



TOWN OF GROTON
Conservation Commission
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Groton Conservation Commission
Meeting Minutes

Tuesday, July 10, 2018
Town Hall, 2nd Floor
6:30 p.m.

Present: John Smigelski (Chair), Olin Lathrop (Vice Chair), Bruce Easom (Clerk), Eileen McHugh, Larry Hurley, Marshall Giguere (via remote connection), Peter Morrison (arrived @ 7:17 p.m. – see notation below).

Absent: *none*

Others Present: Nikolis Gualco, Conservation Administrator

6:30 p.m. – Chairman J. Smigelski called the meeting to order and announced that all votes would be roll call due to M. Giguere being connected remotely.

1.0 APPOINTMENTS AND HEARINGS*

1.1 6:30 p.m. – RDA, 38 Britt Lane, for the removal of 6-8 pine trees close to the existing single-family home.

Applicant: James Dishington

J. Dishington began by explaining the site and provided reasons for why he is proposing the removal of the trees, which include: roots are encroaching the foundation of the house; the very tall trees pose a risk of falling on the house; excessive shade prevents the growth of ground cover, which is resulting in erosion; due to dark/damp conditions there is concern of mildew and mold growth in the house.

L. Hurley asked the applicant if they were OK with leaving 12 feet of the tree trunk in place to serve as snags, which would benefit wildlife. Dishington agreed to this.

E. McHugh asked the applicant to confirm that the trees would be removed using a crane positioned in the front yard. Dishington confirmed this.

M. Giguere asked what percentage of the canopy would be affected by this removal and E. McHugh responded that she estimates approx. 10%.

There were no other comments/questions.

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

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

1. The applicant shall leave snags of a minimum height of twelve (12) feet.
2. If driving of any vehicle is required around the back of the house, erosion controls shall be installed to prevent siltation entering the resource area.

The motion carried by a unanimous roll-call vote: (**YES:** Lathrop, Eason, Giguere, McHugh, Hurley, Smigelski).

6:45 p.m.

In advance of item 1.2, Bruce Eason disclosed that he is a member of Squannacook Greenways Inc., recused himself from the public meeting, and then left the room.

1.2 6:45 p.m. – RDA, Squannacook Rail Trail, for the construction of a rail trail from the Townsend-Groton border to the Bertozzi Wildlife Area.

Applicant: Squannacook Greenways Inc. (SGI) (Peter Cunningham, Kedwyn Morgan)

P. Cunningham began the meeting by introducing the project, which involves the creating of a new rail trail along the MBTA line extending southeast from the Townsend – Groton border to the edge of the Bertozzi Conservation Area. The majority of this proposed project is outside of the Commission’s jurisdiction so this meeting focused on the wetland crossing section (within the vicinity of the culvert at the Milton Starr conservation area). Cunningham indicated that SGI has previously filed an Environmental Notification Form (MEPA review).

E. McHugh asked about the grades present around the area of the culvert. She observed during the site walk that the rails were approx. 12” above the grade of the walking trail. She estimated that even with the rails removed there would be approx. 8” difference between the grades. Finally, McHugh stated that during the site walk the applicant said they did not want to disturb the soils below the ties. She questioned how they would account for the grading required without disturbing the soils. McHugh concluded by recommending the applicant provide a detail for how they would work on this section.

M. Giguere agreed with McHugh for the need of further detail and expressed concern.

O. Lathrop commented that on the site walk he didn’t see evidence of erosion and stated that even though he supports the trail he is also concerned about the potential impacts to the wetlands during demolition/construction.

L. Hurley commented that he was supportive of the project.

At this time, J. Smigelski opened the hearing up to public comment.

Jennifer Jones (Massachusetts Division of Fisheries and Wildlife) expressed concern and stated that she had not yet seen a copy of the plans for the trail. Her concerns were specific to the construction phase and asked for BMPs and further detail on the mitigation methods to be

employed during the creation of the trail. Jones concluded by stating that her primary focus was on how the project would affect wildlife and getting more details explaining the “how” of the project.

At this time a discussion ensued about BMPs, project protocols, and the logistics of the project.

After the discussion, M. Giguere recommended the idea of issuing a positive determination to raise the requirement from an RDA to a NOI.

7:17 p.m.

Peter Morrison entered the room and joined the public meeting.

P. Morrison asked for a recap on what had been discussed and then a discussion ensued on whether the project warranted a NOI.

Darcy Donald (Groton resident) asked about what restrictions NHESP had provided regarding the project to which she was provided a copy of the Conditional Letter of No-Take (NHESP File No.: 03-13131) dated June 1, 2018 by P. Cunningham.

Upon a motion by M. Giguere, seconded by O. Lathrop, it was:

VOTED: to issue a Positive 3 Determination under the Wetlands Protection Act.

The motion passed by vote of 3-2-1 where (**Yes:** Lathrop, Smigelski, Giguere; **No:** McHugh, Hurley; **Abstain:** Morrison)

7:30 p.m.

