



**TOWN OF GROTON
Conservation Commission**

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**Groton Conservation Commission
MEETING MINUTES
April 23rd, 2019**

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

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

6:30 PM Chairman Smigelski called the meeting to order

1. APPOINTMENTS AND HEARINGS

Chairman Smigelski announced that item 1.1 Public Meeting (RDA), 11 Town Line Road (cont.) will be continued on May 14, 2019.

1.2 Discussion on status of Boynton Meadows, Blacksmith Way. Members of the community and the road were present at this evening's meeting. N. Gualco updated the Commission that there is continuing erosion at the site of this road. The Homeowner's Association, Stormwater Committee, Planning Board and Conservation Commission are all working together on resolving this issue. They were told that in November 2018 an extension permit was filed, but there is no record of it. N. Gualco drafted a list of all the issues that are outstanding for review this evening. He inquired if they should strike the line for a \$50k donation as he does not believe it will be received. Members of the Commission advised to keep that item in. The as-built plans have never been received. There is some confusion on the long-term revegetation and management plans. In 2015 there was a request for modification, and N. Gualco is unclear of what proceeded. The Homeowners Association is unclear of what to do once the issue is clear. Chairman Smigelski suggested that a letter be sent to the developers to get an extension permit filed and request the list of issues to be addressed. E. McHugh asked that Michelle Collette, who was present at this evening's meeting, to make comments on behalf of the Stormwater Committee. M. Collette stated that as there are differing jurisdictions that are affected by these issues, it is recommended that separate letters from each commission and association be sent together to the same parties. M. Collette commented that stormwater is being discharged to the public system and there are many necessary repairs. The Cul de Sac is supposed to be a model wetland. There are many overlapping issues with Stormwater and Conservation, and the stormwater issues are the most expensive to repair/address.

The Commission reviewed photos from the recent site visit. There were some questions on the pitch of the road. It was commented that it appeared too flat. M. Collette commented that should be addressed when the final layer of pavement is laid down and is the responsibility of the design engineer. L. Hurley inquired if this project was bonded. M. Collette answered that because this is a strictly private road, and not a subdivision, that there is no bond. There is no potential this would become a public road. A member

of the public attending this evening's meeting inquired if the desired outcome at this point is a demand letter. M. Giguere commented that the letter should make clear what is outstanding. The Commission discussed that there are rumors the developer is facing bankruptcy. P. Morrison also recommended that all of the issues be laid out in the letters. B. Easom recommended that in the event these issues end up in court, that the letters be reviewed by Town Counsel to ensure proper wording. The Commission discussed and agreed that Town Counsel will be consulted.

At 6:45 pm the Commission moved on to item 1.3 Public Hearing (cont.), Reedy Meadow Estates (Olivia Way), flood mitigation and Article 97 land swap. B. Easom opened the discussion by reading Article 97. N. Gualco recapped that after the last Commission meeting, it was requested of the developer to provide a plan from the engineer for the Commission to vote on. It was also requested that the developer provide a letter of intent. Since that meeting, there was a request to contact Mr. Lorden to remove the CR from one of the parcels. As of this evening's meeting, there was an update that Mr. Lorden emailed the developer. Chairman Smigelski read the email aloud to the committee from Mr. Lorden. It states that he is negotiating the sale of the house on the property, therefore the town cannot own in fee, but he is ok with the CR remaining on the parcel. The committee discussed there needs to be a signed letter from the owner stating exactly what was in the email. O. Lathrop commented that without the signed letter in hand this evening, the Commission must vote with contingencies. The Commission discussed that there should be a motion with the stipulation that without a signed letter, they will not move forward. The Commission discussed that prior to Town Meeting, they will need the signed letters for each property plan, and what the NOI is referencing. N. Gualco will draft the letter to be signed by Mr. Lorden.

M. Collette commented that she thought the Commission should be aware that two separate consulting engineering firms Niche and CEI have both agreed that the proposed modification of the stormwater management plan is the best option to address the issue. E. McHugh added that the detention plantings will have a 2-year warranty and then the homeowners will be responsible for their maintenance. O. Lathrop led a discussion about the language of the motion. P. Morrison requested there is specific language about the signed letters in the motion.

