



**TOWN OF GROTON**  
**Conservation Commission**  
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**Groton Conservation Commission**  
**Meeting Minutes**

Tuesday, September 8, 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/87583649711>  
WEBINAR ID: 875 8364 9711

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

**Others Present:** Nikolis Gualco, Conservation Administrator

**1. APPOINTMENTS AND HEARINGS\***

1.1. 6:30 PM – RDA, 136 Hollis Street, for the restoration of a hay field.  
Applicant: Mary (a.k.a. Betty) and Lisa Irelan; Representative: Sue and Bennett Black

L. Irelan began the meeting by explaining the project which primarily focuses on the removal of invasive and dead vegetation along an over-grown hedgerow along the edge of an old hay field. These efforts are part of a broader plan to restore the hay field, however, most of the hayfield is outside of the jurisdiction of the Conservation Commission. Three points supporting the proposed project were presented to the Commission, including: 1) the area of interest may not have been originally wet but may be a byproduct of a failed drainage system; 2) if the invasive vegetation is not controlled it will continue to spread; 3) by allowing the the hayfield to be restored, annual mowing will be able to stay on top of the invasive vegetation with limited expense or impact to the environment. Finally, in response to questions received during the September 5, 2020 site walk, Sue Black provided a photograph of what the wet area may look like once it had been restored.

E. McHugh recommended the idea of utilizing a brushhog to clear out with a “lighter touch” to investigate which vegetation is salvageable. She continued by stating that she was not convinced that the area hasn’t been shrub habitat for a very long time.

B. Easom stated that he agrees with the intent of the project, but believes the process is ill-defined. He continued by stating that he is concerned that the site may end up in a condition that the Commission may not be happy with. He agreed with McHugh’s idea of utilizing a brushhog to further discover the state of the over-grown hedgerow.

J. Smigelski asked if there was a fence in the brush row to which B. Irelan replied 'yes.' He then said that to him this was evidence that the fields were originally cleared to the fence row as this is a common agricultural practice. Smigelski then asked what type of soil was on site. B. Black replied that it was mostly a shale mix. Smigelski concluded by asking what the plans were for re-vegetation, to which B. Black replied that a seed mix would be planted post-restoration.

B. Easom commented that he would like to see a drawing with the trees to be left and to have these trees flagged in the field. The Commission discussed the need for further information and ultimately opted to vote on the plan in front of them.

Upon a motion by J. Smigelski, seconded by E. McHugh, it was:  
VOTED to issue a Negative Determination of Applicability under the condition that no work would occur without the Commission receiving a map with the location of the trees to be saved. **The motion failed by roll call vote: (Yes - E. McHugh, J. Smigelski; No - O. Lathrop, B. Easom, P. Morrison, A. Hamilton, L. Hurley).**

Upon a motion by A. Hamilton, seconded by B. Easom, it was:  
VOTED to continue the public meeting to allow the applicant time to create a map showing the approx. location of the trees to be saved as well as time to flag the trees in the field for a follow-up inspection by the Commission.  
**The motion passed by a roll call vote: (Yes – E. McHugh, O. Lathrop, B. Easom, P. Morrison, J. Smigelski, A. Hamilton, L. Hurley).**

1.2. 6:40 PM – ANRAD, “0” Gratuity Road, MassDEP#169-(not yet assigned).

N. Gualco read a request by the applicant to continue the public hearing to September 22, 2020 to allow for time to the abutters notification.

Upon a motion by B. Easom, seconded by A. Hamilton, it was:  
VOTED to continue the public hearing until September 22, 2020.  
**The motion passed by a roll call vote: (Yes – E. McHugh, O. Lathrop, B. Easom, P. Morrison, J. Smigelski, A. Hamilton, L. Hurley).**

1.3. 6:55 PM – Discuss detention basin and possible Enforcement Order, Whitney Pond Road Parcel 129-55, MassDEP#169-1157.

The discussion began with L. Hurley explaining that at the last meeting the Commission discussed the drainage basin that serves 23 & 25 Whitney Pond Road, which is located on parcel 129-55 and owned by Bryan Krol of Shirley, MA. This discussion was to discuss the current state of the basin as well as whether the Commission needs to issue an Enforcement Order to require maintenance of said basin.

P. Morrison commented that he is concerned with the amount of sand in the basin. B. Krol commented that a lot of sand washes down the hill and it has become apparent over the past

year and a half that this is too much for two people to manage. He stated that he has cleared the basin several times over the past year but it seems to fill up ever 3-4 months.

E. McHugh stated that she now has a better idea of the scale of the maintenance required and agrees that it is unfair for two homeowners to service this on their own. She continued by suggesting that the Commission involve Tom Delaney, Highway Superintendent, on brainstorming how to improve the drainage conditions locally.

O. Lathrop suggested that the owners of 23 & 25 could help with the maintenance. C. Dusek stated that because of past history of issues with their former neighbors as well as legal concerns she and Bryan do not believe this is a feasible option.

J. Bozek (23 Whitney Pond Road) stated that he believes that the Commission should enforce proper maintenance of the basin and stated that he has observed in the past B. Krol improperly clearing the basin.

