

TOWN OF GROTON

Conservation Commission

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### 

**Groton Conservation Commission**

**Meeting Minutes**

Tuesday, September 27, 2022 @ 6:30 p.m.

Victual Meeting – Zoom

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

**Absent:** John Smigelski

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

Eileen McHugh, Chair called the meeting to order at 6:31p.m.

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – Discussion on the demolition of the Squannacook Sportsmen’s Club.

N. Gualco said the proposal for the demolition of the structure located on the property of the Squannacook Sportsmen's Club would be included as an article in the upcoming Town Meeting.

There were no representatives present for the discussion.

6:50 PM – Discussion with NRWA on the MassDFW proposed Barren restoration along the Squannacook River.

Representatives: Al Futterman, Nashua River Watershed; Diane Carson, Stacey Chilcoat, Educational Director, NRWA

N. Gualco briefly summarized the Barrens Restoration Project proposed along the wildlife management area that would convert the existing forest into a pitch pine forest. The State has been told that a MEPA filing is required for the project.

A. Futterman explained that the MEPA filling was not initially noticed by the Fish and Wildlife and the process has slowed the progress of the project. He stated that the NRWA and the Wild and Scenic Stewardship Council are attentive to the topic. He noted that there was a mistake on the map which does not identify the abutting 9 acre parcel owned by the Town of Townsend. A. Futterman then addressed the Commission's original offer of returning a 15 acre property owned by the Town of Groton located in Shirley however, the Town of Shirley was not interested in acquiring the land. B. Easom verified that was correct. A. Futterman said that the Stewardship Council voted to authorize an expenditure of $30,000 to hire consultants to better understand the site and the relation to the project. There have been changes in the initial project and there are perhaps multiple phases being proposed.

S. Chilcoat agreed that the Wild and Scenic Council is concerned with the potential impact to the river.

D. Carson said without obtaining the ENF the Council has not formed a position and a consultant would be hired to review the information.

E. McHugh questioned the intentions of tonight's discussion. A. Futterman said he wanted to ensure that Groton residents are aware that the project has not been abandoned, as stated in a newspaper headline. He then requested clarification why the Conservation Commission obliged to participate in the project.

The Commissioners agreed that the original presentation sounded beneficial to the environment and a great opportunity for the Town of Groton.

B. Easom questioned the latest map and the initial 50 foot tree line buffer. A. Futterman said that he observed red blazes along the river's edge and someone had returned and retracted some of the blazes within the 50 foot buffer zone.

O. Lathrop was in favor of the biologists and scientists creating a unique ecosystem. He agreed that the 50 foot buffer zone should be enforced and that a 100 foot buffer would be better to ensure that the temperature of the river is not affected.

E. McHugh said that the ConCom was concerned with the public's reaction and had conversed about public outreach.

S. Chilcoat spoke as a Groton Resident and stated that the size of the project is alarming. She would like to ensure that this is indeed a project that the Town desires to partake in.

B. Easom asked if the land was converted to a Pine Barren would there be irreversible changes to the land or if the site was abandoned. A. Futterman said that it would not be irreparable, and explained that the project is now defined as oak woodland. There is a 50% minimal cutting proposed, bulldozing, periodically burning, and herbicide treatments for invasive species. A. Futterman said that the current forest is mature and dominated with white pines and is the species being proposed to be removed.

E. McHugh asked the Commission if there should be a representative on the project. The NRWA was welcoming of the suggestion. A. Hamilton volunteered to become a representative as she was very interested in protecting the declining habitats.

A. Futterman stated that the Mass Wildlife Restoration Project was scheduled to occur in the fall of this year; however, the topic has not been presented to any surrounding Towns. The primary company responsible for forestry has been transferred to another restoration project, potentially providing the group with additional time.

7:10 PM – RDA#2022-22 (cont.), 9 Georgia Road, for the removal of trees and demolition of a condemned structure.

Applicant: John Scira

The applicant requested for a continuance to the next scheduled meeting.

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

Voted to continue the hearing to the next scheduled meeting on October 11, 2022.

