



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

Tuesday, August 24, 2021 @ 6:30 p.m.

Town Hall: Second Floor Meeting Room, 173 Main Street, Groton, MA

**Present:** Olin Lathrop, John Smigelski, Eileen McHugh, Peter Morrison, B. Easom (7:00)

**Absent:** Alison Hamilton, Clerk, Larry Hurley, Chairman,

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

6:30 PM- J. Smigelski called the meeting to order.

### APPOINTMENTS AND HEARINGS

6:30 PM RDA#2021-35, 54 Hill Road, for the removal of an asphalt driveway

Applicant: Alan Hahn

The applicant discussed removing an existing asphalt driveway and reseeding the area.

The ConCom was supportive of turning the impervious area to pervious.

Adam Burnett questioned the removal process. A. Hahn explained that the asphalt would be smashed and disposed of off-site.

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

VOTED to issue a Negative 3 Determination under the conditions:

1.) The asphalt is removed from the site.

**The motion passed by a unanimous vote.**

6:40 PM Discussion, Whispering Brook Trail, consider which trail to open on the conservation area.

Greg Sheldon provided a background of the Whispering Brook neighborhood. He explained that 21 signatures have been collected in favor of trail one being reopened instead of trail two with proposed public safety concerns.

E. McHugh questioned if G. Sheldon was coming before the board because the land is owned by the ConCom and that he is not in favor of the trail being built by the Trails Committee. G. Sheldon stated that was correct. P. Funch spoke on behalf of the Trails Committee and stated that trail one is not in great condition due to all the precipitation and being close in proximity to the wetlands. Trail two is overgrown; however, it would take the Trails Committee a couple of hours to clear a path and would be made accessible to horses, bikes, hikers and additional neighborhoods. Trail one would only be accessible to hikers and would require additional resources to build bridges that the Committee currently does not possess. E. McHugh was not in favor of revoking the original permission on the second trail.

O. Lathrop understood that people were confusing G. Sheldon's property for a trail and had proposed to build the new trail away from his property line onto Town land. O. Lathrop believed that there are no safety concerns for parking and there is adequate room around the circle. He too was against revoking the permission to construct the trail.

P. Morrison agreed that he was against people coming onto others' property and suggested that the Trail Committee could make the trail entrance more obvious or visible by using wood chips. When trail two is developed the first trail could then be revisited.

J. Smigelski questioned the issue proposed with the second trail being developed. G. Sheldon explained that people are parking on the circle causing congestion and making it challenging for emergency vehicles and utility trucks to pass safely. There have also been noise disturbances late at night. The community is requesting a reasonable offer to consider an alternative trail.

Wendy Good, representing the Groton Conservation Trust, stated that they would like to see trail two open to gain easier access to the Trust-owned conservation land behind the Town-owned land.

Adam Burnett commented that trail one has multiple wetlands that require maintenance whereas trail two is well drained with a slope and located further away from the wetlands. Secondly, bikes rely on the closest access to public roads with the closure of the second trail they would be required to go out of their way.

G. Sheldon was hoping to open trail one in the fall and had considered different strategies for crossing the wet areas after attending numerous Trail Committee meetings and visiting trails throughout the Town. If the second trail does open, he would like to revisit this matter and work with the Trails Committee.

E. McHugh recommended if the applicant plans to have the permission revoked to take into consideration the horses and the mountain bikes that would be traveling through because the trail that he is proposing is not a multi-use trail.

P. Morrison stated that once a trail is developed it should be accessible to emergency vehicles. P. Funch confirmed that trail two would provide adequate accessibility that is necessary whereas trail one would not provide the same access.

Harris McWade from the Trails Committee stated that trail one is almost impassable and would require a considerable amount of work to become accessible for the elderly or horseback riders. Any ATV usage would certainly damage the land.

