

TOWN OF GROTON

Conservation Commission

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**Groton Conservation Commission**

Tuesday, December 13, 2022 @ 6:30 p.m.

Town Hall: Second Floor Meeting Room, 173 Main Street Groton, MA

## **Present:** Eileen McHugh, Chair; Bruce Easom, Clerk; Olin Lathrop, Peter Morrison, John Smigelski (6:45pm), Alison Hamilton (virtually 7:00pm)

**Absent:** Larry Hurley, Vice Chair

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

Eileen McHugh called the meeting to order at 6:36 pm.

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – RDA, 347 West Main Street, for the cleanup of tires in the wetland buffer zone. Applicant: Kimberly Calabrese

K. Kuliesis proposed removing a large quantity of abandoned tires from the wetland buffer zone with the support of the Town and volunteers. She ensured that the cleanup would be conducted by hand and would be a significant improvement to the environment.

P. Morrison asked what would occur with the tires. K. Kuliesis said that dumpsters would be brought onto the property near the wetland and then the cleanup would commence. She explained that there is an agreement with the Town and partnering with Tire Removal Grant.

O. Lathrop requested that hay bales be utilized to prevent any disturbed soil from entering the wetlands.

E. McHugh asked when the project would commence. K. Kuliesis said that Natural Heritage would dictate the start date.

O. Lathrop questioned the process of notifying Natural Heritage with an RDA filing. N. Gualco explained that the applicant is required to keep Natural Heritage informed.

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

Voted to issue a Negative 2 Determination under the conditions: 1. Wait for recommendations from Natural Heritage prior to commencing any work.

**The motion passed by a roll call vote. (Yes: PM, BE, OL, EM) JS- Abstain** **4-1-0**

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

Applicant: Stephan Finch, Environmental Consultant: Matt Marro

M. Marro represented the applicant and proposed replacing an existing septic system by remaining confined to the house and outside of the 100-foot buffer zone. He said that there would be a total of 450 square feet of disturbances. 350 square feet would be utilized for replacing the existing tanks with new ones and the remainder would be from excavation to install a section of the water main. M. Marro noted that the DEP did not provide any comments.

B. Easom asked what would occur with the excavated soil. M. Marro said that any stockpiled soil would be placed outside of the buffer zone and any unused soil would be removed off site. He said he was aware that no erosion controls were marked on the plan and assured that they would be installed along the shrub line and downhill from any excavation.

E. McHugh asked when the work would commence. M. Marro said that work would be completed weather permitting however, they would like to commence after receiving proper permitting.

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

Voted to close the public hearing.

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

7:00 PM – RDA, 284 Whiley Road, for the pruning and removal of hazardous trees.

Applicant: John Adams

J. Adams consulted an arborist and proposed pruning two hazardous trees to his dwelling and removing a birch tree that is leaning against a healthy oak tree.

O. Lathrop recommended that the applicant request permission to remove the trees entirely to ensure that all work could be completed if necessary. J. Adams explained that he is supportive of planting more vegetation and would like to preserve the trees if possible.

P. Morrison agreed with O. Lathrop and was concerned that the arborist might observe more disease and that the entire tree potentially may be required to be removed.

E. McHugh was pleased that the arborist encouraged preserving the tree and recommended limiting the amount of removal. She then commented on the drainage pipe that was exiting the house directly onto the slope of the hill causing erosion. The applicant said that he was not responsible for the installation of the pipe and would be submitting a request to remedy the issue. J. Adams then asked the Commission if he could try to rectify the issue and slow down the water.

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

Voted to issue a Negative 3 Determination under the conditions: 1. Address the runoff created by the gutter pipes exiting the house; 2. Permission to remove all of or some of the three trees requested in the plan.

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

7:05 PM – NOI (MassDEP#169-1243) (), 295 Farmers Row (Groton School), for the renovation of an existing structure and the construction of a detached garage.

Applicant: Groton School. Representative: Attorney Robert Collins, Engineer: Stan Dillis

Attorney Bob Collins said that the original plan has been revised since the last meeting. The existing 240 square foot hardscape patio has been reduced to 120 square feet to provide mitigation for the proposed 10’x20’ deck and 3’x4’ stairs. In addition, a letter from Groton School has been provided to include a remediation plan for the invasive species. A broader plan would be submitted at a later date.

S. Dillis stated that the electricity is planned to be installed underground and proper erosion controls would be installed around the work area.

A. Hamilton asked for confirmation that the invasive species would be removed by hand and herbicide treatment would only be conducted when necessary. B. Collins stated that is correct.

B. Easom questioned the dimensions of the proposed patio and deck. B. Collins assured that the deck would be constructed allowing for infiltration and that the remediation management plan would be in perpetuity.

O. Lathrop recommended that a specific condition be written to provide permission to apply herbicide treatment to invasive species within the 100-foot buffer zone.

E. McHugh thanked B. Collins for providing the egress information as requested.

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

Voted to close the public hearing.

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

7:10 PM – NOI (MassDEP169-1244), 31 Kemp Street, for the upgrade of an existing sewage disposal system.

Applicant: Paul Litchfield

P. Litchfield discussed the revised plan that identified the proper erosion controls and the four marked trees for removal.

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

Voted to close the public hearing.

