



**TOWN OF GROTON
Conservation Commission**

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**Groton Conservation Commission
MEETING MINUTES
June 11th, 2019**

Present: John Smigelski, Chairman; Olin Lathrop, Vice Chair; Bruce Easom, Clerk; Laurence J. Hurley; Eileen McHugh

Marshall Giguere participated by phone

Not present: Peter Morrison

Others present: Nikolis Gualco, Conservation Administrator, Town of Groton.

6:35 PM Chairman Smigelski called the meeting to order

The applicant for item 1.1RDA 116 Shelters Road for the removal of two trees was not in attendance, the Commission began with item 2.2 Order of Condition for 100 Boathouse Road, MassDEP #169-1185. E. McHugh read the Order of Conditions as P. Morrison was not in attendance this evening.

Upon a motion by E. McHugh, seconded by L. Hurley the Commission VOTED in favor to accept the Order of Conditions for 100 Boathouse Road by a roll call vote: AYE: O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

E. McHugh read the By Law Order of Conditions. Upon a motion by E. McHugh, seconded by B. Easom, the Commission VOTED in favor to accept the By Law Order of Conditions by a roll call vote: AYE O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

6:45 pm The Commission moved on to item 2.3.1 Certificate of Compliance, 10 Rustic Trail, MassDEP#169-977 – update. N. Gualco and the property owner spoke, and the property owner will be submitting a NOI for additional work to be done on the property. His intention was to add the patio work to the NOI. M. Giguere commented that the homeowner building a patio on the property that was not in the original plan is a significant departure of the Order of Conditions. He expressed his concern that allowing an extension for COC is allowing a lot and he was of the opinion to issue an enforcement order. The Commission agreed to add this property to the next site walk.

6:47 L. Hurley recused himself from the meeting as he and his wife C.B. Hurley are the applicants for agenda item 1.2 315 Lost Lake Drive, renovating an existing driveway. They presented a mock-up of the current driveway and proposed stairway with plantings. M. Giguere commented that it is an improvement of what is already there. It was questioned if fill will be used to which he was answered that yes, they will need to fill with 6-8” loam. They will be excavating the area to place steps. They will be using 17 7” steps for a 75-foot area. For drainage, they will use bark mulch and crushed rock around the stairs. It was

questioned where they will park, to which it was answered they will have to park upwards from the house and walk the stairs down to their house. O. Lathrop expressed he would like to see erosion controls. J. Smigelski suggested removing the top layer and filling with loam to allow for growing.

Upon a motion by M. Giguere seconded by B. Easom it was VOTED in favor of a negative 3 determination for RDA dated May 20, 2019 with the addition of erosion controls by a roll call vote: O. Lathrop, B. Easom, E. McHugh, M. Giguere, J. Smigelski.

6:58 pm L. Hurley returned to the meeting. The Commission discussed item 1.1 RDA 116 Shelters Road, for the removal of two trees. The Commission viewed photos that showed two trees that are close to falling and will cause significant damage to a wall and leech field. M. Giguere commented that he would like to see no stumping. He moved a negative 3 determination for removal of trees by crane. This was seconded by L. Hurley and the Commission voted in favor by a roll call vote: AYE - O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

7:03 pm The Commission moved on to item 1.3 NOI Baby Beach Road for the re-construction of two retaining walls and installation of a patio, MassDEP# not yet assigned. Applicant S. Dean was not in attendance this evening. There is no DEP number assigned. Most of the paperwork has been submitted. Upon a motion by E. McHugh, seconded by L. Hurley, it was VOTED to continue to the June 25th meeting by a roll call vote: AYE - O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

The Commission moved on to item 2.1 Land Management Gibbet Hill and Scarlet Hill - CR Baseline Reports. N. Gualco requested comments from Commission members on the CR Baseline reports. O. Lathrop expressed his concern with an encroachment. N. Gualco responded there is no resolution and he would also like to see it addressed. The encroachment is described as private use of public space as a private homeowner appears to be using the public area as a seating area. B. Easom expressed his concern that it should be confirmed that an encroachment is occurring. Other members commented that the monitoring was done with sophisticated GPS equipment using boundary markers and DCR data. Upon a motion by O. Lathrop seconded by B. Easom it was VOTED to accept the baseline reports presented by Gibbet Hill and Scarlett Hill by a roll call vote. AYE - O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

