

TOWN OF GROTON

Conservation Commission

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**Conservation Commission Meeting Minutes**

**Tuesday, June 14, 2022 at 6:30 PM**

**Virtual Meeting – Zoom**

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

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

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

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – NOI (MassDEP#169-XXXX) – 6 Island Road, for the installation of a retaining wall and parking area.

Applicants: Meagan & Jesse Cotter

Jesse and Meagan Cotter were present for the hearing. J. Cotter proposed expanding the driveway 5 feet from the existing driveway and installing a 40-inch-tall retaining wall.

N. Gualco informed the Commission that an Enforcement Order was issued after he was notified of unauthorized work being performed on the site. The applicants were told to halt all work and complied with the request.

O. Lathrop commented that the project being proposed is all within the 50-foot buffer zone and is not permitted in the Bylaws. He explained that there needs to be a substantial amount of mitigation. The applicants stated that their entire property is within the 50-foot buffer zone and is composed of natural growth and contains no designated grassy areas. Dilapidated stairs have been removed and any existing runoff water that descends into the lake would be controlled with the installation of crushed stone and a perforated pipe allowing for adequate infiltration.

B. Easom questioned the reasoning behind moving the trailer closer in proximity to the resource area. M. Cotter said parking is immediately on the edge of the road and is a safety concern. J. Cotter commented that trees would be preserved by extending the driveway. B. Easom was concerned with the encroachment to the resource area and believed that project was unnecessary.

E. McHugh asked for the dimensions of the existing driveway and the materials being utilized. M. Cotter identified the driveway on the plan and confirmed it was constructed of gravel. E. McHugh then questioned if the applicants were aware of the protection acts and why they acted without a permit. M. Cotter admitted that they were aware that the property is within the buffer zones and that there was a lapse of judgment. She said they would never intentionally harm the lake.

L. Hurley requested more details on the stone wall located uphill from the straw wattles. J. Cotter explained that the rocks were preexisting on the property and that he had added some rocks to create stabilization.

O. Lathrop asked if the RV could be relocated to the opposite side of the driveway. M. Cotter said the RV would block the access to both the entry to the dwelling and the shed. She explained that all alternatives have been reviewed.

P. Morrison reiterated that the dilapidated stairs have been removed and disposed of. The existing runoff water would be controlled by the retaining wall that is less than 4 feet and contains crushed stone and a perforated pipe. In addition, trees would be preserved.

O. Lathrop expressed that there needs to be additional mitigation. M. Cotter explained that the site is composed of trees and natural brush. There is a failing wall that requires repair in the near future and would be presented to the Commission. L. Hurley suggested naturalizing the area between the proposed retaining wall and the erosion control. P. Morrison suggested planting native species for example blueberries and creating additional stabilization.

The applicants agreed to plant native species from the provided list by the Conservation Administrator.

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

Voted to continue the public hearing until the next scheduled meeting on June 28, 2022.

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

6:45 PM – RDA – Sorhaug Woods, for treatment of invasive vegetation as part of a training workshop (Nashua-Squannacook-Nissitissit Wild & Scenic River Council)

Applicant: Michele Girard

Michelle Girard briefly discussed an invasive species training workshop that she would like to conduct on identifying invasive species and how to properly remove and dispose of them to ensure no regrowth. After observing the Sorhaug Woods she proposed working alongside the trail and utilizing only hand tools. There would be no chemicals used.

O. Lathrop commented that the Invasive Species Committee held a special meeting on June 2, 2022 and unanimously endorsed the workshop and recommended that the ConCom approve the request to allow for the applicant to utilize the Conservation property.

B. Easom asked who would be funding the workshop. M. Girard stated that the Stewardship Council would be fully funding the workshop, enabling 15 people to participate and to compensate for the expense of the instructor.

The Commissioners were supportive of the proposed project and agreed that it would be very beneficial.

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

Voted to grant permission to the Nashua- Squannacook- Nissitissit Wild & Scenic River Council to hold the invasive training workshop on June 25, 2022 or a date approved by the Conservation Administrator in the Sorhaug Woods.

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

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

Voted to issue a Negative 3 Determination under the conditions: 1. No pesticides are to be used. 2. No motorized equipment to be used.

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

6:55 PM – NOI (MassDEP#169-XXXX), 50 Valliria Drive, for a septic upgrade and construction of a home addition *(continued)*.

Applicant: Jim Seidewand, Kevin Ritchie, Civil Solution, Inc.; Matt Marro

Kevin Ritchie, from Civil Solutions, represented the applicant proposing a 576 square foot addition to provide an area for an in-law apartment. A narrative has been submitted by Matt Marro on the 750 square foot naturalized area extending from the brush line. Recharge trenches would be installed on the gutters both on the front and back of the dwelling to manage any roof runoff. There would be no grading in the 50-foot buffer zone and a retaining wall would be installed along the driveway and a recharge trench to allow for adequate infiltration.

