

TOWN OF GROTON

Conservation Commission

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**Conservation Commission Meeting Minutes**

Tuesday, July 26, 2022 at 6:30 PM

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

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

**Absent**: Alison Hamilton, Peter Morrison

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

Eileen McHugh, Chair; called the meeting to order at **6:30 PM.**

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – NOI (MassDEP#169-1238), 12-14 Valliria Drive, for the construction of a detached garage.

Applicant: Robert Morris, Representative: Brandan Ducharme, David E. Ross Associates.

B. Ducharme from David E. Ross Associates was present representing the applicant. He provided a brief overview of the parcel containing a two-family home and identified the buffer zones and the wetlands on the easterly side. He proposed extending the existing driveway to the rear of the house to provide access to the proposed detached garage. The existing waterline would be rerouted to the front of the newly constructed garage. There is 10 feet of encroachment proposed into the 50-foot buffer zone. One of three existing sheds would be removed and recharge trenches would be installed to manage runoff water both on the roof and at the end of the driveway. There would be minimal grade changes.

O. Lathrop was concerned of the massive new structure being proposed within the 100-foot buffer. Ducharme stated that this is an existing lot and he is only trying to accommodate the owners' desire for a garage. O. Lathrop commented that the applicant has violated a prior RDA filing from June of 2020 and found evidence among photographs that were previously taken. He also noted that the wetland had been mowed.

B. Easom questioned the location of the proposed garage and suggested that the structure be constructed in the front yard outside of the buffer zones or to the southwest of the parcel. B. Ducharme said that he had worked extensively with the homeowner and determined the optimum location. The dwelling is a duplex and the client resides on the easterly side and would like to keep a separation from his tenants. B. Ducharme assured the Commission that he was unaware that the addition was constructed outside of any prior authorization.

L. Hurley questioned if the applicant owns the parcel parallel to the property to accommodate the adjustment of the driveway. B. Ducharme explained that an access easement would be required from the neighbor as one exists for the left parking area utilized by the tenants. The applicant owns the entire two-family property. L. Hurley suggested moving the garage closer in proximity to the left side to create minimal disturbances to both buffer zones. He then questioned the minimal grading proposed as the driveway immediately descends. B. Ducharme referenced the geographical survey that had been provided.

E. McHugh was concerned that the previous permit was not adhered to and suggested conversing with the applicant.

N. Gualco read out aloud the prior RDA application filed on June 10, 2020 and noted that the survey was performed by Mark Wheeler of David E. Ross Associates.

The Commission briefly discussed how to proceed and felt that there were two options, 1. Continuing the hearing to allow for the applicant to explain themselves or, 2. Deny the request. Ensuing the conversation, the Commission agreed that the request should be denied. N. Gualco stated that an enforcement order is a necessity for the 2020 filing and said it is viable to keep the situations separate. B. Ducharme reiterated that he was unaware of the previous project and requested an opportunity to converse with his client to understand what transpired and would be in favor of returning with an amendable plan.

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was: VOTED to close the public hearing. **The motion passed unanimously 5-0.**

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

VOTED to DENY the NOI for MassDEP#169-1238, 12-14 Valliria Drive, under the Wetland Protection Acts with the findings that the significant structure would have an adverse impact to the wetlands by being entirely located within the 100-foot buffer zone. Another finding the Conservation Commission discovered was a significant permitted structure not constructed as permitted by a Determination issued on June 10, 2020. **The motion passed unanimously. 5-0**

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

VOTED to DENY the NOI for MassDEP#169-1238, 12-14 Valliria Drive under the Groton Wetlands Protection Bylaw for the reasons: 1.) The significant construction in the 50-foot buffer zone and a large permitted structure within the 100-foot buffer zone; 2.) The Conservation Commission discovered a previously approved structure not constructed as permitted by a Determination issued on June 10, 2020

**The motion passed unanimously. 5-0**

B. Easom agreed that an enforcement order should be issued and the applicant be required to contact the Conservation Administrator within two weeks to schedule an appointment.

