



TOWN OF GROTON
Conservation Commission

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Groton Conservation Commission
MEETING MINUTES
September 10, 2019

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

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

6:30 PM Chairman Smigelski called the meeting to order.

The Commission began discussing item **1.1 RDA, 285 Reedy Meadow Road**, for the removal of three hazardous trees (A. Bradley). The applicant described that there are trees behind her house that are rotting and can longer be trimmed. Her tree worker advised that they be cut down. E. McHugh inquired the number of trees and requested that they be put on a map / plan. The applicant replied it is now up to eight trees and they are all flagged. E. McHugh commented that on the site walk it was evident that the homeowners were great stewards of the trees. P. Morrison and L. Hurley had no comments.

Upon a motion by M. Giguere it was recommended for a negative 3 determination under the following conditions: that the Commission receive a plan of all trees to be removed indicating 8 flagged trees, heavy equipment is to remain on driveway, and leave the pine snags on the two white pines. L. Hurley seconded. The motion carried by a unanimous vote.

At **6:38 PM**, the Commission reviewed item 2.3 the Order of Conditions for the previous applicant at 285 Reedy Meadow Road. Upon a motion by P. Morrison to approve the Order of Conditions for MassDEP file #169-890, seconded by E. McHugh it was VOTED to approve the Order of Conditions by a unanimous vote.

The Commission began discussing item **2.1.1 Fitch-Best Conservation Land**. P. Morrison updated the Commission that he spoke with Ramona Tolles about the Commission's concern that she is mowing public land. She wrote a letter to the Commission in response, stating that her family has mowed the field for three generations. She requested to continuing mowing the lower area of the property that the Commission now owns. O. Lathrop commented that now that the Commission owns the property, this needs to go out to bid. The Commission recommended that N. Gualco put in a notice for a bid.

The Commission began to discuss item **2.1.2 Shattuck Homestead**. N. Gualco reported that the vegetation management professional showed up unexpectedly on Monday to treat the field that was mowed in July. Darcy Donald was able to quickly notify the area residents to alert them of the treatment and N.

Gualco posted four signs indicating the use of herbicide. A turtle sweep was unnecessary as they didn't use the boom sprayer for this application.

At **6:45 PM** the Commission began to discuss item **1.2 RDA, 25 Ross Road**, for the removal of a hazardous tree (S. Silvan). The Commission reviewed the parcel on the map. The applicant described that the large pine tree on his property is leaning over the cove and toward the neighbor's house and is a threat of falling and causing considerable damage. In speaking with a tree removal company, they learned they can remove the tree at the wall level and be lifted up so there is limited disturbance. L. Hurley inquired about the wires that are near the tree to which the applicant replied that the tree company has a 145 ft crane and can lift the tree up when removing and avoid the wires. B. Easom commented that he would like to see them observe the bank when removing the tree. O. Lathrop commented when they were on the site visit, he observed some erosion around the septic system and would like to see something done to address this. P. Morrison asked if the neighbor is ok with the tree being removed and the applicant answered that yes, he is. Upon a motion by M. Giguere, seconded by P. Morrison, the Commission VOTED to issues for a negative three determination under the condition that the stumps remain, by a unanimous vote.

At **6:50 PM** the Commission began discussing the fall mowing needs. The Commission discussed various properties that could be mowed. N. Gualco commented that last year's mowing expenses were around \$1300. It was discussed that resources should be directed toward the property at Pacer Way (Eliades Conservation Area) this year.

The Commission members signed invoices.

The Commission reviewed meeting minutes. There were comments about the straw poll described in the August 27th minutes. M. Giguere provided N. Gualco with updated language around that section of the meeting. Upon a motion by E. McHugh, seconded by P. Morrison it was VOTED to accept the August 27th, 2019 meeting minutes as amended.

At **7:00 PM** the Commission began discussing item **1.3 RDA 430 Main Street / Conductor Lab** for the installation of a sewer stub (Groton Sewer Commission). The applicant was unavailable this evening and gave the Conservation Commission permission to review in his absence. They are dealing with a water main issue at this location. N. Gualco reviewed details from the application. It will require a 4'x8' access pit. It is 85' from Unnamed Brook. Usage of sediment control, silt sack and catch basin are all in the paperwork that was submitted. This project will occur 15 feet within the buffer. L. Hurley had a question about the directional drilling. There were no additional comments from the Commission. Upon a motion by M. Giguere, seconded by L. Hurley it was VOTED to issue a negative three determination as it does not alter the area protected under the conditions in the filing. The vote passed by a unanimous vote.

