

###   **Conservation Commission Meeting**

#### Tuesday, September 26, 2023 at 7:00 PM

#### Victual Meeting – Zoom

Webinar ID:  **896 0333 5997**

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

**Absent:**

**Others Present:**

**Eileen McHugh called the meeting to order at 7:09pm.**

**1. APPOINTMENTS AND HEARINGS**

**7:00 PM – RDA, 171 Wharton Row, tree removal discussion.**

Applicant Eric Prechtl

E. Prechtl was present proposing to remove 15 leaning trees that pose significant danger to his dwelling and family members. The trees have been flagged and identified.

P. Morrison suggested marking the trees both higher up on the trunk and near the base to ensure that the correct trees are removed.

B. Easom asked the applicant for permission to observe the marked trees. E. Prechtl authorized B. Easom to access his property the following day.

O. Lathrop recommended that a condition be added to the determination stating that only White Pine Trees are to be removed. He also encouraged the applicant to leave 15 foot snags to provide a wildlife habitat.

Upon a motion by L. Hurley, seconded by B. Easom, it was: Voted to issue a Negative 3 Determination under the conditions: 1. Conservation member Bruce Easom is authorized to observe and approve the marked trees prior to any work being conducted. 2. Only White Pine Trees are to be removed. **The motion passed by a roll call vote (Yes: LH, JS, PM, AH, BE, OL, EM) 7-0**

**7:10 PM- RDA, Lots 1& 2 Nashua Rd, construct 2 driveways and remove trees.**

Applicant: Nashoba Homes Development; Representative: Grey Roy Dillis & Roy Civil Design Group

Greg Roy was present on behalf of his clients, Nashoba Homes Development proposing two plans of alterations within the Conservation jurisdiction. He said that the ANR plan for two single family homes was endorsed by the Planning Board. Lot 2 contains approximately 1,800 square feet within the 200-foot riverfront area and minimal grading is proposed to construct a driveway. The runoff would be directed opposite of the perennial stream. G. Roy said that there is a total of 37,000 square feet of riverfront area and the alterations proposed are well below the 10% threshold. On Lot 1 they are proposing 3,500 square feet of disturbance for the installation of a driveway. The resource area is fairly isolated being located across Nashua Road. A MESA application has been filed with Natural Heritage due to the land being part of a priority habitat and a no take action has been received conditional upon a turtle protection plan.

E. McHugh notified the Commission that Mia McDonald, Circuit Rider/Environmentalist Analyst from MassDEP recommended that the project be reviewed under a Notice of Intent. G. Roy said that an RDA was filed due to the minor impact proposed to the resource areas and adhering to the riverfront restrictions.

P. Morrison commented that the resource areas would not be impacted with the proposed drainage and the site being separated by a roadway.

A. Hamilton commented on the reasoning for the recommended filing of a NOI and questioned if a recent ANRAD had been conducted. G. Roy confirmed that an ANRAD was not filed, however the level of delineation associated with an NOI or ANRAD was performed. He said that both the boundaries were located near the perianal stream and the limits of the bordering vegetated wetland on the Conservation portion and the westerly side of Nashua Road. G. Roy said that he received the email from Mia McDonald and noted that there were two factors for their recommendation. One was to allow for the review of the resource areas and two; the work being proposed is within a priority habitat. He confirmed that both factors have been considered and the proper process has been achieved within the RDA filing. A. Hamilton asked if the vegetation surveys had been submitted. P. Morrison verified that the delineation flags were seen on site.

B. Easom asked for insight on what the Circuit Rider was referring to when she stated that this development may be a part of a larger residential development. G. Roy said that the applicant is exploring a residential subdivision on Wyman Road north of the site. It is a separate parcel of land and lots 1 & 2 would not be subject to stormwater management, however a stormwater management system has been designed along with calculations. The findings were filed with the Earth Removal Stormwater Advisory Committee and they are scheduled to meet next week. B. Easom then asked what species of vegetation would be replanted in the green areas located along Nashua Road. G. Roy said that any disturbed area would be loamed and seeded and that the applicant is open to planting a variety of native plantings.

O. Lathrop and L. Hurley were both satisfied with the RDA filing. O. Lathrop requested that a planting plan be submitted utilizing native plants.

