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**TOWN OF GROTON**

**Conservation Commission**

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### **Conservation Commission Meeting Minutes**

#### Tuesday, March 14, 2023 at 6:30 PM

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

**Absent:** Alison Hamilton

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

**Eileen McHugh called the meeting to order at 6:30pm**

**1. APPOINTMENTS AND HEARINGS\***

6:30PM-RDA, 100 Hollis Street, for the installation of a geothermal system. Applicant: Becky & Bob Pine, Representative Hannah Kowalski

Hannah Kowalski represented the applicants proposing installing a geothermal system by drilling four wells and then excavating a shallow trench to install an underground pipe system from each well into the dwelling. The closed ground loop circulates heat transfer fluid into the heat pump. There would be no exchange of domestic water or disturbances to the water table. The boreholes are to be drilled with a comacchio drill rig which provides a cleaner site. The proposed wells would be grouted and the trench would be backfilled leaving the grade untouched. The trench and the erosion controls are the only disturbances proposed within the 100 foot buffer zone.

L. Hurley questioned the diameter and the depth of the boreholes. H. Kowalski said that each hole would be 6 to 8 inches in diameter and approximately 300 feet in depth. L. Hurley asked what occurs with the drilled soil. H. Kowalski explained that camacchio drill rig is utilized and a diverter is placed on top of the bore to allow for cuttings to flow through a tube and be deposited into a dumpster. If the dumpster reaches capacity, silt bags would need to be used.

O. Lathrop questioned why the silt fence was not located behind borehole number one. H. Kowalski said that there is a raised garden in that vicinity.

B. Easom commented that the borings on the plan are presented in a straight line whereas during the site walk they seemed to be offset from one another. H. Kowalski said that the goal was to ensure that the borings remained outside of the wetlands. Bob Pine said that the borings are slightly setback further in an arch shape. The pins that were marked and noted at the site walk are the actual boring sites. B. Pine ensured that the distances on the plan provided are accurate measurements. B. Easom questioned the fluid that is utilized in the ground loops and what occurs when there is a ground leak. H. Kowalski said the fluid is known as SAFE-T- THERM GRAS which is defined as an inhibited propylene glycol solution. H. Kowalski said once the system is installed her company monitors the fluid level and the system contains a smart system notifying the homeowners if there are any issues. B. Easom requested if a leak occurs and there is an unknown origin that the Town be notified. He said that Glycol is a sweet tasting substance that can be harmful to wildlife.

N. Gualco questioned the drain that was identified underneath the raised garden. H. Kowlaski said that it is an existing drain that would need to be worked around by hand to remain undisturbed.

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to issue a Negative 3 Determination under the conditions: 1. A Reporting requirement in the event that a system leak is detected and additional fluid is needed to be added.

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

6:40 PM-RDA, Groton Town Forest, for the treatment of invasive vegetation. Applicant: Invasive Species Committee.

O. Lathrop represented the Invasive Species Committee and requested that the Committee be permitted to treat invasive species located in the Town Forest without needing explicit permission every single time. This would allow for the Committee to act quickly when necessary. He explained that the Invasive Species Committee has a very similar agreement with the Town Forest Committee and would like to have continuity with the Conservation Commission. O. Lathrop displayed the areas in need of treatment throughout the Town Forest and said that it would be completed in segments.

J. Smigelski requested that the Conservation Administrator be notified prior to any treatment or work being performed.

E. McHugh requested that GPS coordinates be provided of where the Invasive Species Committee would be conducting treatment.

B. Easom questioned if there are any posting requirements. O. Lathrop said yes if herbicides are used and if the treatment is being conducted in close proximity to a trail.

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to issue a Negative 3 Determination under the conditions: 1. The Conservation Administrator must be notified in advance of any application or work to be completed.

E. McHugh requested that the motion include that the Conservation Administrator be notified of the GPS coordinates.

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to issue a Negative 3 Determination under the conditions: 1. The Conservation Administrator must be notified in advance of any application or work to be completed, along with the GPS coordinates.

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

6:50 PM-RDA, 90 Ridgewood Road, for the removal of hazardous trees. Applicant: Bob Elam

Bob Elam said that a number of trees have been previously approved for removal on his property. He requested that three additional trees be removed due to the risk of causing structural damage to the dwelling and or the boat house. All three trees are unhealthy and decomposing.

O. Lathrop asked if there were any plans for erosion controls. B. Elam said that he was unaware of what the tree service had planned and said that a crane would be utilized for some of the tree removal. O. Lathrop suggested leaving 15 foot snags to create habitats.

B. Easom recommended that the crane being used by the tree service obtain a hydraulic oil spill kit to prevent any contamination.

