



TOWN OF GROTON
Conservation Commission
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Groton Conservation Commission
Meeting Minutes Draft -
Tuesday, May 8, 2018 @ 7:00 p.m.
Town Hall, 2nd Floor

Present: Olin Lathrop, Bruce Easom, Marshall Giguere, Lawrence Hurley (clerk), ,
Peter Morrison (Vice Chair), John Smigelski (Chair)
Absent: Eileen McHugh
Others Present: Nikolis Gualco, Conservation Administrator

Chairman Smigelski called the meeting to order at 7:00 p.m.

1.0 APPOINTMENTS AND HEARINGS

1.1 7:00 p.m. – RDA, 89 Skyfields Drive, for the conversion (e.g., clear cutting) of forest to pasture land.

Applicants: Kevin, Dan, and Tara Tomany.

In attendance for hearing: Gus Widmayer (135 Skyfields Drive) & Gary Rutherford (85 Skyfields Drive)

The meeting began with D. Tomany presenting the content of the after-the-fact filing for clear cutting approximately 36,000 square feet of forest land. He continued to state that he estimated that approx. 9,000 square feet was cleared from within the 100-foot buffer. Since learning that permission was required by Conservation and Natural Heritage (as the area of cutting also partly intersects Priority Habitat), D. Tomany reported that his family has filed an RDA and in almost ready to submit a MESA Checklist. With thank, Chairman Smigelski asked the Commission for questions/comments.

L. Hurley asked what the plan was for the stumps. D. Tomany stated that they would comply with whatever the Commission requests, to which L. Hurley states his preference was to have the stumps ground.

M. Giguere commented that currently this matter is not covered under an Enforcement Order, however it could be in the future. He stated to the Tomany's that the Commission would not have permitted cutting within the 50-foot no disturb buffer zone. Finally, he concluded by commenting that it is the responsibility of the land owner to ensure all permitting is done correctly as they are the responsible party.

B. Easom asked if NHESP had been contacted, to which D. Tomany stated YES and that he is almost ready to submit the MESA Checklist. He concluded by stating that he would want to hear back from NHESP and would want to see a restoration plan before he votes on anything.

O. Lathrop stated that he agreed with M. Giguere's comments and further commented that he wants to make sure the Commission doesn't send the wrong message to the Town that if one files after the fact that there will be no penalty.

P. Morrison agreed with the need to first hear from NHESP but stated that he doesn't want the Commission "pick on" the Tomanys.

M. Giguere references a past example of using a retro Enforcement Order as a possible model for approaching this case.

D. Tomany responded that he agreed with the idea of having a restoration plan and communicated that they had stopped cutting nearest the garage because they knew they could not alter/cut within 100 feet of a wetland, which they knew of the one by the front of the property. He stated that they were not aware of the intermittent hydrologic connection or the NHESP Priority Habitat.

At this time, Chairman Smigelski opened the public meeting up for public comment.

G. Widmayer expressed great disappointment that the cutting occurred without permitting. He stated that the Tomanys should have known better. He expressed concern that the cutting will affect his property by allowing more water to flow and expand the wetlands in his back yard.

G. Rutherford stated that he was in charge of the homeowner's association and is generally aware of all activities (projects) occurring within the Skyfields neighborhood. He stated that he was OK with what the Tomanys did.

At this time, L. Hurley made a motion (seconded by P. Morrison) to continue the meeting until May 22, 2018 to allow for NHESP to review the filing and for the applicant to begin to prepare a restoration plan. The motion passed by a unanimous vote.

1.2 7:15 p.m. – RDA, 6 Island Road, for the installation of a new drinking water well, (J. Cotter).
Applicant: Jesse Cotter

J. Cotter began the meeting by explaining the project details, which include the installation of a new drinking well above the house near the road. He expressed that the location is very much dictated by the fact that the entire property is within the 100-foot buffer and that the septic system pins in the possible location to where proposed.

B. Easom asked if the Board of Health had approved the project yet. J. Cotter said he had not yet received BoH approval as he wanted to get past Conservation first. B. Easom explained that if

BoH approves the well but in a different location this would affect the nature of the Determination of Applicability he seeks. A discussion ensued as to whether to approve the project or to continue it to allow for BoH time to review the proposal.

Upon a motion by L. Hurley (seconded by M. Giguere), it was:

VOTED: to continue the public meeting until May 22, 2018 to allow the Board of Health time to review the project and provide comment. The motion passed by a unanimous vote.

1.3 7:30 p.m. – RDA, 5 Little Hollow Lane, for the removal of thirteen trees adjacent to a pool area, (J. Thompson).

Applicant: Johanne Thompson

Representative: Valerie DeGroot, Babin Landscaping

V. DeGroot began the meeting by explaining the project, which includes the removal of 13 trees from within the 100-foot buffer to provide more sunlight for a swimming pool.

