



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

Tuesday, February 9, 2021 @ 6:30 p.m.  
Virtual Meeting

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

**Absent:** None

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

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

**1. APPOINTMENTS AND HEARINGS**

6:30 PM – RDA, 309 Townsend Road, installation of groundwater monitoring wells, West Groton Water Supply District, RDA-2021-02  
Applicant: Maura Callahan, Hydrogeologist

Maura Callahan presented for the West Groton Water Supply District requesting approval for the installation of groundwater monitoring wells, two dry points and a staff gauge to protect the public water supply source on Townsend Road, adjacent from the Squannacook River. M. Callahan explained the first approved plan was exempt from the Wetland Protection Act and omitted the ground monitoring wells. The proposed project entails a geoprobe that is track mounted on a remote-controlled rig, allowing for minimal ground clearance. A 3” core is drilled down to 35 feet into the bedrock then a 2” diameter ground monitoring well will be installed with a 4” diameter casing. The monitoring wells provide data on both the water quality and the water level. The excavated soil will assist in identifying the location of the aquifer; any excess soil will be backfilled. The staff gauge will be hand driven into the river bed to provide indication of the water level.

O. Lathrop requested that the soil be stabilized.

B. Easom questioned the process of drilling down to the aquifer and if there are any precautions set in place to prevent contamination from the river water. M. Callahan explained they hand drive a 2”

pipe with a screen attached to the bottom and go through the muck and is unconcerned for any contamination.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:  
Voted to issue a Negative 2 Determination.

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

6:45 PM – RDA, 210 Chicopee Row, for the replacement of a sewage disposal system, Richard Chilcoat, RDA-2021-03.

Applicant: Dan Wolfe, David E. Ross Associates

Bruce Easom recused himself due to an existing financial relationship with the applicant.

Dan Wolfe proposed a septic system upgrade to the east side of the parcel abutting Conservation Land. The extended sewer line requires 40 feet of trenched disturbance into the buffer zone, it will then be hooked up to the newly installed pump tank and chamber located outside of the buffer zone. The original septic system is bleeding out causing issues to the horses.

N.Gualco questioned if there is any proposed grading that would extend onto the abutting conservation land. D. Wolfe stated no.

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

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

7:00 PM – NOI (cont.), 85 Boathouse Road, for repairs and renovations of existing retaining walls, deck, and parking area, MassDEP#169-1213.

Applicant: Mark & Donna Enright

N. Gualco updated the Commission that the applicant requested to continue to the next public hearing.

Upon a motion P. Morrison, seconded by A. Hamilton, it was:  
Voted to continue to the next public hearing on February 23, 2021.

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

7:15 PM – NOI (cont.), “0” Longley Road, for the construction of a new subdivision, MassDEP#169-1214.

Applicant: Shepley Hill Capital Hill Partners, Larry Smith; William & Spragues, Greg Hochmuth, Jill Mann; Meridian Associates, Charlie Wear, Julia Dickinson, William Fleming, Landscape Architect, Michael Springer; Lighting Consultant

Takashi Tada informed the Commission that due to public safety concerns there is a requirement for two access points and in the Planning Boards regulations it states if there is more than ten proposed lots two entrances are required. The applicant presented the primary plan last year and the Planning Board approved the two access points.

E. McHugh requested clarification on the term “one lot of land”. L. Smith stated that each duplex is considered one lot.

J. Mann updated the Commission that the revised and updated plans have been submitted. Extensive research was performed on amphibians and how lighting affects them in their habitat, concluding amber lights are beneficial to turtles. J. Mann discussed in detail four significant points that she felt should be reiterated due to comments from the last public hearing. 1. The Commission has full power and authority to allow construction of the roadway, including the portion that is within the 50 foot no disturbance zone. 2. The development continues to provide wildlife corridors. 3 The property possesses unusual topographic features. 4. Significant plan changes and significant reduction in wetland impacts.

G. Hochmuth discussed the comments and recommendations from the DEP. The DEP requested stream crossing standard compliance numbers and the revised openness ratio for the river bank width and those numbers exceed the requirements. A Deed Restriction has been provided along with the test fit data regarding storm water basins representing adequate separation and a grading plan. The last recommendation was to incorporate erosion controls both on the wetland side and the uplands and that has been addressed. G. Hochmuth explained the updated lighting plan submitted excluded the Amber LED bulb.

