

GROTON CONSERVATION COMMISSION

Meeting Minutes

Tuesday, February 13, 2018

Location: Town Hall 2nd Floor

Members Present: John Smigelski (Chair), Peter Morrison (Vice Chair), Larry Hurley (Clerk)
Eileen McHugh, Olin Lathrop, Bruce Easom, Marshall Giguere

Members Absent: None

Others Present: Nikolis Gualco (Conservation Administrator)
Elizabeth Faxon (Per Diem Minute Taker, Town of Groton)

7:01 p.m. - The meeting was called to order by John Smigelski and an announcement was made that the meeting would be recorded for the purpose of drafting minutes.

The Commission began with Appointments and Hearings and opened a discussion on 60 Boston Road.

7:00 p.m. – Discussion on a violation notice issued by the Commission for dumping of solid waste within the buffer zone at 60 Boston Rd.

Owner: Richard Vetstein Esq. representing Workers Credit Union.

R. Vetstein reported that this property was foreclosed on and the Credit Union is having difficulty with the occupant. He reports that there is a housing court date set for Monday 2/26/18 where he will file to have the court case terminated in their favor. Verbal assurance was given by the occupant that she would clean up the solid waste, but in the event that this does not happen, the housing board will be called upon to intervene. The Bank representative has given the occupant 7 days to remove the waste from the site. If nothing occurs, he plans to bring this issue before the housing court judge on Monday 2/26/18. The Bank would need permission from the housing court judge to enter the site and remove waste. Discussion by the Commission supported issuing an Enforcement Order, as long as the owner was given a reasonable amount of time to respond. J. Smigelski recommended waiting for the housing court decision. B. Easom recommended issuing the Enforcement Order. O. Lathrop stated he would like to see the process of the Commission issuing an Enforcement Order with the option of extending it. Michelle Collette (from the audience) asked if the Cons Comm had consulted with Ira Grossman from the Board of Health as this matter would also fall under their authority. N. Gualco responded that I. Grossman joined him during the initial inspection and that he is well aware of the situation.

At this time E. McHugh made a motion, which was seconded by B. Easom, to...

...issue an Enforcement Order, effective immediately, under the Wetlands Protection Act on 60 Boston Rd. for the dumping of solid waste in the buffer zone with the cleanup to be completed by close of business on March 12, 2018.

A discussion ensued on the proposed motion. B Easom stated that he would like an Enforcement Order put in place with a letter asking the owner to submit a cleanup plan for the waste. Said plan should be submitted to the Conservation Administrator on or before March 5, 2018.

Upon a motion made by B. Easom, seconded by O. Lathrop, it was:

VOTED: to amend the original motion by including in the letter that accompanies the Enforcement Order that the landowner submit a plan to the Conservation Commission stating how they intend to resolve the issue of cleaning up the debris and that that plan is submitted to the Conservation Administrator on or before the 5th of March, 2018.

The original motion passed by unanimous vote.

The amended motion passed by unanimous vote.

The Commission continued with Appointments and Hearings and began a discussion with the Senior Center Building Committee.

7:15 p.m. – Discussion with the Senior Center Building Committee regarding their request for support by the Commission for an Article they will be submitting to the Town Manager for inclusion on the Spring Town Meeting’s Warrant.

Representatives: Michelle Collette and Peter Cunningham, Senior Center Building Committee; Kathy Shelp, Senior Center Director.

M. Collette provided an update and progress report on the project, including that both the NOI and Stormwater permit were submitted today. She indicated that there will be no activity on the adjacent land owned by GEMS (the Sportsmen’s Club), which is under a conservation restriction owned by the Commission. All improvements are on the property owned by the Town of Groton at 163 West Main Street. There will be a debt exclusion article on the Town Meeting warrant and the Senior Building Committee is seeking the Commission’s support. It was also reported that the small triangular piece of land whose owner is unknown will be conveyed to the town through a tax title taking. It was noted that because this is a redevelopment site, not a new construction, it will be reviewed differently under the Wetlands Protection Act.

Finally, B. Easom asked the Senior Building Committee for a copy of the warrant article to review. The Committee informed him that it is not yet ready for review. The Commission then agreed that they would wait to comment or support the Warrant Article until they have the opportunity to conduct their project review.

At this time the Commission continued with Appointments and Hearings and continued the public hearing for 419 Old Ayer Road.

