

## GROTON CONSERVATION COMMISSION

### Minutes

Tuesday, August 25th, 2015

Chairman John Smigelski called the meeting to order at 7:00 p.m. with Peter Morrison (Vice Chairman), Susan Black (Clerk), Rena Swezey, Mary Metzger, and Marshall Giguere present. Bruce Easom was absent. Conservation Administrator Takashi Tada was present.

#### 7:00 p.m. – Discussion (cont'd): 366 West Main Street (Decilio)

Robert Collins, attorney for Patricia & Robert Decilio, submitted a request to postpone this discussion to the next meeting on September 15<sup>th</sup>.

Moving on to Meeting Minutes Approval, the Commission reviewed draft minutes from 7/28/2015. There were no comments.

Upon a motion by M. Giguere, seconded by S. Black, it was

VOTED: to approve the meeting minutes from 7/28/2015 as written. The vote was 5 in the affirmative, with P. Morrison abstaining.

Moving on to General Business, T. Tada presented a copy of the formal invitation sent by NESSP, Inc., to attend the ceremonial blessing of the NESSP Temple site. The ceremony will be held on Saturday, August 29<sup>th</sup>, beginning at 9:00 AM.

T. Tada also announced that the Massachusetts Association of Conservation Commissions (MACC) has prepared a guide to the Wetlands Protection Act intended for homeowners, realtors, builders, and interested citizens. They can be ordered from MACC in groups of 100 at a cost of 15 cents each (\$15 per order).

On the topic of Pipeline Committee update, P. Morrison reported that the New Hampshire route remains Kinder-Morgan's preferred route. The Board of Selectmen are discussing whether to apply for "intervener" status with the Federal Energy Regulatory Commission (FERC).

#### 7:10 p.m. – Discussion: Proposed Plan Change, Old Ayer Road (MacGregor), MassDEP #169-1121

Stan Dillis, of Ducharme & Dillis Civil Design Group, presented a driveway modification proposal on behalf of Roy & Nancy MacGregor. The revised plan will utilize the existing unpaved access road to reach the proposed single family modular home. The existing access road follows a wider, more gentle loop up and around the slope to the level home site. The original plan called for a sharper turn away from the existing path, which would be more costly and difficult to construct. In addition to being less costly, the modified driveway will provide better access for the modular crane. The amount of disturbance within jurisdictional areas (Riverfront Area and Buffer Zone) for the driveway modification is approximately the same (800± square feet) as the original configuration.

M. Metzger asked if the proposed modification required changes to the drainage design. Mr. Dillis said the settling basin would stay the same and the proposed swale would follow the modified driveway.

Upon a motion by P. Morrison, seconded by R. Swezey, it was

VOTED: to accept the proposed driveway modification plan as a minor change to the Order of Conditions for Old Ayer Road (MacGregor), MassDEP #169-1121. The vote was unanimous (6-0).

Moving on to General Business – Land Management topics, M. Metzger reported that the removal of invasive plants on Prescott School property has stalled due to concerns raised by an abutter. The abutter is concerned about privacy and the accuracy of the property lines depicted on the Assessors Maps. M. Metzger said she would hold off until these issues are resolved; in the meantime she will put her husband to work pulling invasives at Crosswinds Conservation Area instead.

M. Metzger also said she met with the Assistant Principal at Groton Dunstable Regional High School. They are looking for community service projects for students. She provided a copy of the Liability Waiver used by the Harwich Conservation Trust. The form could be adapted for use by the Commission.

Regarding Baddacook Field, the Commission discussed the use of herbicide to control invasive Black Swallow-wort following mowing of the field in late July. The plants are regrowing and beginning to flower. T. Tada mentioned comments submitted by David Black of the Groton Conservation Trust supporting the use of the herbicide triclopyr (Garlon 3A) and asking that the treatment process be documented photographically to record before and after conditions.

Upon a motion by P. Morrison, seconded by R. Swezey, it was

VOTED: to authorize herbicide treatment to control Black Swallow-wort at Baddacook Field. The vote was unanimous (6-0).

7:20 p.m. – Public Meeting: RDA, Underground Propane Tank, 20 Nate Nutting Road (Love)

Owner/Applicant: Jean R. Love

Representative: Bob Love

Site Walk: 8/22/2015

Bob Love presented the proposal, with revised site plan, to install an underground propane tank to serve the existing single family home. The tank will be located in the lawn area east of the house, within 200' of an unnamed perennial stream. The entire property is located in the Riverfront Area. The proposed tank location is approximately 120' from the stream. During the Commission's site walk, it was observed that the applicant had already done some grading work

to the north of the house, approximately 60 feet from the stream. According to Mr. Love, they buried crushed concrete debris resulting from work on the basement/foundation. He said they received verbal approval from the Building Inspector for this aspect of the work.