**The motion passed by a roll call vote. (Yes: LH, AH, OL, PM, BE, EM) 6-0**

**2. GENERAL BUSINESS\***

**Permitting**

**COC, MassDEP#169-926, 284 Whiley Road**

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

Voted to issue the Certificate of Compliance for 284 Whiley Road, MassDEP#169-926.

**The motion passed by a roll call vote. (Yes: OL, PM, LH, BE, AH, EM) 6-0**

**OOC, MassDEP#169-1240, 123 Martins Pond Road**

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

Voted to issue the Order of Conditions for 123 Martins Pond Road, MassDEP#169-1240.

**The motion passed by a roll call vote. (Yes: PM, BE, LH, AH, OL, EM) 6-0**

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

Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 123 Martins Pond Road, MassDEP#169-1240.

**The motion passed by a roll call vote. (Yes: PM, BE, LH, OL, AH, EM) 6-0**

**OOC, MassDEP#169-1239, 14 Valley Road**

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

Voted to issue the Order of Conditions for 14 Valley Road, MassDEP#169-1239.

**The motion passed by a roll call vote. (Yes: AH, OL, PM, BE, LH, EM) 6-0**

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

Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 14 Valley Road, MassDEP#169-1239.

**The motion passed by a roll call vote. (Yes: AH, OL, PM, BE, LH, EM) 6-0**

**General Discussions/Announcements**

**Mass Division Conservation Services, LAND Grant Announcement**

O. Lathrop said a $361,000 LAND Grant was approved by the State for the purchase of a 120 acre parcel and identified the location on the map. The ConCom would initially fund the entire property utilizing CPA funds and then the State would reimburse 60%. There is no formal agreement for the purchase of the land. B. Easom questioned if an alternative CR holder should be approached due to the Trust being non-responsive on acquiring other conservation restrictions. O. Lathrop said that the process to acquire the land grant required the ConCom to name a holder to submit the application and the Trust had already accepted the responsibility. A. Hamilton questioned the potential CR holders for the property. B. Easom listed the North County Land Trust, Fish and Wildlife, and the NRWA.

N. Gualco said that a number of items would need to be reviewed by the Commission and provided a list to proceed with purchasing of the land.

1. Drafting a Purchase & Sale Agreement (Town Counsel)

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

Voted to engage the Town Counsel for the purposes of drafting a sale agreement, not exceeding $5,000.

**The motion passed by a roll call vote. (Yes: OL, PM, BE, AH, LH, EM) 6-0**

2. Contracting title exam/inquire about insurance (Town Counsel).

O. Lathrop stated that the ConCom is obligated to ensure that the title is clean.

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

Voted to engage the Town Counsel for the purposes of contracting a title exam and researching insurance requirements, not to exceed $3000.

**The motion passed by a roll call vote. (Yes: PM, BE, AH, LH, OL, EM) 6-0**

3**.** Seek quotes possibly contracting survey

N. Gualco said $10,000 was included in the grant to cover the expense of a boundary survey. The Commission authorized the Conservation Administrator to commence receiving estimates not exceeding $10,000. B. Easom recommended that monumentation should be installed.

4. Designate 1 or 2 people to negotiate the CR with the trust

O. Lathrop and B. Easom volunteered to draft the CR for the property.

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

Voted to authorize Bruce Easom and Olin Lathrop to collaborate on the Conservation Commission’s behalf on drafting the CR.

**The motion passed by a roll call vote. (Yes: OL, PM, BE, LH, AH, EM) 6-0**

**Florence Roche Elementary CR: review proposal to mark the CR boundary – added 9/22/22**

N. Gualco summarized the prior meeting where the School Development Team requested alternative options for marking the CR boundary. There were two options provided by Leftfield. Option 1 includes recording to the registry of deeds and the installation of metal stakes. Option 2 also includes recording to the registry of deeds and the installation of wooden 4x4 posts.

The Commission had a brief discussion and the consensus was to continue with the original agreement of the installation of the 21 concrete posts estimated at $45,000. The Commission stated that the durability, safety, less prone to vandalism, visibility, the ease of identification, and the longevity of the concrete posts were significant reasons to not accept a less expensive option. N. Gualco said that he would contact the school committee and inform them of the Commission’s decision.

