

## GROTON CONSERVATION COMMISSION

### Meeting Minutes

Tuesday, August 25, 2017

Location: Town Hall, 2<sup>nd</sup> Floor

Members Present: John Smigelski (Chair), Peter Morrison (Vice Chair), Marshall Giguere, Bruce Easom

Members Absent: Olin Lathrop (Clerk), Susan Black, Eileen McHugh

Others Present: Nikolis Gualco (Conservation Administrator)

**6:32 p.m.** – The meeting was called to order by Chairman J. Smigelski.

The Commission considered a draft Order of Conditions for 109 Chicopee Row, MassDEP #169-1155. The public hearing was closed 8/8/2017.

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

VOTED: to issue an Order of Conditions under the MA Wetlands Protection Act for 109 Chicopee Row (MassDEP #169-1155) as drafted with the following amendment:

*58. The area labeled as 'naturalized area,' including the Invasive Removal Type A area, as well as the Invasive Removal Type B area shall be maintained free of invasives in perpetuity.*

The vote was tied (2-2) [with B. Easom and M. Giguere dissenting].

At this time the Commission debated many philosophical ramifications of approving or denying a proposal like this and the potential precedent this decision may set.

B. Easom inquired about asking the applicant to extend the 21-day review window to allow for another vote with a full Board present. To this, P. Morrison reminded B. Easom that if the applicant just waits until Tuesday the vote will go to default and will therefore automatically be approved. P. Morrison continued and said this in his 15 years on the Commission he is unaware of a single time when a vote went to default.

J. Smigelski then introduced a previously issues OOC for 284 Whiley Road (MassDEP#169-1144), which approved the construction of a new detached garage within the buffer zone. M. Giguere commented that this case was different because the area of the proposed garage was already disturbed, graded, and currently being used to store vehicles and therefore the approval

constituted an improvement of the site's environmental integrity. P. Morrison stated that only 2/3 of the proposed barn at 109 Chicopee Row was within the buffer zone.

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

VOTED: to rescind the vote to issue an Order of Conditions under the MA Wetlands Protection Act for 109 Chicopee Row (MassDEP #169-1155) as drafted with the one aforementioned amendment. The vote was unanimous (4-0).

Upon a motion by M. Giguere, seconded by B. Easom, it was

VOTED: to rescind the vote to issue an Order of Conditions under the MA Wetlands Protection Act for 109 Chicopee Row (MassDEP #169-1155) as drafted with the one aforementioned amendment. The vote was unanimous (4-0).

At this time the Commission entered into a conversation with the applicant (Brendan Lowry) about a possible expansion of the naturalized area to extend from both sides of the property, which would require the forfeit of an existing lawn. The area to remain in a naturally vegetated state was marked on the site plan and the revision was noted on the plan. B. Lowry agreed to the proposed revisions made by the Commission.

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

VOTED: to issue an Order of Conditions under the MA Wetlands Protection Act for 109 Chicopee Row (MassDEP #169-1155) as drafted with the following two amendments:

58. *The area labeled as 'naturalized area,' including the Invasive Removal Type A area, as well as the Invasive Removal Type B area shall be maintained free of invasives in perpetuity.*

59. *The 'naturalized area' labeled on the plan shall be left in a naturally vegetated state and clearly marked with Conservation makers. The owner may mow (brush hog) this area no more than twice per year. Any plantings in the 'naturalized area' shall be similar to those listed on the plan.*

The vote was unanimous (4-0).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Bylaw as drafted for 109 Chicopee Row, MassDEP #169-1155 with the following three amendments:

1. Change the language in #5 to read: *“the applicant shall install conservation markers along the ‘naturalized areas’.”*
2. Change the language in #9 from ... *“50 foot buffer zone”* to *“naturalized area.”*
3. Add the following condition:

*14. This Order includes Special Conditions #58 and #59 under the Wetlands Protection Act Special Conditions.*

The vote was unanimous (4-0).

**7:15 p.m.** – B. Easom made a motion (seconded by P. Morrison) to adjourn the meeting. The vote was unanimous (4-0).

Notes taken by Nikolis Gualco  
Conservation Administrator

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

1. OOC, 109 Chicopee Row, MassDEP#169-1155

**Approved on September 12, 2017**