M. Giguere said he had no concerns about the propane tank, but he took issue with the disposal of concrete debris onsite. The Commission should have been notified of this work via a Form of Intent submitted to the Land Use Departments.

Upon a motion by M. Giguere, seconded by P. Morrison, it was

VOTED: to issue a negative determination (#2 & #3) for 20 Nate Nutting Road, subject to the following conditions:

1. Hay bales to be installed per the revised plan dated 8/25/2015.
  2. Disturbed areas to be revegetated with native plants.
- The vote was unanimous (6-0).

7:30 p.m. – Public Hearing (cont'd): NOI, Site Stabilization/Boulder Wall, 60 Valley Road (Johnson), MassDEP #169-1125

Applicant/owner: Paul Johnson

Site Walk: 6/6/2015

Mr. Johnson said he still preferred to go with the original plan to build a boulder wall and backfill to reclaim his land that has been lost over time due to erosion. He has been unable to hire an engineer who could design a plan to mitigate work within the 100-year floodplain. Even if he scaled back his plan to include only repair of the existing block wall around his house, he would still need to remove a couple of mature trees in the way.

Commission members encouraged Mr. Johnson to consider reducing the scope of his plan to involve only the repair of the existing cinder block wall. He could potentially use sturdier blocks, as long as the face of the wall is not pushed forward (toward the resource area).

Upon a motion by P. Morrison, seconded by M. Giguere, it was

VOTED: to continue the public hearing for 60 Valley Road, MassDEP#169-1125, to 9/29/2015. The vote was unanimous (6-0).

Moving on to other General Business, T. Tada provided an update on the North Woodlot Nominee Trust (Robison) parcel donation. Shirin Everett of Kopelman & Page (Town Counsel) reported via email that the title research was done and it appears the title is clean dating back to 1997.

On the topic of 401 Old Ayer Road (Tompkins), T. Tada said he received a complaint from an abutter who observed vegetation clearing around the old farm pond off Worthen Drive.

Chairman Smigelski provided some history on the pond, which used to be a local swimming hole. It has historically been maintained for farm use and private swimming.

On the topic of Parcel 227-135 (Town tax possession; formerly owned by North Middlesex Mutual Aid), T. Tada reported that the Commission conducted a site walk on 8/22/2015. The site contains a pond, an old building, and appears to provide compelling and locally uncommon wildlife habitat. The open areas of the parcel are reminiscent of pine barrens more typically found on Cape Cod and other areas. This appears to be excellent turtle nesting habitat. However, the old building could have buried tanks and other cleanup responsibilities associated with it. R. Swezey explained that the Town took possession of the property due to back taxes, and it would eventually go to auction unless some Town entity (eg. Conservation or Park Commission) wants it.

Moving on to other Land Management issues, M. Metzger mentioned the apparent violations and encroachment occurring on Allen Conservation Area and 257 West Main Street (Egan). The Commission conducted a site walk with Mr. Egan on 10/22/2015 to view the evidence of motorized off-road vehicle (ORV) use including new trails, tire ruts, and vegetation clearing in the northeastern corner of his property, close to Wrangling Brook. The Commission discussed sending a letter to the neighbors reminding them of the regulations governing ORV use on private property and in proximity to wetlands. The Commission also discussed reimbursing M. Giguere for the GPS app (Bad Elf GPS) on his iPad, which he uses on site walks.

Upon a motion by M. Metzger, seconded by P. Morrison, it was

VOTED: to authorize M. Giguere to submit reimbursement for the GPS app on his iPad.  
The vote was unanimous (6-0).

There being no further business, upon a motion by P. Morrison, seconded by S. Black, it was

VOTED: to adjourn the meeting at 8:25 p.m. The vote was unanimous (6-0).

Notes taken by

Takashi Tada  
Conservation Administrator

**Exhibits on file at Conservation Commission Office:**

1. Meeting Minutes, 7/28/2015
2. Driveway Modification Plan, Old Ayer Road, MassDEP #169-1121
3. RDA, Underground Propane Tank, 20 Nate Nutting Road
4. NOI, 60 Valley Road, MassDEP #169-1125

**Approved 10/27/2015**