

## **Conservation Commission Meeting**

**Tuesday, July 13 2021 at 6:30 PM**

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

**Present:** Larry Hurley, Chair; Bruce Easom, Vice Chair; Olin Lathrop, John Smigelski, Allison Hamilton, Clerk

**Absent:** Eileen McHugh, Peter Morrison

**Others Present:** Nikolis Gualco, Conservation Administrator

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

### **APPOINTMENTS AND HEARINGS\***

6:30 PM – RDA (2021-20), 33 West Main St., “Squannacook Hall”, for the construction of a paved parking area. Applicant: Chris Brown

C. Brown proposed converting the structure into a four-family dwelling. There would be five parking spaces in both the front and back of the structure. The parking area would be paved and an infiltration trench made of crushed stones would surround the perimeter of the back lot.

A. Hamilton commented that the original permit had expired and the footprint was remaining identical to the existing structure. C. Brown stated that there were minor changes from the original permit, he now proposed a paved parking lot to minimize maintenance.

O. Lathrop questioned the area not being paved on the plan displayed. C. Brown stated a 5 yard dumpster would be housed there. O. Lathrop recommended that the dumpster be relocated to the opposite side of the parking lot, further away from the wetlands. C. Brown stated he would reconsider the original plan.

L. Hurley questioned the placement of the erosion controls and why they were not placed on the outside of the stone infiltration perimeter. He also questioned the installation of the stockade fence. C. Brown agreed that the erosion controls should be installed around the perimeter and stated that the fence encloses the dumpster. C. Brown stated that moving the dumpster might be the best alternative so the truck has a direct route.

Brenda Blood, a representative for the Christian Union Church, stated that the plan was originally approved for a gravel driveway and was concerned that the drainage would be impacted with the proposed paved driveway. L. Hurley stated that the water table would come up under the asphalt and with the infiltration trench there would be an improvement to any runoff. B. Blood then

commented that the dumpster would be located next to the church's property line. The Commissioners stated that it is a very small dumpster.

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was:

Voted to issue a Negative 3 Determination under the conditions: 1. Dumpster be moved to the northeast corner. 2. A siltation fence surrounds the entire stone infiltration trench.

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

6:40 PM – Discussion, review proposed minor change to the site plan, Groton Community School, MassDEP#169-1154. Applicant: John Amaral

J. Amaral stated that Dillis and Roy did not indicate anything that was noncompliant with the provisions and there would be no harm caused with the changes to the site plan. A gravel perforated pipe would be installed to prevent unfiltered runoff into the wetlands.

B. Easom commented that something needed to be installed to prevent the children from falling down the slope. J. Amaral explained it was important to both keep the children safe and provide a play area. Greg Roy would grade the surface to ensure that it was level and timbers would be installed in front of the fence to reduce the flow of runoff.

O. Lathrop commented that he would like to see the water infiltrate before reaching the slope.

J. Smigelski questioned the pipe being used. J. Amaral stated the pipe would be perforated and gradually come out and not contain any vents.

L. Hurley questioned the placement of the fabric. J. Amaral explained that the stones would be visible from above and the fabric would be located underneath the stones. L. Hurley suggested that the fabric be placed in front of the stones where the water would be filtered and then the clean water would be infiltrated through the stones.

Upon a motion by B. Easom, seconded by J. Smigelski, it was:

Voted to determine that the proposed changing met the minor change and does not require additional filling of a NOI. **The motion passed by a unanimous vote.**

7:00 PM – RDA (2021-25), off Whispering Brook Road, for the construction of a new walking trail  
Applicant: Trails Committee, Representative Olin Lathrop

The Trails Committee had been permitted to build a trail off of Whispering Brook Road last year and negotiations have not been finalized. A few residents suggested that a new path be constructed. There are some wet spots caused by beaver dams however, on the east side there is a portion of high ground where the trail is being proposed. The Trail Committee is requesting permission for the use of the ConCom land and performing work within the 100 foot buffer zone.

