



TOWN OF GROTON
Conservation Commission
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Groton Conservation Commission
Meeting Agenda

Tuesday, January 28, 2020 @ 6:30 p.m.
Groton Town Hall, Second Floor Meeting Room

Present: John Smigelski, Chairman; Laurence J. Hurley, Vice Chair; Eileen McHugh, Clerk; Bruce Easom (arrived at 6:35PM); Marshall Giguere; Olin Lathrop.

Absent: 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*

1.1 6:30 PM – RDA, 114-130 Sandy Pond Road, for the extension of an existing gas main (Boston Gas Co. [d/b/a National Grid]).

The Commission began the public meeting by hearing a presentation of the RDA by Dana Vesty of Tighe and Bond who were representing the applicant. Vesty explained that the project would involve the extension of an existing gas line from Robin Hill Road to the Groton-Ayer town border along the right of way of Sandy Pond Road. This would involve digging a 2-foot-wide by 3-foot-deep trench. There are plans to install siltation barriers along the ecologically sensitive areas (e.g., two isolated wetlands and their respective buffer zones). Vesty concluded by stating that she estimates that 531 square feet of buffer zone will be temporarily disturbed.

E. McHugh asked what type of equipment would be required for the project to which Vesty replied the plans called for a mini excavator. McHugh then asked in Tighe and Bond would have any role during the project regarding compliance monitoring to which Vesty explained that her firm was hired though until permitting is complete. At that time, the applicant would utilize their project manager, Andrew Shelly, who is listed on the RDA.

M. Giguere asked where the erosion controls would be installed as he did not see them displayed on the plan. Vesty replied they would be placed along the roadside in the areas where the buffer zone intersected the project. Giguere recommended that the Commission add a special condition that the locations of any installed sediment controls shall be approved by the Conservation Administrator prior to construction. McHugh commented that she would also like to see a special condition that the trench be closed in some fashion each night.

B. Easom inquired if the project site was within NHESP priority habitat to which N. Gualco eventually replied, no.

Upon a motion by M. Giguere, seconded by L. Hurley, it was:

VOTED: to issue a “Negative 3 Determination” under the following conditions:

1. Prior to construction, all erosion controls shall be inspected by the Conservation Administrator;
2. The trench shall be closed/properly secured after construction each night.

The motion passed by a unanimous vote.

1.2 6:45 PM – RDA, 55 Sunset Road, for the re-grading and paving or an existing driveway (O. Lathrop).

The Commission then heard a presentation by Olin Lathrop on his proposal to re-grade and pave an existing driveway at his single-family residence. Lathrop stated that the driveway was constructed in 1985 and is comprised of a crushed gravel base. The builder claimed that there was a drainage system installed, but this does not help the problem, which is the pooling of water in a low spot. It takes several days after a precipitation event for the water to infiltrate and while it is on the surface it splashes into the wetland located 10-15 feet away. The plan involves raising the grade in the low spot and applying a 2% cross slope along the driveway pitching the water away from the wetland. Finally, the plan calls for the paving of the entire driveway.

E. McHugh asked for more details about the original drainage design for the driveway. She expressed concern that the original plan to not pave the driveway may have been part of the plan to accommodate water and reduce impervious surface. Lathrop countered that he wants to make a bad situation better, regardless of what was intended regarding the design, the problem exists and requires action is taken.

M. Giguere expressed concern about where the water would go once it is pitched away from the wetland. He asked Lathrop if he intended any kind of infiltration area on the northerly side, to which Lathrop replied that the water seemed to infiltrate very fast in that area. Giguere then asked if the property was within NHESP priority habitat to which N. Gualco stated that it was not. J. Smigelski suggested the contractor install some rock along the far side to slow-down the water as it drains off the driveway.

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

VOTED: to continue the public meeting until February 11, 2020 to allow the applicant time to research the Order of Conditions that originally permitted the construction of the driveway.

The motion passed by a majority vote with O. Lathrop recusing himself.

1.3 7:00 PM – Discussion, acquisition of ‘Trimper’ land (Parcel 224-15).

J. Smigelski took several minutes to update the Commission on the recent closure of negotiations with the sellers of the ‘Trimper’ land (Parcel 224-15), which included an agreed upon price of \$360,000. Gualco announced that he had an Amendment to the September 24, 2019 Purchase &

Sales the Commission signed. He continued by stating that by signing the Amendment tonight the 'deal would be back on' with a closing date of February 13, 2020. The Commission discussed these matters for several minutes recounting the almost two-years worth of work it had undertaken to get to this point. Finally, it agreed to the new terms and signed the Amendment. Gualco will work with Town Counsel to finalize the transaction.

1.4 7:05 PM – RDA (cont.), 210 Indian Hill Road, restoration plan/establishment of lawn area

N. Gualco informed the Commission that the applicant has requested a continuation for three-months to allow his and the Trust's attorneys time to discuss certain legal interpretations of the Conservation Restriction. Because any restoration plan submitted to the Conservation Commission would need to be compliant with the terms of the CR it makes sense to table any further discussion until later.

Upon a motion by M. Giguere, seconded by L. Hurley, it was:

VOTED: to continue the public meeting on 210 Indian Hill Road until April 28, 2020.

