TOWN OF GROTON

Conservation Commission

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**Conservation Commission Meeting**

**Tuesday, October 26, 2021 at 6:30 PM**

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

**Present**: Larry Hurley, Chair; Olin Lathrop; B. Easom, Vice-Chair; Eileen McHugh, Alison Hamilton, Clerk

**Absent**: Peter Morrison; John Smigelski

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

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

**1. APPOINTMENTS AND HEARINGS**

6:30 PM – RDA, 31 Adams Ave., for the construction of an addition to an existing structure (Platt Builders).

Representatives: Attorney: Bob Collins; Engineer: Stan Dillis

B. Collins was present for the applicant and proposed the construction of a small addition to the existing structure. A substantial wetland is located on the opposite side of the building. Proper erosion controls would be installed prior to any excavation and minimal disturbances are expected.

E. McHugh questioned when the construction would commence and how the land would be restored. B. Collins explained that it all depends on the Zoning Board’s approval. The land would be revegetated, and subject to a site plan review. E. McHugh then commented on the vehicles parked within the 100-foot buffer zone. B. Collins stated that the vehicles would be relocated at the time of construction and if the applicant is notified, they would ensure compliance and remove anything that was not permitted. The demolition of the shed would provide additional storage space.

B. Easom questioned the location of James Brook in comparison to the site. B. Collins replied approximately 300 feet away.

L. Hurley clarified that the addition would be constructed on the right side of the existing building and one corner would be within the 100 foot buffer zone. He recommended that the dumpster be shifted slightly outside of the buffer zone and questioned when the shed would be demolished. B. Collins stated simultaneously with the construction or immediately afterwards.

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

Voted to issue a Negative 3 Determination under the conditions:

1. All work is within the erosion controls as shown on the plan;

2. The flatbed trailer is removed out of the 100-foot buffer zone. **The motion passed by a unanimous vote.**

6:40 PM – Discussion with Chuck McKinney on placing a Conservation Restriction at 473 Nashua Road.

N. Gualco discussed the obligation to acquire the 6,000 square foot Conservation Restriction and being part of the Olivia Way land swap. The ConCom approved the easement of the drainage and in return for net loss the ConCom received a parcel and the CR. N. Gualco questioned the restrictions the ConCom perceived as essential and what rights C. McKinney desired to maintain.

A draft of the CR was displayed for review and revision. C. McKinney was present virtually and commented on the CR draft that states no storage tanks on the premises and wanted to clarify that there are storage tanks on the site. He is in favor of supporting the CR and felt it was necessary.

N. Gualco noted the drainage easement and described it as an underground tank. According to the plan the easement and the CR should be independent from one another. He recommended that the land be surveyed.

B. Easom was in agreement that the land should be surveyed. He advised for the installation of monuments and any future excavation necessary for any drainage replacements should be avoided in the Conservation land.

E. McHugh questioned the owner of the land opposite of the easement. The land is owned by the ConCom, N. Gualco was under the impression that the drainage easement would be transferred from the Ready Meadow developer to the Town of Groton.

B. Easom commented that the agreement meets the ConCom’s requirements and reiterated that monuments between the drainage and conservation area need to be installed.

O. Lathrop recommended granite boundary markers.

L. Hurley questioned if there are any markers located at the easement and if the applicant is requesting for a survey. C. McKinney stated that there are no markers and would feel more comfortable if a survey was completed. His intentions are preserving the land. L. Hurley was in agreement with surveying and installing boundary markers.

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

Voted to approve the expenditure up to $5,000 for surveying and installing granite boundary markers.

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

A brief discussion occurred and it was agreed that the Conservation Administrator would proceed with the appropriate steps and paperwork to help finalize the CR.

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

Voted to authorize the Conservation Administrator to send the expense of surveying and the installation of granite boundary markers at 473 Nashua Road to the Town Council.

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

6:55 PM – Discuss issuing an Emergency Permit at 40 Boston Road for the removal of hazardous trees.

N. Gualco questioned if the removal of hazardous trees to the structure should be issued as an Emergency Certificate as they are consistent with trees that have been authorized in the past.

The ConCom agreed that an RDA would be sufficient.

7:05 PM – Discussion with Daniel Monroe (828 Martins Pond Road) regarding on-going agricultural activities and wetland proximity.

The Applicant was not able to attend the public hearing and the discussion was tabled until the next scheduled meeting on November 9, 2021.

7:05 PM – NOI (MassDEP#169-1222), 37 Boathouse Road, for the reconstruction of a single family dwelling *(cont.).*

Applicant: B. Gannon

B. Gannon proposed the removal and replacement of a dilapidated garage using the original footprint within the 100 foot buffer zone. The existing slab would be replaced with a shallow foundation; the building inspector has approved the structural plan that had been stamped by an engineer.

