

Conservation Commission Meeting

Tuesday, June 22, 2021 at 6:30 PM

Town Hall: Second Floor Meeting Room, 173 Main Street Groton, MA

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

Absent: None

Others Present: Nikolis Gualco, Conservation Administrator

6:30 PM- L. Hurley, Chair called the meeting to order.

**APPOINTMENTS AND HEARINGS\***

6:30 PM – RDA (2021-22), 315 Lost Lake Drive, for repair work to an existing foundation.

Applicant: Larry Hurley

L. Hurley discussed repairing all four corners of the foundation that are currently falling down. The applicant proposed digging 3 feet by 3 feet then 4 feet down to install the footing. The new foundation would be poured up to the existing grade. A silt sock would be placed around the perimeter and the excavated dirt would be stockpiled in the middle of the foundation and then backfilled.

P. Morrison questioned if the applicant would be purchasing new bricks. L. Hurley stated yes and the old bricks would be properly disposed of.

O. Lathrop questioned if any heavy equipment would be used. L. Hurley stated no, he intended on using a small mixer.

Upon a motion by E. McHugh, seconded by P. Morrison, it was:

Voted to issue a Negative 3 Determination under the conditions: 1. Work is performed as shown in the plan.

**The motion passed by a unanimous vote. LH recused himself.**

6:45 PM – RDA (2021-23), 129 Longley Road, for the removal of trees within the buffer zone.

Applicant: Anna Eliot

A. Eliot proposed removing pine trees that are diseased for concern of the healthy hardwoods. The stumps would be left behind and there would be intermittent crossing of the stream required.

P. Morrison questioned if the trees would be left on site. A. Eliot explained the trees would be chipped and spread throughout the site to restore organic materials.

E. McHugh questioned if there was a stream protection plan set in place. A. Eliot stated that there would be erosion controls installed in the back of the field where all the staging is located, which is outside of the buffer zone.

A. Hamilton requested a stream protection plan from the logger. The applicant stated that she would be installing the erosion controls herself.

O. Lathrop stated that special care is necessary around the stream and proper erosion controls need to be installed and suggested performing any work in the winter when the ground is solid.

J. Smigelski suggested the use of hay bales along the stream.

L. Hurley questioned when the project would commence and reiterated that erosion controls are necessary along the stream. A. Eliot stated that the tree removal has already begun outside of the buffer zone.

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
Voted to issue a Negative 3 Determination under the conditions: 1. Hay bales are installed to eliminate any disturbances to the stream.

**The motion passed by a unanimous vote.**

7:00 PM – NOI (MassDEP#[pending]), Groton Country Club, for the renovation and repurposing of the existing tennis courts off Whitman Road.

Applicant: Pia Ancia, The Friends of Groton Pickle ball Board; Representative: Bruce Ringwall, GPR

B. Ringwall discussed that the tennis ball courts located at the Country Club have not been maintained in many years. The Friends of Groton Pickle Ball are requesting CPA funding to restore the existing courts into 8 pickle ball courts and a tennis/basketball court. The existing fences and posts would be removed and replaced after proper erosion controls were installed. The existing court would be pulverized and ground into a base layer, and then a final layer of asphalt would be paved on top. The court would require multiple layers of paint. The existing gates would remain where they are. A tree is leaning over the courts at the northern end and requires trimming. Patchy vegetation areas that require topdressing and reseeding would be attended to.

E. McHugh questioned if there was any additional drainage planned. B. Ringwall stated that there is a substantial slope around the Northeastern side of the court and did not want to disturb the dense

vegetation with any digging. E. McHugh then questioned the process of grinding the existing court. B. Ringwall explained that the grinding is completed on site and mixed in as a base increasing the final height 1 or 2 inches.

A. Hamilton questioned the flow of the runoff which is directed towards the wetlands. B. Ringwall stated that the slope would not be altered; the runoff would be slowed down by infiltrating into a gravel trench. There has been no evidence of erosion due to the heavily vegetated area around the courts.

B. Easom agreed that there was no indication of erosion at the time of the site walk and was pleased that the perimeter of the courts would be remaining identical to the existing courts.

O. Lathrop recommended keeping all the heated water from entering the wetlands and then questioned if the drainage channel located in the front of the courts could capture a majority of the runoff. B. Ringwall explained that the courts are very minimally sloped and that half of the water from the courts would flow into the swale. The new courts also contain varied coats of lighter colored paint which would decrease the temperature of the water.