E. McHugh noted that there were no further additional specifications for the revegetation to the disturbed areas. She suggested that the Conservation Commission wait for the approval of the Earth Removal Stormwater Advisory Committee prior to proceeding. P. Morrison said that it is not ideal for the Commission to wait on other Committees and recommended that a condition be included stating that a planting plan is to be submitted. B. Easom said that the applicant is on the agenda for October 3, 2023.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to issue a Negative 3 Determination under the conditions: 1.The applicant must present a planting plan of native species only to the Conservation Administrator for their review and approval. **The motion passed by a roll call vote. (Yes: JS, PM, OL, LH/ NAY: AH, BE, EM) 4-3**

**7:30 PM – RDA, 4 Alder Rd, continued for the re-construction of a patio retaining wall**

Applicant: Bonnie Stackpole

Bonnie Stackpole was present proposing to encase the failing rock retaining wall that provides support for the foundation of the deck and patio area.

P. Morrison questioned what the retaining wall would be composed of. B. Stackpole said that the wall would be composed of cinder block and rebar and then filled with cement mixed by hand. P. Morrison commented that a poured cement wall would be more efficient.

A. Hamilton expressed concern that the wall is encroaching on the resource area and that the Commission is generally reluctant to allow that from occurring. She then asked if the new wall would be constructed flush to the existing top overhang. B. Stackpole answered yes and said that there is no other way to remove the wall and there would be a significant disruption to the structures above. A. Hamilton questioned how the lake would be protected. B. Stackpole said that the deck is going to be removed and tarps would be placed on top of the ground.

B. Easom recommended that the existing wall be removed and replaced section by section to prevent incremental creep.

O. Lathrop was also concerned with building the wall closer to the resource area. He requested that proper erosion controls be identified on the plan and installed when the lake is drawn down.

L. Hurley commented that the process of removing the existing wall piece by piece would increase the risk of debris falling into the resource area. He said he would be satisfied with the installation of a block wall however, there needs to be a substantial footing. He recommended that proposed cinder blocks be as close in size to the existing cap, this would alleviate the concerns for encroachment.

J. Smiglesk commented that he was concerned with installing a wall in front of the existing wall and asked what would retain the dirt beneath the wooden deck from eroding into the lake. B. Stackpole said that there is a wooden wall at the water's edge.

E. McHugh commented that this is an extensive job that requires proper engineering and planning. She said she would be satisfied with a minor repair and that the wall could be stabilized until proper remediation can be conducted.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to issue a Positive 1 Determination. **The motion passed by a roll call vote (Yes: PM, AH, BE, OL, LH, JS, EM) 7-0**

The Commission determined that the information provided was insufficient and that the applicant would need to file a Notice of Intent if they would like to proceed and construct a new retaining wall.

O. Lathrop clarified that the determination is not just the matter of filing a different form. The applicant would need to return with a descriptive engineered plan. It was also noted that if the applicant installs the fallen rocks into the exact location that they had fallen out from there is no need to return to the Conservation Commission.

**7:40 PM - 92 Common St, field change**

Applicant: Tim Svarczkof

The applicant informed the Commission that the straw wattles and the silt fence have been removed.

E. McHugh provided a brief overview of the previous hearing and said that the Commission had requested that a plan be submitted locating the conservation markers prior to approving the minor field changes. She said that plan still has not been received from Dillis & Roy Civil Design Group. The applicant was told to contact the engineer to submit the requested documents.

**7:50 PM – Presentation by Ron Hersch of the Groton Lakes Association on the treatment of aquatic vegetation Lost Lake/Knops Pond.**

Ron Hersch, president of the Groton Lake Association, updated the Commission that the weather conditions of this past summer contributed to the lake's water quality. Knops Pond and Lost Lake were treated with sonar in the beginning of the summer and the treatment had been diluted. There were no negative effects observed downstream and the weeds were controlled as they had been in the past. Near the end of the season there was a significant amount of Bladderwort observed and that raised concerns for boaters and jet skiers. Bladderwort is generally controlled by an herbicide however; the Association was advised to hold off until spring to provide a sufficient treatment. R. Hersch said the lakes would be drawn down commencing October 15th. He also noted that there has been coordination with the Department of Public Works with the high water levels and usage restrictions have been enforced by the Harbor Master.

L. Hurley informed the Commission that Dave Jones had removed all buoys from the lakes.

R. Hersch briefly discussed the watershed on Knops Pond/ Lost Lake and said it is about 14 times the size of the lake and when it rains there is a significant amount of runoff produced. He said that the runoff is the primary source of the Phosphates and Nitrogen found in the water and those high levels impact the growth of the weeds within the lakes. The Great Ponds Advisory Committee and Groton Lake Association had received a grant to fund further identification of those sources and projects for remediation. They are expecting to apply for a second grant in October and would be meeting with Tom Delaney and Mark Haddad to make the submission for additional remediation. R. Hersch said he is hoping for a letter of support from the Conservation Commission when applicable.

