

TOWN OF GROTON

Conservation Commission

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### **Conservation Commission Meeting Minutes**

#### Tuesday, May 24, 2022 at 6:30 PM

Virtual Meeting – Zoom

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

## **Absent:** John Smigelski, Peter Morrison

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

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – RDA (2022-12), 383 Old Ayer Road, for wetland/buffer zone restoration.

Applicant: Elizabeth Goldring, Representative: Bob Pine; Toby Wolf, Wolf Landscape Architect; Ryan Corrigan

Bob Pine represented the applicant and proposed restoring a wetland area that has become significantly degraded from invasive species. He said that Mr. Wolf would be responsible primarily for any work within the buffer zones and creating a landscape architect design to achieve a native pollinator garden. Mr. Corrigan would be working on the restoration plan including identifying the invasive species, treatment plans, and planting vegetation that would increase the viability of the resource area.

R. Corrigan said he was very enthusiastic to partake in the proposed project.

E. McHugh asked if the group would be willing to submit reports every 6 months. Mr. Corrigan said that reports are generally submitted annually in the month of December. B. Pine agreed that documenting the progress is significant. E. McHugh commented that the ecological garden would provide a great opportunity to share with anyone interested. Mr. Wolf said capturing the visual transformation as the project progresses has been discussed.

O. Lathrop requested permission for the Conservation Commission to access the property twice a year in May and October. He said that the Commission would benefit from observing the progress. O. Lathrop was not in favor of removing any noninvasive species and questioned how the mowing would be performed on the Loosestrife. R. Corrigan said that any grapes compromising trees would be removed. For the mowing of the Loosestrife electric hedge shears would be utilized, he assured no machinery would enter the wetlands. O. Lathrop requested clarification on the Reed Canary Grass and the removal of materials off site and or leaving behind snags and dead wood. R. Corrigan replied that the initial inventory was conducted of the entire site and Reed Canary Grass was identified only in the James Brook and it would not be managed and would be removed from the finalized plans. He explained that most invasive species would be removed unless there is a possibility to habitat stack and any woody plants that prevent water flow would be removed. O. Lathrop reiterated the importance of being granted permission to access the site and suggested that the request be included in the determination.

The Commissioners were very supportive of the proposed restoration project and are excited to learn from the process.

Upon a motion by E. McHugh, seconded by O. Lathrop, it was: Voted to issue a Negative 2 Determination under the conditions: 1. An annual report is submitted in December to the Conservation Commission. 2. The Conservation Commission is allowed after coordination to access the site annually in May and October. 3. The work is in accordance with the land management plan dated May 18, 2022, as submitted. **The motion passed by a roll call vote. (Yes: AH, OL, EM, BE, LH).**

6:45 PM – NOI (MassDEP#169-XXXX), 50 Valliria Drive, for a septic upgrade and construction of a home addition.

Applicant: Jim Seidewand, Kevin Ritchie, Civil Solution, Inc.

Kevin Ritchie represented the applicant proposing a small addition to the existing dwelling, and a septic system remaining completely outside of the 100-foot buffer zone that has been approved by the BOH. The closet portion of the new addition would be 70 feet from the resource area. Erosion controls have been installed. K. Ritchie explained that the applicant is trying to accommodate his daughter and grandchildren.

E. McHugh questioned the discovery of the isolated wetland on the east side of the driveway made by the Wetland Scientist. K. Ritchie said that the wetland was delineated prior to the design. E. McHugh reminded the representative of the Bylaws stating that no permanent structure is allowed within the 100-foot buffer zone. K. Ritchie said that the design was presented to him and that the dwelling was initially constructed within the 100-foot buffer zone.

O. Lathrop was concerned with the proposed permanent structure within the 100-foot buffer zone and said that there needs to be a substantial amount of mitigation. K. Ritchie said that the applicant would be willing to turn a portion of the lawn into a naturalized area. O. Lathrop requested a plan be submitted including the square footage of mitigation being proposed compared to the proposed addition.

J. Seidewand confirmed his willingness to restore part of his lawn to naturalized area.

A. Hamilton commented that there is a significant amount of impermeable area being requested and completely understands that the area was previously disturbed. However, the land is currently a permeable surface. J. Seidewand said that all alternatives have been analyzed and there is a limited amount of space to work within.