**Discuss “virtual vs. in-person” meetings and the development of a hybrid format**

N. Gualco informed the ConCom that there were no updates in regards to a hybrid formatted meeting. E. McHugh asked the Conservation Administrator to contact the IT Department and request the status of their progress. An informal vote occurred and the Commission agreed to return to an in person meeting on October 11, 2022 with a 7-2 vote.

**Land Management**

**Annual mowing of open fields**

N. Gualco noted that the Priest Hill Conservation property cannot be mowed until November 1st; all other mowing restrictions have been met.

B. Easom agreed to mow the same fields as the prior year. N. Gualco said he would confirm with J. Smigelski on mowing Crosswinds.

**On-going land management project updates**

O. Lathrop said that the Invasive Species Committee treated the Knotweed found on both the Campbell Well site and at Surrenden Farms. A final treatment of Triclopyr is expected in the next few weeks and a native seed would be planted in late November or early December. Knotweed was also treated in the vicinity of the Petapawag Canoe Launch. The Invasive Species Committee treated the Phragmites located at the Carmichael Swamp, Priest Hill, and the Eliades Conservation Area. O. Lathrop said that Adam Burnett has become a licensed pesticide applicator.

**Committee Updates**

B. Easom said that the CPC would be releasing the community preservation plan at the end of the month and a deadline would be determined for the two page application form. He urged the ConCom to consider submitting an application and would like to add the discussion to the next agenda.

L. Hurley said that the weed harvester would be removed from Baddacook Lake next Sunday and noted that the weed removal was successful.

B. Easom said that next Saturday, October 1, 2022 the Transfer Station would allow residents to dispose of four automobile tires per household, at no cost. B. Easom asked the Commissioners to notify him of abandoned tires in the vicinity of any wetlands around Town.

E. McHugh said that the Stewardship Committee made the appropriate revisions to the Rules and Regulations and had finalized a draft that requires the Commission's approval. The proposed QR code is still being developed. She said that Anna Eliott and Deb Collums are initiating outreach to abutting neighbors of Conservation Property.

The Rules and Regulations were reviewed for the ConCom’s approval.

Upon a motion by L. Hurley, seconded by B. Easom, it was: Voted to accept the revised Rules and Regulations as drafted.

P. Morrison disagreed with the Rules and Regulations and stated that snowmobiles should be allowed on Conservation Land and that they do not destruct or disturb the land.

**The motion passed by a roll call vote. (Yes: BE, OL, AH, LH, EM/ NO: PM) 5-1**

O. Lathrop said that the MACC Conference is scheduled for October 15th and he would be representing the Invasive Species Committee on the panel discussing commencing invasive species efforts. He will also be presenting in November at the Trails Conference in regards to Wetland Rules for Trails People.

**Approve Meeting Minutes**

The Commission agreed to table the approval of the August 23, 2022 meeting minutes until the next scheduled meeting.

**Invoices**

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

Voted to approve and pay the invoice from the Lowell Publishing Group in the amount of $293.06.

**The motion passed by a roll call vote. (Yes: AH, LH, PM, OL, BE, EM) 6-0**

Upon a motion by B. Easom, seconded by L. Hurley, it was:

Voted to approve and pay the invoice from Mirick O'Connell in the amount of $337.50.

**The motion passed by a roll call vote. (Yes: LH, AH, PM, BE, OL, EM) 6-0**

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

Voted to reimburse Allison Hamilton for the MACC Fundamental Courses in the amount of $110.00.

**The motion passed by a roll call vote. (Yes: AH, PM, BE, OL, LH, EM) 6-0**

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

Voted to reimburse Eileen McHugh for the MACC Fall Conference in the amount of $130.00.

**The motion passed by a roll call vote. (Yes: AH, OL, BE, PM, LH, EM) 6-0**

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

Voted to authorize the Conservation Administrator to sign any invoice once approved by the Conservation Commission.

**The motion passed by a roll call vote. (Yes: AH, LH, OL, PM, BE, EM) 6-0**

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

n/a

**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**

**8:36 PM**

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

Voted to adjourn the public hearing.

**The motion passed by a roll call vote. (Yes: LH, OL, PM, BE, AH, EM) 6-0**

**Minutes Approved: October 11, 2022**