

TOWN OF GROTON

Conservation Commission

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###

### **Conservation Commission Meeting Minutes**

#### Tuesday, July 12, 2022 at 6:30 PM

Virtual Meeting – Zoom

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

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

At **6:30 PM** Eileen McHugh called the meeting or order.

**APPOINTMENTS AND HEARINGS\***

**6:30 PM – RDA, Old Ayer Road R.O.W. (near #54), for the construction of a sidewalk (Tom Delaney, Groton DPW)**

**Tom Delaney, Groton DPW Director (Applicant)**

**T. Delaney provided an overview of the project including the design. B. Easom asked if a guardrail will be required, to which T. Delaney responded ‘yes’. Easom continued by asking if there were plans to install erosion controls to which Delaney replied that they would install them between the work and the resource area. O. Lathrop asked what the rip rap slope grade will be to which Delaney replied “2:1” using 6”-8” and 8”-10” stone.**

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

**VOTED to issue a Negative 3 Determination under the condition that the all work shall be contained within the erosion controls.**

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

**6:45 PM – NOI (MassDEP#169-1237) (cont.), Transmission line extending from Gay Road/Route 119 north to the Dunstable Town Line, for maintenance and improvements to the line (New England Power Company).**

**Alison Milliman, BSC Group (Representative)**

**A. Milliman shared that they have received the required letters from NHESP with their special conditions. B. Easom commented that the NHESP letter requires the applicant’s biologist to provide compliance reports to the State. He asked N. Gualco to request to NHESP that the Commission is provided a copy.**

**A. Hamilton asked if the project work would impact known turtle habitat restoration areas. A. Milliman to which A. Milliman reassured that the work will not take place in these area, however, the R.O.W. will regularly require maintenance.**

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

**VOTED to close the public hearing for MassDEP#169-1237.**

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

**7:00 PM – Preliminary Discussion on potential re-development plans for 116 Boston Road.**

**Bruce Ringwall (GPR), Patrick Mulligan (perspective buyer) attended the meeting to discuss Mr. Mulligan’s plans to purchase and renovate the building at 116 Boston Road. B. Ringwall gave an overview of the site and presented a conceptual plan to convert the building to a microbrewery/gastropub. Part of the plan would involve the conversion of a lawn area to patio to provide an outdoor seating area as well as the re-configuration of the parking area. B. Ringwall provided a few examples of possible mitigations to off-set the envisioned expanded development within the wetland buffer zone/Riverfront area.**

**B. Easom stated he has two issues with the concept, which included the percentage of development proposed within the Riverfront as well as the proposed permeant structures within the 100-foot buffer zone. He concluded by stating that he may be ‘OK’ with the idea if the applicant could find a way to just mow the grass area (and use picnic table) as opposed to developing a patio area.**

**O. Lathrop expressed concern about the expanse of the parking area within the 50-foot buffer zone.**

**J. Smigelski commented that a permeable paver patio would help with stormwater retention. P. Morrison agreed with this statement and asked about the ability for the Town to clean the stream channel (an area of know maintenance).**

**E. McHugh commented that a deck area may be less impactful than a patio.**

**GENERAL BUSINESS\***

**Permitting**

**OOC, 6 Island Road, MassDEP#169-1236**

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

**VOTED to issue an Order of Conditions, as amended, under the MA Wetlands Protection Act for 6 Island Road, MassDEP#169-1236.**

**The motion carried by a roll call vote (Yes: JS, PM, LH, OL, EM; No: BE; Abstain: AH).**

**Upon a motion by P. Morrison, seconded by L. Hurley, it was:**

**VOTED to issue an Order of Conditions under the Groton Wetlands Protection Bylaw for 6 Island Road, MassDEP#169-1236.**

**The motion carried by a roll call vote (Yes: JS, PM, LH, OL, EM; No: BE; Abstain: AH).**

**OOC, 50 Valliria Drive, MassDEP#169-1235**

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

**VOTED to issue an Order of Conditions, as amended, under the MA Wetlands Protection Act for 50 Valliria Drive, MassDEP#169-1235.**

**The motion carried by a roll call vote (Yes: JS, PM, LH, EM; No: BE, AH, OL).**

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

**VOTED to issue an Order of Conditions under the Groton Wetlands Protection Bylaw for 50 Valliria Drive, MassDEP#169-1235.**

