

**TOWN OF GROTON**

**Conservation Commission**

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**Conservation Commission Meeting Minutes**

#### Tuesday, June 27, 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; John Smigelski, Alison Hamilton, Olin Lathrop

## **Absent:** Peter Morrison

## 

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

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

**1. APPOINTMENTS AND HEARINGS**

**6:30 PM – NOI (MassDEP#169-1259), 65 Rawding Road, for the demolition and replacement of an existing residential dwelling and boathouse. Applicant: Alan Fletcher, Representative: Bruce Ringwall, and James Basile, GPR**

Bruce Ringwall presented on behalf of his client and said that an NOI was filed in 2010 to conduct work on the existing docks, a boat house, and one retaining wall along the edge of the lake. The request had been approved by the Conservation Commission and the State permitted a 30 year Chapter 91 license. The 5 year maintenance permit has expired and the work previously requested was not completed due to the fall of the economy. B. Ringwall said that the work being proposed would be conducted in phases; however, the applicant is requesting that the entire project be permitted. B. Ringwall provided a color coded map identifying the existing and proposed work on the site and evidence of the existing stone retaining wall and docks. He proposed that the existing 2,395 square foot dwelling would be replaced with a newly constructed dwelling and garage totaling 2,310 square feet. The footprint would be moved 6 ½ feet away from the resource area and replaced with vegetation. The existing shed and covered porches total 185 square feet and the proposed changes would add 135 square feet of pervious area. The existing deck and walkways total 1,258 square feet and the proposed area would reduce to 641 square feet. There is an additional 173 square feet of green area proposed with the removal of a planter and a deck surface. B. Ringwall said that the existing 834 square foot boathouse would be reconstructed on the identical footprint and include a cantilever deck. The proposed detached garage would replace an existing walkway and would require the removal of four trees, one that is dead and another that is being overtaken by invasive species.

O. Lathrop commented that the original plan had been modified significantly. He explained the Wetland Bylaws and how the lot would be unsuitable for construction today however, the structures are grandfathered in to an extent. He said he is unsatisfied with the request for the proposed permanent structure within the 50 foot buffer zone and the proposed vegetated areas. He suggested that areas be returned to their natural state by planting native plants. O. Lathrop was also concerned with the amount of the boathouse that overhangs the resource area.

L. Hurley asked for clarification on the color coded map and the difference in square footage from the existing dwelling to the proposed. B. Ringwall said that the newly constructed dwelling and garage would be 85 square feet less than the existing dwelling. L. Hurley then asked what construction would occur on the boathouse. B. Ringwall said that the structure would be demolished including the concrete foundation and then rebuilt within the footprint. The rocks underneath the dock would be removed and the stone retaining wall would be pulled back and restored. The replacement dock would be 12’x30’.

E. McHugh agreed with O. Lathrop, and commented on the amount of existing garage space and felt that the additional request is unnecessary.

B. Easom requested that the hearing be continued to allow for the Commissioners to review the revised plan and for the applicant to return with mitigation to reduce the negative impact on the site.

A. Hamilton said that she was displeased with the proposed plan and the significant increase in impervious areas. She said that planters are very unnatural and implies containment of water instead of infiltration. She requested that the applicant plant native plants.

The applicant authorized the Conservation Commission to conduct a second site walk.

B. Ringwall displayed the architect's plans for the existing dwelling and the boathouse with the attached cantilever deck that protrudes over the resource area.

E. McHugh commented that the second floor deck on the existing dwelling was not included in the total amount of impervious area. B. Ringwall said that the deck would have spacing to allow for water to flow through.

B. Easom asked if the water that is shown inside the boathouse recedes when the water is drawn lower and if the replacement of the foundation would affect the water height. A. Fletcher said that there is no planned dredging and the flood storage would remain the same.

O. Lathrop requested that a revised plan be submitted on Thursday, July 6, 2023 prior to the site walk.

Upon a motion by B. Easom, seconded by J. Smigelski, it was: Voted to continue the hearing to the next scheduled meeting on July 11, 2023. **The motion passed unanimously. 6-0**

**6:45 PM – RDA (cont.), 10 Mountain Lakes Trail, for the replenishment of beach sand. Applicant: Roderick Lowe**

Homeowner Roderick Lowe was present proposing to replenish the degraded beach sand.

The Conservation Commission reviewed the written responses from the applicant that were in question at the previous hearing. R. Lowe said that he intended on utilizing mason sand from Dr. Mulch. L. Hurley commented that the Commission had requested that 3 ⁄ 8 minus sand be utilized as it was the same requirement that was imposed on the Sargisson Beach Committee. R. Lowe said he had reached out to suppliers and was unsuccessful in finding the requested sand. He also confirmed that the sand would only be laid within the cobblestones. L. Hurley said if there is any intention of removing the silt from the rocks beneath the water that a garden hose be utilized and the process would be beneficial in preventing growth of invasive species.

