

TOWN OF GROTON

Conservation Commission

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### 

**Groton Conservation Commission**

Tuesday, August 23, 2022 @ 6:30 p.m.

Victual Meeting – Zoom

## **Present:** Eileen McHugh, Chair; Larry Hurley, Vice Chair; Bruce Easom, Clerk; Olin Lathrop, John Smigelski, Peter Morrison (arrived at 7:15PM)

**Absent**: Alison Hamilton

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

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – RDA#2022-22, 9 Georgia Road, for the removal of trees as needed to remove a condemned structure.

Applicant: John Scira

N. Gualco briefly overviewed the property that contains an old cottage that has been requested by the Building Inspector to be demolished. In order to be compliant a demolition contractor proposed removing 21 trees to properly place a crane on the site to then safely remove the structure. After reviewing a plan from 1994 N. Gualco questioned if the trees are on the applicant's property and if not, permission would need to be granted.

B. Easom asked if a separate RDA would be submitted for the removal of the structure. J. Scira responded that the current RDA pertains to both the tree and structure removal. He said he would request permission from the neighbor if necessary and explained a survey had been performed prior to purchasing the abutting parcel.

E. McHugh commented that the trees in the vicinity of the hill are outside of the ConCom’s jurisdiction.

L. Hurley questioned the location of the trees being requested for removal. Only the trees on the hill had been identified and there are supposedly 21 total trees. The applicant said that the Building Inspector instructed that no one walk in close proximity to the condemned structure. L. Hurley agreed that the tree removal is necessary for demolition however, stated that the trees need to be identified and marked.

O. Lathrop stated that the RDA should include the removal of the condemned structure.

E. McHugh suggested that photographs be taken and the applicant mark all the trees being removed. She also recommended that the RDA address the removal of the structure.

Upon a motion by L. Hurley, seconded by B. Easom, it was: Voted to continue the public hearing to September 27, 2022. **The motion passed by a roll call vote. (Yes: BE, LH, OL, JS, EM) 5-0**

6:45 PM – NOI, MassDEP#169-1240, 123 Martins Pond Road, for the replacement of a failed septic system.

Applicant: Timothy Boudreau, Representative: Chris Mackenzie; Dillis and Roy Civil Design Group

Chris Mackenzie from Dillis and Roy Civil Design Group was present representing the applicant. He said that the entire property is within the riverfront area. He proposed installing a Presby system outside of the 50-foot buffer zone and utilizing the existing waterline. There would be extensive grading necessary to raise the soil three feet over the septic system and proper erosion controls would be installed.

O. Lathrop questioned why the septic system cannot be located closer to the dwelling. C. Mackenzie stated that certain criterions had to be met for the waterline offset and the testing locations.

B. Easom asked where the water table was located. C. Mackenzie said the water table was measured at 40 inches in February prior to the drought.

E. McHugh questioned if the homeowners would obtain septic service while the installation of the new system occurred. C. Mackenzie explained the process of removing the existing septic system and said the septic service would be out of commission for only three hours.

Upon a motion by B. Easom, seconded by J. Smigelski, it was: Voted to close the public hearing. **The motion passed by a roll call vote. (Yes: LH, JS, OL, BE, EM) 5-0**

7:00 PM – RDA#2022-21, Broadmeadow Road, for exploratory borings.

Applicant: Town of Groton, Contractor: Robert Rafferty & Ryan Paul

N. Gualco briefly discussed that Robert Rafferty was hired by the Town to alleviate the flooding of Broadmeadow Road. The proposal is to allow for six exploratory borings to enable Mr. Rafferty to compile data.

Robert Rafferty stated that he anticipated for the borings to be completed in three days. The drilling rig would remain on the road and two proposed borings would be located off the asphalt.

O. Lathrop questioned the diameter of the drill being utilized and requested that the muck remain outside of the wetlands. R. Rafferty said that a 2.5-inch drill would be used and ensured the soil would be captured in a casing. R. Paul explained that a metal box would be placed around the boring site and once the sample was collected the disturbed soil would be returned into the hole.

J. Smigelski questioned the depth of the exploratory borings. R. Rafferty responded 30 feet or until solid material was identified.