M. Giguere asked about the large red oak in the back, specifically if the applicant was willing to leave this tree.

B. Easom asked would like to see the area replanted with other hardwood.

O. Lathrop stated that he was not in support of the tree removal, however he stated that jurisdictionally there wasn't anything wrong with the request. He did, however, express concern over a hose depicted in the site walk photos apparently draining backwash from the pool onto Conservation land.

P. Morrison stated that he was agreeable to shrub species (like Highbush Blueberry) being planted amongst the plants hardwoods.

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

VOTED: to issue a Negative 3 Determination subject to the following conditions:

1. Woodchips generated during the removal of the trees shall be spread on-site in the areas of the removed trees to mitigate erosion.
2. Ten to twelve feet of stems of the cut trees shall be left in place. It is recommended that hardwoods are also girdled to ensure the stems will not sprout.
3. The backwash hose shall be relocated as to not discharge backwash pool water onto Groton Conservation Commission land and/or into Duck Pond.

The motion passed by a unanimous vote.

1.4 7:45 p.m. – Discussion with Brad Harper on the 2018 plans for aquatic vegetation treatment at Lost Lake – Knops Pond.

B. Harper (Groton Lakes Association) began the discussion by giving a presentation of the status of the weed treatment program at Lost Lake/Knops Pond, which appears to be going very well. He stated that SOLitude (Lake Manager/Herbicide Applicator) is planning on coming out next week to assess the current contamination. It does appear that Fanwort (*Cabomba caroliniana*) is the focus for the coming year.

B. Easom asked about the status of the Order of Conditions, which N. Gualco stated expires in October of this year. B. Harper stated he plans to file for an Extension (WPA Form 7) and will work with N. Gualco on this matter.

1.5 8:00 p.m. – NOI (cont.), 120 Lost Lake Drive, for the construction of a single-family home addition, MassDEP# 169-1175.

Applicant: Ryan Monat

Representative: David Cowell, Hancock Associates

D. Cowell began the hearing by recapping where things were left at the last meeting and specifically the four (4) areas that needed addressing: 1) wait to receive MassDEP case number and any comments; 2) wait to receive NHESP letter of no take; 3) overlay limits of work from previous filing onto current site plan; 4) check on the other side of the property for possible mitigation opportunities. All four of these areas were addressed during the preliminary discussion. Neither DEP nor NHESP had comments on the project. The overlay was provided and D. Cowell reported on the possibility of creating turtle nesting habitat in the upland across the wetland.

O. Lathrop commended the mitigation proposals but expressed concern the most of the mitigations are short-term improvements in exchange for a permanent structure in the 100-foot buffer zone.

P. Morrison asked how much of the addition will be within the 50-foot buffer zone, to which D. Cowell said approximately 50 square feet. P. Morrison continued by stating that he liked the mitigation but is concerned about the message it could send. He concluded by urging the applicant to remove the building proposal from the 50-foot buffer.

J. Smigelski asked if it was possible to rotate the proposed addition so that it stays outside of the 50-foot buffer as well as doesn't cross the limit of work line. D. Cowell and R. Monat discussed this some and agreed that it may be possible.

M. Giguere asked about the previous Order and expressed concern about allowing work beyond a defined limit of work.

B. Easom asked N. Gualco to read the two conditions (#18 and #39) from the previous Order (MassDEP# 169-730) that applied to the definition of the limit of work as a limit of disturbance.

Discussions ensued on the interpretation of conditions as well as the possibility of re-locating or re-positioning of the proposed structure.

Upon a motion by O. Lathrop (seconded by L. Hurley), it was:
VOTED: to continue the hearing to May 22, 2018 to allow the applicant time to consider re-positioning the proposed structure and other site plan changes. The motion passed by a unanimous vote.

2.0 GENERAL BUSINESS*

2.1 Correspondences

2.1.1 Minor Site Plan Change Request: 419 Old Ayer Road, MassDEP#169-1168.
Applicant: Matthew Field

M. Field began by explaining the change he was proposing, which included the extension of the erosion controls along the northside of the building to accommodate the excavation of the foundation of the existing single-family house. M. Field explained that the foundation needed to be replaced, which was not accounted for in the Order of Condition. He plans to jack up the house and pour a new concrete foundation.

B. Easom asked M. Field to located on the approved site plan where he would place the dumpster and the excavated material. M. Field located these areas on the plan and initialed and dated the revisions.

Upon a motion by M. Giguere (seconded by B. Easom), it was:
VOTED: to approve the described change to the Order of Conditions for 419 Old Ayer Road (MassDEP#169-1168) as a minor change to the site plan. The motion passed by a unanimous vote.

2.2 Order of Conditions

2.2.1 33 Ridgewood Ave, MassDEP#169-1174.

