

TOWN OF GROTON
Conservation Commission
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Groton Conservation Commission
Meeting Minutes
Tuesday, March 23, 2021 @ 6:30 p.m.
Virtual Meeting

BROADCAST ON ZOOM AND THE GROTON CHANNEL
PURSUANT TO GOVERNOR'S EXECUTIVE ORDER
CONCERNING THE OPEN MEETING LAW

Present: Bruce Easom, Vice Chair; Eileen McHugh, Olin Lathrop, Allison Hamilton; Clerk, Peter Morrison (7:08 PM)

Absent: Larry Hurley; Chair, John Smigelski

Others Present: Nikolis Gualco, Conservation Administrator

6:30 PM- B. Easom, Vice Chair called the meeting to order.

1. APPOINTMENTS AND HEARINGS

6:30 PM – RDA (2021-04), 37 Boathouse Road, for repair work on an existing system (P. Grace).
Representative: R. Johnson, R.E. Johnson Construction Company

R. Johnson explained that the applicant is selling their property. Clear Water Recovery has performed a title 5 inspection on the existing disposal jet system and discovered a broken or undone pipe that is located outside of the pump chamber before reaching the leach field. R. Johnson proposed digging down three feet to identify what repairs are necessary. The stock piled soil will be enclosed by hay bales then back filled and reseeded to prevent erosion.

O. Lathrop questioned the placement of the removed soil and the time frame that it would be stock piled. R. Johnson explained the soil would be placed on the leach field for no longer than 24 hours.

E. McHugh requested that if the proposed project requires additional repair other than the broken pipe that the applicant return to the Commission and update them of any findings.

A. Hamilton questioned the native seed that will be used to reseed. R. Johnson explained that no new soil would be transported in and asked for a recommendation after explaining the difference between a conservation mix and a landscape mix.

N. Gualco commented that he was not pleased with the debris on the property. E. McHugh stated any improvements on the property will require appropriate building permits and suggested watching the site closely.

Upon a motion by E. McHugh, seconded by O. Lathrop, it was:
Voted to issue a Negative 3 Determination under the conditions 1. Hay bales are installed for erosion control. 2. Area not permitted to be open for more than 48 hours. 3. A conservation mix is required for reseeding.

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

6:40 PM – RDA (2021-05), 38 Britt Lane, for the installation of a fence (J. Dishington)

Jim Dishington proposed installing a 6 foot high chain link fence behind his residence to provide a protected area for his dogs. The fence will be 110 feet in length and extend out 23 feet on one side and 20 feet parallel to that.

E. McHugh questioned the area of the fence in respects of the wetlands. N. Gualco explained that the wetlands are in close proximity to the house and are slightly misrepresented on the DEP wetland Map.

A. Hamilton commented that dogs can disturb the ground surface and questioned if there are any preventions for erosion. L. Dishington explained that the dogs will never be left unattended and excrement will be cleaned up immediately.

O. Lathrop stated there was a discrepancy with the measurements presented in a past tree removal proposal and the current fence proposal. L. Dishington explained the measurements were rough estimates. O. Lathrop stated he supported the project as long as the fence is installed in front of the stumps.

Upon a motion by E. McHugh, seconded by O. Lathrop, it was:
Voted to issue a Negative 3 Determination under the condition 1. The Fence is at the break of the bank.

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

6:50 PM – RDA (2021-06), 272 Lowell Road, for the removal/management of invasive vegetation (P. Fitzgerald)

N. Gualco informed the Commission that P. Fitzgerald was not attending the public hearing and requested that the Commission continue without his presence.

O. Lathrop was pleased with the proposed invasive species removal however, he stated grape vines are not invasive or destructive to trees.

E. McHugh questioned if the site was roped off to provide a clear view of what invasive species would be removed. O. Lathrop commented that a list was provided. E. McHugh explained that she was familiar with grape vines and cutting them back will not completely eliminate the vine.

N. Gualco commented that the removal of any invasive vegetation is essential maintenance; only in this particular case the project is located near wetlands. He suggested that in the future that this could be used as a template where residents are not required to be present for the hearing. The Commission had a brief discussion and agreed more residents would request their approval if the process was not so time consuming. It was suggested that invasive removal or land management be presented as a discussion rather than an RDA. N. Gualco stated he would take the opportunity and find a new approach to review with the Commission.

