



**TOWN OF GROTON**  
**Conservation Commission**  
173 Main Street  
Groton, MA 01450  
(978) 448-1106



**Groton Conservation Commission**  
**Meeting Minutes**  
Tuesday, June 12, 2018  
Town Hall, 2<sup>nd</sup> Floor

Present: Olin Lathrop, Marshall Giguere, Eileen McHugh, John Smigelski, Bruce Easom,  
Absent: Peter Morrison, Larry Hurley  
Others present: Beth Faxon, Town of Groton per diem minute taker

Chair Smigelski called the meeting to order at 6:30 pm.

O. Lathrop makes a motion to move to Executive Session to consider the purchase, exchange, lease, or value of real estate to reconvene in regular session at 7:00 pm, E. McHugh seconds.

The motion carries by a unanimous vote (Yes: Lathrop, Giguere, Easom, McHugh, Smigelski).

*...Peter Morrison joins the Commission during Executive session at 6:45 pm...*

The Conservation Commission (The Commission) reconvenes the public meeting at 7:00 pm.

### **1.0 APPOINTMENTS AND HEARINGS\***

**1.1** 6:30 p.m. – RDA (cont.), 89 Skyfields Drive, for the conversion (e.g., clear cutting) of forest to pasture land, (T. Tomany).

O. Lathrop read the legal notice

A revised restoration plan was presented depicting the planting of sugar maple trees instead of red cedar. The number of proposed blueberry bushes will double and placement will be between the sugar maples. Medallion markers will be placed along the fence (at 75' from the wetland edge). Voluntary stewardship of the Wiewel Land Conservation Area by Dan Tomany is to occur.

M. Giguere expressed disdain and a deep dissatisfaction with the revised restoration plan, asked for the number of trees planted to be doubled. He reiterated that he believes that the plan is wholly inadequate as it only proposes replanting a small fraction of the trees cut.

B. Eason agreed requesting 4 more sugar maples planted in between the proposed sugar maples.

Chair Smigelski advised staggering of the planting trees to allow them room to grow.

Gus Widmayer (abutter) from the audience asked if the Commission had considered the deed covenants he provided for the last meeting. J. Smigelski stated that the Commission has no jurisdiction over said covenants. G. Widmayer then asked for the hearing to be continued until after a civil suit is decided addressing the covenants on the property. He is advised by the Commission that there is a 10-day appeal period for any action taken by the Commission. Mr. Widmayer asks about an area of land beyond the restoration zone and south of a white birch tree. Mr. Tomany responded no cutting occurred in this area.

Upon a motion made by M. Giguere, seconded by B. Eason it was;  
VOTED: To issued a Negative 3 Determination under the following conditions:

- 1.) Restoration must follow the revised restoration plan presented to the Commission on 06/12/2018
- 2.) The number of sugar maples proposed in the restoration plan shall be increased from five (5) to nine (9). The additional maples shall be staggered amongst the other proposed trees.

The motion passed by a majority vote: (YES - Smigelski, Eason, Morrison, McHugh, Lathrop; NO – Giguere)

**1.2** 6:45 p.m. – Discussion, Boynton Meadows, Invasive Species Control Program - Presented: Bill Merritt (Homeowner and representative of the Boynton Meadows Homeowners Association).

B. Merritt reported that the Contractor is following the invasive species management plan but awaits direction from the Commission as to which plants can be removed from the area. He has collected a detailed inventory of all the trees in the area with photographs and will offer this to the Commission for review. Merritt suggested the removal of approximately 14 trees to clear the area and ‘open up’ a view of Gibbett Hill from the approved Viewing Platform. He commented that some of these trees are dying due to blight, other small trees choked with vines and invasives. Merritt also noted that 3 or 4 willow trees noted to be in good condition.

Merritt noted that the view from the Viewing station is deteriorating due to the height of the trees

The Commissioners comment that they would like to see the following; healthy trees stay, removal of some trees to help with invasives control plan, some of the healthy willows remain, some snags remain, cutting the tops off of the dying willows to create snags, replanting in the area replacing the trees removed with some more viable species.

N. Gualco pointed out that the Order of Conditions for this project is set to expire in Nov. 2018. The viewing station and associated trail were part of the Order of Conditions and will need to be maintained for Commission approval.

The Commission sets a date for a site walk to discuss an action plan for vegetation removal and alteration and decides to post it as a public meeting so votes may be taken. Date and time set for June 16, 2018, 8:00AM.

**1.3** 7:00 p.m. – RDA, 167 Wharton Row, for the installation of a patio and hot tub beneath an existing deck, Applicant: Dan Sullivan

O. Lathrop read the legal notice to open the hearing.

D. Sullivan presented the project which involves the construction of a patio area and hot tub under and existing deck within jurisdictional proximity to a forested wetland. The proposal includes removal of crushed stone under the existing deck, excavating 9-12 inches on soil, replacing with 3 types of crushed stone and Geotech fabric to create patio. The hot tub will be installed atop this foundation. All spoils will be removed and, materials will all be exchanged on site the same day.

