

**TOWN OF GROTON**

**Conservation Commission**

173 Main St

Groton, MA 01450

(978)448-1106

Fax: 978-448-1113

conservation@grotonma.gov

**Conservation Commission Meeting Minutes**

#### Tuesday, July 25, 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, Olin Lathrop, Peter Morrison, Alison Hamilton

**Absent:** John Smigelski, Clerk

## 

**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, 116 Shelters Road, for tree removal.**

**Applicant: Paul Markham**

Paul Markham was present proposing to remove five trees that had been damaged or that are leaning in close proximity to the dwelling and the guest house.

L. Hurley recommended that a crane be utilized when removing the trees.

P. Morrison asked when the work would be conducted. P. Markham said that he intends on having the work commence next week.

O. Lathrop requested that the applicant agree to revegetate the area with native plants. After reviewing the previous filings over time the amount of natural landscape has decreased. P. Markham said that he would be hiring a landscaper.

E. McHugh agreed with O. Lathrop, and said that a requirement should be enforced to revegetate the land with shrubs or other ground covers.

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to issue a Negative 3 Determination under the conditions: 1. A Crane is to be utilized when removing the trees. 2. Native plants are to be planted to revegetate the site. **The motion passed unanimously. 6-0**

**6:35 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, and James Basile, GPR**

James Basile was present on behalf of his client and provided the requested revisions from the previous hearing. The specifications on the Andover 551 permeable pavers was included along with the planting plan that identifies 32 shrubs and 208 perennials/ground covers. J. Basile informed the Conservation Commission that the native plantings would be dependent on the availability at the local nursery at the time of planting.

A. Hamilton requested clarification on the planting list and the dimensions provided. J. Basile reiterated that the plant and size listed on the plan is what they intend on planting; however the final product would be determined by availability.

B. Easom questioned the note that states that, “the geotextile is optional on top of the subgrade” in regards to the installation of the permeable pavers. J. Basile said that this site particularly is composed of loam and a sandy base which does not require a geotextile; typically the top of the subbase requires a geotextile to provide separation of materials. B. Easom commented that utilizing the geotextile separator would provide an advantage and would prevent fines from entering the subbase.

O. Lathrop recommended that only native plants be planted within the 50 foot buffer zone.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to close the public hearing. **The motion passed unanimously. 6-0**

**6:40 PM – NOI (cont.) (MassDEP#169-1260), 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**

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to close the public hearing. **The motion passed unanimously. 6-0**

**6:41 PM – NOI (cont.) (MassDEP#169-1257), Nate Nutting Road, for the construction of a wildlife nesting site.**

**Applicant: Fox Meadow Realty; Representative: Attorney Robert Collins, Stan Dillis, Dillis & Roy Civil Design Group**

Attorney Bob Collins was present on behalf of his client. He informed the Conservation Commission that the permit was received by the Earth Removal Stormwater Advisory Committee.

B. Easom questioned the proposed fabric turtle barrier. B. Collins said that the barrier would be removed once the construction of the site is complete.

O. Lathrop was unsupportive of the project due to the proposed damage to the resource area.

A. Hamilton asked when the work was going to be conducted. B. Collins said that the applicant is intending on commencing the project in the fall. A. Hamilton commented that the nesting sites are looking degraded and questioned if there would be signs installed to ensure proper protection. S. Dillis said that signs would be installed around the entire perimeter of the site. B. Collins said that he has been concerned with the site being remote and pristine and recommended that that the Commission includes a condition requiring a “No Trespassing” sign be posted off of Nate Nutting Road. He said that when the conservation restriction was approved there was a stipulation that stated all trails had to be approved both by the Conservation Commission and Natural Heritage. The established road is to access and manage the wildlife nesting site only. A. Hamilton suggested installing a chain across the entrance to prohibit any foot traffic.

N. Gualco said that prohibiting the public from the site may be outside of the Conservation Commissions jurisdiction and suggested receiving permission from Mass Audubon.