Upon a motion by B. Easom, seconded by L. Hurley, it was: Voted to issue a Negative 3 Determination under the conditions: 1. A hydraulic oil spill kit is installed on the crane being used by the tree removal company. **The motion passed by a roll call vote (Yes: OL, BE, JS, PM, LH, EM) 6-0**

7:00 PM-Discussion, Request for minor change to site plan, Pickleball Courts, MassDEP#169-1218

Shawn Campbell, General Manager of the Groton Country Club was present for the discussion. He proposed constructing a shed next to the pickleball court to supply electricity for the security system and to potentially add future lighting. The shed is to be located in the same location as the preexisting shed. S. Campbell said that GELD has provided a quote for installing four poles proceeding down Whitman Road; however, that request would be discussed at a later date.

O. Lathrop questioned if the shed would be sitting on top of cinder blocks. S. Campbell said yes and it would be constructed outside of the 50 foot buffer zone.

B. Easom questioned the design plan for the roof on the shed and what would occur to any rainwater. S. Campbell said that the shed would be similar to a Reeds Ferry Shed with a pitch roof and the runoff water would infiltrate alongside the shed. B. Easom asked what occurs to the water that sheets off the pickleball courts. S. Campbell said that the runoff water is directed towards the side of the courts and that there is a swale located on the backside. B. Easom suggested that a trench be excavated around the perimeter of the shed and be filled in with crushed stone to allow for proper infiltration.

Lisa Theall questioned if there had been any research on the noise that is caused by the pickleball courts and the impacts on neighbors and golfers. E. McHugh informed the resident that the courts have already been approved and that the Country Club is requesting for a minor change in the original site plan.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was: Voted to accept the minor change in plan on the plan dated March 14, 2023 for the Pickleball Court located at the Groton Country Club. **The passed by a roll call vote. (Yes: JS, PM, LH, OL, BE, EM) 6-0**

7:05 PM-NOI (cont.), 72 Maplewood Ave (MassDEP#169-1250), 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 reviewed the revised plan identifying the limit of work, planting schedule, and the volume calculation for soil being removed. The plantings included High and Low Bush Blueberries and Inkberry Hollies. He said that the soil being removed would not exceed 20 yards.

The MassDEP comments were displayed for review. J. Maloney said that he understands the comment in regards to the floodplain issue however; they are not proposing any work below the high water mark elevation of 98.82 and identified the iron staining to the Commissioners. He said that the wall that sits along the water obtains an elevation of 100.7. He said that there is no floodplain elevation calculated and that they were referring to the dam elevation.

L. Hurley and O. Lathrop were supportive of the project as long as the work is conducted as shown on the plan and does not proceed below the floodplain.

B. Easom questioned what the elevation of the 100 year floodplain was and commented that the 100 year floodplain level should be higher than the elevation of the dam, there needs to be an elevation difference between the height of the lake and the height of the dam to create a hydraulic pressure to force the water out over the dam at a flow rate consistent with the 100 year floodplain. He then asked if there was any information in regards to the hydraulic calculation and said that utilizing the dam height is inaccurate. J. Maloney said he would refer to his associates if there were any prior calculations. He said according to the maps that the MassDEP were referring to, the entire property is under the floodplain elevation.

E. McHugh requested that the representative further look into the floodplain issue as recommended by the MassDEP and return with a more comprehensive response.

O. Lathrop commented that the mark identified on the concrete would represent the summer high level and when a 100 year flood would most likely occur would be in the winter when the water has been lowered. He questioned the lowest elevation that work would be conducted. J. Maloney said that the lowest elevation would be on the patio area that is at elevation 100. There would be filling at elevation 103 in between the two retaining walls. O. Lathrop said that with the proposed work there is no influence on the floodplain elevation.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was: Voted to continue to the hearing to the next scheduled meeting on March 28, 2023. **The passed by a roll call vote. (Yes: PM, LH, OL, BE, JS, EM) 6-0**

7:10 PM-NOI (cont.) , 282 Farmers Row “Groton School” (MassDEP# 169-1249), for the construction of an athletic track and field. Applicant: Groton School; Representative: Attorney Bob Collins

**J. Smigelski recused himself from the next two hearings with Groton School**

Attorney Bob Collins was present for the discussion and summarized the proposal of repurposing two existing soccer fields with 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. Stan Dillis has revised the original plan and has been capable of removing a portion of the disturbances further away from the resource area, has reduced the number of trees for removal to only one and eliminated the diesel powered lights. B. Collins said that utilizing natural turf would provide adequate infiltration whereas presently there is no runoff water management. B. Collins said that there are 4,000 square feet of permanent disturbances being proposed.

L. Hurley was pleased with the revised plan and that the discus and javelin areas were moved further away from the resource area.

O. Lathrop commented that the proposal does not only consist of repurposing, there is fill being added within the 50 foot buffer zone. B. Collins said that the erosion controls would be installed along the perimeter and S. Dillis had altered the discus throwing area by 15%. The grading would stop 5-10 feet from the resource area.