B. Easom was pleased to view the land in its worst case scenario, which included water from the recent rainstorms. B. Easom recommended that only hand tools be used to remove any brush and saplings. He believed that there would be minimal impact and the path would benefit the land.

L. Hurley questioned if there would be any platforms installed to cross the wet points. O. Lathrop stated yes and that the platforms would be very small. L. Hurley questioned if the trail would be accessible to horseback riding. O. Lathrop stated that the path is too narrow to accommodate horses.

N. Gualco notified the Commissioners that a letter was received from a neighbor and they were in favor of the construction of the new trail.

Upon a motion by B. Easom, seconded by J. Smigelski, it was:

Voted to issue a Negative 3 Determination under the conditions: 1. No motorized equipment permitted except for the use of a chainsaw, hand tools are required to complete the additional work . **The motion passed by a unanimous vote.**

7:15 PM – RDA (2021-26), 37 Boathouse Road, for demolition of an existing structure. Applicant: Bryan Gannon

B. Gannon proposed removing the existing structure and several trees. Hay bales would be installed around the perimeter and a turbidity curtain would be installed in the water. Any debris that happened to enter the water would be removed by hand. There would be no storage containers on site.

O. Lathrop recommended keeping a portion of the foundation to prevent the loss of being grandfathered in.

A. Hamilton questioned how the debris would be prevented from entering the water. B. Gannon stated that the small structure would be pulled back onto itself and a turbidity curtain would be installed.

B. Easom suggested that the turbidity curtain be long enough to reach the bottom of the pond. B. Easom then questioned the applicant about what was being demolished. B. Gannon stated that there would only be demolition of the structure and the foundation would remain.

L. Hurley commented that pulling the structure in would contain the debris.

A. Hamilton questioned what trees were being removed. B. Gannon provided a photograph with three “x’d” trees that are located on the property. There is one additional dead tree that requires removal however, the applicant is unsure if it is on his property. B. Gannon stated that he would request permission from his neighbor once the property lines are clearly delineated.

Upon a motion by B. Easom, seconded by A. Hamilton, it was:

Voted to issue a Negative 3 Determination under the conditions: 1. Rock foundation would remain. 2. The photograph that shows three x'd trees can be removed including the fourth tree if permission is received by the neighbor.

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

7:30 PM – RDA (2021-27), 486 Old Dunstable Road, for tree removal and site restoration.

Applicant: Nicole Pelletier

N. Pelletier proposed cleaning up the hazardous trees that were downed in the microburst and removing other damaged trees. A swamp mat would be installed to prevent any disturbances to the ground.

A. Hamilton questioned if the tree company would be assessing standing trees as well. N. Pelletier stated that some trees are leaning on others and there are numerous broken limbs.

B. Easom asked the applicant to describe the mat. N. Pelletier explained that the swamp mat would be 120 feet by 16 feet and is made out of wood planks that provide the logging equipment access to the trees and protect the vegetation. B. Easom questioned the equipment that would be required and if the trees would be removed from the site. N. Pelletier was unsure of the exact equipment needed and based on the estimate a crane would not be necessary. Seven standing trees would be cut down and all deemed hazardous trees. B. Easom recommended minimizing the amount of trees removed from the site and any hydraulic equipment is to be stored away from the wetlands overnight.

O. Lathrop agreed with leaving as many trees as possible to create habitats and then questioned how the loggers would cross the stream. N. Pelletier stated that the stream generally dries by August and questioned if it would be beneficial to wait until the ground is frozen. O. Lathrop commented that there would be less of a disturbance.

L. Hurley questioned if there was a picture of the mat and assumed with the size that the mats would come in sections and possibly require a crane.

Upon a motion by B. Easom, seconded by J. Smigelski, it was:

Voted to issue a Negative 2 Determination under the conditions: 1. Work is conducted when the stream is not flowing. 2. Fueling and storing the equipment outside of the buffer zone.

