



TOWN OF GROTON
Conservation Commission
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Groton Conservation Commission
MEETING MINUTES
January 22nd, 2019

Present: John Smigelski, Chair; Eileen McHugh; Olin Lathrop, Vice Chair; Peter Morrison; Bruce Easom, Clerk Laurence J. Hurley

Others present: Nikolis Gualco, Conservation Administrator, Town of Groton.

Not present: Marshall Giguere

6:30 pm – Chairman Smigelski called the meeting to order

1. APPOINTMENTS AND HEARINGS

Agenda items 1.1 “Discussion with Atty. Bob Collins on Palmer property (Assessor’s parcel 211-52) development, West Main St.” and 1.2 “Discussion with Stan Dillis and/or Atty. Bob Collins on compliance issues at 419 Old Ayer Road, MassDEP#169-1168” are being postponed to the meeting on February 12, 2019 as Bob Collins was unable to attend this evening.

The Commission moved on to the GENERAL BUSINESS section of the agenda.

Item 2.1.1 Forestry Management – Review RFQ and Advertisement for Forester Contract

N. Gualco has submitted a draft that is in review by Town Counsel. The Commission reviewed the draft and E. McHugh noted that the proposed language of including a 10-year review was not on page 3 and N. Gualco will make that change. E. McHugh asked what would the Conservation Commission do in the event that there is more than one bidder. J. Smigelski commented that the 10-year review cycle may increase interest for more potential bidders. N. Gualco answered the Conservation Commission can make the decision between multiple bidders.

The Commission discussed running an advertisement to drum up interest in the forester contract. N. Gualco will work on placing the ad. B. Easom also mentioned sending to the Keystone Project.

The Commission discussed re-evaluating the prices. For example, re-evaluating at 5 or 3 years. J. Smigelski suggested a fuel clause because fuel costs can fluctuate greatly. It would be attractive for potentials bidders if they had the opportunity to revisit if fuel becomes an issue. The Commission decided the plan would be to re-evaluate every 3 years with the fuel costs adjustment ongoing.

Essentially the Commission is hiring a technical expert who would be administering logging and forestry. The logging and forestry performance are separate. E. McHugh expressed there was some confusion there and it was decided there will be separate administration and implementation sections in the RFP to help clear up this potential confusion. It was discussed whether two RFPs should be requested – for 3 and 10 years. It was decided to stay with a 10-year RFP and indicate in the request that it is dependent on the decisions at Town Meeting. A motion was not needed at this point. N. Gualco will update everyone once he hears back from Town Counsel.

6:53 pm The Commission moved on to item 2.1.2 Other Land Management Business Bobolink Project Application. N. Gualco encouraged J. Smigelski to apply for this project based on his history and experience with the project.

The Commission then moved on to item 2.2.1 for rescheduling the March meeting. N. Gualco will be out of town and requested a reschedule date the week before the originally scheduled March 26th meeting. The commission decided to reschedule to March 19th. The March meetings will take place on March 12th and March 19th.

7:00 pm The Commission moved on to item 1.3 RDA, 11 Town Line Road, for tree cutting within the wetlands buffer zone with Chad Falardeau. B. Easom did the reading of the RDA. A brief history was discussed. N. Gualco commented that the Land Use Department and Stormwater Commission were also aware of this situation. N. Gualco has visited the site and noted that there is small part, about a one quarter of an acre, on the land where the landowner cut trees close to the 50-foot wetlands buffer zone. Mr. Falardeau provided a back story where he purchased a couple parcels of land with the intent to build a garage and office for his construction business. After he was denied the building of the garage with office, he began clearing land to allow for storage of his business equipment. He used a reputable tree service that was cautious and stopped cutting when it appeared to be approaching the wetland buffer zone. What Mr. Falardeau would like to do is to complete the project by removing stumps and re-grading the lot so that it is more presentable and useable for his business. E. McHugh expressed concern that leveling will push more earth beyond the 50-foot buffer zone. She requested that a simple plan be drawn so that the Commission can better understand the scope of his project and to be a reference point if there are future discussions. It was suggested that N. Gualco delineate, take measurements and help with marking the buffer zone. After further discussion, B. Easom suggested that the land be surveyed so to have a clear understanding before the work continues. There was also a concern by members of the committee with the Conservation Commission Administrator (N. Gualco) performing the wetland survey. After further discussion with the landowner it was suggested there may already be a survey in place as this lot was a former area of interest for the construction of a McDonalds restaurant several years ago. J. Smigelski recommended this discussion be continued in one month at the February 26th meeting. In the meantime, some research will be done to see if there is a survey plan available.

Upon a motion by P. Morrison, seconded by Laurence Hurley it was

VOTED to continue the RDA to the February 26th meeting.

7:25 pm the Commission moved on to item 1.4 Discussion with Bob Ordemann of the Trails Committee on Paquawket Path Trail Easement.

