



TOWN OF GROTON  
Conservation Commission  
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**Conservation Commission Meeting Minutes**  
**Tuesday, July 27 2021 at 6:30 PM**  
Town Hall: Second Floor Meeting Room  
173 Main Street Groton, MA

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

**Absent:** Alison Hamilton, Clerk

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

6:30 PM- L. Hurley, Chair called the meeting to order.

**APPOINTMENTS AND HEARINGS\***

6:30 PM – NOI, 330 Old Dunstable Road, for the upgrade to an existing sewage disposal system, MassDEP#169-1219 Applicant: Richard Lewis

N. Gualco updated the Commission that the applicant requested for a continuance to the next scheduled public hearing.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:  
Voted to continue the public hearing to the next scheduled meeting on August 10, 2021.  
The motion passed by a unanimous vote.

6:45 PM – NOI, Lot 2 Old Dunstable Road, for the construction of a shared driveway as part of a proposed residential subdivision, MassDEP#169-1220

N. Gualco updated the Commission that the applicant requested for a continuance to the next scheduled public hearing.

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
Voted to continue the public hearing to the next scheduled meeting on August 10, 2021.  
The motion passed by a unanimous vote.

7:00 PM – RDA, 43 Oxbow Lane, for the removal of hazardous trees

Applicant: Dan Mason

D. Mason proposed removing 6 hazardous trees that are within the 100-foot buffer zone. There have been multiple downed trees that have caused thousands of dollars' worth of damages. A crane would be used to remove the trees leaving the stumps behind at ground level. The applicant has received written permission from the abutting neighbors.

B. Easom questioned where the 100-foot buffer zone was located and requested that it be labeled on the plan. The applicant updated and submitted the signed and dated plan to the ConCom.

L. Hurley recommended leaving at least two trees 15-20 feet high to create a natural habitat.

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

Voted to issue a Negative 3 Determination.

The motion passed by a unanimous vote.

7:10 PM – RDA, “0” Chestnut Hill Road, evaluation of drainage ditch

Applicant: Donald Black

D. Black questioned if the parcel located on Chestnut Hill Road is buildable due to the undefined drainage ditch that is located on the property.

O. Lathrop stated his impression is that the area is a linear wetland containing an intermittent stream. E. McHugh agreed with O. Lathrop and stated that there is no historical evidence provided unless the builder can show otherwise.

J. Smigelski requested to view the wetland map overlay to understand where the water is coming from and where it flows. L. Hurley commented that there is a culvert on Chestnut Hill Road that proceeds down between lots 25 and 26.

O. Lathrop believed the valley was not built and reiterated that the wetland was probably always a little trickle of water, defining the area as an intermittent stream. P. Morrison commented that an intermittent stream needs to flow somewhere. D. Black mentioned that the culvert connects and runs under Martins Pond Road.

L. Hurley questioned if there were any other water sources above Chestnut Hill Road. O. Lathrop stated that the water does not extend too much further. L. Hurley then questioned who caused this depression or if it was naturally made. J. Smigelski suggested that the grading of the houses may have created the runoff.

O. Lathrop questioned the applicant if there would be an inconvenience with the restrictions of both a 50 foot and 100-foot buffer zone. D. Black stated moving forward the lot would require a lot of engineering.

L. Hurley noted that there is approximately 160 feet remaining outside of the 100-foot buffer zone.

B. Easom commented that the lot is less than two acres and recommended conversing with the building inspector. D. Black stated that the building inspector was the one who encouraged him to move forward and attend the meeting tonight. D. Black discussed wanting to anchor the house off of Chestnut Hill Road. B. Easom commented that there is a requirement that the dwelling must be constructed 50 feet setback from both roads.

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

Voted to define the particular stream in question as an intermittent stream according to the Massachusetts Protection Act and Bylaw, Positive 1 and 5 Determination.

A motion was made and the applicant and the Commission proceeded with further discussion. D. Black stated under the zoning bylaws using the Chestnut Hill Road a dwelling can be constructed with a 35-foot setback from the road. B. Easom stated that there is no evidence provided to be able to make a proper decision. The Commission agreed that there was no factual information provided and requested that the applicant return with soil samples and historical topographies that would provide evidence that the undefined area is a true wetland or a manmade structure. The additional time would also allow for the Commissioners to revisit the site and perform their own research on the intermittent stream.

O. Lathrop withdrew his original motion; E. McHugh seconded the withdrawal of the motion.

D. Black authorized permission for the Conservation Commission to enter the property to perform any additional research when necessary.

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

Voted to continue the RDA to August 24, 2021, as amended.

The motion passed by a unanimous vote.

