

TOWN OF GROTON

Conservation Commission

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**Groton Conservation Commission**

Tuesday, April 12, 2022 @ 6:30 p.m.

Virtual Meeting – Zoom

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

**Absent:** Alison Hamilton, Clerk

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

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

**1. APPOINTMENTS AND HEARINGS**

6:30 PM – NOI (MassDEP#169-12XX), 161 Kemp Street, for the installation of a parking area and attached deck and the restoration of the wetlands buffer zone. Applicant: Austin Gordon, Jeff Gordon

J. Gordon had submitted a copy of the letter sent to Natural Heritage pertaining to, Part 1. The driveway and Part 2. Stabilization of the deck. The deck has met the requirements as requested at the prior hearing and only requires construction of the stairs. Hay bales and straw wattles were installed around the disturbed areas. J. Gordon said that he has been working closely with the Conservation Administrator to ensure that compliance is being met. All work on the stone driveway has halted. J. Gordon proposed planting Azaleas and laying down mulch along the driveway adjacent to the wetlands and continuing an L shape around the driveway. In area D the rocks would be sifted and loam and seed would be laid down. The stockpiles in the backyard would also be sifted and any remaining soil would be evacuated off the site. J. Gordon said that there would be no other disturbances.

E. McHugh questioned the reasoning for the extensive driveway and the material of the final coat. J. Gordon explained that 66 feet is necessary to accommodate his son’s landscaping truck. He said that there are no intentions of paving the driveway. E. McHugh questioned if the property would be utilized for storing landscaping material and if it was sensible to plant Azaleas when there is potential harm caused by plowing. J. Gordon said no and he had been very cautious plowing throughout the winter. E. McHugh suggested planting Red Dogwoods, Bayberries, or Chokeberries instead of Pink Azaleas that may not survive the use of salt.

B. Easom commended the applicant on immediately installing the erosion controls as requested. He recommended abandoning the existing parking area and creating a new parking area closer in proximity to the house.

O. Lathrop concurred with B. Easom’s recommendation and questioned area D on the plan. J. Gordon said area D was previously overrun by invasive species. O. Lathrop requested that the area be restored to a natural area and not turned into a lawn.

P. Morrison commented that there are many species of long grasses that could be sufficient for the area and recommended treating any invasive species that may return.

J. Gordon agreed to move the driveway 10-12 feet into the lawn, closer to the dwelling.

L. Hurley recommended laying down crushed stone underneath the deck to provide adequate infiltration instead of the proposed fill.

B. Easom recommended that the applicant remove and dispose of the plastic netting from the straw wattles once the work has been completed.

J. Gordon asked the ConCom for suggestions of vegetation to be planted in the designated areas. N. Gualco said that he would provide the applicant with a list of the suggested native species.

Upon a motion by B. Easom, seconded by E. McHugh, it was: Voted to continue the public hearing to the next scheduled meeting on April 26, 2022. **The motion passed by a roll call vote. (Yes: OL, BE, EM, JS, PM, LH)**

6:45 PM – RDA (2022-09), 40 Mountain Lakes Trail, for the installation of a storage shed. Applicant: Brian Bishop.

B. Bishop, the applicant, proposed constructing a 12x12 shed on cinder blocks adjacent to the resource area, minimizing any disturbances. He explained that the dwelling has limited storage and the additional space is a necessity. The runoff water would be captured by a gutter system and fed into a dry well. He then proposed planting a row of Mountain Azaleas or Dogwood, spaced 3-5 feet in front of the stone wall and a row consisting of raspberry or blueberry bushes.

B. Easom commented that the proposed permanent structure requires significant mitigation to compensate for the request.

O. Lathrop said that the wetland bylaws state no permanent structure within the 50-foot buffer zone and there has to be additional mitigation to compensate for the amount of wetland loss. He did agree that the location of the shed is the only suitable place.

P. Morrison stated if the shed is placed on cinder blocks it is not identified as a permanent structure.

J. Smigelski and E. McHugh were both in agreement with P. Morrison. E. McHugh commented that the location of the shed is limited and it would create stability by containing any items from entering the lake. She then commended the applicant on the existing landscaping and called the property an arboretum.