At **7:05 PM** the Commission discussed **Committee Updates**. L. Hurley stated that he will be trying to get a Sargisson Beach meeting soon to get the beach closed for the winter. He commented that at the last Sargisson Beach Committee meeting they discussed improving the road conditions for better access for the Port-O-Potty vendor and emergency vehicles. The decision was to move the Port-O-Potty to the parking lot which has worked out so far. In regards to the road conditions and the needs of the facilities, three options were discussed. 1) leave the Port-O-Potty where it is; 2) address the condition of the road and make improvements, or; 3) discuss a composting toilet system. A composting system would likely cost \$40-50k. L. Hurley commented that in a recent meeting it was discussed that when the road was built, there's an area

where some trees were buried. It was recommended that any material that is taken out from the existing road could be relocated to the same area where the trees were buried. The idea is to use a bulldozer to pick up surface material along the existing road at about 8-9 feet wide and then compact the area. This would create better access for emergency vehicles and the Port-O-Potty vendor.

O. Lathrop reported from the Invasive Species Committee. They did some phragmites work a couple of weeks ago in the Eliades Area. They used an approved custom "Round Up" solution that is approved for a wetland area.

At **7:15 PM** the Commission discussed item **1.4 RDA Bates Land Conservation Area**, installation of trail bridges as part of an Eagle Scout Project. The applicant reviewed photos. The overall project will involve replacing a small bridge and building three sections of a bog bridge. E. McHugh commented that applicant may want to consider a foot bridge that is wider than one foot. M. Giguere commented that corrugated PVC pipe may fail and recommended using something more rigid to support the bridge. They discussed using cinder blocks. B. Easom also commented that corrugated PVC pipe may crush and recommended schedule 40 or 80 PVC piping or cinder blocks. O. Lathrop suggested a treadway of 2 feet wide with a lip at each side. He also recommended concrete blocks over cinder blocks. P. Morrison was in agreement with the comments. Chairman Smigelski commented that concrete blocks will be very heavy to transport. He recommended using schedule 80 PVC piping that will be easier to manage.

Upon a motion by M. Giguere, seconded by P. Morrison, it was VOTED to issue a negative 2 determination as this project is in the resource area conditional upon the use of a sturdy material for the bridge footings. The Commission voted all in favor by a unanimous vote.

At **7:25 PM** the Commission began discussion item **1.5 10 Rustic Trail** for the construction of a patio and renovation of an existing cabin, MassDEP#169-1191. N. Gualco updated that the applicant requested to continue the hearing to the September 24th meeting. Upon a motion by B. Easom, seconded by E. McHugh it was VOTED to continue the hearing to the September 24th meeting by a unanimous vote.

The Commission began discussing item **3.1.1 Discussion on site plan, NEESP Temple, MassDEP#169-1104**. Bill Murray from Places Associates was in attendance at this evening's meeting. The temple has hired his firm to take over the completion of the temple construction. He requested if the Commission would consider allowing them to not install the 5 property markers that are located on a rock slope behind the building. The proposed location of the markers will be very difficult to access with equipment and he was unsure if the markers will serve a purpose due to the nature of their location and the inaccessibility of the area. He also expressed his concern that because his firm was hired midway through construction, they are unable to certify the work that they cannot see and/or did not do themselves. He is hoping the Commission will be willing to accept a "muddled" certificate of compliance. Committee members commented. P. Morrison commented that the five markers are important and will have historic significance. L. Hurley commented that he is ok with not installing the 5 markers. He was concerned about the muddled sign off. B. Murray and Commission members discussed some areas within the project that they are unable to visually verify. E. McHugh commented on the sign markers and requested that there still be some type of marker installed, perhaps at either end of the wall. B. Murray was concerned about being issued a Certificate of Compliance. M. Giguere commented that it may be possible to amend an Order of Conditions as a minor change. B. Easom commented that he would like to see the 5 markers. He is not

concerned with today, but in consideration of how they may be valuable in the future. He inquired where some of the analysis points are. B. Murray responded by showing where various analysis points are. B. Easom requested to have the points indicated on the plan. O. Lathrop also would like to see installation of the 5 markers. He recommended using metal posts that could drive through the rock more easily. B. Murray commented that the order specifically states the markers are to have granite or cedar posts. O. Lathrop replied that the Commission may consider a minor change for alternate posts for these 5 markers. P. Morrison inquired when B. Murray will be filing for the Certificate of Compliance. He replied that they are hoping to do so in the next couple weeks after grass begins to grow. B. Murray made the official request to the Commission for a minor change to the Order of Conditions to allow the usage of metal posts for the 5 markers along the rock slope.