B. Easom questioned why ⅜ minus sand is more beneficial than mason sand. N. Gualco commented that Bob Pine had recommended that ⅜ minus sand be used and explained that it is composed of crushed rocks and fines measuring up to ⅜ minus.

O. Lathrop requested that ⅜ minus sand be utilized and not applied lower than the high water mark. R. Lowe assured that he would only be working within the cobblestone perimeter.

E. McHugh agreed with O. Lathrop, and said that the mason sand is too fine to be used by the resource area.

Adam Burnett asked the Commission if Lost Lake was identified as a Great Pond and what the State interprets the Lake as. He recommended that the grade of replenished sand be 1:5 slope and briefly discussed the composition of 3 ⁄ 8 minus sand. Attorney Bob Collins said that the State defines a Great Pond as a pond or lake that totals 10 acres. The State considers the flooded area of Lost Lake as a part of the composition of being a Great Pond.

Upon a motion by B. Easom, seconded by A. Hamilton, it was: Voted to issue a Negative 3 Determination under the conditions: 1.⅜ minus sand is to be used. 2. The sand is to be placed above the high water mark. **The motion passed unanimously. 6-0**

**6:50 PM – Discussion with Dean Pellegrini on proposed tree removal at 11 Bayberry Road and the Fletcher Hill Conservation Area.**

Homeowner Dean Pellegrini was present, proposing to remove 14 dead standing trees from the rear of his property and three trees within the conservation area. Two of the three trees had fallen onto both his property and the Conservation Area. He would like to remove the downed portions from from his property and is looking for a recommendation on how to manage the conservation land. There is also one dead standing tree on the conservation land that is at risk of falling onto the stone wall and onto D. Pellegrini’s property.

E. McHugh stated the property on Bayberry Road is an abutter to the Conservation Area and that there are no buffer zones being impacted. She said D. Pellegrini is looking for permission and advice from the Commission.

A. Hamilton asked why the one standing tree should be removed. D. Pellegrini explained that the tree is dead and is in close proximity to the boundary line and could be dangerous if it were to fall. A. Hamilton suggested that a snag be left behind to provide ecological value and that the other felled trees be left within the conservation property.

The other Commissioners were in agreement with leaving the felled trees on the conservation property to provide habitats for the wildlife and leaving a 10 foot snag for the one standing tree.

O. Lathrop requested that the tree that has left debris on the stone wall be removed from the stone wall, but otherwise left on the conservation side.

**7:00 PM – NOI (cont.) (MassDEP#169-1258), Sand Hill Road & Common Street, for the construction of a single-family house, septic system, well, and driveway. Applicant: David Wheatley, Representative: Stan Dillis, Dillis & Roy Civil Design Group**

Stan Dillis presented on behalf of his client David Wheatley and said that a revised plan had been submitted. He said that the revisions included reconfiguring the septic system to remove the grading outside of the 100 foot buffer zone, the driveway has been moved slightly, and a recharge trench is to be installed to provide adequate infiltration. S. Dillis said that the applicant is willing to consider certifying the wetland area as a vernal pool, however, the process is unachievable until the spring.

The Conservation Commission informed S. Dillis that they never received the revised plan and requested a continuance until the next scheduled meeting.

B. Easom questioned if there is any way to legally bind D. Wheatley in certifying the wetland as a vernal pool. N. Gualco suggested that a letter be provided by the applicant stating that they have agreed to certifying the wetland. A. Hamilton said that the process should be explained to the applicant to ensure the appropriate steps are taken.

Upon a motion by B. Easom, seconded by L. Hurley, it was: Voted continue the hearing to the next scheduled meeting on July 11, 2023. **The motion passed unanimously. 6-0**

**7:05 PM – NOI (cont.) (MassDEP#169-1256), 28 Ridgewood Road, for the upgrade of an existing sewage disposal system. Applicant: Barbara Ruskin, Representatives: Attorney Bob Collins, Stan Dillis, Dillis & Roy Civil Design Group**

Attorney Bob Collins presented on behalf of his client Barbara Ruskin and said that at the previous hearing they were waiting for the Board of Health's approval. S. Dillis said that the permits from the Board of Health still have not been received and that the plan is currently being reviewed by Ira Grossman. A hearing will be scheduled in the near future. As requested, the electric line and additional erosion controls have been added to the plan.

