



**TOWN OF GROTON  
Conservation Commission**

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**Groton Conservation Commission  
MEETING MINUTES  
April 9<sup>th</sup>, 2019**

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

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

Not present: Bruce Easom, Clerk

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

**1. APPOINTMENTS AND HEARINGS**

The Commission began with item 1.1 Discussion to review proposed Article 97 land replacement at Reedy Meadow Estates (Olivia Way). The developer of Reedy Meadow Estates, Peter Cricones, was present with his attorney. He stated that the square footage that needs to be swapped has been cut down to 15k square feet. He also stated that he had been in talks with someone from the state who was unsure if Article 97 land swap is a regulation. He presented some alternative lots with similar square footage. The first option was a circle of land within the Reedy Meadow development with a walking path with straight, flat access to town. The second option is 10-15k square foot corner lot going out to Nashua Road that touches other conservation land.

P. Morrison inquired what the developer believed to be the conservation value of the two pieces being considered this evening. When considering the pre-development conservation value of the land used for Reedy Meadow Estates, how do these compare? P. Cricones answered that the first option is probably not comparable, while the second option is likely more comparable. P. Morrison was in agreement that the first option does not seem to have comparable conservation value due to its placement with houses and driveways surrounding it. L. Hurley agreed that the first option is not a viable option. If the second option has easements, he would not find it a viable option. The developer replied that he would be willing to extinguish the easement.

It was questioned who owns the circle property. It is owned by the condo association, which is currently the developer, P. Cricones. M. Giguere expressed his concern that the center island is not habitat and it would be tricky to manage as an easement and create habitat. The committee also discussed management of donations of land. At the time the development was being

approved, there was a requirement of a land swap, that the land swap is not considered a donation.

M. Giguere is unsure of the value of the parcels would qualify as no net loss. O. Lathrop was in agreement that the two parcels do not have value similar to what is being swapped. P. Cricones and the Commission reviewed photos and maps that abut existing conservation land as possible alternative options. The developer mentioned access as a conservation value. P. Morrison clarified that giving people access is not as much of a priority as the conservation value of the land. For example, the diversity of wildlife, flora and fauna area priority. The developer suggested a 10k square foot parcel in Pepperell. Chairman Smigelski added that this issue is very time sensitive making it difficult to make a decision. P. Morrison inquired to the Conservation Administrator if the town can own land in another town to which he was answered that yes, it is allowed. The 10k square foot lot in Pepperell abuts land that has conservation easements by the homeowners. There was a question if this parcel is 10k square feet how it would work in comparison to the 15k square foot lot that they are swapping. It was discussed that the swap can contain separate pieces to equal the total. E. McHugh commented that the Commission would need to see a new proposal considering the newly discussed parcels by next week. The developer questioned the Commissions thoughts on covenant, to which he was answered that the Commission would prefer to own in fee, but would also consider a combination of options. L. Hurley expressed his interest in the 10k square foot lot in Pepperell, if there was something else that could be added. Conservation Administrator N. Gualco added that today's discussion focused a lot on conservation and square footage value and the Commission needs to also consider monetary value as a requirement for Article 97. The Commission will look forward to receiving an updated proposal from the developer.

2. The Commission then moved on to the **GENERAL BUSINESS** portion of the agenda, beginning with item Order of Conditions 2.6.1 29 Reedy Meadow Road, MassDEP#169-1184. The applicant K. Stone was present for this portion of the meeting. P. Morrison read the Order of Conditions Special Conditions Under the WPA.

Upon a motion by P. Morrison, seconded by E. McHugh and L. Hurley it was **VOTED** to accept the Special Conditions under the Wetlands Protection Act for MassDEP#169-1184. The motion passed by a unanimous vote.

P. Morrison then read the Special Conditions under the Groton Wetlands Protection Bylaw. The Commission discussed striking line #5 "Prior to the commencement of construction, the applicant shall install conservation markers..." as the Commission discussed conservation markers are not needed. The Commission also commented on line #7. "Immediately upon completion of the dwelling foundation and prior to further construction activities, the applicant shall contact the Conservation Administrator and arrange for a site inspection. Said inspection will confirm that the foundation location and its proximity to wetland resource areas comply with this Order of Conditions". N. Gualco confirmed that this item was added as the Commission has been talking about having more oversight on construction process. M. Giguere commented that #10B "Locations and elevations of all stormwater management conveyances, structures, and best

management designs, including foundation drains, constructed under this Order within any wetland resource areas or buffer zones” was not needed in this case.

Upon a motion by P. Morrison, seconded by M. Giguere it was **VOTED** to accept with amendments the Special Conditions under the Groton Wetlands Protection Bylaw for MassDEP#169-1184. The motion passed by a unanimous vote.

