

**TOWN OF GROTON**

**Conservation Commission**

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**Groton Conservation Commission**

 Tuesday, February 28, 2023 @ 6:30 p.m.

**NOTE**: This meeting was advertised as being in the second-floor meeting room, Groton Town Hall, with the option to also connect remotely, however, due to inclement weather, it was changed to virtual-only.

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

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

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

**Eileen McHugh called the meeting to order at 6:48 pm**

**1. APPOINTMENTS AND HEARINGS\***

**NOI, 72 Maplewood Ave (MassDEP#not yet received), for the replacement of a septic system and construction of patio and retaining walls.**

Applicant: Frank Massarelli, Representative: Jack Maloney, Dillis & Roy Civil Design Group, Inc

Jack Maloney from Dillis & Roy Civil Design Group was present representing the applicant. He proposed replacing the existing failing cesspool with a 2,500-gallon tight tank and installing three block retaining walls. Two terraced retaining walls would be installed closest to the resource area. Vegetation is planned for the section in-between the two walls, the species is undetermined. The existing railroad tie wall located at the top of the property would be reconstructed utilizing 2’x2’x6’ or 2’x2’x4’ blocks. A 7’x10’ patio area composed of pervious pavers is proposed in the front of the first retaining wall. There are twin Oak Trees, two 8” Pine Trees, and a grouping of Birch trees that are requested to be removed to access the work area and are leaning towards the pond. J. Maloney said that an existing shed and stone retaining wall would be removed to allow for a flatter surface for the installation of the tank.

B. Easom questioned the purpose of the patio area. J. Maloney said that the area is currently composed of gravel and that the applicant is requesting an additional sitting area outside of the deck.

P. Morrison asked if all the walls being considered for installation were represented on the plan. J. Maloney assured that all three walls were identified on the plan provided.

O. Lathrop questioned the wall that runs along the property line. J. Maloney said that there is additional material that needs to be removed from that area to establish a flatter surface. The land slopes back towards the dwelling and the applicant is trying to alleviate any runoff water in that direction. He said the right side would be lower and the left side would remain as it is. The wall that runs along that property line would be cutting across the new grade.

E. McHugh said that there are numerous changes to the site for replacing a failing cesspool. J. Maloney explained that there is a substantial amount of exposed earth that needs stabilization and a break which can be established by constructing the proposed terrace. E. McHugh recommended that a densely vegetated planting plan be provided and referred the representative to the native species list located on the Conservation Commission’s website.

P. Morrison asked if there is an alarm system on the tight tank. J. Maloney said the alarm is set at ⅗ capacity and they are waiting on a pumping schedule.

B. Easom questioned the amount of soil being removed from the site and where the limit of work is shown on the plan. J. Maloney said he did not calculate the exact cubic yards that would be removed and estimated a couple truck loads due to the removal of the cesspool. Any excess soil would be removed off site. He said he would return with the accurate measurements and the limit of work.

E. McHugh listed the requirements that the applicant must provide at the next hearing, a revised planting plan, the amount of soil being removed, and the limit of work identified on the 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 March 14, 2023.

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

**NOI (cont.), 282 Farmers Row “Groton School” (MassDEP# not yet received), for the construction of an athletic track and field.**

Applicant: Groton School Representative: Attorney Bob Collins

Attorney Bob Collins represented Groton School and said that Stan Dillis has revised the plan subsequent to their first conversation. He said that there are minimal changes and the discus throwing area had been slightly moved at an angle away from the resource area.

O. Lathrop said that there is a significant amount of disturbance still being proposed within the 50-foot buffer zone and that he was concerned with the encroachment to the resource area. He asked if the entire site being moved to the southern direction had been considered. B. Collins assured that the site cannot be shifted any closer to the access road. There are two areas that require minimal grading located in the 50-foot buffer zone and the discus throwing area has been moved by 15%.

B. Easom asked what the surface of the athletic track was composed of. B. Collins said that the track is an elongated artificial circle that would be placed on a foundation of crushed stone. The inside field would be composed of natural turf as well as the outer perimeter. The entire track would be outside of the 50-foot buffer zone. B. Easom commented that the artificial track is a structure located within the 100-foot buffer zone and there is an inadequate amount of mitigation being proposed. B. Collins assured that defining the area pulls the activities further away from the resource area and agreed to address the mitigation concerns with the applicant.