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

7:35 PM – NOI, MassDEP#169(not yet assigned), for improvements to the Bates Land Conservation Area. Applicant: Bob Pine

B. Pine explained that the DEP provided several comments and they have all been addressed.

O. Lathrop agreed that the comments were all addressed adequately.

N. Gualco stated that he requested that the applicant send a memo on each comment and that had been completed. A DEP number would be assigned at a later date.

Upon a motion by O. Lathrop, seconded by B. Easom, it was:  
Voted to close the hearing.

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

7:40 PM – Discussion on Village Meadows: review and approve habitat management agreement.  
Applicant: Contractor, Roger Kanniard, Paul Alphen, Attorney

Attorney Paul Alphen updated the Commission that he had conversed with Jesse Ledwich from the National Heritage to determine the long term cost in maintenance of the turtle nesting grounds and estimated a \$1,500.00 yearly cost. It was hard to determine the initial cost without knowing how well the area was constructed. The \$9,000.00 Escrow account that is intended to be funded by the homeowners would be enforceable and if not paid a lien would be attached to their property. An Assumption Agreement would allow the ConCom to receive full access to the Escrow account. The additional provisions have been included in the Trust of Declaration. N. Gualco discussed with both the Town Manager and Town Treasurer and they are both in favor of the treasurer collecting the fees to maintain the turtle nesting ground.

There was a brief discussion among the Commission and they agreed that the Assignment and Assumption Agreement would be required to be approved by the Town Council.

L. Hurley questioned if National Heritage would be involved in the maintenance for the first year. N. Gualco explained that National Heritage would approve who the ConCom hires to survey the area and ensure that the nesting area is established.

Upon a motion by O. Lathrop, seconded by A. Hamilton, it was:  
Voted to authorize the Conservation Administrator to have the Assignment and Assumption Agreement reviewed by the Town Council.

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

7:45 PM – NOI (MassDEP#[pending]), Groton Country Club, for the renovation and repurposing of the existing tennis courts off Whitman Road. Applicant: The Friends of Groton Pickleball Board; Representative: Bruce Ringwall, GPR

N. Gualco updated the Commission that the new plan includes boulders to prevent vehicles from parking on the grass and the court colors have been researched and changed.

The representative for the Friends of Groton Pickleball Board stated that choosing a lighter color for the pickleball courts would reduce the water temperature by 40%. Colors are not restricted and they have agreed to apply a light gray and light blue with white striping. The colors would both enhance the court's appearance and reduce the runoff water temperature.

L. Hurley questioned if there are any plans on opening the parking area and expanding the area. Laura explained that the numbers of vehicles would be limited due to restricting the amount of people playing on the courts at one time. L. Hurley commented that the parking lot appears to be in the 50 foot or 100 foot buffer zone.

Upon a motion by B. Easom, seconded by J. Smigelski, it was:  
Voted to close the public meeting.

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

## **GENERAL BUSINESS\***

### General Discussions/Announcements

#### Land Management

O. Lathrop stated that a turtle sweep was performed at the Shattuck Homestead on Saturday. J. Smigelski came in and mowed the area. It was beneficial to mow now to help eliminate the spread of the Black Swallow-wort. There are a few downed trees that cannot be managed by the tractors.

The invasive, Phragmites, was treated at the Eliades Conservation Land a few years ago. On Sunday O. Lathrop visited the site and there are a few spots that require treatment again in the fall. Cattails are beginning to return to the area. A. Hamilton questioned if pulling the invasive would remedy the situation. O. Lathrop explained that the roots make it very difficult and spraying is more effective. O. Lathrop noticed that someone repainted the shed that had been vandalized and had mowed the area.

O. Lathrop met with a forester from Baystate for the preparation of receiving a land management grant at Priest Hill. The forester suggested creating a staging to pile logs and cut a swath up to the hill. There are about 100 trees in the meadow and the state is suggesting 50 feet cut into the woods to create a transition zone. O. Lathrop noted that the lot lines are not defined and a formal surveying would be necessary.

