



## Groton Conservation Commission

173 Main Street  
Groton, MA  
Town Hall, 2<sup>nd</sup> Floor  
Phone: 978-448-1106  
Fax: 978-448-1113



**Meeting Minutes** Tuesday, August 14, 2018

**Beth Faxon, per diem minute taker, Town of Groton joins the meeting at 6:34 pm.**

**Members present:** Chair John Smigelski, Eileen McHugh, Larry Hurley, Marshall Giguere

**Members absent:** Vice Chair Olin Lathrop, Peter Morrison, Bruce Easom

**Others present:** Nik Gualco, Conservation Administrator

### 1.0 APPOINTMENTS AND HEARINGS\*

#### 1.1. 6:30 p.m. – RDA, 104 Island Pond Road

Applicant: Charlie Todd

The applicant was not in attendance as of the beginning of the public meeting.

L. Hurley moved to postpone the public meeting until later in the evening to give the applicant time to arrive. E. McHugh seconded. The motion passed by a unanimous vote.

### 2. GENERAL BUSINESS\*

#### 2.1. Land Management

##### 2.1.1. Shattuck Homestead, treatment of Black Swallow-wort

Chair Smigelski inquired about the status of invasive vegetation management planning at Shattuck Homestead. N. Gualco shared that he had recently spoken to Darcy Donald and Olin Lathrop recently about the proposed field mowing as a means of treating the infested black swallowwort. The common sentiment was that the window to mow was passed and that any mowing at this time of year may exacerbate the infestation by broadcasting the pods (seeds). Gualco finished by stating that it may be advantageous to organize a volunteer party to cut and harvest the seed pods. At this time, the Commission discussed this matter for several minutes.

*6:39 p.m. At this time, Charlie Todd entered the meeting room.*

### 1.0 APPOINTMENTS AND HEARINGS\*

#### 1.1. **RESUMED:** 6:30 p.m. – RDA, 104 Island Pond Road.

Applicant: Charlie Todd

C. Todd introduced the project, which involves cutting approx. 40 trees, of which two are located in the wetlands buffer zone, for the purpose of increasing solar exposure for a proposed roof-top solar

panel installation. C. Todd provided a revised site sketch, which included the addition of 3 new trees within the buffer zone to be removed. He stated that the change to the number of trees in the buffer was based on questions he heard on the site walk.

L. Hurley asked what the plans were for the 3 new trees, to which C. Todd responded that *may* cut the trees, but is not sure. He stated that he would like to option to cut if he determines it necessary.

Upon a motion by M. Giguere, seconded by L. Hurley, it was VOTED to issues a Negative 3 Determination of Applicability under the following: 1) No more than five trees are to be removed from the wetlands buffer zone; 2) all activities associated with this project shall be compliant with email from NHESP dated August 7, 2018. The motion passed by a unanimous vote.

## **1.2. 6:45 p.m. – NOI, 135 Mill Street, MassDEP#169-1179.**

Representative: Brian Milisci

B. Milisci introduced the project, which involves the demolition of an existing attached barn and the construction of a replacement detached barn along a similar footprint. The proposed work is located within the wetlands buffer zone and the outer riparian zone (Riverfront). Specifically, the existing building footprint comprises 1035 sq. ft. within Riverfront and 635 sq. ft. within the buffer zone while the proposed footprint comprises 700 sq. ft. in Riverfront and 630 sq. ft. within the buffer zone.

E. McHugh asked about restoration plans for the existing structure to be razed. B. Milisci stated that the plan is to loam and seed and will follow the procedure described in the NOI.

Upon a motion by M. Giguere, seconded by E. McHugh, it was VOTED to close the public hearing for 135 Mill Street, MassDEP#169-1179. The motion passed by a unanimous vote.

*Chairman Smigelski then moved onto general business.*

## **2.0 GENERAL BUSINESS\***

### **2.1.2 Eliades Conservation Area, treatment of Autumn Olive**

N. Gualco reminded the Commission that Eliades requires mowing to treat the sapling Autumn Olive along Pacer Way. NHESP has required that no mowing is permitted on that site between May 1 and September 15.

### **2.1.3 Reedy Meadow Estates - GPS Survey (B. Easom)**

B. Easom was absent during this meeting, so this item was tabled until the next meeting.

### **2.1.4 Conservation Area signs – update and discussion**

N. Gualco showed the Commission a newly routed sign utilizing the recently purchased two color ¾” plastic sheet.

### **2.1.5 Other land management business**

N. Gualco shared that he is drafting a “Tickle List” to be utilized by the Commissioners, which should be completed by the next meeting on August 28, 2018.

