



TOWN OF GROTON
Conservation Commission
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Groton Conservation Commission
Meeting Minutes
Tuesday, August 25, 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
<https://us02web.zoom.us/j/83251277848>
WEBINAR ID: (832 5127 7848)

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. 6:30 PM – RDA, 116 Shelter Road, for the removal of a tree)

Applicant: Paul Markham, Homeowner

P. Markham presented a proposal to remove one oak tree that recently had a large limb fall across his driveway and poses a hazard to the close by detached garage. Markham discussed a neighboring tree that may also pose a risk and the need to trim other trees limbs.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:
VOTED to issue a Negative 3 Determination of Applicability so long as all work conforms to that described in the RDA.

The motion passed by a roll call vote: (Yes – OL, EM, LH, BE, AH, PM, JS).

1.2. 6:40 PM – RDA, 450 Old Dunstable Road, for the removal of trees damaged by the microburst

Applicant: Bill Rainsford, Homeowner

B. Rainsford provided an update on the plan to remove several trees that had fallen down during the May 2020 microburst. The update included the addition of several photos and a map sketch that identified specifically which trees were proposed for removal. The new plan also included a plan for replanting, which included 12 maples, 12 oaks, 12 hemlock. All stumps will remain on-site.

The Commission discussed the details of the plans for several minutes, including the use of a crane to remove the large fallen tree trunks.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:
VOTED to issue a Negative 2 Determination of Applicability under the conditions that 1) all trees are removed according to the plan described in the RDA and 2) the re-planting plan included in the RDA is implemented.

The motion passed by a roll call vote: (Yes – OL, EM, LH, BE, AH, PM, JS).

1.3. 6:50 PM – RDA, “0” Longley Road (Parcel 226-02), for crossing a stream to conduct soil testing

Applicant: Charlie Wear, Meridian Associates

C. Wear explained the project, which involves permission to cross an intermittent stream with an excavator to access upland for the purpose of soil testing. Wear explained that while the plan calls for the crossing between wetland flags “B122” and “B121” after the recent site walk, he would propose a change to between “B120” and “B121”. Rubber mats would be installed to minimize disturbance to the resource area. Also, a fallen log would be cut using a chainsaw to allow passage.

Upon a motion by O. Lathrop, seconded by B. Easom, it was:
VOTED to issue a Negative 2 Determination of Applicability under the condition that all work occurs as described in the plan. Furthermore, the Commission granted additional approval to cut a fallen log in the buffer zone to allow for passage.

The motion passed by a roll call vote: (Yes – OL, EM, LH, BE, AH, PM, JS).

1.4. 7:00 PM – ANRAD (cont.), “0” Longley (Parcel 226-02), MassDEP#169-1206

Applicant: Greg Hochmuth, Williams & Sparges

G. Hochmuth provided an updated resource area plan, which shows the perennial stream across Sand Hill Road, it’s associated Riverfront as well as the bordering vegetated wetland. All new flags were confirmed on the August 22, 2020 site walk by members of the Commission.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
VOTED to close the public hearing for MassDEP#169-1206.

The motion passed by a roll call vote: (Yes – OL, EM, LH, BE, AH, PM, JS).

1.5. 7:10 PM – NOI (cont.), 340 Longley Road, for the construction of a stormwater basin, MassDEP#169-1208

Applicant: Corey Brock; Representative: Kevin Mark, David E. Ross Associates
Representative: Attorney Bob Collins

B. Collins provided a drafted operation and maintenance plan which is for the driveway, drainage basin, and for maintaining the wetland resource area as an open meadow. The O&M will be included recorded at the Registry of Deeds.

N. Gualco reported that he verified the wetland flags were re-labeled prior to this hearing.

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

VOTED to close the public hearing for MassDEP#169-1208.

The motion passed by a roll call vote: (Yes – OL, EM, LH, BE, AH, PM, JS).

**1.6. 7:25 PM – Discussion, Minor Change Request, 25 Whitney Pond Road,
MassDEP#169-1157.**

Applicant: Julie Acoin, Homeowner

J. Acoin shared a new plan that addresses the issues associated with the drywell that was improperly installed by the former contractor. The new plan calls for the cutting off the top of the basin and the addition of a subsurface infiltration chamber, which will compensate for the loss in storage volume of cutting the drywell.

O. Lathrop asked a question about the maintenance of the infiltration basin by the road. J. Acoin stated that the parcel that the basin is constructed on is still owned by the former house owner (Brian Kroll). The Commission asked Gualco to invite B Kroll to the next meeting to discuss maintenance needs for the basin.

J. Bozek (23 Whitney Pond Road) asked a question about the location of the infiltration chamber, to which Ian Rubin (the plan's designer) stated that the current contractor requested this location due to the existence of an underground water line.

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

VOTED that the submitted changes to the site plan meet the definition of a minor change.

The motion passed by a roll call vote: (Yes – OL, EM, LH, BE, AH, PM, JS).

1.7. 7:35 PM – Discussion (cont.), Enforcement Order, 272 Lowell Road.

Representative: Atty. Bob Collins (on behalf of Paul Fitzgerald)

B. Collins reported that on the recent site walk the Commission had observed deep rutting immediately next to the wetland, which was caused by a tractor maintaining the field. The homeowner proposes to address this problem by installing boulders to keep the tractor out of this wet area. B. Easom commented that he would prefer conservation markers (posts with medallions) installed as boulders can too easily be relocated.

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

VOTED to ratify the Enforcement Order issued by N. Gualco with an amendment requiring that a minimum of four cedar posts with conservation markers be installed as noted on the plan.