Upon a motion by A. Hamilton, seconded by B. Easom, it was: Voted to  
authorize the Conservation Administrator to receive a quote for surveying the land.

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

B. Easom updated the Commission that he had conversed with the Town Manager who agreed with the ConCom about acquiring Half Moon Circle. The Planning Board also did not have any issues with the proposal. Mark Haddad said that the next step would be meeting with the Town Council.

A description of the meeting agenda and additional information is requested by M. Haddad. The Town Council does not contain a retainer; M. Haddad agreed to pay for the first meeting out of his own legal budget. At that meeting it would be discussed how the future meetings would be funded. The Town Council, Town Manager, Bob Collins, Ed McNierney, Michelle Collette, and B. Easom would all be in attendance for the first meeting.

Permitting

COC (2): MassDEP#ers 169-1065 & 169-1075, 583 Lowell Road

Upon a motion by B. Easom, seconded by J. Smigelski, it was:

Voted to issue the Certificate of Compliance for 583 Lowell Road, MassDEP#169-1065 under the conditions: 1. A follow up inspection conducted by the Conservation Administrator to ensure that the Conservation makers were installed correctly.

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

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was:

Voted to issue the Certificate of Compliance for 583 Lowell Road, MassDEP#169-1075.

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

OOC, MassDEP#169-1216, 62 Raddin Road

Upon a motion by B. Easom, seconded by J. Smigelski, it was:

Voted to issue the Order of Conditions for 62 Raddin Road, MassDEP#169-1216.

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

Upon a motion by B. Easom, seconded by J. Smigelski, it was:

Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 62 Raddin Road, MassDEP#169-1216.

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

OOC, MassDEP#169-1217, Bates Land Conservation Area

Upon a motion by B. Easom, seconded by J. Smigelski, it was: Voted to issue the Order of Conditions for Bates Land Conservation Area, MassDEP#169-1217.

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

Upon a motion by B. Easom, seconded by J. Smigelski, it was:

Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for Bates Land Conservation Area, MassDEP#169-1217.

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

OOC, MassDEP#169-1218, Groton Country Club (pickleball courts)

Upon a motion by B. Easom, seconded by J. Smigelski, it was:  
Voted to issue the Order of Conditions for Groton Country Club (pickleball courts),  
MassDEP#169-1218.

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

Upon a motion by B. Easom, seconded by A. Hamilton, it was: Voted to issue  
the Orders of Conditions under the Groton Wetlands Protection Bylaw for Groton Country  
Club (pickleball courts) MassDEP#169-1218.

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

#### Committee Updates

L. Hurley stated that GPAC has been discussing with a homeowner on Whitney Pond in regards to gaining accessibility for the weed harvester, along with a truck and trailer. In the next couple days they will view the area to confirm that the harvester will be able to enter the water. L. Hurley noticed that the Groton Conservation Trust owns a piece of property in close proximity to the pond and would like to request permission to dump some of the weeds that are collected onto their property.

B. Pine suggested speaking with Katie Coburn or Michelle Ruby to request permission on using the Conservation Trusts Property.

B. Easom stated that the CPC now has a full board.

#### Approve Meeting Minutes

Upon a motion by O. Lathrop, seconded by B. Easom, it was:  
Voted to approve the meeting minutes for June 22, 2021 as amended.

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

#### Invoices

Upon a motion by J. Smigelski, seconded by B. Easom, it was:  
Voted to approve and pay the invoice from the Groton Herald for the amount of \$220.00

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

Upon a motion by B. Easom, seconded by A. Hamilton, it was:  
Voted to reimburse O. Lathrop \$75.33 for the purchase of herbicide.

**The motion passed by a unanimous vote with OL recusing himself.**

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

(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

Adjournment

**8:30 P.M.**

Upon a motion by O. Lathrop, seconded by A. Hamilton, it was:

Voted to adjourn the public hearing at 8:30 P.M.

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

**Minutes Approved: July 27, 2021**