



**TOWN OF GROTON
Conservation Commission**

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**Groton Conservation Commission
MEETING MINUTES
November 26, 2019**

Present: John Smigelski, Chairman; Eileen McHugh, Clerk; Marshall Giguere; Olin Lathrop

Not present: Laurence J. Hurley, Vice Chair; Bruce Easom; Peter Morrison

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

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

E. McHugh announced the hearing for agenda item **1.1 Wharton Row, for the conversion of part of an existing walkway (E. Prechtl)**. The area of discussion is within 5-6 feet of the buffer zone.

O. Lathrop commented there should be a limit of operation on the right side. There were no other comments by Commission members.

M. Giguere moved for a negative three determination under the following conditions: all work and stockpiling are not to go beyond the driveway. E. McHugh seconded and Commission members VOTED in favor by a unanimous vote.

The Commission members discussed the meeting schedule and that December 10 would be the last regularly scheduled meeting for 2019 and the December 24 meeting is canceled. N. Gualco commented that he plans to return to the office in mid-January and it was discussed that there could possibly be another business meeting scheduled for the third Tuesday on January 21st. Commission members discussed if it would be possible for Takashi Tada to assist with filing of legal notices in N. Gualco's absence. It was decided if this was possible then it would be ok to hold the next regularly scheduled meeting on January 14th.

At 6:40 E. McHugh announced the next hearing for agenda item **1.2 RDA (cont.), 1081 Lowell Road, for the replacement of an existing septic (Doucette Engineering)**. N. Gualco recapped that about a month ago the applicant was going to be meeting with the Board of Health and the results of that discussion would inform the ruling this evening. The Board of Health approved the plan that was reviewed by the Conservation Commission at the last meeting.

Upon a motion by M. Giguere, seconded by E. McHugh it was VOTED to approve the plan dated October 25th, 2019 under the conditions that the septic is built according to the plan. Commission members voted in favor by a unanimous vote.

The Commission discussed meeting minutes and it was decided to move the discussion to the December 10th meeting.

At 6:45 E. McHugh announced the next agenda item **1.3 NOI 267 Whiley Road, for repairs on lakeside patio area**. N. Gualco announced that the applicant requested a continuation to the December 10th meeting for the newly filed NOI.

Upon a motion by E. McHugh, seconded by M. Giguere, the Commission VOTED to continue the public hearing to December 10th by a unanimous vote.

The Commission began discussing agenda item **2.2.4 COC for 54 Ridgewood Ave, MassDEP#169-1172**. Commission members discussed that there are some things that were not on the plan that have existed. O. Lathrop had a question about the drainage pipe in the parking area. It was not on the plan. The applicant told the Commission members that this was done before her time. O. Lathrop expressed his concern that it was not on the plan and he would have requested that it was handled differently. It is on the as-built, but not on the original plan. The Commission members reviewed the plans during the meeting. E. McHugh requested that applicant go back to the original planning engineers and request information on the pipe. N. Gualco looked through more details in the paperwork and located that the purpose of the pipe was to drain the wall. Commission members also commented that the plantings are not in place were in agreement that this could wait until Spring. J. Smigelski suggested that the applicant place a screen on the pipe to prevent it from clogging.

At 7:03 E. McHugh announced the next hearing for item number **1.4, RDA (cont.), 210 Indian Hill Road, for the establishment of lawn area (S. & J. Boucher)**. N. Gualco recapped that the issue is a lawn area in the buffer zone. It first became apparent as an enforcement issue. The applicant discussed that he plans to plant blueberry bushes and / or other fruit bearing trees along with a few pine trees. O. Lathrop commented that he is ok with this as long as they are native. The Commission members discussed with the applicant the issue of irrigating the area with a sprinkler system. The applicant was unaware that he may not be able to irrigate the area and he commented that it gets dry in the sun. M. Giguere and N. Gualco commented that they will have to look into the conservation restriction and see if this would be permitted. Commission members then discussed if blueberry bushes would survive in this lawn area due to the dry conditions. It was suggested that the applicant discuss plantings plans with someone who would know the best plants in the natural conditions of the field. O. Lathrop also commented that he would like to see conservation markers put in place. The applicant asked if he could use a fence. Commission members discussed the possibility and commented that there is typically a standard requirement for the use of 4x4 poles. Commission members discussed that these questions be reviewed by the Groton Conservation Trust as they are the holders of the conservation restriction. E. McHugh commented that blueberry bushes may not tolerate the area because they like moisture and the dry conditions and ledge may not be a good environment. She also commented that that apple trees are not native, but she would be ok with those being planted.

Upon a motion by E. McHugh, seconded by M. Giguere it was VOTED to continue the hearing to December 10th after the Groton Conservation Trust has an opportunity to review.

At 7:21 the Commission members discussed item **2.2.6, Extension, Indian Hill Music, MassDEP#169-1145**. Commission members discussed that the project is requesting an extension.

At a recent site walk, there were some areas identified that need to be addressed. E. McHugh recommended issuing the extension and writing a letter stating the items that need to be addressed.

Upon a motion by E. McHugh, seconded by M. Giguere, it was VOTED to issue a 3-year extension to Indian Hill Music, MassDEP#169-1145 by a unanimous vote.