P. Morrison questioned the maximum number of people that would be using the courts at one time and where they would park. B. Ringwall explained that there are four players on one pickle ball court and there is an adequate amount of gravel parking across from the courts.

L. Hurley questioned the process of grinding the existing untreated base. B. Ringwall discussed that the base is ground up and mixed with gravel thus becoming a recycled product. The new asphalt is paved on top. The process is performed all on site. If the court were to be resealed the existing cracks would come through within a year. L. Hurley was concerned with the heavy machinery that may be required. B. Ringwall commented that smaller grinders would be used. L. Hurley then questioned the plan stating trim back the tree line. B. Ringwall confirmed that there is only one tree that requires trimming.

A. Hamilton questioned if it was a requirement to paint navy blue for the courts and recommended using a lighter color. P. Anctil stated that navy blue is a standard color that is used throughout and agreed that she would further research if there are any rules on the color of pickle ball courts.

E. McHugh questioned if signage or barriers would be installed to prevent people from parking on the grass. P. Anctil stated that Sean from the Country Club has been very accommodating and would request for the proper signage.

The ConCom requested a sample of the no parking sign that would be installed and if there are any rules or restrictions on the color of the pickle ball courts for the next scheduled meeting.

Upon a motion by P. Morrison, seconded by E. McHugh, it was:  
Voted to continue the public hearing to the next scheduled meeting on July 13, 2021.  
**The motion passed by a unanimous vote.**

7:15 PM – RDA (2021-24), North Street, for the installation of a gas main.  
Applicant: Boston Gas Company

The representative from Boston Gas Co. proposed a gas main installation on North Street extending from the town line from Pepperell to the town line of Dunstable. A 2 foot wide by 3 foot deep trench would be dug within the roadway and remain open throughout the day and then backfilled at the end of the work day. There are two resource areas that would be impacted; silt fences would be installed to prevent any erosion.

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
Voted to issue a Negative 3 Determination.  
**The motion passed by a unanimous vote.**

7:30 PM – Discussion on Village Meadows: review and approve habitat management agreement.  
Contractor: Roger Kanniard, Paul Alphen, Attorney

P. Alphen discussed that the subdivision off of Townsend Road has been deeded as a turtle nesting area for the Blanding's Turtle. The area has been respected and an Escrow has been established that contains a balance of \$9,000. A homeowners association would be responsible for the inspection of the turtle nesting area and any ongoing maintenance. P. Alphen proposed that the ConCom would be responsible for the maintenance of the nesting turtle area and when the Escrow requires replenishment the homeowners would be obligated to fund it.

B. Easom commented that the ConCom has a similar agreement and explained that minimal maintenance is required and mostly entails that woody vegetation is not overcrowding the nesting space.

O. Lathrop wanted to ensure that the money is replenished by the homeowners and that there are legal enforcements. The ConCom is required to inspect the protected areas and confirm that they are being properly maintained.

J. Smigelski was also concerned with the replenishing of the funds and requested a mechanism set in place.

P. Morrison questioned how much was in the escrow and agreed with the other Commissioners on how willing the homeowners would replenish the funds. P. Alphen stated that \$9,000 has been collected and documents have been partially written with the responsibilities and obligations that accompanied each lot and are required to follow in perpetuity.

E. McHugh questioned if there was a fund for any other common areas. P. Alphen stated no, the center land belongs to the Town.

A. Hamilton was comfortable with the ConCom taking over the escrow and suggested for the first three years that a Company be hired to monitor the site to ensure that it is being used and that the turtles are tagged. E. McHugh questioned if the homeowners would expect an expense report to see where the money is being spent. P. Alphen stated that any additional requirements that are felt necessary by the ConCom could be provided in the documents. N. Gualco mentioned that Natural Heritage is involved in the turtle nesting area and would provide assistance for the next five years. The \$9,000 was agreed upon by the Natural Heritage and P. Alphen. There was an uncertainty with the ConCom if the \$9,000 was a yearly amount or the total amount for the next few years.

L. Hurley stated that Natural Heritage has necessary requirements in management and they would be the ones who approved the person that the ConCom hires.

B. Easom questioned the open space along the bottom of the map. R. Kinnaird stated that the ConCom already owned that land.