M. Springer stated the 590 nanometer Amber LED bulb was developed in Florida to prevent turtles from becoming confused with lighting reflecting off the water, specifically hatchlings that look for the moonlight and head towards the light. L. Smith verified there will be no light emitting into the wetlands.

G. Hochmuth discussed the proposed two footcandle lights at the entrances of Sand Hill Road and Longley Road. The ultimate goal is to confine the light on the roadway and prevent it from emitting into the woods.

A. Hamilton requested clarification on the lighting plan regarding the purple outline of the buildings and if there will be any light restrictions for homeowners. G. Hochmuth explained that it is merely a drafting choice to represent residences. L. Smith stated flood lighting will not be permitted.

O. Lathrop questioned the footcandles brightness and the angle of the cone. He commented that the lighting plan misrepresents any land elevation which plays a crucial role in the amount of light emitting on the road and requested more data. Terrestrial animals can easily see light and become confused. G. Hochmuth explained lighting can only be so dim and cannot be fully eliminated. O. Lathrop then suggested baffles around the lighting. L. Smith reiterated the lighting is for safety

precautions and agreed to remove the lights close to the buffer zone. J. Mann clarified if the emitter is viewed then baffles can be used in order to receive the Commissioners approval. M. Springer stated a small amount of light may remain. Carol commented from the lighting consultants that there are house side shields that can be installed to the lighting fixtures and confirmed the second lighting will be eliminated and the requested data regarding land elevation and cone angles will be provided.

W. Fleming updated the Commission that he received the comments from E. McHugh with the following recommendations of substituting White Pines, Norway Spruces, River Birch and deer resistant vegetation and has made the appropriate changes to the vegetation and a detailed plan has been submitted. E. McHugh was pleased with the revised landscape plan and questioned the location of the snow storage ensuring that it remains an acceptable distance from the wetlands. C. Wear explained there are multiple locations along the shoulder of the road for snow storage and if an excessive amount of snow is accumulated a frontend loader would remove the snow from the site. These designated areas are all outside of the buffer zone. J. Mann stated she will address the snow storage and affirmed to include the restriction of no snow storage within 100 feet of the buffer zone into the Condo Association Guidelines along with no flood lights permitted.

L. Hurley requested information regarding the vernal pool and its location. G. Hochmuth displayed the site plan and verified that the vernal pool is outside of the construction site. J. Mann stated that the vernal pool is located 500 feet from the closest lot. L. Hurley then questioned the responsible party for maintaining and paving the proposed road. J. Mann explained that the road is privately owned and the Condo Association would be responsible for any maintenance.

David Black strongly disagreed with the presented information proposed with the project. In detail D. Black discussed the following topics 1. Turtle nesting sites routinely occur in buffer zones. 2. The proposed lighting applies to marine turtles. 3. Constructing a road over a wetland is going to cause shading impacts. 4. The Conservation is not required to grant two access points in a limited project and with the third crossing he feels it is only to gain maximum development. J. Mann reminded D. Black that a limited project is the whole project and it allows the ability to access uplands with an exit and an entrance. This project proposes a road that contains connectivity for safety, the road gives access to thirteen lots and is surrounded by wetlands. The board has full discretion and wetlands are not being altered. G. Hochmuth stated impact has been minimized as much as it possibly can and only 1,100 square feet of disturbance is being impacted and feels it is very minimal for an extensive project. There is no unique habitat encountered on this parcel and would have been avoided. The third crossing was redesigned with zero impact and it will be utilized. C. Wear explained the project has 80% of open space, 30 acres out of 38 are in the uplands, 15 acres are outside of buffer zone and the project is not aggressively developing. J. Mann stated this particular wildlife habitat will be better protected with the restrictions enforced by the Conservation Commission. O. Lathrop questioned where the obligation for the Committee to authorize the third crossing is written. J. Mann explained this project is a limited project and not segregation, it includes buffer areas and adjacent upland areas. J. Mann stated this information appears in the Commissions

own regulations. D. Black reiterated his concerns for the project including the third crossing, the value for wildlife and the Wetlands Protection Act regarding changing vegetation is an alteration. J. Mann disagreed and explained the DEP guidance policy supports this project. G. Hochmuth stated the analyst from the Central Region has provided a lot of comments and information regarding this subdivision and they would not suggest ideas resulting in major impacts. G. Hochmuth lastly referenced the Limited Project within the Wetland Protection Acts and the bylaw regulations discussing how this project is not alternating wetlands.