E. McHugh asked if the constructed road would be removed after the site is complete and who would be responsible for maintaining the area. B. Collins said that the access road needs to remain to ensure that routine maintenance can be conducted. Dave Moulton would be responsible for funding the escrow agreement. B. Collins said he has been conversing with Mass Audubon in regard to maintaining the site and is recommending that the Conservation Commission become the escrow agent.

O. Lathrop commented that the Conservation Commission is the holder of the conservation restriction and it is within the Commission's rights to install signage.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to close the public hearing. **The motion passed unanimously. 6-0**

**7:00 PM – Discussion with Paul Funch on proposed trails at the Casella Preserve (Parcel 227-117) and Priest Family/Martins Pond Conservation Areas (Parcels 224-15.1 & 18)**

Paul Funch, Chair of the Trails Committee was present for the discussion and said that a new access to the existing trail had to be flagged due to the installation of the parking lot on the Casella Preserve. He described the 3 mile trail network and having to reroute a few portions of the existing trails to provide a drier route. There is also a request to install a bridge over standing water. He recommended clearing trees and minimizing maintenance. There is no signage required.

O. Lathrop commented that he noticed the trailhead is located to the left of the parking lot and the trail wraps around in a way that the public potentially would cut across the woods. He recommended that there be a significant amount of slash laid down to prevent that from occurring.

L. Hurley commented that the marsh parcel is privately owned and is being utilized by the public. He questioned if the homeowners have provided permission. P. Funch said that the homeowners are okay with the public utilizing the trail.

A. Hamilton asked if the purple trails had been marked. P. Funch said yes all three trails were flagged.

B. Easom asked if the homeowners have provided documentation granting permission for the public to access their private property. P. Funch said no, if the property owners at any point were to object that a closure sign would be posted. He said that the Trails Committee is unauthorized to mark a trail on private property and it cannot be included on the Town's trails map.

Mark McGrath, Groton Conservation Trust Member said that the conservation restriction has not been recorded. He said that a group of Trustees walked the trails on Monday and agreed that the trail network is a great addition and the formal approval would be voted on at their next meeting.

P. Funch said that the Martins Pond parcel has been marked and the conditions have significantly been impacted by the 4-5 inches of rain. Prior to the precipitation the drainage channel was damp and well defined and now the water has swollen and flooded the surrounding area. He said with the loss of the ability to access the Brooks Orchard the public could no longer travel from the Williams Barn area to the vicinity of Gibbet Hill. By recently acquiring the Priest Family Conservation Area it has opened the opportunity to allow for the public to connect to Martins Pond Road; however the road is very narrow and can be dangerous for pedestrian traffic. He proposed an off road trail to provide a safer route for pedestrians.

M. McGrath said that the Trustees walked the trail and observed an extensive amount of poison ivy. He said anything north of the McClatchy driveway is in the resource area and would be very difficult to maintain and construct without hardening the surface. He said that it would be a struggle for the Conservation Trust to approve the trail.

L. Hurley said that people do not adhere to the speed limit on Martins Pond Road. He agreed that the trail on the opposite side of the road would be very difficult to be built due to it being in the resource area.

P. Morrison said that the visibility when exiting the driveway in that vicinity is very poor and recommended a trail closer to the bank.

A. Hamilton said that she resides on Martins Pond Road and is very uncomfortable with establishing a trail that needs to cross the roadway. Increasing the amount of foot traffic would be very dangerous.

B. Easom suggested applying for a Recreational Trails Grant to construct a boardwalk for the portion of the trail that would be in the resource area. M. McGrath said he would suggest the idea at the next Conservation Trust meeting. P. Funch questioned the impact on the resource area from installing a boardwalk and what steps and permitting would be required.

O. Lathrop recommended that the proposed trail to the left of the Mclatchy property be tabled until a later date. He suggested the following items be further explored prior to approving the trail: 1. The trail shown on the map should be rerouted straight along the road and then spur off towards the point closer to the pond, 2. The wetland should be delineated, and 3. Determine the extension of public right away into the Mclatchy parcel.

N. Gualco agreed that acquiring the property is beneficial to connecting the properties. He suggested that the soils be delineated.

