### C:\Documents and Settings\bganem.TOG\Local Settings\Temporary Internet Files\Content.Word\GCC_Logo_600dpi.jpgTown Seal **Conservation Commission Meeting**

#### Tuesday, January 23, 2024 at 6:30 PM

#### Town Hall: Second Floor Meeting Room, 173 Main St Groton, MA

**OPTION TO JOIN REMOTELY**

## **Present:** Eileen McHugh, Chair; Larry Hurley, Vice Chair; John Smigelski, Clerk; Bruce Easom, Olin Lathrop, Alison Hamilton (Via Zoom)

## 

**Absent:** Peter Morrison

**Others Present:** Charlotte Steeves, Conservation Administrator

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

**1. APPOINTMENTS AND HEARINGS**

**6:30 PM- Request for ORAD Extension: 63 Gratuity Rd**

Representative: Desheng Wang, Creative Land and Water Engineering

Desheng Wang, from Creative Land and Water Engineering attended the meeting, seeking a three-year extension of the Order of Resource Area Delineation (ORAD). The extension is crucial to finalize the design and permitting processes, the current ORAD is scheduled to expire on February 16, 2024.

B. Easom suggested that the Commission conduct a site walk to thoroughly assess the current conditions of the wetland.

O. Lathrop was supportive of granting the extension however, recommended only extending the ORAD for an additional six months to observe the dry season and make a more informed determination.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was: Voted to extend the Order of Resource Area Delineation for 63 Gratuity Road until September 16, 2024. **The motion passed by a roll call vote. (Yes: LH, JS, BE, OL, AH, EM) 6-0**

**6:45 PM- Notice of Intent: 31 Maplewood Ave**

Applicant: Gregory Young

The homeowner was present proposing to replace the current deck with a safer structure. The proposed deck is slightly larger in all dimensions while maintaining a consistent 12-foot width on both the south and west facing sides of the dwelling.

B. Easom pointed out that the proposed deck partially encroaches into the no-touch 50-foot buffer zone. He requested that the proposed deck be constructed identically in size to the existing deck.

O. Lathrop agreed with B. Easom, citing the bylaws, and requested documentation comparing the previous decking to the proposed deck, along with the delineation of the 50-foot buffer zone. He expressed willingness to consider providing more space within the 100-foot buffer zone if the 50-foot buffer zone remained untouched.

A. Hamilton requested accurate square footage calculations for both the existing and the proposed areas within the 100-foot and 50-foot buffer zones.

L. Hurley estimated the square footage in the 50-foot buffer zone as approximately 25 square feet and recommended the use of helical piles to stabilize the new deck.

J. Smigelski expressed satisfaction with the deck being constructed above ground level.

E. McHugh agreed that the proposed area within the 50-foot buffer zone is minimal, and the application of gravel underneath the decking would be adequate to prevent erosion.

The Conservation Commission requested that the applicant resubmit a copy of the engineer's plan including details of the existing deck, dimensions of the proposed deck, and a clear delineation of the 50-foot buffer zone. The use of dashes and color to differentiate the existing deck was recommended for clarity.

Upon a motion by B. Easom, seconded by J. Smigelski, it was: Voted to continue the public hearing until the next scheduled meeting on February 13, 2024. **The motion passed by a roll call vote. (Yes: BE, OL, JS, AH, LH, EM) 6-0**

**7:10 PM- Request for Determination of Applicability: 209 Whiley Rd**

Applicant: Paul Gron

Paul Gron was present proposing to remove three hazardous trees and a damaged branch in close proximity to his dwelling. He outlined a plan to manually climb the trees and utilize pulleys for the removal process.

The Commissioners were satisfied with the proposed plan.

Upon a motion by B. Easom, seconded by J. Smigelski, it was: Voted to issue a Negative 3 Determination. **The motion passed by a roll call vote. (Yes: OL, AH, LH, JS, BE, EM) 6-0**

**2. GENERAL BUSINESS**

General Updates from Administrator

Whitney Pond Stockpiling Issue

C. Steeves informed the Commission about issues reported by the homeowner of 25 Whitney Pond Road, involving snow being piled with debris and a change in grading causing new runoff problems.

Bryan Krol, the homeowner, was present expressing concerns about an excessive amount of earth removal during the last snowstorm, snow being piled near his camper, and new channeling in the driveway causing runoff towards the resource area. B. Krol requested permission to redeposit dirt to correct the pitch of the driveway and install straw wattles. He perceived these actions of his neighbors as intentionally malicious and, in response, he advocated for the issuance of an enforcement order.

The Commission expressed uncertainty about being involved with disputing neighbors.

L. Hurley clarified that he had plowed the driveway and pushed the snow into two separate piles, and noted that the runoff issues could potentially be caused by the heavy rain storm that occurred just after the first snow storm.