E. McHugh concurred with the request for additional mitigation and stated that the defining of the area and addressing the storm water would be beneficial to the area.

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

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

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

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

Applicant: Groton School, Representative: Attorney Bob Collins

Attorney Bob Collins said that the initial plan has been revised and the artificial field was reduced in size and moved closer to the access road, proposing the entire athletic field outside of the 50-foot buffer zone. B. Collins said that the synthetic field allows for proper drainage whereas the runoff water currently sheets off into the resource area. He said that the definable boundary would prevent encroachment in the future and that the existing erosion controls that were previously left behind would be cleaned up and removed from the site.

B. Easom asked if there is a lighting plan proposed. B. Collins was unaware of a lighting plan and said if there are any changes the Conservation Commission would be properly notified.

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

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

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

**RDA (cont.) – Nate Nutting Road (Rocky Hill Wildlife Sanctuary), for the creation of a wildlife habitat.**

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

Attorney Bob Collins represented the Fox Meadow Realty Group. He said he compiled a letter to Lauren Glorioso at Natural Heritage and expressed the concerns of the Conservation Commission regarding the altering of a pristine resource area that has not been consumed by invasive species. He said that an alternative location needed to be explored. A virtual meeting was held and an additional site walk is scheduled for tomorrow. Stan Dillis has provided two alternative locations, one being outside the jurisdiction along the powerline easement, and the second one being in the vicinity of the discontinued portion of Nate Nutting Road.

B. Collins requested a continuance to the next public hearing.

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

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

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

**Discussion (cont.) with Attorney Bob Collins on the management of proposed wildlife habitat at Rocky Hill Wildlife Sanctuary.**

Attorney Bob Collins suggested that the management plan for the wildlife habitat at Rocky Hill Wildlife Sanctuary replicate the agreement between the Conservation Commission and Bob Kiley. The Conservation Commission received an endowment to maintain the turtle nesting area for over the next 30 years. The agreement ensures that the land is properly being managed and monitored without having the additional responsibilities.

N. Gualco commented that it is a great service that the Conservation Commission offers, however this site is remote and vast. The Commission currently is monitoring three sites and N. Gualco was concerned with the logistics. B. Collins reiterated that the proposed alternative A is accessible from the main trail and runs along the powerline easement.

B. Easom questioned the logistics of the management plan proposed and commented that the Conservation Commission does not obtain the authority to access private property. B. Collins said that there are two options that the Conservation Commission can consider. One, the Commission attends to the wildlife management or two becomes the holder of the funds. Dave Moulton is building the habitat under a license with Mass Audubon. In the escrow agreement it could be written that Dave Moulton would be responsible for funding the escrow and the Conservation Commission would disperse the funds to Mass Audubon after the management was performed sufficiently. B. Collins said with the Conservation Commission being the holders of the conservation restriction they are granted rights and that includes permission to access the property when necessary.

P. Morrison said that he was supportive of the Conservation Commission inspecting the area and dispersing the money when necessary.

The Commissioners agreed with P. Morrison and expressed their concerns with taking on additional responsibilities.

B. Collins said he would suggest that the Conservation Commission be responsible for monitoring the wildlife habitat and would contract out the management to Mass Audubon.

**2. GENERAL BUSINESS\***

Permitting

None

General Discussions Announcements

***Conflict of Interest Training***

E. McHugh reminded the Conservation Commissioners that they have approximately 20 days to complete the training to remain compliant.

***Update on FY23 LAND Grant***

N. Gualco said that the MESA application for the parking area has been submitted to Natural Heritage to be reviewed. L. Hurley flagged the site and the 11 trees that are required to be removed were marked. The area allows for four vehicles and there have been suggestions of exploring additional parking at the high school. N. Gualco said that the three warrant articles were submitted and believes that the review process commenced last night. On Monday, March 6, 2023 he and Anne Gagnon would be meeting with the Select Board to discuss the Division of Fisheries and Wildlife purchasing a Conservation Restriction on the Brownloaf Property. Charlie Casella was contacted to see if an attorney had been hired, however N. Gualco has not received a response.

E. McHugh questioned if an RDA is required if option one is selected. N. Gualco said referring to the definition of a perineal stream and the amount of disturbances being less than 5,000 square feet that an NOI may be adequate.

P. Morrison recommended commencing with an RDA.

O. Lathrop questioned the dimensions of the proposed parking area. N. Gualco answered 45’x 45’.

The Commissioners were in agreement that an RDA would be sufficient for the work being proposed.