The Commission then moved to item Land Management 2.1.2 GDRHS Land Use Proposal for use of property protected under CR. Groton Dunstable teacher Elise McHugh, along with student interns, were present at this evening’s meeting to discuss their recent proposal to use a 10k square foot parcel of land, owned by the GDRSD with a CR held by the Conservation Commission, outside of the high school to create a sustainable living classroom. This would include lessons in organic farming and homesteading with the ultimate goal of enabling a farm to table program at the school. They are aware of the beaver and turtle habitat and are working with the various groups that are working with these species. L. Hurley commented that it is an excellent idea. He agrees that the land is perfect for this use and that it has been well planned. M. Giguere also commented that it is an excellent idea. He expressed concern that there are rare species in this area and questioned if they are going to be contacting Natural Heritage. He commented that Natural Heritage could consider the raised gardens to be educational structures. E. McHugh and M. Giguere asked what materials will be used to construct the gardens. The group answered that they hope to use fallen trees if possible. It was not recommended to use pressure treated wood as the potential risk for contamination. O. Lathrop was also in agreement with the project. He commented that this is a very large project and Natural Heritage does need to be looped in. He also commented that the CR needs to be reviewed closely to identify any potential issues. P. Morrison mentioned that the CR prohibits the removal of dead trees from the property, but thinks the repurposing of fallen trees may be acceptable. In cases of making exceptions for CRs, it is often more agreeable when tied to education as opposed to for-profit. The applicants also mentioned that they will work on invasive control as there is bittersweet and buckthorn present. The ultimate goal is to create a curriculum that ties in to the farming community. They hope to have area farmers consult with the class. The teacher also commented that this program would be student driven. P. Morrison suggested having some of the students come back to a Commission meeting and report how things are going. N. Gualco commented that he has reviewed the CR with the students and it could be modeled as a management plan. Chairman Smigelski also talked about some area farmers and resources that may be of use to the class. The Commission reviewed next steps. First, they need to consult with Natural Heritage and get their approval to move forward. N. Gualco will assist with getting them in touch with Natural Heritage. They will then have to bring it back to the Conservation Commission and discuss any conditions or concerns that may have been brought up by Natural Heritage.

The Commission then moved on to agenda item Violations and Enforcement 2.4.1 19 Baby Beach Road. Homeowner Scott Dean of 19 Baby Beach Road was present at this evening’s meeting to discuss the situation. On April 3<sup>rd</sup>, Nik received a phone call that someone in this neighborhood was cutting down a pine tree. S. Dean reported that the tree had fallen during a

storm and damaged the retaining walls on his property. He began repairing the retaining wall and was unaware that he needed to follow a permitting process because of the location of his home in a wetlands buffer zone. M. Giguere commented that he would like to see a filing from the resident to address the repair of the retaining wall and including erosion controls. The Commission briefly discussed if an RDA or NOI would be appropriate and M. Giguere suggested an RDA. Chairman Smigelski commented that N. Gualco will lead S. Dean through next steps. O. Lathrop commented that he would like to see a reasonably drawn up map so when the work is complete it can be compared against the map. He reiterated that within 50 feet of the wetlands buffer zone no new structures are to be built. The wall is to be repaired and erosion controls are to be put in. L. Hurley commented that the map should show the dimensions from the water to his house to show that the retaining wall is in the same place. Erosion control hay bails need to be placed between the work that is being done and the water. P. Morrison asked where the remainder of the tree is. S. Dean commented that it is still in the water and he is working on pulling it out.

7:58 pm The Commission moved on to item Land Management 2.1.3 Forestry Contract – Update. N. Gualco reported that the Commission is scheduled to meet on April 23<sup>rd</sup> and can review applicants for the forestry contract then. The RFP closes on the 17<sup>th</sup>. E. McHugh inquired if there have been any questions from applicants. N. Gualco stated that yes, and he has often referred people to the previous contract for clarification. The Commission was encouraged to hear there have been many responses to the RFP.

The Commission moved on to item Land Acquisition 2.3.1 Trimper Parcel – Update. N. Gualco reported that they can move forward with the ANR once special permits are done. He'd like to make sure the Commission is in agreement with the configuration. P. Morrison commented that the monetary discussion is still to occur in Executive Session. O. Lathrop inquired on easement access. He would like to see an easement area for a trail.

8:05 E. McHugh left the meeting.

The Commission moved on to item Land Acquisition 2.3.2 523 Martin's Pond Road – Removing property from Chapter 61A. N. Gualco reported there has been a change in chapter status for this parcel. There is no sale yet. They have the option to have the land appraised along with the right of first refusal. There are structures on it. Back taxes are also being paid.

Upon a motion by P. Morrison, seconded by L. Hurley it was **VOTED** in favor to not move forward with any action on this property by a unanimous vote.

The Commission moved on to item Land Acquisition 2.3.3 Hilda O'Hara, Longley Rd. Parcel – Meeting on 4/23 with Calvin and Valerie to discuss name. N. Gualco referenced the recent emails from Calvin Moore and Valerie Best that are in disagreement with the naming of the parcel of land. Calvin and Valerie have both been invited to the April 23<sup>rd</sup> Commission meeting to discuss the name if they wish to attend. The Commission expressed its interest in holding a discussion and agreed that it will consider voting on the name at the April 23<sup>rd</sup> meeting.

The Commission moved to agenda item 2.9 Invoices and approved and signed invoices.

The Commission then moved on to item Certificate of Compliance 2.7.1. 98 Boathouse Road, MassDEP#169-709. The Commission discussed the Certificate of Compliance for 98 Boathouse Road. N. Gualco reported that septic system is not new construction. Upon a motion by M. Giguere, seconded by L. Hurley and P. Morrison, it was **VOTED** to issue the certificate of compliance by a unanimous vote.

The Commission moved to item 2.8 Approve Meeting Minutes – February 26, March 12, March 19.

O. Lathrop commented that the Executive Session section needs to be removed from the February 26 minutes and filed separately. Upon a motion by M. Giguere, seconded by L. Hurley the Commission **VOTED** to accept the minutes for the March 26 meeting with amendments by a unanimous vote.

Upon a motion by L. Hurley, seconded by M. Giguere, it was **VOTED** to accept the minutes from the March 12 meeting as amended. O. Lathrop voted in favor. P. Morrison abstained.

Upon a motion by P. Morrison, seconded by O. Lathrop, it was **VOTED** to accept the minutes from the March 19 meeting as amended. L. Hurley and P. Morrison voted in favor. Chairman Smigelski abstained from voting.

8:20 pm Upon a motion by P. Morrison, seconded by L. Hurley it was **VOTED** to adjourn this evening's meeting by a unanimous vote.

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

**Approved on: May 14, 2019**