

TOWN OF GROTON

Conservation Commission

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### 

### **Conservation Commission Meeting**

#### Tuesday, August 09, 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, John Smigelski, Alison Hamilton, Olin Lathrop (Virtually)

## **Absent:** Peter Morrison

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

Eileen McHugh, Chair, called the meeting to order at 6:38 PM.

**1. APPOINTMENTS AND HEARINGS**

6:30 PM – RDA, 63 McLain’s Woods Road, for the renovation and expansion of a deck area Homeowner: Dan Roy; Contractor: Matt Blood

Matt Blood represented the homeowner proposing to replace a 12x12 deck with a 12x28 three season porch. A gutter system would be installed to capture any roof run off and then funneled into a dry well.

B. Easom asked why there was disturbed soil underneath the deck and questioned where it had been moved to. M. Blood explained that the earth work observed had been conducted previously by a landscaper and had been immediately halted after becoming aware of requiring proper permits. The excavated soil was utilized to build up the slope along the wetland. M. Blood said originally the homeowner had the intention of installing a patio however that idea has been eliminated and crushed stone would be installed. B. Easom requested that the proposed expansion remain within the footprint of the original deck.

A. Hamilton agreed with B. Easom, and recommended that the new deck remain outside of the 50-foot buffer zone. The homeowner questioned the impact of 10 additional feet within the 50-foot buffer zone. A. Hamilton said that the total square footage impacts the wetland and can alter water infiltrating into the ground.

J. Smigelski asked what year the dwelling was originally constructed and commented that a dry well would be beneficial and an improvement to the site. D. Roy stated the dwelling was built in 1991.

L. Hurley suggested replacing the five 12” columns that propose significant impact on the soil with helical piles.

O. Lathrop commented that the drawing provided was undecipherable and requested a revised plan that includes the dimensions of the dwelling, the preexisting deck, the proposed deck, and accurately identifying the buffer zones. He noted that there is a substantial amount of construction being proposed within both the 50- and 100-foot buffer zones.

E. McHugh agreed that the plan provided was unclear and insufficient to be added to the final record. She then asked how the site would be accessed for material deliveries and why there are stockpiles located within the buffer zones. M. Blood identified the access point and explained that the stockpiling had existed prior to the homeowner’s purchase of the property. E. McHugh commented that the subsoil has been altered and would be required to be restored more extensively than seeding.

N. Gualco stated that he had met with M. Blood prior to the hearing and requested that proper erosion controls be installed. M. Blood was compliant and completed the request immediately. N. Gualco said that there was evidence of erosion.

L. Hurley questioned the location of the dwelling shown on the 1980 map provided. N. Gualco explained that he utilized the Town’s GIS data to measure distances and approximated the vicinity of the dwelling.

The Commission recommended that the applicant continue to the next scheduled meeting to determine the exact delineation of the wetlands.

Upon a motion by B. Easom, seconded by A. Hamilton, it was: Voted to continue the public hearing to the next scheduled meeting on August 23, 2022. **The motion passed unanimously. 6-0**

6:45 PM – RDA, 24 Hoyts Wharf, for the removal of trees within the buffer zone Applicant: Bridget & Paul Killian

Bridget Killian requested permission to remove two healthy trees that are casting shadows on her beehives and impacting the bee’s ability to thrive. She proposed planting Blueberry Bushes or wildflowers post the tree removal.

A. Hamilton questioned what type of trees existed prior to the microburst. B. Killian answered Pine Trees.

O. Lathrop requested verification if the trees were located outside of the 50-foot buffer zone and questioned the tree removal process. P. Killian explained that the area would be accessed by the driveway and that the trees would fall parallel to the house, away from the wetlands.

B. Easom asked the applicants if there were alternative locations considered for the beehives. B. Killian explained that the only alternate location contains an embankment and is not ideal for the bee’s flight path.

Upon a motion by B. Easom, seconded by L. Hurley, it was: Voted to issue a Negative 3 Determination under the conditions: 1. After the tree removal vegetation is planted as shown on the plan. **The motion passed after a roll call vote. (Yes: LH, BE, OL, AH, JS, EM) 6-0**

7:00 PM – NOI **(cont.)**, (MassDEP#169-1239), 14 Valley Road, for the installation of a tight tank and municipal water service connection. Applicant: Tracy Smart Representative: Greg Roy, Dillis & Roy Civil Design Group

Greg Roy from Dillis & Roy Civil Design Group was present and said that there were minor comments provided by the BOH and requested a continuance to the next scheduled meeting to rectify any issues.

Upon a motion by B. Easom, seconded by A. Hamilton, it was: Voted to continue the public hearing to the next scheduled meeting on August 23, 2022. **The motion passed by a roll call vote. (Yes: AH, BE, LH, JS, OL, EM) 6-0**

7:05 PM – RDA **(cont.)**, Gamlin Crystal Spring Conservation Area, installation of trail bridges. Applicant: GCT

The Conservation Administrator said that the applicant requested a continuance to the next scheduled meeting.

