

**TOWN OF GROTON**

**Conservation Commission**

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### **Conservation Commission Meeting**

#### Tuesday, September 12, 2023 at 6:30 PM

#### Virtual Meeting – Zoom

Webinar ID: [88310761786](https://us02web.zoom.us/j/88310761786)

#### 

## **Present:** Eileen McHugh, Chair; Larry Hurley, Vice Chair; Olin Lathrop, Peter Morrison,Bruce Easom, Alison Hamilton

**Others Present:** John Smigelski, Clerk;

**Eileen McHugh called the meeting to order at 6:40pm.**

**1. APPOINTMENTS AND HEARINGS**

**6:30 PM – RDA, 4 Alder Road, for the re-construction of a patio retaining wall.**

Applicant: Bonnie Stackpole

The applicant was not in attendance for the commencement of the hearing. E. McHugh provided a brief overview of the proposal to install a cement block retaining wall that is to be constructed directly in front of the existing failing stone wall, closer to the resource area.

L. Hurley commented that the applicant is requesting to install a cinder block foundation in front of the existing stone wall. The cinder blocks would be supported by poured concrete and rebar which then would tie into the existing retaining wall and capped off. He said that the proposed process is typically not performed near a resource area. L. Hurley said that the existing cap overhangs the stone wall 3 or 4 inches and by denying the request the supporting slab on grade would be required to be removed and would significantly disturb both the structure and the resource area. L. Hurley recommended that the retaining wall be constructed of 4” or 6” cinder blocks if approved.

O. Lathrop expressed concern for the flood level and questioned if installing a retaining wall closer to the resource area would reduce the flood storage. He also commented that stacking cinder blocks in front of the retaining wall would not prevent the existing wall from crumbling.

P. Morrison said that the proposed wall is to be identical in height and does not pose an impact on the lake. There would be a greater risk of destroying the existing wall and compromising the integrity of the deck.

B. Easom recommended that the proposed retaining wall be constructed in the identical footprint as the existing wall and be reconstructed in sections to prevent any structural failures.

E. McHugh understood the applicant's hardship, however ultimately agreed with B. Easom and the idea that the replacement wall should not encroach on the resource area. She asked the Commission if an RDA is an appropriate filing or if an NOI should be considered.

B. Easom recommended that the applicant file for a NOI to ensure that proper erosion controls are installed and the work is performed during the appropriate time of year.

L. Hurley informed the Commission that if the wall were to be extended the water level can be controlled. He said that Ron Hersch, President of the Groton Lakes Association has the ability to remove sections of the dam to make the proper adjustments to the water level to ensure that the flood level is not impacted. Currently the water remains 3 feet from the existing retaining wall.

Bonnie Stackpole joined the hearing and was provided a summary of the comments made by the Commissioners. She agreed to continue the hearing to the next scheduled meeting.

Upon a motion by B. Easom, seconded by L. Hurley, it was: Voted to continue the public hearing to the next scheduled meeting on September 26, 2023 at 7:00pm. **The motion passed by a roll call vote (Yes: OL, LH, BE, AH, EM/ No: PM) 5-1**

**6:40 PM – 0 Whitney Pond Road, discussion of tree removal special conditions.**

Applicant: Bryan Krol

Bryan Krol, homeowner, reminded the Conservation Commission that he had been issued a Negative 3 Determination under certain conditions to remove four rotting trees. He said that New England Tree Masters has informed him that the site is too congested and would not allow for a crane to be utilized. The company said the work would be conducted manually by an employee climbing the trees and removing them section by section.

The Committee was satisfied with the tree removal process provided by New England Tree Masters.

Julie Aucoin, resident of Whitney Pond Road, expressed that she has no issues with the removal of the trees as long as she is notified in advance when the work is going to be conducted and that the eroding ledge is stabilized by vegetation. E. McHugh said that the Conservation Commission would follow up on the required conditions noted in the original determination on August 8, 2023.

Upon a motion by L. Hurley, seconded by P. Morrison it was: Voted to allow the applicant of 0 Whitney Pond Road to remove the four trees without a crane provided that he: 1. Maintains safety to the adjacent properties, 2. Provides the Conservation Administrator with adequate time to notify the abutters when the work is to be conducted, and 3. All debris from the removal of the trees is to be removed from the buffer zone. **The motion passed by a roll call vote. (Yes: OL, LH, BE, AH, PM, EM) 6-0**

**6:50 PM – 92 Common St, field change**

Applicant: Jeanne Nutt, Representative: Frank McPartlan, Dillis & Roy Civil Design Group

Frank McPartlan of Dillis & Roy Civil Design Group was present on behalf of his client proposing to extend the existing paved driveway an additional 380 square feet. 45 square feet is proposed within the 100-foot buffer zone. F. McPartlan said that the revised plan has been approved by the Earth Removal Stormwater Advisory Committee.

B. Easom requested that conservation markers be installed to prevent encroachment on the resource area. The Commission was in agreement that the original plan was to be revised and include conservation markers installed every 50 feet prior to approving the minor change to the driveway.

