

TOWN OF GROTON
Conservation Commission
173 Main St
Groton, MA 01450
(978)448-1106
Fax: 978-448-1113
ngualco@townofgroton.org

Groton Conservation Commission
Meeting Minutes
Tuesday, January 26, 2021 @ 6:30 P.M.
Virtual Meeting

Present: Larry Hurley, Chair; Bruce Easom, Vice Chair; Peter Morrison, Olin Lathrop, John Smigelski, Alison Hamilton, Clerk

Absent: Eileen McHugh

Others Present: Nikolis Gualco, Conservation Administrator

6:30 PM- Chairman Larry Hurley called the meeting to order.

1. APPOINTMENTS AND HEARINGS

6:30 PM – Discussion, Enforcement Order, MassDEP#169-1145, 122 Old Ayer Road (Indian Hill Music Center).

G. Shepard updated the Commission that Lockwood Remediation Technology has been performing analysis on the water and why it cannot be cleared of turbidity. A third frac tank will be implemented on the site for additional filtration and circulation of the detention basin. G. Shepard described the process of cleaning the water by using flocculants leaving it in a drinkable state. The water will then be discharged into the outlook control structure at the end of the detention pond and then onto the cornfields. The plan will be operative by tomorrow. The scientists have described the silt to be very fine, instilling challenges for removal from the water. G. Shepard explained the detention basin requires being pumped to the bottom to fully remove the sediment.

P. Morrison questioned when Michelle last visited the site and requested that the Conservation Committee be notified when someone arranges a visit. G. Shepard stated that she was out yesterday.

O. Lathrop commented that he visited the site last week and took pictures of James Brook and is pleased with the progress. He then questioned the flocculants and residual chemicals in the water. G. Shepard explained that the water goes through filtration and is then monitored. O. Lathrop requested actual data to be provided by the engineer.

B. Easom stated that he was satisfied the site is stabilized.

J. Smigelski questioned if there is a concern for the silt to descend from the cornfield. G. Shepard commented there is no concern and explained the hill would be in a similar state if it was just harvested.

L. Hurley stated that he had spoken with S. Wilson regarding the filtration on the pond side and mentioned performing the same procedure on the opposite side. G. Shepard mentioned the water has been clear and numerous erosion controls have been installed on that particular side of the site.

6:40 PM – NOI (cont.), “0” Longley Road, for the construction of a new subdivision, MassDEP#169-1214.

Applicant: Shepley Hill Capital Hill Partners, Larry Smith; William & Spragues, Greg Hochmuth, Jill Mann; Meridian Associates, Charlie Wear, Julia Dickinson

N. Gualco read two new letters from residents David Black and Anna Eliot. D. Black disapproves of the project proposed and disagrees with the interpretation of the regulations, multiple wetland crossings, the fact that most of the open space being preserved is already protected by wetland regulations, and the lack of attention paid to the impact of shading. D. Black suggested the Commission request a wildlife study. A. Eliot on the opposing side of D. Black requests the board to review the merits of development and appreciates the maintenance plan and all the adjustments the developer has made to accommodate the abutters. A. Eliot asked for this project to be approved.

J. Mann summarized her letter to the Commissioners and discussed some of the following highlights. J. Mann first explained a limited project is not a wetland crossing and more of a way to access the property and it can have multiple access points, referencing the DEP and the Guidance Document. These two roadways have been reduced in width and follow the suggestions of the Planning Board. The Shepley Hill Partners have reduced the impact on wetlands and have no restrictions on water flow. J. Mann stated the original plan has been redesigned and has eliminated alterations on two impact areas both on Sand Hill Road and the proposed third crossing, a waiver is also being sought to remove the sidewalk on Longley Road. The revised plan alters 1500 square feet of wetland disturbance.

L. Smith stated he listened to the Commission and redesigned the project to minimize the impacted areas. Two units have been eliminated, the length of the bridge has been increased creating no wetlands disturbances on the Sand Hill Road access, the third crossing has no disturbances, and street lights were eliminated except for at the two entrances. L. Smith

believes this a strong proposal and emphasized a lot of time has been consumed on making these alterations.

G. Hochmuth discussed the widening of the Sand Hill Road crossing and the elimination of 111 square feet of wetland disturbance. Regarding the temperature change in the water G. Hochmuth explained the water is moving and the quality is not being changed. The third wetland crossing proposed 64 square feet of disturbance, however revising the plan an elevated boardwalk will be installed allowing the area to be narrowed and not requiring any alterations to the wetlands. On the original plan 900 square feet of replication was planned and is no longer needed due to the reductions. Longley Road has been reduced down to 1107 square feet of disturbance of wetlands. G. Hochmuth explained that the revised documents will be submitted prior to the next meeting. The DEP is also requesting more information regarding details on the crossings with openness ratios, deed restrictions in place and the basin bottoms. The DEP suggested installing erosion controls on the wetland side and the high replication areas.

