**TOWN OF GROTON**

**Conservation Commission**

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### **Groton Conservation Commission**

### **Meeting Minutes**

#### Tuesday, August 22, 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, Olin Lathrop, Peter Morrison, Alison Hamilton

**Absent:** John Smigelski, Clerk

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

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

**1. APPOINTMENTS AND HEARINGS\***

**6:30 PM – Discussion with Gregg Ganley on requested use of the Eliades Conservation Area.**

Gregg Ganley, resident ofPacer Way proposed mowing a path connecting from Pacer Way across conservation land to his property at 440 Old Ayer Road to ensure a safer egress for vehicles turning back onto Old Ayer Road after stopping to purchase produce from his farm stand. The path would be utilized for pedestrians only.

O. Lathrop questioned if the existing path observed in the photograph could be utilized instead of establishing a new path. G. Ganley confirmed that the proposed path is the existing path and had resulted in the installation of a well. O. Lathrop said he was satisfied with the proposed plan as long as the path does not become muddy. He suggested removing the invasive species along the roadside.

L. Hurley agreed that the invasive vegetation should be removed to easily view the farm stand. G. Ganley confirmed that more than half of the invasive species would be removed.

E. McHugh recommended that homeowner return to the Conservation Commission in three years to revisit the request for utilizing the Conservation Area.

Upon a motion by P. Morrison, seconded by L. Hurley it was: Voted to grant permission for the homeowner of 68 Pacer Way to mow a 4’x20’ path from Pacer Way to his property to 440 Old Ayer Road for the use of pedestrians only. The authorization will be revisited in three years. **The motion passed unanimously. 5-0**

**6:40 PM – RDA, 48 West Main Street, for the replacement of a septic system. Applicant: Carolyn Bissell**

Jack Maloney of Dillis & Roy Civil Design Group was present on behalf of his client proposing to replace an existing septic system with a Presby System in the exact footprint. He described the site to be very limited and had no alternative locations for an upgraded system.

L. Hurley questioned if the 40 mil barrier would remain in place. J. Maloney said yes, it runs between the house and the septic system due to the fieldstone foundation and the restrictions of the site.

A. Hamilton requested that a planting plan be submitted. J. Maloney said that the planting plan was submitted and identifies seeding and replacement of disturbed plants.

B. Easom asked if the Board of Health has approved the waivers being requested. J. Maloney said that his client is waiting to meet with the Board of Health to request the appropriate waivers.

O. Lathrop said that there is erosion occurring on the side of the driveway that needs to be addressed. J. Maloney proposed installing 4”minus riprap.

E. McHugh requested a condition be included in the determination stating that the erosion is to be reduced and recommended adding a shallow trench to prevent vehicles from parking side by side and encroaching on the gravel. J. Maloney suggested installing boulders to act as a barrier.

P. Morrison requested clarification on the application submitted. J. Maloney confirmed that there was a typo in the Town specified on the application.

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to issue a Negative 3 Determination under the conditions: 1. Work is to be completed as shown on the plan submitted. 2. A boulder will be placed at the end of the existing driveway. 3. 4” minus gravel will be placed in the eroded area along the driveway. **The motion passed unanimously. 6-0**

**7:00 PM – Discussion with Paul Funch on a proposal to relocate a trail on the Harrison Ripley Forest.**

Paul Funch requested that the Conservation Commission approve two trails marked on the displayed map in yellow and red. He said that both trails would be located on Town owned property except for a small portion at the end of the red trail that crosses onto the Black Family’s property. He said proper permission would be required prior to constructing the trails. The existing trail that heads towards the power lines is private land and has been well utilized. P. Funch said that Mass Wildlife has recommended that the two proposed trails are existing prior to them becoming the holders of the Conservation Restriction on the Harrison Ripley Forest.

B. Easom asked if the conservation land was too wet to avoid Bennet Black's property. P. Funch confirmed the area is very wet and would require an extensive bridge. B. Easom suggested allowing rights for passage onto the conservation land to ensure that it is written into the Conservation Restriction.

