

TOWN OF GROTON

Conservation Commission

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**Groton Conservation Commission**

Tuesday, January 24, 2023 @ 6:30 p.m.

Town Hall: Second Floor Meeting Room, 173 Main Street

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

**Absent:** Alison Hamilton

**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 – 33 Longley Road (MassDEP#169-1245), replacement of the sewage disposal system.

Applicant: Andrew Lautenschlager, Representative: Jack Maloney, Dillis & Roy Civil Design Group

Jack Maloney represented the applicant proposing installing a new Presby Septic System within the 100-foot buffer zone. There is no proposed work within the 50-foot buffer zone. Straw wattles would be installed around all work areas. The existing septic system would be pumped, demolished, and removed from the site.

L. Hurley was pleased with the proposed upgraded septic system being installed further away from the resource area.

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

Voted to close the public hearing.

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

6:45 PM – RDA – Nate Nutting Road (Rocky Hill Wildlife Sanctuary), for the creation of wildlife habitat:

Applicant: Fox Meadow Realty Group, Representative: Attorney Bob Collins

Attorney Bob Collins represented the Fox Meadow Realty Group. He said that David Moulton had agreed to a turtle nesting area in the Wildlife Sanctuary adjacent to the land that was gifted to the Water Department. As the years progressed the Mass Audubon determined that the land on Nate Nutting Road was more appropriate. In order to create the turtle nesting area clearing and grading is required near the resource area. S. Dillis said that he had accompanied representatives from Natural Heritage and the Mass Audubon on a site walk and they all agreed that the area on Nate Nutting Road was an ideal location for creating a habitat and habitat enhancement. He described the area as remote and wooded. S. Dillis proposed installing erosion controls within the 50-foot buffer zone and removing the top of the trees to add sunlight. In the 50–100-foot buffer zone there would be clearing, grading, and if the soil is not deemed suitable, soil would be brought in. B. Collins informed the ConCom that the Mass Audubon is the ones pursuing the location and was opposed to the original location ten years ago. Mr. Moulton is requesting that the turtle nesting area be constructed within the next few months.

B. Easom recommended that the filing be resubmitted as a NOI. This would allow for specific conditions to be determined by the ConCom.

O. Lathrop commented that there is a limited number of pristine areas remaining in Groton and that the work being proposed to the resource area would degrade the land.

P. Morrison commented that the applicant is substituting one area for another.

L. Hurley was concerned about the extensive amount of work being requested for an RDA and the need for additional materials if the soil is not suitable.

J. Smigelski reviewed the photographs of the area and questioned why a pristine site was chosen over alternative sites.

E. McHugh agreed that the permitting needs to be corrected. She was unsure that changing one habitat to create another is the right path. She commented that the area is approximately one acre.

Benjamin Wolfe, a Groton resident, expressed his concerns for the proposed turtle nesting area off of Nate Nutting Road. He said that disturbing the soil is an invitation for invasive species and suggested that there are more suitable locations to create this habitat. He questioned if there was any science based data provided to understand why this location was preferred over the original location which would in fact be a habitat enhancement.

S. Dillis said that he would converse with both Natural Heritage and the Audubon prior to filing a NOI to seek for a less disruptive location. B. Collins requested a continuance to address the ConCom’s concerns with the applicant. He also reminded the ConCom that they are the CR holders of this land.

The ConCom discussed the best way to proceed with the hearing since they were all opposed of the turtle nesting area proposed off Nate Nutting Road. They believed the initial location would be more suitable.

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

Voted to issue a Positive 1 Determination.

Discussion: L. Hurley questioned why closing the RDA would make a difference from continuing and returning with new sites. B. Easom said that there seems to be multiple unknowns and the applicant is requesting for a continuation and it is the Commission’s responsibility to adhere to that request.

**The motion failed by a roll call vote. (Yes: JS, OL/ No: BE, PM, LH, EM) 2-4**

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

Voted to continue the public hearing to the next scheduled meeting on February 14, 2023.

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

6:55 PM – Discussion with Atty. Bob Collins on the management of proposed wildlife habitat at Rocky Hill Wildlife Sanctuary.

The Commission agreed to table the discussion until the next scheduled meeting.

