

TOWN OF GROTON

Conservation Commission

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**Groton Conservation Commission**

Tuesday, May 10, 2022 @ 6:30 p.m.

Virtual Meeting – Zoom

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

## 

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

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – RDA (2022-12), 53 Island Road, for the enclosing of an existing deck.

Applicant: Mark Davis

Attorney Bob Collins represented the applicant proposing enclosing an existing deck and adding an additional 100 square feet that extends towards the road. The existing concrete walkway and the elongated steps would be removed increasing the pervious area by approximately 137 square feet. The applicant has removed 200 square feet of preexisting asphalt and replaced the impervious area with grass. The newly constructed gable end roof would contain a gutter system that would be piped into a dry well. There would be no excavation required with the use of helical piers. Straw wattles would be installed up gradient from the resource area.

B. Easom asked if there were any photographs showing the preexisting asphalt. N. Gulaco displayed a photograph from the Assessor's website that showed the asphalt located adjacent to the current driveway and extended to the existing deck. Attorney Collins stated that the walkway that leads to the street from the deck would be removed.

E. McHugh commended the applicant for the significant improvement to the impermeable areas. She then questioned where the dry well would be located and where the construction materials would be stockpiled. Attorney Collins replied that the dry well would be located on the southerly facade of the porch and believes that Halsey Platt would stockpile any materials on the opposite side of the dwelling. E. McHugh requested that a condition be included ensuring that any construction materials are not stockpiled on the lawn.

O. Lathrop commented that the gutter system would be an improvement to the runoff that flows into the resource area and noted that there is an adequate amount of mitigation for the compensation of wetland buffer zone loss. He then questioned if there is anything that the ConCom can request to ensure that the lawn areas are not removed in the future. Attorney Collins suggested recording the determination on the deed and including that the existing lawn areas on the front and south facade will not be converted into impervious areas in the future.

A. Hamilton wanted to ensure that all drainage would be directed into the drywell. Attorney Collins assured that the construction of the gable roof and gutter system would direct the runoff into the dry well along with any sheeting off the street.

E. McHugh displayed the initial letter from Attorney Collins stating that the enclosed deck would be raised off the ground by helical piers or sonotubes and requested clarification. Attorney Collins was under the impression that the contractor would be reusing the existing structural columns and the new structure would be placed on helical piers. E. McHugh requested that the existing sonotubes be utilized and if there are any changes proposed that the applicant return to the Conservation Commission.

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to issue a Negative 3 Determination under the conditions: 1. Reuse the existing sonotubes and if there are any changes the Conservation Commission must be notified. 2. Any stockpiled materials cannot degrade the existing lawn 3. Both lawn areas located in the front facade and south facade must remain pervious and recorded onto the deed. **The motion passed by a roll call vote. (Yes: PM, EM, OL, BE, AH, JS, LH)**

6:40 PM – NOI (MassDEP#169-1234), 161 Kemp Street, for the installation of a parking area and attached deck and the restoration of the wetlands buffer zone.

Applicant: Austin & Jeff Gordon

J. Gordon informed the Commission that he had not received any updates from Natural Heritage.

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to continue the public hearing until the next scheduled meeting on May 24, 2022. **The motion passed by a roll call vote. (Yes: BE, OL, PM, AH, EM, JS, LH)**

The applicant asked if he could conduct any yard clean up. The Commission reminded J. Gordon that no work can be performed prior to the approval of the Order of Conditions.

6:45 PM – Discussion, Minor change to the site plan, 227 Boston Road, MassDEP#169-1199.

Don Black and Kevin Lindemer were present for the discussion. K. Lindemer proposed moving the driveway to the left while remaining in the defined right away to preserve a Maple Tree. The wall and the swale would not be altered.

B. Easom questioned if a fence would be installed along the wall to shield motorists from careening off the side of the wall. K. Lindemer replied yes, a fence would be installed on top of the wall.

O. Lathrop confirmed with the Conservation Administrator that there is an open order of conditions and any stockpiled dirt is required to be covered and encompassed by erosion controls. K. Lindemer assured that he would place a tarp on top of the dirt and install the proper erosion controls

E. McHugh questioned if the revisions were reviewed by Dillis & Roy Civil Design Group. K. Lindemer said yes and the group would provide the as-built plan.