Chairman Smigelski thanked the members of the Commission that attended the site walk to the property on Saturday. The Commission and some of the residents in attendance this evening commented that the pumps were functioning well and the water level was lower than over the winter. L. Hurley asked a clarifying question that Mr. Lorden is to sign his letter and the Commission will move forward with the CR remaining. The members of the Commission agreed. It was discussed if the letters need to be notarized and decided it was not necessary. O. Lathrop led the Commission through typing up the motion for this evening's vote.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was voted endorse the Article 97 land swap plan near Olivia Way according to the following conditions:

- 1) That the easement is according to the plan entitled "Easement Plan in Groton MA, Olivia Way, prepared for Reedy Meadow, LLC, prepared by: Land Engineering & Environmental Services, Inc., dated April 9, 2019." The land will be used according to plan entitled "Grading Plan in Groton MA, Reedy Meadow Estates / Olivia Way, prepared for Reedy Meadow, LLC, prepared by Land Engineering & Environmental Services, Inc. dated March 13, 2019, revised April 9, 2019."
- 2) The Conservation Commission is granted a Conservation Restriction (CR) on a minimum of 6,000 square feet of land owned by John J. Lorden located at 473 Nashua Road (Groton Assessor's Parcel 229-

01). Said CR should largely resemble the CR held by the Groton Conservation Trust on the Fritz & Helen Walker Conservation Area (see Middlesex South Book 63671, Page 230).

3)The Conservation Commission will receive donation of a parcel of land north of Red Pepper Lane totaling approx. 10,686 square feet and referred to as “Parcel L” as shown on the plan entitled “Land Swap Plan, Red Pepper Lane, Groton, MA, prepared for Reedy Meadow, LLC, prepared by Land Engineering & Environmental Services, Inc, dated April 23, 2019.”

4) Any easement on property described in condition #3 be extinguished before land is donated to the Conservation Commission.

The motion passed by a majority vote with B. Easom voting NO.

At 7:45 pm the Commission moved to item 1.4 Discussion on the naming of Hilda O’Hara, Longley Road (Parcel 225-31). N. Gualco recalled the discussion from the previous Commission meeting and the request of an in-person meeting, inviting both Calvin Moore and Valerie Best, to discuss the naming of the parcel. C. Moore and V. Best were both in attendance this evening.

C. Moore opened up the discussion by explaining that the intent of his aunt Hilda O’Hara’s will was that the parcel of land be donated in honor of the Fitch family. He recalled that the Fitch family has a lot of history in the town. He requested that the name of the Fitch family only be used in the naming of the parcel as that was what was requested in the will.

V. Best supplied the Commission with supporting documents. She described that without her efforts, the donated parcel would not belong to the town. At her expense, V. Best had to locate the will after the passing of her aunt Hilda O’Hara. In summary, H. O’Hara’s last will was not filed before the closing in probate court. The last will, dated October 16, 2009 included the gift of the parcel of land to the Town of Groton. Subsequently, as it was not closed in this manner in probate court, C. Moore conveyed the property to himself and Maple Sugar, LLC and subsequently filed a petition with the Groton Conservation Commission to develop the land. After the efforts of V. Best, the intention of H. O’Hara’s last will was revealed and the land was donated to the town. Because of the efforts of V. Best and her family, she recommended that parcel be named the “Best Fitch Preserve” in honor of both families. As the Commission discussed, P. Morrison recalled when the Commission acquired the Williams Barn, that the Sorhaug Family was included in the name because of their work on the ecological research. In this case, the Best family assisted in the protection of this land and P. Morrison agreed with using the Best name in the naming. O. Lathrop inquired if there was a middle ground that could be agreed upon by both parties. C. Moore acknowledged the history of contention among family members and maintained his request that the Parcel name include only the Fitch family as was requested in the will. P. Morrison reminded the Commission members and the public that the Commission is now the rightful owner of the land and reserves the right to name the parcel. O. Lathrop suggested reversing order and naming Fitch Best. B. Easom suggested that the parcel be named and include a subtitle with language that the land was given to the town in memory of the Fitch family.

Upon a motion by B. Easom, seconded by P. Morrison it was VOTED to name the parcel on Longley Road #225-31 as the Fitch Best Preserve and that the Conservation Commission will erect a sign with that name and add text that this land was given to the town of Groton in honor of the Fitch family by a unanimous vote.

As the discussion ended, V. Best expressed her concern about a large hole she discovered on a recent visit that could potentially be a safety issue. P. Morrison and Chairman Smigelski replied that the Commission would address the issue.