B. Easom requested a roof runoff plan for the garage.

A. Hamilton concurred with the request for the water runoff plan and commented that the structure is very close in proximity to the wetlands.

E. McHugh advised for the Northside of the garage to be pulled back to ensure limited disturbances.

O. Lathrop supported the construction of the new garage and also, recommended that any runoff be captured and infiltrated.

L. Hurley requested a plan to stabilize the ground surrounding the garage. B. Gannon stated that the area would be landscaped by planting grass. The grade is currently pitched towards the garage.

B. Gannon discussed the updates from the previous meeting; a dry well would be installed for any roof runoff to ensure proper drainage. At the cross section of the house a 4 foot retaining wall would be built into the structural slab. The applicant was told by the building inspectors anything above and beyond code compliance and stamped by an engineer is approved by him. There are no code issues with the cantilevered deck. The existing 540 square feet of dilapidated docks would be removed and replaced with a 387 square foot cantilevered deck. The difference would be an improvement to the environment. After performing research and speaking with D. Wolfe there would not be any significant impacts of shadowing on the 204 acre lake.

B. Easom expressed that a building is required to be entirely constructed on its original footprint and the use of beams extending over the foundation is not permissible.

A. Hamilton questioned what the ConCom is required to allow. The ConCom had a brief discussion on the Bylaws of Wetlands and what can and cannot occur. Today a new construction on the lake would not be permitted. A. Hamilton then questioned where the dry well is discharged. B. Gannon explained it discharges from all sides.

E. McHugh questioned if water can drain through the cantilevered deck and expressed a concern regarding future homeowners requesting a dock and the acquired gain from removing the docks would be lost. The applicant affirmed that water is passable through the deck.

L. Hurley explained that the docks are permanent and the removal of them would be an improvement.

O. Lathrop commented that the ConCom could restrict the new construction under the Wetland Protection Act and believes that it is a serious problem when a homeowner extends outside of the footprint.

Alex Woodle, a Resident of Lost Lake, expressed he is pleased to see someone improving the property and the tax index. He also noted other dwellings in Groton with beams overhanging water edges.

B. Gannon explained that a one-story home would not be sufficient for his family and a second floor was necessary. He stated before purchasing the property he had reached out to different Boards and conveyed his plans. B. Gannon then described the debris that he removed from the wetlands. His intentions are to not provide adverse effects on the environment, and to create a better environment while increasing the value of the community.

L. Hurley questioned the shadow cast on the lake. B. Gannon provided a timestamp from 6:00 AM to 7:00 PM every hour showing the shadowing impact of the proposed deck. The outcome showed minimal impact.

Brad Harper, a Resident of Lost Lake, stated that the lot is very difficult to work with and expressed that there have been extensive improvements shown and is in favor of what is being proposed.

The applicant requested for a continuance to the next public hearing.

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

Voted to approve the applicants request for a continuance to the next scheduled meeting on November 9, 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.).*

Attorney: Bob Collins Engineer: Stan Dillis

B. Collins updated the ConCom that the Commonwealth has not provided a DEP number and briefly discussed that there is an outstanding order that was issued in 2017 for an authorized detention basin. B. Collins requested to return in two weeks for an Order of Conditions that would require field changes and expressed that if the NOI was resubmitted it may delay the project even longer.

N. Gaulco stated that he was under the impression that the State of Emergency was lifted on June 15, 2021 and questioned how the OOC is still active. B. Collins affirmed he would provide something in writing and believes that the NOI has been misplaced.

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

Voted to continue the public hearing to the next scheduled meeting on November 9, 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.).*

The applicant requested a continuance to the next scheduled public hearing.

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

Voted to continue MassDEP#169-1219 to the next scheduled meeting on November 9, 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.)*

The applicant requested a continuance to the next scheduled public hearing.

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

Voted to continue MassDEP#169-1220 to the next scheduled meeting on November 9, 2021.

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

**2. GENERAL BUSINESS\***

General Discussions/Announcements

Vote on whether regularly occurring Commission meetings will be in-person or virtual beginning in November.

N. Gualco stated that there was a lot of indecisive discussion at the last meeting and the Commissioners had requested an email preference vote. The email polling resulted in 4 Commissioners in-favor for virtual zoom meetings, 3 for in-person meetings, and 1 indecisive.

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

Voted to approve the email preferences for the virtual meetings held on Zoom vs in person (4-3), commencing in November.

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

M.O.U. – Williams Barn Committee & Conservation Commission needs to be extended.

After speaking with Leo Wyatt, N. Gualco had observed that the M.O.U. had expired. There are no changes proposed for the next 5 years.

