

**TOWN OF GROTON**

**Conservation Commission**

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**Conservation Commission Meeting Minutes**

**Tuesday, May 23, 2023 at 6:30 PM**

Town Hall: Second Floor Meeting Room, 173 Main Street Groton, MA

**OPTION TO JOIN REMOTELY**

**Present:** Eileen McHugh, Chair; Larry Hurley, Vice Chair; Bruce Easom, Clerk; Olin Lathrop, John Smigelski, Alison Hamilton

**Absent:** Peter Morrison

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

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

**1. APPOINTMENTS AND HEARINGS**

**6:30 PM – RDA, 156 Shelters Road, for the removal of trees in the buffer zone.**

Applicant: Shelters Road LLC

N. Gualco said that the applicant is proposing to remove one and half trees that are in close proximity to the dwelling.

E. McHugh commented that there were numerous unpermitted projects observed at the time of the site walk.

O. Lathrop recommended utilizing a crane to remove the trees to prevent debris from entering the resource area.

L. Hurley questioned if the Conservation Commission could be held liable if the opposite side of the split tree falls on to the neighbors dwelling.

The Conservation Commission discussed the most optimum way to proceed with the hearing and agreed that an enforcement order should be issued immediately to halt any exterior work. The requested tree work would also be unauthorized until proper documentation is filed.

A. Hamilton listed the unpermitted work which included disturbances to the soil, construction being performed on the dwelling, and a dumpster placed within the 50 foot buffer zone.

L. Hurley asked if any permitting had been filed with the Building Commissioner. The Conservation Administrator said that he would contact the Building Department.

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

VOTED to issue a Negative 3 Determination under the conditions:

1. No work is to commence until the enforcement order issued on May 23, 2023 is resolved. 2. Debris needs to remain outside of the resource area.

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

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

VOTED to issue an enforcement order at 156 Shelters Road, all work is to stop immediately on the exterior of the dwelling and site. There is no stockpiling permitted of any material and no vehicles are allowed to be stored beyond the edge of the dwelling. Erosion controls are to be installed immediately after conversing with the Conservation Administrator. A proper filing is required to be submitted to the Conservation Administrator prior to June 12, 2023 in regards to all unpermitted work.

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

**6:40 PM – RDA, 572 Longley Road, for the construction of retaining walls and restoration of an unpermitted trench.**

Applicant: Tai Kein

The applicant Tai Kein was present requesting permission to install a 100 foot retaining wall and adding permeable fill to level the grade in his backyard.

J. Smigelski asked what the retaining wall would be composed of. T. Kein said that the wall would be composed of downed trees.

B. Easom commented that the unpermitted ditch needs to be restored immediately. It is acting as a barrier to migrating amphibians. He requested that the slope be revegetated and that no other work be conducted within the 50 foot buffer zone.

O. Lathrop informed the applicant of the Wetland Bylaws and the restrictions within the 50 and 100 foot buffer zones. He also agreed that the disturbed area needs to be restored as soon as possible.

B. Easom requested a detailed restoration plan be submitted to the Conservation Commission.

The Commission suggested that the applicant return with an alternative plan that proposes no work being conducted within the 50-foot buffer zone and a detailed restoration plan.

N. Gualco said that the applicant is concerned for debris entering the resource area and by creating a berm and a ditch he intended on capturing any erosion, along with the request for the installation of the retaining walls.

L. Hurley then defined land restoration for the applicant and explained that it would create natural stabilization.

E. McHugh recommended that the applicant measure 50 feet from the pond's edge to observe the area that could potentially be leveled. The applicant was instructed to not conduct any work until a restoration plan has been submitted and approved.

B. Easom was displeased with the applicant’s proposed timeline for remediation. He requested that a siltation curtain be installed and that a small piece of equipment be utilized to back fill the area to then be seeded. B. Easom stated that there are two specie migrations that occur in and out of the pond and they are being interfered with.

The applicant was informed that the restoration plan needs to provide a step-by-step timeline from the commencement date to the completion. Erosion controls are to be identified on the plan and how the disturbed bank is going to be stabilized.

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

Voted to continue the hearing to the next scheduled meeting on June 13, 2023.

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

**6:55 PM – RDA, 260 Whiley Road, for the removal of downed trees in Duck Pond.** Applicant: Dane Krampitz

Homeowner, Dane Krampitz requested to remove downed trees from Duck Pond. An RDA was previously approved to remove hazardous trees and D. Krampitz would like to be cost effective and only request for a tree service once. He said that a crane would provide the safest route to remove the trees from the water.