E. McHugh would like to see pedestrian signs posted and speed bumps installed to slow vehicles down.

L. Hurley questioned who would be responsible for funding a survey if necessary.

P. Morrison commented that the Town of Ayer had to remove the speed bumps that were installed due to some vehicles being incapable of clearing them. He recommended that M. McGrath further discuss the suggestion of installing a boardwalk with the rest of the Trustees to see what their position is. M. McGrath said that the Trust has experience in utilizing helical piles for crossing over resource areas and receiving approval from Natural Heritage.

O. Lathrop said at a previous trails conference they were satisfied with the boardwalk that the Town of Acton installed on helical piles. P. Funch suggested installing the bridge closer to the road next to the guard rail.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was: Voted to authorize the Trails Committee to build the trail from the Mclatchy property to the east as shown on the plan.

M. McGrath said that the channel has swollen and there needs to be delineation of the resource area.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was: Voted to authorize the Trails Committee to build a trail commencing at the wide drainage channel to the east as shown on the plan.  **The motion passed unanimously. 6-0**

Upon a motion by O. Lathrop, seconded by A. Hamilton, it was: Voted to authorize the Trails Committee to build the trail network shown on the plan for the Casella Preserve. **The motion passed unanimously. 6-0**

**2. GENERAL BUSINESS**

**Permitting**

**COC, 60 Orchard Lane, MassDEP#169-1207**

B. Easom recused himself from the permitting.

N. Gualco said that B. Easom informed him that there is a requirement within the Order of Conditions that a 3 acre portion of the property must obtain a conservation easement. The homeowner has been notified and said he would be contacting his attorney to address the issue later this week. N. Gualco recommended that the Conservation Commission not issue the certificate of compliance until the requirement has been met. L. Hurley commented that the plastic netting around the straw wattles needs to be removed and the applicant has agreed to dispose of it.

**Emergency Certificate, MassDCR Rail Trail (south of Smith Street)**

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to ratify an Emergency Certificate of Compliance for MassDCR Rail Trail (south of Smith Street), MassDEP#169-1250.  **The motion passed unanimously. 6-0**

**COC, 31 Kemp Street, MassDEP#169-1244**

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to issue a Certificate of Compliance for 31 Kemp Street, MassDEP#169-1244.  **The motion passed unanimously. 6-0**

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

The Conservation Commission reviewed the work that was conducted at the site and observed an area of land that was unstabilized at the end of the block retaining wall. The Conservation Administrator said he would contact the applicant and inform them that the land needs to be stabilized prior to the issuance of the certificate of compliance. The applicant may provide evidence if the property is outside of the boundary lines.

**OOC, 357 Farmers Row, MassDEP#169-1260**

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to issue the Order of Conditions for 357 Farmers Row, MassDEP#169-1260. **The motion passed unanimously. 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 357 Farmers Row, MassDEP#169-1260. **The motion passed unanimously. 6-0**

**OOC, 65 Rawding Road, MassDEP#169-1259**

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to issue the Order of Conditions for 65 Rawding Road, MassDEP#169-1259. **The motion passed unanimously. 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 65 Rawding Road, MassDEP#169-1259. **The motion passed unanimously. 6-0**

**Land Management & Acquisition**

**Discuss Mowing Schedule for 2023**

N. Gualco provided the list of properties that the Conservation Commission maintains and displayed the annual mowing schedule along with the restrictions that need to be adhered to. Eliades Conservation area will require mowing after September 15th. Ames Meadow, Knowles Siding, and O’Neil Way are ready to be mowed. N. Gualco said that the Priest Family Conservation Area does not have an actual management plan from Natural Heritage and there is only a management grant. Natural Heritage has restricted mechanized vehicles between April 15th and October 31st. N. Gaulco suggested submitting a management plan to Natural Heritage.

B. Easom said that mowing in November can be very cold and would be in favor of reaching out to Natural Heritage to change the restrictions. He said he would start with Ames Meadow and Knowles Siding and then will continue onto Eliades after the restricted date.

E. McHugh commented that the Trails Committee had offered to mow a trail up to the top of the Priest Family Conservation Area and was not able to with the imposed restrictions. She requested that the mowing of the trail be included in the management plan being submitted to Natural Heritage.