**2. GENERAL BUSINESS\***

 Permitting

 28 Mountain Lakes Trail discussions

Charles Byrne updated the Commission that two trees had fallen since the approved RDA and have since been removed. The silt fence still has not been addressed. He said he was present to discuss the proposed design of the site including the construction of a single family dwelling, installation of patios, a driveway, and vegetation. He is also seeking to restore the shoreline to prevent erosion. B. Easom requested definitive plans, and a plot plan that identifies the dimensions of the footprint of the demolished dwelling. He also asked which trees are to be removed. C. Byrnes said he would like to leave as many trees as possible and said that approximately 11 trees would need to be removed. O. Lathrop explained the 50 and 100 foot buffer zones and said that the existing footprint should have been pinned prior to demolition and that the land should be left in a more natural state. L. Hurley agreed that the dwelling needs to remain in the existing footprint and that the 50 foot buffer zone is over constructed. There is evidence that a stone wall existed and fell into the lake. He said that a natural stone is unnecessary as long as the wall remains in the identical location. P. Morrison suggested that the stone wall be repaired utilizing larger stones to break the reflection of the waves. He also said that there is room for mitigation if the homeowner were to remove the existing pavement. A. Hamilton commented on the substantial amount of structure between the dwelling and the lake. She recommended that the roof be sloped and that the proposed vegetated area become more natural to provide adequate infiltration. E. McHugh requested that the majority of the vegetation planted be native plants. J. Smigelski recommended that the driveway also be reduced in size. C. Byrnes said that he has removed the cesspool and intends on removing the existing pavement. He then informed the Commission that the prior owners were granted permission to construct a larger footprint in 2007. The Commission requested that the homeowner submit the original copy for review prior to making any comments. C. Byrne said that he would be utilizing structural steel and concrete to construct the dwelling and would ensure that the structure fits appropriately into the surrounding area. L. Hurley suggested that the homeowner speak with the Building Department.

COC, MassDEP#169-1228, 119 Tavern Road, discussion with Frank Massarelli

The Commission was reminded that at the previous hearing a Certificate of Compliance was not issued due to not receiving a stamped survey plan from an engineer. Frank Massarelli was present and said that he originally spoke with the Conservation Administrator who had authorized him to design the project himself and that the drawing submitted was satisfactory being in scale and providing the proper elevations. The Commission briefly discussed the predicament that was set before them. The Order of Conditions states that a stamped survey from an engineer is required to ensure sufficiency, however, the Conservation Administrator had collaborated with the applicant and originally never requested for a certified plan. The applicant is experienced and provided the Commission with the required measurements. E. McHugh expressed that in this situation that there were mistakes on all parts and hoped that a new agent would ensure that the appropriate measures are taken.

Upon a motion by P. Morrison, seconded by L. Hurley it was Voted to issue a Certificate of Compliance for 119 Tavern Road, MassDEP#169-1228. **The motion passed by a roll call vote. (Yes: LH, JS, PM, AH, EM/ NAY: OL, BE) 5-2**

1. **Hamilton excused herself from the meeting at 9:06pm.**

Emergency Certification- Groton Place

Bob Pine and Richard Muehlke were present for the discussion. B. Pine informed the Commission that two items were omitted from the initial application. He said that the material that had washed down gradient would be recovered and dragged back to its existing location and a silt fence would be installed. He proposed reconstructing the embankment stronger than before by utilizing higher quality materials and laying down crushed stone along the foundation. The grade would be altered 2-3 inches near the bridge and to the right of the bridge the grade would be reduced to provide a safer route for the water and reduce the threat to the actual bridge. Bennett Black is expected to commence the work next week.

L. Hurley was satisfied with the proposed plan. He asked what would occur with the large logs seen in the photograph. B. Pine said that the logs would not be replaced and that there are no alternative plans.

B. Easom questioned if there is a mechanism to prevent erosion to the down hillside of the spillway. B. Pine described the spillway area as a wide wooded area with numerous roots. The reconstructed area would proceed across the embankment and down the slope where there is a very minimal chance of erosion. He said to strengthen that side it would require extensive disturbance. B. Easom commented on the strategy to control the water velocity and the proposed process would be a great solution for a spillway however, in the event of a flood it would not protect against erosion. B. Pine said by moving the spillway further from the bridge it provides an adequate area for overflow.

O. Lathrop asked why the washed out material needs to be brought back up stream. B. Pine said that there is a large amount of materials that were displaced, he does not intend on disturbing any vegetation in the process. L. Hurley confirmed that there was a substantial mound of dirt in the channel that was displaced approximately 10 feet down gradient and would only require a simple removal process.

