

**Conservation Commission Meeting Minutes**

**Tuesday, April 25, 2023 at 6:30 PM**

## **Present:** Eileen McHugh, Chair; Larry Hurley, Vice Chair, Olin Lathrop, John Smigelski, Alison Hamilton (called in 7:30pm)

**Absent:** Peter Morrison, Bruce Easom, Clerk

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

**E. McHugh called the meeting to order at 6:30PM**

**1. APPOINTMENTS AND HEARINGS\***

6:30 PM – Extension to Order of Conditions #169-1067, 6 Wyman Road. Applicant: Joe Sgrosso

The applicant requested a three year extension to the active order of conditions for the construction of a single family dwelling. He said construction had been delayed due to Covid.

Upon a motion by J. Smigelski, seconded by L. Hurley, it was: Voted to extend the Order of Conditions on MASSDEP#169-106, 6 Wyman Road until April 12, 2026. **The motion passed unanimously. 4-0**

6:40 PM – NOI (MassDEP#not yet received), 12-14 Valliria Drive, for the construction of a detached garage. Applicant: Robert Morris, Khrysta Dailey; Representative: Brandon Ducharme, David E. Ross Associates

Brandon Ducharme of David E. Ross Associates represented the applicant and said that the original plan had been revised. The proposed garage was reduced in size to 24’x28’ and would be located 90 feet away from the resource area. He said that a land swap had occurred in order to achieve the necessary changes. There is 165 square feet of proposed impervious area in the outer limits of the 100 foot buffer zone. A portion of the existing driveway and the existing lawn would be utilized.

O. Lathrop said that he is concerned with the substantial amount of permanent structure that would remain within the 100 foot buffer zone. He asked if there was any mitigation being proposed. B. Ducharme said that a shed totaling 126 square feet would be removed from the 50 foot buffer zone. K. Dailey proposed removing the wood chips and a play area located in the vicinity of the stream to allow for restoration of the land. O. Lathrop was pleased with K. Dailey’s proposal and requested that it be written as a condition

L. Hurley requested that the removal of the shed also be included into the order of conditions.

Upon a motion by J. Smigelski, seconded by L. Hurley, it was: Voted to close the public hearing. **The motion passed unanimously. 4-0**

6:55 PM – Discussion on a change to the site plan (additional tree removal) at 3 Highland Road (MassDEP#169-1221). Applicant: Lori Megee

N. Gualco informed the Conservation Commission that there is an active order of conditions for the installation of an upgraded septic system.

Lori Megee said that she had purchased the property as a renovation project and that the dwelling would remain in the exact footprint. She said that trees need to be removed to finalize the renovations.

N. Gualco displayed a plan identifying the trees for the Conservation Commission to review and said that there was a total of 23 trees being requested for removal and that they were properly flagged.

O. Lathrop recommended an RDA be filed.

J. Smigelski and L. Hurley said that they would be willing to accept the request as a minor change to the site plan to allow for the applicant to proceed with the necessary work.

E. McHugh commented that this is an extensive amount of tree removal and strongly felt that an RDA should be filed and that tree replacement would be necessary. L. Megee explained that the trees are hazardous to the dwelling and the site has been neglected for over 30 years. She said that she was hoping for the request of the tree removal be approved and amended to the open order of conditions to allow for work to proceed without any interruptions.

The Commission decided that an RDA would be the most suitable approach.

N. Gualco confirmed that the applicant has submitted an RDA and a hearing has been scheduled for the next meeting on May 9, 2023.

7:05 PM – NOI (MassDEP#169-1251) **(cont.),** 68 Boston Road, for the re-construction of a former building. Applicant: Rick Mccullough, Attorney: Robert Collins, Engineer: Stan Dillis, Dillis & Roy Civil Design Group

Attorney Bob Collins represented the applicant and said that the demolition of the remaining portion of the barn has been appended to the original filing. Stan Dillis said DEP comments had requested that wetland logs be provided. After further research it was identified that the building had been squared off erroneously. The reconstruction of the barn would be based on the footprint that was there historically. S. Dillis said a gutter system would be installed to channel runoff water into a subsurface recharge system. The proposed stockpiled area has been relocated outside of the 50 foot buffer zone and the existing debris would be moved off site. There would be grading and seeding of a wet meadow seed mix. B. Collins said that the architect had provided S. Dillis with plans of what he thought had existed and after reviewing aerial photographs the plans were inconsistent and need to be rectified.

