



**TOWN OF GROTON**  
Conservation Commission  
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**Groton Conservation Commission**  
**Meeting Minutes**  
Tuesday, August 11, 2020 @ 6:30 p.m.

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

**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

**1. APPOINTMENTS AND HEARINGS**

**1.1. 6:30PM – RDA, 486 Old Dunstable Road, for the removal and replanting of trees (N. Pelliter).**

Applicant: Nicole Pelliter

N. Pelliter shared the proposal to remove several trees that were either damaged by the May microburst, were revealed to be dangerous by a tree company, or were already dead. The dead trees included a mix of ash and white pines where the white pines had been snapped in half leaving only tall snags. Coupled with the plan to remove these trees is a plan to replant trees around the property.

A. Hammilton asked how many trees she was planning to remove to which Pelliter replied '17.'

E. McHugh stated that she is supportive of the plan and suggested that Pellitier consider red maples closer to the brook as these trees would do well in the wetter conditions.

B. Easom stated that he is 'OK' with the tree removal as long as the planting plan becomes a required part of the Determination.

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

VOTED to issue a Negative 2 Determination of Applicability under the condition that the planting plan included with the RDA shall be implemented  
**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, B. Easom, P. Morrison, A. Hamilton, J. Smigelski, L. Hurley)**

**1.2. 6:40PM – NOI, 340 Longley Road, for the construction of a stormwater basin, MassDEP#169-not yet assigned.**

Representatives: Kevin Mark & Dan Wolfe (of David E. Ross Associates)

K. Mark presented the project, which includes the subdivision of a 10.17 acre lot with an existing single-family house and driveway into three lots, each with a separate house served by a common driveway. The souther portion of the lot contains a wet meadow, which was delineated by David E. Ross Associates in late 2019. To deal with runoff associated by the common driveway a swale and detention basin are proposed. The basin and it's associated grading are proposed within the wetlands buffer zone. Additionally, three buildings are proposed for demolition (two of which are within the buffer zone: a chicken coop and a barn). K. Mark concluded by mentioning that while there is a small isolated wetland on the plan, it was re-surveyed recenety (and paperwork was submitted to N. Gualco documenting the survey) and determined to not be a wetland under both the Wetlands Protection Act and the Groton Wetlands Bylaw.

E. McHugh commented that the Earth Removal and Stormwater Advisory Committee reviewed this application and has sent it out for peer review. McHugh then stated that Stormwater had additional questions about the Operation Management Plan specifically who is responsible for its implementation. K. Mark commented that Tri Real Estate will updatet the OMP and will be the responsible party until a homeowners association is formed and takes over this role. McHugh then stated this it would be her preference to see the area remain as an open wet-meadow after the houses are constructed and asked if there was any support for the idea amongst the board and from the applicant as well.

O. Lathrop commented that he observed Black swallow-wort in the approx. location of the proposed common driveway. This, he continued, is problematic as the disturbance associated with the driveway will likely make the situation worse.

B. Easom commented that a number of the wetland flags were not labeled and he would like this addressed so that the board can verify their locations. He then continued by asking why the isolated wetland (that the Commision is now being told in non-jurisdictional) is on the plan. K. Mark replied that the area was marked to be conservative, however, when the David E. Ross wetland scientist re-evaluated ahead of the meeting he determined that it does not posses any of the three criteria for qualifying as a wetland. Easom then asked Gualco if he saw the area and if he agreed that it contained less than 50% wetland vegetation, to which Gualco stated that this was his recollection.

L. Hurley read a chat comment received from Jeannie Curley (of 314 Longley Road) who stated she was concerned about water coming on to her property due to the proposed evelopment. Mark replied by discussing the drainage calcuations, which showed that with the proposed mitigation the water runoff would be less then current conditions.

E. McHugh recommend that the Commission continue the hearing to the next meeting date which gives the applicant time to update the OMP and to come up with a vision for the open wet-meadow. The applicant agreed to continue.

Upon a motion by B. Easom, seconded by A. Hamilton, it was:  
VOTED to continue the public hearing to August 25, 2020.