7:10 PM – NOI, 282 Farmers Row “Groton School” (MassDEP# not yet received), for the construction of an athletic track and field.

Applicant: Groton School. Attorney: Bob Collins, Engineer: Stan Dillis, Dillis & Roy Civil Design Group

J. Smigelski recused himself from the following discussions.

Attorney Bob Collins represented Groton School proposing repurposing two existing soccer fields for a multipurpose athletic field to increase the efficiency. The field would consist of a natural turf soccer field, a track, and an area for both javelin and discus. He said that the proposed work area has been previously disturbed and utilized for over a hundred years. 7,600 square feet of disturbances including minimal grading and the removal of two unhealthy trees is being proposed. The runoff water from the track would be captured by a gutter system and proceed into an underground infiltration center. B. Collins said this would be a significant improvement since the runoff water currently sheets off into the resource area.

O. Lathrop commented that the existing grass abuts the resource area and suggested moving the entire track down towards the driveway. S. Dillis said that the topography creates limitations on the location and would require more site disturbances. B. Collins added that ½ of the project is located within the historic district and reiterated the topography challenges. If they proceeded with this alternative, it would require the installation of retaining walls and working around utilities that are connected to the faculty residences.

L. Hurley asked if the tree removal would be minimal. S. Dillis said yes there are three trees in total.

B. Easom requested clarification on the triangular area shown on the map and questioned if there is substantial amount of mitigation being proposed. The triangular area was identified as a javelin area and requires a flat surface. B. Collins said there currently is not any stormwater management set in place and the plan being proposed would be a significant improvement.

E. McHugh questioned why the javelin area had to be directly adjacent to the track. B. Collins said that he previously addressed the concern and was told that there is no other suitable location without additional disturbances. S. Dillis and B. Collins assured that they would address the issues with the design team tomorrow.

L. Hurley suggested rotating the javelin area and discus area. B. Collins said that there are safety regulations that are required to be met when throwing a javelin.

The Commission compiled a list of concerns that need to be addressed prior to the next meeting. The list included additional mitigation, considering moving the track down closer to the driveway, and an alternative location for the javelin area.

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

Voted to continue the public hearing to the next scheduled meeting on February 14, 2023.

**The passed by a roll call vote. (Yes: OL, PM, LH, BE, EM) 5-1-0 JS- recuse**

7:20 PM – NOI, 282 Farmers Row “Groton School” (MassDEP# not yet received), for the construction of a multipurpose sports field and baseball diamond.

Attorney: Bob Collins, Engineer: Stan Dillis, Dillis & Roy Civil Design Group

Attorney Bob Collins represented Groton School. He proposed repurposing an existing soccer field and baseball diamond. The work would consist of grading and the removal of several trees along the edge of the field. The environmental benefits included installing a natural turf that would eliminate the use of fertilizers and capturing all runoff water by infiltrating it into the ground. S. Dillis clarified that there would be no structure and that the runoff water would infiltrate 3’-4’ through the artificial field.

P. Morrison agreed that eliminating the use of fertilizer would be beneficial to the resource area.

L. Hurley commented on the number of trees being proposed for removal and asked if the Elm Tree would be preserved. S. Dillis said that the Elm Tree would not be preserved due to the proximity to the road. B. Collins said that area needs to be graded and the trees will be required to be removed. He explained that the new baseball diamond does not overlay the existing one and is being pushed back 20 feet.

B. Easom was opposed to the plan and said that it infringes on the Wetland Protection Act.

O. Lathrop said that the installation of the artificial turf creates an ecological dead zone. He requested that alternative plans be discussed that do not encroach upon the resource area. S. Dillis assured that he would address the concerns with the applicant.

E. McHugh suggested observing the two areas along the wetland edge where the tree removal is being requested. She agreed with B. Easom and recommended that the plan stay within the existing boundaries and not encroach on the 50 foot buffer zone.

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

Voted to continue the public hearing to the next scheduled meeting on February 14, 2023.

**The motion passed by a roll call vote. (Yes: PM, LH, BE, OL, EM) 5-1-0 JS- Recuse**

7:30 PM – Discussion on minor change to OOC (MassDEP#169-1243), Groton School Sturgis House, required work on sewage main behind house.

