

TOWN OF GROTON

Conservation Commission

173 Main St

Groton, MA 01450

(978)448-1106

Fax: 978-448-1113

conservation@grotonma.gov

###

**Groton Conservation Commission**

Tuesday, November 22, 2022 @ 6:30 p.m.

Hybrid meeting

## **Present:** Eileen McHugh, Chair; Olin Lathrop, Larry Hurley, Peter Morrison (virtually)

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

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

Eileen McHugh called the meeting to order at **6:39 pm.**

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – NOI, (MassDEP# unassigned), 31 Kemp Street, for the upgrade of an existing sewage disposal system.

Applicant: Paul Litchfield

The applicant proposed replacing the existing failing septic system with an upgrade to be installed in the vicinity of the facade of the dwelling within the 100-foot buffer zone.

L. Hurley asked what the four stakes observed during the site walk represented. P. Litchfield said the areas that were marked identified the test holes.

O. Lathrop was supportive of the upgraded system sloping away from the wetlands and the majority of the system being outside of the 100-foot buffer zone. He questioned what would occur with the existing leaching fields. P. Litchfield explained that the existing tank would be removed and backfilled immediately, leaving no concerns for stockpiles. O. Lathrop requested that proper erosion controls be installed.

P. Morrison expressed concern for the process of decommissioning the existing leach field and agreed that erosion controls are to be installed prior to any work being performed.

E. McHugh asked the applicant if any trees would be removed. P. Litchfield said there would be a request for the removal of one tree after ensuring that the plan is approved by the BOH. E. McHugh requested that the plan be revised and include the installation of erosion controls and that the trees being requested for removal are clearly marked.

Upon a motion by L. Hurley, seconded by O. Lathrop, it was:

Voted to continue the public hearing to the next scheduled meeting on December 13, 2022.

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

6:45 PM – NOI (MassDEP#169-1241), 23 Flavell Road, for the upgrade of an existing sewage disposal system.

Applicant: Stephen Finch

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

Upon a motion by L. Hurley, seconded by O. Lathrop, it was:

Voted to continue the public hearing to the next scheduled meeting on December 13, 2022.

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

7:00 PM – RDA, 201 Flavell Road, for the removal of hazardous trees.

Applicant: Craig McMahan

C. McMahan proposed removing three trees that were deemed hazardous and provided the ConCom with a plan that identified the flagged trees.

O. Lathrop suggested leaving 15-foot snags.

Upon a motion by L. Hurley, seconded by O. Lathrop, it was:

Voted to issue a Negative 3 Determination under the conditions: 1. Trees being removed are to be marked.

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

7:10 PM – NOI (MassDEP# 169-1243) (), 295 Farmers Row (Groton School), for the renovation of an existing structure and the construction of a detached garage.

Representative: Attorney Robert Collins, Land Surveyor: Stan Dillis

Attorney Bob Collins summarized the revisions of the original plan and said that the newly constructed garage would be relocated outside of the ConCom’s jurisdiction, minimizing the total amount of disturbances to the project. The updated plan proposes for the installation of a patio, two sections of cedar fencing, a deck, and two infiltration trenches, one at the rear of the facade and the other abutting the patio. The infiltration trenches would provide adequate infiltration for both the garage and patio.

S. Dillis said that the deck would be constructed on helical piers and crushed stone would be placed underneath.

O. Lathrop was pleased with the updated plan including the patio and the garage however, was unsupportive of the deck being located within the 100-foot buffer zone. B. Collins stated that the applicant was required to provide a second point of egress and that there would be mitigation provided at a later date.

L. Hurley questioned if there was a set of stairs constructed on the deck. S. Dillis said that he has not viewed any designs for the stairs. B. Collins assured that the stairs would be installed internally to the shape of the deck shown on the plan.

E. McHugh requested an official documentation that affirms the construction of the deck is required for a second means of egress. B. Collins said that architectural designs would be provided and a letter.

O. Lathrop requested a drawing of the deck with the outer dimensions and the point of egress.

 Upon a motion by P. Morrison, seconded by O. Lathrop, it was: Voted to continue the public hearing to the next scheduled meeting on December 13, 2022. **The motion passed by a roll call vote. (Yes: OL, PM, LH, EM) 4-0**

7:15 PM – ANRAD (MassDEP# 169-1242), 282 Farmers Row (Groton School), confirmation of a resource area delineation line.

Representative: Attorney Robert Collins, Land Surveyor: Stan Dillis

Attorney Bob Collins discussed the revised plan that pertains to two areas that require the confirmation of a resource area delineation line. He said the flags had been inspected.

E. McHugh said that the ConCom had asked for flags to be moved and the removal of a silt fence. S. Dillis stated that the removal of the silt fence would be incorporated into the NOI.

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

Voted that the plan confirmed the flagging as identified on the revised plan dated October 25, 2022.

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

7:30 PM – RDA#2022-22 (cont.), 9 Georgia Road, for the removal of trees and demolition of a condemned structure.