The Commissioners ask about a plan for mitigation of creating increased impervious surface under the deck and any additional runoff created by this project.

The water quality of the hot tub contents, and the hot tub maintenance were discussed and it was decided to have no adverse impacts on the groundwater.

The applicant agrees to install a French drain around the perimeter to capture and infiltrate all water running off.

Upon a motion made by M. Giguere, seconded by B. Eason it was;

VOTED: To issued a Negative 3 Determination with no Notice of Intent required with the following conditions:

- 1.) The excavated area below the existing deck in which the patio pad is to be installed on shall be surrounded by a perimeter French drain.
- 2.) The hot tub shall only drain directly into the French drain.
- 3.) The water in the hot tub shall only be treated with ozone. No other chemicals shall be used to treat the water.
- 4.) No materials (excavated earth, crushed rock, etc.) shall be stored on-site.

The motion passed by unanimous vote.

**1.4** 7:10 p.m. – RDA, Groton School, for the installation of a security gate on the discontinued portion of Shirley Road

Representative: Atty. Bob Collins:

O. Lathrop read the legal notice to open the hearing.

R. Collins began by introducing the project. A gate will be installed on a discontinued section of Shirley Road. Erosion control will be in place while gate is being installed and removed after. The submitted plan shows a detail of an area of leveling of pavement. The applicant is unaware of this detail and strikes this section from the plan.

Upon a motion made by M. Giguere, seconded by E. McHugh it was;

VOTED: To issue a Negative 3 Determination with the following conditions:

- 1.) Erosions controls shall be installed around the area of excavation as shown on the site plan (Shirley Road Gate: Site Plan, dated 05/21/2018, revised 06/12/2018, stamped and signed by Stephen R. Gavin, R.P.E.).
- 2.) The limit of work shall be restricted to the area immediately surrounding the gate posts.
- 3.) Any excavated materials will be removed from the site.
- 4.) This Determination does not include the removal of bituminous pavement as stated on the previous version of the site plan.

The motion passed by unanimous vote.

- 1.5** 7:20 p.m. – RDA, 186 Main Street, for the restoration of the buildings and site improvements within the existing landscaped area of the home.  
Applicant: Ward Holdings, LLC.  
Representative: Atty. Robert Collins; Stan Dillis, Ducharme & Dillis Civil Design

Olin Lathrop read the legal notice to open the hearing.

B. Collins described the project, which involves the restoration of an old house and alterations on a landscaped lot to a law office. The topography of the lot is such that runoff will travel away from the resource area. The driveway will be relocated further away from the resource area. It was noted that the stormwater committee has been consulted, and a permit may not be required.

S. Dillis stated that the net increase in impervious area over the existing is 600 sq. ft. A rain garden is proposed and if it overflows would go to the storm drain designed for the 100 year flood. The existing driveway is hard pack and the proposed driveway and parking area will be pavement.

The addition of paved driveway and 3 parking spaces create imperious areas in the buffer zone.

M. Giguere asked for possible reduction in parking spaces. Chair Smigelski asked about the garage plan. Mr. Collins explains the lean-to garage will be removed and the area beneath it will be stabilized and will remain pervious in perpetuity. Collins agreed to remove parking spot 10 listed on the site plan.

Upon a motion made by M. Giguere, seconded by E. McHugh it was;

VOTED: To grant a Negative 3 Determination with the following conditions:

- 1.) The lean-to garage shall be removed and the area shall be replaced with a permeable surface (i.e., grass, crushed rock, etc.).
- 2.) Parking spot "10" shall be omitted from the plan and not constructed under this Determination.

The motion passed by Roll Call vote: YES - J.S., O.L., B.E., E.M., M.G. NO - P.M.

## **2.0 GENERAL BUSINESS\***

### **2.1 Correspondences**

**2.1.1** Felicia Bakaj, MassDCR, monitor CR at Gibbet Hill N. Gualco stated he will set up an on site meeting for Wednesday June 27th in the afternoon, and will notify the Commission.

### **2.2 Order of Conditions**

**2.2.1** 65 Gay Road, MassDEP#169-1176.

Upon a motion made by P. Morrison, seconded by B. Easom, it was;  
VOTED: issue an Order of Conditions under the Groton Wetlands Bylaw as drafted for 65 Gay Road, Mass DEP#169-1176. The motion passed by a unanimous vote.

Upon a motion made by P. Morrison, seconded by B. Easom, it was;  
VOTED: issue an Order of Conditions under the Wetlands Protection Act as drafted for 65 Gay Road, Mass DEP#169-1176. The motion passed by a unanimous vote.

**2.2.2** Nashua River Aquatic Weed Treatment, MassDEP#169-1177.

Upon a motion made by P. Morrison, seconded by E. McHugh it was;  
VOTED: To issued and Order of Conditions for Mass DEP#169-1177 as amended (with the omission of Condition #25) under the Wetlands Protection Act. The motion passed by a unanimous vote.