M. Marro briefly discussed the narrative and commented on the isolated wetland which remains in existence and was originally going to be eliminated. After delineating the area, he determined that the source is being fed from uphill and off the property. He commented that K. Ritchie’s infiltration design is satisfactory. The runoff water would continue to percolate through the grass and he would concentrate on providing a habitat utilizing a meadow mix and a variety of shrubs for example serviceberry. Viburnum would be planted to provide an enhancement to the pollinator habitat. M. Marro said that Mark Bertram, a certified Landscaper, has also reviewed the plan.

B. Easom was unsatisfied with the amount of mitigation area proposed, and expressed that there is a substantial amount of disturbance being requested.

E. McHugh requested specifications on the plant list including the quantities and the sizes.

O. Lathrop agreed with B. Easom on the inadequate amount of mitigation being proposed, especially in the 50-foot buffer zone and commented that the naturalized area does not need to be as intensive.

L. Hurley appreciated the solutions provided and understands the hardship of families. He recommended that the applicant return with the requested information from E. McHugh.

M. Marro asked the ConCom’s opinion on designing a more naturalized area instead of following the plan as submitted. E. McHugh recommended granite markers be installed to notify people that the area is intentional and should not be disturbed. She suggested planting the planned vegetation to provide easier maintenance. O. Lathrop had no objections to the narrative and would like to observe a larger naturalized area. L. Hurley agreed that there would be fewer complications if the managed plan is followed.

The applicant was willing to continue the hearing and return with a revised naturalized area that is less intensive.

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

Voted to continue the public hearing until the next scheduled meeting on June 28, 2022.

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

7:10 PM – Discussion on Enforcement Order, 106 Broad Meadow Road.

N. Gualco was informed by the Building Commissioner that he observed a small track machine located at 106 Broad Meadow Road. N. Gualco contacted the homeowner, Lindsey Duffy, and notified her that any unauthorized work being performed must come to a halt and that she file an RDA.

N. Gualco briefly discussed that there was evidence of vegetation clearing in close proximity to the resource area. The homeowner had said that the area has always been open and grassy and would like to utilize the area for a play space for her children. The property is surrounded by wetlands and is limited to usable space.

L. Duffy said that the lawn was boarded by prickly bushes and poison ivy and led to a grassy knoll. The heavy machinery that was used to clear the bushes damaged a small portion of the grass, making the appearance worse. She was unaware that the land is within a buffer zone. She expressed that the road is becoming extremely busy and was only trying to acquire a safer place for her children to play.

The ConCom agreed that the wetlands need to be delineated to determine the exact locations.

P. Morrison commented that he recalls that the development originally contained an open field prior to any dwellings.

L. Hurley said during the site walk he observed meadow grass and had discussed mowing the area less frequently. L. Duffy had no issues with the recommendation.

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

Voted to ratify the enforcement order for 106 Broad Meadow Road.

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

P. Morrison recommended that the homeowner return with a brief history on how the land was previously utilized.

E. McHugh suggested for the homeowner to consider what the area would look like without using herbicide or fertilizers. L. Duffy verified she would never utilize chemicals that would harm the environment.

L. Hurley recommended that the homeowner hire a Wetland Engineer to delineate the buffer zones.

N. Gualco confirmed the Enforcement Order requires for an RDA to be filed and that he would provide the homeowner with a list of professionals.

O. Lathrop expressed that he is concerned with the current status of the area and not any pre-existing uses.

7:20 PM – Discussion on the renaming of conservation land in honor of the Nipmuc tribe – a look the Shattuck Homestead Property

L. Hurley said after observing the Shattuck Homestead he believes that the property is a perfect option to honor the Nipmuc Tribe. Becky Pine commented that she is supportive of proceeding with the recommended property and addressing the Select Board. Bob Pine was also in agreement and commented that the property contains all the appropriate geology and ecology characteristics. Becky Pine questioned if there is adequate parking. The Commissioners said that there are approximately 3-4 accessible parking spaces. B. Easom stated that the Water Departments possess an easement on the property and that there is a Conservation Restriction that allows for forestry. He recommended conversing with the Nipmucs on their views on forestry. P. Morrison reminded the Commission that the property is only being renamed and the ownership is not being turned over. L. Hurley added that there is an active management plan for treating invasive species. The Commission had a brief discussion regarding acquiring the property collaboratively with the Conservation Trust from Dr. Lewis. O. Lathrop questioned if there was a deed restriction that obligates the ConCom to keep the viewing shed open. He suggested that it would be more meaningful to allow for the Tribe to become the CR holders. N. Gualco clarified that there is a deed restriction, and there is a Conservation Restriction held by the Trust. E. McHugh recommended that a property page be composed by the Stewardship Committee including the treatment plan on the Swallow Wort and be provided to the Nipmucs. The Commission agreed that the property page needs to be composed and provided to B. Easom and Becky Pine to then address the Select Board. The Cultural Representative will be contacted and the ConCom will be notified of any updates.

