

TOWN OF GROTON

Conservation Commission

173 Main St

Groton, MA 01450

(978)448-1106

Fax: 978-448-1113

conservation@grotonma.gov

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### Conservation Commission Meeting

#### Tuesday, January 25, 2022 at 6:30 PM

Victual Meeting – Zoom

**Present**: Larry Hurley, Chairmen; Olin Lathrop, Eileen McHugh, B. Easom

**Absent**: Alison Hamilton, Clerk, John Smigelski, Peter Morrison

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

**6:30 p.m.** – Larry Hurley called the meeting to order.

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – RDA (2022-01), 20 Peabody Street, for the decommissioning of a sewage disposal system (Groton School).

Attorney: Bob Collins

Attorney Bob Collins discussed that Groton School is being proactive and the work being requested would not be performed until the spring or summer. The sewage disposal system requires decommission and is located 95 feet from the resource area. The existing system is located on the left side of the house and the installation of the sewage pipe would extend out of the existing outlet, run across the field and connect to the existing sewer main by the old boiler house. Wattles would be installed down gradient and along the length of the trench to prevent any erosion into the resource area.

E. McHugh commented that the silt fence is not shown on the plan and should be included as a condition. Attorney Collins agreed and ensured that Stan Dillis would include the wattles.

B. Easom requested that the erosion controls be installed between the work and the resource area for the portion of work that is being conducted within the 100-foot buffer zone. Attorney Collins stated there would be erosion controls installed along the entire length of the trench due to the high-water table.

O. Lathrop questioned what is within the ConCom's jurisdiction. Attorney Collins replied that the system itself is within the 100-foot buffer zone. After the excavation is performed and the pipe is installed, the system would need to be decommissioned. O. Lathrop requested that erosion controls be installed downhill along with a silt fence at the 100-foot buffer zone and the surface is restored. Attorney Collins stated that after conversing with the installer and the designer all the work should be completed outside of the 100-foot buffer zone unless they encounter a ledge which should not occur. Donald Black had conducted probes and confirmed that the ledge is deeper than the proposed work. O. Lathrop requested the following condition be added, all work should remain outside of the 100-foot buffer zone except where the existing system is decommissioned and the installation of erosion controls.

Upon a motion by B. Easom, seconded by O. Lathrop, it was:

Voted to issue a Negative 3 Determination under the conditions 1. Any work done within the buffer zone must have erosion controls on the downhill side of it and the trenching needs to remain outside out of the 100-buffer zone altogether

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

6:40 PM – RDA (2022-40 Redskin Trail, for the removal of trees from the buffer zone.

Applicant: Brian Bishop

The applicant proposed removing seven trees that were described as overcrowded, hazardous, and causing potential damage to nearby homes and his own dwelling. American Holly would replace the privacy screen and local highbush blueberry, mountain laurel, and viburnum would be planted on the property. A 10x12 foot shed would be constructed on top of cinderblocks located near the resource area.

The Commission was in support of the removal of the trees within the buffer zone.

O. Lathrop expressed concern with the shed and its close proximity to the resource area. Permanent structures are not allowed in the 50-foot buffer zone. O. Lathrop then questioned what the return for the environment would be.

B. Easom stated that he was not pleased with the proposed shed being within the 50-foot buffer zone and questioned why it was necessary to be located next to the lake. B. Bishop explained that additional trees would be required to be removed and a significant amount of grading if the shed were to be relocated. The applicant is working with a limited amount of space.

E. McHugh commented that the shed variance is not part of the ConCom's jurisdiction. She then expressed that she understands where the other commissioners are coming from and can also reason with the applicant.

L. Hurley commented that there would be serious grading and retaining walls necessary if the shed were to be relocated next to the dwelling. He, too, was indecisive on which way the request should go. He then questioned if there is an issue with constructing the shed on top of the leaching field. B. Bishop stated that would require a lot of fill and the access to the pump would be obstructed.

O. Lathrop commented that the ground does not need to be level if the shed is going to be placed on cinderblocks.

E. McHugh recommended that the applicant return with a new solution for the shed.

B. Bishop requested that the Commission vote on the request for the tree removal and he would return at a later date for the construction of the shed.

O. Lathrop commented that the parcel is limited and urged the applicant to consider what can be returned to the environment, for example, permanently leaving vegetation. He also recommended planning where the runoff water would flow from the roof of the shed.

