



Groton Conservation Commission

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Meeting Minutes Tuesday, July 24, 2018

Beth Faxon, per diem minute taker, Town of Groton joins the meeting at 6:34 pm.

Members present: Chair John Smigelski, Vice Chair Olin Lathrop, Bruce Easom, Eileen McHugh, Larry Hurley, Marshall Giguere (attending remotely)

Members absent: Peter Morrison

Others present: Nik Gualco, Conservation Administrator

1.0 APPOINTMENTS AND HEARINGS*

- 1.1 6:30 p.m. – Discussion with Jack Petropoulos regarding Brooks Orchard (Assessor's Parcel 232-30)

Mr. Petropoulos presented a subdivision plan of a parcel near Martins Pond, abutting town conservation land and containing an area protected by an Agricultural Protection Restriction (APR). Mr. Petropoulos commented that the planning board will likely require widening of driveway to accommodate emergency vehicles and they would like to be prepared for any ramifications of this requirement. Mr. Petropoulos is before the Commission requesting guidance in the preliminary planning stage. O. Lathrop advised the use of best practice erosion control and, any surface grading carry runoff away from the wetland, and the widening occur on the side of the driveway opposite of the wetland. Chair Smigelski read the driveway regulations from the bylaw and advised emergency vehicle access be included in the layout. Mr. Petropoulos adds that the parcel is around 190 acres and open space APR contains approximately 115 acres. The parcel contains pasture and forest, borders the eastern shore of Martin's Pond, and contains an 11-acre beaver impoundment. M. Giguere comments he would like to see a more definitive plan before commenting. He continued that sometimes work is allowed in the 50' buffer zone if certain conditions are met. He advised that if all work occurs on the side away from the wetland, no replication should be necessary.

- 1.2 The Commission then moved to the second appointment on the agenda, an RDA at 53 Pleasant Street, for the construction of a two-car garage addition (M. & N. Tuomi). Presenting: Casey Dowgiert, Architect

B. Easom read the legal notice and opened the hearing. Ms. Dowgiert reports the permitting process is complete and recently the ZBA has approved the addition. Ms. Dowgiert reported that they were not aware of a trench located 43' from the rear of the addition and, 16' from the lot line. She stated there is no water collecting in the trench. She asked the Commission if there are any requirements of the applicants with regards to

jurisdictional wetlands. M Giguere asked about the proposed garage and heard it is within the 50' buffer. Ms Dowgiert explains that they kept the tree line along the bike path but reports a lot of dirt and loam has collected in the corner of the lot. E. McHugh preferred to see a plan with more detail than is presented and asked how close will the driveway be to the wetland. N. Gualco stated the "trench" is categorized as an intermittent stream on the MassDEP wetlands data layer. O. Lathrop provided the assessors map and the DEP wetlands overlay map on screen for the Commission's referral. B. Easom opines that the trench is a drainage structure created by the railroad to handle drainage from the track line and it is not jurisdictional, man-made structure. O. Lathrop, L. Hurley, and Chair Smigelski concurred with B. Easom the structure is a drainage ditch for a pre-existing railroad.

M. Giguere moved to issue a Negative #4 Determination citing the work is in an area of a non-jurisdictional wetland. E. McHugh seconded. Roll Call vote: YES- O.L., B.E., E.M., M.G., L.H., J.S. The motion passed unanimously.

2.0 GENERAL BUSINESS*

2.1 Correspondences

2.1.1 Land Use Department email re: conceptual plan for 63 Gratuity Road.

The Commission then continued to correspondences and discussed a Land Use Department email re: conceptual plan for 63 Gratuity Road.

N. Gualco updated the Commission regarding a Land Use department meeting scheduled for 8/1/18 with developer to view and discuss a conceptual plan of a proposed 40B development which includes 2 buildings containing 45 units at 63 Gratuity Road. He added that the information and conceptual layout plan is just for future project and proposal overview knowledge of the Commissioners. N. Gualco states that through discussions already underway, the developer has stated they will avoid work in any jurisdictional areas. B. Easom asked for proximity of the floodplain and heard the area is outside the 100 year and the 500-year floodplain. N. Gualco pointed out a perennial stream bisects the parcel and wetlands have not yet been delineated. He added that the importance of preliminary discussions and inter-departmental communications were briefly discussed at the recent Open Space meeting. He continued that even if the Commission may not have jurisdiction, other conservation organizations in Town may have interest (e.g., trails). He added that the Commission may want to offer comments to the Planning board and other boards during future permitting reviews. M. Giguere remarks that he sees the importance for an ANRAD on the parcel. O. Lathrop suggested that Gratuity Brook may qualify for the 200-foot riverfront setback.