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to determine that the proposed plan qualifies as a minor alteration for MassDEP#169-1199. **The motion passed by a roll call vote. (Yes: AH, EM, JS, OL, PM, BE, LH)**

6:50 PM – Discussion, Minor change to the site plan, 92 Common Street, MassDEP#169-1229.

Stan Dillis was present for the discussion and displayed the revised plan. He proposed installing a 4” footing drain to prevent water from entering the basement. The pipe would be day lighted at one end and trap rock would be laid down. There is no tree removal necessary.

B. Easom was satisfied with the pipe being day lighted at one end.

O. Lathrop asked where the runoff water was coming from. S. Dillis replied that it is groundwater and noted the low turbidity.

L. Hurley questioned if the pipe would be installed relatively deep and requested that appropriate erosion controls are installed. S. Dillis replied yes and explained that the hill drops off quickly.

Upon a motion by B. Easom, seconded by E. McHugh, it was: Voted to determine that the proposed plan qualifies as a minor alteration for MassDEP#169-1229 **The motion passed by a roll call vote. (Yes: PM, BE, EM, JS, AH, OL, LH)**

7:00 PM – Discussion, Minor change to the site plan, Groton Hill Music Center, MassDEP#169-1145.

Gary Shepard was present for the discussion and said that it has been determined that keeping the riding arena is not feasible. G. Shepherd proposed demolishing the structure, grading the area to the existing grade, and planting new seed.

L. Hurley asked if the house would remain. G. Shepard said the older horse barn would be restored and has been approved by the building inspector. The addition and the riding arena would be demolished.

B. Easom requested that erosion controls be installed between the area of work and Old Ayer Road and be identified on the revised plan. G. Shepard said that he noted on the application that practices would be conducted as directed by the Conservation Administrator.

O. Lathrop was satisfied with the significant amount of pervious area being added and the willingness to work with N. Gualco on installing erosion controls.

E. McHugh requested that all grading be performed within the existing base of the foundation wall and continue around the entire building, the grading should not be changed. G. Shepard said that the grade change would be very minimal, from drip edge to drip edge and requested a minimum of 10 feet to work around the building which then would be reestablished. The drawing provided to the Commission identifies the proposed grade. E. McHugh reiterated that the grade needs to commence at the building foundation and not cut into the hill; she sketched her request on a displayed photograph. P. Morrison asked if the existing material within the arena would be removed. G. Shepard said that the material would be removed resulting in a lower base and was unaware of the depth of the existing footings. L. Hurley commented that there would be a substantial hole from removing the foundation.

A. Hamilton questioned the time period for planting new vegetation. G. Shepard said immediately after the completion of the demolition and grading.

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to accept the removal of the existing horse barn and accompanying connector way as a minor change in MassDEP#169-1145 with the condition: 1. Because no grading plan was submitted that the grading does not rise along the eastern edge of any of the buildings. **The motion passed by a roll call vote. (Yes: BE, PM, EM, AH, OL, JS, LH)**

7:10 PM – Discussion, Review Lake Treatment Plans for Lost Lake (Brad Harper, TOG/GLA).

Brad Harper and Alex Woodle were present for the discussion. B. Harper briefly discussed the seasonal herbicide treatment for Lost Lake and Knopps Pond. An order was extended last fall and is valid for the next three years. Solitude will be conducting a spring survey within the next couple days to determine various spots of weed growth that will be mapped and treated. Curly Leaf Pondweed, Variable Leaf Milfoil, and Fanwort have been identified within the resource areas. There is one area by the Martins Pond inlet cove where the inflow flushed out the prior herbicide treatment and the Fanwort requires clipper treatment.

A. Hamilton questioned what post assessment information is received from Solitude. B. Harper said that Solitude produces a summary report and a map identifying the problem areas which can be forwarded to the Conservation Administrator. A. Hamilton asked if the assessment includes vegetation density. A. Woodle explained that the map will show the before and after results and its effectiveness. The map is color coded and contains a key representing the density.

