

**TOWN OF GROTON**

**Conservation Commission**

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**Conservation Commission Meeting Minutes**

#### Tuesday, July 11, 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, Peter Morrison

##

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

**Eileen McHugh called the meeting to order at 6:31pm.**

**1. APPOINTMENTS AND HEARINGS\***
**6:30 PM – RDA, 703 Chicopee Row, Groton Dunstable Regional High School, for the removal and replacement of soil from the football field.**

**Applicant: Groton Dunstable Regional School District, Representative: Nick Guidi, Tighe and Bond, Melissa Coady, Tighe and Bond; John Robichaud, Director of Buildings & Grounds**

Nick Guidi was present representing Groton Dunstable Regional High School. He proposed removing several inches of the existing surface of the football field and replacing it with a permeable material. It has been determined that the supply well to the irrigation systems has been compromised and contains PFAS. The contaminated soil is to be relocated to multiple areas within the site. N. Guidi said that the plan has been revised as requested by the Commissioners on the site walk and the catch basins have been identified within the buffer zones.

L. Hurley stated that the Commissioners had also requested that erosion controls be shown on the revised plan. He asked if the new field would be watered with the existing water supply. J. Robichaud said that they have been trucking in outside water and properly storing it. He is hoping to have an infiltration system installed.

P. Morrison asked why the soil is being relocated rather than being properly disposed of. N. Guidi said disposing of the material off-site is extremely costly for such a low level of contamination. P. Morrison questioned the distance from the boundary lines to the relocation of the deposited soil and the impact on grade. N. Guidi identified the areas and the boundary lines and said that the surface would be raised 2”-3” next to the school building.

A. Hamilton requested clarification on the red dots shown on the plan. N. Guidi said that the testing areas were carried over from the previous RDA and is irrelevant to what is being requested. A. Hamilton questioned if there should be a concern with relocating the contaminated soil closer to the vicinity of the school building. N. Guidi explained that they are abiding by the Mass Contingency Plan and the areas determined have been analyzed for risks or hazards that may be imposed on students at play.

B. Easom questioned the mechanism set in place to protect the resource area from the unstable deposited soil containing PFAS. He said that the proposed siltation sacks in the storm drains would be insufficient with the amount of exposed soil. N. Guidi said that the curbing in the parking lot would act as a barrier and the main focus is to protect the catch basins that are distributed throughout the parking lot and the pipes to the various storm water basins. Melissa Coady said that the soil would be seeded and suggested laying a thin layer of straw to prevent the soil from eroding.

O. Lathrop questioned how the soil would be prevented from entering the drain that is adjacent to the field that is going to be excavated. N. Guidi commented that they are trying to avoid utilizing straw wattles due to the challenges of disposal. J. Robichaud said that is not noted on the plan; however, excavation would halt 6-8 feet from the track's edge. O. Lathrop requested that siltation sacks be installed in the drains. He then questioned the clearance from the top of the curb to the deposited soil and noted if the soil is above the curbing then there is risk that the soil would be constantly washed off. M. Coady suggested installing a straw wattle against the curbing until the area is vegetated and stable

E. McHugh asked if there would be capping of the soil and when the project would commence. N. Guidi said that the PFAS concentration levels are low enough and would not require capping. J. Robichaud said he intends to commence the project this month and the field would not be utilized until the following year.

P. Morrison questioned if the reasoning for the project is to rectify the drainage or to resolve the PFAS issue. J. Robichaud said that 10-15 years ago when the fields were originally installed the wrong materials were utilized and it has significantly impacted the quality of the playing field.

Upon a motion by B. Easom, seconded by J. Smigelski, it was: Voted to issue a Negative 3 Determination under the conditions: 1. Excavation is to remain 3 feet from the drainage along the track. 2. Siltation sacks or other protective measures are to be provided in the drainage structure. 3. Straw is to be spread on the material being deposited near the school building. 4. Straw wattles are to be installed around the restored areas.

**The motion passed unanimously. 7-0**

**6:40 PM – NOI (cont.) (MassDEP#169-1257), Nate Nutting Road, for the construction of a wildlife nesting site.**

**Applicant: Fox Meadow Realty Trust**

The applicant requested for continuance to the next scheduled meeting.

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to continue the hearing to the next scheduled meeting on July 25, 2023. **The motion passed unanimously. 7-0**

**6:55 PM – EXT of OOC MassDEP#169-1138 “Vegetation Management at Baddacook Pond”**

Jim Luening, member of the Great Ponds Advisory Committee was present and said that the Committee has been conducting harvesting for the last 6 years at Baddacook Pond and it has been very successful. He requested that the order of conditions be extended for an additional 3 years.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to extend MassDEP#169-1138 for a period of three years. **The motion passed unanimously. 7-0**

**7:05 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**

The applicant provided a letter granting the Conservation Commission permission to access the site to apply for certification of the wetland as a vernal pool.