## **2.5** Committee Updates

E. McHugh shared that the Open Space and Recreation Plan Update Advisory Committee has met every two weeks in June and July and have finalized the survey, which will be distributed at the end of August in the GELD bill.

### **1.3. 7:05 p.m. – RDA, 52 Redskin Trail.**

Applicant: Ron Cremin

R. Cremin began the meeting by explain the project, which involves removing four trees around an existing house within the wetlands buffer zone of Lost Lake. Cremin stated that he has experienced damage to his roof within the past few years due to falling tree limbs.

M. Giguere asked about his plans for removing the trees, which R. Cremin responded that the trees would likely need to be craned over the house. He continued by stating that the oak with the bird house in it will be cut at approx. eight feet up and the snag will remain on site.

Upon a motion by M. Giguere, seconded by E. McHugh, it was VOTED to issue a Negative 3 Determination of Applicability under the following conditions: 1) Cutting shall be limited to the four trees (two single trunk and two double trunk) as documented on the revised site sketch provided to the Commission on August 14, 2018 – see attached; 2) the coppiced (multi-trunk) oak located directly between the house and the pond shore shall be cut as to allow at least an eight (8) foot snag to remain; 3) no heavy equipment of any kind shall be used within 25 feet of the water’s edge; 4) no stumping (removing of stumps) shall occur as part of this project. The motion passed by a unanimous vote.

### **1.4. 7:15 p.m. – Discussion: MassDEP#169-1157**

Proponent: Ian Rubin

I. Rubin presented a request of a minor site plan change regarding the depth of the drywell at 25 Whitney Pond Road. Rubin stated that while the elevation of the drywell as it is installed functions as it is indented to, it is not ideal regarding access across the driveway and snow removal. Rubin shared a plan that was brought to him by the contractor, Brandon Nichols, that involved cutting six inches of the concrete sleeve and digging out six inches of the crushed rock at the bottom of the well. By doing so, this would allow the cover of the drywell to be buried six inches below grade while maintaining the storage capacity. Rubin concluded that in his opinion, the proposed change would work.

M. Giguere commented that part of the issue with lowering the well is the driveway is not pitched to drain into the trench as is shown on the plan. He continued by stating that to him it sounded like the plan was inadequately engineered, the drywell was incorrectly installed, and now the current proposal in a band-aid at best. He concluded by expressing his disappointment on status of the project and suggested that an Enforcement Order may be necessary to finish the project.

L. Hurley asked about the driveway detail that specifies ¼” per foot grade. He stated that the driveway is currently pitched away from the trench and therefore the stormwater system (trench and drywell) are not capturing run off coming down the driveway.

E. McHugh stated that there is a need for an as-built plan and said that as it currently stands, this project would not be in sufficient state for a Certificate of Compliance. McHugh continued by saying that she was somewhat agreeable to the proposed minor site plan change, however she needs more details before approving anything. McHugh concluded by stating the she was value in Giguere’s idea of possibly issuing an Enforcement Order.

*At this time, Chairman Smigelski opened the discussion up to the audience.*

Joe Bozek (23 Whitney Pond Road) commented that with the improvements already constructed on site (catch basin, berm) the majority of the water is being taken care of and overall conditions on site have greatly improved. However, Bozek continued by expressing his concern over the existing drywell height as well as the proposed site plan change. The majority of his concerns with the proposed change centered on the pitch of the driveway and its downhill effect of his driveway. He proposed an alternative plan that involved cutting the top sleeve down 12”, digging out the bottom 12” and installing a smaller sleeve to extend the well deeper and preserving the proposed 12” coverage.

I. Rubin suggested installing a water-bar across the driveway to catch the water on the driveway (keeping the existing grade) and channeling it into the trench. However, he pointed out that the most challenging aspect would be the parking spot in front of 25 Whitney Pond Road.

At this time, a discussion ensued about alternatives to the approved site plan.

Upon a suggestion by M. Giguere, the Commission agreed to continue the discussion until the next meeting (August 28, 2018) to allow I. Rubin time to speak with the contractor (B. Nichols). The Commission expects a new solution to the issues discussed because the proposed idea of lowering the cap six inches was determined to be insufficient as it will not address the issues with the driveway.