L. Smith stated that their goals to remove any cuts above 7 feet were accomplished by moving back the cul-de-sac.

L. Hurley asked for clarification on what units were being eliminated. C. Wear explained that the units on Lot 5 were being eliminated and lot 4 would be moved to another part of the site.

J. Mann stated the revised plans will be submitted by February 4 or 5.

J. Smigelski questioned the measurement of noncontiguous roads D. Black referred to in his written letter. J. Mann clarified it is 1000 feet of noncontiguous roads.

B. Easom was pleased with elimination of the disturbances on the crossings and noted that the developers are emphasizing minimal impacts.

A. Hamilton commented on the effect of wavelength of light on amphibians and their development and how it potentially could cause problems. L. Smith stated he will refer back to the lighting consultant.

O. Lathrop was pleased with the new design and the removal of the excessive lighting; he is concerned with the height of the light cones and the angle they are positioned. There should be no light on the wetlands L. Smith stated that he would have the lighting consultant available at the next meeting to provide the data. O. Lathrop then referred to D. Black's comment about the vernal pool and that there is a reasonable chance that rare species may inhabit the area and suggested a wildlife study. G. Hochmuth commented that the vernal pool is offsite and confirmed there is no construction activity within 100 feet of the vernal pool. A map was displayed showing the relevance to the vernal pool compared to the construction site

L. Hurley was pleased with the professionalism shown; he requested to see the new design plans.

A. Eliot commented that the vernal pool is on her property. She has offered easement, and is pleased with the extra measurements that have been taken from the developers.

J. Mann stated that the following information will be provided at the next meeting, an additional lighting plan that demonstrates the cone angle, height and wavelength, actual distance from the vernal pool to the active construction site, full comments from the DEP, the revised plan including updated wetland impacts, loss of two units, and cuts remaining 7 feet or below.

Rick Muehlke, questioned who will enforce the deed restriction. J. Mann stated the deed restriction is recorded on the Registry of Deeds and in the Condominium Association. The Conservation Commission will have the ability to enforce any violations. B. Easom added that the deed restrictions will also be in the Order of Conditions.

D. Black questioned how the structure being placed over a wetland is not cause of an alteration. G. Hochmuth stated that shading could be deemed as an alteration however, the height of the crossing at Sand Hill he would not consider it an alteration causing any impact, Longley Road also would have no impact on shading.

Upon a motion by P. Morrison, seconded by A. Hamilton, it was:

Voted to continue to the next public hearing on February 9, 2021.

The motion passed by a roll call vote: (Yes: PM, OL, AH, JS, BE, LH)

7:00 PM – NOI (cont.), 85 Boathouse Road, for repairs and renovations of existing retaining walls, deck, and parking area, MassDEP#169-1213.

Applicant: Mark & Donna Enright

N. Gualco updated the Commission that he spoke with the applicant and the engineer was coming out today and Stan Dillis will be surveying the land next week. M. Enright requested to continue to the next public hearing.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:

Voted to continue to the next public hearing on February 9 2021.

The motion passed by a roll call vote: (Yes: PM, OL, AH, JS, BE, LH)

2. GENERAL BUSINESS

Review 2020 Town Report

N. Gualco stated the annual report has been finalized and requested any corrections from the Commissioners.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:

Voted to approve the final draft of the annual report for submitting.

The motion passed by a roll call vote: (Yes: BE, OL, JS, AL, PM, LH)

General Discussions

Review Duck Pond 2020 Report

B. Anderson summarized the efforts at Duck Pond and discussed the installation of a compressor which pumps air creating bubbles and circulation to provide oxygen for living bacteria. The process has been successful for the last three years and with water quality testing the pond is increasingly becoming healthier. B. Anderson is hoping to collect more data, better averages on aerobic algae, and decreasing the amount of muck. The benefits of the circulation have pushed floating weeds aside increasing the recreational activities such as fishing and canoeing. The proposed Aerobic Application states continuing the electricity for the compressor and performing both water quality and sediment testing. The last three years the operative cost \$20,000 to maintain.

P. Morrison and J. Smigelski questioned the depth and the rate of decreasing the muck. B. Anderson stated that the muck is about 8-10 feet deep and is uncertain of the time frame and could possibly take numerous years.