Upon a motion by J. Smigelski, seconded by P. Morrison, it was: Voted to close the public hearing. **The motion passed unanimously. 7-0**

**7:05 PM – NOI (cont.) (MassDEP#169-1256), 28 Ridgewood Road, for the upgrade of an existing sewage disposal system.**

**Applicant: Barbara Ruskin, Representative: Attorney Bob Collins**

Upon a motion by B. Easom, seconded by J. Smigelski, it was: Voted to close the public hearing.  **The motion passed unanimously. 7-0**

**7:05 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**

The applicant requested for a continuance to the next scheduled meeting.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was: Voted to continue the hearing to the next scheduled meeting on July 25, 2023.  **The motion passed unanimously. 7-0**

**7:10 PM – NOI (cont.) (MassDEP#169-1259), 65 Rawding Road, for the demolition and replacement of an existing residential dwelling and boathouse.**

**Applicant: Alan Fletcher, Representative: Bruce Ringwall**

B. Ringwall presented on behalf of his client Alan Fletcher. He said a revised plan had been submitted with a number of changes. The proposed patio area and walkways would be composed of permeable pavers and add 866 square feet of pervious area. The existing dwelling is remaining 85 square feet less than the existing foot print and would be rotated and moved three additional feet away from the resource area. The enlarged area is to be vegetated and would provide adequate infiltration. Native plants and perennials are to be utilized throughout the site. The proposed expansion of the driveway would also be constructed of permeable pavers. B. Ringwall said that the impervious surfaces including walkways, walls, and patios, pre-development total 1,351 square feet and post development total 416 square feet, resulting in a -935 square foot net change. The roofed area provides an additional -135 square foot net gain. B. Ringwall said that the plan for the boathouse and the surrounding area has changed significantly. The proposed cantilever deck, garage, and the existing concrete fire pit and walkway are to be eliminated. Stepping stones would replace the existing walkway and would establish a pathway from units one and two. The 9 trees previously proposed for removal would be left untouched. There is a cluster of unhealthy and damaged oak trees that would require removal.

B. Ringwall commented that a previous engineer had conducted a base survey and after performing an extensive amount of measuring he noted that his own company GPR had erroneously measured two areas. He said the mistake resulted in a net negative of 2,000 square feet of impervious area that is being eliminated.

A. Hamilton was pleased with the revised plan and questioned what would be planted in the vegetated areas. B. Ringwall said that the slope in the vicinity of the fire pit would be graded in and planted with shrubs that require a limited amount of sunlight. Underneath the deck a native ground cover is proposed. To the far side of the house a planter containing native plants and some pollinator perennials would be installed. B. Ringwall said the applicant has no intention of adding lawn to the entire site.

B. Easom commented on the compromised structure and foundation of the boathouse and the risk being imposed on the resource area. He commended the applicant for trying to adequately infiltrate the soil and for the amount of mitigation being proposed. He believes that the proposal will be beneficial and recommended that crushed stone be laid underneath the decks instead of a ground cover.

O. Lathrop agreed with B. Easom and requested that a condition be written to include that only native plants are to be planted within 50 feet of the resource area. He said that he was concerned about the proposed deck on the boathouse and questioned if there is any opportunity to add additional mitigation. B. Ringwall reiterated that the concrete areas identified are being eliminated and replaced with permeable pavers. The total area is larger than the 12’x28’ deck being proposed. He also said that there are invasive species that are parallel to the entire dock that would be removed. All nonnative plants would be replaced with native plants and the planters are to be open and allow for recharge. B. Ringwall said that the roof plan on the boathouse is to be reconstructed and hipped to four points instead of coming to an eve. This would allow for more distribution of runoff water and be redirected into the permeable pavers and the vegetated areas.

L. Hurley asked for the representative to discuss the retaining walls closest to the resource area. B. Ringwall identified the existing retaining walls that are crumbling into the lake. He said that the debris would be removed from the water and the walls would be reconstructed utilizing blocks.

E. McHugh requested that an additional planting plan be submitted along with the specifications on the permeable pavers. She then questioned if a curtain would be installed. B. Ringwall said that a portadam would be unnecessary if the work is conducted in the fall when the water is drawn down and the proper erosion controls are installed.

B. Ringwall said that the project is planned to be conducted in two phases. He suggested that when the applicant is ready to plant that a list be submitted at that time. E. McHugh requested for the planting plan to be submitted at the next meeting.

A. Hamilton advised the applicant and representative to explore the website of the Native Plant Trust which runs Garden of the Woods in Framingham. She said that the website is very resourceful in determining appropriate native plants.

Upon a motion by B. Easom, seconded by L. Hurley, it was: Voted to continue the hearing to the next scheduled meeting on July 25, 2023. **The motion passed unanimously. 7-0**

**2. GENERAL BUSINESS\***

Permitting

OOC, 28 Ridgewood Road, MassDEP#169-1256

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to issue the Order of Conditions for 28 Ridgewood Road, MassDEP#169-1256. **The motion passed unanimously. 7-0**

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 28 Ridgewood Road, MassDEP#169-1256.

The Conservation Commission agreed to strike #6 and #11.