The Commission discussed these matters for several more minutes and ultimately concluded that N. Gualco should try and set up a meeting between B. Krol, the owners of 23 & 25 Whitney Pond Road and Tom Delaney to discuss option for reducing the load of sand being deposited into the basin.

1.4. 7:30 PM – Discussion, Enforcement Order, 313 Hill Road.  
Homeowner: Kelly Garrett

N. Gualco provided background, which included a phone call from the neighbor originally reporting the unpermitted clearing of vegetation within the buffer zone, a subsequent site inspection with the homeowner, the issuing of an enforcement order (EO), and a recent phone call from Oxbow Associates who have been hired to assist the homeowner with the requirement of the EO.

K. Garrett explained that prior to her purchasing the property, members of the pony club would regularly pull trailers up the driveway to the clearing out back and then ride to the senior club/Town Forest beyond. Garrett explained that she was trying to help a logger who needed a place to park his vehicle and store recently cut logs until he could transport them up to his operation in New Hampshire. She stated that the logger did do some additional clearing around the edge of the clearing.

P. Morrison said he wants to see a map of what was cleared and where the buffer zone extends to. Gualco replied that while the EO requires a survey be produced, he was asked by Oxbow if a GPS map would be sufficient due to the extreme lead time in getting a survey conducted these days. Morrison stated he was fine with a GPS map and this was echoed by other Commissioners.

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

VOTED to ratify the Enforcement Order for 313 Hill Road as written.

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

## 2. GENERAL BUSINESS

### 2.1. Land Management

2.1.1. Discuss resuming Land Stewardship Meetings.

E. McHugh presented the Commission with a copy of the 7-year Action Plan from the Town's 2019 Open Space and Recreation Plan. One of the action items was to create a Stewardship Committee and while the Commission has had one meeting specific to land management McHugh stated she was not satisfied with this. She would like no more than three members of the Commission to join and would like to structure the group as a sub-committee of the Commission.

2.1.2. UPDATES on Shattuck Homestead, Duck Pond clean-up.

O. Lathrop gave updates on Bay State Forestry's recent spraying of Shattuck Homestead. He stated that members of the Invasive Species Committee volunteered and hand-picked the black-swallow wort pods that were growing under the downed spruce trees that fell during the May 2020 microburst. Lathrop continued and announced that Larry Hurley succeeded in removing the 55 gallon barrel from Duck Pond.

### 2.2. Permitting Related Business

2.2.1. COC, 39 Off Prescott Road, MassDEP#169-1171

Upon a motion by B. Easom, seconded by P. Morrison, it was:  
VOTED to issue a Certificate of Compliance for MassDEP#169-1171.

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

2.2.2. OOC, 340 Longley Road, MassDEP#169-1208

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:  
VOTED to issued an Order of Conditions under the MA Wetlands Protection Act with the addition of a condition stating "the applicant shall submit a monthly report to the Conservation Commission during construction where work is within the 100-foot buffer zone."

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

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
VOTED to issue an Order of Conditions under the Groton Wetlands Protection Bylaw.

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

2.2.3. COC, 10 Rustic Trail, MassDEP#169-1191.

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
VOTED to issue a Certificate of Compliance for MassDEP#169-1191.

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

2.3. On-going Business/Other Discussions

None.

2.4. Committee Updates/Announcements

2.4.1. Garden Club tour of conservation lands

Gualco commented that his recent tour of conservation lands with the Groton Garden Club was a success and over 25 people showed up and toured Surrenden Farms and Hazel Grove/Farmers & Mechanics.

2.4.2. Mock Fox Hunt, Surrenden Farm

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:  
VOTED to approve the request to use Surrenden Farm for the annual mock fox hunt under the condition that any signage posted for the vent be removed immediately after the event.

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

2.5. Approve Meeting Minutes

Upon a motion by J. Smigelski, seconded by P. Morrison, it was:  
VOTED to approve the minutes for July 14, 2020 as amended.

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

2.6. Invoices

Upon a motion by O. Lathrop, seconded by B. Easom, it was:  
VOTED to approve and pay an invoice for Bay State Forestry for invasive species treatment at Shattuck Homestead.

**The motion passed by a roll call vote: (Yes – O. Lathrop, B. Easom, P. Morrison, J. Smigelski, L. Hurley).**

Upon a motion by B. Easom, seconded by P. Morrison, it was:  
VOTED to approve and pay an invoice for the Groton Herald the posting of legal notices.  
**The motion passed by a roll call vote: (Yes – O. Lathrop, B. Easom, P. Morrison, J. Smigelski, L. Hurley).**

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

P. Morrison announced that a resident had approached him over the weekend with an interest in removing the wire fencing at Surrenden Farm (town land). The Commission discussed the request.

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
VOTED to grant permission to Chip Detwiller to remove field fencing along Shirley Road contingent upon approval by the Town's Procurement Officer.  
**The motion passed by a roll call vote: (Yes – O. Lathrop, B. Easom, P. Morrison, J. Smigelski, L. Hurley).**

**4. Adjournment**

Upon a motion by B. Easom, seconded by P. Morrison, it was:  
VOTED to adjourn the public meeting at 8:53 P.M.  
**The motion passed by a roll call vote: (Yes – O. Lathrop, B. Easom, P. Morrison, J. Smigelski, L. Hurley).**

**Minutes Approved: October 27, 2020**