Upon a motion by B. Easom, seconded by L. Hurley, it was: Voted to issue a Negative 3 Determination under the conditions: 1. Keep drilled soils out of the wetlands. **The motion passed by a roll call vote. (Yes: OL, JS, BE, LH, EM) 5-0**

7:10 PM – RDA#2022-20 **(cont.)**, 63 McLain’s Woods Road, for the renovation and expansion of a deck area.

Applicant: Dan Roy Contractor: Matt Blood

N. Gualco briefly updated the Commission that he met with M. Blood to collect soil cores and to incorporate the visuals into one descriptive plan. The samples were inconclusive; however, there was a subtle break in topography where there was identifiable wetland vegetation. The distance from the dwelling to the wetland was calculated to be 63 feet. The application proposed is to reconstruct a deck and add a screened porch. The runoff from the roof would be captured into two drywells. The disturbed soil would be restored with topsoil and seed.

J. Smigelski asked if the applicant is only adding two additional sonotubes. M. Blood responded that helical piles would be utilized which require no drilling.

B. Easom commented that there is no significant mitigation being proposed. M. Blood said currently the water runoff from the dwelling is entering the wetlands and by installing two drywells it is ensuring protection to the wetlands.

L. Hurley suggested additional mitigation by removing the stockpiles and restoring the disturbed areas with meadow grass or wetland vegetation. M. Blood noted that the submitted revised plan had addressed those items.

O. Lathrop referenced the Bylaws of the 50 foot no touch zone and suggested reducing the existing deck in the 50-foot buffer zone and extending the area more into the 100-foot buffer zone.

P. Morrison commented that the installation of the dry wells and returning the stockpiled areas would be beneficial to the site. He agreed that the reconstruction of the preexisting 12x12 deck be reduced in square footage.

After a brief discussion M. Blood asked for permission to reconstruct the original 12x12 deck.

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to issue a Negative 3 Determination under the conditions: 1. The work is limited to the reconstruction of the 12x12 deck.

E. McHugh amended the motion.

Upon a motion by E. McHugh, seconded by B. Easom, it was: Voted to issue a Negative 3 Determination under the Conditions: 1. The work is limited to the reconstruction of the 12x12 deck. 2. The mitigation plan is followed as shown in the revised plan, installation of a gutter system to capture runoff into two dry wells, debris piles are removed, restoration for 2500 square feet of disturbed area. **The motion passed by a roll call vote. (Yes: JS, PM, BE, LH, OL, EM) 6-0**

D. Roy agreed that the restoration area would include native plants.

7:15 PM – Discussion with Neil Sargent re: proposed landscaping at 235 Old Dunstable Road.

N. Gualco explained that he received a call in regards to ongoing construction by a vernal pool. He met with the contractor who said that he placed gravel around a septic system to access the dwelling during construction of an addition that had been approved and permitted by the Building Department. At that time, he was advised to install a silt fence and obliged to the request. N. Gualco said he reviewed the wetlands and collected soil cores and the results were inconclusive. The MassDEP layer identifies a wetland. A site walk was conducted by the ConCom and there were signs of water lines on the trees.

N. Sargent, homeowner, pointed out thinning that occurred in 2015 and said there has never been an issue of a wet area up until last year when there was massive rainfall. The work that was performed previously was completed without permission however, he was not aware of a wetland. He said his intentions are to remove 20 dead trees and downed brush, there are no proposals pertaining to a permanent structure. N. Sargent envisions a garden or meadow to prosper there.

B. Easom suggested that there had been standing water after observing the water lines on the trees. He said there are no clear definitions of a wetland being present and recommended that soil samples are collected.

The Commissioners agreed that soil samples be collected to identify if the area is a wetland or an isolated land subject to flooding.

E. McHugh recommended that the homeowner hire a wetland scientist to identify the land or collect samples and have them properly tested.

N. Sargent asked if he could perform the soil samples and then questioned where to send them to be tested. N. Gualco said he was willing to assist the homeowner however, if the samples are inconclusive a wetland scientist would need to be hired. N. Sargent agreed to work with N. Gualco and noted that he had placed a call to David E. Ross Associates.

O. Lathrop did not feel comfortable with the homeowner collecting samples by himself, a wetland scientist or the Conservation Administrator needed to be present.

