

TOWN OF GROTON

Conservation Commission

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### 

**Groton Conservation Commission**

Tuesday, January 10, 2023 @ 6:30 p.m.

Town Hall (Second Floor Meeting Room)

OPTION TO CONNECT REMOTELY VIA ZOOM

## 

## **Present:** Eileen McHugh, Chair; Larry Hurley, Vice Chair (Virtual); Olin Lathrop, John Smigelski,

**Absent:** Peter Morrison, Bruce Easom, Clerk; Alison Hamilton

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

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – NOI (MassDEP#169-1247), 31 Fitch’s Bridge Rd., for the demolition of an existing home and construction of a new dwelling and septic system.

Applicant: Phillipe Sicard and Margaret Jean

Representative: James Basile IV (Goldsmith, Prest, & Ringwall, Inc.)

J. Basile represented the applicants proposing demolishing the existing dwelling and shed, removing the existing driveway, constructing a new dwelling, installing a driveway and a upgraded geo septic system. He said the groundwater table contributes to flooding of the existing basement and by relocating the dwelling to a higher grade there would be minimal risk of flooding. J. Basile said that the previously disturbed area would be restored to grass and that the lot contains a limited number of mature trees. He said that straw wattles would be installed as erosion controls and that the total amount of disturbance proposed is 4,600 square feet.

N. Gualco displayed the comments that were received by the DEP and said that they require clarification from the representative. He pointed out that the project would be qualified under 10.58(5) Redevelopment Section of the Riverfront.

J. Basile stated that there has been no development to the Cumulative Riverfront Area since 1996 and that the site was originally cleared and developed in 1956. To his knowledge this project is considered a new development which allows for up to 5,000 square feet of disturbance and that specification has been met. He assured that an alternative analysis has also been provided to the DEP.

O. Lathrop commented that the parcel has been grandfathered in and the project would be considered a redevelopment. He questioned the total amount of previously disturbed areas within the riverfront including the existing footprint, driveway, and shed. J. Basile stated 1,314 square feet and the new impervious areas proposed would total 2,694 square feet. O. Lathrop commented that the largest part of the parcel outside of the 200 foot riverfront is located on the bottom left hand corner of the plan. He suggested flipping the septic system and relocating the house down and to the left, this would remove a significant amount of impervious area from the ConCom’s jurisdiction. He reminded the representative that the septic system is not included as an impervious area. O. Lathrop questioned if there is a possibility to connect to the Town sewer. T. Orcutt was present at the meeting and said that the sewer is not accessible to Fitch’s Bridge Road and at this time the Town is not expanding the sewer district due to anticipated developments. O. Lathrop then referenced the Redevelopment within Previously Developed Riverfront Areas: Restoration and Mitigation and discussed the items that apply to the project being proposed. J. Basile requested to review additional items including 10.58 (4) stating that the single performance standards are being met and the project should be considered a new structure. O. Lathrop recommended that an alternative plan be designed.

J. Smigelski asked for clarification on the square footage of the dwelling. J. Basile said that the dwelling’s square footage is being calculated by the footprint only within the riverfront.

E. McHugh commented that the work being proposed would be an improvement to the parcel and asked if the DEP had received the alternative analysis. J. Basile said the alternative analysis had been submitted however, he was unaware if they had received it. He reiterated that they were under the impression that the proposed project was identified as a new development allowing for 5,000 square feet of disturbances and did not know the adverse impacts of the plan that O. Lathrop had suggested. He assured he would correspond with the DEP.

The Commission requested that the meeting be continued to ensure that the DEP has fully received the information requested.

N. Gualco commented that there are fundamental issues on identifying the project either as a redevelopment or new development.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was: Voted to continue the public hearing to the next scheduled meeting on January 24, 2023. **The passed by a roll call vote. (Yes: OL, JS, LH, EM) 4-0**

6:45 PM – RDA (2023-01), 128 Longley Road, for the installation of an underground gas main.

Applicant: Curtis and Valerie Best

C. Best proposed installing an underground supply line from the propane tank to the eastern side of the dwelling crossing into the 100 foot buffer zone.

