



TOWN OF GROTON
Conservation Commission
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Groton Conservation Commission
Meeting Minutes

Tuesday, May 22, 2018
Town Hall, 2nd Floor
7:00 p.m.

Present: John Smigelski (Chair), Peter Morrison (Vice Chair), Lawrence Hurley (clerk), Olin Lathrop, Bruce Easom, Marshall Giguere, Eileen McHugh
Absent: *none*
Others Present: Nikolis Gualco, Conservation Administrator

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

1.0 APPOINTMENTS AND HEARINGS*

1.1 7:00 p.m. – NOI, 65 Gay Road, for the replacement of a failed sewage disposal system
MassDEP#169-1176
Representative: Kevin Ritchie, Civil Solutions
Applicant: Michael Lelievre

K. Ritchie began the hearing by introducing the project, which involves the replacement of a failed sewage disposal system. Work associated with the installation of a Presby system, which was reported as being previously approved by the Board of Health and which will occur within the 100 and 50-foot buffer zones.

E. McHugh stated that during the site walk she had requested that the trees scheduled for removal be added to the site plan and asked Ritchie if this has been completed. At this time, K. Ritchie presented a revised plan with the tree removal detailed.

M. Giguere asked if there would be a poly liner to which Ritchie said ‘no.’

B. Easom asked about the slope of the grading and that the plan calls for a 3:1 slope. He continued and asked if the Applicant would consider removing the shed on the wetland border as a mitigation measure to which Lelievre agreed. At this time the Applicant notated, signed, and dated this change on the plan.

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

VOTED: to close the public hearing. The motion passed by a unanimous vote.

1.2 7:15 p.m. – NOI, Nashua River (area of J. Harry Rich State Forest), for the treatment of invasive aquatic vegetation
MassDEP#169-1177.
Representative: Matt Salem, SOLitude Lake Management

M. Salem began by describing the project, which involves the implementation of an aquatic vegetation management program at the Nashua River (Pepperell Pond) to control nuisance and non-native plant growth utilizing treatment with USEPA/MA State registered aquatic herbicides, algaecides, and other BMP's. Salem stated that there would be no recreational restrictions and that the application of chemicals will be conducted by a licenses applicator. The treatment plan calls for a multi-year approach.

E. McHugh asked in the biomass would be removed and heard that it would not – it would sink. She then asked about the method for notifying the public. Salem replied that they plan calls for posting of standard 8 ½" x 11" (per DEP standards) on trees and utility poles and that these will be removed after the period of risk associated with treatment has concluded.

M. Giguere and B. Easom asked the applicant about various technical elements covered in the Natural Heritage (NHESP) Determination Letter including (use of specific chemicals and their approved concentrations). Salem indicated that they would follow NHESP conditions. O. Lathrop commented that he would like to see the NHESP conditions added to the Order of Conditions.

B. Easom stated he would like annual reporting as part of the Order.

At this time, Chairman Smigelski invited comments from the audience and Martha Morgan from the Nashua River Watershed Association expressed her support for the project.

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

VOTED: to close the public hearing. The motion passed by a unanimous vote.

1.3 7:30 p.m. – NOI, Upper Massapoag Pond, for the treatment of invasive aquatic vegetation
MassDEP#169-1178
Representative: Morgan Nivison, All Habitat Services

M. Nivison began the hearing by introducing the project, which involves the implementation of an aquatic vegetation management program on the 113-acre Massapoag Pond targeting non-native and invasive species (e.g., Eurasian Milfoil, Fanwort, Variable-Leaf Water Milfoil). Treatment involves the application of herbicide. Nivison described an application process to occur in June, July, and August.

M. Giguere asked about the current status of NHESP approval as well as the approvals from the two neighboring towns (Dunstable, Tyngsborough). N. Gualco commented that he had not received a Determination Letter yet from NHESP. Giguere continued and asked about the plan beyond the first year since the contract between Habitat and Tyngsborough was only for one year. At this time a discussion ensued regarding how long the Commission would feel permitting the project for.

B. Easom asked if the flow of water at the pond dams would be affected by the project, to which he was told 'no.'

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

VOTED: to continue the meeting to May 29, 2018 at 6:30 p.m. to allow NHESP time to send the Determination Letter. The motion passed by a unanimous vote.

1.4 7:45 p.m. – RDA (cont.), 89 Skyfields Drive, for the conversion (e.g., clear cutting) of forest to pasture land, (T. Tomany).

Applicant: Kevin, Tara, and Dan Tomany

D. Tomany presented a restoration plan.

M. Giguere commented that he thought the plan was wholly inadequate and would like to see the entirety of the cut area be replanted and revert to the previous state prior to cutting. He emphasized that he estimated between 45 and 60 trees were cut and that the plan only proposed to replace a small fraction of these.