Bob updated the Commission that he recently had a meeting with Town Legal Counsel and wanted to bring this to the Commission to determine next steps. He provided some background of the issue. Essentially there is some contention among abutters, particularly at addresses 98 and 100 Paquawket Path, of what is the public right to use and access the rail trail along the Conservation Land of Paquawket Path. Town Counsel does not have a strong understanding of the background of the legal use of this parcel of land. They noted that in the way the deed is worded, it implies absolute access to the public. The actual mention of the right of way is not available. The hope by the Trails Committee and Town Counsel is to work with the neighbor at 98 Pawquawket to help connect historical paperwork. N. Gualco noted that there is no easement and the goal is to get one in place. In situations when referring strictly to the “intent” in the deed, it could potentially end up in court. P. Morrison supported bringing this to court. B. Ordemann questioned if it would be best to remain status quo. O. Lathrop suggested speaking with the property owner as it would be in his/her interest to clear up this uncertainty with the land use. It was discussed that when the conservation land was deeded to the town, the access was passed along. However, nothing says that the access was intended for public right of way. J. Smigelski noted that the easements should be in the deeds of the two properties and not what was gifted to the town. He recommended speaking to an attorney with background and experience in land management and would refer an attorney that he has had experiencing working with. B. Easom stressed the importance of having the easement in place. J. Smigelski said he would initiate contact with his attorney contact and will get back to B. Ordemann.

After no further discussion the Commission moved on to item 2.2.2 Conservation Summit 2019. O. Lathrop updated the commission that Paul Catanzaro will be the keynote speaker. The space has been secured at Lawrence Academy. It is scheduled for February 28th. O. Lathrop is working on getting invites out this week. He will send to past attendees. The proposed agenda is:

6:30 networking / refreshments

7:00 keynote speaker

7:45 groups will present, followed by opportunity for open discussion. The hope is for cross pollination of information.

N. Gualco will post a meeting in the event there is a quorum at the summit. P. Morrison expressed that it would be good to get new people at this meeting. This was agreed by the Commission and O. Lathrop will post an ad in the Groton Herald.

7:56 pm The Commission moved on to item 2.2.3 Review Annual town Report draft. The commission briefly commented on the draft report. P. Morrison indicated a typo that two vice chairs are noted in the draft.

The Commission then moved on to agenda item 2.2.4 Open Space Inventory – Not Protected, Town Land. N. Gualco led the Commission through a review of four parcels of land in the town that are town owned, and appear to be open space, but are not managed by the Conservation Commission. All but one of the parcels is connected to existing conservation land. After review of each parcel, it was agreed that N. Gualco will draft a letter to the Select Board to request exchange of management. He will circulate the draft to the commission for their review before sending to the Select Board.

8:14 pm the Commission moved on to agenda item 2.3.1 Open Space Advisory Group – Public Forum Update. The Commission discussed the upcoming Public Forum and would like to ensure the public is aware of the meeting. It will be at The Groton Inn on Thursday January 31st at 7 pm. E. McHugh confirmed there is a small budget for refreshments and light snacks. The overall premise of this meeting is to give an opportunity for other boards in the town to see a presentation of the Open Space report. The boards will receive an advanced copy of the report and will be requested to provide a return letter. The meeting on the 31st will be an opportunity for these boards to have a discussion and ask questions.

The Commission then moved on to item 2.3.2 Other Committee Updates. N. Gualco updated the Commission about a discussion he had with the Town Accountant regarding \$3000 that O. Lathrop needs for an invasive control project. The Commission discussed some funding options and it was agreed the most favorable option is to request from the finance committee as they have \$150k available in reserves for unaccounted emergency expenses. The level of invasive control that needs to happen could be considered at an emergency level, as its presence has also been confirmed in Pepperell and Shirley. The finance committee meets on Saturday and N. Gualco encouraged O. Lathrop to attend to request funds.

B. Easom and E. McHugh had nothing else to report for committee meetings.

8:25 pm the Commission reviewed the January 8th meeting minutes. O. Lathrop reported some typos that will be fixed. Upon a motion by B. Easom to approve the minutes as amended, seconded by O. Lathrop it was

VOTED to approve the meeting minutes. L. Hurley abstained as he was not present at the January 8th meeting.

The Commission moved on to item 3 in the agenda for Open Session.

B. Easom expressed his concern of confirming the status of Duck Pond. It is not on the list of the State approved Great Ponds. This pond does meet the qualifications to be considered a great pond and B. Easom would like to see this resolved. E. McHugh encouraged investigating with the state if they will get involved, noting that historically they have not seemed interested. B. Easom suggested the pond be surveyed. L. Hurley asked what are the costs associated with the pond, which was answered that CPC and private money fund monitoring of the pond. A company called Solitude does the monitoring.

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

VOTED to adjourn the meeting.

Minutes respectfully submitted by Naomi Campbell Siok, per diem recording secretary, Town of Groton.

Approved on: March 12, 2019