O. Lathrop was concerned with the ongoing use of herbicides and questioned if there is an exit strategy. B. Harper agreed that they do not want to keep applying herbicides; all the nutrients that feed the invasive species are being sourced by the watershed. A. Woodle said that a grant from the CPC has been granted to study the non-point sources of pollution and hotspots have been identified. He is hoping to apply for federal funding and utilize the MS4 permit funds. O. Lathrop was in favor of treating the cause and not the symptom.

B. Harper said that the reports from the non-point source study include recommendations to mitigate upstream factors and the information can be provided to the Commission. He also noted the treatments that are performed annually are approached very conservatively and produce a slower rate of effectiveness.

E. McHugh commented that she would like to support the efforts for the funding of the non-point sources solely for providing recreation usage for the Town residents.

B. Easom commented that the remediation of the resource areas will be an ongoing battle.

L. Hurley said as a member of GPAC, Geosyntec has provided mitigation solutions that will commence in the next couple years.

A. Woodle stated that there is a new member that is willing to collaborate with Geosyntec and determine the best management practices. Hotspots have been identified within the watershed and stormwater inputs that require remediation. A. Woodle said he is hoping to observe progress this year.

A. Hamilton commented that there is evidence of success when there has been a decrease of invasive species and native species are planted in its place.

**2. GENERAL BUSINESS\***

**Permitting**

**COC, 27 Chicopee Row, MassDEP#169-0737.**

N. Gualco informed the ConCom that the fencing material has been removed and eight conservation markers have been installed. Lathrop asked if there was any encroachment after the installation of the markers. N. Gualco said that it was challenging to determine the delineations due to not having an as built plan on file and the dwelling was constructed smaller than originally proposed.

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to issue the Certificate of Compliance for 27 Chicopee Row, MassDEP#169-0737. **The motion passed by a roll call vote. (Yes: AH, OL, EM, JS, BE, PM, LH)**

**OOC, MassDEP#169-1234, 161 Kemp Street** N/A

**General Discussions/Announcements**

**Vote on the Chair, Vice-Chair, and Clerk & discuss member term expiration dates**

E. McHugh informed the Commission that she has not accepted the request to be reappointed to the Earth Removal Stormwater Advisory Committee and asked for an alternate Commission member to accept the position. She volunteered to be appointed as the chair for the Conservation Commission.

N. Gualco noted that E. McHugh, L. Hurley, and P. Morrison’s terms would expire at the end of June.

Upon a motion by P. Morrison, seconded by A. Hamilton, it was: Voted to nominate Eileen McHugh to become the Chair of the Conservation Commission for the next fiscal year. **The motion passed by a roll call vote. (Yes: BE, AH, OL, PM, JS, EM, LH)**

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to nominate Larry Hurley to become the Vice Chair of the Conservation Commission for the next fiscal year. **The motion passed by a roll call vote. (Yes: OL, AH, BE, JS, EM, PM, LH)**

Upon a motion by P. Morrison, seconded by E. McHugh, it was: Voted to nominate Bruce Easom to become the Clerk of the Conservation Commission for the next fiscal year.  **The motion passed by a roll call vote. (Yes: OL, BE, AH, PM, EM, JS, LH)**

**Bruce Easom, Section 19 Disclosure for work at Prescott -added 5/5/2022**

B. Easom said he would like to work collaboratively with Mark Haddad in regards to installing an elevator located at the Prescott School. He explained that there is a conflict of interest due to him serving as a non-paid member of the Friends of Prescott. The Attorney General recommends that a Section 19 be disclosed and filed with the Conservation Commission as the appointing.

The Commission agreed that there are no personal gains or financial stakes being acquired.

Upon a motion by P. Morrison, second by O. Lathrop, it was: VOTED that as the appointing body, pursuant the General Law Chapter 268A Section 19, the Conservation Commission determined that Bruce Easom being involved on the Prescott School elevator project would NOT be so substantial as to be deemed likely to affect the integrity of the services which the Commission may expect from the him.  **The motion passed by a roll call vote: (Yes: EM, JS, PM, AH, OL, LH) BE- Abstain**

**COVID Town Policy, discuss meeting virtual vs. in-person (ON-GOING DISCUSSION)**

Upon a motion by E. McHugh, seconded by P. Morrison, it was: Voted to remain virtual through July 12, 2022. **The motion passed by a roll call vote. (Yes: BE, AH, EM, PM, OL, LH/ NO: JS) 6-1**

**Land Management**

**Update of Priest Hill Habitat Restoration (ON-GOING DISCUSSION)**

L. Hurley said that he observed the remaining grinding of the stumps accompanied by a couple of Commissioners. A contractor had been hired to install the parking area at the trail entrance however; the stone that was utilized is ineffective.