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

### **1.3. 6:55PM – Discussion, Enforcement Order, 272 Lowell Road.**

Representative: Atty. Robert Collins (representing Paul Fitzgerald)

Collins began by explaining P. Fitzgerald's efforts since receiving the Enforcement Order for dumping of slash/landscaping debris directly next to the wetland near Lowell and Gay Roads. Fitzgerald removed the materials he dumped as well as the materials that had been dumped in this location for years by the former owner. Collins explained that the area was graded after the materials were removed, seeded, and a row of straw wattles were installed to protect the wetland from any runoff.

E. McHugh asked if there were previous filings for this property to which Gualco replied that he was unsure, but did comment that this was the original house (before the property was subdivided) and that the field has been maintained in the same way for a very long time. Collins confirmed Gualco's assessment. McHugh then commented that she is interested to know if Fitzgerald would consider reducing the size of the mowed area to create more of a buffer between the lawn/field and the wetland edge. Collins stated that he would ask his client and provide a proposal to the Commission for any changes in land use.

B. Easom reviewed past Google Earth images and confirmed that the field has been maintained back as far as at least the 1990's. He did comment that it appears as if the wetlands have expanded since this time, however. Collins commented that this was caused by beaver activity in the vicinity as well as occasional backups of the Lowell Road culvert. Easom commented that he believed that this was a good time to revisit the mowing of the property. Collins reiterated that he will check with his client and get back to the Commission at their next meeting.

#### **1.4. 7:05PM – Discussion (cont.), Hayes Woods open space donation.**

Representatives: Atty. Robert Collins; Stan Dillis (of Ducharme & Dillis Civil Design Group)

Collins showed a revised plan to the Commission that changed the number of access points off Maple Ave. from two to one. He told the Commission that they would receive an easement to access the property utilizing the existing logging road off Pepperell Road. This easement would allow for vehicular access to the property for logging or other matters of land management. The current configuration has approx. 2/3's of the entire parcel being permanently conserved.

O. Lathrop asked about the possibility of the Commission having the opportunity to purchase additional land (house lots) to add to the conservation land. Collins expressed some reservation about this idea, however, he stated that he would approach the developer and get back to the Commission.

Deb Collum, an abutter, asked questions about the status of the NHESP review and the protection of the vernal pools. Collum stated she was also interested in O. Lathrop's idea of trying to purchase more land and suggested her and her fellow residents may be willing to contribute financially.

S. Dillis, when asked what the current permitting status was of the project, stated that he is about ready to submit an ANRAD to the Commission.

#### **1.5. 7:20PM – ANRAD (cont.), 0 Longley (Parcel 226-02), MassDEP#169-1206.**

Applicant: Greg Hochmuth, Meridian Associates

G. Hochmuth shared comments he received from MassDEP regarding a perennial stream shown on the USGS map across Sand Hill Road that may have Riverfront implications on a portion of the parcel the ANRAD was submitted for. To this point, he reported that he and his survey team have flagged the BVW and the stream across Sand Hill Road and have added these to the revised plan. He reported that while it is his professional

opinion that the stream is intermittent he admitted that they would not have the opportunity to prove this as the State is in a state of drought. Finally, Hochmuth reported that he and Gualco walked the site on Monday.

At this time a discussion ensued about whether the Commission would inspect the new flagging and it was decided that it would. The majority of the flagging is located on the Longley Estates Conservation Parcel.

Upon a motion by B. Easom, seconded by J. Smigelski, it was:

VOTED to continue the public hearing to August 25, 2020 to allow the Commission time to review the newly flagged BVW and stream channel.

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

**1.6. 7:30PM – NOI (cont.), Brooks Orchard, for the construction of a single-family home, MassDEP#169-1207.**

Representative: Stan Dillis (of Ducharme & Dillis Civil Design Group)

Prior to any discussion, B. Easom recused himself as he is a direct abutter.