B. Easom stated that the mitigation being proposed is inadequate for the request and should not be approved.

L. Hurley suggested utilizing the grassy area to the left of the driveway and reverting it to a natural state and then install markers to ensure mowing never occurs. J. Seidewand stated that the area is heavily wooded at the property line and would not be accessible to the neighbor. L. Hurley requested that the applicant return with a reasonable amount of square footage of mitigation and the measurements of the proposed addition.

O. Lathrop requested that the Commission conduct a second site walk to observe the property line and the area that the applicant is proposing to compensate for wetland loss. He stated he would not consider any restorations that are not on the applicant’s property. O. Lathrop explained that the natural area would be required to be managed and treated for any invasive species.

E. McHugh commented that it is important to consider the addition and the management plan of capturing any runoff water. She suggested installing a more permeable driveway and decreasing the size.

Upon a motion by O. Lathrop, seconded by B. Easom, it was: Voted to continue the public hearing until the next scheduled meeting on June 14, 2022. **The motion passed by a roll call vote. (Yes: BE, EM, OL, AH, LH).**

6:55 PM - NOI (MassDEP#169-1234), 161 Kemp Street, for the installation of a parking area and attached deck and the restoration of the wetlands buffer zone ***(continued)***.

Applicant: Austin Gordon & Jeff Gordon

Jeff Gordon said that he was contacted by Natural Heritage and there were no issues with the submitted plan.

Upon a motion by E. McHugh, seconded by O. Lathrop, it was: Voted to close the public hearing. **The motion passed by a roll call vote. (Yes: EM, OL, AH, BE, LH)**

7:00 PM – Discussion on the renaming of conservation land in honor of the Nipmuc tribe.

B. Easom briefly discussed that he had been asked by Becky Pine if there were any parcels of land that the Conservation Commission would be interested in naming after the Nipmuc Tribe. The ConCom suggested four parcels and selected the eastern side of Baddacook. O. Lathrop said he accompanied the site walk held on Saturday and was not impressed with the land; it was very small and swampy. He suggested the south shore of Martins Pond. B. Easom recommended a site that is larger, unique, and more valuable. The function of the Baddacook parcel is to protect the eastern shore of the lake from development. The Commission questioned if the tribe should be contacted to see what is significant to them. Bob Pine commented that the Baddacook parcel would be appropriate if land was added. He said that Becky Pine had conversed with the Cultural Representative and there is no rush to make any finalized decisions and contacting the tribe would be premature. A. Hamilton asked if the final selected parcel needs to be approved by the Town. B. Easom said he is under the impression that it is solely the ConCom's decision to name properties; however, he could address the issue with the Select Board. O. Lathrop commented that the Shattuck Homestead was previously renamed and would be a great selection. The Commission agreed that the Shattuck Homestead would be an honorable property to consider renaming and the next step would be for B. Easom to determine the possibility. E. McHugh questioned if the tribe would be opposed to using chemicals to treat the invasive species found there. B. Easom suggested including the Shattuck Homestead on their next site walk and stated that there is an ongoing management plan that entails mowing and controlled burning. He noted it may be interesting to see how the Nipmuc Tribe would manage the land for invasive species.

**2. GENERAL BUSINESS\***

Permitting

OOC, MassDEP#169-1234, 161 Kemp Street

Upon a motion by E. McHugh, seconded by B. Easom, it was: Voted to issue the Order of Conditions for 161 Kemp Street, MassDEP#169-1234. **The motion passed by a roll call vote. (Yes: BE, EM, AH, OL, LH).**

Upon a motion by E. McHugh, seconded by B. Easom, it was: Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 161 Kemp Street, MassDEP#169-1234. **The motion passed by a roll call vote. (Yes: BE, EM, AH, OL, LH)**

General Discussions/Announcements

**ConCom representative on Earth Removal/Stormwater Advisory Committee**

N. Gualco noted that J. Smigelski would not be able to meet the time requirements of the Stormwater Committee meetings.

E. McHugh said that the Stormwater Committee meets once a month and the meetings run approximately one hour long for the exception of larger hearings. The meetings will be returning to in-person in July and the representative is not required to be experienced.

The Commissioners discussed their added responsibilities outside of the ConCom and were concerned with potentially becoming burnt out. They decided it would be best to determine the representative when all the Commissioners were present. N. Gualco said he would add the discussion to the next agenda.

