



**TOWN OF GROTON
Conservation Commission**

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**Groton Conservation Commission
MEETING MINUTES
March 12th, 2019**

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

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

Not present: Peter Morrison

6:30 PM Chairman Smigelski called the meeting to order.

The commission began with item 1.1 RDA (cont.), 11 Townline Road, for tree cutting within the wetlands buffer zone (C. Falardeau).

Tonight's discussion was a continuation from the January 22, 2019 meeting. N. Gualco researched data on C. Falardeau's property and located a septic plan from 2012. He digitized it onto an aerial photo of his property to approximate the location of his property border in relation to the wetlands buffer zone. N. Gualco commented that the aerial view is an older image it is unclear where the recent cutting had taken place from the image. C. Falardeau recalled for the commission that he stopped cutting when he was made aware that he was near the wetland buffer zone. He would like to revegetate the area. Commission members E. McHugh and M. Giguere expressed their concern that they need to see the area of disturbance reflected on the map. B. Easom inquired on the date of the septic plan which he was answered it is from 2012. The plan originated from when C. Falardeau was installing a septic system. B. Easom expressed that he would like to see the 50' wetlands buffer marked on the plan. O. Lathrop expressed that in addition he would like to see 50' buffer medallions to be placed along the property. He is in agreement with natural revegetation of the area and invasive species control and expressed a concern with earth being moved around the 100' buffer zone. Chairman Smigelski added that he would like to see the plans delineated so that everyone involved is on the same page. M. Giguere added that he is concerned with what is flowing along the buffer and Townline Road and what could be done to remediate. Could a berm be installed? E. McHugh reiterated that she would like to see an improved plan showing the cutting that has taken place and what C. Falardeau plans to do. Chairman Smigelski made the suggestion that C. Falardeau go back to the company that made the original survey plans and find out if they can help him with mapping in the coordinates of the buffer zones. He requested that the updated plan shows: 1) What was cleared 2) Indication of 50' buffer zone 3) indication of 100' buffer zone 4) the area C. Falardeau is proposing that he

has a drive through for his truck and business equipment. Chairman Smigelski reiterated the concern of what is going into the wetland area in regards to Townline Road and what can be prepared for it. The commission members and C. Falardeau discussed a timeline to get updated plans created.

Upon a motion by E. McHugh, seconded by L. Hurley it was

VOTED to continue the RDA to the April 23rd meeting by a unanimous vote.

Note: L. Hurley entered the meeting at 6:35.

7:00 PM The commissioned addressed agenda item 1.2 Discussion with DPW Director and Land Use Director– James Brook ditch clearing between Broadmeadow Road and Old Ayer Road.

This item is slated for discussion at the Spring Town Meeting. Due to large amounts of flooding in the bus parking lot and Broadmeadow Road, DPW Director Tom Delaney is recommending that the area behind Lawrence Academy be opened up to allow for improved water flow. He attended this evening's meeting seeking feedback from the commission if it is recommended that the proposed work be filed under an RDA or an NOI. He would also like to know the type of plan the commission would like to see. E. McHugh inquired who would perform the work to which T. Delaney answered that they would put it out to bid. L. Hurley inquired on the size of the channels to which he was answered they are 6-8 feet. There could be some potential clearing of invasive plants. This is being brought to the Spring Town Meeting as the DPW will be requesting funding. E. McHugh expressed her interest in creating a school project for one of the local schools where the water quality could be tested during this project. T. Delaney replied that because of the short time frame the department is looking to get this project started, that may not be possible. M. Giguere mentioned that because this area may be within a regulatory flood zone that the Army Corps of Engineers may need to be consulted with. He inquired if DEP has also been notified of this project because soil is going to be spread around and will likely fill back in. His recommendation is that T. Delaney find out how the Army Corps and DEP respond. Takashi Tada, Land Use Director, was also in attendance and added that during the Sargisson Beach restoration the Army Corps was contacted. B. Easom asked if there was any potential issue using public funding that will affect some private residences. T. Delaney answered that because this is for the greater good, by making the road more capable of handling flooding, there is no issue. O. Lathrop expressed that he believes because of the many moving pieces and parties involved that this would fall under an NOI. He also added that with many vehicles in the area, where will muddy material, fuel and other debris flow? He would like to see a plan to address this.

L. Hurley asked about the existence of a culvert at Old Ayer Road. T. Delaney replied that this clearing work will help the culvert at Old Ayer Road to flow better. L. Hurley was ok with proceeding with the NOI with the approval of the Army Corps and DEP.

A member of the public, Darcy Donald, was in attendance at this evening's meeting and expressed her concern with the known spotted turtle habitat in the area. She inquired on the timing of the project and if it would coincide with the nesting season. T. Delaney replied his plan is for work to commence in August and September, the driest time of the year. D. Donald also

added that because of this unique issue she thought it may be a good opportunity to close Broadmeadow Road. Chairman Smigelski noted her point and added that it is beyond the parameters of the Conservation Commission and suggested she bring it up to the Select Board.

