

**Conservation Commission Meeting Minutes**

**Tuesday, April 11, 2023 at 6:30 PM**

**Present**: Eileen McHugh, Chair; Larry Hurley, Vice Chair; Bruce Easom, Clerk; Peter Morrison (Virtually-6:44), Alison Hamilton (Virtually-6:44), Olin Lathrop

**Absent**: John Smigelski

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

**Eileen McHugh called the meeting to order at 6:44pm**

**APPOINTMENTS AND HEARINGS**

6:30 PM – RDA, 32 Playground Road, for the removal of invasive vegetation. Applicant: Invasive Species Committee

E. McHugh said that the area of phragmites that the Invasive Species Committee is requesting to treat is a small patch along the Nashua River Rail Trail in the vicinity of Broadmeadow Road.

B. Easom agreed that the area is a fairly small isolated patch and if it were to be left untreated it would spread further into the wetlands becoming very challenging to resolve. He said that the Invasive Species Committee has been very successful when utilizing herbicides to treat phragmites and that this site would require the appropriate postings notifying the public of the work being conducted.

A. Hamilton commented that the site is very similar to an area that was treated on Martins Pond Road and the results were successful.

B. Easom requested that a non-ionic surfactant herbicide be utilized. E. McHugh reviewed the application and said that a custom roundup herbicide approved for wetlands would be sprayed.

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

Voted to issue a Negative 3 Determination under the conditions:

1. Posting of treatment for public notification;

2. Wetland approved herbicide utilized;

3. GPS coordinates of the area being treated are to be provided to the Conservation Administrator

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

6:40 PM – RDA, 25 Whitney Pond Road, for the construction of two retaining walls. Applicant: Julie Aucoin

J. Aucoin requested to finalize the process of the unpermitted walls that were installed on her property.

N. Gualco reminded the Conservation Commission that an enforcement order was issued for unpermitted work located at 25 Whitney Pond Road and the applicant was required by the Commission to file an RDA.

B. Easom asked if there would be any additional work conducted on the stone walls and if there were plans to replace the timber wall closest to the lake's edge. J. Aucoin said that the stone walls are completed and the timber wall would remain as is for the time being.

P. Morrison said if the applicant decides to replace the timber wall the Conservation Commission needs to be informed and proper approval would be required prior to conducting any work.

A. Hamilton requested to review the planting plan.

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

Voted to issue a Negative 3 Determination

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

6:50 PM – NOI, 68 Boston Road, (MassDEP# pending), for the re-construction of a former building.
Applicant: Rick Mccullough, Attorney: Robert Collins, Engineer: Stan Dillis, Dillis & Roy Civil Design Group

Bob Collins was present representing the applicant. He provided a brief history of the former building and said that the rear portion of the barn had collapsed in 2021 and was deemed unsafe by the Building Commissioner. The applicant is requesting to restore the barn and replicate what is observed on site. B. Collins said that the existing structure is buckling on the side wall and the roof is sagging, impacting the stability of the barn and would require to be demolished. The footprint of the new structure is proposed to be marginally smaller and there is no additional hardscape being created. B. Collins said that the project would be an enhancement to the site. E. McHugh questioned if the request for replacing the existing barn is included in the plan. B. Collins said that the plan would be amended prior to the next hearing.

P. Morrison asked what the existing subsurface is composed of and questioned if it contained any hazardous materials. B. Collins said that the preexisting area contained a dirt floor and a fieldstone foundation. He confirmed that there were no hazardous materials identified. P. Morrison questioned the distance of the proposed structure from the resource area. S. Dillis said that it would be constructed 25 feet from the wetland.

A. Hamilton was concerned with the plan provided and that it was significantly different to what was being proposed tonight. B. Collins said that he would amend the original plan and provide the building facade plans.

O. Lathrop commented that there is no evidence being provided of the original foundation and that the reconstruction of the structure needs to remain within the original footprint. B. Collins said he could provide additional information that has been documented and aerial photographs showing the original building. S. Dillis said that a location survey was conducted prior to removing the collapsed portion of the barn. O. Lathrop questioned the proposed stockpiled area within the 50 foot buffer zone and requested that it be relocated. S. Dillis said the area would be temporarily utilized for stockpiling materials of the foundation and then would be disposed of offsite. S. Dillis agreed to explore alternate locations.

L. Hurley commented that the proposed stockpiled area was covered in debris and requested that it be cleaned up and removed outside of the 50 foot buffer. He recommended that the stockpiled area be relocated to the gravel driveway.

B. Easom referenced a google aerial photograph from 2021 and said that the structure was still in existence. He said a comparison of the aerial photographs and the survey would be beneficial. B. Easom said that it is important for the Conservation Commission to observe structures after being notified that they are deemed unsafe and are required to be demolished. This process ensures that the corners of the foundations are pinned and that the structure is being reconstructed accurately within the original footprint and not encroaching on any resource areas.