The motion passed by a roll call vote: (Yes – OL, EM, LH, BE, AH, PM, JS).

1.8. 7:45 PM – Discussion (cont.), Hayes Woods open space donation.

Representative: Atty. Bob Collins

B. Collins reported that he has met with the Planning Board at their recent meeting and has heard several concerns from abutters. Based on these comments, Collins reported that the plans are being revised and he plans to submit new plans to the Planning Board on September 10, 2020. He therefore requested that the discussion on the Hayes Woods open space donation be postponed until after the Planning Board meeting, which would be at the earliest the second meeting on September.

Lisa Theall (197 Maple Ave.) asked where the proposal stands with the Division of Fisheries and Wildlife. Collins replied that they have had several meetings/discussions with the Division, but these have only been preliminary. Once a final plan is finalized with the Planning Board, he will submit this to the Planning Division for approval.

Tim Mahan (242 Maple Ave.) clarified that the developer would come back to the Commission once there were a revised set of plans to review. Collins concurred.

Deb Collum (137 Maple Ave.) asked if the Commission would need to approve a permit for the development and referenced the vernal pools closest to Maple Ave. Gualco explained that if the developer keeps all development (construction, vegetation clearing, grading, etc.) outside of the buffer zone then *no* they would not need to.

O. Lathrop reiterated the need for meaningful access to the property for both pedestrians as well as vehicles for future Commission land management activities.

1.9. 7:50 PM – Discussion (cont.), Enforcement Order, 210 Indian Hill Road.

Representatives: Atty. Tom Bovenzi (on behalf of Steve Boucher, 210 Indian Hill Road) & Atty. Buzz Collins (on behalf of the Groton Conservation Trust)

T. Bovenzi provided an update on where the negotiations were between the homeowner and the Groton Conservation Trust. He also stated that no further work has been done since the last public hearing. He then reiterated his client's desire to work on the matter of the Conservation Restriction with the Trust before approaching the Commission as the two matters are interconnected.

The Commission discussed whether it wanted to issue fines, but decided not to at this time.

It was finally decided to continue the discussion until September 22, 2020 to give the homeowner more time to provide a restoration plan.

2.1. On-going Business/Other Discussions

2.1.1.- Discuss and accept “Village Meadows” open space donation (formerly part of 372 Townsend Road)

Representative: Stan Dillis, Ducharme & Dillis Civil Design Group

S. Dillis shared that the Division of Fisheries and Wildlife have clarified that if the Town (thru the Commission) takes control of the property they will *not* require a conservation restriction be added. However, there will be a requirement to create and maintain a turtle nesting area. The creation of the nesting area will be the responsible of the developer who will also establish a \$9,000 escrow account (the amount designated by DFW) for future maintenance.

The Commission discussed its capacity to monitor and maintain the turtle nesting area for Representative several minutes.

Upon a motion by P. Morrison, seconded by B. Easom, it was:
VOTED to accept the open space donation (Village Meadows) formerly of 372 Townsend Road.

The motion passed by a roll call vote: (Yes – OL, EM, LH, BE, AH, PM, JS).

2.2. Land Management

O. Lathrop reported that the *Invasive Species Committee* is working to get volunteers to pick the black swallow-wort seed pods at Shattuck Homestead that were not mowed (under the fallen trees).

O. Lathrop also shared photos of a 55-gallon steel drum partially submerged in Duck Pond. The Commission discussed plans to remove the drum.

E. McHugh requested that the topic of Land Management meetings be added to the September 8, 2020 agenda.

2.3. Permitting Related Business

2.3.1. COC, 6 Labbe Road, MassDEP#169-1198.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
VOTED to issue a Certificate of Compliance for 6 Labbe Road (MassDEP#169-1198).
The motion passed by a roll call vote: (Yes – OL, EM, LH, BE, AH, PM, JS).

2.3.2. OOC, “Brooks Orchard”, MassDEP#169-1207

B. Easom recused himself from the vote.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
VOTED to issue an Order of Conditions under the MA Wetlands Protection Act for
MassDEP#169-1207 (Groton Assessor's Parcel 232-30) as drafted.

The motion passed by a roll call vote: (Yes – OL, EM, LH, AH, PM, JS).

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
VOTED to issue an Order of Conditions under the Groton Wetlands Protection
Bylaw for MassDEP#169-1207 (Groton Assessor's Parcel 232-30) as amended (strike
conditions #7, 12, and 14).

The motion passed by a roll call vote: (Yes – OL, EM, LH, AH, PM, JS).

2.3.3. ORAD, "0" Longley Road, MassDEP#169-1206

Upon a motion by P. Morrison, seconded by B. Easom, it was:
VOTED to issue an Order of Resource Area Delineation for MassDEP#169-1206
as amended (change of the revisional date on the plan from August 8, 2020 to
August 25, 2020).

The motion passed by a roll call vote: (Yes – OL, EM, LH, BE, AH, PM, JS).

2.4. Committee Updates/Announcements

None.

2.5. Approve Meeting Minutes

Upon a motion by P. Morrison, seconded by B. Easom, it was:
VOTED to approve and release the minutes for August 11, 2020 as amended.

The motion passed by a roll call vote: (Yes – OL, EM, LH, BE, AH, PM, JS).

2.6. Invoices

Upon a motion by B. Easom, seconded by P. Morrison, it was:
VOTED to approve and pay an invoice from Town Counsel for \$855 for charges associated
with due diligence on the upcoming Village Meadow land acquisition (flexible development
open space donation).

The motion passed by a roll call vote: (Yes – OL, EM, LH, BE, AH, PM, JS).

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.

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

Minutes Approved: November 10, 2020