



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, July 28, 2020 @ 6:30 p.m.
Virtual Meeting

BROADCAST ON ZOOM AND THE GROTON CHANNEL
PURSUANT TO GOVERNOR'S EXECUTIVE ORDER
CONCERNING THE OPEN MEETING LAW
WEBINAR ID: 854-4438-3255)

Present: Larry Hurley, Chair; Bruce Easom, Vice-Chair; Alison Hamilton, Clerk; Peter Morrison, Eileen McHugh, John Smigelski, Olin Lathrop

Others present: Nikolis Gualco, Conservation Administrator

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

APPOINTMENTS AND HEARINGS*

6:30PM – ANRAD, 0 Longley (Parcel 226-02), MassDEP#169-not yet assigned.

Applicants: Greg Hockmuth (Wetlands Consultant, Williams & Sprages); Larry Smith, Charlie Wear, Jill Nann

G. Hockmuth began by reporting on the recent site walk the Commission took to the site (on Saturday, July 25). He stated that the revisions (e.g., relocating of flags, adding of new flags, re-flagging of specific areas) to the wetland line that were made during the site walk have been implemented and surveyed on a revised plan. G. Hockmuth then summarized the evidence confirming that the stream on-site is intermittent. To do so, he referenced the lack of the streams inclusion on the most recent U.S.G.S. map as well as Stream Stats data, which show that that total drainage area for the site was approx. 0.18 square miles. He did note that further down stream the stream become perennial and he requested that the Commission include the finding that the stream is intermittent. Finally, as there was no DEP case number, G. Hockmuth expressed a willingness to continue the meeting until August 11th.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:

VOTED to continue the public hearing to August 11, 2020 to allow MassDEP time to issue a file number and for time for the Commission to review the revised set of plans.

The motion passed by a roll call vote: (YES: B. Easom, P. Morrison, A. Hamilton, E. McHugh, J. Smigelski, O. Lathrop, L. Hurley).

At this time the Commission discussed **GENERAL BUSINESS, Land Management, Shattuck Homestead**. O. Lathrop reported on the recent mowing of the field at Shattuck Homestead, which occurred on July 18. Prior to the field being mowed, 10 volunteers swept the field looking for turtles and other wildlife that may get injured during the mowing. J. Smigelski for the second year in a row mowed the field. A brief discussion ensued about the trees that fell down during the May microburst. Smigelski and Gualco shared their idea to address the trees in November when the seasonal requirements for turtle sweeps expire. Downed wood will be cut up and hauled to another area on-site and dumped (to naturally decompose).

The Commission then reviewed two sets of Meeting Minutes:

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

VOTED to accept and release the minutes for June 17, 2020 as drafted.

The motion passed by a roll call vote: (YES: B. Easom, E. McHugh, J. Smigelski, O. Lathrop, L. Hurley; ABSTAIN: P. Morrison, A. Hamilton).

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:

VOTED to accept and release the minutes for June 10, 2020 as amended.

The motion passed by a roll call vote: (YES: P. Morrison, A. Hamilton, B. Easom, E. McHugh, O. Lathrop, L. Hurley; ABSTAIN: J. Smigelski).

6:45PM – NOI, Brooks Orchard, for the construction of a single-family home, MassDEP#169-not yet assigned.

Applicants: Greg Roy, Stan Dillis, James Laughlin of Ducharme & Dillis Civil Design Group; John Guinea (owner), Keith Wagner (landscape architect).

J. Guinea began the hearing by giving a personal introduction as well as a summary of the property as it is currently laid out. Afterwards, G. Roy gave a detailed presentation on the plans to build a large single family one-story house at the approx. location of the previous farm buildings. He explained that there would be over 40,000 square feet of disturbance, which requires a stormwater permit. This, he explained, is why the plan has a stormwater basin, which would normally do not see for single-family house projects. The major obstacle was presented as the location of the proposed development to the small farm pond. This artificial pond was used back when the orchard was in operation. He cited that the apples and the trucks would routinely be washed out in the area and that the sediment at the bottom of the pond may be contaminated. A PVC pipe feeds the pond and another one drains it. Below the farm pond is a much larger wetland resource area. The proposed structure has a portion of the house within the 100 foot buffer zone (farm pond) and a significant amount of grading and apportion of the driveway within the 50-foot buffer zone (farm pond). The applicant states the the entire site is previously disturbed and provided a drawing showing the approx. location of the old farm buildings, foundations, roads, etc. The plan calls for the farm pond to be augmented by being incorporated into a proposed stormwater drainage system. This, the applicant agreed, would ensure that the pond remains wet during drier times of the year. Finally, the plans calls for improving the existing driveway and widening it to accommodate the burying of utility lines.

E. McHugh asked the applicant to clarify 1) the total proposed work within the 100 foot buffer zone; 2) the plans for the driveway improvement; 3) why the end of the driveway was proposed to be paved; 4) and requested a cross section of the forebay.