**Discuss moving Fitch-Best Conservation Area sign**

O. Lathrop said that the sign was installed erroneously in the middle of the entrance of the conservation area. Citizens have reached out and volunteered to relocate the sign to the left of the entrance.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was: Voted to grant permission to the volunteers to relocate the Fitch-Best Conservation Area sign away from the entrance. **The motion passed unanimously. 6-0**

**General Discussions/Announcements**

**Bancroft Castle preservation**

N. Gualco said that Aubrey Theall, Chair of the Groton Historical Commission had written an email in regards to preserving the remains of the Bancroft Castle utilizing CPC funding. He asked if the Conservation Commission had any issues with the proposed preservation as they are joint holders of the conservation restriction.

Upon a motion P. Morrison, seconded by L. Hurley, it was: Voted to support the preservation of the Bancroft Castle.  **The motion passed unanimously. 6-0**

**Bertozzi Conservation Area-Update on recent water quality**

N. Gualco said that Michelle Collette had provided the Conservation Commission with results of the water quality testing performed at the Bertozzi Conservation Area and initially the E. Coli was 10x the threshold. A second round conducted in July resulted in >2419.6cfu/100 ml. M. Colette posted a sign in July notifying the public of the health risk. The area is frequently used for swimming, however is unidentified as a Town Beach. B. Easom recommended that Water PCR testing be conducted and that the testing commence at the Groton/Townsend line to identify the source of the issue. He agreed to pay for 10 weeks of water quality assurance. A. Hamilton said that the river is also used for other recreations and that proper signage should be posted with language including safety concerns.

**Committee Updates**

L. Hurley updated that the Sargisson Beach is now open to the public and four cameras have been installed. If the Park Ranger observes any violations that have occurred the police will be notified and they can obtain access to the recorded footage.

B. Easom informed the Commission that the CPC has decided the schedule for the 2 page application deadline and the feedback. He said that he would provide the schedule to the Conservation Administrator.

O. Lathrop said that the sign has been submitted to the Sign Committee for approval on the Bixby Conservation Area and they would be meeting next Monday. A citizen has informed the Committee that the sign located at the Meadowbrook Conservation Area has fallen down and he would be rectifying the issue. He said that the post has been received for the Martin’s Pond sign and should be installed next week. The Invasive Species Committee attempted to treat Surrenden Farm and the Campbell Well site however; the areas were flooded and will have to be revisited. O. Lathrop said that the volunteers conducted a turtle sweep prior to the mowing at the Shattuck Homestead.

E. McHugh updated that the Stewardship Committee met with Phil Francesco in regards to establishing a pollinator corridor and that they are exploring both sunny and shaded areas for potential places. Two 10th graders attended the meeting who are interested in utilizing one of the Town trails for dirt biking. O. Lathrop informed them that dirt bike riding is authorized near Integrity Way. E. McHugh said that the students were also told to reach out to the Parks Commission. A DEI meeting with the Nipmuck Committee occurred and the subgroup that was formed has been renamed to the Native Peoples Recognition Group. There is still interest in the Shattuck Property however, other alternative locations are being explored. E. McHugh said that she would be attending the Master Planning Sessions later this week.

L. Hurley said that the Weed Harvester Committee would be installing the weed harvester in the Baddacook Pond this Thursday to conduct testing.

A. Hamilton said that she and O. Lathrop attended the Squannacook River Regional Stewardship Charrette. She said that working groups were established to further turtle monitoring sites and invasive species. She is hoping for a positive outcome.

**Approve Meeting Minutes**

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

**Invoices**

Upon a motion by A. Hamilton, seconded by O. Lathrop, it was: Voted to approve and pay the invoice from MassCor in the amount of $110.96. **The motion passed unanimously. 6-0**

**3. Open Session for topics not reasonably anticipated 48 hours in advance of meeting\***

**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.”**

Unnecessary

**5. Adjournment**

**8:37 PM**

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to adjourn the meeting. **The motion passed unanimously. 6-0**

**Minutes Approved: August 8, 2023**