O. Lathrop questioned if there are any mechanisms in place if the homeowner fails to pay their expected amount. P. Alphen explained that an open subdivision has an instrument in the title that identifies the responsibilities for the homeowner, the trustee would send out a bill, and if not paid the instrument can go onto the homeowner's deed and add a lien on the property. In reality when the homeowner goes to refinance their home or sell it they are compelled to pay the debt.

E. McHugh questioned if the ConCom should have a better understanding of the costs to maintain the turtle nesting area. P. Alphen affirmed he would contact Natural Heritage and request the actual expenses.

L. Hurley suggested receiving the costs for the first couple of years. R. Kanniard stated that the fee may not average out and may vary year to year. O. Lathrop suggested that Natural Heritage may have already calculated the numbers ahead of time. P. Morrison stated that the ConCom needs more clarity and requested redefining the document for the homeowners.

P. Alphen suggested that the Town Treasurer be responsible for collecting the funds from the homeowners. The ConCom agreed that a homeowner would be more inclined to pay an invoice

received from the Town Treasurer. P. Alphen stated he would readdress the documents and would send a final copy to the ConCom and the Town Council for review.

7:45 PM – Discussion on the status of the old dam between Lost Lake and Knops Pond.

Brad Harper, a resident on Lost Lake, discussed the decommissioned dam from 100 years ago. The reminiscence of the dam has been a significant safety concern and has caused numerous damages to boats. B. Harper observed the dam last fall and noticed a collection of debris. He then attached a floating raft to his utility boat and cleaned up the dam and disposed of the debris properly by hand. With the collaboration of Chief Luth, Harbormaster; they installed red and green lateral markers, no wake zone signs and buoys, to slow down the boats and were able to identify the hazardous areas beneath the water. Chief Luth, explained that the cleanup of hazardous materials performed by B. Harper prevented damage or injury to pedestrians or boats. The Environmental police were notified and are aware of the issue. The new buoys were funded by the Sargisson Beach Committee, channel markers for speeding boats, and no wake zones, have made a significant improvement on safety.

O. Lathrop questioned why B. Harper requested a discussion. B. Harper stated he wanted to ensure that he did not need anyone's approval to clean up the dam. Chief Luth explained that the neighbors had notified the police and were upset that someone was near the old dam. N. Gualco suggested the discussion to enlighten the public on what B. Harper's true intentions were.

Chief Luth questioned the steps that are necessary if the dam is causing more hazards. N. Gualco stated that B. Harper was collecting materials and not altering any wetlands so a permit would not be required.

J. Smigelski questioned the height of the remaining boards and how easy it would be to remove them. B. Harper explained that there are 6 to 8 inches of water in the picture displayed and the boards are above the water. L. Hurley commented that the water is very shallow and not passable when the water is low. B. Harper commented that the channel has become wider since the cleanup which is increased accessibility.

P. Morrison was concerned that the boards are a hazard when the lake is full and endangers the public. Chief Luth stated that he would request two estimates this winter. 1. Removing a portion of the boards to widen the channel and 2. Removing the entire dam.

E. McHugh recommended working with GPAC first and then presenting to the ConCom.

B. Easom suggested submitting an application for a CPA and installing a rubber cofferdam to ensure containment of both sediment and debris while working on the dam.

8:00 PM – Extension, Lake Massapoag treatment, MassDEP#169-1178.

Applicant: David Roach, All Habitat Services

A. Hamilton expressed that the reports provided were unclear to the extent of the geographical areas that were treated. Data showed a decline of invasive species and then a new growth replaced the area more densely. The chemical amounts were increased to counteract and A. Hamilton was concerned that the usage of herbicides would never decline. D. Roach explained that 53 acres had been treated and Meander Surveys were completed every 25 feet formed by a team of 2-3 people. In 2018, the Sonar treatment was very effective for treating the Milfoil and Fanwort; there was a short term injury to the waterlilies and a small amount of Cyanobacteria, most likely caused by residences. There was a concern for the absence of the Milfoil and Fanwort altering the chemical composition however that did not occur. A release of pioneer colonies successfully changed the chemistry and after the use of diquat there was a rebound of native plants, in size and density.

A. Hamilton had difficulty understanding why one portion of the lake contained a large amount of invasive Cyanobacteria. D. Roach stated that the bacteria had been present before the treatment and with the new found light after suppressing the significant invasive vegetation it was able to thrive.

