



TOWN OF GROTON
Conservation Commission
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Conservation Commission Meeting

Tuesday, September 28, 2021 at 6:30 PM

Town Hall: Second Floor Meeting Room, 173 Main Street Groton, MA

Present: Larry Hurley, Chair; Olin Lathrop, John Smigelski, Alison Hamilton, Clerk, B. Easom, Eileen McHugh

Absent: Peter Morrison

Others Present: Nikolis Gualco, Conservation Administrator

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

APPOINTMENTS AND HEARINGS*

6:30 PM – RDA (2021-38), 315 Cherry Tree Lane, for the installation of a shed

Applicant: Michael Sulprizio

The applicant proposed constructing a 12'x10' Reeds Ferry shed with a crushed stone pad that extends one foot out on all sides of the structure. No excavation would be required. M. Sulprizio explained that 90% of his property is within the 100-foot buffer zone.

O. Lathrop misunderstood and thought that the shed was located within the 50-foot buffer zone and requested that it be relocated. He also requested that any runoff water be prevented from entering the resource area. The ConCom clarified that the shed is outside of the 50-foot buffer zone. M. Sulprizio reiterated there would be infiltration with the use of crushed stone.

B. Easom questioned if a form of intent was filled out and if the building inspector was contacted due to an understanding that sonotubes are necessary for constructing sheds. L. Hurley stated that the installation of sonotubes would classify the building as a permanent structure whereas a shed is not. The applicant stated he wanted to ensure that there were minimal disturbances to the land. B. Easom commented that he would contact the building inspector for clarification.

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

Voted to issue a Negative 3 Determination.

The motion passed by a unanimous vote.

6:40 PM – NOI (MassDEP#169-12XX), 37 Boathouse Road, for the reconstruction of a single-family dwelling.

Applicant: Bryan Gannon

The applicant proposed removing the foundation of the dwelling from the water's edge and replacing it with a concrete wall while keeping the same footprint. The existing wall is deteriorating and not sufficient for flood levels. A turbidity curtain was placed in the lake and hay bales and a silt fence have been installed for erosion controls.

A. Hamilton requested that the applicant elaborate on the new wall being installed. B. Gannon explained that the wall would be one foot above the flood water height and be one continuous height all around the structure. The existing wall requires to be completely removed due to damage and deterioration.

E. McHugh questioned if the water level recedes enough to remove the structure and if there is any concern for water pollution. B. Gannon stated that in the winter the water levels drop and there is less of a concern due to the installation of a structural slab. The weight of the concrete would displace any water without mixing together and polluting it. A turbidity curtain (floating barrier) has been installed and the house is being removed by hand to ensure that no debris enters the water. E. McHugh was pleased with the back roofline design and the way the runoff was pitched, however the front roofline was not shown on the plan. B. Gannon explained that there would be crushed stone placed at the foundation and downspouts installed.

L. Hurley recapped briefly and discussed the retaining wall on the lake side would be poured concrete. B. Gannon explained that waler brackets would be installed and attached to a one-foot-thick concrete slab containing a polyethylene barrier. L. Hurley then questioned the proposed cantilevered deck and the process of the foundation removal. B. Gannon explained that the deck would be constructed on the first floor and extends past the foundation; the footprint would remain the same. For removing the concrete block foundation, a machine would be driven onto the slab by the use of a ramp and the wall would be pulled back from the lake.

O. Lathrop requested that there be an engineered roof runoff plan and the flooding zone be able to survive a 25-year storm. The applicant explained that the foundation is above the flood levels now and would be increased to 18 inches. A surveyor has provided the data and would ensure that there is no reduction to the flood structure.

B. Easom was not in favor of any structure overhanging the lake. A. Hamilton added that the deck would create shadowing. There was a brief discussion regarding removing and rebuilding of the docks and if those changes would be substantial to allow for the cantilever deck. The applicant was informed that docks require a special permit. B. Easom stated that there may also be an issue with the slab not meeting the requirements of being four feet below the frost line. B. Gannon informed the ConCom that the structural engineer approved the design and that should be sufficient for the building commissioner. L. Hurley commented that the retaining wall meets those criteria by the rods attaching to the concrete slab.

E. McHugh questioned the second engineer involved. The applicant stated that John Looney reviewed the Section however, did not draw it.