E. McHugh agreed that the proposed stockpiled area needs to be relocated and requested for a roof runoff plan and proper infiltration.

Upon a motion by P. Morrison, seconded by L. Hurley, it was:

Voted to continue the public hearing to the next scheduled meeting on April 25, 2023.

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

7:05 PM – Amended Order of Conditions, MassDEP#169-1210, the construction of a garage at 601 Lowell Road as well as the demolition of three existing residential structures at 599 Lowell Road. Applicant: Robert Kylie Representative: Attorney Robert Collins, Engineer: Stan Dillis

N. Gualco informed the Commission that there are two orders of conditions that remain open for this site, however, have expired. The applicant was previously granted permission to construct a garage and under Mass#169-1210 allowed to build an addition to the existing dwelling.

B. Collins said that applicant resides at 601 Lowell Road and has purchased the abutting property located at 599 Lowell Road. The applicant is proposing to remove the existing dwelling in close proximity to the shoreline, along with the two sheds located at 599 Lowell Road. There is a total of 2,600 square feet of impervious area including the building and hardscape that would be eliminated and be replaced with a small addition to the existing garage and existing dwelling located at 601 Lowell Road. There is grading and reseeding proposed where the structure would be demolished. B. Collins said that there are planting areas that would replicate species of plants that the Conservation Commission has previously approved. Erosion controls would be installed to prevent any debris from entering the resource area.

E. McHugh requested clarification regarding the open order of conditions for the work performed on the garage and the addition on the dwelling. B. Collins said that the two orders of conditions have expired and he would be requesting certificates of compliance.

A. Hamilton requested a planting plan be submitted and said she was pleased with the amount of impervious area that is being eliminated.

O. Lathrop was also pleased with the proposed removal of the dwelling from 599 Lowell Road and the two sheds. He requested that proper erosion controls be installed.

L. Hurley requested that any trees that are to be removed are clearly marked. He agreed with the other Commissioners and was supportive of moving the driveway further away from the resource area.

B. Easom commented that the work permitted with the garage is significantly different and a separate order of conditions should be established to allow for appropriate oversight.

E. McHugh agreed that a new filing should be submitted.

N. Gualco said that the Commission needs to determine the most optimum approach. B. Collins said he was attempting to simplify the process and make it easier for any future landowner to understand the permitting that has been authorized on the site.

P. Morrison suggested that any open order of conditions be closed and a new filing be submitted for the entire project.

The Conservation Commission agreed that the request should be submitted as a new filing rather than an amendment.

B. Collins asked to withdraw the request for the amended order of conditions.

7:20 PM – NOI, 282 Farmers Row “Groton School” (MassDEP#169-1249), for the construction of an athletic track and field.

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

The revised plan was displayed for the Conservation Commission to review. Attorney Bob Collins said that there seemed to be a significant amount of confusion on the area being altered and felt that it was necessary to clarify the work being conducted. He said that the edge of the field has been clearly delineated and the entire site is currently being utilized as an athletic field and is mowed and maintained. Stan Dillis provided photographs showing that a survey crew had installed stakes that delineated the proposed limit of disturbance. He said that there is one 10” tree within the 50 foot buffer zone that needs to be removed.

O. Lathrop was concerned with encroachment on the resource area and requested that conservation markers be installed along the edge of the mowed grass every 50 feet. He said that the Conservation Administrator will then ensure that the markers are installed accurately. A registered surveyor is to formally document the markers and a plan is to be provided to the Conservation Commission identifying the surveyed markers and the installation of the erosion controls.

L. Hurley commented that there is conservation markers currently installed every 50 feet.

B. Easom asked how many trees are being removed. B. Collins said that there would be two trees in total.

P. Morrison agreed with O. Lathrop's request and said that surveyed markers would be beneficial for any future reference.

A. Hamilton asked where the grading would occur and if the slope would descend towards the resource area. S. Dillis identified the area of the grading and said it would be outside of the 50 foot buffer zone. He confirmed that the slope descends towards the resource area.

S. Dillis suggested that he could install temporary posts and set iron rods with a cap that would identify that it belongs to Dillis & Roy Civil Design Group.

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

Voted to close the public hearing.

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

**GENERAL BUSINESS**

Permitting

**OOC, 72 Maplewood Ave, MassDEP#169-1250**

Upon a motion by P. Morrison, seconded by L. Hurley, it was:

Voted to issue the Order of Conditions for 72 Maplewood Ave, MassDEP#169-1250.

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

Upon a motion by P. Morrison, seconded by L. Hurley, it was:

Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 72 Maplewood Ave, MassDEP#169-1250

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

Land Management & Acquisition

**Update on survey and baseline assessment projects**

N. Gualco said that the baseline documentation survey for the Casella and Patricia Hallet properties are in progress and after completing the Priest Hill property will need to be addressed.