A. Hamilton commented that there were no shown differences from the year 2019 and 2020. D. Roach stated that there was more treated coverage of the pond in 2019 and then in 2020 there was a greater density with increased seeds breaking. Currently, there is light density with random infestations. Bladderwort is continuously throughout the pond. A. Hamilton commented that the maps presented to the ConCom show no quantitative data. D. Roach stated that in 2021 actual stems are visible showing a significant process and the invasive species are being suppressed. A. Hamilton referenced the Town of Andover and how they are actively planting native plants around the edges of a pond due to the concern of nonnative plants spreading throughout the entire body of water. A. Hamilton then questioned the physical status of the pond and the plans for the next year. D. Roach explained that the water PH is on the hard side and is the cause for the Milfoil. The plant density is healthy and the pond is meeting recreational goals. D. Roach explained that the dense invasive vegetation is not beneficial for anything. For the upcoming year there would be an observation of any new invasive vegetation and a post treatment survey. Residents are also relied on for any problems that arise.

Charlie Todd stated that there has been a decline of weed congestion since the beginning of the herbicide treatments. In 2018, the weeds were very dense and made it impossible to go from one end of the pond to the other. The pond is increasingly becoming passable in all areas. C. Todd questioned if the extension process could be consolidated between the three towns. N. Gualco suggested a discussion of the progress reports between the three towns.

Karen Corey, a resident and Massapoag Board Member, stated that the Town of Groton was the only town that requested the Massapoag Board to appear in front of them. E. McHugh suggested organizing a yearly discussion between all three towns.

Lauren Massiello thanked D. Roach for his time and expressed that there have been a lot of challenges coordinating through the towns.

John Massiello commented that there is a transfer of plants throughout the lake by boats and if one town does not approve the treatments then the entire lake would be affected.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:  
Voted to to extend the Order of Conditions for Lake Massapoag, MassDEP#169-1178, for 3 years.

**The motion passed by a unanimous vote. Abstain- A. Hamilton**

A brief discussion occurred among the ConCom after the motion was started. A. Hamilton requested a more quantitative report. N. Gualco referred to the original Order of Conditions and it does not include any definitive numbers need to be provided and explained that the conditions cannot be changed. K. Corey explained that the Massapoag Board has increased their fees and there is not a reserve of money, additional reporting and replanting native plants is not feasible at this time. They rely heavily on donations and volunteers. K. Corey ensured that the reports are submitted yearly and that immediate remediation is required on any new invasive vegetation found. L. Hurley reiterated that any treatments can be performed up until July 1, 2021.

8:15 PM – NOI, MassDEP#169(not yet assigned), for improvements to the Bates Land Conservation Area. Applicant: Bob Pine

B. Pine discussed the additional information requested from the prior public hearing. The stone walls would be removed from the gate posts and the stones would be used to build benches by the kiosk and the picnic area. The commemorative stone would be moved to allow for easier pedestrian access. The overflow parking would be moved closer to the main parking area creating less disturbances. The plastic fiber proposed to mix into the soil has been removed and instead 8-10 inches of silty topsoil and stony solid material would be used. The culvert would be backfilled with crushed stone and some areas would contain sandy gravel. There is an uncertainty if there would be an excess of soil and if it occurs it would be removed from the site and properly disposed of.

P. Morrison questioned if the stone markers are historic. B. Pine stated the markers are historical and they would remain in place.

E. McHugh questioned the materials that are being used for the overflow parking. B. Pine explained that the soil would be excavated and then clean sand would be installed. Tests would be performed to ensure water infiltration, if the test happens to fail a hole would be dug and backfilled with a mixing of topsoil and clean sand.



Upon a motion by P. Morrison, seconded by A. Hamilton, it was:  
Voted to continue the public hearing to the next scheduled meeting on July 13, 2021.  
**The motion passed by a unanimous vote.**

8:30 PM – NOI, 62 Raddin Road, MassDEP#169(not yet assigned), for the replacement of a septic system and general landscaping.

Applicant: Pedro Lima, Jessica LaPlante

J. Plante listed the vegetation that had been planted, Arborvitae, Arrowwood, and Ninebark. P. Lima had received excess trees and bushes from a former client. The DEP left a comment requesting the method of delineation that was used. The first civil engineer is no longer working for the applicants and they are willing to have the wetlands delineated again to move on with the approval.