L. Hurley agreed that the shed is not a permanent structure and there is limited space being in close proximity to the lake. The ConCom has allowed sheds without foundations. He then questioned if a runoff plan had been submitted. B. Bishop replied yes and identified the drywell.

O. Lathrop expressed that the ConCom obtains jurisdiction if debris enters the lake and there would be ramifications. O. Lathrop reiterated that there needs to be additional mitigation proposed.

B. Bishop explained that he has observed structures and debris within the lake and in close proximity and he is trying to prevent that on his own property. He assured that he is committed to building a shed primarily for storing items to enjoy the lake.

O. Lathrop requested that the mitigation area be more extensive than the 200 square feet proposed. B. Bishop agreed to plant blueberry bushes up to the first set of stairs.

Upon a motion by P. Morrison, seconded by E. McHugh, it was: Voted to issue a Negative 3 Determination under the conditions: 1. Roof runoff is captured by downspouts and fed into a dry well, up gradient to the lake 2. Structure on cinder blocks or no foundation. 3. Mitigation areas should be planted as shown in the drawing. **The motion passed by a roll call vote. (Yes: PM, EM, JS, LH/ NO- BE, OL) 4-2**

6:55 PM – RDA (2022-10), 36 Throne Hill Road, for the replacement of a failed sewage disposal system. Applicant: Joseph and Paula Fischetti; Representative: Kevin Ritchie, Civil Solutions

Kevin Ritchie from Civil Solutions represented the applicants, proposing the installation of a sewage disposal system in the identical location of the existing tank. The system could not be any tighter to the dwelling in order to comply with the Board of Health's regulations. The closest point of the system is 76 feet from the wetlands.

O. Lathrop asked why the sewage system could not be located in the front yard. K. Ritchie explained that all options were explored and they had to take into account the 100-foot buffer zone, the paved driveway, and a 20-foot offset. O. Lathrop commented that trees had been removed prior to receiving any permits. K. Ritchie confirmed that the applicant proceeded without receiving approval.

E. McHugh commented that a Presby System was being installed and questioned the depth of the installation in regards to the ground water level. K. Ritche said the Presby System is the best alternative which requires minimal space and fill whereas a conventional system would be 40% larger. The system would be installed 2 feet above the ground water level.

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to issue a Negative 3 Determination under the conditions: 1. Work is performed as shown on the plan. **The motion passed by a roll call vote. (Yes: EM, JS, OL, BE, PM, LH)**

7:05 PM – NOI (MassDEP#169-1233) ***(continued)***, 2 Island Road, for the upgrade of a sewage disposal system and installation of a home addition. Applicant: Peter Woodland

Jack Maloney from Dillis & Roy Civil Design Group represented the applicant by discussing the revisions from the prior hearing. The proposed deck within the 50-foot buffer zone has been reduced by 50% leaving a 100 square foot disturbance to allow for a 3-foot access to the existing deck. There would be a 400 square foot natural restoration area. A plan has been submitted as requested for the pavers and the installation of the septic tank and chambers. The addition would have a proposed bathroom and mudroom, no excavation is required utilizing the helical piers. The roof runoff would be captured by a gutter system and filtered into the existing cesspool.

O. Lathrop questioned the square footage of the proposed deck and commented that the mitigation of the runoff water and the restoration area was satisfactory. J. Maloney answered 150 square feet.

 Upon a motion by P. Morrison, seconded by J. Smigelski, it was: Voted to close the public hearing. **The motion passed by a roll call vote. (Yes: OL, JS, BE, EM, PM, LH)**

7:15 PM – Discussion ***(continued)*** with Atty. Collins about the Maple Avenue development (a.k.a., Hayes parcels) – Re: in-fee holdings, conservation restriction, turtle nesting area.

Attorney Bob Collins was present for the discussion, proposing that the four oversized estate lots were reduced from 10 acres to 3.7- 4-acre parcels and the holding lot line would be conveyed in fee to the Commission. There would be a total of 60 acres gifted in fee to the ConCom. To the far-right hand side there is an envisioned trail access to enter Parcel A, street frontage on Pepperell Road and Hill Road, and an easement to continue the maintenance of forestry. The turtle nesting area located by a biologist would obtain an endowment held by the Town Treasurer and the ConCom would be provided funding when necessary. The escrow would total $11,000 for the next 36 years. The Conservation Restriction area is subject to a declaration of restriction in perpetuity by the Department of Fisheries and Wildlife. The preserved areas would be located at the intersection of Hill Road and Maple Avenue and the area at the top of the site which has been identified as a wildlife corridor. Signage would be clearly marked every 50-70 feet to identify the ConCom land and monumentation at each lot corner. Attorney Collins expressed that he needs a response if the ConCom is willing to accept the land in fee.