**Discuss donation offer for Lost Lake Island (Parcel 122-109)**

The Commission asked if there were any downsides of accepting the offer. N. Gualco said there are potential liabilities if the land is misused by fires or parties, however, the Police would be notified and provide enforcement. L. Hurley questioned if the ConCom acquired the land if camping rights could be allowed on the property. N. Gualco said yes as long as the rules could be adhered to and be respected. O. Lathrop was supportive of accepting the parcel to be publicly owned.

Upon a motion by O. Lathrop, seconded by B. Easom, it was: Voted to accept the donation of Parcel 122-109, contingent upon legal review. **The motion passed by a roll call vote. (Yes: BE, EM, AH, OL, LH)**

**Update on 6 Island Road, Enforcement Order 2022-02**

N. Gualco updated that the NOI was filed and the hearing is scheduled for the next scheduled meeting.

**Update on Florence Roche Elementary School, MassDEP#169-1227**

N. Gualco said that the preconstruction for Phase 1 is complete and he had observed the erosion controls. He requested that the group update the phasing plans to add the conservation restriction lines to ensure that the Commission can easily identify the lines and the associated erosion controls throughout the phases. The first report was produced and groundbreaking would be commencing next week for the relocation of the track. L. Hurley asked when the markers would be installed for the CR. N. Gualco said that once the construction for the track is complete the markers would be installed and then the erosion controls would be removed. He commented on the level of professionalism observed on the site and is confident that the team will execute all requests that have been made.

Land Management

**Update of Priest Hill Habitat Restoration** **(ON-GOING DISCUSSION)**

L. Hurley reminded the Commission of the expenditure that was approved at the last meeting to purchase materials to fix the abutters driveway however, he never accounted for the trucking of the materials and requested an additional $100.

Upon a motion by E. McHugh, seconded by A. Hamilton, it was: Voted to increase the amount designated for the repair of the driveway from $150 to $250. **The motion passed by a roll call vote. (Yes: EM, OL, AH, BE, LH)**

N. Gualco said that he has been in contact with the grant manager and was told that all work needs to be completed by June 30th and any invoices are required to be submitted before July 31st.

Committee Updates

**Report from the Stewardship Committee**

E. McHugh had suggested posting a QR code on Conservation Property signs to allow for people utilizing the land to obtain a direct link to the rules. The Stewardship Committee worked on reviewing the Regulations for the Use of Conservation Land and revised the list to be more direct while remaining legal. The Commission was supportive of the QR code and the revised language.

**Other updates**

B. Easom said that he was approved by the CPC to carry as a liaison for the Prescott School elevator installation project.

N. Gualco updated the Commission that he would be meeting with the GCT Trustees next week regarding the Conservation Restrictions for the select parcels. He has been provided drafts which have been reviewed and commented on.

O. Lathrop briefly discussed the Phragmites treatment on the Priest Family Conservation Area. The invasive species were divided into three study plots, one area was treated in the spring, one was treated both spring and fall, and the last plot was treated only in the fall. In the observation the spring treatment arrested the growth and then with the addition of the fall treatment the invasive species were substantially dead. The Committee has learned that the spring treatment enables the fall treatment to be more manageable. A. Hamilton said that her class would be out to stem count next Wednesday and would notify O. Lathrop.

O. Lathrop commented that the Invasive Species Committee is planning to treat the Ash Trees at the Petapawag Canoe Launch on Sunday, with a rain date of Monday. E. McHugh requested that an email be sent out notifying the Commission of the treatment and the projected day.

Approve Meeting Minutes

Upon a motion by E. McHugh, seconded by O. Lathrop, it was: Voted to approve the meeting minutes for May 10, 2022, as edited. **The motion passed by a roll call vote. (Yes: EM, OL, AH, BE, LH)**

Invoices

Upon a motion by O. Lathrop, seconded by A. Hamilton, it was: Voted to approve and pay the invoice from the Groton Herald in the amount of $118.80. **The motion passed by a roll call vote. (Yes: AH, BE, EM, OL, LH)**

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

**4. 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, Chair, declared that there was business that required the Commission to move to executive session.

**5. Adjournment**

**8:25PM**

Upon a motion by B. Easom, seconded by A. Hamilton, 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: AH, EM, OL, BE, LH)**

**Minutes Approved: June 14, 2022**