## **GENERAL BUSINESS\***

### General Discussions/Announcements

#### *Stewardship Committee, re-appoint members for FY22*

N. Gualco stated that he would like to reappoint the subcommittee annually in the month of June.

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

Voted to reappoint Eileen McHugh, Olin Lathrop, Lisa Murray, Alex Woodle, Robert Hanninen, and Anna Eliot to the FY22 Stewardship Committee.

The motion passed by a unanimous vote.

### *Land Management*

Priest Family Conservation Area (updates and approval of boundary marking proposal)

O. Lathrop discussed that Baystate Forestry recommended completing the Priest Family Conservation Land Management into three phases they are listed as follows:

1. Invasive plant control (Bittersweet)
2. Invasive plant control (follow up)
3. Tree cutting/clearing

O. Lathrop then provided a background of the Priest Hill Conservation Area. The field has been mowed and contains an extensive amount of trees and shrubbery that are overgrown with bittersweet. The MassWildlife Habitat Management Grant would provide restoration to the area and allow for an open field that includes some shrubbery. The state is requesting a 50 foot transition zone.

N. Gualco stated that the \$1,200 would allow Baystate to design an implementation plan and then shop for loggers. The quote provided by the loggers would be incorporated into the grant. The field would be less open and gradually become a mix of open scrub habitat occurring in five plus years.

L. Hurley questioned if the state was requesting 50 feet of clear cutting. N. Gualco answered no.

B. Easom questioned the access point for the logging equipment. O. Lathrop stated that Baystate is proposing a 30–40-foot swath to gain easier access and installing a landing at the bottom. The slope would be very steep however; Baystate decided that it would be beneficial for moving the trees down from the top of the hill. B. Easom questioned if the abutters were in favor of the forestry plan. O. Lathrop stated he would like to receive a written letter from the abutter stating that they were in favor of the management plan.

P. Morrison questioned who is responsible for any damage to the shared driveway. O. Lathrop explained the logger would be responsible for restoring the area.

L. Hurley questioned if the proposal is profitable and if there should be a concern for erosion. O. Lathrop stated that it may cost the Commission some money; E. McHugh added that they are hoping that the grant would cover all the expenses. The work would be completed in the winter and tree roots would remain to help create stabilization.

B. Easom stated that invasive vegetation generally returns after logging and questioned if there is a post treatment plan included in the quote. O. Lathrop explained that Baystate would be responsible for any post treatment as stated in Phase 2.

E. McHugh asked if the Stewardship should continue to mow the field in the fall. O. Lathrop stated that they could mow after September 15.

The Commission then discussed the bittersweet as a curtain running along the edge of the field. The planned treatment would be cutting the bittersweet out of the trees and letting it deteriorate in the field and an herbicide would be painted on the roots.

Upon a motion by E. McHugh, seconded by J. Smigelski, it was:  
Voted to authorize Baystate Forestry to prepare a forestry plan for the loggers.  
The motion passed by a unanimous vote.

N. Gualco informed the Commission that he received the quote from Ross Associates and the cost for two iron pins would be \$800-\$900 and concrete/stone markers would be \$1,200-\$1,300. The Commission agreed on installing granite markers.

Upon a motion by E. McHugh, seconded by P. Morrison, it was:  
Voted to approve two granite boundary markers from Ross Associates not to exceed the amount of \$1,400.  
The motion passed by a unanimous vote.

N. Gualco requested permission to move forward and pursue the MassWildlife Habitat Management Grant.

Upon a motion by E. McHugh, seconded by B. Easom, it was:  
Voted to pursue the MassWildlife Habitat Grant for the Priest Family Conservation Area.  
The motion passed by a unanimous vote.

#### Squannacook River Wildlife Management Area - Pine Barren Restoration Proposal

N. Gualco was contacted by the DFW who has been monitoring the area over the last year after discovering the soil near the Squannacook River indicated a Pine Barrens habitat. This is both very rare and valuable for the Commonwealth. The State is requesting the initial approval from the ConCom for the restoration of the site.

J. Smigelski questioned who is responsible for funding the project. N. Gualco answered the State.

The Commission requested clarification on the portion of land that the State was requesting. N. Gualco stated that they are seeking the parcel of land that the ConCom owns located in Shirley. They ensured that they would not come in close proximity to the river edge. B. Easom suggested including the portion of land abutting Shirley.

L. Hurley questioned the developmental effects of the habitat and the maintenance required. N. Gualco explained an extensive amount of trees would be required to be cut down creating a canopy of 20-25%, then a removal of the duff layer to reach the soil which is made up of pitch pine and heathers. The maintenance would include fire suppression.

