



**TOWN OF GROTON  
Conservation Commission**

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**Groton Conservation Commission  
MEETING MINUTES  
December 10, 2019**

Present: John Smigelski, Chairman; Laurence J. Hurley, Vice Chair; Eileen McHugh, Clerk; Marshall Giguere, Olin Lathrop, 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 first agenda item **1.1 NOI, 6 Labbe Road, for the replacement of a septic system, MassDEP#169-1198**. The applicant discussed that the location of the septic makes the most sense. It will include a leeching bed. It is less than 100 feet from the wetland. They are currently asking for a permit from the Board of Health. The proposed grading gets close to the wetland buffer. They discussed that one tree will need to be removed. The lawn will continue to be managed as a lawn. P. Morrison inquired when they are proposing to do the work. The applicant answered that they need approvals from the Board of Health and were hoping to begin as soon as possible, but may have to wait until spring. L. Hurley asked if they would be going above grade, to which it was answered yes. M. Giguere asked if the removal of the tree could be marked in the plan. The applicant did so during the meeting. M. Giguere added that his only concern would be if the Board of Health had any recommended changes. O. Lathrop asked why the system couldn't be moved 20 feet over to the right, the applicant answered that they would be unable to relocate the system. The Commission could not close the hearing until they hear the results of the Board of Health meeting.

Upon a motion by P. Morrison, seconded by B. Easom, it was VOTED in favor to continue the hearing to the January 14<sup>th</sup> meeting by a unanimous vote.

At 6:40 the Commission began discussing the next agenda item, **1.2 NOI (cont.), 267 Whiley Road, for repairs on lakeside patio area**. At the last site visit there were issues along the shoreline. Areas were caving in and falling apart. The applicant came to the Commission this evening seeking advice as to how best conserve the area. His plan is to begin work in the spring. He is working with a structural engineer who has made the homeowner aware that the walls cannot support what is currently there and will eventually cave in. L. Hurley discussed his concern of removing the amount of debris that is there without it falling into the resource area. The applicant also added that he plans to do native plantings. It was discussed that he cannot use fertilizers. L. Hurley also recommended that any work happens after the draw-down of the lake. Machinery will be required and the Commission will have recommendations on how it should be stored. L. Hurley added that if the applicant wishes to reinforce what is currently there, that could be a viable option. M. Giguere added that once the applicant decides if they will restore or remove what is currently there, that the Commission will need to be presented with a plan of where everything will be. It will need to include all that will be done to the surface area, including plantings, trees, etc. It will also need to indicate how machinery will access the area. B. Easom thanked the applicant for coming in. He also mentioned that there are many walls

that have been permitted on this road and suggested talking to neighbors for recommendations. He let the applicant know to be in touch with N. Gualco to file the permit. O. Lathrop commented that the wall should not go any further into the lake and requested that existing measurements be made so that it can be compared to after the work is complete. P. Morrison commented that it is important to measure what is currently there. He also expressed the importance of using texture in the stones that are used to break up the wave disturbance. Chairman Smigelski commented on the area in their property that currently has no wall and recommended that the homeowners install some kind of wall to prevent runoff in the future.

Upon a motion by P. Morrison, seconded by L. Hurley it was VOTED to continue the hearing to the January 14<sup>th</sup> meeting by a unanimous vote.

At 6:59 the Commission began discussing agenda item **1.3 Discussion, Hayes Property, West Groton**. Attorney Bob Collins was in attendance this evening discussing a potential development in West Groton that would result in 60 acres being conserved. No work would be done in a resource area or buffer zone. He inquired to the Commission if the town would be interested in the property. M. Giguere commented that he remembers original plans for this property back in the 90s and he found the current plan to be an improvement. The proposed conservation area abuts already existing conservation land. O. Lathrop commented that he would like to see the town owning the property in fee. There is priority habitat in the area. B. Easom discussed the potential to partner with other organizations like NEFF and the Groton Land Trust on this acquisition. P. Morrison asked if there are some trails that connect. There are some that connect to the Hayes trail. O. Lathrop would like to see the forested area to continue as a working forest.

The Commission began discussing item **1.4 Discussion, Conservation Restriction, Village Meadows, 372 Townsend Road**. The Commission discussed this 36.5-acre parcel that is known habitat to Blanding's turtles. Commission members discussed if they would want to accept this property in fee. There was a lengthy discussion of how the management of this parcel would work. B. Easom commented that he is in favor of a CR. There is public access. There are parking spaces in the cul de sac. O. Lathrop would prefer to see the town owning in fee as CR monitoring is challenging. P. Morrison commented that there should be a path for monitoring and it should be required that there is a path and include signage. M. Giguere also preferred that the town own in fee and would request an escrow account to help pay for the work to be done. O. Lathrop requested that the granite markers for the pathway entry to be a little higher.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was VOTED to accept the land in fee along with an escrow account for turtle monitoring in accordance with the plan dated on November 18<sup>th</sup>, 2019.

At 7:31 the Commission began discussing item **1.5 RDA (cont.), 210 Indian Hill Road, restoration plan/establishment of lawn area**. Upon a motion by B. Easom, seconded by P. Morrison, the Commission VOTED to continue the hearing to January 14<sup>th</sup>. N. Gualco will introduce the applicant to Natural Heritage and invite them to the next meeting. All VOTED in favor by a unanimous vote.

