

TOWN OF GROTON

Conservation Commission

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**Groton Conservation Commission**

Tuesday, March 8, 2022 @ 6:30 p.m.

Virtual Meeting – Zoom

[https://us02web.zoom.us/s/](https://us02web.zoom.us/s/84200932093)84722814669

Webinar ID: 847 2281 4669

Call in: (312)-626-6799

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

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

L. Hurley opened the public hearing at 6:30 PM.

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – ***continued*** *–* NOI (MassDEP#-1232), 32 Court Street, for the construction of a new commercial building. Applicant: Halsey Platt

N. Gualco said that the stormwater plan did not address the TSS treatment and was advised to continue the hearing. E. McHugh commented that the Stormwater Advisory Committee would be meeting next month to address the issues and felt comfortable with continuing the hearing to the next scheduled meeting.

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

Voted to continue the public hearing to the next scheduled meeting on March 22, 2022.

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

**2. GENERAL BUSINESS\***

Permitting

*OOC, 342 Main Street, MassDEP#169-1227*

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

Voted to issue the Order of Conditions for 342 Main Street, MassDEP#169-1227 as amended.

**The motion passed by a roll call vote. (Yes: AH, EH, OL, JS, PM, LH/ NO: BE) 6-1**

The Commission had a brief discussion in regards to referencing the CR. N. Gualco said that the CR was not included in the perpetuity conditions and was mentioned in the findings. O. Lathrop suggested that prior to the issuance of the Occupancy Permit that the CR is properly executed. N. Gualco said that the new condition would be listed under Post Construction #63.

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

Voted to amend the original motion to include prior to the issuance of the Occupancy Permit the CR needs to be finalized.

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

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

Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 342 Main Street, MassDEP#169-1227.

**The motion passed by a roll call vote. (Yes: AH, EM, OL, PM, LH/ NO: BE, JS) 5-2**

*OOC, 37 Longley Road, MassDEP#1230*

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:

Voted to issue the Order of Conditions for 37 Longley Road, MassDEP#169-1230.

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

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:

Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 37 Longley Road, MassDEP#169-1230.

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

*OOC, 32 Court Street, MassDEP#169-1232*

The NOI was continued to the next public hearing scheduled on March 22, 2022.

*Update on Shepley Hill development (MassDEP#169-1214)*

N. Gualco said that the work on the development has commenced and he verified the erosion controls were properly placed and the erroneous surveyed area had been corrected. A temporary crossing has been constructed utilizing large concrete blocks and a steel bridge. E. McHugh questioned if there were any complaints. N. Gualco replied no.

General Discussions/Announcements

E. McHugh commented that the Commission should have worked collaboratively with the School Committee throughout the design process of the new elementary school to ensure compliance with the wetland bylaws. P. Morrison suggested that a Commissioner periodically monitor the school site during the construction. A. Hamilton questioned if there could be a mechanism set in place for future projects that way the ConCom is involved earlier on in the design stages and can address any concerns. P. Morrison replied that the plan was presented as a perceptual plan at the Town Meeting. B. Easom stated that the process was adhered to, an ANRAD was received and the project then was presented to the Commission. E. McHugh disagreed, if the ConCom’s concerns were brought to the attention prior to the completion of the design any issues would have been addressed. P. Morrison stated that the bylaws should have been reviewed by the consultants.

The Commission was in agreement that the process for this particular request was unfair, and that Town property should be treated identical to any organization or residential property. N. Gualco suggested that the Commission meet with the Town Manager to discuss receiving the opportunity to work more cohesively on future projects. B. Easom, E. McHugh, and O. Lathrop said that they would be pleased to meet with M. Haddad after an agenda is formed.

*Review COVID policy at Bertozzi Conservation Area camp site*

N. Gualco said in the year 2020 the ConCom changed the policies in regards to frequency and reduced the total number of occupancy and it was very successful. There was a request submitted a month ago by the Boy Scouts to occupy the site with a total of 20 people. N. Gualco notified the Police Chief and the Fire Chief and they were both in agreement to reverting back to the conditions prior to Covid. A. Hamilton questioned if there is a maximum capacity. N. Gualco explained that there has been no need for a maximum capacity and all requests are submitted to the Police Chief and Fire Chief prior to approval. If there are any out of the ordinary requests the Conservation Administrator assured that he would address the Commission.

*Review Town of Groton - COVID-19 Policy (updated Mar. 1, 2022)*

N. Gualco said that the Select Board has rescinded the mask mandate for employees and has opened the Town Buildings to the public. The Town Committees are allowed to return to open meetings or remain virtual until July 15th. Due to legal announcements the ConCom would be required to delay returning to in person meetings until April 12th. The Commissioners then voiced their preferences. Two Commissioners were concerned that it was premature to return to in person meetings if masks could not be mandated. O. Lathrop requested that the Town Clerk or the Town Manager be contacted to verify if masks could be mandated for the ConCom’s public hearings.

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

Voted to remain virtual until April 26, 2022 and to reevaluate every meeting.

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

Land Management

*Update of Priest Hill Habitat Restoration*

N. Gualco updated the ConCom that the forestry had not commenced and the bittersweet had been treated around the time of the State approval. He noted that the use of herbicide was not performed at the appropriate time however after inspecting the area the treatment was satisfactory. E. McHugh commented that there are both red and blue markings on the trees. J. Smigelski confirmed that blue markings identify trees that would be removed. E. McHugh commented that the Stewardship Committee had interest in view sheds and after observing the access for logging, the line of trees was marked to the north west and she had anticipated that the logging would be more to the south west. She questioned if there is a possibility to request that the line be shifted down slightly to view Mt. Wachusett or request for additional logging. O. Lathrop stated that there was discussion in the Stewardship Committee for view sheds however there was no formal agreement, and the bids have been accepted. He commented that the State is expecting the proposed plan to be achieved and they will be conducting a final inspection. E. McHugh stated that there is still an opportunity to address her concerns with the Stewardship Committee.

Committee Updates

B. Easom requested that the Trustees be reminded that the CR’s need to be completed. N. Gualco reached out Brian and Kelly who are responsible for compiling the CR’s and they have gathered all the notes and have forwarded them to the president for final revisions.

Approve Meeting Minutes

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

Voted to approve the meeting minutes for February 08, 2022, as edited.

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

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

Voted to approve the meeting minutes for Thursday, February 17, 2022, as edited.

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

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

Voted to approve the meeting minutes for February 22, 2022, as edited.

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

Invoices

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

Voted to approve and pay the invoice from the Bay State Forestry Service in the amount of $8,100.00.

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

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

None

**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.”

Not Necessary.

**5. Adjournment**

At 7:53 PM and upon a motion by E. McHugh, seconded by P. Morrison, it was:

Voted to adjourn the public meeting at 7:53 PM.

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

**Minutes Approved: March 23, 2022**