Applicant: Groton School, Attorney: Bob Collins, Engineer: Stan Dillis, Dillis & Roy Civil Design Group

Attorney Bob Collins was present for the discussion. He explained that there is a 60-gallon pump chamber on the backside of the Sturgis House that needs to be replaced. The pump chamber is below the surface and would be replaced with a 120-gallon chamber. B. Collins asked if the work described would be a minor change to the Order of Conditions that had been previously issued.

The Commission agreed that proposed work would be considered a minor change to the Order of Conditions and said that the appropriate filings would be necessary for approval.

7:40 PM – NOI (MassDEP#169-1247) (cont.), 31 Fitch’s Bridge Rd., for the demolition of an existing home and construction of a new dwelling and septic system.

Applicant: Phillipe Sicard & Margaret Jean Representative: Bruce Ringwall GPR, Inc

B. Ringwall was present representing the applicant. He reminded the Commission at the last meeting they were requested to address all of the DEP’s questions and return with any additional reviews. The DEP said that they do not provide additional reviews or responses after the initial review. He said he is proposing to replace an existing single-family home and upgrading a title 5 septic system with an innovative Geomat system on the outer portion of the 200 foot riverfront.

The Commission displayed the copy of the responses submitted to the DEP from the representative to review. B. Ringwall said that the project is being filed under a new development due to the parcel not being degraded and the requirements of the performance standards are being met. In regards to any Cumulative Riverfront Area that has been impacted since 1996, the answer is that there have been no alterations that have occurred on the site since it was cleared in 1956. Since the parcel was recorded prior to 1996 the issuing authority may allow the alteration up to 5,000 square feet or 10% of the riverfront. The DEP had requested that alternatives analysis be provided and three alternatives were provided including the third one suggested by the Commission at the previous meeting. B. Ringwall briefly discussed each alternative and explained the reasoning why the project meets the standards of a new development. He said that the existing single-family dwelling is being replaced with a new single family dwelling with no basement and is remaining within a footprint of 2,300 square feet. He said there is no reason to reduce the scale of the 4,600 square foot project.

O. Lathrop agreed that identifying the project is a complicated issue and he does not particularly agree that the project is a new development; however he acknowledged that the applicant is entitled to their 5,000 square feet of disturbances.

Upon a motion by B. Easom, seconded by J. Smigelski, it was:

Voted to close the public hearing.

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

**2. GENERAL BUSINESS\***

**Permitting**

**OOC, Taylor Street/Main Street Water Main, MassDEP#169-1246**

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

Voted to issue the Order of Conditions for Taylor Street/ Main, MassDEP#169-1246.

**The motion passed by a roll call vote. (Yes: JS, BE, OL, PM, 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 Taylor Street/Main, MassDEP#169-1246.

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

**General Discussions/Announcements**

Update on FY23 LAND Grant (ongoing discussion)

N. Gualco displayed a check list of important dates and deadlines that are required to be met for the construction of the parking area on the Casella Property. He asked that the Commissioners become familiar with the layout so they can commence a plan.

N. Gualco updated that the CRs for the Priest Family Conservation Area and Patricia Hallet Conservation area are in progress and have been submitted to the State. The Unkety Well Site, Fuccillo Conservation Area, and Baddacook Pond are the three parcels that remain with outstanding CRs. O. Lathrop informed the ConCom that he has been in contact with Anne Gagnon from the Division of Fisheries and Wildlife and she has agreed to work with the ConCom to become the holders of all three parcels. She has agreed to allow for existing trails to remain as long as they are continued to be maintained. O. Lathrop said the Fisheries and Wildlife are interested in the parcel of land north of the Baptist Property that is currently owned by the Town. N. Gualco displayed and reviewed the DFW Proposal to the ConCom. The land in pink identified the three parcels that require CR’s. He explained that these are the areas that need to be marketed along with additional bundling. He said that the DWF is requesting that the ConCom promise to pursue the 100 plus acre property. J. Smigelski asked about the history of the parcel. B. Easom said that land was initially being reviewed by the Select Board for the construction of the new High School; however, the land was too swampy. He said that the Select Board had reached out to the ConCom in acquiring the land.