At 7:40 pm the Commission had a brief discussion with a member of the public, Chip Detwiller who was in attendance this evening and was interested to know of any land acquisition updates. N. Gualco reported to him that the 18-acre parcel at Martin's Pond has previously been discussed by the Commission and the Planning Board and there is a request for 3 special permits for an A&R endorsement, in which the house would be removed and the remaining land be divided into 3 separate lots. After Thursday April 25 there should be more information available.

The Commission then moved to agenda item 2.2.1 Preliminary Discussion: Proposal to remove beaver dams at 253 and 271 Hill Road. After a discussion with the homeowners, N. Gualco informed them they would need to file a NOI. He invited them in to this evening's meeting to discuss with the Commission. As a result of beavers damming Wrangling Brook behind their homes, the homeowners are experiencing water in their basement. A trapper was recently hired to come in a trap some beavers which resulted in 8 beavers being trapped and relocated. Fences have not been helpful. Now that it is outside of trapping season, this becomes an issue that needs to involve the Commission. As this is an issue with water in the basement, it can also be a Board of Health issue. Breaching of a dam also involves the Department of Fisheries and Wildlife, and the NOI will trigger DFW and MESA involvement. L. Hurley recalled 15 years ago that there were beaver dams on his property and the Board of Health approved an emergency NOI. It was discussed if flooding in the basement is considered an emergency situation to which N. Gualco believes it is. Because of the downstream considerations and the complexity of what is involved when removing a dam, an engineer needs to be available in these types of situations. Chairman Smigelski recommended the homeowner speak to a member of the Groton School maintenance crew that dealt with a similar issue around 2010 to see if they had any recommendations on how to proceed. N. Gualco will work with the homeowners to ensure they have the proper paper work to file the NOI.

At 8:08 pm the Commission moved on to agenda item 2.1.1 Forestry Contract – Review bids and select forester. N. Gualco recalled the bidding process and mentioned that comparing numbers from 2016, when the contract was last up for bid, and 2019 is difficult because the guidelines have changed. N. Gualco mentioned that he is comfortable to submit the accepted bid for approval at Town Meeting. He noted that costs can fluctuate within 25% or the original cost according to the Procurement Act and there are exit strategies in place for both parties. Many of the costs listed are an estimated maximum amount for a year, but these numbers are not typically reached. N. Gualco thanked E. McHugh and M. Giguere for their assistance in the bidding process. One bid was received and the opportunity for others to submit has expired. The bid will be brought to Town Meeting for vote on the 10-year term. If vote does not go through, the contract will go back to a 3-year plan.

At 8:15 pm the Commission moved on to item 2.1.2 Discussion on a proposed plaque at Williams Barn (Williams Barn Committee). B. Easom, as a representative of the Williams Barn Committee, discussed that the committee has proposed a plaque be added near the older white sign for Williams Barn. The purpose of this plaque is to show the history of the site. He reviewed the proposed language with the Commission. Upon a motion by O. Lathrop seconded by P. Morrison it was voted in favor to approve the plaque with similar language to what was discussed this evening by a unanimous vote.

The Commission then moved on to agenda item 2.2.2 Municipal Vulnerability Preparedness (MVP) Planning Grant. This is an initiative that is being led by the Planning Board to decide if the town will

apply for the MVP grant. The grant addresses impacts of climate change and could be of interest to many homeowners, as a lot of homes are in the vicinity of wetlands. Upon a motion by P. Morrison, seconded by E. McHugh, it was VOTED to support and endorse the MVP planning grant by a unanimous vote.

N. Gualco commented that agenda item Violations and Enforcement 2.4.1 19 Baby Beach Road was included in this evening's agenda as a placeholder and there was no action.

Committee Updates / Announcements

2.5.1 Sargisson Beach. L. Hurley announced the Sargisson Beach annual beach clean-up day will take place on Saturday April 27, 2019.

2.5.2 Other Committees. B. Easom commented that the upcoming CPC meeting will discuss the \$100k to be allocated to the Conservation Commission

Upon a motion by P. Morrison, seconded by O. Lathrop it was VOTED to move to Executive Session by roll call vote (Olin Lathrop, Bruce Easom, Marshall Giguere, Elaine McHugh, Larry Hurley, Peter Morrison, John Smigelski) 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.”

At 8:30 pm upon a motion by L. Hurley, seconded by B. Easom it was VOTED to adjourn the executive session by a roll call vote. (Olin Lathrop, Bruce Easom, Marshall Giguere, Elaine McHugh, Larry Hurley, Peter Morrison, John Smigelski)

Minutes Approved: May 28, 2019

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