### **1.5. 7:30 p.m. – Discussion: MassDEP#169-1175**

Purpose: to review and approve a Wetland Restoration and Native Planting Plan for 120 Lost Lake submitted by David Cowell of Hancock Associates.

Upon a motion by E. McHugh, seconded by L. Hurley, it was VOTED to approve the restoration plan as submitted. The motion passed by a unanimous vote.

## **2. GENERAL BUSINESS\***

### **2.3. Correspondences**

#### **2.3.1. Squannacook Greenways, Inc. (SGI) – ENF Addendum**

N. Gualco shared with the Commission a letter from SGI responding to MEPA review comments.

**2.3.2. Master Plan Implementation Committee (MPIC), feedback on Conservation goals.**  
The Commission discussed a letter it received from the MPIC inquiring about the status of goals set forth for the Conservation Commission in the Master Plan. After some discussion, it was decided that due to the number of Commissioners absent that the MIPC group be invited to the next Commission meeting for a discussion. N. Gualco will invite MPIC to the next meeting on August 28, 2018.

**2.3.3. Email regarding Redskin Trail Conservation Parcel (129-138).**

The Commission reviewed a photo taken on August 11 site walk showing an encroachment of parked equipment (stump grinder). A discussion ensued about the parcel and possible action steps. It was decided the N. Gualco would write a letter to the adjacent landowner (Parcel 129-137) requesting the encroached equipment is moved.

2.8. Approve Meeting Minutes

Upon a motion by E. McHugh, seconded by L. Hurley, it was VOTED to accept and release the meeting minutes for July 24, 2018 as drafted. The motion passed by unanimous vote.

2.9. Invoices

The Commission then paid two invoices, including paying ‘Sierra Tree Service’ \$270.00 for tree removal at Gratuity Rd (Land Mgmt.) and paying ‘Grotonfest’ \$75.00 for registration fee for Open Space Plan update outreach booth

Other Discussions - none

Committee Updates/Announcements - none

Order of Conditions – none

Certificate of Compliance – none

3. Open Session for topics not reasonably anticipated 48 hours in advance of meeting\* - none
4. Adjournment

Upon a motion by L. Hurley, seconded by E. McHugh, 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: Giguere, McHugh, Hurley, Smigelski).

**Items on file in the Groton Conservation Commission office:**

- DOA, 104 Island Pond Road
- NOI, 135 Mill Street, MassDEP#169-1179
- DOA, 52 Redskin Trail
- OOC, 25 Whitney Pond Road
- Wetland Restoration Plan, 120 Lost Lake Drive
- Letter from Squannacook Greenways, Inc.
- Letter from Master Plan Implementation Committee
- Email and photo of Redskin Train Conservation Area
- Meeting Minutes – 07/24/2018

**Approved on: August 28, 2018**

## GROTON CONSERVATION COMMISSION

### Executive Session Meeting Minutes Tuesday, August 14, 2018

Location: Town Hall 2nd Floor  
Members Present: John Smigelski (Chair), Larry Hurley (Clerk), Eileen McHugh,  
Marshall Giguere  
Members absent: Olin Lathrop (Vice Chair), Bruce Easom, Peter Morrison  
Others Present: Nikolis Gualco (Conservation Administrator)

Executive Session pursuant to MGL Ch. 30A, Sec. 21(6):\*

“To consider the purchase, exchange, lease, or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.”

**8:35 p.m.** The Executive Session began with N. Gualco explaining that he took a call earlier in the day from Peter Morrison who indicated that he was approached by an individual who learned that the Trimper property may be sold. This individual stated to Peter that he would be interested in purchasing the house at 125 Martin’s Pond Road. Peter asked N. Gualco to have the Commission vote to authorize him to act as their agent in negotiating for the acquisition of the Trimper parcels.

Upon a motion by M. Giguere, seconded by E. McHugh, it was voted to authorize Peter Morrison to act as agent for the Commission in exploring/negotiating for the acquisition of the Trimper Parcels (224-15 and 224-18). The motion passed by roll call vote (**YES: MG, LH, EM, JS**).

*\*\*\* E. McHugh leaves the meeting at 8:40 p.m. \*\*\**

**8:45 p.m.** – L. Hurley made a motion (seconded by J. Smigelski) to adjourn the executive session. The motion, taken vial roll call vote, passed: (**YES: MG, LH, JS**).

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

**Approved: 8/13/2019**  
**Released: 8/24/2021**