**The motion passed unanimously. 7-0**

OOC, Sand Hill Road & Common Street, MassDEP#169-1258

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to issue the Order of Conditions for Sand Hill Road & Common Street, MassDEP#169-1258. **The motion passed unanimously. 7-0**

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 Sand Hill Road & Common Street, MassDEP#169-1258.

The Conservation Commission revised the language written for condition #11 under Perpetuity.

B. Easom requested that a condition be added stating the following, for a period of 3 years the Commission, its agent, or representatives are to be allowed to enter the property in order to apply for certification as a vernal pool, for the resource area located on the property with the permission of the owner. The permission of the owner of the property will not be unreasonably withheld.

J. Smigelski recommended that the letter provided by the applicant be referenced in the condition.

A. Hamilton suggested revising the statement to include granting permission to conduct surveys that are required to certify the vernal pool.

B. Easom revised the condition to state, for a period of 3 years the Commission, its agent, or representatives are to be allowed to enter the property in order to conduct surveys for the purposes of certifying the wetland on the property as a vernal pool per the letter dated June 28, 2023.

**The motion passed unanimously. 7-0**

OOC, 357 Farmers Row, MassDEP#169-\_\_\_\_

No permitting was conducted.

Land Management & Acquisition

Recap/final discuss FY23 LAND Grant

N. Gualco received confirmation from DCS that all the requirements have been met and that the reimbursement for the land grant is expected to be received in the middle of August. N. Gualco said he would be conversing with Ann Gagnon in regards to the Fish and Game parcels. He said that a template has been provided on one of the conservation restrictions and the Commission may want to consider a process of reviewing them. Paul Funch will be proposing rerouting the main trail to access the parking area at the Casella Preserve at one of the upcoming meetings.

B. Easom said there was a request at the CPC meeting to ensure that it is clearly marked on how to access the main trail from the parking lot at the Casella Preserve. He also said that he is responsible for submitting the CP3 forms which list all the Conservation projects that have been funded by the CPC and he would like the assistance of the Conservation Administrator on compiling a list.

B. Easom questioned when the fields should be mowed and said that a turtle sweep needs to be conducted on the Baddacook parcel. N. Gualco recommended discussing the Shattuck Homestead tonight and revisiting all other land management at the next meeting. J. Smigelski said he is available to mow the Shattuck property this Saturday. O. Lathrop said he would try to gather volunteers to conduct a turtle sweep prior to the mowing.

O. Lathrop updated that there is still Knotweed and Black Swallow-Wort present on the Shattuck Homestead. He said that the area would be mowed first and then treated along the edges. An area of Knotweed that was previously treated on Nod Road would be sprayed again. O. Lathrop updated that the sign has been submitted for the Bixby Conservation Area.

General Discussions/Announcements

Resume discussion of the proposed 40B Development, Heritage Landing

A. Hamilton updated that she is in the process of writing the requested letter.

Annual re-ordering of Commission Chair, Vice-Chair, and Clerk positions.

Upon a motion by L. Hurley, seconded by A. Hamilton, it was: Voted to nominate Eileen McHugh as Chair of the Conservation Commission for a one year term.

**The motion passed unanimously. 7-0**

Upon a motion by P. Morrison, seconded by J. Smigelski, it was: Voted to nominate Larry Hurley as Vice Chair of the Conservation Commission for a one year term.

**The motion passed unanimously. 7-0**

Upon a motion by L. Hurley, seconded by P. Morrison, it was: Voted to nominate John Smigelski as Clerk of the Conservation Commission for a one year term.

**The motion passed unanimously. 7-0**

Committee Updates

B. Easom said he would be serving on the Community Preservation Committee for an additional year and would need to be reappointed to the Williams Barn Committee and the Earth Removal Stormwater Advisory Committee.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was: Voted to reappoint Bruce Easom to the Williams Barn Committee and the Earth Removal Stormwater Advisory Committee for a one year term.

**The motion passed unanimously. 7-0**

B. Easom said that the CPC is in the process of establishing a schedule for applications to be submitted for the FY2025 CPC funding. He commented that the Conservation Commission has been very successful in being awarded funding and should start to consider an amount to request.

L. Hurley said that the Sargisson Beach Committee would be meeting on Thursday, July 13th. The beach has been closed to the public due to excessive dumping. N. Gualco said that he would be meeting with the detective assigned to the case tomorrow and hopes to install security cameras for additional monitoring.

Approve Meeting Minutes

 There were no minutes available for the Commission to review and approve.

Invoices

Upon a motion by L. Hurley, seconded by P. Morrison, it was: Voted to approve and pay the invoice from the Groton Herald in the amount of $63.25. **The motion passed unanimously. 7-0**

Upon a motion by L. Hurley, seconded by B. Easom, it was: Voted to approve and pay the invoice from the Town Council in the amount of $922.49. **The motion passed unanimously. 7-0**

**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**

 **8:38pm**

Upon a motion by B. Easom, 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, AH, JS, PM, LH, EM) 7-0**

**Minutes Approved: August 8, 2023**