7:35 PM The commission began the discussion of item 2.1.2 Discuss trees along conservation boundaries of private land and conservation land. T. Delaney, as the tree warden, was present for this item of discussion. After the recent severe weather that downed many trees, N. Gualco had received several calls about trees that belong to town Conservation Land that fell on residents' property. N. Gualco inquired to the commission if a policy needs to be in place when these issues arise. The main concern being who should be the responsible party for removal of trees and covering costs. B. Easom referenced that the New England Forestry Foundation's policy states that if a tree belonging to NEFF needs to be removed that the resident is responsible for paying for the cutting, plus a \$50 fee covering the value of the forested wood. O. Lathrop and B. Easom recommended that a certified arborist be used in these cases, paid for by the homeowner, to determine the condition of the tree(s) in question. L. Hurley inquired if it would be proactive for the commission to announce the proposed policy for hazardous trees, stating homeowners would be responsible for consult with an arborist and cost to remove tree. B. Easom made a comment that in the past, there have been some instances when trees have been removed and paid for by conservation. E. McHugh and Chairman Smigelski further commented that these situations are often what homeowner's insurance is for. Chairman Smigelski was not in favor of the idea of announcing the policy to the public. E. McHugh recommended that N. Gualco draft a policy for a future vote.

7:50 The commission moved on to the GENERAL BUSINESS section of the agenda and approve meeting minutes. O. Lathrop requested that more detail for agenda items be included in the minutes. Upon a motion by B. Easom, seconded by E. McHugh, it was

VOTED to approve the minutes from January 22nd, 2019. O. Lathrop, L. Hurley voted in favor. M. Giguere abstained.

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

VOTED to approve the minutes from February 19th, 2019 by a unanimous vote.

The commission moved on to discuss Land Management item 2.1.1 Reedy Meadow Estates, Olivia Way, discussion on Article 97 change of use procedure. N. Gualco has done some research on the No Net Loss policy in the state. The most current policy is from 1998 and is currently under a lengthy review that is not yet in regulation. One of the proposed regulation items is that there is the need for 30 days' notice for the discard of article 97. N. Gualco is going to investigate further, and in the meantime will be posting a public hearing for April 16th for the discussion of the article 97 parcel. It was discussed that for Article 97, the land could be in another town and it was discussed if Pepperell would be possible. The original land was not gifted, it was part of the development deal. It was briefly discussed that there is a bond on the

road, but not on the subdivision. The developer is still the condo association. The current homeowners do not currently have a lawyer, but are considering getting one.

The commission moved on to item 2.1.3 Forestry Contract. N. Gualco has received feedback on the draft contract from Town Counsel. Town Counsel would like to see that this year's contract is a level playing field for bidders. The contract needs guidelines for evaluation. The commission members discussed what level of experience is advantageous for bidders. M. Giguere expressed that less than 5 years was unacceptable. B. Easom inquired if the forester is being referred to an individual or company. E. McHugh commented on the advantageous language and inquired if there could be a point system. She also inquired if there are requirements for respondents to provide backup for their experience. N. Gualco commented that town counsel is discussing what will be required. M. Giguere suggested adding language of "managing forester" and require that person has the highest level of experience. E. McHugh offered to review the document and will send her feedback over the weekend. B. Easom added his recommendation that the applicants have municipal experience. The commission discussed the 10-year versus the 3-year format. It was questioned if a potential applicant would be attracted to a 10-year contract. The plan is to get the contract ready for bid for posting early next week (week of March 17th) in anticipation of the Spring Town meeting deadline. The Town Meeting vote is necessary for the 10-year contract, but not for the 3-year contract. M. Giguere commented that a 10-year contract may be more desirable as the person will build a relationship and history with the town. He inquired if the vegetative management item could be managed separately as a 3-year contract while the remaining contract be in the 10-year format.

8:32 pm The commission moved to Land Acquisition item 2.2.1 Review recently acquired parcels and discuss. The commission discussed a recently received email from Calvin Moore stating his opposition to the naming of the recently acquired O'Hare land as the "Best Fitch Preserve". As the Executor of the Estate, Mr. Moore referenced that the Last Will and Testament of Hilda O'Hara stated the land was to memorialize the Fitch family. The commission discussed bringing this to a public hearing and invite both C. Moore and Valerie Best to comment on the naming of the parcel. B. Easom commented that using the term "preserve" infers that it will need to be maintained and he commented this area is a hayfield. He suggested the parcel name use "conservation area" instead.

Chairman Smigelski requested a motion to adjourn the meeting. Upon a motion by B. Easom, seconded by E. McHugh it was

VOTED to adjourn the evening's meeting by a unanimous vote.

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

Approved on: April 9, 2019