

TOWN OF GROTON

Conservation Commission

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###

**Groton Conservation Commission**

Tuesday, October 25, 2022 @ 6:30 p.m.

Virtual Meeting (Zoom)

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

**Absent:** John Smigelski, Larry Hurley, Vice Chair

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

**Eileen McHugh called the meeting to order at 6:30 pm.**

**1. APPOINTMENTS AND HEARINGS\***

**6:30 PM** – NOI (MassDEP not yet assigned), 295 Farmers Row (Groton School), for the renovation of an existing structure and the construction of a detached garage.

Attorney: Bob Collins; Engineer: Stan Dillis

Attorney Bob Collins represented Groton School proposing the renovation of a 125-year-old single faculty residency and converting it into a three-faculty residency. He described minimal changes to the existing exterior. B. Collins then proposed the new construction of a two-car garage outside of the 50-foot buffer zone. There had been limited options on placement of the garage and concern with vehicles being parked on the driveway in close proximity to the resource area. B. Collins stated that the Historic District had approved the proposed designs.

Stan Dillis commented that the garage would be constructed on an existing lawn. He said that the patio would consist of pavers providing spacing for adequate infiltration and infiltration trenches would be installed at the eve end of the garage and in the vicinity of the patio.

P. Morrison questioned the materials that would be utilized to construct the driveway and suggested laying a pervious pavement. B. Collins said that the plan describes the driveway as consisting of asphalt however the suggestion could be addressed.

O. Lathrop stated that the Wetland Bylaws do not allow for any permanent structure within the 100-foot buffer zone and said there is no additional mitigation being proposed. He recommended that the plan be revised to relocate the structure outside of the ConCom’s jurisdiction, potentially to the west. B. Collins said that all alternatives have been considered and the Historic District restricted the garage from being built in that particular location. The constraints were discussed and B. Collins believed that this plan presented was a compromise to both Commissions. If necessary, he said that the garage and driveway could be flipped on the proposed plan.

B. Easom commented that the structure may not be permitted if the ConCom’s bylaws were not met. He asked why the garage was not moved to the north-northeast or rotated. B. Collins reiterated that it would be beneficial for the vehicles to be under cover and explained if the garage was rotated the turn coming out cannot be met and would require additional impermeable surfaces.

A. Hamilton was supportive of relocating the garage and utilizing the existing driveway. B. Collins reiterated that the circular driveway would not be able to accommodate the vehicles and would be required to be widened.

E. McHugh agreed with the Commissioners to remove the garage outside of the 100-foot buffer zone and requested that the representative return with a revised plan that includes a permeable material for the driveway.

B. Collins assured that he would return to the next ConCom meeting with alternative plans.

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

Voted to continue the public hearing to the next scheduled meeting on November 22, 2022.

**The motion passed by a roll call vote. (Yes: PM, OL, BE, AH, EM) 5-0**

**6:45 PM** – ANRAD (MassDEP not yet assigned), 282 Farmers Row (Groton School), confirmation of a resource area delineation line.

Attorney: Bob Collins; Engineer: Stan Dillis

Stan Dillis had submitted a revised plan that pertains to two areas that the Commission needs to confirm the resource area delineation lines. The first area is identified as Athletics 1. This area is described as two existing soccer fields that abut a wetland to the north side. The north entrance wetland plan that was previously approved will no longer be built to reconstruct the playing fields however, will be planned for a similar use. S. Dillis noted that there were some flags added on the site walk and they have been reflected on the revised plan. He said that Seth Donohoe has provided documentation to justify the other locations that were in question.

S. Dillis said the second area is in the vicinity of the existing Junior Varsity baseball field and proposed the field to become a multi-use turf field. The wetland boundary runs along the west side of the site and there is an intermittent stream at the bottom of the slope. There were no changes presented at the time of the site walk.

O. Lathrop commented on items that needed to be clarified post the site walk and said that additional soil samples were to be collected. N. Gualco updated that there are three changes being proposed with provided justification and then identified them on the map. He said two changes were proposed by the addition of a new flag between 0837 and 0838, similar situations occurred between 0840-0841, and 0841-0842. O. Lathrop said he observed remnants of a silt fence in multiple places and requested that it be removed. S. Dillis assured that the removal of the silt fence would be included in the revised plan.