7:30 p.m. – Public Hearing: NOI, 419 Old Ayer Road for the installation of a septic system and well as part of the renovation of an existing single-family home, MassDEP#169-1168.

Owner/Applicant: Patricia Madigan (not in attendance).

Representatives: Atty. Robert Collins (present); Stan Dillis, Ducharme & Dillis Civil Design Group (present).

S. Dillis described the project, and proposed work which involves upgrading the septic system, and entrenching a force main outside the buffer zone, with erosion control measures in place. The well, forced main, and some of the grading associated with the mounded leach field are proposed within the buffer zone. There is a section of the existing house in disrepair that the owner would like to tear that down and replace with a deck. This is a recent development and was not shown on the previously provided site plan. The leach field will be outside the buffer zone but some grading associated with the mounded system will be within the 100 foot buffer. S. Dillis confirmed 3:1 grading in the buffer zone. O. Lathrop questioned the proposed work within the 50' buffer (the forced main line). S. Dillis replied that erosion controls will be installed on both sides of the trench and that they plan to dig the trench (to approximately three feet in depth), place the three inch pipe, and then immediately backfill. R. Collins stated that, in the near future, the owner plans to gift a large parcel of land to the Town of Groton along the back of the parcel as part of future proposed development on the adjacent lot.

Upon a motion made by M. Giguere, seconded by B. Eason, it was:

VOTED: to close the public hearing for 419 Old Ayer Rd, MassDEP#169-1168. The motion passed by unanimous vote.

The Commission then proceeded to General Business and reviewed a request for Certificate of Compliance for Batten Woods Village, Lot 3 (33 Orion Way), MassDEP#169-768.

J. Smigelski asked the Commission if anyone had any comments from the site walk, which was held on Saturday, February 10, 2018. There were no comments or questions.

Upon a motion made by B. Eason, seconded by M. Giguere, it was:

VOTED: To issue the Certificate of Compliance for Batten Woods Village - Lot 3 (33 Orion Way)
All in favor

Continuing with General Business, the Commission reviewed two sets of minutes.

Upon a motion by E. McHugh and seconded by B. Eason it was:

VOTED: to accept the January 23, 2018 meeting minutes. The motion passed by unanimous vote.

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

VOTED: to accept the February 14, 2017 meeting minutes. The motion passed by majority vote (Yes: J. Smigelski, P. Morrison, M. Giguere, B. Easom, L. Hurley; Abstain: O. Lathrop).

Continuing with General Business, Correspondences, the Commission began a discussion regarding an email it received from John Petros of 207 Gratuity Road on 2/5/2018 who had requested project planning guidance to add an addition to the existing house.

Present: John Petros & Joe Noonan

J. Petros began by stating that he and his brother in-law (J. Noonan) are seeking guidance on the feasibility of building an addition to the existing single family home at 207 Gratuity Road. The house is within 200 ft. of the river and the entire property appears to be within the floodplain. J. Petros and J. Noonan are hoping to expedite the permitting process by asking the Commission for advice on the best way to proceed. J. Petros stated that the reason for the desired expediency is that his father in-law's health is failing and that his mother is not in good health. The brothers bought this house as it had the appropriate numbers of bedrooms and bathrooms to accommodate their aging parents. The news about their father's failing health has accelerated the need to expand the living space in this house.

M. Giguere advised that they file an RDA with the Commission and get a determination. He continued by stating that it is difficult to advise with limited information. J. Noonan stated that they are looking to add an 18X20' room with deck connected to an existing bedroom. The lot is approximately 16 acres and is entirely within the 100 year floodplain. J. Petros asked the Commission about the feasibility of building this addition on a pier foundation to allow for flow-through foundation. The Commissioners prefer that no work be done in Riverfront and M. Giguere stated that the Riverfront Regulations permit up to a 10% disturbance. R. Collins (from the audience) recommended that the brothers consult an engineer who can delineate the floodplain and identify the areas under jurisdiction. Commissioners recommended they check with the Planning Board as you are not allowed a new construction in the floodplain. O. Lathrop emphasized the importance of minimizing the footprint of the project, such as by utilizing a pier foundation design as suggested by J. Petros. The Commission concluded by stressing that the issues of water storage and floodplain elevation are paramount. John thanked the Commission for their time and suggestions.

The Commission then moved on to the final discussion under Appointments and Hearings - The Taisey Family Nomine Trust, Regarding the proposed Marion Stoddart Riverwalk (trail) at Partridgeberry Woods.