L. Hurley was satisfied with the revised plans. He asked if the aerial photographs verified the actual foundation. B. Collins said no.

E. McHugh questioned if the underground detention basin imposes any additional issues, and if there are any maintenance requirements. S. Dillis said that a CULTEC system would be installed and that the homeowners would be responsible any required maintenance. B. Collins commented that the system is very similar to a dry well. E. McHugh requested that a one page maintenance plan be submitted.

Upon a motion by J. Smigelski, seconded by L. Hurley, it was: Voted to close the public hearing. **The motion passed unanimously. 4-0**

**2. GENERAL BUSINESS\***

Permitting

OOC, 282 Farmers Row (Groton School), MassDEP#169-1249

J. Smigelski recused himself from the permitting of the OOC.

Upon a motion by L. Hurley, seconded by O. Lathrop, it was: Voted to issue the Order of Conditions for 282 Farmers Row, MassDEP#169-1249. **The motion passed by a roll call vote. (Yes: OL, LH, AH, EM) 4-0**

Upon a motion by L. Hurley, seconded by O. Lathrop, it was: Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for Farmers Row, MassDEP#169-1249. **The motion passed by a roll call vote. (Yes: OL, LH, AH, EM) 4-0**

Land Management & Acquisition

Discuss FY23 LAND Grant

N. Gualco displayed the revised plan for the Casella Parking Area. He said that the proposal has been reviewed by the Conservation Trust and they are satisfied with the plan. N. Gualco said that he met with the abutting neighbors and they are concerned that vehicles may potentially park outside of the designated parking area onto their property. J. Smigelski suggested building a berm to ensure that people do not park on the abutting property. L. Hurley commented that the property line can be moved in slightly to provide adequate room to install the berm.

E. McHugh said that the Conservation Commission had authorized for the Conservation Administrator to expend up to $1,000 to receive the title for the Trimper property and after contacting the original Attorney a copy was acquired at no cost.

General Discussions/Announcements

N. Gualco said that Becky Pine has received materials from the representative from Mount Grace and the information would be distributed to the Commissioners prior to the next scheduled meeting.

Committee Updates

L. Hurley said that the Sargisson Beach cleanup commenced this weekend and the entire beach was raked and the docks were installed.

N. Gualco said that on behalf of the Sargisson Beach Committee he would be filing an NOI to commence the sand restoration project at Sargisson Beach and the Committee would be meeting later this week to discuss receiving estimates for 120 yards of sand that needs to be applied to the beach.

O. Lathrop said that the presentation for the Warrant Articles has been created for the upcoming Town Meeting

N. Gualco said the Planning Board would be holding a hearing on May 11, 2023 in regards to the preliminary subdivision plan on Gratuity Road. He requested that any comments on the plan be submitted to him directly and a formal document would be drafted. O. Lathrop commented that there was an issue that was ignored and never resolved after completing an ORAD and ANRAD. The Conservation Commission had concluded that the bordering land was subject to flooding and this would significantly impact the proposed plan.

Approve Meeting Minutes

Upon a motion by L. Hurley, seconded by J. Smigelski, it was: Voted to approve the meeting minutes for April 11, 2023 as amended. **The motion passed. J. Smigelski-Abstain 4-1-0**

Invoices

Upon a motion by L. Hurley, seconded by J. Smigelski, it was: Voted to approve and pay the invoice from the Groton Herald in the amount of $63.25. **The motion passed unanimously. 4-0**

Upon a motion by L. Hurley, seconded by J. Smigelski, it was: Voted to approve and pay the invoice from Mirick O’Connell in the amount of $4,855. **The motion passed unanimously. 4-0**

**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.”**

Unnecessary

**5. Adjournment**

**7:44 PM**

Upon a motion by J. Smigelski, seconded by L. Hurley, it was: Voted to adjourn the public meeting. **The motion passed by a roll call vote. (Yes: OL, LH, JS, AH, EM) 5-0**

**Minutes Approved: May 9, 2023**