L. Hurley asked if the dwelling included a basement and if the supply line could be relocated to the southern side. The applicant said that the dwelling does not contain a basement and described a cellar at ground level. He said that the General Contractor installed the propane system on the easterly side leaving limited options.

O. Lathrop questioned what would occur with the disturbed soil during the excavation and requested that it not be stockpiled. C. Best said that the soil would be backfilled immediately into the trench post the completion of the project.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was: Voted to issue a Negative 3 Determination under the conditions: 1. Any loose soil is to be covered if stockpiled

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

7:00 PM – NOI (MassDEP#169-1246), Taylor Street/Main Street ROW, for the replacement of existing water mains.

Applicant Groton Water Department; Tom Orcutt: Water Department Superintendent;

Representatives from Environmental Partners: Lauren Howe and Tyler Schmidt

T. Orcutt introduced himself and the two representatives accompanying him from Environmental Partners. He proposed replacing the existing water mains on both Main Street and Taylor Road.

T. Schmidt said that the area of concern is on Main Street. There is an existing 36” culvert with a pipe that is leaking within a riverfront. The area would be temporarily supported and all work would be conducted in the evening and weather permitting. Any excavated soil would be preserved inside a dump truck and if deemed suitable it would be backfilled into the trench. Concrete fill would also be installed around the culvert for stabilization. T. Schmidt said that Taylor Street does not provide any fire protection and the water main would be replaced to support fire hydrants. All work is to be completed in the roadway.

L. Hurley questioned where the erosion controls would be installed and if the water main located underneath the culvert would contain a sleeve. T. Schmidt identified filter socks on the design plan and said that a sleeve would be installed in the 12” water main.

O. Lathrop requested that proper erosion controls be installed to prevent anything from entering the resource areas and asked if there would be any water in the culvert during the time of excavation. T. Orcutt said he is anticipating that the work would be conducted in June or July to ensure that the area is dry.

J. Smigelski questioned the process of temporarily supporting the pipe. T. Schmidt said that they would commence the process by excavating around the pipe to be fully exposed; this would allow for a strap to be placed around the pipe and then it would be lifted up. Blocks would be inserted underneath the pipe to create stabilization until all work is completed.

E. McHugh asked if any catch basins were planned and who would be overseeing the construction. T. Schmidt said yes the plan includes catch basins and that Environmental Partners would be managing the construction.

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was: Voted to close the public hearing. **The passed by a roll call vote. (Yes: LH, JS, OL, EM) 4-0**

**2. GENERAL BUSINESS\***

Permitting

None

General Discussions/Announcements

*Update on FY23 LAND Grant (ongoing discussion) – review CR*

N. Gualco requested permission to submit the CR for the Casella property to the State for review. O. Lathrop reiterated from the prior meeting that he requested that the language be revised to allow for a parking area to be 50 feet off of Nashua Road and the Trust has since agreed to the terms. N. Gualco said that he spoke with the State and their restrictions include a parking lot with a minimum of 2-3 vehicle spaces. He then reviewed two parking options with the Commission and the letter that would be submitted to Natural Heritage to receive their comments for consideration of the parking area. Option 1 is located adjacent to Nashua Road and requires minimal removal of trees and grading. Option 2 is over 100 feet away and would require access for an easement. The Commission discussed the ease of Option 1 and the minimal costs associated with the parking area. N. Gualco noted that there is one requirement for reimbursement and that includes providing public access and proper signage. He was unaware if the project needs to be completed first or if the plan can be approved and in the process of being executed. He suggested that the work be completed by June 30th. J. Smigelski and L. Hurley both volunteered utilizing their machinery to execute the plan.

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was: Voted to authorize the Conservation Administrator to submit the Conservation Restriction as negotiated to the State for approval. **The motion passed by a roll call vote. (Yes: OL, JS, LH, EM) 4-0**

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was: Voted to authorize the Conservation Administrator to send the letter as drafted to Natural Heritage for consideration of the parking area.