7:09 The Commission moved on to item 2.1.2 Land Management Shattuck Homestead. The early June mowing that was discussed was canceled and potentially rescheduled to July 6 or 13. It was discussed that July 6 may be more challenging to find volunteers as its near the July 4th holiday. The Commission discussed a treatment schedule. The plan is to mow in July and treat with herbicide in mid-September to allow for some growth and enough leaf material to absorb the herbicide. There will be an additional mowing planned for November. O. Lathrop also plans to treat in July. The professional service Baystate has been proposed for the treatment in September. Upon a motion by E. McHugh, seconded by O. Lathrop, it was voted to accept the Baystate proposal by a roll call vote. AYE - O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

At 7:20 the Commission moved to item 1.4 ANRAD, 227 Boston Road, MassDEP# not yet assigned. B. Easom read the ANRAD, noting the flag was corrected as was the numbering series. Upon a motion by B. Easom, seconded by E. McHugh it was voted to close the public hearing by a unanimous roll call vote O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

Upon a motion by O. Lathrop, seconded by B. Easom it was VOTED to accept the order of resource area delineation for #169-1187 by a unanimous roll call vote. AYE - O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

N. Gualco had Commission members sign a second copy of the OOC for the Hill Road Beaver Dam project because two separate addresses were involved in this project, two copies of the OOC were necessary.

At 7:25 the Commission moved on to item 1.5 NOI (continued) 716 Lowell Road, for the repair of an existing concrete patio. A DEP number has now been issued. Everything is in place to close the public hearing. Upon a motion by B. Easom, seconded by E. McHugh it was VOTED to close the public hearing by a unanimous roll call vote: AYE - O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

At 7:30 the Commission moved to item 1.6 Minor Change, Senior Center, MassDEP# 169-1170, for the addition of an outdoor activity space. A representative from the developer of the new Senior Center in Groton attended this evening to present a proposed change that would allow for an outdoor activity space in the rear of the building. A plan was presented this evening that showed how the sloped area outside of the rear doors would be softened with a large amount of fill. It is within the area of previous disturbance. The trees in the retention basin would be removed. The line would move to the limited clearing. This would result in more riverfront alteration of about 2,000 square feet, which would increase the riverfront disturbance by around 1.2%, bringing the total disturbance to 5%, which is under the 10% recommended disturbance. The plan has been submitted to Natural Heritage and their response has been that the plan is consistent with the previous disturbance. L. Hurley inquired on the amount of fill. The response was that this time during the construction would be the best to install this amount of fill as they have access to the area. The plan is for a gradual grade outside of the rear of the building. Plantings are proposed to help mitigate the impact of the project. The area near the center would be allowed to go to lawn and the area further away would go natural. E. McHugh inquired if the slope would allow for the placement of chairs, to which she was answered that the slope will be 1 and 10. B. Easom commented that the amount of fill would make a considerable impact. O. Lathrop suggested that the developers use the area that has already been disturbed. The applicant answered that this may be an access issue due to the further proximity from the building. O. Lathrop commented that he did not see a reason to accept the plan. M. Giguere commented that he was more in agreement with the plan. J. Smigelski inquired how far the already disturbed area is from the building, to which he was answered it's about 50 feet. The Commission discussed the realization that there are two rear doors at the back of the building that would give access to this area. The original thought by some commission members was that the doors were along the side of the building.

Upon a motion by E. McHugh to accept the minor change, seconded by M. Giguere it was voted in favor by a majority vote.

AYE O. Lathrop, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

NAY - B. Easom

At 7:53 the Commission moved to item 1.7 Discussion, GDRHS proposal for an outdoor classroom on CR land. At a previous Commission meeting, the teachers presented a proposed curriculum for a class that would involve gardening on GDRSD property that has a CR. Natural Heritage's response was that the proposed garden is in a wetland area and the biologists did not approve of the use of this land for the class. Natural Heritage did not believe the garden meets the intent of the CR. After a conversation with

Natural Heritage, N. Gualco added that the intent of the CR was to offset the taking of the land for the construction of the high school. The teachers were in attendance this evening looking for advice on how to proceed. E. McHugh inquired if Natural Heritage would be ok with other uses of the land. Natural Heritage did mention that a focus on conservation would be more desirable. E. McHugh suggested planting native rare species. The teachers did not discuss this with Natural Heritage and will look into it further. J. Smigelski inquired on the size of the proposed parcel, which is 10K square feet of the 75-acre parcel that has the CR. E. McHugh also asked if the gardening or planting could be conservation minded, for example, with blueberries. She suggested further negotiations with Natural Heritage. It was also suggested that the teachers and representative from Natural Heritage walk the school grounds to identify alternative areas. It was discussed that people in the community may be able to help with clearing of land if an alternate site is identified.

The Commission then moved to item 2.4.1 Land Acquisition, Trimper Parcel – update/discussion. N. Gualco reported that he met with the Zoning Board of Appeals last week and a fourth house on the driveway would be allowed. He can now file for an A&R which will happen this Thursday, June 13 at 7:00 pm. He also reported that O. Lathrop and B. Easom are helping with Land Grant items.