Bruce Easom entered the room and re-joined the public meeting.

1.3 7:30 p.m. – RDA, 80 Boston Road, for the construction of a side walk and the repair of the headwall of the existing drain pipe.

Applicant: Tom Delaney

T. Delaney began by introducing the project which involves the installation of a sidewalk along Boston Road in the vicinity of 80 Boston road as well as the repair an existing headwall associated with a drainage pipe which flows under the road.

B. Easom asked about the process of repairing/maintaining a headwall. T. Delaney stated that DOT would repair the headwall depending on what conditions are like but will keep the hydrologic connection free of siltation.

E. McHugh asked about the sidewalk berms to which T. Delaney replied that the berms would be cape code style. He continued and stated that there would possibly be a new catch basin constructed as part of the project, however this would tie into the existing system.

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

VOTED: to issue a Negative 3 Determination under the condition that all work is to be done during the dry season (until October).

The motion passed by unanimous roll-call vote (**Yes:** Lathrop, Eason, Giguere, Morrison, McHugh, Hurley, Smigelski).

1.4 7:40 p.m. – Discussion with Mike Barry (Bay State Forestry) on forestry plans for Surrenden Farm.

M. Barry began the discussion by recapping his recent proposal to combine forest cutting/site management of Stand 1 with the two red pine stands (Stands 2a & 2b). This, Barry stated, could be a good way of minimizing impact to the sites by reducing the number of times equipment would need to enter and exit the site as well as make the job more attractive to loggers (by increasing the harvest volume). Several details pertaining to phasing, invasive species treatment, begetting, and return were discussed. It was determined that due to the invasive species management required about both stands, the Commission would not have enough money in the Land Management revolving funds and did not expect enough revenue from the cutting to swing the economics of combining the two stands. With that it was decided to stick with the original plan to move forward with cutting the red pine stands this winter and continuing the invasive species treatment as planned.

The Commission then moved onto General Business item 2.6 Land Management > **2.6.1** Shattuck Homestead, treatment plan for invasive species (Bay State proposal) because this item also involved a proposal Mike Barry provided.

M. Barry shared a proposal to treat black swallow wort and a small patch of Japanese knotweed at the site. The Commission discussed the logistics of the proposal and decided that the services presented were in fact not needed at the site. It was stated that what was needed was a broad-based application of herbicide (mechanized sprayer) as opposed to the backpack method described.

2.0 GENERAL BUSINESS*

2.1 Correspondences

2.1.1 Letter of Appeal for 89 Skyfields Drive Determination

N. Gualco presented the letter he received from MassDEP (Denise Child) regarding the appeal Gus Widmayer filed in response the Negative 3 Determination the Commission issued. The MassDEP letter indicated a site walk date of July 18 to review the property.

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

N. Gualco presented a correspondence he received earlier in the day about a request to bury cremated ash on conservation lands. The correspondence specifically requested

permission to bury said ash at the Gibbet Hill Castle. The Commission reminded N. Gualco that this land was private and owned by Steve Webber and that the type of activity described is likely not permitted under the Conservation Restriction. It was recommended that N. Gualco research the CR before any next step is taken on this matter.

2.1.2 Letter regarding the sale of 162 Martins Pond Road, Town's Right of First Refusal

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

VOTED: to send a letter to the Select Board recommending they decline their right of first refusal under Chapter 61A of the Massachusetts General Laws.

The motion passed by roll-call vote: (**Yes:** Lathrop, Easom, Giguere, Morrison, McHugh, Hurley, Smigelski).

2.2 Order of Conditions – (n/a)

2.3 Certificate of Compliance – (n/a)

2.4 Approve Meeting Minutes – (n/a)

2.5 Invoices

The Commission paid the following two invoices from the Groton Herald for the posting of legal notices:

1. \$107.25 for two (2) notices, dated 4/27/2018
2. \$155.50 for three (3) notices, dated 06/29/2018

2.8 Committee Updates/Announcements – (n/a)

Upon a motion by P. Morrison, seconded by L. Hurley 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 8:35 p.m. The motion passed by roll call vote (**Yes:** Lathrop, Easom, Giguere, Morrison, McHugh, Hurley, Smigelski).

Respectfully submitted,

Nikolis Gualco, Conservation Administrator, Town of Groton

Exhibits of file:

- RDA & DA, 38 Britt Lane
- RDA & DA, Squannacook Greenways, Inc.
- RDA & DA, Groton DPW (80 Boston Rd)
- Proposal by Bay State Forestry – Surrenden Farms
- Proposal by Bay State Forestry – Shattuck Homestead
- Letter from MassDEP re: Appeal of DA for 89 Skyfields Drive
- Letter to Select Board re: 162 Martins Pond Road
- Two (2) Invoices from the Groton Herald

Approved on: July 24, 2018

GCC Meeting Minutes

July 10, 2018

Page 5 of 5