B. Easom commented that there is insufficient improvement for permanent encroachment being imposed on the resource area. He said he was hoping for additional mitigation. B. Collins said that Groton School would continue to be good partners with the Conservation Commission in making certain that the interests protected by the Bylaws are continued to be served. He said that the applicants were attempting to improve the existing area for both the environment and their own use.

E. McHugh said she comprehends the steps that have been taken by the applicant and the project would be beneficial to the environment by moving fertilizers away from the resource area and the infiltration system.

B. Collins said that the active use is being moved away from the resource area and that there is a more defined delineation. He said that there is no encroachment to the resource area however; he acknowledged that there would be change to the grade within the 50 foot buffer zone.

N. Gualco said that the MassDEP recommended that the applicant should confirm that the proposed subsurface stormwater management system be above seasonal high groundwater. B. Collins said after conversing with S. Dillis the system would be above the seasonal high water table or it would be nonfunctional. B. Collins said that Earth Removal StormWater had approved the plan.

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to close the public hearing. **The passed by a roll call vote. (Yes: LH, OL, BE, PM, EM) 5-1-0**

7:10 PM-NOI (cont.), 282 Farmers Row “Groton School” (MassDEP# 169-1248), for the construction of a multipurpose sports field and baseball diamond. Applicant: Groton School; Representative: Attorney Bob Collins

Bob Collins was present representing Groton School. He said that Stan Dills was able to substantially change the original plan and completely remove the artificial field outside of the 50 foot buffer zone by moving the field 30 feet towards the access road. The existing athletic field would be repurposed with a natural turf that would eliminate the use of fertilizers and capture all runoff water by infiltrating it into the ground. Silt fencing would be installed down gradient. B. Collins said that the debris and erosion controls that the Commissioners had observed would be properly removed from the site.

O. Lathrop commented that the tree line is proposed to recede and be replaced with grass, and that there would be no grading within the 50 foot buffer zone. B. Collins said that is correct.

B. Easom asked if there were additional mitigation being offered. B. Collins said no.

N. Gualco said that the MassDEP recommended incorporating the inspections of the migrating infill material at the outfall. B. Collins said that S. Dillis would ensure to include that information in the Operation and Maintenance plan.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to close the public hearing.

N. Gualco said that an Operation and Maintenance plan had not been submitted with the filing. The Commission discussed how to proceed with the hearing.

P. Morrison withdrew his original motion.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to continue the public hearing to the next scheduled meeting on March 28, 2023. **The motion was carried by a roll call vote. (Yes: PM, LH, JS, BE, EM) 5-1-0**

7:15 PM RDA (cont.) – Nate Nutting Road (Rocky Hill Wildlife Sanctuary), for the creation of wildlife habitat. Applicant: Fox Meadow Realty Group; Attorney: Bob Collins

N. Gualco summarized that there were two fundamental issues discussed at the previous hearing. One being the amount of impact associated with the site and if the Commission agreed on the location. Natural Heritage would be providing a statement justifying why the site on Nate Nutting Road was selected. The second issue is the question if an RDA is the appropriate way to permit this type of project.

B. Collins said that Lauren Glorioso would be compiling a memo to the Conservation Administrator and requested that the hearing be continued.

N. Gualco said that the site walk had been coordinated by Lauren Glorioso and was conducted at the time it was due to the fact that the employees of Natural Heritage are not permitted to work after hours. He said that they had visited the original site and it had been discussed why the site had been selected.

B. Collins said that he had met with representatives from Natural Heritage, Mass Audubon, and a biologist. S. Dillis had provided three alternative sites to create the wildlife habitat and they had dismissed each location. They said that the alternative sites did not contain the same characteristic of a south facing elevation. B. Collins said that they would be providing documentation and confirmed that an evening meeting was not an option. E. McHugh said that her concern is that the Commission is unsatisfied with this particular site and an alternative site needs to be determined.

B. Easom said if all alternatives had been analyzed and determined unsuitable that he would be satisfied with Natural Heritage's suggestion of Nate Nutting Road.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to continue the public hearing to the next scheduled meeting on March 28, 2023. **The motion passed by a roll call vote (Yes: JS, PM, LH, OL, BE, EM) 6-0**

7:15 PM-Discussion with Atty. Bob Collins on the management of proposed wildlife habitat at Rocky Hill Wildlife Sanctuary.

The discussion was tabled until the next scheduled meeting.

**2. GENERAL BUSINESS\***

Land Management & Acquisition

QR Code on Conservation Area

The revised signage was displayed for the Commissioners to review. N. Gualco said that the design is meant to assist in eliminating sign pollution and to clearly state the rules and regulations by providing a QR code. The signs are 4”x10” and would be adhered to trailhead posts. E. McHugh said that the Stewardship Committee would like to finalize on the design and asked if the Commissioners had any issues or comments. B. Easom questioned if the QR code was individualized to each conservation area. N. Gualco said that there is a general set of rules and regulations for all conservation land and that had been utilized. He said he would inquire if the two communication circles at the top of the sign could be tailored to specific parcels.