N. Gualco informed the ConCom that the NOI is missing the DEP number and the applicant would be required to continue the hearing. At a future hearing B. Gannon could provide the updated drainage plan for any runoff water and inquire with the building commissioner regarding the docks.

The applicant requested a continuance to the next meeting.

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

Voted to approve the applicants request for a continuance to the next scheduled meeting on October 12, 2021.

The motion passed by a unanimous vote.

6:55 PM – ANRAD (MassDEP#169-12XX), review wetland delineation at the Florence Roche Elementary School.

Civil Engineer: Steve Powers; Wetlands Scientist: Mary Rimmer

Steve Powers informed the ConCom that the changes requested regarding the placement of flags have been addressed as well as the updated resource evaluation.

O. Lathrop questioned if all the recommendations were accepted. M. Rimmer stated ‘yes’ and that there would be no additional surveying.

B. Easom questioned the intermittent stream at the south end of the site. The ConCom noted that it was flowing at the time of the site walk. M. Rimmer stated that it was dry when the flagging was performed.

The applicant requested a continuance to the next public hearing due to not having a DEP number.

Upon a motion by B. Easom, seconded by A. Hamilton, it was:
Voted to approve the representative's request for a continuance to the next scheduled meeting on October 12, 2021.

The motion passed by a unanimous vote.

7:15 PM – RDA (2021-34), 17 Townline Road, for the removal of vegetation within the buffer zone
Applicant: Wayne Legacy (*cont.*)

The applicant requested authorization to use the property at the 40-foot mark within the 50-foot buffer zone to temporarily park vehicles. He explained that he is very limited on usable acreage. W. Legacy then requested suggestions on vegetation that should be planted.

O. Lathrop commented that the land is becoming stabilized and the grass is very beneficial, acting as a filter. He was not comfortable with the applicant working within the 50-foot buffer zone.

J. Smigelski suggested the use of bark mulch.

E. McHugh stated 10 feet is very minimal and agreed along with the rest of the ConCom that the applicant should remain outside of the 50-foot buffer zone. E. McHugh recommended planting taller grass or shrubs, in addition to the existing grass.

L. Hurley questioned if materials could be stored in the 40-foot area. The ConCom agreed that storing anything in that area would defeat the filter function and no work should be permitted within the 50-foot buffer zone. W. Legacy agreed to place the markers in front of the 50-foot buffer zone to restrict anyone from entering the area and he would ensure to leave adequate space to allow for runoff water.

Upon a motion by B. Easom, seconded by E. McHugh, it was:
Voted to issue a Negative 3 Determination under the conditions: 1.) Stabilization to the east of the 50-foot line; 2.) Suitable marking of 50-foot buffer-zone; 3.) No obstruction to water flow.

The motion passed by a unanimous vote.

7:30 PM – RDA (2021-37), Petapawag Boat Launch, for the treatment of invasive vegetation
Applicant: Groton Invasive Species Committee

O. Lathrop presented for the Groton Invasive Species Committee requesting approval for treatment of the Ash Trees, Bittersweet and Buckthorn located at the Petapawag Boat Launch and the two parcels nearby which were displayed on the map.

B. Easom questioned the restrictions of applying herbicide in close proximity to the water. O. Lathrop explained that they would be applying Roundup Custom along the water's edge. Standard Roundup is more effective; however, it contains surfactants which makes it inappropriate for use over water.

A. Hamilton questioned if the plants being treated were terrestrial plants. O. Lathrop stated that the Committee would not be spraying any plants that overhang the water.

J. Smigelski questioned the distance from the water that the round up would be used. O. Lathrop explained that round up binds together with the soil almost immediately and does not last long.

L. Hurley questioned if the RDA includes the 14 Ash Trees. O. Lathrop answered yes and the trees had been treated in the spring and the original permit would be expiring by the next treatment.

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

The motion passed by a unanimous vote.

7:40 PM – NOI (MassDEP#169-12XX), 8-10 Hollis Street, for alterations to an existing drainage system (cont.).

The applicant requested for a continuance to the next scheduled hearing.

Upon a motion by B. Easom, seconded by E. McHugh, it was:
Voted to continue the public hearing to the next scheduled meeting on October 12, 2021.

The motion passed by a unanimous vote.

