



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



Conservation Commission Meeting Minutes

Tuesday, October 12 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, Eileen McHugh, Peter Morrison

Absent: Alison Hamilton, Clerk

Others Present: Nikolis Gualco, Conservation Administrator

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

1. APPOINTMENTS AND HEARINGS

6:30 PM – Discussion on the newly approved loop trail, Sorhaug Woods.

Paul Funch was present for the Groton Trails Committee. A portion of the approved trail located at Sorhaug Woods has been cleared. An abutting neighbor, John Guinee, approached the Committee and questioned the Town's boundary lines. P. Funch stated that he pulled a survey completed in the year 2000 and located the drilled holes and a granite post. The Committee was very confident that the trail remained within the property lines.

O. Lathrop questioned why the trail could not be shortened and stated that it would eliminate crossing the muddy area and be further away from the abutter. P. Funch stated that the last portion of the trail is very significant and both time and resources have been consumed to build bog bridges and make the trail passable. J. Guinee's dwelling is located approximately 500 feet away from the trail.

B. Easom recommended an additional bog bridge to be installed to remedy the muddy area.

E. McHugh suggested the use of stones and was in favor of the loop trail.

P. Morrison recommended watching the wet area and ensuring that it is passable.

Upon a motion by E. McHugh, seconded by P. Morrison, it was:
Voted to approve the loop trail located at Sorhaug Woods to the furthest point, under the conditions: 1. The wet area is addressed by the use of stones or a bog bridge.

The original motion was amended due to prior approval.

Upon a motion by E. McHugh, seconded by P. Morrison, it was:
Voted to affirm that the trail located at Sorhaug Woods meets the Conservation Commission's conditions and the Trails Committee has been notified to address the wet area with the use of stones or a bog bridge.

The motion passed by a unanimous vote. OL- Abstain.

N. Gualco questioned if ConCom would like to take further action and identify the boundary lines with the use of markers.

Upon a motion by B. Easom, seconded by E. McHugh, it was:
Voted to authorize the Conservation Administrator to draft a letter to Mr. Guinee and explain the Conservation Commission's position in identifying the boundary line. Then request further evidence from the abutter. The letter would be required to be reviewed by the Town Council.

The motion passed by a unanimous vote.

6:50 PM – Discussion on the management of invasive species at Deerhaven CR.

Susan and Bennet Black as well as Deerhaven Homeowners Trust President, Jim Selders, were present for the management discussion. Jim briefly discussed the 22 open space acres located at the back of the Deerhaven subdivision. In 2008, the homeowners trust was granted permission to remove all the invasive species, annually on or after August 15th. Mowing was limited to once a year. The group proposed a multiphase approach which would allow mowing to at least two times a year to control the vast amount of Swallow-wort, Bittersweet, Buckthorn, Multiflora and Queen Annes Lace. The Invasive species are dominating the land and damaging machinery.

E. McHugh requested for a formal plan which included aerial views of the invasive species and a treatment plan with a timeline. The plan then would be submitted to the State for being classified as a priority habitat.

P. Morrison agreed that the land required treatment.

L. Hurley reiterated that the property is a priority habitat and that the ConCom holds the CR. Currently there is no plan approved by the State. N. Gualco agreed to assist the applicants with any forms that the State requested.

O. Lathrop was in support of the proposal and would like to hear the comments made by Natural Heritage.

B. Easom questioned the Trustees intention of modifying the CR. Susan commented that with the amount of precipitation received over the summer the height of the invasive species had escalated and a rotary mower would not be able to manage the new growth. The Commission had a brief discussion and clarified that the CR did not require changing only the management plan. They advised the applicants to return to the next public hearing and make any necessary changes to the language to ensure that an adequate amount of mowings and or treatment were requested.

N. Gualco stated that he would contact the Trustees and commence the forms to Natural Heritage.

7:05 PM – NOI (MassDEP#169-12XX), 37 Boathouse Road, for the reconstruction of a single family dwelling (*cont.*). Applicant: Bryan Gannon

The applicant requested for a continuance to the next scheduled meeting.

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

Voted to continue the hearing to the next scheduled meeting on October 26, 2021.

The motion passed by a unanimous vote.

7:15 PM – NOI (MassDEP#169-12XX), 8-10 Hollis Street, for alterations to an existing drainage system (*cont.*). Applicant: Stoney Brook LLC

The applicant requested for a continuance to the next scheduled meeting.

