hydrologic connection. N. Gualco was unsure to make a final recommendation and agreed that the applicant should provide the ConCom with factual information.

L. Hurley concurred that it would be beneficial for the applicant to provide soil samples to ensure that the NOI is within their jurisdiction. L. Tiv accepted the Commission's recommendations and stated he would return with the results from the soil samplings.

O. Lathrop commented that there would be a number of concerns if the NOI is determined to be part of the Commissions jurisdiction.

Upon a motion by B. Easom, seconded by P. Morrison, it was:  
Voted to continue to the next public hearing on May 25, 2021.

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

7:10 PM – RDA, Batten Woods, for the treatment of invasive vegetation

O. Lathrop represented for the Invasive Species Committee and discussed that Phragmites have been identified in the Carmichael Swamp. He explained if left untreated there is concern that the invasive species will take over the swamp and feels that it needs to be remedied sooner than later.

B. Easom stated that the access to the swamp may be challenging and questioned how the Committee proposes on reaching the area. O. Lathrop stated he would wade through the muck. He explained the usual process of treating Phragmites by pushing it down sideways then spraying it with Glyphosate is performed in September when the ground is drier. This area is very dispersed and proposed spraying the Glyphosate on the shoots in the spring, then reapplying in the fall. B. Easom suggested the use of waders and a life vest.

J. Smigelski suggested using a weed wiper and was concerned with the overspray of the herbicide. O. Lathrop explained if the Committee had enough manpower then a weed wiper would be the most effective treatment.

L. Hurley questioned the amount of area required for treatment and when it would be performed. O. Lathrop confirmed that it is approximately 1/8 of an acre and explained that the Committee would like to treat the Phragmites in the spring however, it might not be feasible and they may have to wait until early September. O. Lathrop believes that this is a sensitive area that requires treatment immediately.

Upon a motion by B. Easom, seconded by J. Smigelski, it was:  
Voted to issue a Negative 2 Determination.

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

7:20 PM – RDA, off Wallace Road, for the relocation of an existing trail.

O. Lathrop spoke on behalf of the Groton Trails Committee discussing relocating the existing trail that runs parallel to the old railroad bed. The new trail would require crossing a small muddy area. The Trails Committee proposed placing a Geotextile on top of the muck then layering it with slightly larger gravel, and then topping it off with finer gravel. O. Lathrop questioned if the RDA is within the ConCom's jurisdiction, he believed it was not. He stated the extent of the wet area is approximately 6,000 square feet. Under DEP regulations the volume is required to be 1/4 of an acre-

foot which this does not qualify. There is also a drain from the street that connects to the wet area and identifies the area as a possible storm water management structure.

P. Morrison was concerned of the RDA being jurisdictional and not the previous project presented. O. Lathrop explained that there is more data showing that this area is not connected to any wetlands.

E. McHugh stated that there is enough evidence provided that the RDA is not within the ConCom's jurisdiction and then questioned if any water would be able to penetrate through the proposed Geotextile. O. Lathrop explained a slow seepage could drain through the Geotextile.

B. Easom agreed that the RDA is out of the ConCom's jurisdiction and commented that the area would be dry if it was not connected to a street drain. He agreed that the use of the Geotextile would be the appropriate solution to the muddy area.

Upon a motion by B. Easom, seconded by J. Smigelski, it was:  
Voted to issue a Negative 1 Determination.

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

7:30 PM – NOI (cont.), 85 Boathouse Road, for repairs and renovations of existing retaining walls, deck, and parking area, MassDEP#169-1213.

Applicant: Mark Enwright Contractor: Dan Campbell

D. Campbell provided the original site plan and discussed the modifications that were initially constructed before the application. Gravel areas that were once pervious are now turned into impervious areas of concrete and parking. The future site plan proposed replacing a set of stairs above the second wall up from the lake. The second retaining wall would be replaced and a new wood deck would be installed on top of it. Concrete walls would be installed immediately in front of the existing walls while only removing the top portion and then back filling with soil. The stairs adjacent from the shed would be replaced. A new garage would be constructed and the gravel parking area would be paved. A swale would be installed at the front of the property to then flow into a 4x4 infiltration structure. After calculating the contribution of overflow from both the site and the road it measured .035CCF and the projection once the area is concrete and the new structures are built the number would almost be 3 times the amount, however by installing the new infiltration structure there has been a significant improvement by decreasing the number to .03CCF.

P. Morrison questioned the proposed maintenance for the infiltration structure. D. Campbell stated that no maintenance plan has been created. There would be very minimal maintenance requirements, the first six months there would be a review of the bottom of the pit after every large storm and the sediment would be cleared out yearly. P. Morrison then questioned if there was any consideration of installing pervious pavers rather than impervious. D. Campbell stated that pervious pavers are challenging to install especially with a limited amount of space and foresees failure if water enters in places it should not.

B. Easom questioned the size storm the infiltrate structure was intended for. D. Campbell stated that it is a 100 year storm and it would maintain the water flow from the roadway as well as the new impervious areas. B. Easom commented that he is in favor of the infiltration system being proposed and the effectiveness it would have on the site. He requested any excavation to be performed behind the existing retaining walls to prevent them from advancing towards the lake

O. Lathrop questioned how the water enters the 4x4 infiltration structure D. Campbell proposed installing a gravel stone swale adjacent to the road then direct the flow of water from the garage and pavement into the structure. O. Lathrop was concerned that there are a number of projects being constructed within the 100 foot buffer zone and would like to see more natural areas. With the proposed drainage system it would be beneficial to the site. D. Campbell reiterated that they are handling more drainage from the road and improving the site. The walls are being replaced for safety. M. Enright explained that nothing would be changed, the deck would be rebuilt to its original size and the concrete wall would remain as is. There is concrete at the bottom of the stairs and is willing to remove it and install pervious pavers. O. Lathrop then questioned what occurs if the 100 year storm fails. D. Campbell explained that the whole lower section of the property is grass and a vast amount of infiltration occurs there and slows down any runoff, the water would never river into the lake.