B. Collins said he would address the addition to the dwelling at a later date.

The Commission agreed to leave the hearing open until the next scheduled meeting to allow for any changes that may be necessary after meeting with the Board of Health.

Upon a motion by B. Easom, seconded by J. Smigelski, it was: Voted to continue the hearing to the next scheduled meeting on July 11, 2023. **The motion passed unanimously. 6-0**

**7:10 PM – NOI (cont.) (MassDEP#169-not yet rc’vd), 357 Farmers Row (Groton School), for the construction of a ground mounted solar array. Applicant: Groton School, Representative: Attorney Bob Collins, Stan Dillis, Dillis & Roy Civil Design Group**

J. Smigelski recused himself from the hearing.

Bob Collins was present on behalf of Groton School and updated that fencing would be unnecessary for the installation of the solar array. He said a DEP number has not been assigned and requested a continuance to the next scheduled meeting.

B. Easom asked what the proposed foundation would be composed of. B. Collins said that solar array would be installed on helical piers and provided a design of the footing.

A. Hamilton questioned the size of the solar arrays. S. Dillis said that they are approximately 60-70 feet in length.

Upon a motion by B. Easom, seconded by L. Hurley, it was: Voted to continue the public hearing to the next scheduled meeting on July 11, 2023. **The motion passed. 5-1-0**

**2. GENERAL BUSINESS**

**Permitting**

None

**Land Management & Acquisition**

**Discuss FY23 LAND Grant & approve/sign conservation restrictions**

Dawn Dunbar, Town Clerk was present to notarize the following motion:

Upon a motion by L. Hurley, seconded by J. Smigelski, it was: Voted to move that the Conservation Commission approve the grant of Conservation Restrictions to the Groton Conservation Trust over the Casella Preserve, the Priest Family Conservation Area, Martins Pond Conservation Area and the Patricia Hallett Conservation Area properties, as described in the April 29, 2023 Town Meeting Warrant Articles 20 and 21, and authorize the Conservation Administrator to execute certificates of approval for this vote. **The motion passed unanimously. 6-0**

O. Lathrop displayed a photograph of the installed sign located at the Casella Preserve. He said that signs have also been installed at the Patricia Hallett Conservation Area, Fitch Woods, and the Priest Family Conservation Area. O. Lathrop asked the Commission if they would authorize him to install a sign at the Bixby Conservation Area.

Upon a motion by L. Hurley, seconded by B. Easom, it was: Voted to move that the Conservation Commission grant Olin Lathrop permission to establish and install a sign for the Bixby Conservation Area. **The motion passed unanimously. 6-0**

N. Gualco informed the Commission that the reimbursement for the land has been approved by the State.

B. Easom said that he has drafted a letter to the abutters of Half Moon Road in regards to converting the area into a conservation parcel and discontinuing the road. The letter has been presented to the Town Manager and has been forwarded to Town Council.

**General Discussions/Announcements**

Phil Francisco, Sustainability Commissioner, requested to meet with the Conservation Commission to discuss building a continuous corridor for pollinators. N. Gualco apologized for not addressing the request sooner. E. McHugh suggested that the discussion be added on to the next agenda for the Stewardship Committee meeting scheduled on July 19, 2023 at 6:30pm.

**Proposed 40B Development, Heritage Landing**

N. Gualco said that this is the second 40B opportunity for Affordable Housing being presented. The Zoning Board of Appeals has requested for all departments to submit any comments. He said that there is grading proposed within the 100 foot buffer zone and Natural Heritage has also been contacted. A. Hamilton said that she compiled a list of impacts that would affect the animals, plants, and the ecosystem from the artificial light at night that would be produced by the development. N. Gualco suggested that the regulatory authority of the grading within the buffer zone be commented on and then discuss the environmental significance. J. Smigelski suggested altering the Wetland Bylaws that would allow for the Conservation Commission to be able to address these concerns in the future. O. Lathrop said that it would be challenging to change the Bylaws due not having jurisdiction outside of the buffer zones. It was suggested that specific requirements be recommended to the ZBA. B. Easom agreed that there should be suggestions provided that would be beneficial to both the developer and the Conservation Commission, for example lowering the outdoor lighting at a certain time every night. It would reduce costs and be less of an impact on the species that inhabit the area. E. McHugh recommended that the science be provided and the developers find the technology in reducing the impacts. Phil Francisco said that he is also a member of the Planning Board and that there are dark sky requirements that need to be adhered to for new constructions in Groton. In the past developers have asked for guidance on minimizing the impact on animals. A. Hamilton was requested to draft a letter in regards to the impacts of artificial light at night and provide a copy for Commission to review prior to submitting to the ZBA.