Applicant: John Scira.

The applicant provided a written statement for the ConCom to continue the hearing in his absence.

O. Lathrop suggested that the applicant request permission to remove the two trees in question even if they are not removed.

L. Hurley requested that erosion controls be installed downhill.

Upon a motion by L. Hurley, seconded by O. Lathrop, it was:

Voted to issue a Negative 3 Determination under the conditions: 1. Erosion controls are to be installed below the work area, (between the structure and Valley Road); 2. Permission has been granted for the removal of two trees as discussed. (1- 28”, 1-14” white pine.).

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

**2. GENERAL BUSINESS\***

**Permitting**

**COC, 16 Longley Road, MassDEP#169-738**

O. Lathrop stated that he noticed vegetation clearing and an unpermitted parking area beyond the conservation marker. E. McHugh suggested reminding the homeowner in the form of a letter of the rules and regulations of work performed within conservation land and the proper procedure of notification. L. Hurley confirmed that the homeowner was made aware that any work being performed would require contacting the Conservation Administrator and expressed that the homeowner should not be held responsible for the previous homeowner's actions. P. Morrison agreed that the homeowner should not be penalized and going forward the wetland regulations would need to be adhered to. N. Gualco recommended that the homeowner install a conservation marker at the end of the gravel area for future reference.

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

Voted to issue the Certificate of Compliance for 16 Longley Road, MassDEP#169-738.

**The motion passed by a roll call vote. (Yes: PM, LH, EM/ OL-Nay) 3-1**

**Discussion on Building Permit B-22-440, 52 Fieldstone Drive – added 11/21/2022**

Homeowners, Jenny and Joel Bissell, were both present for the discussion.

N. Gualco said that the homeowners have requested a building permit for the construction of a garage. He explained the history of Fieldstone Drive and how the wetlands were not originally flagged at the time of construction. Recently, a wetland consultant flagged an area casting a 100-foot buffer onto the Bissell’s property; however, after adequate testing there were no wetland soils identified. L. Hurley suggested that the area had drainage issues due to prior logging activities and that the ConCom should be supportive of the data provided. The ConCom agreed that the area was not a wetland and the property is out of their jurisdiction.

**General Discussions/Announcements**

**Discuss virtual vs. in-person meetings; discuss holiday meeting schedule – 11/17/2022**

E. McHugh asked that the Commissioners be respectful and notify the Chair and the Conservation Administrator the day of if they would not be attending the meeting. The meetings are to be held in person with the capability of hybrid. E. McHugh explained that the Conservation Administrator would be out of the office from December 24th-27th and that the December 27, 2022 meeting would be held virtually.

**Update on FY23 LAND Grant (on-going discussion item)**

N. Gualco said that the notice to proceed has been received by the State and any expenses incurred would be reimbursed up until June 30th of 2023. The Purchase and Sale is being reviewed by the Town Counsel. N. Gualco said that the survey contract has been approved and Dillis & Roy Civil Design Group would be providing their services and anticipate commencing at the beginning of the year. The Trust is finalizing the disclosure form. O. Lathrop commented that the Trust was pleased at the site walk and Mark Gerath would be drafting the CR. E. McHugh questioned if there was an official purchase agreement or any naming rights. O. Lathrop said there has only been a verbal agreement and there has not been any mention of naming the property.

 **Update on acquisition of Knopps Pond Island**

N. Gualco said that the deed is currently in the Town Clerk's office and is waiting for notarization.

**Land Management**

**Gauge GCC interest in land conservation along Old Dunstable Road – added 11/21/2022**

The Commission agreed to table the discussion until B. Easom was present.

**Committee Updates**

O. Lathrop updated that the Invasive Species Committee completed treatment on the Campbell Well Site and the area has been seeded with a native grass. The Management Plan for Wheeler Park has been submitted to the Parks Commission to be reviewed and approved. Once received the plan would be forwarded to the State. O. Lathrop said he is planning to discuss signage with the Stewardship Committee. He is currently gathering information and will be presenting to the ConCom in the near future.

L. Hurley requested that the Conservation Administrator contact Andrew Davis on the Sargisson Beach Committee in regards to the manufacturer of the dock as there are parts that need to be ordered.

**Approve Meeting Minutes**

Upon a motion by L. Hurley, seconded by O. Lathrop, it was:

Voted to approve the meeting minutes for October 25, 2022 as amended.

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

**Invoices**

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

Voted to approve and pay the invoice from the Town Counsel in the amount of $90.00.

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

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

Voted to approve and pay the invoice from the Groton Herald in the amount of $172.50.

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

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

Voted to reimburse Nikolis Gualco, Conservation Administrator; in the amount of $76.13 for mileage.

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

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

Voted to reimburse Nikolis Gualco, Conservation Administrator; in the amount of $42.38 for mileage.

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

**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**

 **7:41 PM**

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

Voted to adjourn the public meeting.

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

**Minutes Approved: December 27, 2022**