A. Hamilton questioned the amount of private property that the Trails Committee is proposing to utilize. P. Funch said approximately 1 acre.

P. Morrison asked if the Trails Committee is authorized to mark future trails to ensure that it is noted in the Conservation Restriction. P. Funch confirmed that necessary actions can be taken.

L. Hurley agreed with P. Morrison, and said that the trail should be drawn on the Town Trail Map for future reference. He was also supportive of approaching B. Black for a formal approval of utilizing the land.

O. Lathrop commented that the Black Family has been accepting of the public utilizing their land thus far however, a future owner potentially could deny access. He then suggested rerouting the middle of the red trail to allow people to head towards the water and eliminating the yellow trail. He believed that Fish and Game would be unfavorable of a spur trail. P. Funch assured that the spur trail would not be heavily utilized.

E. McHugh commented on the power lines in the vicinity of the suggested trail by O. Lathrop, and believed that the majority of people would avoid traveling too close to the power lines. She recommended that the Commission receive written authorization from the Black Family.

B. Easom asked if an offer had been made to the landowners to acquire the land. O. Lathrop said that the homeowners would like to remain in possession.

O. Lathrop agreed to converse with the property owners and request a trail easement.

P. Funch asked if written approval from the landowners could be requested prior to commencing the construction of the trails.

The Commission agreed that the request for the establishment of the trails would need voted on separately.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to approve the plan submitted by the Trails Committee for the trail marked in red.  **The motion passed unanimously. 6-0**

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to approve the plan submitted by the Trails Committee for the trail marked in yellow. **The motion passed. O. Lathrop- Nay 5-1**

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to approve the trail proceeding from the end of the trail marked in red on conservation land that intersects the trail marked in purple on conservation land.  **The motion passed. E. McHugh-Nay, A. Hamilton-Nay 4-2**

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to appoint Olin Lathrop to negotiate with the Black Family for a trail easement from the end of the red trail on conservation land to the point intersecting the purple trail on conservation land. (Parcel 244-25)  **The motion passed unanimously. 6-0**

O. Lathrop asked if the Commission would consider offering the landowners a monetary value for the trail easement. The Commission agreed to address the question in executive session.

P. Funch informed the Commission that the sign for the McLain’s Woods Conservation Area has been damaged and needs to be replaced. O. Lathrop said that the supply for sign materials has been depleted and needs to be replenished.

Upon a motion by P. Morrison, second by L. Hurley, it was: Voted to authorize the Conservation Administrator to purchase a 4’x8’ sign material with an amount not to exceed $1,500.  **The motion passed unanimously. 6-0**

P. Funch informed the Commission that the Martins Pond Conservation Area sign would be installed tomorrow.

**2. GENERAL BUSINESS\***

**Permitting**

None

**Land Management & Acquisition**

B. Easom said that he mowed Whistle Post Lane and 80% of Ames Meadow due to the land being too wet. He said that he intends on mowing the Eliades Conservation area by Smith Street and then questioned if he should attend to O’Neil Way. N. Gualco said he would reach out to J. Smigelski to see if he needs any assistance.

O. Lathrop said he attended the Groton Housing Authority meeting and the Board was under the impression that the Conservation Commission could acquire land and then resell a portion to them. He explained that Article 97 contains restrictions inhibiting that process. He said it was further discussed that the Housing Authority would be required to purchase the land and then subdivide it and resell a parcel to the Conservation Commission. L. Hurley questioned why the Housing Authority wanted to form a partnership. O. Lathrop said it was potentially due to the balance of the Conservation Commissions funding and the fact that land acquired for conservation is generally less expensive than land desired for housing. The Commission briefly discussed forming a partnership to acquire land as one entity and agreed that it would be best to get advise from the Town Counsel.

O. Lathrop said that the proposed 40B development by the Gratuity Brook has been refiled and that the bordering land subject to flooding is still a concern and needs to be monitored. N. Gualco said that a subdivision has been proposed.