B. Easom said that it was unnecessary to remove the trees from the pond and that they are beneficial to providing habitats. He recommended if the trees are to be removed that dragging be minimized to ensure that the bank remains intact. D. Krampitz said that the intention is to utilize the crane and lift the trees directly up and out of the water.

O. Lathrop questioned the reasoning to remove the trees and wanted to ensure that the soil remains out of the resource area. D. Krampitz said by removing the trees they would gain easier access to the pond.

L. Hurley and J. Smigelski suggested cutting above the root mass and removing the trunk of the tree to prevent erosion.

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

VOTED to issue a Negative 2 Determination.

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

**7:05 PM – Discussion with Greg Smith and Donna German, 42 Ridgewood Road, to solicit feedback on a proposed home addition.**

Applicant: Greg Smith, Donna German.

Homeowner, Greg Smith proposed constructing an 800 square foot addition to his existing dwelling and restoring three existing stone walls.

O. Lathrop referenced the Wetland Bylaws and the restrictions within the 50- and 100-foot buffer zones. He said that is unexpected that the proposal being outside of the existing footprint would be approved. The repair of the retaining walls would be allowed after proper permitting.

A. Hamilton and L. Hurley commented that the rules and regulations would allow for the structure to be built up, however, would restrict anything outside of the existing footprint.

J. Smigelski questioned if helical piers had been considered. E. McHugh commented that the structure would still be identified as a permanent structure.

B. Easom commended the homeowner for submitting a plan prior to a formal filing, however, reiterated that the Wetland Bylaws would not allow for the proposed plan. He suggested demolishing the existing dwelling and rebuilding on the existing footprint.

E. McHugh said that the applicants should reconsider adding another level to their existing dwelling.

G. Smith commented that the structure would require lake side work and helical piers to reinforce the foundation prior to adding another level. The Commission commented that similar requests have been authorized.

**7:15 PM – NOI (MassDEP#169-), for the demolition of an existing residence and two outbuildings at 599 Lowell Road and the construction of a home addition and conversion of an outbuilding to residence at 601 Lowell Road.**

Applicant: Robert Kylie, Attorney: Robert Collins, Engineer: Stan Dillis

Attorney Bob Collins presented on behalf of his client B. Kylie. He said that B. Kylie 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 dwelling located at 601 Lowell Road. B. Collins assured the Commission that the existing conservation restriction would remain untouched.

N. Gualco said that the DEP recommended that prior to any work being conducted that the Commission wait for a response from Natural Heritage.

B. Collins informed the Commission that a formal request would be submitted to receive approval of the subdivision of the property.

L. Hurley asked if the two sheds would be removed and if there were existing septic systems. S. Dillis confirmed that two sheds would be eliminated along with some hardscape. He said that there are two existing septic systems on the site.

B. Easom questioned if the well would be in zone 1. B. Collins said that he would be meeting with the Board of Health.

O. Lathrop was pleased with the amount of impervious area being reduced. He requested that the applicant file for a certificate of compliance to correct the straw wattles from integrating into the ground. B. Kylie said he had cut the mesh on the straw wattles and intended on spreading the straw. He assured the Commission that the netting would be properly discarded.

S. Dillis said that the disturbed soil would be loamed and seeded. The planting plan proposes for 14 high blueberry bushes.

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

VOTED to continue the public hearing to the next scheduled meeting on June 13, 2023.

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

**7:25 PM – (cont.) NOI (MassDEP#169-1254), Pepperell Road R.O.W., for the installation/extension of a water main.**

Applicant: High Oaks Realty Trust; Representative: Attorney Robert Collins; Engineer: Stan Dillis

No comments were provided by the DEP.

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

Voted to close the public hearing.

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

**7:26 PM – (cont.) NOI (MassDEP#169-1253), Sargisson Beach, for the addition of new beach sand.**

Applicant: Sargisson Beach Committee, Representative: Larry Hurley

N. Gualco informed the Commission that Natural Heritage had no objections to the project being requested.

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

Voted to close the public hearing.

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

**2. GENERAL BUSINESS**

**Permitting**

**EXT Permit, MassDEP#169-917, Academy Hill**

B. Easom recommended that the site be observed by the Conservation Commission prior to extending the permit for an additional three years. N. Gualco explained that the subdivision has two active orders of conditions. The Commission agreed that no action would be taken prior to conducting a site walk accompanied by the developer.

**COC, MassDEP#169-1159, 228 Whiley Road**

Giovanni Fodera represented the applicant and said that the orders of conditions were reviewed and the work performed was determined to be compliant.

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

VOTED to issue a certificate of Compliance for 228 Whiley Road, MassDEP#169-1159.