The representative was informed to email the interim Conservation Administrator to be added to the next agenda.

**2. GENERAL BUSINESS\***

Permitting

E. McHugh said that Takashi Tada submitted an emergency certification form for the aftermath of the significant rainfall that impacted the Nashua River Rail Trail. The DCR is requesting to commence work tomorrow.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to ratify the emergency certificate for the Nashua River Rail Trail at Groton School Pond. **The motion passed by a roll call vote. (Yes: AH, LH, OL, PM, BE, EM) 6-0**

COC, MassDEP#169-1228, 119 Tavern Road

The Conservation Commission agreed to not issue a Certificate of Compliance until a stamped plan by an engineer is submitted as noted in the Order of Conditions.

**Land Management & Acquisition**

O. Lathrop said that the Town Council requested that the Conservation Commission authorize a member to sign the final documents for the closing on the Reedy Meadow Parcel, tentatively scheduled on October 11th, 2023. He said that the attorney would also be contacting Eileen McHugh to sign the Purchase and Sale.

Upon a motion by B. Easom, seconded by A. Hamilton, it was: Voted to authorize Eileen McHugh and or Olin Lathrop to sign documents at the closing of accessor’s parcel 230-31 (Reedy Meadow) on behalf of the Conservation Commission. **The motion passed by a roll call vote. (Yes: AH, LH, PM, OL, BE, EM) 6-0**

B. Easom said that he mowed the Eliades Conservation area by Smith Street and that he has not heard a response from J. Smigelski in regards to mowing O’Neil Way. He said that he would mow the field if it has not been managed.

B. Easom was notified that the Priest Family Conservation Area can be mowed after October 15th.

O. Lathrop informed the Commission that he did not converse with the Black Family in regards to acquiring a trail easement.

O. Lathrop said that Russell Harris, Executive Editor of the Groton Herald published a message he had sent to the TalkAboutGoton email list to seek the public's opinions on the Conservation signs that were recently installed. He said that a second message pertaining to the details of costs was disregarded. P. Morrison asked if composite posts were researched and said that they are less susceptible to water damage and deterioration. O. Lathrop said plastic posts and their costs were not explored. E. McHugh was displeased with the article written and felt that the Conservation Commission was being overstepped and that the topic was still under discussion. The Committee was in agreement that they possess the final determination on what materials are to be utilized. O. Lathrop said that he was not representing the Commission when he composed the letter and reiterated that he was genuinely asking for the public's opinion.

**General Discussions/Announcements**

Cow Pond Site Information

E. McHugh said that Anna Eliot submitted two concept plans to be reviewed.

Duck Pond Water Sampling

E. McHugh displayed the results of the water samples provided by Anna Eliot. L. Hurley informed the Commission that the Great Pond Advisory Committee would be meeting and discussing the results at a later date.

**Committee Updates**

B. Easom informed the Commission that the instructions for the Community Preservation 2-page Application would be available by the end of the month and he intends on filling out the application for the Conservation Commission.

B. Easom confirmed that Frank McPartlan of Dillis & Roy Civil Design Group provided accurate information and that the Earth Removal Stormwater Advisory Committee had approved the driveway extension for 92 Common Street contingent on the Conservation Commission's approval. He also said that there is some concern for slumped soil in the vicinity of Sandy Pond Road and the Committee is closely monitoring the situation.

O. Lathrop said that the Invasive Species Committee would be treating Knotweed located at Surrenden Farm and the Campbell Well site this weekend.

Approve Meeting Minutes

O. Lathrop agreed to make the appropriate corrections to the meeting minutes of August 22, 2023 and return with the revisions for the next scheduled meeting.

Invoices

Upon a motion by L. Hurley, seconded by B. Easom, it was: Voted to approve and pay the invoice from Hunts Photo & Video in the amount of $75.00. **The motion passed by a roll call vote. (Yes: LH, OL, PM, BE, AH, EM) 6-0**

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to approve and pay the invoice from Regional Restrooms in the amount of $176.00 for portable restrooms located at Sargisson Beach. **The motion passed by a roll call vote. (Yes: OL, PM, BE, AH, EH) Larry Hurley recused from voting. 5-0**

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to approve and pay the invoice from Lowell Sun Publishing Group in the amount of $250.00. **The motion passed by a roll call vote. (Yes: BE, AH, OL, PM, LH, EM) 6-0**

Upon a motion by L. Hurley, seconded by B. Easom, it was: Voted to approve and pay the invoice from Great Road Farm and Garden in the amount of $160.72. **The motion passed by a roll call vote. (Yes: AH, BE, OL, LH, PM, EM) 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.**”

Unnecessary.

**5. Adjournment**

**8:18pm**

Upon a motion by P. Morrison, seconded by B. Easom, it was: Voted to adjourn the public meeting. **The motion passed by a roll call vote. (Yes: LH, OL, PM, BE, AH, EM) 6-0**

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