E. McHugh said that Tom Delaney, Director of Public Works, had been notified of the ongoing runoff issues however, has not addressed the problem. The retention basin at the top of the driveway is inadequate to capture the volume of runoff water that is being generated.

B. Easom recommended a site walk to assess whether there have been any alterations to the topography and to evaluate potential impacts on the resource area prior to forming any opinions.

O. Lathrop said that the location of the stockpiled snow would not cause the observed channeling issues.

The Commission stated that the Town should address the street runoff and erosion issues and assured B. Krol that T. Delaney would be re-engaged. They provided permission to install hay bales however, prohibited redepositing soil prior to a site visit which is to be scheduled in February.

B. Krol granted the Conservation Commission permission to access to his property.

Committee Updates

Westford Sportsmen’s Club Conservation Restriction

J. Smigelski informed the Commission that he, along with C. Steeves would be meeting with the Sportsmen’s Club next week. O. Lathrop confirmed that Conservation Restriction was satisfactory and emphasized that it explicitly allows for fire roads. The Conservation Commission has no authority to disagree with the provision. J. Smigelski received instructions to ignore addressing any inquiries raised during the previous meeting concerning the fire access road.

General Discussions/Announcements

Williams Barn Restroom Rental

C. Steeves said that there was a request from the Williams Barn Committee, seeking the Conservation Commission's assistance in covering the associated fees (due to limited funding) for a portable restroom from October 2023 to October 2024, amounting to approximately $3,000.

The Commissioners acknowledged that the request falls outside of their budget cycle, and the budget has already been submitted, potentially leaving inadequate funding for their own needs. Questions were raised about the circumstances that lead to the Williams Barn Committee's inability to fund the expense. E. McHugh recommended that the Williams Barn Committee attend the next Conservation meeting for further discussion and resolution.

Upon a motion by O. Lathrop, seconded by J. Smigelski, it was: Voted to not pay the expenses from October 2023 to October 2024 for a portable restroom at the Williams Barn, without further information being provided. **The motion passed by a roll call vote. (YES: JS, OL, AH, EM/ NO: BE,) LH- Abstain 4-1-1**

Land Management & Acquisition

B. Easom inquired about the survey status for the Marsh-Lewis Grove. C. Steeves said that David E. Ross Associates has been hired and they intend on commencing in the spring.

O. Lathrop notified the Commission that the sign material had been ordered; however, C. Steeves clarified that the credit card designated for purchasing the material has a maximum limit of $600. To procede with the $650 purchase an approval from the Town Manager would be required.

C. Steeves informed the Commission that she has not discovered any information regarding the parcel on Fitch's Bridge Road. She mentioned that both she and M. Browning Kamin attempted to locate the State easement to define the limits of work but have been unsuccessful so far. C. Steeves reached out to MassDOT and is currently waiting for a response. B. Easom presented the Property Card, highlighting that the property was acquired on September 30, 1980, through a deed from the Saint Regis Paper Company. J. Smigelski questioned the necessity of naming the property, to which E. McHugh explained that people were dumping debris on the land, and naming it would serve as a way to make them aware that it is conservation land. E. McHugh suggested initiating a shared folder where any information found on the property could be shared among the Commissioners. The parcel would be further discussed at the next meeting.

E. McHugh updated the Commission that the Heritage Landing 40B project on Cow Pond Brook Road has expressed interest in the Commission taking on the Turtle Nesting Area. E. McHugh requested that A. Hamilton collaborate with Deb Collins to assess their proposal and identify any necessary modifications. Deb Collins, a member of the Stewardship Committee, has been gathering information on turtle habitats and their escrow accounts. A. Hamilton agreed to investigate the Commission's obligations through Natural Heritage and evaluate the effectiveness of previous initiatives. E. McHugh mentioned that a Turtle Nesting Presentation is scheduled for the next Stewardship Committee meeting on February 21, 2024 and recommended that A. Hamilton attend the session.

Meeting Minutes

Upon a motion by L. Hurley, seconded by J. Smigelski, it was: Voted to approve the meeting minutes for January 9, 2024 as amended. **The motion passed by a roll call vote. (Yes: JS, BE, OL, LH, EM) AH-Abstain 5-1-0**

Invoices

Upon a motion by L. Hurley, seconded by J. Smigelski, it was: Voted to approve and pay the invoice from the Groton Herald in the amount of $136.25. **The motion passed by a roll call vote. (BE, OL, AH, LH, JS, EM) 6-0**

Upon a motion by L. Hurley, seconded by B. Easom, it was: Voted to approve and pay the invoice from Mirick O'Connell in the amount of $1,002.90, excluding the “strategy regarding water extension issues”, amounting to $67.50 until further confirmed. **The motion passed by a roll call vote. (Yes: OL, AH, LH, JS, BE, 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**

**8:04PM**

Upon a motion by O. Lathrop, 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: LH, JS, BE, OL, AH, EM) 6-0**

**APPROVED ON: FEBRUARY 13TH, 2024**