Upon a motion by P. Morrison, seconded by B. Easom, it was:

Voted to continue the hearing to the next scheduled meeting on October 26, 2021.

The motion passed by a unanimous vote.

7:16 PM – NOI (MassDEP#169-1219), 330 Old Dunstable Road, for the upgrade to an existing sewage disposal system (*cont.*). Applicant: Richard Lewis

The applicant requested for a continuance to the next scheduled meeting.

Upon a motion by P. Morrison, seconded by B. Easom, it was:

Voted to continue the hearing to the next scheduled meeting on October 26, 2021.

The motion passed by a unanimous vote.

7:17 PM – NOI, MassDEP#169-1220, Lot 2 Old Dunstable Road, for the construction of a shared driveway as part of a proposed residential subdivision (*cont.*)

Applicant: Richard Lewis

The applicant requested for a continuance to the next scheduled meeting.

Upon a motion by P. Morrison, seconded by B. Easom, it was:

Voted to continue the hearing to the next scheduled meeting on October 26, 2021.

The motion passed by a unanimous vote.

7:18 PM – ANRAD (MassDEP#169-1223, review wetland delineation at the Florence Roche Elementary School (*cont.*) Representative: Stephen Powers

Upon a motion by B. Easom, seconded by P. Morrison, it was:
Voted to close the public hearing for MassDEP#169-1223.

The motion passed by a unanimous vote.

2. GENERAL BUSINESS*

Permitting

COC, 67 Gay Road, MassDEP#169-1204

Upon a motion by E. McHugh, seconded by P. Morrison, it was:
Voted to issue the Certificate of Compliance for 67 Gay Road,
MassDEP#169-1204.

The motion passed by a unanimous vote.

O. Lathrop expressed that there was encroachment of the lawn however, could not provide valid proof.

EXT, Holl & Vose dam, MassDEP#169-0641

E. McHugh briefly summarized the site walk and noted a tree stuck on the dam and a few areas of the parking lot were eroding into the water; three berms of crushed stone had been set in place to prevent further issues. Isabelle Montesi, the representative for Hollingsworth & Vose stated that the tree would be removed once the water level was lowered.

P. Morrison questioned why the Commissioners were required to wear steel shoes; they had never been required previously. I. Montesi informed the Commissioners that a new Safety Director was hired and had enforced the rule. An order of steel shoes has been placed for any visitors in the future.

O. Lathrop questioned why it was necessary to adjust the water levels. I. Montesi explained that the adjustments were to provide flood management and to ensure the proper water capacity for any winter storms.

Upon a motion by E. McHugh, seconded by P. Morrison, it was:
Voted to issue the Extension for the Certificate of Compliance for the next three years located at Hollingsworth & Vose Dam, MassDEP#169-0641.

The motion passed by a unanimous vote.

Emergency Certificate, Sorhaug Woods, Groton Trails Committee, trail bridge replacement.

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

The motion passed 5-1. BE- NO

B. Easom was not in agreement that the trail bridge replacement should have been considered an emergency. N. Gualco stated that the trail is used frequently by the public and the bridge posed a safety issue.

Discussion on: Minor Change to Academy Hill MassDEP#169-970, re-design of woods road.

N. Gualco wanted to ensure that the ConCom was aware of the changes and the Planning Board is performing a peer review.

ORAD, Florence Roche, MassDEP#169-1223 (dependent on MassDEP issuing a case number) Representative Stephen Powers

Upon a motion by E. McHugh, seconded by B. Easom, it was:
Voted to issue the Order of Resource Area Delineation and publish the findings.

The motion passed by a unanimous vote.

General Discussions/Announcements

Discuss in-person vs. virtual meetings

The ConCom discussed the pros and cons of zoom meetings versus in-person meetings. A definitive decision was not made after a straw poll. The ConCom requested that the Conservation Administrator send an email at a later date where they would respond with a yes, no, or flexible answer.

Update on placing CRs on properties purchased with CPA funds.

N. Gualco stated that there are a handful of properties using CPA funds that require a CR. He is currently working with two Trustees of the Groton Conservation Trust on the Priest Family Conservation Area and the Patricia Hallet Conservation Area which will allow for input of expectations from

both the ConCom and the Trustees. The two Trustees are inexperienced with writing CR's and the process will be slower than usual.