O. Lathrop said that the Invasive Species Committee would be conducting treatment for Knotweed located at Surrendon Farm and the Campbell Well Site. There would be minimal follow up treatment needed on the Phragmites located at both Eliades and Priest Hill Conservation Areas. O. Lathrop also said at the end of Hayden Road there is knotweed that continues to require maintenance.

O. Lathrop updated that the Trails Committee has acquired the materials for installing both the Martins Pond and Bixby Hill Conservation Area signs.

O. Lathrop informed the Commission that someone dumped a pile of tires on the Casella Preserve parking area. Paul Funch said that the tires were recovered from the conservation land. N. Gualco said that John Ellenberger has agreed to dispose of the tires at the transfer station.

Upon a motion by O. Lathrop, seconded by A. Hamilton it was: Voted to authorize the Conservation Administrator to expend up to $100 to dispose of the tires found on the Casella Preserve. **The motion passed unanimously. 6-0**

**General Discussions/Announcements**

**Discuss having virtual meetings until a new Conservation Administrator is hired.**

E. McHugh said that Katie Berry is willing to assist the Conservation Commission in the interim, however, would be unavailable to attend the meetings. Takashi Tada recommended that the Commission meet remotely for any upcoming meetings. The Commission agreed to meet virtually for the next four meetings unless an administrator is hired.

**Review on-going Commission general business**

N. Gualco compiled a list of ongoing items to easily be referred to by the Conservation Commissioners and the new Administrator. He said in the interim Katie Berry has been informed on filings and postings and has been advised to reach out to Takashi Tada or the Commissioners if necessary. O. Lathrop commented that there are missing Conservation Restrictions on older acquired properties that were not followed through on. E. McHugh recommended that the Commission compile a list of unresolved issues that were not included in N. Gualco’s list and input them onto a google document to later be addressed. A. Hamilton suggested creating a folder. E. McHugh said that she would contact K. Berry and request that a new folder is added and the link is forwarded to all the Commissioners.

A. Hamilton questioned the status of the letter that was drafted for the noncompliant work conducted at 808 Martins Pond Road. N. Gualco said he had sent out the letter and it included a deadline for the landowner to follow up. A. Hamilton then asked if there is a system set in place for unresolved issues on privately owned properties. N. Gualco said that there are files on each case, however, the data is unorganized and hopes that the Commissioners encourage the new administrator to implement a better system on enforcements and violations. He said that the number of resources is insufficient to routinely checkup on each homeowner.

**Committee Updates**

B. Easom said that the Earth Removal and Stormwater Committee would be meeting with the developer of The Village at Shepley Hill in regards to exploring engineering solutions on the eroding hillside on September 5th.

B. Easom updated that the CPC would release the instructions for filling out the 2-page application for CPC funding on September 1st. He said he would be willing to fill out the Conservation Commission’s application.

E. McHugh said that the Native Peoples Recognition Group met last week and they are no longer exploring a cultural easement and would be looking into a user agreement to avoid Article 97 issues. She said that Lisa Murray was appointed as the new Chair for the Stewardship Committee.

**Approve Meeting Minutes**

Upon a motion by L. Hurley, seconded by P. Morrison, it was: Voted to approve the meeting minutes for August 8, 2023 as amended. **The motion passed unanimously. 5-0**

**Invoices**

Upon a motion by L. Hurley, seconded by P. Morrison, it was: Voted to reimburse Bruce Easom $113.43 for fuel charges. **The motion passed. B. Easom Abstain. 5-1-0**

Upon a motion by L. Hurley, seconded by P. Morrison, it was: Voted to approve and pay the invoice from Great Road Farm and Garden in the amount of $160.72. **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 Town Council in the amount of $1,602.50. **The motion passed unanimously. 6-0**

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

**4. (If needed) 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**

 **8:02pm**

Upon a motion by P. Morrison, seconded by B. Easom, 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, PM, LH, EM) 6-0**

**Minutes Approved: \_\_\_9/26/2023\_\_\_\_\_\_\_\_\_\_\_\_**

**Minutes Released: \_\_\_9/28/2023\_\_\_\_\_\_\_\_\_\_\_\_**