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

Voted to continue the public hearing to the next scheduled meeting on November 22, 2022.

**The motion passed by a roll call vote. (Yes: OL, BE, AH, PM, EM) 5-0**

**7:00 PM** – RDA#2022-15 **(cont.)**, Gamlin Crystal Spring Conservation Area, installation of trail bridges (GCT).

Representative: Mark Gerath, President of the Groton Conservation Trust.

M. Gerath was present representing the Groton Conservation Trust. He briefly summarized the original request of the installation of two trail bridges. Site one is located in the northern part of the parcel, outside of the resource area. The area becomes wet when there is significant precipitation. The bridge being proposed would be constructed of 2x10 planks supported by posts sitting on concrete pavers. The second location is in the southern portion of the conservation area and crosses over the resource area. He reminded the Commission that the DEP commented that any full span bridge must not impact the bank and any cement footing would be considered fill. He had consulted with Fish and Wildlife and created an alternative design that includes a self-supporting bridge, spanning 15 feet. He assured that all tools and materials would be carried in. M. Gerath then discussed the timeline of the original request and listed the requirements made by MADEP and the involvement of MESA.

B. Easom asked when the intended work would occur. M. Gerath said the final decision would be made by P. Funch, potentially November or December to ensure that there are no disturbances to the Blanding’s Turtles. B. Easom recommended that the work be completed November 15th-April 15th.

O. Lathrop questioned if the proposed 15-foot span would accommodate the coverage of the resource area. M. Gerath assured that the distance was measured and said that the area could be accommodated if necessary. O. Lathrop supported the idea as long as the blocks remained out of the wetlands.

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

Voted to issue a Negative 2 Determination under the conditions: 1. All structures to be perched on solid ground in the south as noted on the plan.

**The motion passed by a roll call vote. (Yes: BE, AH, PM, OL, EM) 5-0**

**7:05 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 a continuance to the next scheduled meeting.

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

Voted to continue the public hearing to the next scheduled meeting on November 22, 2022.

**The motion passed by a roll call vote. (Yes: AH, PM, OL, BE, EM) 5-0**

**7:15 PM** – Discussion with Tom Delany on DPW plans to rebuild Island Road bridge.

T. Delany said that the bridge on Island Road needs to be reconstructed and the Town has been awarded a grant for phase 1 and 2 to eliminate the bridge and to install a box culvert in the same footprint. T. Delany said that reconstruction would alleviate any future bridge maintenance.

P. Morrison described the wariness of the bridge and agreed with the need for reconstruction. He suggested excavating the area to its previous state. T. Delany said there may be limitations to the amount of excavation due to the footings. He assured that the area would be squared up. P. Morrison discussed the history of the bridge and that it had been hand dug to eliminate the buildup of soil. T. Delany said that canoes and kayaks would be able to use the passage.

O. Lathrop questioned if the project would adhere to the new Massachusetts Streams Crossing standards of natural bottoms. T. Delany said that the area is not a stream and said it is underwater when the lake level rises. O. Lathrop agreed with P. Morrison on the quality of the bridge. T. Delany assured that the bridge is structurally safe.

B. Easom asked when the filing would be submitted to the ConCom and wanted to be ensured that if the culvert is an open bottom that the right elevation is set. T. Delany was unsure when the first meeting would occur however anticipates for next spring.

**2. GENERAL BUSINESS\***

Permitting

*Extension Permit, MassDEP#169-970, Academy Hill*

N. Gualco updated that the remaining houses have been constructed and reminded the ConCom of the previously approved extension and minor change to the wetland plan.

George Gallagher explained that the project is almost complete. He listed the detention pond, bounds, and the guard rail as the only items remaining and requested a two-year extension.

B. Easom questioned if there is any other work to be completed within the resource area. G. Gallagher said that everything has been stabilized.