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to ratify the emergency certification for Groton Place. **The motion passed by a roll call vote. (OL, LH, JS, PM, BE, EM) 6-0**

Land Management & Acquisition

Review of Hayes Woods Deed

O. Lathrop agreed to review the deed on behalf of the Commission.

O. Lathrop informed the Commission that he would be conversing with Takashi Tada on transferring funds into the escrow account for the Reedy Meadow parcel. George Marsh said he was looking forward to finalizing the paperwork and that he would ensure that all his siblings sign the appropriate documents and have them notarized prior to October 10th. He asked that the Conservation Commission be responsible for returning the documents to Attorney Spencer Holland.

General Discussions/Announcements

E. McHugh informed the Commission that the Select Board has scheduled a public hearing on October 2, 2023 to discuss accepting the roads for the Academy Hill subdivision. She said that she spoke with Takashi Tada regarding outstanding issues. He said that he is drafting a letter to the Planning Board and requested that the Conservation Commission submit a formal motion to ensure that the Planning Board is aware of any unresolved issues. B. Easom said that he would reach out to Nikolas Gualco to see if he would be willing to assist in identifying those items.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was: Voted to authorize Bruce Easom to respond to the Planning Board regarding outstanding issues that they should be aware of prior to accepting the roads for the Academy Hill. **The Motion passed by a roll call. (Yes: JS, PM, BE, OL, LH, EM) 6-0**

E. McHugh informed the Commission that an email was received from Peter Cunningham stating that the Council on Aging is assembling a working group to explore passive recreational uses for the area of the preexisting Squannacook Sportsmen’s Club. They are seeking a member from the Conservation Commission to join their group and are meeting on Thursday, September 28th to conduct a site walk.

E. McHugh said that an email was received from Dan Emerson who had been approached by Dennis Spiczka who informed him that the neighborhood children were riding their dirt bikes in the fields that are under conservation restriction. He questioned who is responsible for enforcing the restrictions. The Commission agreed that the new Conservation Administrator would take the responsibility of speaking with the parents.

E. McHugh said an email was received from Andrew Bentley of the New England Forestry Foundation. He had enclosed the report for the Conservation Restriction on the West Throne Hill property off of Rockwood Lane. He is aware of Nikolas Gualco’s departure from the Groton Conservation Department and requested that he be updated with new contact information. The Commission agreed that the new Conservation Administrator would address the email at a later date.

Committee Updates

O. Lathrop said that the Invasive Species Committee treated the Knotweed on Surrendon Farm and the Campbell Well site. They also cleaned up the end of Hayden Road and observed significant improvement at the Shattuck Homestead. The Committee is in the process of working in the vicinity of the boat launch on Nod Road and would be treating Phragmites this weekend.

O. Lathrop said that he spoke with Bennett Black in regards to acquiring a trail easement to allow for a trail to be built through Harrison S. Ripley Forest. B. Black requested that O. Lathrop draft a formal letter and said he would review it and provide the proper authorization.

L. Hurley said that the Sargisson Beach Committee would be removing the docks and that a member from the Groton Lakes Association has already pulled the buoys from the lakes and they would be properly stored away. He said that the Great Pond Advisory Committee held a meeting to discuss the erosion at the bridge on Island Road. The steel beams are also failing and the Town is aware of the issues and is currently exploring solutions.

J. Smigelski said that the Conservation Commission has an extended invite to attend the Westford Sportsmen’s Club open house this Saturday, September 30, 2023 from 12:00pm-4:00pm.

B. Easom informed the Commission that the Community Preservation Committee has finalized their budget for FY 2025. There is approximately 1.1 million dollars in funding available. He said that he is unsure how much would be utilized for paying down the middle school track debt.

Approve Meeting Minutes

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to approve the meeting minutes for August 22, 2023 as amended. **The motion passed by a roll call vote. (Yes: LH, PM, BE, OL, EM) JS-Abstain 5-1-0**

Upon a motion by L. Hurley, seconded by B. Easom, it was: Voted to approve the meeting minutes for September 12, 2023 as amended. **The motion passed by a roll call vote. (Yes: LH, PM, OL, BE, EM) JS- Abstain 5-1-0**

Invoices

Upon a motion by P. Morrison, seconded by L. Hurley, it was: Voted to approve and pay the invoice from The Groton Herald in the amount of $100.00. **The motion passed by a roll call vote. (Yes: LH, PM, BE, JS, OL, EM) 6-0**

Upon a motion by B. Easom, seconded by P. Morrison, it was: Voted to approve and pay the invoice from Mirick O'Connell in the amount of $3,690.21. **The motion passed by a roll call vote. (Yes: PM, JS, BE, OL, JS, EM) 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**

 **9:50pm**

Upon a motion by P. Morrison, seconded by L. Hurley, 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: JS, OL, BE, LH, PM, EM) 6-0**

**Approved: \_ November 14th, 2023\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**