N. Gualco said that the survey has been received by S. Dillis for the Casella Property and once the property is purchased the surveyed plan would be conducted. The purchase and sale agreement would potentially be finalized this week.

N. Gualco said that he received comments from the Town Council and it was noted that there are a couple of tax liens on the Casella property however, was advised there are no foreseen issues. There was a question if there would be any environmental testing conducted. The Commission agreed that testing is unnecessary. N. Gualco said that the seller is proposing a deed restriction to ensure that the parking area remains 100 feet away from the northern point of their property. With the proposed parking area that criteria is being satisfied. The Commission said that request can be accommodated.

B. Easom said that he had met with Becky Pine, N. Gualco and a representative from the Nipmuc Tribe to observe the Baddacook Parcel. The representative from the Nipmuc Tribe said that naming the parcel after the tribe would be an empty gesture and would be interested in observing something more culturally memorialized of the Tribe and other native nations to occur on that parcel. B. Easom said that there are restrictions on the site that would limit activities to be no more than what the general public is allowed to perform. He said he was very disappointed in the conversation and requested that he resign as being the authorized representative of the Conservation Commission and requested a more suitable member to continue the discussion. N. Gualco agreed that there was a high degree of honesty at the first meeting. He said that a representative from Mount Grace Land Trust expressed that she has experience working with groups similar to the Conservation Commission that obtain layers of restrictions on lands and was willing to provide additional information. He said it might be worth pursuing to broaden the Commission's understanding and assist in creating future partnerships. E. McHugh suggested that prior to making any further decisions that the Conservation Commission wait for the information to be provided by B. Pine.

General Discussions/Announcements

**Update on FY23 LAND Grant**

**Discuss Spring Town Meeting Warrant Articles**

N. Gualco informed the Commission that the Spring Town Meeting is scheduled for April 29, 2023 and said it is important to have a few members in attendance to be able to answer any questions and provide additional information on the warrant articles. O. Lathrop identified an error in the language within the warrant articles and requested that it say acquisition cost instead of sale price.

B. Easom recommended that the Conservation Commission prepare to discuss the request for the $400,000 from CPC funding at the Town Meeting. The Select Board has asked for the balance in the Conservation fund and how much of the $400,000 would be added into the account. O. Lathrop said he has created a presentation for the three warrant articles in regards to the Casella property and agreed to attend the Town Meeting. N. Gualco said that he has generated a summary that identifies the Conservation Commission’s expenses throughout the upcoming year and can be utilized as a reference.

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

E. McHugh said that a memo had been received stating that hybrid meetings would be allowed to continue until March of 2025. She commented that at times it has been challenging to meet a quorum and asked how it could be remedied. A. Hamilton and P. Morrison said that the option of being hybrid allows for convenience and at times can be the fastest approach. E. McHugh agreed to continue to meet in person with the option of joining remotely.

Committee Updates

B. Easom said that the CPC articles are proceeding and would be determined at the Spring Town Meeting. The Sustainability Committee has been engaging with outreach and education programs on the installation and economics of solar energy systems. There is also a group involved in the various municipalities who are trying to coordinate an effort in activities in regards to greenhouse gas emission and reductions. He urged residents to take the opportunity and engage in the educational activities when they become available. B. Easom said that the Zoning Board of Appeals is still accepting comments from all departments in regards to the development on 500 Main Street. He said that it is essential that concerns are expressed to ensure that they are conditioned in the comprehensive permit.

E. McHugh said that the tire cleanup is tentatively scheduled for Saturday, May 27, 2023 and the finalized date would be announced. B. Easom said that Tom Delaney would be placing an empty container on the site to properly dispose of the tires. E. McHugh said that N. Gualco organized a number of vernal pool certification lessons that occurred over the weekend. A. Hamilton said that she had attended the well-informed lessons and would be bringing a group of students on Sunday to update the vernal pool off of Cow Brook Pond Road.

N. Gualco said he would be collaborating with members of the Stewardship Committee to monitor the conservation restrictions that the Conservation Commission are holders of.

B. Easom said that Dave Paulson is no longer employed as the municipal representative at Natural Heritage. Previously the Rail Trail Committee was allotted a two week time frame to conduct turtle sweeps; they are currently being performed daily by a wetland scientist.

Approve Meeting Minutes

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

Voted to approve the meeting minutes for Mach 28, 2023 as amended.

**The motion passed by a roll call vote (Yes: PM, AH, OL, LH, 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 $308.20
**The motion passed by a roll call vote (Yes: AH, OL, BE, PM, LH, EM) 6-0**

**3. OPEN SESSION FOR TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE OF MEETING**

n/a

**4. EXECUTIVE SESSION (if necessary) 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.”**

Unnecessary.

**ADJOURNMENT (8:31 PM)**

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

Voted to adjourn the public meeting.

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

**Minutes Approved: April 25, 2023**