E. McHugh suggested adding the proper language into the drafted letter to ensure that Natural Heritage is aware that Option 1 is the preferred parking solution. N. Gualco said he would revise the letter appropriately.

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

O. Lathrop commented that the Town Meeting Warrants are open and the ConCom will need to submit the project to receive the Towns approval.

*Discuss virtual vs. in-person meetings; update on hybrid meetings (ongoing discussion)*

E. McHugh said that the Conservation Commission’s public hearings would continue to be held in-person with the option of hybrid. It was decided that the Minute Taker would not be required to attend the in-person meetings.

Land Management & Acquisition

*Noonan Land - ANR*

O. Lathrop said that the subdivision plan is being presented to the Planning Board on Thursday to receive approval. There is concern that the subdivision plan would abandon the right to access the easement to the Nashua River. L. Hurley commented there has been an agreement for a trail crossing to provide access.

The Commissioners agreed that the loss of the easement to the river's edge was not significant.

N. Gualco noted that the Planning Board's jurisdiction is approving the subdivision plan and that the Select Board would be the ones to make the decision to advocate abandoning the legal rights to the easement.

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was: Voted to approve the subdivision plan for the Noonan Land as drawn. **The motion passed by a roll call vote. (Yes: JS, OL, LH, EM) 4-0**

Upon a motion by O. Lathrop, seconded by L. Hurley, it was: Voted to endorse that the Select Board abandon any legal right to any easements along the Nashua River on the Noonan property conditional upon the Conservation Commission purchasing lot 2. **The motion passed by a roll call vote. (Yes: JS, OL, LH, EM) 4-0**

*Priest Family Conservation Area – discussion on opening a viewshed*

E. McHugh said that a small group met and observed an ideal area for the viewshed that contained fewer trees for removal. The area was identified on a photograph shown. O. Lathrop stated at the previous Stewardship meeting that a majority of the members were opposed to the viewshed. He agreed with them and disliked the idea of excessive human footprints. J. Smigelski commented on the foot traffic observed at the General Field and the debris that is left behind. L. Hurley was opposed to removing any additional trees. E. McHugh said that she envisioned the utilization for this conservation area differently and believed that it should be suitable and welcoming for the residents of Groton. The land should not only be managed as a habitat for wildlife. The Commission confirmed that there are no public trails to the top of the hill and that the Trails Committee was denied to build any trails due to the mowing regulations set by Natural Heritage.

Committee Updates

*Stewardship Committee – recommendation to appoint Rick Salon (GLA).*

E. McHugh said that Anna Eliot recommended that a member from the Groton Lakes Association be appointed to the Stewardship Committee. The Stewardship Committee is requesting that Rick Salon be appointed.

Upon a motion by J. Smigelski, seconded by O. Lathrop, it was: Voted to appoint Rick Salon of the Groton Lake Association to the Stewardship Committee.

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

*Other updates from municipal boards/committees*

O. Lathrop said that the Invasive Species Committee is organizing a lecture on Spotted Lanternflies on the third Thursday in March and it will be held at the Groton Center.

N. Gualco said that he would be submitting the ConCom’s CPC application tomorrow with minimal changes from the prior year's submission.

Approve Meeting Minutes

Upon a motion by J. Smigelski, seconded by L. Hurley, it was: Voted to approve the meeting minutes for December 27, 2022 as amended. **The motion passed by a roll call vote. (Yes: OL, JS, LH, EM) 4-0**

Invoices

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was: Voted to approve and pay the invoice from the Groton Herald in the amount of $116.15. **The motion passed by a roll call vote. (Yes: JS, OL, LH, EM) 4-0**

Upon a motion by O. Lathrop, seconded by L. Hurley, it was: Voted to approve and pay the invoice from the Town Counsel in the amount of $1,507.50. **The motion passed by a roll call vote. (Yes: JS, OL, LH, EM) 4-0**

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

**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**

**8:09 pm**

Upon a motion by J. Smigelski, seconded by O. Lathrop, it was: Voted to adjourn the public meeting. **The motion passed by a roll call vote. (Yes: JS, OL, LH, EM) 4-0**

**Minutes Approved: January 24, 2023**