AT 7:35 the Commission began discussing item **2.3.1 Building Permit Approval Process: 128 Martin's Pond Road**. N. Gualco provided some background. This property is located across from the Trimper property. There were riverfront implications identified during the building permit process. Attorney Kim Rogers was in attendance this evening representing the owner. This property was sold in August of 2018 and is a 100-year-old hay farm. It contains 10 acres with one house. Throughout the permitting process, the buffer zone line on the plan was never formally approved. The Town has been using this plan during the process. The issue is the home's foundation in proximity to the buffer zone. It is 8 feet from the buffer. While the foundation is not in the jurisdiction of the Commission, the developer has taken the action of putting in hay bales. They are also testing soil because it is a historically mowed hay field. There was a lengthy discussion of how any future owners would know and be informed of the proximity of the home to the

buffer zone. P. Morrison commented that an OOC would have requirements that any future owners would know. J. Smigelski commented that although the project was permitted, does not make it right and he expressed he is very concerned with how close the foundation is to the buffer zone. M. Giguere commented that with no real agreement on where the buffer is, and this time of year they would be unable to verify through soil samples. He suggested a compromise that conservation markers are in a NOI to mark the limit of disturbance for future owners. B. Easom inquired as to what prompted this discussion. Through interdepartmental discussions within the Town through the review and planning board process the potential issue became apparent. B. Easom asked the Commission if they would agree to review the samples that have been done by Stan Dillis. The ground is currently not frozen and taking additional samples would be of no expense to the owner. The Commission discussed where the samples could be taken. Stan Dillis has flagged areas and there is a map available. O. Lathrop commented that the applicant did not do anything wrong. He would like to see the 50- and 100-foot buffers marked based on what's been done. He would have liked to see them file. The Commission discussed posting a meeting for early Friday morning to do soil samples in the field and to return to Town Hall to discuss. The Commission agreed to meet in the field at 8 am on Friday morning December 13 to reconvene and discuss at 9 am at Town Hall. K. Rogers will send maps to N. Gualco prior to Friday.

The Commission began discussing other business. P. Morrison had a recent discussion with someone who asked him about mowing the lawn of some of the Commission's properties. The Commission discussed that Chairman Smigelski mows many of the lawns at no charge to the town. The Commission talked about the recent discussion related to volunteer reimbursement.

At 8:17 the Commission discussed item **2.2.1 COC, N.E.S.S.P. Temple COC, MassDEP#169-1104**. They will be changing their water filtration system from the original jellyfish system to a more standard system. This has been approved by the Planning Board and Stormwater Committee. The Conservation markers have been installed.

Upon a motion by O. Lathrop, seconded by B. Easom, the Commission VOTED in favor to issue a Certificate of Compliance by a unanimous vote.

N. Gualco brought up a recent anonymous complaint that he received about a Styrofoam dock in Lost Lake. The Commission members discussed that this is pollution. The Commission discussed how to best locate the dock because it private. Based on a review of GPS maps, Commission members discussed going to the road and taking photos from the road.

B. Easom updated the Commission on the CPC Steering Committee and let the Commission know that there is a potential \$20 million match for the CPC which could be helpful with oversubscription. Chairman Smigelski added that he will be meeting with the Planning Board chair and will discuss a board member's concern with the CPC.

The Commission discussed the November 12 minutes. Upon a motion by M. Giguere, seconded by P. Morrison, the Commission voted to approve the November 12, 2019 minutes as amended by a unanimous vote.

At 8:41 the Commission discussed that the Groton Conservation Trust wants to perform maintenance on one of their parking areas and inquired to the Commission if they need to file. The Commission discussed and recommended they file an RDA. N. Gualco will follow up with the Trust.

The Commission discussed some sediment issues on Academy Hill. There is debris and runoff going across Townsend Road and being deposited into a stream. The Commission will send photos to the contractor to discuss. The Commission discussed that some riprap could be installed and the silt fences are not functioning.

Upon a motion by P. Morrison, seconded by O. Lathrop, the Commission voted to move into Executive Session, not to return to regular session by a unanimous roll call vote. AYE – O. Lathrop, B. Easom, M. Giguere, E. McHugh, L. Hurley, P. Morrison, J. Smigelski

At 9:13 upon a motion by O. Lathrop, seconded by L. Hurley, the Commission voted in favor of adjourning this evening's meeting by a unanimous roll call vote. AYE – O. Lathrop, B. Easom, M. Giguere, E. McHugh, L. Hurley, P. Morrison, 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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EXECUTIVE SESSION MEETING MINUTES  
December 10, 2019**

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P. Morrison updated the Commission about recent negotiations regarding the Trimper property. On behalf of the Commission, P. Morrison made an offer of \$360k with the option to close in 2-3 weeks. The Commission discussed the value of the property and that they believe it could not be sold for \$960k which is the two parcels combined. B. Easom thanked P. Morrison for negotiating on behalf of the Commission.

At 9:13 upon a motion by O. Lathrop, seconded by L. Hurley, the Commission voted in favor of adjourning this evening's meeting by a unanimous roll call vote. AYE – O. Lathrop, B. Easom, M. Giguere, E. McHugh, L Hurley, P. Morrison, J. Smigelski

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

**Minutes Approved & Released: August 24, 2021**