B. Easom agreed that the 30-foot corridor on the north side of the site is adequate for the intended access in and out. He then commended Attorney Collins for conducting a walk of the boundaries and meeting his expectations.

E. McHugh was appreciative that O. Lathrop recommended this solution at the last hearing.

O. Lathrop was concerned with the draft of the deed restriction; it had restricted public access in Parcel A1 even with the well-maintained wood roads. He said he would like to negotiate the use of trails in that area. Attorney Collins stated that any trail would need approval by Natural Heritage due to the degree of protection. He had spent several hours with the applicant negotiating reducing the acreage by explaining that the homeowners would not be able to utilize their own property and had ensured no public access allowed behind the lots. This land has been very actively maintained and the proposed 27 lots were reduced to 16 lots. O. Lathrop said that he understands the request for privacy however does not want to restrict public access on Parcel A1 and by creating a trail it would ensure a channel or a path to be followed. Attorney Collins reiterated that he was able to negotiate the property line due to the inability to utilize the land and by providing privacy. He said that he could possibly move the prohibition line to the powerline easement. O. Lathrop agreed that would be beneficial. Attorney Collins explained after conversing with Natural Heritage there is a very minimal chance that a trail would be approved. There are substantial wetlands behind lots 1 and 2 and off to the right side of the site.

P. Morrison questioned if logging would be allowed on parcel A1 after the restriction was instated. Attorney Collins said yes, Natural Heritage would need to authorize the management plan. P. Morrison questioned how the public would be enforced to stay off the logging roads. Attorney Collins replied that the trails would be marked and recommended conversing with the Trails Committee. The applicant would be posting signage along the back boundary line from Maple Avenue to Parcel A1. P. Morrison said that he was concerned about losing the maintained logging roads and possibly utilizing the roads as trails. Attorney Collins said that the roads were not actively maintained and would speak with Lauren. O. Lathrop suggested receiving limited public access on the existing logging roads.

Attorney Collins said that he would attend the next public hearing to address the unresolved issues.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was: Voted to provisionally accept the donation of 60.88 acres contingent on the final draft of the deed. **The motion passed by a roll call vote. (Yes: BE, OL, EM, PM, JS, LH)**

Deborah Collum, a resident, encouraged the ConCom to accept the offer being presented.

**2. GENERAL BUSINESS\***

Permitting

None

General Discussions/Announcements

**COVID Town Policy, discuss meeting virtual vs. in-person (ON-GOING DISCUSSION)**

Upon a motion by E. McHugh, seconded by P. Morrison, it was: Voted to remain virtual until May 24, 2022 and to reevaluate every meeting. **The motion passed by a roll call vote. (Yes: OL, PM, EM, LH/ No: JS) 4-1**

**Updates on Conservation Restrictions (Nashua Road, Priest Family Conservation Area, Patricia Hallet Conservation Area, other parcels purchased with CPA funds).**

N. Gualco said that he has been collaborating with two trustees and has provided the ConCom with drafts of the Conservation Restrictions for the Patricia Hallet and the Priest Family properties. He recommended designating a small group of Commissioners to represent the ConCom and finalize the language. O. Lathrop volunteered to assist and noted that B. Easom may be interested.

Land Management

**Update of Priest Hill Habitat Restoration**

N. Gualco said that the logging is complete and the granite posts have been installed. The road is very rutted and will be restored. There is a restriction of heavy equipment after April 15th; N. Gualco said that he has secured an extension with Natural Heritage to ensure that the restoration can be completed. He then displayed the slash of logs that was observed at the site and commented that it looked atrocious. He questioned if the ConCom had any concerns or comments on the work performed. Mike Barry had said there is a need to manage the invasive species and it would be accomplished even with the current state.