Upon a motion by E. McHugh, seconded by P. Morrison, it was:  
Voted to close the public hearing.

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

## 2. GENERAL BUSINESS

### General Discussion

Community Preservation Committee: Review letters of support (Park Commission, Duck Pond Restoration, GPAC)

Upon a motion by E. McHugh, seconded by P. Morrison, it was:  
Voted to provide a letter of support to the Park Commission.

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

Upon a motion by E. McHugh, seconded by P. Morrison, it was:  
Voted to provide a letter of support to the GPAC.

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

Upon a motion by P. Morrison, seconded by A. Hamilton it was:  
Voted to provide a letter of support to the Duck Pond Restoration.

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

### Permitting

7 Baby Beach Road, COC, MassDEP#169-1192, 169-1077, 169-1016 – **updated 2/5/21**  
Applicant: Joe and Laura Ferguson

Upon a motion by E. McHugh, seconded by P. Morrison, it was:  
Voted to issue a Certificate of Compliance for 7 Baby Beach Road, MassDEP#169-1192.

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

Upon a motion by E. McHugh, seconded by P. Morrison, it was Voted to issue a Certificate of Compliance for 7 Baby Beach Road, MassDEP#169-1077. **The motion passed by a roll call vote: (Yes: EM, BE, JS, AH, PM, OL, LH)**

Upon a motion by E. McHugh, seconded by P. Morrison, it was Voted to issue a Certificate of Compliance for 7 Baby Beach Road, MassDEP#169-1016. **The motion passed by a roll call vote: (Yes: EM, BE, JS, AH, PM, OL, LH)**

419 Old Ayer Road, COC, MassDEP#169-1169 – **updated 2/5/21**

N.Gualco updated the Commission he received an email from Stan Dillis stating that the COC request has been withdrawn.

### Land Management

Review CR draft/discuss site needs for Patricia Hallet Conservation Area.

O. Lathrop presented the CR draft to be both reviewed and revised by the Commission. There was a brief discussion regarding authorizing snowmobiling and the language on prohibiting forestry.

The Committee took a straw poll vote on authorizing snowmobiling with **PM, JS, EM, LH being in support and BE, AH, and OL being against**).

The Committee voted on changing the language under the section, Prohibiting Forestry and decided on removing the following “more intensively managed forestry activities...”, **by a roll call vote: (Yes- BE, EM, AH, LH/ No:- JS, OL, PM).**

N. Gualco commented he will commence searching for suitable CR holders for the Patricia Hallet Conservation Area.

### Committee Updates

B. Easom updated the Commission that the CPC met yesterday and reviewed the letters of support for the Commissions applicants and there were minimal comments. The budget was discussed and the amounts being requested. The CPC is recommending bonding the \$1.4 million requested for the middle school track and the repair of the stadium field at the High School. If the bond is accepted there will be sufficient funds to approve the \$350,000 that was requested from Conservation Committee. J. Degen was not in favor of the CPC bonding. B. Easom explained with the 50% match \$500,000 would be relieved from taxpayers. A five-year note is proposed with the payment of \$350,000 a year and the first installment would be scheduled for Fiscal Y23.

O. Lathrop was concerned if bonding was the appropriate decision to support and there would not be any flexibility for future bonding requests made by the Commission.

J. Smigelski questioned why the school is not funding the request and what the return is for the Town. B. Easom explained the CPA is extremely beneficial with a 50% match and the Town would receive \$1 million total.

E. McHugh stated that the Stewardship Committee will meet at the Williams Barn on Monday, February 15, 2021 at 9:30 A. M.

### Approve Meeting Minutes

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:  
Voted to approve the minutes for January 26, 2021 as amended.

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

### Invoices

None

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

None

4. Executive Session pursuant to MGL Ch. 30A, Sec. 21(6): \* “To consider the purchase, exchange, lease, or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.”

The Chair declared the need to adjourn to Executive Session after ending the public hearing.

### 5. Adjournment

**9:04 P.M.** Upon a motion by B. Easom, seconded by P. Morrison, it was:  
Voted to move to Executive Session and not to return to the open session for the purpose of considering the purchase, exchange, lease, or value of real estate, since the chair declared that an open meeting may have a detrimental effect on the negotiating position of the Commission.

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

**Minutes Approved: March 9, 2021**