Present: Robert Taisey (owner), Taisey Family Nomine Trust; Atty. Robert Collins

Discussion began with R. Taisey regarding the parcel of land currently located between the Nashua River and the Partridgeberry Woods subdivision. R. Taisey and the trustees would like the Town of Groton to own this parcel as it is an important piece of the land along the river and it would help support the long standing work of Marion Stoddart to protect the important corridors of greenway along the river. The Town would have to purchase this land, it would not be granted. The residents of the Subdivision are uneasy about public access as this area is often found littered and degraded. R. Collins offered to put together an agreement that would indicate that within a year or two, the Groton Conservation Commission would put this parcel of land on the warrant for purchase using CPA funds. There is a strong sense that this land should be in public ownership, there is currently a Conservation Restriction on the parcel. The Taisey family trust can offer a letter of intent to the Commission and remain in a supportive role.

M. Giguere asked about an appraisal by a DCS certified appraiser, and after getting said appraisal, proceeding with the land acquisition process, by possibility seeking a DCS LAND grant. R. Taisey confirmed that they are willing and motivated to work with the Commission to sell this parcel to the Town of Groton. M. Collette (from the audience) suggested creating an ADA accessible trail named for M. Stoddard as previously proposed by Paul Funch of the Groton Trails Committee. This would open up access to more people and perhaps improve stewardship.

Discussion moved to forestry potential and general consensus that this would complicate the land acquisition process. B. Easom commented that the Commissioner has a perfect track record at town meeting of accepting a land grant. He was concerned that due to the opposition of the Homeowners Association, that a future vote for the acquiring of this parcel would not pass at town meeting. This, B. Easom summarized, would taint the reputation of the Commission in his opinion. Discussion continued about proceeding with an appraisal as if the Commission were to move forward with the land grant process. B. Easom stated that the discussion should continue in executive session. O. Lathrop stated that the land grant process hinges on what the property is worth. B. Easom wants to be confident that the process is favorable to the best outcome at town meeting. R. Collins would be willing to draft a memorandum in time for the next Conservation Commission meeting.

N. Gualco gave the commission an update under General Business, Other discussions - Review Conservation Funds.

Present: Bob Anderson

Specifically the question of whether or not the Commission will be able to financially supports the Duck Pond Restoration Project was discussed. After review of available funds, N. Gualco does not feel there is enough money to support this project financially. He noted that B. Anderson has filed an NOI for this project and it will be discussed at the next meeting (2/27/18). B. Anderson stated that any support from the Commission, for any amount of funding, would be appreciated. B. Easom asked the Commission to consider spending some money from the line item operating expense fund. O. Lathrop does not feel the project is something the Commission should utilize its funds for. N. Gualco stated that the Commission may be able to spend \$400.00 on the Duck pond project, but still expressed apprehension.

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

VOTED: that the Commission defer this discussion for 2 weeks. The motion passed by unanimous vote.

The Commission continued with General Business, Correspondences- Montachusett Regional Trails Coalition Stakeholder Exercise

Present: Paul Funch, MRTC Representative

As a representative of the MRTC, P. Funch gave the Commission background and history on the Coalition. He explained the various planning projects undertaken by the MRTC including trail connections, a state trail vision of trails in MA, and the Twin city rail line. One of the roles of the MRTC is to educate citizens and towns as to the importance of developing trail systems. They are trying to get organized and asking for a survey to be completed by stakeholders of various towns. Paul asked 'what would we like to see in terms of trail systems and how would we feel about enhancing existing trails to conform to ADA guidelines?' Paul asked for the Commission to fill out the survey and submit feedback.

N. Gualco will collate the Commissioners responses and submit them to MRTC by the deadline of March 1, 2018.

The Commission then continued to General Business, Correspondences - Nicole Pelletier, 486 Old Dunstable Road: request to remove a hazard tree.

N. Gualco asked the Commission for clarification of protocol in the case of imminent need for removal of hazard trees. The Commissioners agreed that the Conservation Administrator would have the ability to allow the process of tree removal. The Commission will ask for documentation and presentation at the following meeting. They will ratify it at a vote and issue an Emergency Certification for such instances.

Then the Commission heard under General Business, Invoices N. Gualco present an invoice for Balsam Walk, back taxes in the about of \$131.11. This is the remainder of the amount due for the land acquisition. He also presented a request for payment for the Groton Herald posting of \$170.50.