E. McHugh questioned if Shirley was in agreement with the proposal and recommended that the Commission speak with the Town of Shirley before authorizing the state permission to restore the area. B. Easom requested permission to represent the ConCom and discuss the Pine Barren Restoration Proposal.

Upon a motion by J. Smigelski, seconded by P. Morrison, it was:  
Voted to allow Bruce Easom to contact the Shirley Conservation Administrator to represent the Conservation Committee.  
The motion passed by a unanimous vote.

Upon a motion by O. Lathrop, seconded by B. Easom, it was:  
Voted that the Conservation Commission is in agreement to officially endorse the concept presented by the State for the Pine Barren Restoration Proposal for the Shirley portion of land.  
The motion passed by a unanimous vote.

O. Lathrop informed the ConCom that Autumn Hill Orchard was recently purchased and he would like to approach the new property owners to see if they are interested in preserving the land and applying a CR to it. .

Upon a motion by E. McHugh, seconded by B. Easom, it was:  
Voted to authorize Olin Lathrop to converse with the new property owners of Autumn Hill Orchard to see if they are interested in the Conservation Commission purchasing a Conservation Restriction.  
The motion passed by a unanimous vote.

B. Easom requested permission to take his tractor to Gibbet Hill to remove the stakes and erosion controls left by the DEP in preparation of the COC.

Upon a motion by E. McHugh, seconded by P. Morrison, it was:  
Voted to approve Bruce Easom to use his tractor to remove the erosion controls installed at Gibbet Hill.  
The motion passed by a unanimous vote.

### *Permitting*

#### COC: MassDEP#169-1144, 284 Whiley Road

J. Valentine discussed that there were a few items to be finished at the site including the posting of two markers.

E. McHugh commented that the site was stabilized even after all the rain.

N. Gualco mentioned that the conservation markers were not installed along the 50-foot buffer zone as requested. The applicant stated that he held off on posting the signs to be able to compromise with the ConCom on the exact location.

J. Valentine requested two items; he believes that a statement by an engineer and an as-built plan is not necessary. He discussed submitting an accurate plan for the remedy of runoff where a terrace was constructed in place of a retaining wall. B. Easom requested a copy of the drawing to be signed and dated. The applicant submitted the requested drawing.

Upon a motion by E. McHugh, seconded by B. Easom it was:  
Voted to issue the Certificate of Compliance for 284 Whiley Road, MassDEP#169-1075 under the conditions: 1.) the markers are installed to the satisfaction of the Conservation Administrator.  
The motion passed by a unanimous vote.

Emergency Certificate, 66-68 Boston Road – updated 7/22/2021

N. Gualco informed the ConCom that last week he was notified by the building commissioner that the portion of the barn that had collapsed was deemed unsafe and was required to be demolished immediately. N. Gualco was not comfortable with the close proximity of the wetlands and stated that the emergency certificate was issued. The machinery was required to remain in the parking area which would cause no disturbances then be moved into the foundation once the structure was demolished.

Upon a motion by, B. Easom, seconded by J. Smigelski, it was:  
Voted to issue the Emergency Certificate of Compliance for 66-68 Boston Road, MassDEP#169-1075.  
The motion passed by a unanimous vote.

*Committee Updates*

O. Lathrop stated that the **Invasive Species Committee** did not treat the Knotweed at the Campbell Well Site.

B. Easom updated the ConsCom that the **CPC** met and the application that was submitted for the Squannacook River Rail Trail was denied for the Recreational Trail Program. The project is currently on hold.

*Approve Meeting Minutes*

Upon a motion by O. Lathrop, seconded by B. Easom, it was:  
Voted to approve the meeting minutes for July 13, 2021 as amended.  
The motion passed by a unanimous vote. EM- Abstain, PM-Abstain

*Invoices*

Upon a motion by E. McHugh, seconded by J. Smigelski, it was:  
Voted to approve and pay the invoice from the Massachusetts Association of Conservation  
Commission for the amount of \$771.00

B. Easom stated that he would like to be added as a member to receive a copy of the  
subscription. The original motion was amended.

Upon a motion by E. McHugh, seconded by J. Smigelski, it was:  
Voted to approve and pay the invoice from the Massachusetts Association of Conservation  
Commission for the amount of \$786.00 as amended.  
The motion passed by a unanimous vote.

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

None

**(IF REQUIRED) 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.”**

None

**Adjournment**

**7:57 P.M.** - Upon a motion by, E. McHugh, seconded by P. Morrison, it was:  
Voted to adjourn the public hearing at 7:57 P.M.  
The motion passed by a unanimous vote.

**Minutes Approved: August 10, 2021**