G. Roy responded to McHugh's first point by showing a color plan that shades all the areas within the 100-foot buffer zone. He walked the Commission through beginning at where the driveway first enters the buffer and ending with the proposed house. McHugh asked if the grade of the road would change to which Roy replied 'No' though it would be leveled to smooth it out. McHugh stated that she wants to see a restoration plan for the driveway corridor that is proposed to be widened (for utilities).

O. Lathrop asked if the elevation of the farm pond water would change to which G. Roy responded 'No.' Lathrop -then commented that he thinks widening the road another 20 feet is excessive and also wants to see a restoration plan fo the disturbed edges. Lathrop then stated that since the previous strucutres were torn down be believes they are no longer relevant when proposing new development within the buffer zone. G. Roy commented that the site is really tight even though it has a large number of acres due to the topography.

B. Easom recused him self as he is an abutter to this property.

At this time, L. Hurley opened the discussion up to the general public.

Be. Easom (as an abutter) commented that he is sensitive to the request the Commission has received to permit permanant structures within the 100-foot buffer zone. He stated that he understands if the Commission chooses to grant lienency to the bylaw when the lot dictates it (he gave Lost Lake as an example), but stated that he is not convinced that this request qualifies as "needing" relief of the bylaw. He concluded by stating that if the Commission allows for construction within the buffer then it should also be serious about requiring mitigation and compensation.

L. Hurley asked if there was any possibility of restoring public access to a portion of the property to which J. Guinea gave several reasons (liability, privacy, etc.) why that was not currently an option. A discussion about this ensued for several minutes.

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

VOTED to continue the public hearing to August 11, 2020.

**(YES: A. Hamilton, E. McHugh, J. Smigelski, O. Lathrop, L. Hurley, P. Morrison;
ABSTAIN: B. Easom).**

7:00PM – RDA (cont.), 28 Redskin Trail, for the removal of approx. 34 trees (C. Bryne).

Applicant: Chuck Bryne

C. Bryne provided a sketch of the approx. location of the house he plans to build. The plan included enlarging of the house that was permitted in 2007 and moves its location further from the lake. The trees he proposed for removal were also added to the sketch. The Commission discussed the sketch for several minutes while C. Bryne shared his vision for the property.

E. McHugh then commented that she believes the new sketch/plan is still inadequate.

Upon a motion by E. McHugh, seconded by O. Lathrop, it was:
VOTED to issue a positive determination.

As the whole Commission did not get a chance fully discuss the proposal a discussion about the motion then ensued.

J. Smigelski commented that he also believes that the plans are insufficient.

O. Lathrop echoed this and said he believes NOI is best option.

B. Easom stated that he resented the notion that because there was a previous meeting discussion and that the Commission has a busy agenda tonight that this particular hearing should be rushed through. He continued by stating this is unfair to the applicant and commented that he is not opposed to the proposal.

E. McHugh commented that she was sorry for rushing the hearing but believes that too much of the proposal is tied to a proposed development that the Commission does not have plans for and has not approved to permit almost clear cutting the entire lot.

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

7:15PM – RDA, Bertozzi Conservation Area, for the installation of an interpretative model (M. Berg).

Application: Matty Berg

M. Berg shared his plans for the interpretative model stand, which will consist of a 12” concrete pier sunk 1 foot below the ground and extending up to a height of 3 ½ feet above grade. The celestial body will mounted to a metal plate atop the stand. Finally, Berg commented that the disturbance will be minimal.

E. McHugh expressed concern about the depth of the proposed footing and recommended that it be installed to below frost line so it would not shift and eventually fall over over time. B. Easom echoed these concerns. The Commission then discussed sinking the footing to a depth of 3 ½ to 4 feet below grade and the implication this would have on the weight of the concrete footing. M. Berg requested permission to utilize a vehicle to bring the footing to the site as he plans on constructing it off-site. The Commission was agreeable with this and just asked that Berg coordinate with N. Gualco.

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was:
VOTED to issue a negative 2 determination of applicability under the conditions that: 1) the bottom of the structure is anchored to below the frost line to avoid shifting overtime and 2) four cubic feet of flood storage is compensated for by the applicant somewhere on the property in coordination with the Conservation Administrator.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

7:25PM – RDA, 255 Old Ayer Road, for the installation of a gas line (Boston Gas Company).

Applicant: Andrea Kendall (on behalf of National Grid)

A. Kendall presented a plan to extend gas service from Old Ayer Road to the single-family house at 255 Old Ayer Road. The line would parallel the driveway and would cross over James Brook. The line is within the buffer zone as well as Riverfront. All disturbances associated with the 1 ½' wide X 3' deep trench would be temporary and the site would be restored to pre-existing conditions following installation. The work is planned for late summer/early fall and is expected to take approx. 1 week.

O. Lathrop commented that while he appreciated the applicants effort to route the gas line around the maple tree on the edge of the driveway he expressed that it would be 'OK' if they wanted to remove the tree as it was an invasive Norway Maple/ E. McHugh agreed with Lathrop's comment and the applicant said they would appreciate the option but would want to check with their client first before changing the plan.