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

**Review Forest Cutting Plan (Old Dunstable Road & Burnt Meadow Road)**

A letter from Natural Heritage was provided to the Conservation Commission for review. E. McHugh commented that it is significant to know what is being conducted and by whom.

**OOC, Pepperell Road R.O.W., MassDEP#169-1254**

Upon a motion by J. Smigelski, seconded by L. Hurley, it was:

VOTED to issue the Order of Conditions for Pepperell Road R.O.W., MassDEP#169-1254

The Commission agreed to strike #26 after B. Easom suggested that the language be changed

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

Upon a motion by J. Smigelski, seconded by L. Hurley, it was:

VOTED to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for Pepperell Road R.O.W, MassDEP#169-1254.

B. Easom suggested that condition f. be stricken; the Commission decided to refrain from striking condition f. and remove the word “and”.

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

**OOC, Sargisson Beach, MassDEP#169-1253**

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

VOTED to issue the Order of Conditions for Sargisson Beach, MassDEP#169-1253.

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

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

VOTED to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for Sargisson Beach, MassDEP#169-1253.

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

**Land Management & Acquisition**

**Discuss FY23 LAND Grant**

N. Gualco said that the deed for the Casella Preserve has been acquired and the project land grant has been recorded.

N. Gualco said that the parking project needs to commence and signage will need to be installed and photographed to meet the land grant requirement. All permits have been received and the driveway needs to be established in order to obtain the reimbursement. O. Lathrop said that he is in the process of acquiring the signage and posts and plans on reaching out to the Trails Committee. The Commission agreed that wooden posts should be installed.

N. Gualco said that the baseline reports have been completed for the Casella Preserve, the Patricia Hallet and the Priest Hill properties. The conservation restrictions are still being finalized at the State level.

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

VOTED to approve the baseline report for the Casella Preserve.

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

N. Gualco said that representatives from the Division of Fisheries and Wildlife attended the recent Select Board meeting to restrict horses and bicycles from the Brown Leaf Property. The discussion was continued to the next scheduled Select Board meeting on June 5, 2023. During this time the most critical trails are being explored and there will be a request for limited use for horses and bicycles. After speaking with local equestrians, they are requesting to utilize the trail directly underneath the powerlines.

N. Gualco said that he has been in touch with Vanessa Farney of the Division of Conservation Services in regards to the outstanding conservation restrictions and the June 30th deadline will be unachievable. At the Select Board meeting it was voted to authorize the Town Manager, the Conservation Administrator, and Town Council to collaborate with the MassWildlife and proceed with an Article 97 Legislation. It was also granted that the conservation restrictions would be provided to the Conservation Trust and the MassWildlife for the other parcels that have been discussed. N. Gualco said that he is preparing a memo to DCS to inform them that proper steps have been taken and that there is significant progress being made. He said that there should be no issues with any reimbursements.

**General Discussions/Announcements**

L. Hurley said that Sargisson Beach is closed temporarily for water treatment.

B. Easom said that he received an email stating that the State Senate Budget included an additional $30 million budget to the CPC Trust Fund. The revenue of the registry of deed has been low and with the State match there should be approximately 50% increase.

O. Lathrop said that the Conservation Administrator was contacted for work being conducted by the Invasive Species Committee in the Town Forest. The Committee also went and observed the treated area of knotweed at the Surrenden Farms/ Campbell Well Site and noticed a some amount of regrowth.

E. McHugh said that the tire cleanup is scheduled for Saturday, May 27, 2023.

N. Gualco notified the Commission that there was another 40B filed today in the vicinity of Cow Pond.

**Committee Updates**

N. Gualco and E. McHugh informed the Commission that RDA’s do require Commissioners signatures and that the information provided at the previous meeting was incorrect.

**Meeting Minutes**

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

VOTED to approve the meeting minutes for May 9, 2023 as amended.

**The motion passed by a roll call vote. (Yes: OL, BE, LH, EM) JS -Abstain, AH-Abstain 4-2-0**

Upon a motion by J. Smigelski, seconded by L. Hurley, it was:

VOTED to approve the meeting minutes for May 15, 2023 as amended.

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

**Invoices**

Upon a motion by L. Hurley, seconded by J. Smigelski, it was:

VOTED to approve and pay the invoice from Woodsman Inc. in the amount of $2,000.

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

Upon a motion by L. Hurley, seconded by A. Hamilton, it was:

VOTED to approve and pay the invoice from the Town Council the amount of $1,737.50.

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

**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.”**

N/A

**5. Adjournment (8:58pm)**

Upon a motion by J. Smigelski, seconded by L. Hurley, it was:

VOTED to adjourn the meeting.

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

**Minutes Approved: June 13, 2023**