Upon a motion by A. Hamilton, seconded by L. Hurley, it was: Voted to continue the public hearing to the next scheduled meeting on August 23, 2022. **The motion passed by a roll call vote. (Yes: LH, BE, JS, AH, OL, EM) 6-0**

7:15 PM – Discuss Enforcement Order, 12-14 Valliria Drive. Applicant Robert Morris & Khrysta Dailey

N. Gualco briefly discussed at the last meeting the ConCom was under the impression that the structure permitted in 2020 was not built as approved on June 10, 2020. An Enforcement Order was issued to the homeowners at 12-14 Valliria Drive and the NOI was denied. After reviewing the property, it was discovered that a building permit had approved the location change of the foundation. N. Gualco then addressed the miscommunication and apologized to the applicants in a written letter.

K. Dailey and R. Morris stated that they are new homeowners and were not trying to disguise any work that was completed. There intentions were to accommodate their growing family. She assured the ConCom that they are willing to collaborate with the ConCom to obtain their request for a garage.

The Commissioners agreed that the Enforcement Order should not be ratified and the written letter by the Conservation Administrator be included in the homeowner’s record.

N. Gualco said after conversing with the DEP in regards to the denial of the NOI the State said that the determination could be appealed and the structure could supersede the Towns Bylaws and meet the State's regulations.

R. Morris described the limited amount of space on the lot and questioned the previous comments directed towards the engineer at the last meeting.

B. Easom explained that the Town Bylaws are considerably stricter than the States. He then suggested that the garage be moved to the front yard.

A. Hamilton agreed the garage could be relocated to the front yard and questioned the easement restrictions. B. Easom stated that there is a requirement of 15 feet from the neighboring property and 50 feet from the street.

J. Smigelski asked if the garage could be located to the left of the dwelling. The homeowners explained that the dwelling is a duplex and their side of residency is the right side. There is a leach field located in the front of the home and electrical wires that run parallel to the driveway contributing to the challenges of the relocation of the garage.

L. Hurley suggested moving the garage to the left of the property to create less of a disturbance.

O. Lathrop referenced the Town’s Bylaws stating that permanent structures are prohibited within the buffer zones. He commented that the significant structure would not offset any mitigation proposals.

E. McHugh recommended that the homeowners return to David E. Ross Associates and revisit the design and attempt to decrease the total square footage and relocate the garage.

The homeowners agreed to reconfigure the first proposal and return to the Commission at a later date.

**2. GENERAL BUSINESS**

Permitting

COC, Groton Community School, MassDEP#169-1154.

Greg Roy from Dillis & Roy Civil Design Group was present representing the Groton Community School. He briefly discussed the issues that require being addressed including the silt fence, walkways, and the greenhouse. He assured that the applicant is diligently working on rectifying the concerns raised by the Commission. L. Hurley had observed the enclosure for the dumpster not being utilized, unpermitted pavers installed, and an unpermitted greenhouse. B. Easom noted that there is an area obtaining fencing that was not shown on the original plan. E. McHugh requested that the issues be clearly documented on the as-built plan and a survey check is necessary. The Commission also requested that the representative provide updated photographs when the revisions are completed. A. Hamilton questioned if the drop off at the edge of the play area was remedied from the prior year. G. Roy said yes and noted that the rain gardens and vegetation had been successful.

UPDATE: Groton Hill Music Center, Occupancy Permit

N. Gualco displayed photographs showing the area where the riding arena had once existed and said that erosion controls were installed and the land was stabilized. He said he had conversed with the contractor and he would be requesting for the drainage swale that was utilized during the construction to remain for the post construction phase. N. Gualco had told the contractor if the swale remained functioning, a disclosure was necessary. The building is almost complete and they are close to requesting an issuance of an Occupancy Permit. In the Order of Conditions, it states that the Conservation Administrator or a board member can approve the Occupancy Permit, N. Gualco said there are no red flags to deny the request after an as-built plan is submitted and a list of uncompleted items is provided. He said he has been meeting frequently with the contractor and other Town Departments. J. Smigelski questioned if there are any concerns that the ConCom should address and if a punch list should be compiled regarding the needs of the Commission prior to the approval. N. Gualco explained that a punch list would be prepared and provided to the ConCom. B. Easom commented that there had been deficiencies within the water treatment however, it is outside of the ConCom’s jurisdiction and the Stormwater would be meeting later this month. He assured the Commission that there should be no concerns and that the project is being managed in every aspect by the Town. N. Gualco commented that one major concern is that the replication areas have been a working site and there has been no commencement to the restoration. He reminded the Commission that the Order of Conditions remains active. O. Lathrop commented that the Occupancy Permit allows for people to enter a properly placed structure that accommodates the number of attendees. This permit will not disturb the continuance of work on the Certificate of Compliance and there is plenty of power within the Order of Conditions. E. McHugh said that the punch list should be directly related to what the Commission had permitted and a schedule of completion should be provided prior to approval of the Occupancy Permit.