7:45 PM – NOI (MassDEP#169-1219), 330 Old Dunstable Road, for the upgrade to an existing sewage disposal system (cont.).

The applicant requested for a continuance to the next scheduled hearing.

Upon a motion by B. Easom, seconded by A. Hamilton, it was:
Voted to continue the public hearing to the next scheduled meeting on October 12, 2021.

The motion passed by a unanimous vote.

7:46 PM – NOI, MassDEP#169-1220, Lot 2 Old Dunstable Road, for the construction of a shared driveway as part of a proposed residential subdivision (cont.)

The applicant requested for a continuance to the next scheduled hearing.

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

Voted to continue the public hearing to the next scheduled meeting on October 12, 2021.

The motion passed by a unanimous vote.

2. GENERAL BUSINESS*

General Discussions/Announcements

B. Easom stated that he attended the Shirley Conservation Commission meeting two weeks prior to see if they were in support of the Barren Restoration Proposal. They agreed that it was a good idea; however, decided not to participate in the project. The Shirley Commission requested that the ConCom notify and reach out to all surrounding neighbors regarding the project. B. Easom asked the Shirley ConCom if they would be interested in receiving the plot of land located in Shirley that the Town of Groton owns and they answered yes. The land was donated by the Leatherboard Co. in 1963. There are some deed issues and all legalities would need to be explored. B. Easom also suggested the possibility of transferring the land to the Fisheries and Wildlife which could be used as a bargaining chip for other land requests. L. Hurley agreed that it would be beneficial to speak with the Fisheries and Wildlife due to Shirley not being interested in the Barren's project. There was a brief discussion and it was agreed to grant the approval for the restoration proposal and at a later date approach the Fisheries and Wildlife regarding the land transfer.

Upon a motion by O. Lathrop, seconded by A. Hamilton it was:

Voted to grant permission to the Fisheries and Wildlife to perform the Barrens Restoration Proposal at the Squannacook River Wildlife Management Area.

The motion passed by a unanimous vote.

N. Gualco agreed to submit the letter of approval to the Fisheries and Wildlife to perform the Barrens Restoration Project. N. Gualco also updated the Commission that he met with Chalis Byrd and recommended that the ConCom be involved with the logistics on how the forestry operations are run. There may be the possibility of timber sales and the ConCom would have authorization on certain rights of foresters. A site walk will be scheduled in the next couple months and the decisions on the level of involvement can be made at that time.

Permitting

None

Land Management

O. Lathrop received an email from Sanford Johnson who lives across the street from the Shattuck Homestead and requested permission to remove the Black Walnut Trees that are nearing the foundation. O. Lathrop stated that he would contact Mr. Johnson and see what his intentions are since the trees would not impact his property.

Committee Updates

O. Lathrop discussed the treatment plan of Phragmites at the Priest Hill property that had been split into three plots. There is a noticeable difference from the two plots that were treated and show no growth compared to the plot that did not receive the herbicide. The second spraying was completed this weekend. Eliades Conservation was treated two years ago and has been very successful; there were only a few shoots that required another treatment. Carmichael Swamp is still too wet to remedy the invasive species.

B. Easom updated that the CPC met last night and approved the release date of the Community Preservation Plan for September 30, 2021. The two-page application will be due at the end of October. B. Easom suggested that the ConCom request more funding.

B. Easom summarized his meeting with P. Morrison and M. Haddad. He stated that M. Haddad is in favor of the ConCom receiving additional funds. The new balance may range from \$1 Million-1.5 Million. N. Gualco stated that he commenced reaching out to neighboring towns and has not received any valuable information to share.

Approve Meeting Minutes

Upon a motion by J. Smigelski, seconded by B. Easom, it was:
Voted to approve the meeting minutes for September 14, 2021 as amended.

The motion passed by a majority vote with EM abstaining.

Invoices

Upon a motion by A. Hamilton, seconded by B. Easom, it was:
Voted to approve and pay the invoice from the Groton Herald for the amount of \$231.00.

The motion passed by a unanimous vote.

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

None

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 to move to executive session.

Adjournment - 8:13 PM

Upon a motion by J. Smigelski, seconded by E. McHugh, 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: OL, BE, AH, EM, JS, LH)

Minutes Approved: October 12, 2021