The Commissioners were supportive of the design displayed.

Westford Sportsmen’s Club CR

N. Gualco said that he signed the survey proposal with Ross E. Associates.

Shattuck Homestead – Fire Treatment

N. Gualco said that the Fire Chief expressed interest in burning the Shattuck Homestead again and inquired about the area across the path. He said that approval had been requested from Natural Heritage and the management plan that B. Easom delineated was very specific. N. Gualco believes that Natural Heritage would not have any issues with the request; they would potentially miss the window of treatment. L. Hurley questioned if the previous treatment was a success. O. Lathrop said that it was and new growth had occurred however, the Black Swallow Wort was unaffected. B. Easom said he represented the Conservation Commission last time and there was conversation that the Fire Chief would be trying to receive grant money to compensate for the volunteer firefighters. B. Easom said that he would be willing to assist in offsetting some of those costs. O. Lathrop suggested receiving permission to burn the entire grassy area and if the request is approved in time then it can be treated this year as well.

General Discussions/Announcements

MassDCR CR boundary signs

N. Gualco said that he was approached by the DCR and they are in the process of marking boundaries of various properties that they hold conservation restrictions on. They are inquiring if the Town of Groton would be interested. The Conservation Commission does not own any lands that the DCR holds conservation restrictions on. N. Gualco displayed a map identifying the parcels that the DCR and the Conservation Commission are co-holders of conservation restrictions. He requested that the Conservation Commission make a recommendation if they would like to proceed with the process. The Commission agreed to recommend that the DCR install boundary markers on the various properties identified.

Upon a motion by P. Morrison, seconded by L. Hurley, it was Voted to allow the Conservation Administrator to approach the property owners that the DCR obtains conservation restrictions on and recommend that they allow the DCR to install signage marking the boundaries. **The motion passed by a roll call vote (Yes: PM, LH OL, BE, JS, EM) 6-0**

Update on FY23 LAND Grant

N. Gualco said Natural Heritage reviewed the parking area and that the Conservation Commission can proceed with the project. The RDA was filed for the parking area and would be added to the next meeting’s agenda. N. Gualco asked L. Hurley to compile a description and sketch the parking plan to be submitted to the DPW for the appropriate permitting. N. Gualco said that he received a message from the owners and they have agreed to a real-estate attorney as of yesterday and he would be confirming the contact information. N. Gualco said he attended the public hearing on March 6, 2023 with the Select Board and discussed the three warrant articles submitted by the Commission. He said that the members were confused of what was being requested and he suggested that a packet be composed to better explain the Casella Property. O. Lathrop said that he would create a document. N. Gualco said that he received the revisions and comments from the State on the conservation restrictions on both the Casella Property and the Patricia Hailet Property. He said he would be distributing them to the Commissioners for review. The survey has been completed and the bounds have been installed for the Casella property. E. McHugh recommended that Dillis & Roy provide the AutoCAD and the name of the system they are utilizing for the GPS coordinates. E. McHugh then asked if a handicapped parking space was required. N. Gualco said that it was not a requirement.

Discuss virtual vs. in-person meetings/hybrid meetings (on-going discussion)

N. Gualco said that he spoke with the Town Clerk and as of April 1, 2023 zoom would no longer be offered to applicants or attendees. A memo is expected to be distributed from the Town Clerk’s Office. E. McHugh said that the Conservation Commission would continue to hold a hybrid meeting for their next scheduled meeting on March 28, 2023.

Committee Updates

B. Easom said that the CPC voted to recommend that the $400,000 be awarded to the Conservation Commission at the Town Meeting.

O. Lathrop said that the Invasive Species Committee is holding a lecture on Spotted Lantern Flies this Thursday, March 16, 2023 at the Groton Center.

Permitting

None

Approve Meeting Minutes

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was: Voted to approve the meeting minutes for February 28, 2023 as amended. **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 to approve the meeting minutes for May 28, 2021 as amended. **The motion passed by a roll call vote. (Yes: JS, PM, LH, OL, BE, EM) 6-0**

Invoices

Upon a motion by B. Easom, seconded by P. Morrison, 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: LH, OL, BE, JS, PM, EM) 6-0**

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 Inc. in the amount of $16,500. **The motion passed by a roll call vote. (Yes: PM, OL, BE, LH, JS, EM) 6-0**

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

**4. 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**

 **8:36 PM**

Upon a motion by P. Morrison, seconded by J. Smigelski, 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: OL, BE, JS, PM, LH, EM) 6-0**

**Minutes Approved: March 28, 2023**