Upon a motion by E. McHugh, seconded by O. Lathrop it was VOTED that the Commission send a note to the applicant that requests the following issues are addressed: On the east side of the building, add riprap to address erosion; extend silt fencing down the driveway by 100 feet; at the top of the driveway where it is unpaved, there is a lot of erosion and the soil needs to be stabilized; on the west side of the property, there is a fence that has fallen and is missing. They should walk the silt fence line and address this.

The Commission moved on to item **2.2.7 Extension, 284 Whiley Road, MassDEP#169-1144.**

Upon a motion by M. Giguere, seconded by E. McHugh, it was VOTED to grant an extension to 284 Whiley Road, MassDEP#169-1144.

At 7:28, the Commission began discussing item **2.2.5 COC, 121 Culver Road, MassDEP#169-886.** N. Gualco commented that the conservation markers are installed. At #91, they are marked as a Conservation Area, at #121 the owner created his own markers and they have since been ruined and he asked the Conservation Commission for replacement markers. Currently the Commission does not have a supply of markers. N. Gualco asked the commission if they would recommend investing in some new conservation markers to have on hand or if would be best to request that the homeowner purchases. O. Lathrop commented that he doesn't think the homeowner should have to do this and the Commission should have these on hand. N. Gualco will research and follow up with the Commission on pricing.

Upon a motion by E. McHugh, seconded by M. Giguere it was voted to approve the COC for 121 Culver Road, MassDEP#169-886 by a unanimous vote.

The Commission began to discuss item **2.2.1, OOC for 255 Old Ayer Road, MassDEP#169-1195.**

Upon a motion by E. McHugh, the Commission reviewed the OOC. They decided to strike item number 28. They also discussed if wanting a monthly report and agreed yes. M. Giguere seconded and the Commission voted in favor by a unanimous vote.

The Commission moved on to the Bylaw Order of Conditions.

Upon a motion by E. McHugh, seconded by M. Giguere it was voted in favor to accept the Bylaw Order of Conditions for 255 Old Ayer road, MassDEP#169-1195 by a unanimous vote.

At 7:50 pm the Commission began discussing item **2.2.2, OOC for 267 Whiley Road, MassDEP#169-1197.** N. Gualco asked the Commission about the small deck area. It was not addressed in the hearing and it appears that they will reconfigure the existing deck and the Commission has already closed the public hearing.

Upon a motion by M. Giguere, seconded by E. McHugh it was VOTED in favor to approve the OOC for MassDEP#169-1197 with the recommendation to revise number 36 to add as noted on plan. The Commission voted in favor by a unanimous vote.

Upon a motion by M. Giguere, seconded by E. McHugh, the Commission VOTED in favor of the Bylaw Order of Conditions. Commission members discussed item number five, with the concern to ensure no movement of the house, it was discussed this item was not needed in this case. It was also discussed to remove item 8b. The Commission voted in favor by a unanimous vote.

At 8:05, the Commission discussed **Land Management 2.1.1 Shattuck Homestead**. When some pine trees had fallen, a neighbor had moved them to the end of the field and he is requesting gas reimbursement. The Commission discussed how to approach volunteering and reimbursement. Commission members recommended reimbursing for the fuel and include the process for reimbursing in a letter.

At 8:16 no other business or committee updates were needed.

Upon a motion by E. McHugh, seconded by M. Giguere it was voted to move into executive session, not to return to regular session by a unanimous roll call vote AYE – O. Lathrop, M. Giguere, E. McHugh, J. Smigelski.

At 8:29, upon a motion by E. McHugh, seconded by O. Lathrop, it was voted to adjourn this evening's meeting by a unanimous roll call vote. AYE – O. Lathrop, M. Giguere, E. McHugh, J. Smigelski.

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

Minutes Approved: February 11, 2020



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**Groton Conservation Commission
EXECUTIVE SESSION MEETING MINUTES
November 26, 2019**

Present: John Smigelski, Chairman; Eileen McHugh, Clerk; Marshall Giguere; Olin Lathrop

Not present: Laurence J. Hurley, Vice Chair; Bruce Easom; Peter Morrison

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

At 8:16 upon a motion by E. McHugh, seconded by M. Giguere it was voted to move into executive session, not to return to regular session by a unanimous roll call vote AYE – O. Lathrop, M. Giguere, E. McHugh, J. Smigelski.

The Commission discussed the Trimper parcel and an update in negotiations. P. Morrison and J. Smigelski have been negotiating on behalf of the Commission. Most recently, P. Morrison offered \$350k over the phone. The sellers countered with \$380k. The Commission discussed offering \$360k with the option to close in 21 days. The Commission decided it would be best to speak to the sellers after the Thanksgiving holiday. The Commission members also discussed the potential for the presence of arsenic in the soil due to the history of an apple orchard on the property and if it could possibly devalue the land.

At 8:29, upon a motion by E. McHugh, seconded by O. Lathrop, it was voted to adjourn this evening's meeting by a unanimous roll call vote. AYE – O. Lathrop, M. Giguere, E. McHugh, J. Smigelski.

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

Approved and Released:

August 24, 2021