Upon a motion by E. McHugh, seconded by B. Easom, it was:  
Voted to close the public hearing.  
**The motion passed by a unanimous vote.**

## **2.GENERAL BUSINESS\***

### Permitting

OOC, 16 Maple Ave., MassDEP#169-1215

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
Voted to issue the Order of Conditions for 16 Maple, Ave., MassDEP#169-1215.

**The motion passed by a unanimous vote.**

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 16 Maple, Ave., MassDEP#169-1215.

**The motion passed by a unanimous vote.**

### General Discussions/Announcements

Discuss pursuing the acquisition of Half Moon Road for conservation/open space purposes.

B. Easom conversed with Michelle Collette who explained that Half Moon Road had been abandoned many years ago. The first step taken should be contacting any

abutters and asking if there are any rights that they desire to be maintained. P. Morrison agreed that the road would make a gorgeous path with the existing stone walls. J. Smigelski identified the abutters and stated that the road also shares a small portion of a private driveway. E. McHugh questioned if the road connects to any other trails and was concerned about parking. O. Lathrop confirmed that there is a trail that connects to the abandoned road. B. Easom stated that the road would also need to be surveyed. The ConCom had a brief discussion and agreed on presenting their proposition to the Town Manager.

#### Discuss approach to update the Surrenden Farm Resource Management Plan

N. Gualco questioned if the ConCom would like to assign a few board members to be responsible for updating the Surrenden Farm Resource Management Plan that is set to expire at the end of January 2022. B. Easom and J. Smigelski agreed to update the management plan.

#### Annual re-arrangement of the board

Upon a motion by E. McHugh, seconded by A. Hamilton, it was:

Voted to reinstate Larry Hurley as Chairman to the ConCom.

**The motion passed by a unanimous vote.**

Upon a motion by P. Morrison, seconded by E. McHugh, it was:

Voted to reinstate Bruce Easom as Vice Chair to the ConCom.

**The motion passed by a unanimous vote.**

Upon a motion by E. McHugh, seconded by P. Morrison, it was:

Voted to reinstate Allison Hamilton as Clerk to the ConCom.

**The motion passed by a unanimous vote**

#### Amend vote on hazardous tree policy – updated 06/15/2021

Upon a motion by E. McHugh, seconded by B. Easom, it was:

Voted to declare the unofficial Tree Policy as official.

**The motion passed by a unanimous vote.**

#### Approve Meeting Minutes (May 25, 2021)

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

Voted to approve the meeting minutes for May 25, 2021 as amended.

**The motion passed by a unanimous vote.**

Upon a motion by P. Morrison, seconded by B. Easom, it was:  
Voted to approve the meeting minutes for June 8, 2021 as amended.  
**The motion passed by a unanimous vote.**

#### Committee Updates

B. Easom spoke with the Town Accountant regarding the CPA budget and the amount has surpassed what was expected. The total amount has reached \$812,000. At the fall Town Meeting the application for bonding of the high school track will be retracted.

E. McHugh stated that the Stewardship Committee discussed waiting to mow the Priest Hill Conservation area until September. O. Lathrop is currently pursuing a grant for the Stewardship Committee that is due in August to help aid in clearing the Priest Hill. Baystate has also been contacted to request an estimate for logging the existing trees in the field and that amount will be included in the grant.

O. Lathrop updated that the Invasive Species Committee treated the Knotweed found at the Country Club, Hayden Road, and the Shattuck Homestead with Glyphosate. A small area of Black Swallow Wort was treated under the powerlines. This Thursday the Ash Trees at the Petapawag Canoe Launch and the one tree on the Conservation Land off of Sand Hill Road will be treated.

#### Land Management

None

#### Invoices

Upon a motion by B. Easom, seconded by P. Morrison, it was:  
Voted to approve and pay the invoice from the Groton Herald for \$210.00  
**The motion passed by a unanimous vote.**

Upon a motion by E. McHugh, seconded by B. Easom, it was:  
Voted to approve and pay the invoice from the Town Council for \$76.00.  
**The motion passed by a unanimous vote.**

**3.Open Session for topics not reasonably anticipated 48 hours in advance of meeting\***

4. (IF REQUIRED) 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.”

None

5. Adjournment

**9:45 P.M.**

Upon a motion by E. McHugh, seconded by A. Hamilton, it was:

Voted to adjourn the public hearing at 9:45 P.M.

**The motion passed** by a unanimous vote.

**Minutes Approved: July 13, 2021**