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

VOTED to issue an Enforcement Order at 12- 14 Valliria Drive due to a structure previously permitted under a Determination issued June 10, 2020 appearing to be constructed in a location inconsistent with the approved plan. The Conservation Commission requests that within 14 days that the homeowner contact the Conservation Administrator and discuss the implications or currently failing to meet the previous filing.

**The vote passed unanimously. 5-0**

6:45 PM – RDA, 55 Sunset Road, for the construction of a home addition.

Applicant: Olin Lathrop

\*\*\* O. Lathrop recused himself from review of the filing. \*\*\*

The applicant proposed constructing a home addition resulting in minimal disturbances to the 100-foot buffer zone. He displayed photographs representing a bare open lot when the dwelling was originally constructed. O. Lathrop said he has allowed for the property to grow naturally for the last 37 years and assured he would not disturb the area, except for 20 feet to accommodate for parking.

B. Easom requested the amount of area being disturbed in both the 50- and 100-foot buffer zones. O. Lathrop could not provide the exact measurements. B. Easom questioned if the previously disturbed lawn within the 50-foot buffer zone applies to the Bylaws or has it become grandfathered in. N. Gualco referenced the current bylaws and read aloud 215 section 7 subsection 3.

J. Smigelski requested the calculated amount of disturbed area.

L. Hurley commented that the addition would be located in the previously disturbed area and had observed runoff water being absorbed into the ground, providing adequate infiltration.

E. McHugh requested clarification of the tree line on the plan and the vicinity of the wetland not shown. O. Lathrop said the tree line corresponds with the 50-foot buffer zone and is where the erosion controls would be installed. He explained that the wetland near the proposed natural area had not been delineated. E. McHugh requested additional answers prior to approving the request.

Upon a motion by B. Easom, seconded by L. Hurley, it was:

VOTED to issue a Negative 3 Determination under the conditions: 1.) The natural area is to obtain permanent conservation markers every 50 feet; 2.) Erosion controls will be installed prior to the commence of construction within the 50-to-100-foot buffer zone. **The motion passed unanimously. 4-0 (with O. Lathrop recusing himself)**

7:00 PM – NOI (MassDEP#169-XXXX), 14 Valley Road, for the installation of a tight tank and municipal water service connection.

Applicant: Tracy Smart, Representative: Chris McKenzie, Dillis and Roy Civil Design Group.

Chris McKenzie represented the applicant proposing replacing an existing septic system that failed a title 5 inspection with a 2500-gallon tight tank. Erosion controls would be installed and minor grading would be required.

L. Hurley asked about the depth of the proposed tank and commented that it would be in close proximity to the water table. C. McKenzie said that the tank would be approximately 6 feet below the surface. L. Hurley commented that the installation of the new system may potentially aid in the remediation of contamination into the resource area. He then questioned if the applicant is intending on utilizing the parcel as a seasonal facility with the proposed installation of a tight tank. He explained tight tanks are typically not used on permanent residences. He then recommended that a maintenance schedule be provided to the Commission. C. McKenzie stated that the existing leach field is located 10 feet from wetland and the Board of Health would provide requirements of discontinuing the leach field.

O. Lathrop questioned the post vegetation plans of the disturbed area. C. McKenzie said that area would be stabilized, loam, and seeded.

B. Easom commented that the excavated dirt would be removed off site and if the existing system is intended to be pumped and refilled recommended erosion controls to be installed. He agreed that the proposed project is an improvement to the site.

Upon a motion by B. Easom, seconded by J. Smigelski, it was: VOTED to continue the hearing to the next scheduled meeting on August 9, 2022. **The motion passed unanimously. 5-0**

7:15 PM – RDA (cont.), Gamlin Crystal Spring Conservation Area, installation of trail bridges.

Applicant: (Groton Conservation Trust).

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

Upon a motion by L. Hurley, seconded by B. Easom, it was: VOTED to continue the hearing until the next scheduled meeting on August 9, 2022. **The motion passed unanimously. 5-0**

**2. GENERAL BUSINESS\***

Permitting

*Discuss the proposal to remove a hazardous tree on Town land behind 50 Amelia Way*

Alex Lewis (homeowner) was present for the discussion and was concerned about a 70-foot dead tree in close proximity to his dwelling. He requested permission to remove the tree.