The Commission moved to item 2.4.2 DeCilio Properties - email from June 3, 2019. N. Gualco summarized that the owners emailed N. Gualco inquiring on the Commission's desire to move forward with the purchase of the parcels of land. The original P&S has stated the assessed value at \$30k. B. Easom commented he thought it would be worth getting the parcels appraised and estimated the cost would be \$4k. M. Giguere mentioned that some of the land is in the floodplain. O. Lathrop suggested offering what the Commission thought was reasonable at this time. In 2018 the Commission offered \$38k. The Commission discussed if there would be funding available after the purchase of Trimper. E. McHugh suggested offering \$20k at this time and alert them that the Conservation Commission is low on funding. B. Easom agreed to re-open negotiations and not at the same amount as the original offer as the Commission has other obligations at this point. Upon a motion by O. Lathrop, seconded by B. Easom it was voted to reopen negotiations with DeCilio as requested in the letter dated June 3, 2019. It was voted in favor by a unanimous roll call vote AYE - O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

At 8:31 the Commission moved to item 2.4.3 Cedar Road, Parcel 124-05. N. Gualco received a letter from Attorney Bob Collins regarding a parcel of land that could potentially be donated to the town to be later sold. The Commission was unsure if this type of situation is allowed. The Commission discussed and decided to pass. N. Gualco will respond to B. Collins.

The Commission moved to item 2.6 Violations and Enforcements and discussed 828 Martins Pond where there have been two complaints of dumping on conservation land. After further discussion it was realized that the parcel of land thought to be the dumping area was one of the neighbors, and not conservation land. N. Gualco will clear up with complainants.

At 8:38 the Committee moved to item 2.7 Committee Updates / Announcements

O. Lathrop reported that the Invasive Species Committee has completed treatments for Emerald Ash Borer in the Petapawag Picnic Area.

B. Easom discussed that he is working on helping applicants to the CPC on how to properly project the use of CPA funding.

E. McHugh reported that the Stormwater Committee has two weeks to have a resolution for Olivia Way approved with Representatives Harrington and Kennedy and they do not expect this to happen before they are out of session. This will mean it may have to wait until the fall. E. McHugh also reported from the Committee that the Forge and Vine restaurant will be adding parking, but it is outside of the 100-foot buffer zone.

M. Giguere reported that he agreed to serve another year on the GPAC.

L. Hurley inquired with N. Gualco if new anchors for lifeguard chairs for Sargisson Beach had come in yet, to which he was answered they had not yet come in.

N. Gualco updated the Commission on the budget reporting that after CPA funding there is \$450K available for land protection. There is \$15k in the revolving fund, and \$1200 in the general fund. The treatment work by Baystate will draw the general fund to zero. N. Gualco believes funds could be borrowed from the revolving fund. O. Lathrop expressed that he would like to order chemicals for further treatments, which will cost around \$60-70. He was advised to purchase by the month end.

The Commission moved to item 2.8 Approve Meeting Minutes. O. Lathrop commented that the May 14th minutes needed to adjust the summary of the votes on page 3. Upon a motion by B. Easom, seconded by E. McHugh, it was voted to approve the minutes as amended by a unanimous roll call vote: AYE O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

Upon a motion by L. Hurley, seconded by E. McHugh the Commission VOTED to approve the May 28 minutes as amended by a unanimous roll call vote AYE - O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

The Commission then moved on to discuss potential reorganization of the Commission roles. The Commission members discussed various arrangements for a new Chair, Vice Chair and Clerk. Upon a motion by B. Easom, seconded by O. Lathrop it was voted in favor for John Smigelski to remain Chair, L. Hurley as Vice Chair and Eileen McHugh as Clerk for one year for the period beginning July 1, 2019. It was voted in favor by a unanimous roll call vote: AYE- O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski

At 8:57 N. Gualco had a confirming question regarding Baystate and if he could be authorized to sign their proposal. Upon a motion by O. Lathrop, seconded by L. Hurley it was VOTED in favor of authorizing the Conservation Administrator to sign the Baystate proposal by a unanimous roll call vote: AYE - O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski.

At 8:59, upon a motion by E. McHugh, seconded by L. Hurley it was VOTED in favor to adjourn this evening's meeting by a unanimous roll call vote: AYE - O. Lathrop, B. Easom, E. McHugh, L. Hurley, M. Giguere, J. Smigelski

Minutes approved: June 25, 2019

Minutes respectfully submitted by Naomi Campbell Siok, per diem recording secretary, Town of Groton.