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

**2. GENERAL BUSINESS\***

**General Discussions/Announcements**

Letter of Support – Squannacook Greenways CPA application

Peter Cunningham represented the Squannacook Greenways and requested a letter of support for the CPA application for the final section of the Squannacook Rail Trail proceeding from Crosswinds Drive to the Townsend town line.

N. Gualco displayed the drafted letter of support for the Commissioners to review.

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

Voted that the Conservation Commission endorses the CPA application to finalize the portion of the Squannacook Rail Trail.

**The motion passed by a roll call vote. (Yes: OL, PM, JS, EM) BE- Abstain 4-1-0**

Gauge GCC interest in land conservation along Old Dunstable Road

B. Easom updated after conversing with a Chapter 61A landowner along Old Dunstable Road he was made aware of the owner’s intentions of selling the property. B. Easom said that the property may be attractive for the ConCom to acquire due to it abutting both Conservation Property and Trust land. The Commission agreed that B. Easom should pursue the land and receive permission from the landowner to access the property and conduct an appraisal.

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to authorize Bruce Easom to pursue the land along Old Dunstable Road and to receive permission from the homeowner to access the property.

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

Update on FY23 LAND Grant (ongoing discussion)

N. Gualco said that ConCom would be receiving a write-up regarding the conservation restrictions that are pending on parcels funded by CPA funds and need to be finalized.

Discuss virtual vs. in-person meetings; (ongoing discussion)

E. McHugh stated that the next meeting would be held virtually and requested if the Commissioners wanted to add any items to the agenda that they would need to be submitted to the Conservation Administrator prior to Wednesday of next week.

**Permitting**

COCs, MassDEP#169-1209 & 1224, Gratuity Road

Upon a motion by P. Morrison, seconded by A. Hamilton, it was:

Voted to issue the Certificate of Compliance for Gratuity Road, MassDEP#169-1209& 1224.

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

OOC, MassDEP#169-1243, 295 Farmers Row

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

Voted to issue the Order of Conditions for 295 Farmers Row, MassDEP#169-1243.

**The motion passed by a roll call vote. (Yes: PM, BE, OL, EM) JS- Abstain 4-1-0**

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 295 Farmers Row, MassDEP#169-1243.

Discussion - N. Gualco questioned if the Commission was supportive of changing the language of no herbicides shall occur within 100 feet of wetlands as described in Condition #10, under the section In Perpetuity. The Commission agreed that no herbicides should be used behind the Sturges House. O. Lathrop commented that the language contradicts the letter provided by B. Collins and should clarify “except for treating invasive species.”

**The motion passed by a roll call vote. (Yes: PM, BE, OL, EM) JS-Abstain 4-1-0**

**Land Management**

Priest Family Conservation Area – reflections on site walk

B. Easom said that the area has been mowed and there is minimal rutting observed. He recommended that the Commission allow for the vegetation to regrow and then to be reassessed. E. McHugh asked about the view shed and mentioned that there are many supporters of the idea. B. Easom said he was willing to fell trees to create the view shed and proposed letting them fall to the west. J. Smigelski suggested cutting the trees to the bottom to allow for maximum decomposition. O. Lathrop expressed that he was unsupportive of the idea and said creating a view shed is in violation of what was agreed upon with the State. E. McHugh disagreed and said that the topic needs to be discussed. B. Easom suggested marking all trees that would need to be removed and that the Stewardship Committee and the ConCom conduct a site walk.

**Committee Updates**

O. Lathrop said he discussed signage options with the Stewardship Committee and wanted to review the recommendations with the Commission. He displayed 4’x18” metal signs and explained that they would be installed on 10’ metal posts utilizing the existing font. O. Lathrop said that the Stewardship Committee is recommending spending $56 as a trial by installing one post. After conducting research, it was cheaper however to purchase the posts in bulk. J. Smigelski commented that the DPW could potentially supply the Committee with one post for the trial. P. Morrison and B. Easom disliked the idea of a metal sign and said that the original natural post is more appealing. E. McHugh was supportive of installing one sign as long as the expenses remained under $100.

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

Voted to authorize Olin Lathrop to expend up to $100 for a metal sign for a test

**The passed by a roll call vote. (Yes: OL, PM, JS, EM/ NAY: BE) 4-1**

O. Lathrop said the Trimper family sold an additional parcel along Martins Pond Road and requested that the land be named the Martins Pond Conservation Area. He suggested installing the approved signage on the conservation area. The Commissioners were supportive of the name and requested that Purchase and Sale Agreement be reviewed for any obligations.

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was:

Voted to name the parcel discussed as the Martins Conservation Area contingent on the Conservation Administrator determining that it is not already otherwise encumbered.

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

B. Easom said that the CPC is expecting $20 million to be transferred from the registry of deeds.

J. Smigelski updated that he mowed Crosswinds and O'Neill Way.

**Approve Meeting Minutes**

The November 22, 2022 meeting minutes were not available for approval.

**Invoices**

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

Voted to approve and pay the invoice from the Groton Herald in the amount of $115.00

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

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

Voted to reimburse Nikolis Gualco, Conservation Administrator; $51.25 for mileage.

**The motion passed by a roll call vote. (Yes: JS, PM, OL, BE, 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.”**

Not Necessary

**5. Adjournment (8:15 PM)**

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

Voted to adjourn the public meeting.

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

**Minutes Approved: February 28, 2023**