UPDATE: Village at Shepley Hill, Sand Hill Road crossing

N. Gualco said that he had toured the Sand Hill Road crossing and the land is being contained and stabilized with the proper erosion controls. There were no alterations to the stream. L. Hurley added that he had observed the project from Longley Road and was satisfied with the work being performed and there were no signs of erosion.

General Discussions/Announcements

Groton Conservation Trust

N. Gualco updated the ConCom that the GCT is in the process of reviewing and finalizing the Priest Family Conservation CR. He said that the GCT will recommend that camping be prohibited.

Discuss returning to virtual meetings

E. McHugh summarized the previous discussion regarding the cons versus the pros to returning to virtual meetings or to continue in person. The ConCom had been equally divided and the decision was made by the Chair to wait until all the Commissioners were present to vote. Tonight, the Commissioners expressed their opinion once again and the Chair determined that the next meeting on August 23, 2022 would be held virtually on zoom.

Land Management

N. Gualco said that he is waiting for confirmation from Michael Berry regarding treating the Swallow-Wort located on the Shattuck Homestead later this week. He noted that the invasive species are approximately 8-12 inches and can be easily identified due to the grass not growing from the prior mowing.

Committee Updates

B. Easom said that in FY2024 there would be a total amount of $1,500,000 in CPA funding available.

L. Hurley said that he and B. Easom observed the site off of Nashua Road and agreed that the site is a prime location. N. Gualco reminded the Commission that the State is conducting a site walk on Thursday at 11:30 AM.

O. Lathrop said that the Invasive Species Committee would be attending the NACC Conference.

N. Gualco said that he would be presenting to the Garden Club on behalf of the Stewardship Committee in regards to the acquisition and land management of the Priest Family Conservation area.

Approve Meeting Minutes

Upon a motion by A. Hamilton, seconded by B. Easom, it was: Voted to approve the meeting minutes for July 12, 2022 as drafted. **The motion passed by a roll call vote. (Yes: JS, AH, BE, OL, LH, EM) 6-0**

Upon a motion by B. Easom, seconded by A. Hamilton, it was: Voted to approve the meeting minutes for July 26, 2022 as amended. **The motion passed by a roll call vote. (Yes: LH, JS, AH, BE, OL, EM) 6-0**

Upon a motion by A. Hamilton, seconded by B. Easom, it was: Voted to approve the meeting minutes for June 28, 2022 as amended. **The motion passed by a roll call vote. (Yes: LH, JS, AH, BE, OL, EM) 6-0**

Invoices

None

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

Florence Roche, Discuss marking requirements for CR boundary

N. Gualco said that the Town Manager notified him that the school’s budgeted amount of $40,000 for the 24 Conservation Markers to identify the CR boundary needs to be drastically reduced. N. Gualco reviewed the restriction and there is no specification on the amount of markers or materials to be utilized. He suggested the use of GPS coordinates which would allow for the ConCom to document the boundary permanently. The Commission agreed that utilizing the GPS would be beneficial to prevent any loss of land and permanently document the boundary. A. Hamilton commented that without visibility of proper signage maintenance may encroach on the boundary line. O. Lathrop suggested using a road sign and requested that the school maintain the area or replace the signage when necessary. L. Hurley was satisfied if the boundary was marked less frequently than the proposed 24 markers. The Commission requested that digital GPS coordinates for the boundary be documented and authorized the school committee to utilize alternative materials, less frequently. The school would be held responsible to replace and maintain any conservation markers when necessary.

86 Ridgewood Ave, request from Don Black

Don Black briefly discussed two liens on the property pertaining to work that was requested 30 years ago. He said the work has been completed on the functioning septic system, the installation of a retaining wall, and the construction of an addition to the dwelling (Unit B). A site walk was performed in April of this year. L. Hurley and O. Lathrop agreed that they had observed the work in question and were satisfied. B. Easom commented that the request is in violation of the Opening Meeting Law and does not meet the requirements for an open session. After a brief discussion the Commissioners agreed with B. Easom and requested that the applicant be added to the agenda and an additional site walk be scheduled.

**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.”

Not necessary.

**5. Adjournment**

**8:55 PM**

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

Voted to adjourn the meeting at 8:55 PM.

**The motion passed by a roll call vote. (Yes: LH, JS, AH, BE, OL, EM)6-0**

**Minutes Approved: August 23, 2022**