N. Gualco informed the Commission that the spring Mass Association of Conservation Commission’s flier contains an extensive article on the Nipmuc Tribe.

**2. GENERAL BUSINESS\***

Permitting

COC, 19 Baby Beach Road, MassDEP#169-1189

L. Hurley confirmed that the retaining walls were installed further away from the resource area than originally measured and the proposed pavers were replaced with a grassy area.

Upon a motion by P. Morrison, seconded by B. Easom, it was:

Voted to issue the Certificate of Compliance for 19 Baby Beach Road, MassDEP#169-1189.

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

COC(s), 90 Ridgewood, MassDEP#169-954 & 169-832

Upon a motion by P. Morrison, seconded by B. Easom, it was:

Voted to issue the Certificate of Compliance for 90 Ridgewood, MassDEP#169-954 & 169-832.

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

COC, 51 Kemp Street, MassDEP#169-1226 – added 6/9/2022

Upon a motion by P. Morrison, seconded by B. Easom, it was:

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

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

General Discussions/Announcements

**Discuss unpermitted use of corral fencing at Shattuck Homestead**

N. Gualco said that he received a text message from a Commissioner on May 26th in regards to an unpermitted corral placed on the Shattuck Homestead. He verified the following business day and the fencing was still installed. N. Gualco conversed with neighbors in the vicinity which led him to Dan Monroe, who admitted that the fencing belonged to him and removed it immediately. N. Gualco confirmed that permission was not granted and explained to D. Monroe that there are opportunities to lease Conservation properties for agricultural purposes, however, the proper steps need to be adhered to.

**Appoint members to the Stewardship Committee**

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

Voted to appoint the following people to the Stewardship Committee: Anna Eliot, Bob Hanninen, Deb Collum, Eileen McHugh, Kimberly Kuliesis, Lisa Murray, Lisa Theall, and Olin Lathrop.

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

**Appointment of GCC member to the ERSWAC**

N. Gualco conversed with Michelle Collette and she had expressed interest in changing the language of the bylaw to include, “either appointing a designee by the Conservation Commission or a member on to the ERSWAC.” If the ConCom was in favor of changing the language it would need to be addressed at the fall Town Meeting. N. Gualco said that position will be required to be filled in July.

B. Easom nominated himself to be appointed on the ERSWAC

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

Voted to appoint Bruce Easom to the Earth Removal Stormwater Advisory Committee.

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

Land Management

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

N. Gualco updated the Commission that the second treatment of Bittersweet would be occurring on June 16th. He said he would notify Sudhakar Gaddam of the presence of a pickup truck and a minimal crew. The first two submissions for reimbursement were sent to the State and only one has been reimbursed. The final reimbursement will be submitted along with the final report including a number of photographs and documentation that have been acquired by N. Gualco. L. Hurley requested that the Conservation Administrator ask S. Gaddam if the driveway needs to be readdressed. L. Hurley said he spread the original stone thinner and added a top layer of dirt, natural stone, and ground up asphalt and it was determined to be satisfactory.

Committee Updates

O. Lathrop updated the Commission that the Invasive Species Committee treated the Ash Trees on May 29th at the Petapawag Canoe Launch. On June 1st A. Hamilton's class conducted stem counts on the previously treated Phragmites located on the Shattuck Homestead and produced quantitative data. After reviewing the results, the Phragmites would be treated once again in the fall. O. Lathrop said that there are plans to treat the Carmichael Swamp for Phragmites and the Invasive Species Committee will notify the ConCom in advance. The remediation of the Japanese Knotweed identified on Hayden Road and the Shattuck Homestead has been very successful and any remaining herbicides will be utilized to spray the few stragglers.

Approve Meeting Minutes

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

Voted to approve the meeting minutes for May 24, 2022, as edited.

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

Invoices

Upon a motion by B. Easom, seconded by P. Morrison, it was:

Voted to approve and pay the invoice from Moison Ace Hardware in the amount of $10.00 to sharpen the lawn mower blades.

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

Upon a motion by B. Easom, seconded by P. Morrison, it was:

Voted to approve and pay the invoice from Mirick O'Connell in the amount of $1,620.00.

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

Upon a motion by B. Easom, seconded by P. Morrison, it was:

Voted to approve and pay the invoice from Mirick O’ Connell for the amount of $427.50.

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

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

Voted to reimburse Nikolis Gualco, Conservation Administrator, in the amount of $30.13.

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

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

Voted to reimburse Peter Morrison in the amount of $49.00 for the maintenance performed on the brush mower.

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

P. Morrison notified the Commission that the brush mower requires additional repairs and they should expect an invoice from Great Road Farm and Garden.

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

**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 (8:25 PM)**

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

Voted to adjourn the public meeting at 8:25 P. M.

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

**Minutes Approved: July 12, 2022**