B. Easom requested another site walk to view the hardships described by the applicant.

E. McHugh recommended a continuation of the hearing to eliminate the need to file a second RDA. B. Bishop requested that the Commission move forward with the tree request.

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

Voted to issue a Negative 3 Determination under the conditions 1. The work completed will be for the tree removal and replanting and will not include the installation of the shed.

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

6:50 PM – COC (MassDEP#169-1157), 25 Whitney Pond Road.

Applicant Julie Aucoin Surveyor: David Schofield

J. Aucoin explained that the original plan that was approved by the ConCom was followed. She discussed that the contractor dug down 18 inches while a wall was built to hold back the sand. Digging down deeper allowed for adequate cover on top of the pipe to match the grade of the pitched driveway. The existing pipe proceeding down the driveway was perforated at the bottom and the contractor redid the perforation on the top to provide more water infiltration. L. Hurley commented that the perforation was installed backwards. The applicant stated she may have been misinformed. D. Schofield replied the water would be carried to the drywell and would infiltrate along the way. J. Aucoin stated the contractor adjusted the pipe after the installation of the driveway and was inspected by the surveyor before completing. The contractor then built up the driveway and used stone dust ensuring that the water flows to the drywell. An extra drain was installed to prevent any additional water from pooling and also flows into the drywell.

D. Schofield stated that the new installation has been successful.

N. Gualco commented that there is an ongoing issue with the maintenance of the retention basin at the top of the driveway. Sand continuously washes down into the basin when it rains. The Town is aware of the situation and the Highway Department has stated they will address the problem. N. Gualco believes that curbing will not be the solution.

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

VOTED to issue the Certificate of Compliance for 25 Whitney Pond Road, MassDEP#169-1157 for all areas on the property and downstream from the detention basin at Whitney Pond Road.

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

B. Easom recommended that the Highway Department use the Vacuum Truck and clean out the sand from the retention basin every year.

D. Schofield commented that the sand is coming off the street and entering the stone swale. There is an under drain with no signs of erosion.

N. Gualco clarified that the Commission approved parcels 51, 52, and 54 with a Certificate of Compliance. Parcel 55 will require maintenance of the retention basin prior to approving the Certificate of Compliance. The Town Council will need to be advised. J. Aucoin questioned what occurs to the Order of Conditions with her name being documented on all of 25 Whitney Pond Road. L. Hurley reiterated that it would need to be addressed by the Town Council.

7:00 NOI (MassDEP#169-1226), 51 Kemp Street, for an after-the-fact permit for the construction of a parking area.

Applicant: Louis Castro

Upon a motion by E. McHugh, seconded by B. Easom, it was: Voted to close the public hearing for MassDEP#169-1226.

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

**2. GENERAL BUSINESS\***

Permitting

*OOC, 51 Kemp Street, MassDEP#169-1226*

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

Voted to issue the Order of Conditions for 51 Kemp Street, MassDEP#169-1226.

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

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

Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 51 Kemp Street, MassDEP#169-1226.

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

General Discussions/Announcements

*Discuss hosting the annual Conservation Summit*

O. Lathrop expressed that he would be pleased to work on the Conservation Summit however, he would be willing to step back if there was too much interest. N. Gualco noted that there was a discussion at the Stewardship Committee on how they wanted to explore the approach of the Summit. E. McHugh invited Anna Eliot to converse with the Commission to share her ideas. A. Eliot had reached out to the North County Land Trust regarding their vast knowledge on economic pressures on landowners. She suggested that the organization present on land management at the Summit. N. Gualco had conversed with Anna Wilkins from North County Land Trust regarding A. Elliot’s ideas and they both agreed that land management would be a great outreach initiative, however, that would be a significant change from the traditional Conservation Summit and be challenging to accomplish in a limited timeframe. O. Lathrop supported A. Eliot’s suggestion however, explained that the forum at the Summit’s purpose is to make organizations aware of the conservation related activities that others are performing. O. Lathrop briefly discussed a Woods Forum that he previously held, where he invited all the landowners and representatives from conservation organizations and believed it would be a great opportunity to involve the North County Land Trust. B. Easom agreed that landowners should be knowledgeable of the alternatives of their property by someone other than the State or The Groton Conservation Trust. O. Lathrop explained if he planned the Summit, he would not invite a speaker, the logistics over zoom are challenging. Each of the 20 organizations would have a limited amount of time to state what conservation activities they have performed over the year and their future plans. The forum would end with an open discussion regarding treatments for invasive species. The discussion would be moderated. O. Lathrop questioned if the work should be delegated to the subcommittee. A. Eliot commented that she would like the ConCom to endorse the meeting and be part of it as well. E. McHugh stated that the Stewardship Committee would step back and at some point, become one of the organizations that partake in the Summit. B. Easom stated that he would be willing to help out in any way. O. Lathrop requested permission to commence inviting groups and choosing an event date and time.