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

Voted to authorize the Conservation Commission Chair to sign the M.O.U. for the Williams Barn Committee for the next 5 years.

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

CPA Two Page Summary, review and approve

N. Gualco reviewed the two-page summary for the Priest Family Conservation Area. The Stewardship Committee did not have any comments and felt that there were no necessary changes.

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

Voted to submit the CPA two-page summary for the Priest Hill Conservation Area.

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

Use of Conservation Fund monies on land management

N. Gualco stated that he discussed activities that can consume the Conservation Funds with the Stewardship Committee. The language is not specific about the acquisition for the development of land. N. Gualco preliminary conversed with the Town Accountant and Clerk questioning if CPA Funds can be put towards the development of a property. He encouraged the ConCom to explore the term. There was mention of neglected land and being able to restore the land with Conservation Funds. O. Lathrop commented at the Town Meeting the Conservation Funds are presented for the purchasing and securing of land. He was reluctant to use the funds for maintaining properties. B. Easom cited a CPA rule which prohibits CPA Funds for maintaining land however, can be applied to restoration, as seen at the Throne Hill for the demolition of the two buildings. It was explained that the land had been acquired by CPA Funds and then a CPA application was submitted for the removal of the buildings. B. Easom suggested changing the language from maintenance to restoration.

E. McHugh agreed with the language adjustments that B. Easom suggested and recommended that the ConCom revise the two-page summary for the Priest Family Conservation Area.

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

Voted to change the CPA two-page Summary project name to Priest Field Restoration and to change the word maintain in the second paragraph to restoration.

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

Report on outreach to neighboring Towns re: use of CPA funds and limits on balance of Conservation Funds

After reaching out to surrounding Towns N. Gualco discussed that four Towns do not contain a limit on their Conservation Fund balance, whereas, one town had to spend their balance in order to receive more money. The Town of Harvard is not authorized to expend CPA Funds for maintaining properties that are not purchased with the CPA funds.

Update: FY23 budget kick off

N. Gualco expects that the budget will be level funded at the November 2, 2021 meeting. N. Gualco discussed with both the Stewardship Committee and Takashi Tada regarding expanding the ConCom budget annually by $700 for the subscription of an ERIS License and requesting an additional $600 for the purchase of a Bad Elf GNSS Surveyor GPS which would affect the FY23 Budget. The Stewardship Committee was in favor of the updates and recommended that N. Gualco request approval.

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

Voted to approve the Conservation Administrators request for the purchase of the ERSI License Subscription and the Bad Elf GNSS Surveyor GPS unit.

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

Permitting

Extension of Order of Conditions MassDEP#169-1086, treatment of Lost Lake

Brad Harper spoke in regards to the request for an extension of the Order of Conditions for Lost Lake and Knopps Pond to continue treatment on the invasive species for the next 3 years. Alex Woodle stated that the surveys are performed in the spring and Solitude has been very attentive to their needs. The Annual report is expected in the next month or so.

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

Voted to issue the Extension of Order of Conditions MassDep#169-1086, treatment of Lost Lake for the next 3 years.

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

Land Management

Updates on on-going land management activities

B. Easom mowed Priest Hill, O’Neil Way, and Whistle Post. Pacer Way needs to be mowed, J. Smigelski had mowed the area in the past.

Update on access road, Petapawag Boat Launch

N. Gualco informed the ConCom that there are sizable potholes on the access road and is working with a subdivision of the DFW bringing in gravel. The ConCom agreed an RDA is not required.

Committee Updates

L. Hurley updated that the GPAC met and noticed that there is serious erosion on a bridge located on Island Road. The ConCom agreed to conduct a site walk even though they do not own the property.

B. Easom stated that the CPA met and the two-page applications are due on Thursday, October 28th. There should be adequate funds to approve the ConCom's $350,000 request. On November 15th the CPA will learn the percentage of the State’s matches.

Approve Meeting Minutes

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

Voted to approve the meeting minutes for October 12, 2021 as amended.

**The motion passed by a unanimous vote**

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

Voted to approve the meeting minutes for the virtual meeting held on October 21, 2021.

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

Invoices

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

Voted to approve and pay the invoice from The Groton Herald for the amount of $55.00.

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

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

Voted to approve and pay the invoice from the Town Council for the amount of $45.00 for legal services.

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

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

None

**4. Executive Session**

Larry Hurley, Chair; declared that there was business that required the Commission to move to executive session.

**5. Adjournment (**8:43 PM)

Upon a motion by E. McHugh, seconded by B. Easom, 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: OL, BE, AH, EH, LH)**

**Minutes Approved: November 9, 2021**