E. McHugh commented that there would be less than 20,000 square feet of changes and agreed with B. Easom regarding the walls being installed behind the existing retaining walls. She understood that it might be challenging for one or two of the proposed walls. She then questioned if the old timber walls would be removed. D. Campbell stated that they would only remove a portion from the top of the retaining wall to refrain from destabilization of the soil. E. McHugh questioned if any weep holes would be constructed and noted that backfill and stone would be necessary. E. McHugh requested documentation on the actual depth that the wall would be removed. D. Campbell explained that it might be difficult and too challenging to remove the whole entire wall. E. McHugh suggested that the proposed gravel swale contain a hard bottom to provide easier maintenance especially over the winter months. D. Campbell stated that the applicant originally proposed a trench and they would revisit the design.

A. Hamilton requested clarification on the original site plan. D. Campbell discussed that the colors identified modifications and impervious structures. A. Hamilton questioned if the deck would be placed on ground level. D. Campbell stated that the deck would attach to the back of the house and overhang the concrete wall creating a five to six foot space below. M. Enright explained that only three feet of the deck would overhang the concrete wall and the remaining would lie on top of the gravel and grass. The existing footings would be used to build the new deck which would create no new disturbances. A. Hamilton recommended that the new walls be installed behind the existing walls. M. Enright stated that the process would require excavation behind the existing walls and if there was any precipitation it might cause erosion. A. Hamilton questioned the Commission if a condition should be ordered for any future walls built, the walls would be required to be built behind the existing walls to prevent them from getting closer to the lakefront.

L. Hurley referred to the footing of the walls plan and questioned the wall height that would be used. D. Campbell explained that no walls will be over 8 feet. L. Hurley then questioned the footing of the wall receding back 3 feet by 6 inches and the interference with the existing retaining

wall. D. Campbell explained that the applicant will speak with the building inspector to ensure correct calculations are used and that some walls may only have a one foot footing.

For the next meeting E. McHugh recommended the additional information on the swale. D. Campbell stated that he will provide the swale detail and construct a more manageable design. N. Gualco recommended that the swale detail and the OMP are necessary to proceed, once the hearing is closed he cannot receive any additional information.

Upon a motion by E. McHugh, seconded by P. Morrison, it was:  
Voted to continue the hearing to the next meeting on May 25, 2021.

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

## 2. GENERAL BUSINESS\*

### General Discussions/Announcements

N. Gualco notified the ConCom that:

1. SOLitude would be treating Lost Lake and Knops Pond on May 25, 2021.
2. There will be removal of hazardous trees on Sargisson Beach on Friday, May 14, 2021.
3. The DEP site walk for Shepley Hill Order of Conditions is scheduled for Thursday, May 13, 2021 at 10:00 A.M.

### Land Management

O. Lathrop notified the ConCom that a permanent hunting stand was found at the Batten Woods and questioned what actions should be considered. A trail camera had also been found near the location. The ConCom agreed to notify Fish and Game first and request their recommendations. O. Lathrop identified a shed on Orion Way that was located behind the Conservation medallions. N. Gualco stated that there had been a few problems with the development and that the medallions have been installed incorrectly. The ConCom suggested removing the medallions.

O. Lathrop requested an update on Olivia Way. N. Gualco stated that nothing has occurred since sending the letter to the Developer. N. Gualco visited the site and noted that there was standing water and more vegetation.

### Permitting

None

### Committee Updates

B. Easom updated the Commission that the CPC approved the \$350,000 that was requested for the FY2022 Fund and the funds will be received the first week in July. P. Morrison questioned if it is time to renegotiate the amount for the upcoming years. The ConCom would like to discuss any negotiations before presenting it to the Select Board.

O. Lathrop noted that the Stewardship Committee accomplished a lot of work on Priest Hill. B. Easom helped with his tractor by removing several mounds of brush. The mowing was not completed and more work is necessary. E. McHugh stated that she sent out an email to the Stewardship Committee requesting for more volunteers and did not have any success.

E. McHugh updated that the Earth Removal Stormwater Advisory Committee had a meeting and the Hayes Wood Subdivision was on the agenda and it was continued to the next meeting. A new development will be proposed at that time.

### Approve Meeting Minutes

Upon a motion by B. Easom, seconded by O. Lathrop, it was:  
Voted to approve the meeting minutes for April 27, 2021 as amended.  
**The motion passed by a roll call vote: (Yes: BE, OL, AH, PM, EM, LH) JS- Abstain**

### Invoices

Upon a motion by B. Easom, seconded by P. Morrison, it was:  
Voted to pay the invoice from the Groton Herald for \$324.50.  
**The motion passed by a roll call vote: (Yes: PM, BE, EM, AH, PM, OL, LH)**

Upon a motion by B. Easom, seconded by P. Morrison, it was:  
Voted to pay the invoice from the Town Council for \$ 3,100.92.  
**The motion passed by a roll call vote: (Yes: JS, EM, BE, OL, AH, PM, LH)**

Upon a motion by B. Easom, seconded by P. Morrison, it was:  
Voted to pay the April invoice from the Town Council for \$2,166.00.  
**The motion passed by a roll call vote: (Yes: PM, AH, OL, BE, EM, JS, LH)**

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

4. (IF REQUIRED) 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

**8:28 P.M.** Upon a motion by O. Lathrop, seconded by P. Morrison, 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: JS, EM, BE, OL, AH, PM, LH)**

**Minutes Approved: May 25, 2021**