Under General Business, Other Discussions- Open Space Recreation Plan N. Gualco updated the Commission by reporting that there will be a briefing session this Thursday February 15th at 9:00 a.m. There have been 10 responses thus far for session attendees.

The Commission began a discussion under General Business, Land Management, Surrenden Farm West - License agreement- request for drafting session. They would like to make some changes to the RFP with John Smigelski absent from this part of the meeting since he has indicated he will re-apply for the bid. N. Gualco has a memo for the placeholder for the article at town meeting.

N. Gualco commented that the Bobolink Project 2018 application is now open and will close on 3/20.18. He continued by stating that the Commission may need to come up with a “plan B” in the event that there may not be another lessee under agreement for the upcoming year.

M. Giguere proposed that the Commission resume this discussion at the end of the meeting without J. Smigelski.

The Commission then considered, under General Business, Land Acquisition - email from Martha Harvey M. Harvey offered a parcel of land for sale to the Commission years ago and is inquiring about potential interest and to see if the Commission would like to resume negotiations. The Commission is interested in exploring the option of land acquisition.

Upon a motion by M. Giguere, seconded by B. Easom it was;

VOTED: to authorize the Conservation Administrator to communicate to Martha Harvey that the Commission would like to resume negotiations on the acquisition of the two West Groton Parcels. The motion passed by unanimous vote.

The Commission then heard, under General Business, Committee updates; E. McHugh (Earth Removal and Stormwater Advisory Committee) reported that the Groton Inn is applying for a change in the stormwater permit to mitigate the creation of more parking on the site. A special meeting of the Lost Lake Advisory Committee watershed group was held to consider funding a study further up in the watershed.

B. Easom reported that CPC has reviewed application for FY19 funding, where 600K is required and \$400 is available.

The Commission heard a briefing by N. Gualco under General Business, Announcements stating that the following conferences were upcoming: (1) Mass Department of Agricultural Resources - listening sessions; (2) Massachusetts Land Conservation Conference; (3) MACC annual conference.

9:11 p.m. John Smigelski left the meeting.

The Commission continued with General Business, Land Management, Surrenden Farm West the discussion about the RFP with a couple of small adjustments, nothing significant needs to be changed in the document. M. Giguere had met with N. Gualco to go over the document and some minor changes were made. These included the addition of language referencing the Resource Management Plan and the statement that the preference (under the RMP) appears to be for haying. Dates for payment were also changed to work favorably for collections. N. Gualco would like to incorporate the changes and have a vote to run the RFP again.

Upon a motion by M. Giguere, seconded by E. McHugh, it was:

VOTED: to incorporate in the RFP document the changes for a 10 year period, approval subject to town meeting and with those changes made do authorize the release of the RFP. The motion passed by unanimous vote.

The Commission then reviewed a warrant article draft to see if the Town would approve a license agreement for the term of ten years.

Upon a motion by O. Lathrop, seconded by L. Hurley it was:

VOTED: To authorize the Conservation Administrator to submit this warrant article for Town meeting.
The motion passed by unanimous vote.

Upon a motion by M. Giguere, seconded by E. McHugh it was;

VOTED: to adjourn the meeting at 9:20PM. The motion passed by unanimous vote.

Respectfully submitted,

Elizabeth Faxon, Per Diem Minute taker, Town of Groton

Exhibits on file:

- 1. Notice of Violation, 60 Boston Road**
- 2. NOI, 419 Old Ayer Road, MassDEP#169-1168**
- 3. COC, Lot 3 (33 Orion Way), MassDEP#169-768**
- 4. Meeting Minutes, 2/14/17**
- 5. Meeting Minutes, 1/23/18**
- 6. Email from John Petros of 207 Gratuity Road, dated 2/5/18**
- 7. Email from Nicole Pelletier of 486 Old Dunstable, dated 1/25/18**
- 8. MRTC Stakeholder Exercise**
- 9. Invoice, Balsam Walk back taxes for \$131.11**
- 10. Invoice, Groton Herald dated 2/9/18 for \$170.50**
- 11. Surrenden Farm RFP for Hay Bids draft**
- 12. Warrant Article for ten year license agreement at Surrenden Farm draft**
- 13. Email from Martha Harvey dated 1/29/18**

Approved on: February 27, 2018