Peggy McWade discussed being supportive of the Town purchasing land and making it accessible to the public. Over the years she has seen a lot of new homeowners closing off portions of public trails. The Trail Committee should be honored and listened to and requested that the second trail be allowed to be rebuilt.

O. Lathrop commented he was not in favor of the ConCom managing the Trails Committee and deciding where they should place trails.

6:50 PM RDA#2021-29 (cont.), "0" Chestnut Hill Road, evaluation of drainage ditch  
Applicant: Donald Black

D. Black briefly discussed the background of the drainage ditch. In 1890, D. Priest (former owner of "Brooks Orchard") was granted an easement up to his property by the Town. A hand dug trench was created and a pipe was installed to allow a water supply to the Priest Orchard. D. Black believes that is the reason why runoff water is seen there today.

O. Lathrop was the only Commissioner that was not convinced that the drainage ditch was manmade; he explained that the topography allowed for a natural trickle and the nature of the culvert looking older defined the area as an intermittent stream.

Adam Burnett questioned how old the culvert is. Then stated if there is natural water present and if the water had been moved around in the last century, then the area still meets wetland criteria. The ConCom explained that there is a provision that excludes drainage structures. E. McHugh commented that there are a lot of hills that seep and by altering the hillside with roads and pipes it would also affect the seeping hillside.

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
VOTED to issue a Negative 5 Determination  
**The motion passed by a 4:1 vote. (No: OL)**

Upon a motion by P. Morrison, seconded by B. Easom, it was  
VOTED to issue a Negative 6 Determination  
**The motion passed by a 4:1 vote. (No: OL)**

7:00 PM –NOI (cont.), 330 Old Dunstable Road, for the upgrade to an existing sewage disposal system, MassDEP#169-1219

Applicant Representative: Atty. Robert Collins

The applicant requested a continuance to the next scheduled hearing.

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

VOTED to continue the public hearing until the next scheduled meeting on September 14, 2021.

**The motion passed by a unanimous vote.**

7:01 PM – RDA#2021-34 (cont.), 17 Townline Road, for the removal of vegetation within the buffer zone (W. Legacy) – updated 8/18/2021

Applicant: Wayne Legacy

The applicant requested additional time to allow for surveying to be performed on the property.

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

VOTED to continue to the next scheduled meeting on September 14, 2021.

**The motion passed by a unanimous vote.**

7:02 PM Discussion w/ Adam Burnett of the Invasive Species Committee on Farmers & Mechanics.

A. Burnett presented for the Invasive Species Committee and explained that they had been watching the area for the last 10 years. The canopy originally was fully enclosed and since then the land has been partially clear cut, leaving behind skid trails. With the additional sunlight and the opening of the canopy there has been an extensive amount of growth of invasive species. Bittersweet and Ailanthus altissima are the most problematic. The Bittersweet are climbing 15 to 20 feet over young trees. It may take up to 50 years to regain the fully enclosed canopy. A. Burnett requested permission to use professional treatment describing the Hack and squirt Herbicide application.

O. Lathrop recommended acknowledging that Buckthorn and Burning Brush were also identified on the parcel therefore; all the invasive species would be treated if necessary. A. Burnett explained that the Invasive Species Committee has the knowledge of identifying invasive species and its treatment. O. Lathrop is licensed in using herbicide treatments.

P. Morrison stated that a mechanism is necessary to allow the Invasive Species Committee to perform treatments without requesting permission and then provide a report to the ConCom.

E. McHugh informed the applicant about Stewardship Committee and explained that a forester would be hired and would be responsible for providing a series of reports of success or failures and

recommended that the Invasive Species Committee could do the same. A. Burnett agreed and commented that they were in the process of forming a subcommittee themselves that would track the work performed and monitor the treatment.

B. Easom agreed with P. Morrison and commended the Committee for taking on the invasive species management.

E. McHugh stated that she would add the Invasive Species Committee on the Stewardship's agenda for the end of September.

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

VOTED to grant the Invasive Species Committee permission to treat the invasive species found on Farmers & Mechanics Parcel, all invasive species are defined on the Massachusetts Invasive Plant Advisory Group.

