



**TOWN OF GROTON
Conservation Commission**

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**Groton Conservation Commission
MEETING MINUTES
February 26th, 2019 6:30 pm**

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

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

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

APPOINTMENTS AND HEARINGS

The Commission began the discussion of agenda item 1.1 Discussion with Attorney. Bob Collins on Palmer property (Assessor's parcel 211-52) development, West Main Street. B. Collins updated the Commission that he has been in contact with Natural Heritage and they had some concerns with the development plans because the likelihood that protected species travel within the proposed development area. The Commission discussed some potential alterations to the plan. There are some challenges because of ledge and higher elevations that would not allow for driveways to be relocated. B. Easom noted that a Chapter 97 could be considered if considerable conservation would occur. O. Lathrop expressed that he likes the ability to have trail connections along this property. B. Collins will keep the Commission apprised of the progress with this development.

The Commission moved on item 1.2 on compliance issues at 419 Old Ayer Road, MassDEP#169-1168. This is an issue that has been brought to the Commission previously. In summary, when the contractor was going to install a pipe for the septic, the remains of a large barn were found underground. This barn was unknown to the homeowners and not in the plans of the property. Without consultation with the Conservation Commission, he relocated the pipe to an area that disturbed the wetlands protection area surrounding the property. After having completed the work as best he could, the contractor is seeking a certificate of compliance. The Commission discussed that they would like to see plans of the clearing that actually occurred. They would also like to see complete restoration of the area and include recompense for damage that was done. The Commission discussed if a CR would be a possibility and it was noted that the property does not touch any connected areas. O. Lathrop discussed getting wetland

medallions placed along the property as part of the compensation. They also requested that the lampposts be removed. The Commission agreed that they would like to make it clear that what was done is unacceptable and would like it act as an example to other contractors in the future. E. McHugh expressed her concern with the increased level of incidents such as these. It was discussed how there could be more prevention and monitoring of construction sites. B. Collins discussed the possibility of installing snow fences around the sensitive areas.

The Commission then moved on to discuss item 1.3 with B. Collins on a sidewalk project at the Groton School. The Groton School sidewalk project is starting phases II that will include a connection of the Groton School to Old Ayer Road. In a section where the road was clearly built across the wetland, B. Collins is looking for suggestions on how to include the addition of a sidewalk. B. Collins suggested filling with riprap and putting a sidewalk on top of it next to the wetland. The road is 75 from the wetland. B. Collins asked if the Commission would be willing to entertain a request for determination. E. McHugh expressed that this situation would not be an RDA and would be a Notice of Intent. The Commission discussed that it will likely require more work, including the addition of a guard rail. It was discussed with B. Collins that an RDA could be filed with a negative determination. The discussion ended and B. Collins left the meeting.

At 7:13 pm the Commission moved on item 1.4 RDA, 119 West Main Street, for the replacement of a septic system at 119 West Main street. B. Easom read the RDA to replace the dilapidated front porch of this home. L. Hurley inquired on the condition of the foundation to which it was answered it is a board foundation. Erosion control is within 100 feet of the wetland buffer. The plan is to put dirt in the existing driveway. The contractors are renovating the entire house. The foundation for the porch is 4 feet deep. Excavating fill will be moved offsite. Erosion control will be installed.

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

VOTED in favor for a -3 determination with the conditions that excavating fill is moved offsite and erosion control is installed by a unanimous vote.

At 7:17 the Commission moved to item 2.1.1 extension permit at 6 Wyman Road, MassDEP#169-1067 for a single-family home. Upon a motion by M. Giguere, seconded by B. Easom it was

VOTED in favor for a permit extension by a unanimous vote.

The Commission then moved to the Open Session item 3.2, discussion on 591 Main Street. The area to be cleared out contains a culvert installed in the 1970's, which served as a crossing to access a junk pile. Ms. Fisher is seeking direction as to whether to clear out the culvert, remove it, or leave it filled and just clear out the surface. The Commission discussed and agreed that the culvert does not need to be removed as, given its past usage, removal could potentially do more harm than good.

The Commission then moved on to item 1.5 RDA at 119 West Main Street for the replacement of a septic system. There is a very small corner on this property which is within the 100-foot buffer zone. The Commission did not have further comment. Upon a motion by M. Giguere, seconded by L. Hurley, it was

VOTED to approve the septic system replacement with the condition that erosion controls are installed as according to plan.

At 7:23 B. Easom excused himself from the meeting.

The Commission moved on to Open Session item 3.1, discussion with Stan Dillis on whether the Commission would be interested in accepting a CR on a flexible development project at 372 Townsend Road. There is 25 acres of open space along this property. The developer would like to gift this property with a specific request for habitat protection under the recommendation of Natural Heritage. The rear portion is relatively pristine and undisturbed with nesting habitat for turtles. The Commission discussed the challenge of keeping the area monitored. If it was a CR, could Fish and Wildlife be responsible for monitoring? M. Giguere expressed his preference that Fish and Wildlife would monitor. E. McHugh requested more information about the proposal. S. Dillis responded that he will get more information for the Commission.