L. Hurley stated that he wants the excavated dirt from the trench to either be stored in a truck or placed on the pavement (driveway) so that it would not run into the wetlands/buffer.

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

VOTED: to issue a negative 2 determination of applicability under the conditions that: 1) the applicant may choose to remove the Norway Maple along the driveway and run the gas line straight through and 2) any dirt not immediately removed be stored on pavement (driveway) or in a truck.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

7:35PM – NOI (cont.), 111 Wintergreen Lane, for the installation of a swimming pool and pool area landscaping, MassDEP#169-1205.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

Permitting Related Business

Order of Conditions: 67 Gay Road, MassDEP#169-1204

Upon a motion by P. Morrison, seconded by B. Easom, it was:

VOTED to issue the Order of Conditions for 67 Gay Road (MassDEP#169-1204) under the Massachusetts Wetlands Protection Act as drafted.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

Upon a motion by P. Morrison, seconded by B. Easom, it was:

VOTED to issue the Oder of Conditions for 67 Gay Road (MassDEP#169-1204) under the Groton Wetlands Protection Bylaw (Chapter 215) as ammended.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

Order of Conditions: 111 Wintergreen, MassDEP#169-1205

Upon a motion by P. Morrison, seconed by B. Easom, it was:

VOTED to issue the Oder of Conditions for 111 Wintergreen Lane (MassDEP#169-1205) under the Massachusetts Wetlands Protection Act as drafted.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

Upon a motion by P. Morrison, seconed by B. Easom, it was:

VOTED to issue the Oder of Conditions for 111 Wintergreen Lane (MassDEP#169-1205) under the Groton Wetlands Protection Bylaw (Chapter 215) as drafted.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

Ratify Emergency Certification for 486 Old Dunstable Road

Upon a motion by O. Lathrop, seconed by A. Hamilton, it was:

VOTED to ratify the Emergency Certificate for 486 Old Dunstable Road.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

Certificate of Compliance, 268 Lowell Road, MassDEP#169-0762

Upon a motion by O. Lathrop, seconed by B. Easom, it was:

VOTED to issue a Certificate of Compliance for 268 Lowell Road (MassDEP#169-762).

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

Certificate of Compliance, Massapoag Pond, MassDEP#169-1045

Upon a motion by E. McHugh, seconed by B. Easom, it was:

VOTED to issue a Certificate of Compliance for Massapoag Pond (MassDEP#169-1045).

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

Certificate of Compliance, 292 Main Street, MassDEP#169-963

Upon a motion by P. Morrison, seconed by E. McHugh, it was:

VOTED to issue a Certificate of Compliance for 292 Main Street (MassDEP#169-963).

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

On-going Business/Other Discussions

Discussion on Gibbet Hill Trail Bridge, MassDEP#169-1194

B. Easom explained that while the Order of Condition does not specifically require the construction work on the trail bridge to occur during the winter time, he represented that he would do the work when the ground was frozen. However, last winter the ground barely froze and we experienced several rain storms that made the possibility of work too messy. He continued by stating that the Commonwealth is in a state of drought and that he would like to work on the project as he believes the dry conditions will minimize any disturbance on the wetland or its buffer zone. Finally, he stated that he would like permission to use a tractor mounted auger to dig the footing holes. The Commission discussed these requests and decided they were appropriate and qualified as a minor change to the plan.

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

VOTED to approve the changes described in the email received from B. Easom on July 24, 2020 as minor changes to the site plan for Order of Conditions, MassDEP#169-1194.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

Committee Updates/Announcements

O. Lathrop shared that the Invasive Species Committee completed their treatment off Hayden Road on Japanese Knotweed. So far, he reported, the treatment (which included cutting and dripping glyphosate down the stems) has been effective. He continued by sharing the the treatment the Committee did at Eliades (off Pacer Way) in the previous year has continued to show to be effective. In fact, the treated areas have not regerminated new Phragmites and he reported recently seeing evidence of Cattails recolonizing the foremlly effected area.

B. Easom shared that the Commission's application to the CPC is on schedule to be voted on at the Town's Fall Town Meeting.

Invoices

Upon a motion by B. Easom, seconded by O. Lathrop, it was:

VOTED to approve the invoice from Brooks & DeRensis (Town Counsel) in the amount of \$1,306.00.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

Upon a motion by B. Easom, seconded by O. Lathrop, it was:

VOTED to approve the invoice from the Groton Herald (legal notices) in the amount of \$60.50.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

Upon a motion by B. Easom, seconded by O. Lathrop, it was:

VOTED to approve the invoice from MACC (annual membership dues) in the amount of \$771.00.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

After all the invoices were approved, E. McHugh request N. Gualco prepare a FY20 and FY21 budget summary for the next meeting

Adjournment

Upon a motion by E. McHugh, seconded by B. Easom, it was:

VOTED to adjourn the meeting at 9:10PM.

The motion passed by a roll call vote: (YES: E. McHugh, B. Easom, O. Lathrop, J. Smigelski, P. Morrison, A. Hamilton, L. Hurley).

Minutes Approved: August 11, 2020