**The motion passed by a unanimous vote.**

## GENERAL BUSINESS

### General Discussions/Announcements

#### FY2023 CPA Application

N. Gualco stated that at the end of the fiscal year there will be a balance of \$650,000. The two-page report is due in October. The ConCom questioned if they should reevaluate their funding and bring it to the Select Boards attention. B. Easom questioned the value of political disturbance however, now is the ideal time due to the upcoming debit services. The Commission recommended that B. Easom converse with M. Haddad before presenting to the Select Board.

#### Update on habitat grant (Priest Family Conservation Area)

O. Lathrop and N. Gualco are waiting for the last figures and will be submitting the grant before the deadline on Friday at 5:00 P. M.

#### Other discussion on on-going land management activities

O. Lathrop updated that he visited the Shattuck Homestead and was pleased to see that Mike Barry had visited the property and had taken care of the swallow-wart

### Land Management

None

### Permitting

OOO, 3 Highland Road, MassDEP#169-1221 – updated 8/18/2021

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
VOTED to issue the Order of Conditions for 3 Highland Road, MassDEP#169-1221.  
**The motion passed by a unanimous vote.**

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
VOTED to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw  
for 3 Highland Road, MassDEP#169-1221.  
**The motion passed by a unanimous vote.**

### **Committee Updates**

B. Easom stated that he would be meeting with M. Haddad tomorrow regarding Half Moon Road.

### **Approve Meeting Minutes**

Upon a motion by E. McHugh, seconded by P. Morrison, it was:  
VOTED to approve the meeting minutes for August 10, 2021 as amended.  
**The motion passed by a unanimous vote.**

### **Invoices**

None

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

None

### **8:07 P.M. – Adjournment**

J. Smigelski declared that there was business that required the Commission to move to executive session.

Upon a motion by P. Morrison, seconded by B. Easom, 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, as the chair had  
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: OL, BE, PM, EM, JS)**

**Minutes Approved: September 14, 2021**



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**Groton Conservation Commission**  
**EXECUTIVE SESSION MEETING MINUTES**  
**August 24, 2021**

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

**Absent:** Alison Hamilton, Clerk; Larry Hurley, Chair

**Others Present:** Nikolis Gualco, Conservation Administrator, Town of Groton

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
VOTED to release the executive session minutes for August 14, 2018.  
**The motion passed by a roll call vote (Yes: JS, PM, OL, BE, EM).**

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
VOTED to release the executive session minutes for June 25, 2019.  
**The motion passed by a roll call vote (Yes: JS, PM, OL, BE, EM).**

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
VOTED to approved and release the executive session minutes for November 12, 2019.  
**The motion passed by a roll call vote (Yes: JS, PM, OL, BE, EM).**

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
VOTED to approve and release the executive session minutes for November 26, 2019.  
**The motion passed by a roll call vote (Yes: JS, PM, OL, BE, EM).**

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
VOTED to approve and release the executive session minutes for December 10, 2019.  
**The motion passed by a roll call vote (Yes: JS, PM, OL, BE, EM).**

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
VOTED to approve but not release the executive session minutes for February 3, 2021.  
**The motion passed by a roll call vote (Yes: JS, PM, OL, BE, EM).**

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
VOTED to approve but not release the executive session minutes for February 9, 2021.  
**The motion passed by a roll call vote (Yes: JS, PM, OL, BE, EM).**

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
VOTED to approve but not release the executive session minutes for May 11, 2021.  
**The motion passed by a roll call vote (Yes: JS, PM, OL, BE, EM).**

Upon a motion by E. McHugh, seconded by P. Morrison, it was VOTED to adjourn the executive session. **The motion passed by a roll call vote (Yes: JS, PM, OL, BE, EM).**

**Minutes Approved: September 14, 2021**

**Minutes Released: September 14, 2021**