The motion passed by a unanimous vote.

2.7 Approve Meeting Minutes

This agenda item was tabled until February 11, 2020.

2.8 Invoices

There were no invoices.

2.3.3 & 2.4.1 Sign Determination of Applicability & Enforcement Order for 128 Martins Pond Road

The Commission signed these documents that they voted to approve at the January 14, 2020 meeting.

1.5 7:10 PM – NOI (cont.), 6 Labbe Road, MassDEP#169-1198, for the replacement of a sewage disposal system.

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

VOTED: to close the public hearing for 6 Labbe Road, MassDEP#169-1198.

The motion passed by a unanimous vote.

2.3.1 6 Labbe Road, Order of Conditions, MassDEP#169-1198

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

VOTED: to issue an Order of Conditions for MassDEP#169-1198 under the Wetlands Protection Act (310 C.M.R 10.00).

The motion passed by a unanimous vote.

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

VOTED: to issue an Order of Conditions for MassDEP#169-1198 under the Groton Wetlands Protection Bylaw (Chapter 215).

The motion passed by a unanimous vote.

2.3.2 54 Hill Road, Certificate of Compliance, MassDEP#169-1056 (update)

The Commission received a report from N. Gualco about the status of the trash removal. Gualco reported that over 40 cubic yards have been removed.

2.1.1 Groton Woods (Parcel 132-55), Invasive Species Committee proposed work

O. Lathrop presented a plan in where the Invasive Species Committee would treat the parcel for Japanese knotweed, which has infested an area adjacent to the trail. As there are no wetlands within the area, the meeting was to seek permission to treat the invasive plan. The Commission agreed to allow the Committee to treat the knotweed infestation.

2.2.1 Discussion: Hayes Property, Chapter 61 notification

The Commission received a letter from Attorney Bob Collins stating that his client, Bob Kiley, and George Hayes have entered into an agreement to purchase the Hayes Parcels located between Maple, Hill, and Pepperell Roads. As the property is in Chapter 61, the Town has the right-of-first-refusal. N. Gualco reported that the Planning Board voted by a unanimous vote at their regular meeting on Jan 23, 2020 to NOT recommend the town exercise its right of refusal as there would be a approx. 60-acre open space donation (out of approx. 90 acres) and that there were not sufficient funds to purchase the property at the agreed upon price (approx. \$1.7 million).

B. Easom asked about the number of recent Chapter 61 properties that the Town did not exercise their right of refusal because of insufficient funds. Gualco reported that this property would be the second with the first being the former Pietras property on Martins Pond Road. Easom asked how much the Martins Pond parcel sold for and Gualco replied approx. \$1.5 million. At this point, Easom posed the question to the Commission that they may need to re-visit the recommended amount as in both cases the Town would not have had enough with the conventional guidance of maintaining between \$750,000 and \$1,000,000 in the Conservation Fund.

M. Giguere suggested the possibility of putting the purchase of the property onto the spring town meeting warrant. A discussion ensued on this topic.

Gualco reported that B. Collins offered to come to the next meeting and discuss matters if the Commission requested.

E. McHugh expressed concerns over ATV usage on a property like this. She also expressed an interest in seeing more of the property off of Pepperell Road.

B. Easom commented that NEFF still owes the Town a favor and could help financially.

The Commission then instructed Gualco to invite Collins to the next meeting to resume the discussion.

2.5.1 Review 2019 Town Report draft

The Commission reviewed the drafted report Gualco provided. There were a small number of scrivener errors that were corrected and a change in wording, but overall the Commission agreed that the report was acceptable and ready for submission to the Select Board.

2.6 Committee Updates/Announcements

E. McHugh announced that the Earth Removal Stormwater Advisory Committee will be meeting February 4, 2020 to discuss a new enterprise fund that would be created to collect fees that would help the Town pay for its MS4 stormwater requirements.

M. Giguere commented that the Great Ponds Advisory Committee was notified by Solitude recently that Lost Lake requires another full-lake treatment. He said that GPAC has a application into the CPC for FY21 funding.

O. Lathrop announced that the Groton Forum is scheduled for February 27, 2020.

B. Easom and O. Lathrop reported back from the recent CPC meeting. They stated that the CPC instructed the Commission to get a letter of support from the Historic Commission because we have this box checked in our application. Additionally, one member of the CPC suggested that we increase our requested dollar amount.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was:

VOTED: to increase the amount requested in the FY21 CPC application from \$200,000 to \$300,00.

The motion passed by a unanimous vote.

N. Gualco reported that the State has accepted the final revisions to the Open Space & Recreation Plan update and all that is required it to provide DCS with a hardcopy. He continued by providing three quotes for printed full copies (one for the Town and one for the State).

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

VOTED: to authorize the Conservation Administrator to expend the necessary funds for the printing of the Open Space & Recreation Plan.

The motion passed by a unanimous vote.

8:23PM – Upon a motion by E. McHugh, seconded by L. Hurley, it was voted to ADJOURN the public meeting. The motion passed by a unanimous vote.

Minutes Approved: February 11, 2020