7:16 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: Chris Mackenzie, Dillis & Roy Civil Design Group

Chris Mackenzie was present from Dillis & Roy Civil Design Group and had submitted a revised plan to the ConCom after addressing the comments made by the BOH. The revised plan included the floodplain, adjusted alarm and tank dimensions, and the request for a monolithic tank.

L. Hurley asked how the existing system would be dismantled. C. Mackenzie said the system would be rendered unusable, pumped out, and filled with sand.

O. Lathrop questioned if the applicant should close the public hearing prior to attending the official BOH meeting. The representative stated he was comfortable and would like to proceed with the hearing.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was: Voted to close the public hearing. **The motion passed by a roll call vote. (Yes: LH, OL, JS, PM, BE, EM) 6-0**

7:17 PM – RDA#2022-15 **(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 P. Morrison, seconded by B. Easom, it was: Voted to continue to the hearing to the next scheduled meeting on September 13, 2023. **The motion passed by a roll call vote. (Yes: JS, PM, OL, BE, LH, EM) 6-0**

**2. GENERAL BUSINESS\***

Permitting

**COCs, 86 Ridgewood Road, MassDEP#169-558 & 649**

The Commissioners agreed that the property was stabilized.

Upon a motion by P. Morrison, seconded by B. Easom, it was:

Voted to issue the Certificate of Compliance for 86 Ridgewood Road, MassDEP#169-558.

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

Upon a motion by P. Morrison, seconded by B. Easom, it was:

Voted to issue the Certificate of Compliance for 86 Ridgewood Road, MassDEP#169-649.

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

General Discussions/Announcements

**Discuss “virtual vs. in-person” meetings and the possibility of a hybrid format**

N. Gualco discussed the interest in expediting the opportunity for hybrid meetings and said that the Town Manager is prioritizing the request. Currently the IT department is performing testing and additional equipment is needed. The ConCom informally voted with a 4-2 vote for virtual meetings. E. McHugh stated that the next meeting on September 13, 2022 would be held virtually on zoom.

**EPA-led cleanup of Squannacook Sportsmen’s Club**

N. Gualco said that he forwarded a memo to the Commissioners in regards to the lead contamination at the Sportsmen’s Club. Provided was a map displaying the range of the contamination. He explained that the EPA is moving forward with the project and proposes tree removal and 12 inches of topsoil removal in both the 50- and 100-foot buffer zones. They are not required to request permission or pull permits on both the Town or State levels. The DEP will be involved as well as Natural Heritage. B. Easom asked if soil was tested below 12 inches. N. Gualco responded that the EPA is only required to evaluate a maximum of 12 inches in depth. Water samples were also gathered however, the muck was not included. Any soil removed would be replaced with clean soil and the trees would be replanted. L. Hurley commented when lead remediation is performed a monitor can request that deeper samples are taken. He then questioned if the abutting private property would be included in the remediation process. N. Gualco stated yes and they are working with them separately. The EPA will be presenting to the Select Board on September 6, 2022.

Land Management

N. Gualco said that the Shattuck Homestead Property had been treated.

Committee Updates

B. Easom said that the Williams Barn Committee has questioned if the vendors that attend the farmers market need to acquire an insurance policy for potential legal liability. The issue is now being addressed by the Town Hall.

B. Easom reiterated from the last meeting that the CPC holds $1.5 Million of funding for FY2024. The CPC is expecting an application from the Conservation Committee.

B. Easom updated that the ZBA received an application for 200 units of rental housing located at 500 Main Street and will be asking for comments from the Town Departments. In regards to the Wetland Protection Act it will not be applicable. The ConCom agreed that any comments should be forwarded to the Conservation Administrator to compile and then be reviewed prior to returning to the ZBA.

O. Lathrop commented that the owner of 0 West Main Street is interested in removing invasive species from his property.

Approve Meeting Minutes

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

Voted to approve the meeting minutes for August 9, 2022 as edited.

**The motion passed by a roll call vote. (Yes: BE, LH, JS, PM, EM) OL- Abstain (5-1-0)**

Invoices

None

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

None

**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**

8:45 PM

Upon a motion by B. Easom, seconded by P. Morrison, it was:

Voted to move to adjourn the public meeting.

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

**Minutes Approved: October 11, 2022**