Upon a motion by P. Morrison, seconded by E. McHugh it was;

VOTED: to issued and Order of Conditions for MassDEP#169-1177 under the Groton Wetlands Bylaw. The motion passed by a unanimous vote.

**2.2.3** 120 Lost Lake Drive, MassDEP#169-1175

Upon a motion made by P. Morrison, seconded by B. Easom it was;  
VOTED: To issued and Order of Conditions for Mass DEP#169-1175 under the Wetlands Protection Act. The motion passed by a majority vote (YES- Smigelski, Giguere, Easom, McHugh, Morrison; NO – Lathrop).

Upon a motion made by P. Morrison, seconded by B. Easom it was;  
VOTED: to issued and Order of Conditions for MassDEP #169-1175 under the Groton Wetlands Bylaw. The motion passed by a majority vote (YES- Smigelski, Giguere, Easom, McHugh, Morrison; NO – Lathrop).

**2.2.4 Extension Request:** Lost Lake/Knops Pond Weed Treatment, MassDEP#169-1086.

Present: Brad Harper

The Order of Conditions is scheduled to expire in October 2018. Harper is requesting to extend it for 3 years and reported the program is going great.

Upon a motion made by P. Morrison, seconded by M. Giguere it was;  
VOTED: to extend the Order of Conditions for MassDEP#169-1086 until October 25, 2021.

The motion passed by a unanimous vote.

**2.2.5 Discussion:** Baddacook Pond, MassDEP#169-1123, re: NHESP & hydro-raking.

Present: Jim Luening

J. Luening reports on a discussion he had with Natural Heritage regarding the use of hydro raking at Baddacook Pond. Natural Heritage is concerned about the turtle hatchlings mortality as the proposed area of raking with within 100 feet of shore – a area of the pond hatchlings utilize as nursery habitat. Luening stated that Natural heritage will be providing a letter of determination allowing the continued use of hydro raking under the following condition: **the Division requires the harvester and hydro-rake to remain 50 feet from the water's edge between September 15 and April 15**

Upon a motion made by P. Morrison, seconded by E. McHugh, it was:  
VOTED: to accept the continued use of hydro raking under the restrictions set forth by Natural Heritage as a minor change to the Order of Conditions. The motion passed by a unanimous vote.

## 2.3 Certificate of Compliance

### 2.3.1 132 Cow Pond Brook Road, MassDEP#169-1158

Upon a motion made by B. Easom, seconded by P. Morrison, it was;  
VOTED: to approve the Certificate of Compliance for MassDEP#169-1158 contingent upon removal of erosion control and verification by the Conservation Agent. The motion passed by a unanimous vote.

## 2.4 Approve Meeting Minutes

Upon a motion made by E. McHugh, seconded by M. Giguere it was;  
VOTED: to approve the meeting minutes of May 29, 2018 as drafted. The motion passed by a unanimous vote.

Upon a motion made by E. McHugh, seconded by M. Giguere it was;  
VOTED: to approve the meeting minutes of January 24, 2017 as drafted. The motion passed by a majority vote with Lathrop abstaining.

Upon a motion made by E. McHugh, seconded by B. Easom it was;  
VOTED: to approve the meeting minutes of January 10, 2017 as drafted. The motion passed by a majority vote with Lathrop abstaining.

## 2.5 Invoices

2.5.1 The Commission paid an invoice to the Groton Herald for legal notices (\$150.00)

## 2.6 Land Management

2.6.1 Bennett Black property (244-25), discussion about a potential trail easement

O. Lathrop described a trail crossing a property without an easement and suggested routing the trail completely on Town land. He stated that the private owner would likely grant permission for public use in return for access for their motor vehicle onto their property. A question arose about use of motor vehicles on public land. N. Gualco stated he will check the master list of Conservation Restriction lands. N. Gualco stated he will also discover what the restrictions are on the property.

## 2.7 Other Discussions

2.7.1 Annual Reorganization of the Conservation Commission

Upon a motion made by E. McHugh, seconded by B. Easom it was;  
VOTED: to elect Olin Lathrop as Vice Chairman of the Groton Conservation Commission. All in favor

Upon a motion made by P. Morrison, seconded by E. McHugh it was;  
VOTED: to elect John Smigelski as Chairman of the Groton Conservation Commission.  
All in favor.

Upon a motion made by E. McHugh, seconded by M. Giguere it was;  
VOTED: to elect Bruce Easom as Clerk of the Groton Conservation Commission. All in  
favor.

Upon a motion made by B. Easom, seconded by P.Morrison it was;  
VOTED: to adjourn the meeting at 9:06 pm.

*Respectfully submitted;*  
*Beth Faxon, Town of Groton per diem minute taker.*

**Accepted on: June 26, 2018**