E. McHugh commented that she has never viewed anything like this before and recommended that the photograph be utilized as a opportunity to show residents what land management looks like. She suggested creating a page on the Town website. N. Gualco commented that originally the slashing was prescribed to be not as significant and believes that there was not adequate room and the logs resulted more as a berm.

O. Lathrop was surprised with the size of the logs left behind and questioned if that was the original intentions. He suggested sending the photograph to the biologist and asking if his recommendations were achieved.

J. Smigelski commented that it is imperative to explain to the public.

E. McHugh said that she would assist in dedicating a one page project summary on the Town Website to provide information to the public on the land management that was performed. N. Gualco said that he has been observing the site weekly and would provide photographs and GPS.

**Shattuck Homestead (2022 field treatment, controlled burn)**

N. Gualco displayed photographs taken from the following day. O. Lathrop said he had observed no thatch and there had been new flower growth. N. Gualco commented that Priest hill would benefit from a controlled burn treatment and had discussed the idea with the Fire Chief. N. Gualco said that he had walked the perimeter to provide a baseline of the property.

Committee Updates

L. Hurley said that the Sargisson Beach Committee met last week and cleaned up the beach and performed the first rock clean up prior to water level being raised. There will be an additional clean up at the end of the month. L. Hurley noted that the structure located down on the beach has minimal silt and does not need to be addressed. N. Gualco informed the Commission that a HULU show called Taste of America filmed an episode at the beach today and would try to receive a copy.

O. Lathrop said that the Invasive Species Committee has received a grant for treating Knotweed along the river on the Campbell Well site and on the adjacent land located on Surrenden Farm. The Nod Road Canoe site had previously been approved. The herbicide used on the Ash trees is becoming restricted and they are planning treatment prior to June 1st. J. Smigelski commented that any remaining product can be utilized even if it’s no longer available for purchase.

Approve Meeting Minutes

Upon a motion by O. Lathrop, seconded by P. Morrison, it was: Voted to approve the meeting minutes for March 23, 2022 as edited. **The motion passed by a roll call vote. (Yes: OL, PM, JS, EM, LH)**

Invoices

Upon a motion by E. McHugh, seconded by P. Morrison, it was: Voted to approve and pay the invoice from Nikolas Gualco for mileage in the amount of $57.39. **The motion passed by a roll call vote. (Yes: OL, JS, EM, PM, LH)**

Upon a motion by E. McHugh, seconded by P. Morrison, it was: Voted to approve and pay the invoice for an iPad case in the amount of $89.95. **The motion passed by a roll call vote. (Yes: EM, PM, OL, JS, LH)**

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

Baddacook CA, discuss renaming in honor of the Nipmuc people **– updated April 11, 2022**

B. Easom has been collaborating with Becky Pine in regards to the four suggested conservation parcels. B. Pine said that the Baddacook parcel was the best alternative. B. Easom recommended scheduling a site walk with the Trails Committee and additional townspeople to conduct an assessment of the land prior to offering the land to the Nipmuc people. B. Pine provided the ConCom with a brief background of the Nipmuc’s. The ConCom agreed that the Baddacook parcel was a great option to present to the representative. B. Pine questioned how the boundary line could be clearly determined B. Easom stated he could use a GPS for surveying the area. B. Pine commented that she would like to accompany the site walk. N. Gualco said he would coordinate a time for the site walk.

Discuss accepting donation of land (Parcel 122-109) **– updated April 11, 2022**

N. Gualco said that Brad Harper is willing to charter the ConCom to the island to conduct a site walk on April 30th or in the month of May. O. Lathrop was in favor of accepting the donation without observing the land. There was a brief discussion and the ConCom agreed to view the site prior to accepting the donation.

Westford Sportsmen’s Club recent land acquisition **– updated April 11, 2022**

N. Gualco announced that the Westford Sportsman Cub has successfully purchased the former Schofield property that boards Westford and a CR needs to be finalized.

Upon a motion by P. Morrison, seconded by E. McHugh, it was: Voted to negotiate a Conservation Restriction on the former Schofield property. **The motion passed by a roll call vote. (Yes: EM, JS, PM, OL, LH)**

**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.”

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

5. **Adjournment**

**8:53 PM**

Upon a motion by E. McHugh, seconded by J. Smigelski, 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: EM, PM, JS, LH)**

**Minutes Approved: April 26, 2022**