The Commission then moved on to item 1.6 RDA for 35 Common St, for the clearing of vegetation in an old agricultural field. Lance Wright was in attendance and described that he would like remove invasives from the property. He does not want to dig. He knows there is a culvert nearby, but is unsure of exactly where. M. Giguere expressed his uneasiness with any work being done in a resource area. O. Lathrop asked why he is looking to do this work on the property to which he was answered that he'd like to open up the area. L. Hurley expressed that he is OK with clearing off the top, including invasive and dead trees. E. McHugh agreed she would like to see an opening of the area. It was discussed if the area was able to be mowed more, there would be less invasives. M. Giguere asked if this area was riverfront to which he was answered no, it is not. Upon a motion by M. Giguere, seconded by L. Hurley, it was

VOTED in favor by a unanimous vote for the clearing of vegetation at 35 Common Street, under the condition that no excavating occurs of the stream.

7:42 The Commission moved on to item 1.7 NOI, 29 reedy Meadow Road, for the construction of an attached accessory apartment (MassDEP#169-1184). The plan for the apartment has been scaled back to 28'x30' with erosion control. The plan includes the removal of trees. A corner of the apartment is within the 100-foot wetland buffer zone. The apartment plan does not have a lot of flexibility due to the location of the septic. L. Hurley recommended that he look into scaling back the apartment plan. There will be a concrete foundation. M. Giguere noted the possibility that conservation Commission has the ability to grant because of extenuating circumstances, as this apartment is being built for the applicant's disabled father. The Commission discussed how the land was surveyed, noting that there are large banks along the property. The surveyor was not a wetlands expert. M. Giguere suggested that he continue his NOI application and look to rescale the plan. He would like to return for the March 19th meeting. Upon a motion by M. Giguere, seconded by E. McHugh it was

VOTED in favor for the continuation of NOI at 29 Reedy Meadow Road by a unanimous vote.

7:51 B. Easom returned to the meeting.

At 7:56 the Commission moved on to The General Business section of the agenda and item 2.2.1 Reedy Meadow Estates Olivia Way Flooding Discussion. There was a joint meeting with the Stormwater Committee on March 5th. Both committees are awaiting a plan from the project's engineer. Channing Lambert, a resident of Olivia Way (#10) was in attendance at this evening's meeting and spoke up to confirm with the Conservation Commission that they will only approve a plan that will be beneficial for the residents of Olivia Way. That is the sentiment he has been getting through various committees in the town that are dealing with this issue. It was suggested at other meetings that his home be jacked up and the foundation be raised. E. McHugh expressed her concern that she believes the Stormwater Committee should be the ones responsible for making contact with Pepperell. B. Easom responded with a question of who has jurisdiction over this project. The surface water is flowing into wetlands, and this would not have happened if there wasn't a flooding issue. The pond that is being proposed also affects conservation land. O. Lathrop commented that the Conservation Commission has the right to express concerns and hesitations with any proposed solutions. The Commission discussed the support of a letter from the Groton Select Board to the Pepperell Select Board.

E. McHugh questioned if there is a specific issue the Conservation Commission should be discussing separate from the Stormwater Commission so that both committees are not overlapping discussions. O. Lathrop expressed his concern over the water quality. E. McHugh and Chairman Smigelski both agreed they'd like to see water testing. B. Easom expressed his concern over the potential loss of turtle habitat because of the excess water. He also expressed his concern with basement water being pumped to the surface. The Commission also had a brief discussion about the land compensation and article 97. After some research it was found that there should be no net loss in ecological significance in a property that is gifted. Chairman Smigelski and Conservation Administrator N. Gualco will schedule a meeting with Town Manager M. Haddad to discuss a letter from the Groton Select Board to the Pepperell Select Board. Chairman Smigelski will also look into some options for water quality testing.

8:30 pm The Commission moved on to item 2.2.2 discussion on encroachment on Surrenden Farm. Chairman Smigelski stated that the Commission should write a letter, as this will likely take care of the issue. This is a property belonging to the Select Board and should be addressed with them.

8:33 pm E. McHugh briefly mentioned the upcoming MACC meeting and offered to meet others in the committee to carpool if interested.

8:35 pm The Commission moved to item 2.3.1 Parcel 204-06, landlocked parcel donation. The owner wants to donate this to the town. It is surround by conservation land and makes sense to accept. The issue is there is a defect in the Title, which could delay things and be costlier. The Commission discussed and agreed to start the process. Anne Gagnon from Fish and Wildlife was present at this evening's meeting and offered some information about self help grants available to the town that can help with the costs of land conservation.

The Commission then moved to item 2.3.2 to review the draft memo to the Select Board regarding transfer of land. There are three parcels the Conservation Commission would be interested in seeing transferred from the Select Board to the Conservation Commission. N. Gualco presented the draft letter. It was suggested that both committees do a site walk together. The Commission discussed having a preliminary site walk before the joint walk.

The Commission moved to Committee Updates / Announcements section of the agenda. O. Lathrop discussed the upcoming Conservation Forum on Thursday February 28. Paul Catanzaro will be the keynote speaker. O. Lathrop invited him to dinner at Forge and Vine at 4:30 pm and invited other Commission members to join. For the event, he encouraged members of the Commission that are attending to bring food.

The Commission agreed to move the agenda item to approve meeting minutes to the next meeting.

The Commission then moved to the agenda item to approve invoices.

9:06 pm Upon a motion by B. Easom, seconded by O. Lathrop it was

VOTED to move to the Executive Session not to return to open meeting, 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".

The motion passed by a roll call vote - (Yes: John Smigelski; Olin Lathrop; Bruce Easom, Marshall Giguere; Eileen McHugh; Peter Morrison; Laurence J. Hurley).

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

Approved on: April 9, 2019