S. Dillis provided the Commission with a new site plan that showed more clearly the proposed development around the farm pond as well as the existing structures in the area (e.g., concrete loading pad, building foundation). He continued to discuss the location of the water utility lines/easement as well as the other confinements (APR boundary and topography) that dictate where the house would be best sited. Dillis then read from a letter addressed to the Commission, which highlighted the following five proposed mitigations:

1. The property has an existing APR which covers 113 Acres, 59% of the property.
2. The proposed development area is about 2.2 Acres this is approximately 1.1% of the total lot area.
3. The proposed development impact the buffer zones of the exiting farm pond only. There is currently 800 S.F. of impervious area in the 50' wetland buffer and 3000 S.F. in the 100' wetland buffer. The proposed development has 0 S.F. of impervious in the 50' wetland buffer and 3,500 S.F. of impervious in the 100' wetland buffer. There will be a retaining wall at the 50' wetland buffer that will eliminate any future encroachments in the buffer zone.
4. The applicant desires to remove 10-12 trees along the driveway. These trees are either diseased, damaged, or dangerous. The stumps will be left in place and ground if necessary. This will be offset by the planting of 24 new trees in various locations on the site.
5. There is a +/- 3 acres triangular piece of the property on the east side that was excluded from the APR land. The applicant is offering to permanently restrict this and afford it the same protections as the adjacent APR land.

O. Lathrop sought clarification on the following points:

1. The pavers on the proposed patio are to be of an impervious design;
2. The footprint of the driveway would remain the same with the exception of the addition of a two-foot wide shoulder on either side;

3. The 3 acre portion (item #5 in the letter listed above) of the property that a conservation easement is being proposed will remain with the property in perpetuity.

S. Dillis confirmed and agreed with each of these points.

At this time Chairman Hurley moved to public comment and B. Easom (as an abutter) expressed his approval of the proposed changes to the plan as well as the proposed mitigations especially the offering of a 3-acre conservation easement.

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was:

VOTED to close the public hearing for MassDEP#169-1207.

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

### **1.7. 7:45PM – Discussion (cont.), Enforcement Order, 210 Indian Hill Road.**

Gualco read an email to the Commission he received from Attorney Bovenzi (representative of 210 Indian Hill Road) stating that they are continuing to work with the Conservation Trust on this matter and that they would like to provide an update to the Commission at their next meeting on August 25, 2020.

#### 2.1. On-going Business/Other Discussions

##### 2.1.1. Accept “Village Meadows” open space donation (formerly part of 372 Townsend Road)

Gualco shared a deed for at 24+/- acre parcel to be gifted to the Town as part of a flexible development at 372 Townsend Road. He then explained that Stan Dillis (representative for the project) asked that this item be pushed off until the next meeting as he would like time to discuss whether the State was going to require a Conservation Restriction on it and who would be the best party to own the in-fee/CR. A discussion ensued about this and ultimately the Commission agreed to move the discussion to the next meeting on August 25<sup>th</sup>, 2020.

##### 2.1.2. Review FY 20 and FY 21 budget and accounting

Gualco shared reports and answered questions about expenses and the budget for FY20 and FY21.

#### 2.2. Land Management

The Commission discussed the Shattuck Homestead. Gualco reported that the time to contract with Bay State for the application of herbicide on the field has come and he requested the Commission authorize him to enter into an agreement with Bay State up to an amount certain.

Upon a motion by J. Smigelski, seconded by O. Lathrop, it was:

VOTED to authorize the Conservation Administrator to contract with Bay State Forestry for the application of herbicide at Shattuck Homestead for an amount not to exceed \$2,200.

A discussion ensued about the motion, which resulted in Smigelski withdrawing his motion.

Upon a motion by B. Easom, seconded by O. Lathrop, it was:  
VOTED to authorize the Conservation Administrator to contract with Bay State Forestry for the application of herbicide at Shattuch Homestead not to exceed \$3,000.

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

2.3. Permitting Related Business

None.

2.4. Committee Updates/Announcements

None.

2.5. Approve Meeting Minutes

Upon a motion by P. Morrison, seconded by E. McHugh, it was  
VOTED: to approve the meeting minutes for July 28, 2020 as amended.

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

2.6. Invoices

Upon a motion by B. Easom, seconded by P. Morrison, it was:  
VOTED: to approve and pay the invoice from the Groton Herald in the amount of \$123.75.

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

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
VOTED: to approve and pay the invoice from the Lowell Sun in the amount of \$322.74.  
**The motion passed by a roll call vote (YES: E. McHugh, O. Lathrop, B. Easom, P. Morrison, A. Hamilton, J. Smigelski, L. Hurley)**

3. **Open Session for topics not reasonably anticipated 48 hours in advance of meeting\***

None

4. **Adjournment**

Upon a motion by E. McHugh, seconded by J. Smigelski, it was:  
VOTED: to adjourn the public meeting at 9:11 p.m.

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