N. Gulaco updated the Commission that there have been improvements to the slash, the ruts in the field, and the access road. There is one area on the access road that is being affected by seeping and a sign that needs to be remedied. In regards to the parking issue the contractor requested to utilize his own materials rather than using the stone as noted in the agreement with the homeowner. L. Hurley offered to bring his bobcat to the site and add the final layer of crushed stone to compact the area. He suggested purchasing half a load of stone dust. J. Smigleski clarified that the costs of materials have increased and a graded base of aggravate approximately cost $140 a yard. He recommended not utilizing reground concrete. The Commission agreed that the materials should not exceed $150.

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to authorize the expenditure up to $150 for crushed stone for fixing the driveway of the Priest Hill’s abutter, Sudhakar Gaddam. **The motion passed by a roll call vote. (Yes: PM, BE, OL, AH, EM, JS, LH)**

**Committee Updates**

L. Hurley explained that he is responsible for treating Whitney Pond and is having trouble in locating an access point for the weed harvester. He had conversed with Tom Orcutt in regards to utilizing the preexisting private driveway and was told that the DEP will not allow access due to the close proximity to the well.

B. Easom said that the CPC voted to approve the $400,000 that was requested by the Conservation Commission.

O. Lathrop mapped 3.5 miles of logging roads at the Hayes Wood Property and the data has been uploaded to the Open Street Map. He said he would like to use the information and negotiate with Natural Heritage to allow for some of the logging roads to become public trails.

N. Gualco briefly discussed in 2014 there was restoration of the Sargisson Beach property where a drainage system was installed, beach sand was brought in, and a number of shoreline fortifications were conducted. The Sargisson Beach Committee is proposing to conduct maintenance along the drainage swale by adding crushed stone and refreshing the beach sand that has thinned out over time. The grade would remain identical to what had been previously prescribed. The Commission agreed that an RDA is required for the requested work.

**Approve Meeting Minutes**

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to approve the meeting minutes for April 26, 2022 as amended. **The motion passed by a roll call vote. (Yes: PM, OL, BE, BE, JS, LH) AH- Abstain**

**Invoices**

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to approve and pay the invoice from the Groton Herald for the amount of $57.20. **The motion passed by a roll call vote. (Yes: BE, AH, EM, PM, JS, OL, LH)**

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to approve and pay the invoice from Nikolas Gulaco for the amount of $56.28. **The motion passed by a roll call vote. (Yes: PM, BE, AH, EM, JS, OL, LH)**

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to approve and pay the invoice from Glidden Timber LLC for the amount of $15,500.00 **The motion passed by a roll call vote. (Yes: BE, PM, AH, EM, JS, OL, LH)**

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

N. Gualco said that an enforcement order was issued to 6 Island Road after E. McHugh had observed 6 pallets containing pavers in front of the dwelling and the number of pallets have decreased and there is evidence of dirt work being performed. The resident was notified to cease and desist all work.

E. McHugh questioned if a contractor was present on the site. N. Gualco did not observe any contractors. L. Hurley noted that the residents of 6 Island Road are aware of the Conservation Commissions policies and had previously requested the Commission’s approval for the installation of a well and drainage system.

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to ratify the enforcement order issued by the Conservation Administrator for 6 Island Road.  **The motion passed by a roll call vote. (Yes: BE, PM, EM, JS, OL, LH) AH- Recusal**

**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.”**

Larry Hurley, Chair, declared that there was business that required the Commission to move to executive session.

**5. Adjournment**

**8:29 PM**

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: BE, PM, AH, JS, OL, EM, LH)**

**Minutes Approved: May 24, 2022**