**Gratuity Road Flexible Development**

N. Gualco said that the comments on Gratuity Road have been forwarded. Adam Burnett, a resident of Gratuity Road, said that he is a Hydrologist and has initiated an analysis on the hydrology flow on Gratuity Brook. He said that he utilized the StreamStats Application that is known to provide access to spatial analytical tools that are useful for water resource planning and management. He said in the 2 and 5 year floodplains that there is a prediction that the water would be 3 feet over the channel depth flooding more than half of the proposed area. O. Lathrop requested that A. Burnett provide maps for the 5,10, and 20 year floodplains. B. Easom recommended that the Commission request a peer review. The Commission discussed the process of a peer review and how an additional ANRAD needs to be conducted**.**

E. McHugh had met with the Diversity, Equity, and Inclusion Committee, Select Board and the Nipmuc Working Group and there is still interest in continuing on exploring a piece of land to utilize as a cultural easement. The Conservation Commission's role is to provide a property that would allow for overnight camping, hunting in season, sustainable harvesting of food and medicine, the use of land for ceremony, and eventually renaming of the property. E. McHugh said that it was recommended that the Conservation Commission pay for a cultural assessment where a Nipmuc representative would assess the land and determine if the property holds value and supports their cultural needs. B. Easom said when he had initially conversed with the Nipmuc representative it was mentioned that the Nipmuc ancestors were part of the woods, he said he is unsupportive of utilizing Conservation funding for religious purposes. O. Lathrop questioned why there would be a need to expend Conservation funding for a tribe member to determine if the land meets their criteria. He also questioned how it is intended to balance the general public needs along with the Nipmuc Tribe. E. McHugh said that there is a strong belief that the land was taken from the Tribe and it is important to be supportive. A. Hamilton said that she has been working with indigenous people and said that she would be willing to assist in any way.

**Discuss scheduling a future joint meeting with the Affordable Housing Trust**

N. Gualco said that he was approached by Becky Pine and she wanted to see if there was any interest in scheduling a joint discussion with the Affordable Housing Trust. The Conservation Commission is viewed as a role model with its experience in acquiring property. E. McHugh suggested that a subgroup be formed to meet with the Affordable Housing Trust for an hour at their next meeting and then report back to the Conservation Commission. J. Smigelski commented that residents reach out to the Conservation Commission to preserve their land and may be hesitant to do so if they are aware that the land may be subdivided for housing. E. McHugh recommended that any comments be submitted to the Conservation Administrator prior to the next Affordable Housing meeting**.**

N. Gualco said that the Nashua, Squannacook, and Nissitissit River Wild & Scenic Stewardship Council is requesting that a Commissioner attend the Squannacook River Regional Stewardship Charrette on Friday, July 14, 2023 from 9:00am to 1:00pm. A. Hamilton and O. Lathrop said that they would be willing to attend the meeting. N. Gualco informed the Commissioners that they would need to RSVP prior to July 10th.

**Committee Updates**

**Annual appointment of members to the Stewardship Committee**

Upon a motion by L. Hurley, seconded by B. Easom, it was: Voted to appoint the following members to the Stewardship Committee for a one year term: Eileen McHugh, Anna Eliot, Deborah Collum, Kim Kuliesis, Lisa Murray, Lisa Theall, Olin Lathrop, Robert Hanninen, and Ron Hersh.

**The motion passed unanimously. 6-0**

**Approve Meeting Minutes**

Upon a motion by A. Hamilton, seconded by B. Easom, it was: Voted to approve the meeting minutes for June 13, 2023 as amended. **The motion passed unanimously. 6-0**

**Invoices**

Upon a motion by L. Hurley, seconded by A. Hamilton, it was: Voted to approve and pay the invoice from the Amazon Contractor in the amount of $1,092.53. **The motion passed unanimously. 6-0**

Upon a motion by L. Hurley, seconded by B. Easom, it was: Voted to approve and pay the invoice from the Groton Herald in the amount of $60.95. **The motion passed unanimously. 6-0**

Upon a motion by L. Hurley, seconded by J. Smigelski, it was: Voted to reimburse Paul Funch for the posts used for signage in the amount of $153.24. **The motion passed unanimously. 6-0**

Upon a motion by L. Hurley, second by J. Smigelski, it was: Voted to approve and pay the invoice from the Town Council in the amount of $4,862.50. **The motion passed unanimously. 6-0**

Upon a motion by L. Hurley, seconded by B. Easom, it was: Voted to approve and pay the invoice from the MACC in the amount of $824.00 for annual fees. **The motion passed unanimously. 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**

**9:33pm**

Upon a motion by J. Smigelski, seconded by A. Hamilton, 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 unanimously. 6-0**

**Minutes Approved: August 8, 2023**