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

Voted to authorize the Conservation Administrator to work with the Division of Fisheries and Wildlife to establish a CR on the green and pink parcels shown on the map.

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

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

Voted that the Conservation Commission request that the Select Board transfer the yellow parcel to the Conservation Commission. **The motion passed by a roll call vote. (Yes: JS, BE, OL, PM, LH, EM) 6-0**

N. Gualco said that a baseline assessment is a requirement of receiving the land grant and requested that the ConCom approve the estimate that he had received on the Casella Property.

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

Voted to authorize the Conservation Administrator to expend up to $2,000 to receive a baseline assessment on the Casella Property.

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

N. Gualco requested permission to pay the filing fee for the MESA checklist requested by Natural Heritage on the Casella Property.

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

Voted to authorize the Conservation Administrator to pay the $300 fee for MESA Review.

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

N. Gualco noted that there are two prominent invasive species overgrowth that will require a plan submitted under the NHESP MESA review. The Commission agreed that the main focus is the parking area and the invasive species management plan would be reviewed at a later date.

L. Hurley asked if the parking area had been designed. N. Gualco said that the dimensions should be approximately 50’x50’. He said that the corner boundary has been marked and reiterated the importance of viewing the area to commence a preliminary idea of what is needed for fill and materials. E. McHugh suggested that vehicles park parallel to the road for safety precautions. N. Gualco mentioned that a perineal stream is closer than noted and should be considered.

N. Gualco provided the ConCom with an update on the administrative status of the Casella Property. The warrant article has been submitted for the land grant, the Town Counsel has been asked if approval is required from Town Meeting, and the ConCom will need to receive authorization from the Select Board. He said that the Purchase and Sale is finalized and is waiting on the seller to receive representation. The surveyors have conducted staging of the granite bounds.

Discuss virtual vs. in-person meetings/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.

Discuss upcoming Conservation Forum

E. McHugh said that the ConCom was invited by Paul Funch to the Conservation Forum on February 16, 2023 at 6:30 pm at the Groton Center. P. Morrison, L. Hurley, and O. Lathrop said that they would be available to attend. P. Funch is requesting a $5 donation from each attendee to cover the cost of a liquor license which would allow for BYOB. The ConCom decided that they would send the donations individually.

**Land Management & Acquisition**

Westford Sportsmen’s Club CR – review baseline report quote, discuss survey

N. Gualco said that the CR states that grantee is responsible for the baseline assessment. He has received a quote from Joe Smith and would like to proceed with conducting the baseline report.

Upon a motion by O. Lathrop, seconded by B. Easom, it was: Voted to authorize the Conservation Administrator to expend up to $1,750 to receive a baseline report on the Westford Sportsmen’s Club.

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

N. Gualco said post a discussion with the Sportsmen Club it became aware that they would not be conducting a certified land survey and only receiving certain boundaries marked. N. Gualco suggested that the ConCom explore options on receiving a certified survey. The ConCom decided they would approach the Sportsmen’s Club and ask if they would split the costs. N. Gualco said he would receive estimates from surveyors.

Priest Family Conservation Area – discussion on opening a viewshed(cont.)

No update was provided.

**Committee Updates**

L. Hurley said that the parking area at Sargisson Beach has been closed since the end of December.

B. Easom said that N. Gualco presented the CPC application yesterday requesting the $400,000.

O. Lathrop said that the Invasive Species Committee is holding a lecture on Spotted Lanternflies on Thursday, March 16, 2023 at the Groton Center. All are welcome to attend.

O. Lathrop said that a citizen reported a plant observed in a hay field and it is known to be very poisonous to horses when consumed. He said that it can spread easily when haying equipment is utilized for multiple fields. O. Lathrop commented that residents need to be aware to check their equipment and their fields. He suggested that the plant be observed first hand and that the issue be addressed at a later date.

**Meeting Minutes**

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

Voted to approve the meeting minutes for January 10, 2023 as amended.

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

**Invoices**

None

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

None.

**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 (8:55pm)**

Upon a motion by B. Easom, seconded by J. Smigelski, it was:

Voted to adjourn the public meeting.

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

**Minutes Approved: February 28, 2023**