Upon a motion by E. McHugh, seconded by O. Lathrop, it was:
Voted to issue a Negative 3 Determination.

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

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 received an email from the Level Design Group and was informed that the report is in the process of being completed and requested a continuance to the next public meeting.

Upon a motion by E. McHugh, seconded by A. Hamilton, it was:
Voted to continue to the next public hearing on April 13, 2021.

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

7:15 PM – Discussion on the effort to conserve the Surrenden Farm Reserve Parcel (220-33.2)

Nathan Shapiro briefly discussed the background of the Surrenden Farm explaining in 2006 a number of groups raised \$20 Million to purchase the land from the builder. 350 acres were applied to the Conservation restriction; the remaining 14 acres were set aside to be stewarded by the Select Board. This would permit open space for recreation activities or affordable housing. For the last 15 years the parcel has been sitting in limbo. N. Shapiro stated that the Affordable Housing Trust found the parcel not fiscally feasible and will not be perusing it any further. N. Shapiro believes that if the land is not transferred over to the Conservation Commission as requested in the Citizens Petition there will be negative ramifications to Joy Lane.

P. Morrison questioned why there is need for change now; stating that the parcel has been in limbo for 15 years and that there would be no difference from its current status. N. Shapiro stated after reading the CPC regulations and consulting with knowledgeable people the Town was required to

do something with the land when it was purchased and is now non-compliant. He also commented that when the assessment for Affordable Housing was performed the Town received negative feedback. N. Shapiro recommended eliminating any opportunities for the development of the parcel by transferring it into the Conservation Commission's restriction. P. Morrison stated that the CPC involvement is not in the Commission's jurisdiction. After speaking with a friend if the road were to be developed it would not negatively impact the field and the road could remain on the existing path. N. Shapiro noted that the road would require an upgrade to meet regulations where it is currently used as a scenic and pedestrian passage.

O. Lathrop discussed researching the agreement heavily between Groton School and the Town. In 1997 the Town closed a portion of Shirley Road which gave up any restrictions or ownership. Then in 2006 Groton School and the Town came to the terms of an agreement if the land were to be developed by increasing traffic Joy Lane would close. In order for the closure to be approved it would be required to be presented in a Town Meeting. O. Lathrop recommended that the parcel be applied to the Forest Legacy Program. The Federal Government would fund 75% of the cost of the land that the Town already owns and the offset would aid in funding 25% on other eligible parcels. The Federal Government will not invest in land that is already protected. If the land is applied to the Forest Legacy Program the Town will receive an estimated profit of \$20,000. O. Lathrop suggested that the petition be withdrawn or an amendment is added which would allow for the land to be applied to the Forest Legacy Program. If it does not qualify then proceed with the transfer of the parcel to the Conservation Commission. N. Shapiro stated the Forest Legacy Program is a great program however, the threat of housing or use of a ballfield is not eliminated and the \$20,000 is a speculated amount. N. Shapiro questioned if the risk is worth taking when the land could be simply transferred into Conservation restriction. O. Lathrop reiterated that any plan with this land would require approval by a Town meeting and does not project any development in the next few years. O. Lathrop requested three years in time to be given the opportunity for the parcel to be applied to the Forest Legacy Program.

E. McHugh clarified that N. Shapiro is presenting to the Commission to gain support of transferring the 14 acre parcel to the Conservation Commission. N. Shapiro stated yes.

A. Hamilton was unhappy with the tones displayed; stating everyone present wants to preserve the land in Groton and that an agreeable solution has to be met. The money that the Commission may receive from the Forest Legacy Program is not guaranteed.

O. Lathrop asked for a compromise from N. Shapiro to allow for the parcel to be applied to the Forest Legacy Program and if that fails to then be transferred over to the Conservation Commission. N. Shapiro stated the public petition was to acclaim interest in the town and to propose to move the land to Conservation Commission. The Town should be able to vote, the potential for a \$20,000 credit is not supported where as a no cost transfer to preserve the parcel is an easy solution.

B. Easom commented that he was not comfortable with the loss of funds and it would be in the best interest for both the Conservation Commission and the taxpayers to apply for the Forest Legacy Program. In order to win the grant a specific amount of acreage is required and without this parcel it makes the application less appealing.