Upon a motion by P. Morrison (seconded by L. M. Giguere), it was:
VOTED: to issue an Order of Conditions under the Wetlands Protection Act as drafted for 33 Ridgewood Ave, MassDEP# 169-1174. The motion passed by a unanimous vote.

Upon a motion by P. Morrison (seconded by B. Easom), it was:
VOTED: to issue an Order of Conditions under the Groton Wetlands Protection Bylaw as amended (strike Condition #6) for 33 Ridgewood Ave, MassDEP# 169-1174. The motion passed by a unanimous vote.

2.2.2 2 Alder Road, MassDEP#169-1173.

Upon a motion by P. Morrison (seconded by L. Hurley), it was:

VOTED: to issue an Order of Conditions under the Wetlands Protection Act as amended (strike Condition #52 and insert the word ‘written’ into Condition #50) for 2 Alder Road, MassDEP# 169-1173. The motion passed by a unanimous vote.

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Protection Bylaw as drafted for 2 Alder Road, MassDEP# 169-1173. The motion passed by a unanimous vote.

2.2.3 39 Off Prescott Road, MassDEP#169-1171.

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

VOTED: to issue an Order of Conditions under the Wetlands Protection Act as drafted for 39 Off Prescott Street, MassDEP# 169-1171. The motion passed by a majority vote: (Yes: BE, LH, PM, JS; No: MG, OL).

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

VOTED: to issue an Order of Conditions under the Groton Wetlands Protection Bylaw as drafted for 39 Off Prescott Street, MassDEP# 169-1171. The motion passed by a majority vote: (Yes: BE, LH, PM, JS; No: MG, OL).

2.3 Certificate of Compliance – (N/A)

2.4 Approve Meeting Minutes

2.4.1 April 10, 2018

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

VOTED: to accept the April 10, 2018 meeting minutes as amended. The motion passed by a majority vote (Yes: BE, OL, LH, PM, JS; Abstain: MG).

2.4.2 April 24, 2018

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

VOTED: to accept the April 10, 2018 meeting minutes as amended. The motion passed by a majority vote (Yes: BE, OL, LH, MG, JS; Abstain: PM).

2.5 Invoices – (N/A)

2.6 Land Management

2.6.1 Agricultural RFPs: Shattuck Homestead & Other Sites

Upon a motion by P. Morrison (seconded by B. Easom), it was:
VOTED: to approve the Solicitation of Interest for Agricultural activities at Shattuck Homestead as written for publishing. The motion passed by a unanimous vote.

2.6.2 “Meadowbrook Conservation – Open Space Parcels”

N. Gualco reported that he had installed three signs at the Meadowbrook Conservation Area indicating no motorized vehicles as well as a general posting of the rules and regulations for use of conservation land. He further reported that he has compiled a list of those he intends to send a letter to and plans on mailing an outreach letter to these residents next week.

2.6.3 Other Conservation Areas – (N/A)

2.6.4 Trees near trail bridge at 207 Gratuity Road

N. Gualco reported receiving notice from the residents of 207 Gratuity Road about two fallen trees that are leaning over the trail bridge. The Conservation Commission owns an easement of the trail and bridge and is responsible for their upkeep. The Commission recommended N. Gualco contact George Brackett of Sierra Tree Services for a quote to drop the trees.

2.7 Other Discussions

2.7.1 Open Space & Recreation Plan – Kick-off Meeting (May 10th, 2018)

N. Gualco announced this upcoming meeting.

2.8 Committee Updates/Announcements - (N/A)

3.0 Open Session for topics not reasonably anticipated 48 hours in advance of meeting* - (N/A)

Upon a motion by B. Easom, seconded by M. Giguere it was;
VOTED: to move to executive session to consider the purchase, exchange, lease, or value of real estate not to return to the open meeting at 9:20 p.m. The motion passed by roll call vote (**Yes:** OL, BE, MG, LH, PM, JS).

Respectfully submitted,
Nikolis Gualco, Conservation Administrator, Town of Groton

Exhibits on file:

1. RDA, 89 Skyfields Drive (T. Tomany)

2. RDA, 6 Island Road (J. Cotter)
3. DOA, 5 Little Hollow Land (J. Thompson)
4. NOI, 120 Lost Lake Drive, MassDEP#169-1175
5. OOC, 419 Old Ayer Road, MassDEP#169-1168
6. OOC, 33 Ridgewood Ave, MassDEP#169-1174
7. OOC, 2 Alder Road, MassDEP#169-1173
8. OOC, 39 Off Prescott Street, MassDEP#169-1171
9. Meeting Minutes, April 10, 2018
10. Meeting Minutes, April 24, 2018
11. SOI, Shattuck Homestead (Agricultural activities)
12. Email from Elizabeth Petros from Thursday, April 26, 2018 2:46 PM (207 Gratuity Rd)

Accepted on: May 22, 2018