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

Voted to issue an extension for MassDEP#169-970, Academy Hill for two additional years

**The motion passed by a roll call vote. (Yes: OL, BE, AH, PM, EM) 5-0**

*UPDATE – Conveyance of “Hayes open space parcels”*

N. Gualco reviewed a letter that he received from B. Collins updating the delayed conveyance of the Hayes open space parcels. He said that B. Collins would like to allow for the conveyance to occur this year rather than the deadline of March 1, 2023. B. Easom discussed the insecurities of the deed and how easily one can be altered. He asked if the language precludes the ConCom from acquiring a third party to become the CR holders. The Commission agreed to consult the Town Counsel for legal advice.

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

Voted to authorize the Conservation Administrator to engage Town Counsel for an amount to not exceed $1,000 to determine the viability of the conservation restriction on the potential parcel at Hayes.

O. Lathrop disagreed with engaging the Town Counsel and suggested filing the CR once the land had been acquired. If any issues arise then the ConCom can address them accordingly. P. Morrison said that it is beneficial for the Commission to know firsthand if the language precludes the ConCom from establishing a CR on the property. If that is to be true then the ConCom would be vulnerable. B. Easom agreed and commented that the ConCom is in the best bargaining position and should ensure that a CR is allowed and is written in the deed. The Commission agreed that it would be beneficial to contact Attorney Bob Collins first and then proceed with the Town Counsel if necessary. B. Easom withdrew his original motion.

General Discussions/Announcements

*Discuss virtual vs. in-person meetings; update on hybrid meetings.*

E. McHugh said that she reached out to M. Haddad in regards to creating hybrid meetings and he verified that the request is a priority. E. McHugh said she would be meeting with Michael Chiasson, the IT Director, tomorrow. An unofficial vote was taken and the Commission agreed that the next meeting on November 22, 2022 would be held in person.

*Update on FY23 LAND Grant*

N. Gualco updated that he received three quotes from surveyors and has briefly reviewed them. The estimated amount provided to the ConCom has been exceeded by approximately $10,000. B. Easom asked if the $20,000 would be included in the 60% match on the grant. N. Gualco explained that $10,000 was used as a placeholder and only a partial amount would be refunded. He explained the approval from the State has not been received as of yet and they cannot proceed. O. Lathrop clarified that the State would be refunding $6,000 no matter what is expended by the Commission.

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

Voted to authorize the Conservation Administrator to expend up to $20,000 and choose a vendor to survey the Casella Land.

**The Motion Passed by a roll call vote. (Yes: BE, AH, PM, OL, EM)**

E. McHugh recommended that the Conservation Administrator receive a scope review from the three vendors.

Land Management

B. Easom updated that he mowed Ames Meadow and was able to extend the mowing to the tree line. He said that Whistle Post should be completed this weekend.

N. Gualco said that J. Smigelski agreed to mow Crosswinds and O’Neill Way.

O. Lathrop said that the Trust scheduled a site walk for Saturday, October 29, 2022 to review the CR on the Casella property.

Committee Updates

Update on FY24 Commission CPC Application.

B. Easom said that the deadline for accepting the two-page applications is this Friday, October 28, 2022. N. Gualco informed the Commission that he submitted their application last week.

Approve Meeting Minutes

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

Voted to approve the meeting minutes for October 11, 2022 as amended.

**The motion passed by a roll call vote. (Yes: AH, BE, OL, EM) PM-Abstain 4-0**

Invoices

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

Voted to approve and pay the invoice from the Groton Herald in the amount of $99.00.

**The motion passed by a roll call vote. (Yes: PM, BE, OL, AH, EM) 5-0**

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

Voted to approve and pay the invoice from the Town Counsel in the amount of $915.50.

**The motion passed by a roll call vote. (Yes: PM, BE, AH, OL, EM) 5-0**

**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.”

N/A

**5. Adjournment**

 **8:00 pm**

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

Voted to adjourn the public meeting.

**The motion passed by a roll call vote. (Yes: PM, BE, OL, AH, EM) 5-0**

**Minutes Approved: November 22, 2022**