Hayes Woods Development: Review CR draft – **updated 10-6-2021**

N. Gualco reviewed that the latest plan showed a number of ANR lots with the back portion under Conservation Restriction, a 32-acre open space parcel, and a reserved density development off of Pepperell Road. Bob Collins the attorney provided a draft CR at the last Planning Board meeting. O. Lathrop was not pleased with the language written and the allowance for the homeowner to do anything under the term agricultural use. He then questioned why the lots are 10 and 11 acres and could not be reduced to 2 acres. The ConCom briefly discussed the issues with having to monitor homeowners if a CR was in place. N. Gualco explained that the lot lines can be changed and the Commission can express that in their experience that being a CR holder can be burdensome to the Town and recommend that the Planning Board request that the applicant redesign the plan. B. Easom then commented that National Heritage has some entity that would be required to have a CR holder on the land. A suggestion was made that the Fisheries and Wildlife monitor the CR instead of the ConCom. The only issue would be the prevention of providing public access to trails. The ConCom agreed that the first step would be drafting a letter to the Planning Board.

Upon a motion by O. Lathrop, seconded by B. Easom, it was:
Voted to authorize the Conservation Administrator to send a letter to the Planning Board requesting the Planning Board to consider reducing the size of the lots so the Conservation Commission gains land with a fee instead of a CR.

B. Easom would like to provide examples of encroachment on conservation properties. The ConCom discussed issues seen at Crystal Springs. N. Gualco reviewed that the letter would include the request to reduce the AR lots to add more land into fee holdings, administrative issues, a burden to both the CR holders and land owners, photos from CR monitoring and providing public access. E. McHugh stated that it is necessary to include examples and that the ConCom feels strongly about this. The article from the Maple Ave residents may want to be included in the letter as well.

E. McHugh recommended that the original motion be amended to include that the letter be sent out prior for review.

Upon a motion by O. Lathrop, seconded by B. Easom, it was:
Voted to authorize the Conservation Administrator to send a letter to the Planning Board requesting the Planning Board to consider

reducing the size of the lots so the Conservation Commission ends up with land with a fee instead of a CR. The letter will be sent out to the Conservation Commission prior to submission for review.

The motion passed by a unanimous vote.

There was a brief discussion among the ConCom to see who was available to attend the next Planning Board meeting.

Upon a motion by E. McHugh, seconded by P. Morrison, it was:
Voted to authorize B. Easom to speak on behalf of the Conservation Commission at the Planning Board Meeting.

The motion passed by a unanimous vote

Land Management

Update on fall mowing

B. Easom updated the ConCom that he mowed Ames Meadow. The beavers blocked the drainage ditch and caused a portion of the meadow to become very wet. He then questioned if the drainage should be cleaned or left alone.

B. Easom agreed to mow Priest Hill and would speak with N. Gualco regarding O'Neil and Whistle Post.

Reports on other on-going land management activities

None

Committee Updates

B. Easom informed the ConCom that the CPA application is due on October 28, 2021 and the current Conservation Fund balance is \$650,000. N. Gualco reached out to the neighboring towns as requested and noted that numerous towns do not contain a monetary limit and then there are some towns that are less fortunate. B. Easom commented that the track would not be bonded as expected at the Town Meeting and advised the ConCom to request \$300,000. There was a brief discussion and a higher amount was ensued.

Upon a motion by P. Morrison, seconded by E. McHugh, it was:
Voted to request \$350,000 from the Community Preservation Committee.

The motion passed by a unanimous vote.

E. McHugh then received approval to make a recommendation from the Stewardship Committee for a CPA application at the next ConCom meeting.

Approve Meeting Minutes

Upon a motion by E. McHugh, seconded by B. Easom, it was:
Voted to approve the meeting minutes for September 28, 2021, as edited.
The motion passed by a unanimous vote.

Invoices

Upon a motion by E. McHugh, seconded by O. Lathrop, it was:
Voted to reimburse the amount of \$14.87 to B. Easom for the purchase of fuel.
The motion passed by a unanimous vote. BE- Abstain

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

4. (IF NECESSARY) 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

8:24 PM

Upon a motion by E. McHugh, seconded by J. Smigelski, it was:
Voted to adjourn the public meeting at 8:24 PM.
The motion passed by a unanimous vote.

Minutes Approved: October 26, 2021