



TOWN OF GROTON
Conservation Commission
173 Main Street
Groton, MA 01450
(978) 448-1106
Fax: 978-448-1113
ngualco@townofgroton.org



Groton Conservation Commission
Meeting Minutes

Tuesday, May 12, 2020 @ 6:30 p.m.
Virtual Meeting

<https://us02web.zoom.us/j/88029229432>

BROADCAST ON ZOOM AND THE GROTON CHANNEL
PURSUANT TO GOVERNOR'S EXECUTIVE ORDER
CONCERNING THE OPEN MEETING LAW

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

Others present: Nikolis Gualco, Conservation Administrator

6:30 PM Vice-Chairman Hurley called the meeting to order.

APPOINTMENTS AND HEARINGS

6:30 PM – RDA, 59 Long Hill Road, for the installation of fencing (D. Haley).

Applicant, Danielle Haley, presented a project which involved the installation of temporary fencing to contain horses. The fencing line traverses a delineated wetland and is located within the 50-foot buffer zone. D. Haley cited relevant regulatory exemptions under the Wetlands Protection Act for active agriculture. Finally, Haley cited her recent efforts to control the invasive species existing along the edge of the field and explained that she may need to cut a few trees within the hedge row that have been damaged or killed by the invasive plants.

O. Lathrop asked who delineated the wetlands and Haley replied, Matt Morrow of Matthew Morrow Environmental Consulting. Lathrop commented that while he was originally unhappy to see the disturbance within the buffer and resource area, he stated that the applicant was within her right under the agricultural exceptions and that the removal of the invasives was improving the condition of the environment.

The Commissioners discussed the property in general, its history, and the rights of an applicant to maintain active agricultural activities.

At this time, Michelle Collette of the Earth Removal and Stormwater Advisory Council (ERSWC), reported that ERSWC unanimously voted to accept the plan showing land disturbance of less than 20,000 square feet. The plan is the same one the Commission reviewed during this meeting.

Upon a motion by P. Morrison, seconded by O. Lathrop, it was:
VOTED to issue a Negative 3 Determination of Applicability.

The motion passed by a roll call vote: Yes (E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley).

6:40 PM -NOI (cont.), 50 & 52 Island Road, for the replacement of two failing sewage disposal systems, MassDEP#(not yet assigned).

Gualco reported that the applicant has requested a continuation to the next meeting to allow additional time for MassDEP to issue a case number and for the Board of Health to approve the septic plan.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:

VOTED to continue the public hearing for 50 & 52 Island Road to May 26, 2020.

The motion passed by a roll call vote: Yes (E. McHugh, O. Lathrop, M. Giguere, J. Smigelski, P. Morrison, L. Hurley)

6:45 PM – RDA (cont.), 210 Indian Hill Road, restoration plan/establishment of lawn area (S. Boucher)

Attorney Buzz Constable was in attendance representing the Groton Conservation Trust, which holds the CR on this property. Atty Constable shared with the Commission a letter dated May 12, 2020 summarizing an agreement reached between Steve and Janet Boucher (property owners/applicants) and the Trust. Constable then summarized the following points:

1. There will be no change in any grading of the land subject to the Conservation Restriction (the “Land”) and the maple trees planted and circular retaining stone walls installed on the slope of the leach field shall remain in place and will not be removed;
2. The irrigation system installed in the Land shall be permanently abandoned by Boucher by his removing the feeder line to that portion of the system located in the Land and by removing the sprinkler heads located in that area. The Trust will be given the opportunity to visually verify the removal of the line and heads;
3. The lawn previously installed in the Land except that above and on the slope to the installed septic field shall be scarified sufficiently to permit growth by native grassland seeds and reseeded with a native grass seed mix reasonably acceptable to the Trust. This work shall be performed, at Boucher’s expense, by Gatsby Grounds Company, Inc. of Lunenburg, Massachusetts. Boucher will ensure that the native grasses will become established for a period of two years after seeding;
4. Boucher shall install an iron pipe at each end of the boundary line that separates the Conservation Restriction and the Building Envelope at the Site;
5. The Land is to be maintained as a native grassland field in a manner reasonably satisfactory to Boucher and the Trust and shall not be mowed between May 15th and September 15th.
6. Within four (4) months of the date hereof, Boucher will deliver to the Trust an “as built” survey of the Boucher property, including the Land, showing the existing grading, location of the septic field, retaining walls and other improvements within the Land, delineating thereon the Conservation Restriction boundary, the previously identified wetlands and the 100 foot buffer:

7. The Trust and Boucher acknowledge that the terms of this agreement are in settlement of the Trust's determination that a violation has occurred in the landowner's obligations under the Conservation Restriction. Boucher agrees to hereinafter comply with all of the applicable terms of the Conservation Restriction. All terms of the Conservation Restriction are hereby affirmed, with agreement that nothing herein contained represents an amendment or alteration thereof except as expressly provided herein.

J. Smigelski stated that he was not supportive of the requirement to scarify the soil and instead stated he would prefer to see a no-till method applied. David Black of the Trust stated that the specific methods of planting grassland fields are beyond his level of expertise and stated that the Trust's goal is that no erosion occur. P. Morrison inquired if the area is known turtle habitat and D. Black stated that the state maps this location as habitat for numerous turtle species found in Groton.

E. McHugh stated that she was concerned that establishing warm season grass this late in the spring would be difficult. She continued and stated that she would like to see a more thorough plan. Atty Constable stated that the Trust's priority is to move forward as quickly as possible to allow as much of an opportunity for the grass to grow this growing season. As an alternative to providing a more thorough plan, Atty. Constable suggested that the contractor could work with the Conservation Administrator and a member of the Commission to review and approve any methods utilized in the planting of the field.

O. Lathrop expressed concern on how different the restoration plan that was submitted with the RDA was from the agreed upon plan presented in the Trust's letter. M. Giguere suggested that the board may need to require a NOI to ensure compliance. A discussion on this topic ensued for several minutes. Afterwards, P. Morrison suggested that an Enforcement Order requiring the sprinkler system be removed and use the RDA to deal with the rest of the plan could be a good option. M. Giguere stated that he is still uncomfortable with the RDA option. The Commission then discussed this for several minutes.

Upon a motion by O. Lathrop, seconded by E. McHugh, it was:

VOTED: to issue an Enforcement Order to Steve and Janet Boucher of 210 Indian Hill Road to removed the irrigation system in the buffer zone and to require that the field be planted with native grasses as described in the May 12 letter to the Trust.

The motion passed by a roll call vote: YES (E. McHugh, O. Lathrop, M. Giguere, B. Easom, J. Smigelski); NO (P. Morrison, L. Hurley).

GENERAL BUSINESS

2.2.1 - Land Management: Discussion with Mike Barry of Bay State Forestry, Shattuck Homestead

Mike Barry of Bay State Forestry was in attendance. M. Barry began by summarizing the efforts of treating the black swallow-wort at the Shattuck Homestead in 2019, which involved a complete field mowing in early July and an application of herbicide (utilizing four backpack sprayers) in late August. He recalled discussions he had with the Commission about trying to mow the field in June, which was almost impossible as this coincides with turtle nesting season. Due to this difficulty, he suggested swapping the order of the mowing and the herbicide for 2020.

O. Lathrop showed several photos he recently had taken at the property, which show some sprouting swallow-wort. However, it appears from this early assessment that last year's efforts were quite effective and suggested we try and replicate it as closely as possible. He also stated that we may not need a full field treatment of herbicide but will not know until more time goes by and the plants are given more time to grow. He emphasized the importance of mowing the field, however.