N. Gualco said that J. Smigelski and L. Hurley would need to notify the DPW and apply for a curb cut permit.

B. Easom questioned the monumentation on the property. N. Gualco said that numerous granite boundary markers have already been installed. There was a steel pin that was previously installed by a surveyor hired by the abutting property owner. The Conservation Commission has an agreement with Dillis & Roy to install granite monumentation and if that pin is to be removed there needs to be a conversation with the landowner first. N. Gualco said that the granite markers would be unsuitable for every boundary marker and that some pins would need to be installed.

***Discuss virtual vs. in-person meetings/hybrid meetings (ongoing discussion)***

E. McHugh said that the Conservation Commission meetings would continue to be held in person with the option of a hybrid until the end of March. E. McHugh asked the Conservation Administrator to ask if zoom would be accessible for consultants after the end of March.

Land Management & Acquisition

***Westford Sportsmen’s Club CR***

N. Gualco said that he met with members of the Westford Sportsmen Club to share the cost of the survey. He had brought three quotes along with him. The members agreed that if the survey is unnecessary then there is no reason to expend the additional costs. N. Gualco said that the parcel would be divided by the east and west and the east would require additional restrictions to be applied to create a proper buffer from the rifle ranges. The Sportsmen Club is requesting that the trail is used as a boundary and suggested using GPS. N. Gualco said that the description on the deed would be unsatisfactory for the conservation restriction and that a survey is required. B. Easom confirmed GPS would be inaccurate and that a surveyor utilizes arches and straight lines and commented that the trail is neither. The Commission agreed that a survey would easily accomplish the most accurate boundary lines. P. Morrison suggested that the surveyor try to establish a straight line in close proximity to the existing trail. N. Gualco said that David E. Ross provided a quote of $11,900 and then requested that the Conservation Commission provide additional funding.

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

Voted to authorize the Conservation Administrator to expend up to $15,000 to conduct a survey on the Westford Sportsmen's Club parcel.

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

B. Easom questioned the potential jump the point problem on the Town of Westford’s boundary. N. Gualco said that there has been discussion with the Club to reroute the trail that connects to Westford and the purchase of an easement to carry it to public land. B. Easom suggested that a straight line be drawn between the point that intersects the town line to a point in the north end and then draw a 20-foot arch around it which then becomes part of the conservation restriction. He said that would resolve any issues and that the parcel owner south of the jump the point in Groton should be contacted as well.

Committee Updates

**Other updates from municipal boards/committees**

B. Easom said that $175,000 had been set aside for the elevator project at the Prescott School and it would be returned into the unallocated reserve funds due to the bids exceeding the funded amount. He said that there would be adequate funding for the CPC applications and that the $400,000 should be awarded to the Conservation Commission. B. Easom said that the landslide that occurred on the corner of Longley Road and Sand Hill Road is being remedied and had been caused by unusual weather.

O. Lathrop displayed the duck logo and said that he had been collaborating with a high school teacher to create a higher resolution. He reminded the Commissioners that the Invasive Species Committee is holding a lecture on Spotted Lanternflies on Thursday, March 16, 2023 at the Groton Center.

E. McHugh said that tire clean up would be scheduled once the ground thaws.

N. Gualco said that he would be discussing at the Stewardship Committee tomorrow that the DCR is requesting to install boundary markers along their properties that they hold conservation restrictions on. He also said that a Trust member notified him that there is a potential vernal pool in the vicinity of Throne Hill that has not been certified. It may be a great opportunity for members to partake in the process.

Meeting Minutes

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

Voted to approve the meeting minutes for December 13, 2022 as amended.

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

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

Voted to approve the meeting minutes for January 24, 2023 as amended.

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

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

Voted to approve the meeting minutes for February 14, 2023 as amended.

**The motion passed by a roll call vote. (Yes: OL, BE, EM) PM- Abstain 3-0-1**

Invoices

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

Voted to approve and pay the invoice from Dillis & Roy Civil Design Group in the amount of $2,200.00.

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

Eileen McHugh, Chair; declared that there was business that required the Commission to move to executive session.

**5. Adjournment (8:30PM)**

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

Voted to move to Executive Session and not to return to the open session for the purpose of considering the purchase, exchange, lease, or value of real estate, as the chair had declared that an open meeting may have a detrimental effect on the negotiating position of the Commission

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

**Minutes Approved: March 14, 2023**