Paula Martin, a concerned abutter, expressed her concerns to the Commission at this point:

- the number of proposed units proposed in the conceptual plan would result in potentially triple the use of Gratuity road which is of questionable quality.

- the age of residents of the proposed units, at this stage will not be restricted. Ms. Martin is concerned this will result in and even heavier use of Gratuity road and the local infrastructure.
- the conceptual layout is classified as a 40B which allows for waivers of certain construction and building requirements. Ms. Martin is concerned with the overall impact of such a large and extensive project on her property and the neighborhood.

2.2 Emergency Certification

2.2.1 Groton Country Club, 94 Lovers Lane, for the repair of a leaking irrigation line.

The Commission then moved to correspondence regarding Groton Country Club, 94 Lovers Lane, for the repair of a leaking irrigation line.

N. Gualco updated the Commission that he received a call from country club manager reporting that an irrigation line was leaking on the surface in the wetland and access was requested to conduct repairs. N. Gualco reports that he issued an emergency certificate to perform the repair. E. McHugh commented that she commends the Groton Country club management for contacting the Commission to receive permission for this repair in the wetland.

O. Lathrop moved to ratify the emergency certificate issued for the repair of the irrigation line at the Country Club. B. Easom seconded. Roll Call vote: YES - E.M., O.L., B.E., L.H., J.S., M.G. The motion passed unanimously.

2.3 Certificate of Compliance

2.3.1 MassDEP#169-078, 20 Bayberry Lane, duplicate issuance of COC

The Commission then continued to review MassDEP#169-078, 20 Bayberry Lane, and the duplicate issuance of a COC. N. Gualco explained that the original COC was issued in 1985 for Bayberry Lane, Sunset crossing, and was never recorded at the Registry. Consequently, the present owner cannot sell the property.

**** O. Lathrop left the meeting at 7:25 pm stating his property is adjacent to the property being discussed. ****

E. McHugh moved to issue a duplicate COC for Mass DEP#169-078 for Bayberry lane, B. Easom seconded. Roll Call vote: YES - B.E., E.M., M.G., L.H., J.S. The motion passed unanimously.

2.3.2 Discussion: MassDEP#169-059, Bayberry Lane, possible erroneous recording. N. Gualco then explained that the COC MassDEP#169-059, Bayberry Lane, was a possible erroneous recording. His research of the files indicate that this DEP number was for a building on Longley Rd. Various ideas were proposed including

- The Commission authorize N. Gualco to write a letter to the closing attorney describing a possible administrative error made years ago.
- Have the applicant refile for a COC
- Review the Longley Road file and correct errors simultaneously.
- Check the Registry of Deeds files for cross reference.

The Commission settled on advising N. Gualco to write a letter to the property owner summarizing the problem and informing them that Town counsel will be consulted as to how to proceed in this matter.

**** O. Lathrop returns to the meeting at 7:36 pm ****

2.3.3 MassDEP#169-1160, 21 Blossom Lane

B. Easom then moved to issue a COC for MassDEP#169-1160, 21 Blossom Lane. E. McHugh seconded. Roll Call vote YES - O.L., E.M., M.G., B.E., L.H., J.S. The motion passed unanimously.

2.4 Approve Meeting Minutes

E. McHugh moved to approve the minutes of June 26, 2018 as amended L Hurley seconded. Roll Call vote: YES - O.L., E.M., M.G., B.E., L.H., J.S. The motion passed unanimously.

B. Easom moved to approve the meeting minutes. of July 7th, 2018. O. Lathrop seconded as amended. Roll Call vote: YES - O.L., M.G., B.E., L.H., J.S. E. McHugh Abstained. The motion passed.

2.5 Invoices

2.5.1 & 2.5.2

The Commission signed invoices: the Groton Herald in the amount of \$46.75 for legal notices and MACC in the amount of \$744.00 for FY19 annual dues.

2.6 Land Management

The Commission discussed the following land management topics:

- Shattuck Homestead invasive species control. O. Lathrop describes the costs of pesticide use are prohibitive and mowing twice a year may be the better management plan. N. Gualco checked the land management plan for any restrictions and notes mowing can be done after April 15th each year. Discussion regarding the lack of interest from a farmer ensued and the issue of lack of a water source. Mowing was agreed to be a good plan for the invasive species management and funding was discussed. Chair Smigelski graciously offered his service and agreed to mow the area. N. Gualco will coordinate with the Turtle environmental monitors required to be on site concurrent with the mowing activity.
- The Commission discussed N. Gualco formulate a list of management activities required for each parcel under management. It was described that the list would serve

as an organization tool to consult during meetings to expedite the flow of discussion of land management as well as help focus action items and budget considerations. E. McHugh requested a possible restructure of meeting agendas to avoid lengthy land management conversations consuming a large proportion of meeting time. N. Gualco suggests moving “land management” to a earlier time slot on upcoming meeting agendas.