A. Hamilton questioned why a ballfield could not be constructed and stated that it is very unlikely that the land would be developed within the next five years. N. Shapiro stated that it reflects back to the agreement with the Town and Groton School, the road would have to be upgraded and there's the possibility that Groton School could waive the agreement. O. Lathrop commented that the Town does not own the right away to the road and to make it a suitable roadway it would require taking away acreage from the field and require approval at the Town meeting, which is not foreseen.

Upon a motion by E. McHugh, seconded by B. Easom, it was
Voted to support the Groton Citizen Petition to transfer the parcel from the Select Board to the Conservation Commission.

The motion failed by a roll call vote: (NO: PM, OL, BE /Yes: EM, AH)

2. GENERAL BUISNESS

Permitting

Emergency Certificate, 490 Old Dunstable Road

Upon a motion by E. McHugh, seconded by P. Morrison, it was:
Voted to ratify the Emergency Certificate of Compliance for 490 Dunstable Road.

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

Committees Update

Stewardship sub-Committee update: review and approve charge and membership
E. McHugh discussed that the Stewardship Committee had narrowed down the selection of members to seven individuals to become part of the charter. One more meeting is requested to find a proper name that everyone can agree upon, meetings occur every third Wednesday. There are three main tasks performed by Committee
1. Agents in the field activities. 2. Open Space and Recreation Plan Implementation
3. Outreach. E. McHugh stated the Stewardship is requesting that the Commission approve the charge and appoint the names to the Committee. There is a walk scheduled at the Priest Family Conservation Area on Monday, April 2, 2021 that the Commission is welcome to attend.

B. Easom was appreciative of the dedication shown by the volunteers from the community who donate their time and labor to improve the Conservation Land.

Upon a motion by E. McHugh, seconded by O. Lathrop, it was:
Voted that the Groton Conservation Commission appoints the Groton Stewardship Committee as a Sub Committee with the Groton Conservation Commission with the following members: Eileen McHugh, Olin Lathrop, Lisa Murray, Alex Woodle, Robert Hanninen, and Anna Eliot and accept the committee charge as drafted.

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

General Discussions/Announcements

Announcement: ENF filed for Shepley Hill.

N. Gualco updated the Commission that an ENF was submitted for 0 Longley Road.

Affordable Housing Trust letter of intent, Surrenden Farm Reserve Parcel

N. Gualco summarized the letter from the Affordable Housing Trust by stating that the land is not feasible for an Affordable Housing development and there is a shortage of properties in Town. At this time they are withdrawing any consideration for the parcel. B. Easom requested an email be sent to Sammie from the CPC in regards of the Commission's decision tonight, recommending not transferring the parcel to the Conservation Commission.

Land Management

O. Lathrop updated the Commission that he visited the Conservation parcel on Boathouse Road and the abundance of debris scattered among the parcel is an ongoing issue. P. Morrison stated clearing the land in the past has been unsuccessful. E. McHugh commented if the Commission wants to pursue improvements that they need to take the initiative and request an estimate on removing the debris. B. Easom suggested a survey is also required to ensure property boundary lines.

Upon a motion by E. McHugh, seconded by P. Morrison, it was:
Voted to direct N. Gualco to receive a quote on the whole property boundary survey or based on the recommendation of the surveyor a limited survey on plot 1653.

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

N. Gualco notified the Commission that the prescribed burning Steele McCurdy discussed will be occurring next weekend.

Approve Meeting Minutes

N. Gualco updated the Commission that the meeting minutes from March 9, 2021 would be submitted for the next public meeting.

Invoices

Upon a motion by E. McHugh, seconded by P. Morrison, it was:
Voted to approve and pay the invoice for \$171.00 to review the Conservation

easement at Lost Lake.

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

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.”

B. Easom, Vice Chair; declared that there was business that required the Commission move to Executive Session.

5. Adjournment

8:14

Upon a motion B. Easom, seconded P. Morrison, it was:
Voted to move to Executive Session and not to return to the open session for the purpose of considering the purchase, exchange, lease, or value of real estate, as the chair had declared that an open meeting may have a detrimental effect on the negotiating position of the Commission.
The motion passed by a roll call vote: (Yes: EM, AH, PM, OL, BE)

Minutes Approved: April 13, 2021