M. Barry stated that if the whole field does not require as much treatment then he would suggest treating more of the field edges, which he recalls seeing swallow-wort several tens of feet into the tree line. This would continue to reduce the seed source for the field. He then stated that he would need about two weeks advance notice for any requested treatment of the property and recommended the Commission continue to monitor it.

On-going Business/Other Discussions: Discussion on the timeline for appointing of Commissioners.

Gualco reported that the Town Manager has requested that all boards hold off on new and re-appointments until the traditional June timeframe. The Select Board would take up all appointment business at this time. The Commission instructed that Gualco request that the Select Board/Town Manager appoint the one vacant seat at their next meeting and deal with re-appointments as they saw appropriate.

On-going Business/Other Discussions: Letter to 305 Martins Pond Road, long-term management of beaver dams.

N. Gualco presented the Commission with a letter he sent to William "Jason" Grennell on May 7, 2020. The letter served as notice of a violation of the Wetlands Protection Act and the Town Bylaw, which involved the removal of dams. It also documented a number of phone calls and a plan for bringing Mr. Grennell into compliance. Gualco shared that he had consulted with MassWildlife and MassDEP on this matter and both agencies agreed that the best path forward was to work with the homeowner to come up with a long-term management plan to be approved through the process of a Notice of Intent. J. Grennell shared his perspective and stated that he has been dealing with flooding caused by beaver activity at his property for decades. Additionally, he stated that it was his driveway that was most threatened by the chronic flooding as its base is constructed of clay and it gets water logged easily and erodes.

O. Lathrop asked several questions about the impacts to Grennell's private property from flood water. He also showed pictures he had taken on site. The Commission discussed these matters for several minutes.

E. McHugh re-centered the conversation and suggested that Grennell be allowed to try and come up with a management plan on his own first as opposed to requiring him to hire a consultant as was stated in the letter. The Commission agreed with this approach.

P. Morrison recalled a recent filing (NOI) where two applicants were dealing with beaver dams off Hill Road. He suggested that Grennell read through the file and use it as a template for his own proposal.

Land Management: COVID-19 Changes/Policies regarding William's Barn & Petapawag Canoe Launch

Gualco presented the Commission with an update on the recent work of the Select Board and William's Barn Committee to create safety protocols for opening the Groton Farmer's Market in 2020. Gualco then shared safety protocols and a list of requirements created by the Governor for public boat launch sites and stated that he intended to post said list at the Petapawag Canoe Launch.

Certificate of Compliance: 293 Chicopee Row, MassDEP#169-949

Upon a motion by P. Morrison, seconded by B. Easom, it was:
VOTED to issue a Certificate of Compliance for MassDEP#169-949 (293 Chicopee Row).
The motion passed by a roll call vote: Yes (E. McHugh, O. Lathrop, M. Giguere, B. Easom, J. Smigelski, P. Morrison, L. Hurley).

Approve Meeting Minutes

Upon a motion by E. McHugh, seconded by B. Easom, it was:
VOTED to accept and release the minutes for April 14, 2020 as revised.
The motion passed by a roll call vote: Yes (E. McHugh, O. Lathrop, M. Giguere, B. Easom, P. Morrison, L. Hurley); Abstain (J. Smigelski).

Upon a motion by E. McHugh, seconded by P. Morrison, it was:
VOTED to accept and release the minutes for April 28, 2020 as revised.
The motion passed by a roll call vote: Yes (E. McHugh, O. Lathrop, M. Giguere, B. Easom, P. Morrison, L. Hurley); Abstain (J. Smigelski).

Invoices

Open Session for topics not reasonably anticipated 48 hours in advance of meeting

None.

8:38 PM – Adjournment

Upon a motion by E. McHugh, seconded by P. Morrison, it was:
VOTED to adjourn the public meeting.
The motion passed by a roll call vote: (yes: E. McHugh, M. Giguere, O. Lathrop, B. Easom, P. Morrison, J. Smigelski, L. Hurley)

Minutes Approved: June 10, 2020