O. Lathrop moved to accept a minor change to the Order of Conditions allowing the usage of metal posts for the 5 markers along the rock slope. E. McHugh seconded. VOTE count

AYE – O. Lathrop, M. Giguere, E. McHugh, L. Hurley, P. Morrison.

NAY – B. Easom.

The motion carried.

Discussion: Nitsch Engineering is will be reviewing calculations with the Stormwater Committee and B. Murray anticipates asking for other minor changes with that committee as well. E. McHugh commented that she would like to see the sign posts at the next site visit.

At **7:53 PM** the Commission began discussing item **1.6 Gibbet Hill, for the Construction of a Trail Bridge (Conservation Commission)**. As of an hour ago, the project was assigned a case number by DEP. N. Gualco read the comments provided by DEP, which included:

“The bridge should be sited at a location that will minimize the clearing of wetland trees and shrubs and should be of sufficient height to reduce shading of vegetation beneath the bridge. Any soil removed during the installation of the granite piers must be disposed in an upland location. Replication of the 1 square foot of wetland loss is recommended to avoid the requirement for 401 Water Quality Certification.”

Upon a motion by P. Morrison, seconded by E. McHugh, the Commission VOTED to close the public hearing by a unanimous vote.

At **7:56 PM** the Commission began discussing item **1.7 Fitch’s Bridge repair, 490 Pepperell Road (Groton DPW) MassDEP #169-1193**. At the previous meeting, it was discussed that DEP had some comments about this project. N. Gualco spoke with DEP and they were unclear of the breadth of the wall repair and were ok with the plan. T. Delaney was in attendance this evening and commented that they needed to file an emergency certification because of a wall collapse during the work. The project is now complete. The Commission member discussed the project. It was commented that the other side of the bridge looks like it will have some more issues. T. Delaney commented that on the downstream side the joints in the rocks are showing cracks. He’s unsure of how soon that work will need to happen. They will have to seek sources of funding. E. McHugh recommended finding the old engineered plans if possible. Commission members discussed the issue of flood storage that was brought up with this most recent project. B. Easom and P. Morrison commented that installing a canoe launch when the other side of the

wall is repaired may address the issue of flood storage. Upon a motion by P. Morrison, seconded by E. McHugh the Commission VOTED to close the public hearing by a unanimous vote.

Upon a motion by P. Morrison, seconded by E. McHugh the Commission VOTED to accept the Order of Conditions by a unanimous vote.

Upon a motion by P. Morrison, seconded by b. Easom, the Commission VOTED to accept the Bylaw Order of Conditions by a unanimous vote.

The Commission began discussing item **1.8 ANRAD at 63 Gratuity Road**. The applicant has requested to continue the hearing to the next meeting. Upon a motion by P. Morrison, seconded by E. McHugh it was VOTED to continue the hearing to the September 24, 2019 meeting by a unanimous vote.

N. Gualco had Commission members sign the Orders of Conditions that were approved this evening.

The Commission discussed approval of Executive Session minutes. Upon a motion O. Lathrop, seconded by E. McHugh, the Commission voted to release the Executive Session minutes from August 27, 2019.

E. McHugh commented on a discussion at a previous meeting related to earth removal at the site of the Indian Hill project. She said the Earth Removal Stormwater Committee had approved moving of the soil to a location across the street. B. Easom replied that the issue is according to the APR moving of soil from the site is not allowed if not for agricultural use.

J. Smigelski discussed the possibility of the Commission having one meeting every few months that would cover only business matters and would not include hearings. This would enable the Commission to address issues for which they often do not have enough time in typical meetings. Commission members agreed this would be a good idea. N. Gualco will follow up for scheduling the first meeting to happen in October. In the future they may consider inviting other interested parties to these meetings depending on the subject matter.

At **8:26 PM**, upon a motion by E. McHugh, second by L. Hurley the Commission voted to adjourn this evening's meeting by a unanimous vote.

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

Minutes Approved: October 8, 2019