B. Easom asked if the space between the proposed re-plantings could be filled with ground cover to offer more habitat and suggested high bush blueberry as a possible planting option.

O. Lathrop commented that he was concerned about erosion during the restoration and also stated he would like to see Conservation markers installed at 75' from the wetland edge to demarcate an expanded No Disturb buffer.

E. McHugh requested that D. Tomany's offer to steward the abutting conservation land being made official during this process to which D. Tomany agreed to.

At this time, N. Gualco commented that NHESP would like to know how the Commission would like to proceed regarding the filing. If the Commission was to require a NOI, NHESP expressed a preference in a concurrent filing, however, if the Commission choose to stick with the RDA, NHESP would review that application.

Upon a motion by P. Morrison (seconded by E. McHugh), it was:

VOTED: to move forward using the RDA. The motion passed by a unanimous vote.

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

VOTED: to continue the meeting to June 12, 2018 to provide the applicant time to revise the restoration plan as well as to allow NHESP time to review the RDA and send a Determination Letter. The motion passed by a unanimous vote.

1.5 8:00 p.m. – RDA (cont.), 6 Island Road, for the installation of a new drinking water well, (J. Cotter).
Applicant: Jesse Cotter

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

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

1. Erosion controls shall be installed according to the plan entitled “6 Island Road Well Plan (RDA)”, dated April 12, 2018.
2. The slurry pit associated with the construction of the well shall be contained within the area protected by the erosion controls and surrounded by an additional row of erosion controls.

The motion passed by a unanimous vote.

1.6 8:15 p.m. – NOI (cont.), 120 Lost Lake Drive, for the construction of a single-family home addition, MassDEP#169-1175.

Applicant: Ryan Monat

Representatives: David Cowell, Hancock Associates; Atty. Robert Collins

D. Cowell presented a revised site plan, which showed a 96 square foot reduction in the size of the proposed addition.

R. Collins commented that the owners had maintained the buffer in a natural state. He then proceeded to give a brief oral history of the property.

B. Easom asked if the applicant would be willing to permanently mark a line of no disturbance on the property to clear up the confusion about the where the line is suppose to be.

M. Giguere referenced the Groton Wetlands Protection Bylaw and stated that the Commission may approve a request to alter the buffer zone if no feasible alternatives are possible.

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

VOTED: to close the public hearing. The motion passed by a unanimous vote.

2.0 GENERAL BUSINESS*

2.1 Correspondences

No correspondences were discussed.

2.2 Order of Conditions

No Orders were issued.

2.3 Certificate of Compliance

2.3.1 60 Valley Road, MassDEP#169-1125.

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

VOTED: to issue a Certificate of Compliance for 60 Valley Road, MassDEP#169-1125. The motion passed by a unanimous vote.

2.3.2 993 Boston Road, MassDEP#169-1020.

N. Gualco commented that the Commission voted to issue the Certificate of Compliance for 993 Boston Road, MassDEP#169-1020 on September 26, 2017 contingent upon the removal of grass clippings along the edge of the lawn and vegetated wetland area that were observed during the September 23, 2017 site walk. Gualco continued and stated that on May 14, 2018 he inspected the site and verified that the silt fence has been removed, however he realized the Commission never signed the COC back in September, 2017. To remedy this administrative error, he distributed a new form to sign. No vote was taken.

2.3.3 164 Main Street, MassDEP#169-1152.

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

VOTED: to issue a Certificate of Compliance for 164 Main Street, MassDEP#169-1152. The motion passed by a unanimous vote

2.4 Approve Meeting Minutes

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

VOTED: to approve the minutes for May 8, 2018 as amended. The motion passed by a majority vote (6-0-1) with E. McHugh abstaining.

2.5 Invoices

No invoices were signed.

2.6 Land Management

N. Gualco stated the NHESP is looking into the request to hydro rake Baddacook Pond in 2018 and 2019. A decision is still pending.

2.7 Other Discussions

No other discussions were had.

2.8 Committee Updates/Announcements

There were no committee updates/announcements.

3.0 Open Session for topics not reasonably anticipated 48 hours in advance of meeting*

There was none.

Upon a motion by P. Morrison, seconded by B. Easom 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 9:25 p.m. The motion passed by roll call vote (**Yes:** Lathrop, Easom, Giguere, McHugh, Hurley, Morrison, Smigelski).

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

Exhibits of file:

- NOI, 65 Gay Road
- NOI, Nashua River (Pepperell Pond)
- NOI, Massapoag Pond
- RDA, 89 Skyfields Drive
- RDA & Determination, 6 Island Road
- NOI, 120 Lost Lake Drive
- COC, 60 Valley Road
- COC, 993 Boston Road
- COC, 164 Main Street
- Meeting Minutes, May 8, 2018

Approved on: June 26, 2018