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

Voted to authorize O. Lathrop to become Chair of the Conservation Summit for the Groton Conservation Commission and given permission to move forward with the planning.

**The Motion passed by a roll call vote. (Yes: EM, BE, OL, LH)**

*Upcoming meeting with the Finance Commission on the Conservation Fund.*

N. Gualco informed the ConCom that the Finance meeting is scheduled for January 18, 2022 at 6:00 PM. B. Easom stated that he had a conversation with M. Haddad regarding increasing the ConCom's percentage and would like it to be addressed at the meeting along with the line-item budget (ex: mowing). N. Gualco assured those two topics would be discussed. O. Lathrop agreed that the annual $750,000-$1,000,000 is an outdated number. The Commission briefly discussed their strategy of addressing the cost of land which has significantly increased. One idea was comparing the number of remaining available parcels for acquisition and coming up with a number that is within the ConCom’s budget. The Commission has lost out on significant parcels due to the lack of funds. The amounts of parcels available are decreasing and land that is now developed will never return to open space. O. Lathrop suggested that the number not be fixed and be indexed off of inflation or real estate prices. N. Gualco commented that the 2% percentage of the Town budget has not increased and has not been beneficial. The ConCom agreed that the total assessed value of land in the Town of Groton should be a number calculated and brought to the Finance meeting. O. Lathrop commented that residents are in favor of the CPA funds being expensed on open land. A. Eliot commented that the Parks Commission withdrew their CPA application and there may be an opportunity for receiving additional funds. B. Easom informed the ConCom that CPA Funds can be requested until Thursday at 4:00 P.M.

Upon a motion by E. McHugh, seconded by O. Lathrop, it was:

Voted to increase the Conservation Commission CPA request from $350,000 to $400,000.

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

O. Lathrop questioned the competing requirements for the CPA Funds. B. Easom replied that there was a CPC meeting last night and there is one unknown request from the Open Space and Recreation regarding the pickleball court upgrade. Their initial request of $150,000 fell short after receiving quotes during the pandemic. They may return and request more money. O. Lathrop expressed if funds are limited then the Commission may be requested to retract their amount.

Land Management

*Priest Hill Habitat Restoration – updated 01/05/2022*

N. Gualco informed the ConCom that the letter to proceed with the restoration has been received.

Upon a motion by O. Lathrop, seconded by B. Easom, it was:

Voted to authorize Larry Hurley, Chairman; to execute the contract for the Priest Hill logging on behalf of the Conservation Commission.

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

Committee Updates

E. McHugh informed the ConCom that at the last Stormwater meeting the Hayes Group Development was on the agenda and they had proposed single driveways and one shared driveway, the item was continued to the next scheduled meeting. Before the meeting occurred, the Committee received a letter by an attorney that lives on Maple Ave regarding forest clearing and that is not within the Stormwater Advisory Committee’s jurisdiction. A cease and desist was issued by the State due to not acquiring the proper permits. Attorney Bob Collins attended the meeting and commented that the permits were in place and that information was incorrect. At the next Stormwater meeting Florence Roche will be discussed.

B. Easom stated that Leo Wyatt is resigning as Chairman for the Williams Barn.

Approve Meeting Minutes

Upon a motion by O. Lathrop, seconded by E. McHugh, it was:

Voted to approve the meeting minutes for December 28, 2021 as edited.

**The motion passed by a roll call vote. (Yes: OL, EM, LH) BE: Abstain**

Invoices

None

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

Squannacook River Rail Trail – request for a letter of support for MassTrails Grant – updated 1/10/2022

N. Gualco commented he would be pleased to modify the letter of support from last year.

Upon a motion by O. Lathrop, seconded by E. McHugh, it was:

Voted to authorize the Conservation Administrator to send a letter of support for the Recreational Grant application for the Squannacook River Rail Trail.

**The motion passed by a roll call vote. (EM, OL, LH) BE: Abstain**

**Adjournment**

Upon a motion by B. Easom at 8:21 PM, seconded by O. Lathrop, it was:

Voted to adjourn the public hearing at 8:21 P.M.

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

**Minutes Approved: January 25, 2022**