The Commission agreed that the tree located on the Conservation Land possesses a threat to the homeowner’s dwelling and should be removed. It was suggested that a 10–20-foot snag remains standing.

Upon a motion by B. Easom, seconded by L. Hurley, it was:

VOTED to grant permission to the homeowner, Alex Lewis, at 50 Amelia Way to take down the dead tree located on the conservation parcel behind his house.

**The motion passed unanimously. 5-0**

General Discussions/Announcements

*Discuss returning to virtual meetings*

E. McHugh said that the State has extended the deadline to return to in-person meetings until March of 2023. The Commission had a brief discussion regarding the cons versus the pros of returning to virtual meetings. One concern noted was the significant increase of Coronavirus (Covid-19) cases compared to the prior year that obtained more restrictions. L. Hurley expressed that in-person meetings are more valuable.

Leslie Lathrop, resident, conveyed that the Second Floor Meeting Room is not friendly to those watching at home whereas zoom meetings allow for easier viewing of shared materials.

E. McHugh stated that the upcoming meeting on August 9, 2022 will be held in-person and at that time there will be an official vote when all commissioners are available.

Land Management

*Priest Family Conservation Area*

N. Gualco said that the Mass Wildlife grant has been completed. A discussion occurred at the previous Stewardship Committee regarding a request from Paul Funch for approval to mow a path to the top of Priest Hill. N. Gualco noted that the site is mapped and identified as a priority habitat and Natural Heritage would need to be contacted. The Stewardship Committee is recommending that the ConCom allow for a single, four-foot path in width to lead up to the top of the hill then widening to a 10 foot open space.

B. Easom was concerned about outsourcing their responsibilities (receiving permission from NHESP for the proposed trail) to the Trails Committee. If a problem needed to be addressed the ConCom would be notified by Natural Heritage. He suggested keeping the original mowing schedule as he felt a trail is unnecessary.

J. Smigelski and L. Hurley agreed with B. Easom and recommended continuing with the current management plan.

O. Lathrop agreed with keeping the land more natural. He said at the Stewardship meeting there were concerns with the amount of poison ivy located on the site. The Committee suggested a path would alleviate the risk of contracting poison ivy and contain people on one walking path.

E. McHugh was supportive of the recommended path and suggested collaborating with the Trails Committee prior to any outsourcing of permitting.

Upon a motion by B. Easom, seconded by L. Hurley, it was:

VOTED to not grant permission to provide a mowed trail on the Priest Family Conservation Area at this time.

**The motion passed. 4-1 (E. McHugh-nay)**

B. Easom recommended that the request be revisited when a formal presentation can be provided.

*Reports on other on-going land management projects*

O. Lathrop stated that a land grant was submitted and received by the State. A site walk is scheduled for August 11, 2022 at 11:30AM.

B. Easom said that he observed an extensive amount of invasive species including Black Swallow-wort, Bittersweet, and Multifloral located on the Baddacook parcel. He requested permission for the area to be mowed in the fall.

Committee Updates

O. Lathrop updated that the Invasive Species Committee treated Knotweed found on the Campbell Well Site and around Surrenden Farms. Wetland approved herbicide was applied to the riverfront. The Committee intends on returning to the east side of the trail for additional treatment. O. Lathrop said that Adam Burnett is in the process of becoming a second licensed pesticide applicator.

Approve Meeting Minutes

The prior meeting minutes were not available for approval.

Invoices

Upon a motion by B. Easom, seconded by J. Smigelski, it was: VOTED to approve and pay the invoice from The Groton Herald in the amount of $154.00.

**The motion passed unanimously. 5-0**

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

n/a

**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.”**

n/a

**5. Adjournment (8:19PM)**

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

VOTED to adjourn the public meeting.

**The motion passed unanimously. 5-0**

**Minutes Approved: August 9, 2022**