- B. Easom updates the Commission that he is working on the Reedy Meadow Estates GPS survey. He reports that errors exist in the subdivision. plan and construction may be encroaching on conservation land.

2.7 Other Discussions

The Hayes Properties is covered by Chair Smigelski. He stated that he and N. Gualco met with the landowner and there may be an interest of sale of the parcels (212-13 & 104-30) which are in Ch. 61A with no CR, to the Conservation Commission. Chair Smigelski asked for a letter of permission to walk the properties.

Trimper property: N. Gualco provided an update stating that Peter Morrison met with the estate executor, and has obtained permission to procure and appraisal of parcels 224-18 & 224-18. A discussion ensued on 224-18, which comprises approximately 18 acres of mostly wetlands along the southern shore of Martins Pond and borders a GCT owned property (currently the only public access to the pond). B. Easom inquired about an appraisal and noted that ownership of this lot would provide public access to the pond.

E. McHugh stated she is in favor of appraisals for both parcels Hayes and Trimper. B. Easom suggested a warrant article to fund the conservation fund for land purchases instead of leaning on contingencies of CPC to fund such remarkable opportunities.

O. Lathrop moved to authorize the Conservation Administrator to spend up to \$6000 to procure appraisals for both parcels. E. McHugh seconded. Roll call vote: YES - O.L., E.M., M.G., B.E., L.H., J.S. The motion passed unanimously.

2.8 Committee Updates/Announcements

The following updates and announcements were shared,

- O. Lathrop remarked that he noticed an ash tree at the canoe launch in need of treatment before other trees become infested. He mentioned stem injection as a possible treatment method, and noted it is particularly expensive. He stated his plan to draft a formal proposal and prepare the RDA filing for Spring ‘19.
- B. Easom mentioned when he was walking the Brooks Orchard parcel he noted some potential damage of Ash. He also observed black swallow-wort along the rail trail near 53 Pleasant Street. He claimed he would alert the invasive species committee of his findings.

****E. McHugh left the meeting at 8:30 pm.****

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

N. Gualco shared recent correspondence and information regarding the Scofield property (251-71) currently available for sale and possibly in bankruptcy liquidation proceedings. The Commission had made an offer on said property years ago and it was refused. The parcel abuts the Westford Sportsman club and this organization may have interest in an acquisition. B. Easom states he is in favor of acquiring this parcel and would prefer it be held by the Commission to maintain public access. He affirmed the importance of this parcel due to its proximity to a very significant parcel that is owned the Commission. O. Lathrop suggested offering the amount offered in 2014 plus accounting for inflation. Chair Smigelski suggested offering a lesser amount since the property being liquidated is in bankruptcy court. B. Easom cautioned the Commission about the possibility of collusion wherein two buyers (Sportsmen Club and Conservation Commission), working together offer low bids. M. Giguere suggested offering the same amount as was done in 2014. B. Easom offers to reach out to the trustee manager. He offered to spend some time researching the opportunity and the property acquisition options available to the Commission.

N. Gualco announced that this is his one-year anniversary as Conservation Administrator. The Commission thanked him for his work.

B. Easom moved to adjourn at 8:45 pm. O. Lathrop seconded. Roll call vote: YES - O.L., M.G., B.E., L.H., J.S. The motion carried unanimously.

Respectfully submitted,
Beth Faxon, per Diem minute taker, Town of Groton

Items on file in the Groton Conservation Commission office:

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| 1. Brooks 3 hammerhead lot plan | 7. 63 Gratuity Road Groton trails map |
| 2. Brooks 3 hammerhead lot plan.pdf | 8. Emergency Cert |
| 3. Brooks Orchard
Plan_PlanningBoard.pdf | 9. history COC 169-078 |
| 4. 53 Pleasant Street RDA site
plans.pdf | 10. COC 21 Blossom Lane |
| 5. 53 Pleasant Street RDA | 11. Meeting Minutes for 06-26-18 |
| 6. 63 Gratuity Road concept plan | 12. Meeting Minutes for 07-10-18 |
| | 13. GH Invoice |
| | 14. MACC Annual dues |

Approved on: August 14, 2018