O. Lathrop requested clarification on the report and the graphs shown regarding the oxygen levels and phosphorous increasing, stating the data is unclear. O. Lathrop then commented on the bacteria remaining present in the pond. B. Anderson clarified that the report was not written by him and regarding the oxygen level they are hoping that naturally occurring bacteria will continue to thrive.

L. Hurley stated he drives past the pond frequently and the physical appearance of the pond is improving as well as the openness.

B. Anderson requested a letter of support from the Conservation Commission. The Commission had a brief discussion and decided N. Gualco will draft a letter for the next meeting.

Community Preservation Committee: Review letters of support

B. Easom notified the Commission that the CPC and the Board of Selectmen will be meeting on February 1, 2021 regarding the surcharge for the Town. At the CPC meeting last night the School District submitted a request for \$1.4 million to reconstruct the middle school track, and additional money to replace the stadium field at the high school. There was mention of bonding the expenditures for the track which would be beneficial for participation in the Preservation Act.

N. Gualco presented the draft of the CPA application at the meeting last night and stated that the application is thorough and there are few areas of improvement. Three letters of support will be submitted along with the application from the Conservation Trust, Parks Commissions, and the Trails Committee. B. Easom

suggested requesting a letter of support from the Water Shed; N. Gualco confirmed he will contact them.

B. Easom updated the Commission that the report for December 2020 from the transfer of the Registry of Deeds to the CPC is three times higher as it was a year ago. Fees have increased as well as real estate and refinancing. L. Hurley questioned the Select Board and their feelings on the percentage. B. Easom responded it is uncertain and he will have a better understanding at the next meeting. The available funds have been paid to the Surrenden Farm debt and the next significant project is the track. O. Lathrop commented the Commissions need to consider their funds with real estate increasing and the price of properties. J. Smigelski questioned where the funds come from for the proposed track. B. Easom explained the open space recreation fund or most projects are coming from the unallocated reserves and he feels that the CPA money should be considered first.

Committee Updates

O. Lathrop updated the Commission that the Invasive Species Committee has identified knotweed on the Nashua River by the Campbell Well site and will require treatment to prevent migrating down the river. A small patch of Phragmites was found at the Carmichael Swamp that will require treatment as well, a filling will occur at a later date for the two sites.

O. Lathrop and B. Easom walked the Surrenden Farm and noticed the Bittersweet is under control and the treatment has been successful from Bay State. The Multiflora Rose will need to be addressed; it is making it difficult to walk through. B. Easom also suggested removing some of the twisted trees to aid with mowing. J. Smigelski commented on the importance of mowing when the vegetation is dry to keep the land maintained. B. Easom would like to revisit the area in the spring.

B. Easom and O. Lathrop walked the 16 acre parcel along the Ayer border and the easement that was closed off in violation remains blocked. N. Gualco stated he brought this to the Select of Boards attention, the homeowner had been notified and they were told the driveway leads to an active construction site and there is another accessible entrance which is authorizing them to keep the posting up. O. Lathrop described a lot of debris on the Conservation land. B. Easom stated there is a CPA application for the 16 acre parcel for community housing and described the land as being economically unviable and suggested the Conservation Commission request the land to be transferred in their name. The Commission briefly discussed the parcel and the possibilities of purchase through Groton School or an interest for Forest Legacy Program, the land was also noted to be encumbered.

Report on site walk at Patricia Hallet Conservation Area

B. Easom, O. Lathrop, and N. Gualco walked the site to better write the conservation restrictions and to view any preservations required. B. Easom observed the land to have an interesting terrain and noninvasive vegetation. N. Gualco described the recreational development of the land as very manageable, there is abundance of trails that should be preserved in the CR, and noticed evidence of logging dating back to 70 years and suggested the Commission may want to discuss reserving the right to forestry. B. Easom suggested that the group compile a rough draft of the CR for the next meeting.

Approve Meeting Minutes

Upon a motion by B. Easom, seconded by P. Morrison, it was:
Voted to approve the minutes for January 12, 2021 as amended.

The motion passed by a roll call vote: (Yes: AL, BE, OL, JS, PM, LH)

Invoices

None

3. **Open Session for topics not reasonably anticipated 48 hours in advance of meeting.**
4. Executive Session 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.”
5. Adjournment

8:30 P.M. Upon a motion by P. Morrison, seconded by B. Easom, it was:
Voted to move to Executive Session and not to return to the open session.
The motion passed by a roll call vote: (Yes: BE, PM, AL, JS, OL, LH)

Minutes Approved: February 9, 2021