**The motion carried by a roll call vote (Yes: JS, PM, LH, EM; No: BE, AH, OL).**

**OOC, “#326 Transmission Line”, MassDEP#169-1237**

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

**VOTED to issue an Order of Conditions, as amended, under the MA Wetlands Protection Act for “#326 Transmission Line R.O.W.”, MassDEP#169-1237.**

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

**Upon a motion by P. Morrison, seconded by L. Hurley, it was:**

**VOTED to issue an Order of Conditions under the Groton Wetlands Protection Bylaw for “#326 Transmission Line R.O.W.”, MassDEP#169-1237.**

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

**COC, 95 Birchwood Ave, MassDEP#169#959**

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

**VOTED to issue a Certificate of Compliance for MassDEP#169-959, 95 Birchwood Ave.**

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

**General Discussions/Announcements**

**Discuss 40B Proposal – Groton Farms**

**N. Gualco gave an overview of the recently submitted 40B concept proposal. The Select Board is seeking comments on the provided plans. He continued by announcing a site walk on July 13. P. Morrison stated he plans to attend the site walk. B. Easom stated upon initial review, the project looks pretty good and mostly within the constraints of the Wetlands Protection Act and the Town’s Wetlands Bylaw. A. Hamilton asked for a clarification on the process of approving a 40B which B. Easom provided.**

**Land Management**

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

**N. Gualco updated the Commission that the project has concluded and all grant requirements/reimbursement requests have been satisfied and met. He continued by sharing highlights from the final report he provided to the State.**

**Other on-going land management**

**O. Lathrop updated the Commission on the recent mowing at the Shattuck Homestead as well as some spraying of black swallow-wort. The site is in good shape for herbicide treatment later this year. Lathrop continued by reporting on Invasive Species activities at Hayden Road, the Campbell Well Site, and Petapawag Boat Launch.**

**Committee Updates (updated 7/11/2022)**

**Stewardship Committee: discuss the process of revising the regulations for land use of conservation land**

**E. McHugh gave an update to the Commission on a recent effort to update the Land Use Regulations for Town-owned conservation land. A highlight included the inclusion of restricting electric vehicles. A discussion ensued and culminated with E. McHugh stating she would take the draft back to the Stewardship Committee for further review.**

**Other committee updates**

**O. Lathrop reported that the Trails Committee and the Town Forest Committee has begun working on relocating the trail that leads to Ames Meadow off of private property and onto the Town Forest.**

**L. Hurley reported on repair work he is undertaking on behalf of the Sargisson Beach Committee.**

**Approve Meeting Minutes**

**Upon a motion by L. Hurley, seconded by P. Morrison, it was:**

**VOTED to approve and release the meeting minutes for June 14, 2022 as amended.**

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

**Invoices**

**Upon a motion by B. Easom, seconded by A. Hamilton, it was:**

**VOTED to approve and pay an invoice in the amount of $2,138.50 to Mirick O’Connell for legal services provided.**

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

**Upon a motion by L. Hurley, seconded by A. Hamilton, it was:**

**VOTED to approve and reimburse Nikolis Gualco $50.84 for mileage traveled during the month of June.**

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

**Upon a motion by B. Easom, seconded by A. Hamilton, it was:**

**VOTED to approve and pay an invoice in the amount of $105.61 to the Nashoba Valley Voice for legal advertisements.**

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

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

**VOTED to approve and pay an invoice in the amount of $4,500.00 to EWH Anderson Real Estate for land appraisal services provided.**

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

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

**VOTED to approve and pay an invoice in the amount of $800.00 to the Massachusetts Association of Conservation Commission for annual membership dues.**

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

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

n/a

**(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.”

The Chair declares that an executive session would be necessary as an open meeting may have a detrimental effect on the Board’s ability to negotiate the purchase of a piece of real estate.

**Adjournment**

Upon a motion by O. Lathrop, seconded by A. Hamilton, it was:

VOTED to move to executive session, not to return to open session, for the purpose of considering the purchase, exchange, lease, or value of real estate, as the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

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

**Minutes Approved: August 9, 2022**