



Conservation Commission Meeting

Tuesday, February 13, 2024 at 6:30 PM

Virtual Meeting- Zoom

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

Others Present: Charlotte Steeves, Conservation Administrator

Eileen McHugh called the meeting to order at 6:30PM

1. APPOINTMENTS AND HEARINGS

6:30 PM- Continued Public Hearing from 1/23/24: Notice of Intent: 31 Maplewood Ave

Applicant: Shawna & Gregory Young

G. Young submitted a revised plan to the Commission identifying the existing deck, the proposed 12'x42' deck, and the delineation lines of both the 100 foot and 50 foot buffer zones. He also identified a minor disturbance two feet within the 50 foot buffer zone for the installation of a single cemented post.

O. Lathrop commented that the proposed deck encroaches on the 50 foot no touch buffer zone.

L. Hurley recommended reevaluating the framing to ensure that the post can remain outside of the 50-foot buffer zone and suggested using helical piles for support.

E. McHugh agreed with the recommendations and proposed keeping the new structure's square footage similar to that of the existing one.

P. Morrison agreed that the 50 foot buffer zone should remain undisturbed. He also noted that in his view, a cantilever deck does not equate to constructing a permanent structure within the 50-foot buffer zone. He cited the existence of numerous cantilever decks constructed over lakes.

A. Hamilton emphasized that the Conservation Commission conducts thorough discussions prior to approving any cantilever structures over the lakes, and wanted to ensure that residents are aware that such approvals are not always granted.

G. Young sought clarification on whether the post should be completely removed or replaced with a helical pile. After an unofficial vote, 4 out of 7 members of the Commission requested that the proposed post be placed outside of the 50-foot buffer zone.

O. Lathrop advised that the applicants revise the plan to show no disturbances to the 50 foot buffer zone prior to closing the public hearing.

G. Young requested that the Commission conduct a second unofficial vote to determine if a cantilevered deck with a condition of removing the post from the 50-foot buffer zone would be approved. The request passed 5-2.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:
Voted to continue the public hearing to the next scheduled meeting on February 27, 2024.
The motion passed by a roll call vote. (Yes: JS, BE, PM, OL, LH, AH, EM) 7-0

6:45 PM- Request for Certificate of Compliance: Duck Pond Road

Applicant: Bob Anderson

B. Anderson provided a brief outline of the project which is aimed to enhance the aeration of Duck Pond to improve its overall health and the well-being of its wildlife. The project's goal is to reduce nitrification rates, which in turn would help slow down weed production in the pond, and reduce the accumulation of muck. The second phase of the project involves analyzing sediment samples from the past three years to assess organic content. The pond and the wildlife in the area remain healthy. B. Anderson also noted that there has been an increase of open water for recreational activities.

B. Easom clarified that obtaining a Certificate of Compliance and closing the project would necessitate re-filing for any future changes. However, if the project remains open in perpetuity, additional filings for modifications would be unnecessary. B. Easom mentioned an alternative option to request an extension to the Order of Conditions.

O. Lathrop pointed out that the Order of Conditions not only regulates the installation of the aeration devices but also provides permission to aerate the pond. If a Certificate of Compliance is obtained and the project is closed out, the permission to aerate the pond would no longer be valid. Instead of seeking a Certificate of Compliance, it may be more appropriate to consider requesting for an extension. He clarified that there is no provision for perpetuity in the approvals, and applicants must return for extensions. After reviewing the report, O. Lathrop expressed dissatisfaction with the lack of detail in the descriptions and the absence of a control. He noted that there was no mention of the dissolved oxygen content, making it impossible to determine if there have been any improvements. He emphasized a preference for minimizing the human footprint on a resource area.

L. Hurley expressed that he has observed a significant improvement to the pond and believes it would be sensible to request for an extension if there are intentions to continue to aerate the pond.

C. Steeves agreed that if there are any future infrastructure needs, a new filing would be necessary after receiving a Certificate of Compliance. She recommended that the applicant submit a letter to request for an extension.

B. Anderson confirmed their intentions for the pond and stated that he would draft a letter to the Conservation Administrator.

7:10 PM- Eagle Scout Project

Applicant: Colin White

C. White, representing Eagle Scout Troop 13 of Pepperell, requested permission to install two 24" USCP lifebuoys at the Peter Bertozzi Squannacook River bend, one on each side of the river. He proposed mounting the first lifebuoy on a pressure-treated 4x4 post and the second one located across the river mounted on a tree.

E. McHugh informed the applicant that the second proposed lifebuoy is located in Shirley and would require proper approval from the Shirley Conservation Commission.

Mr. White informed the Commission that the Eagle Scout Troop conducts annual cleanups of the area, and his family swims there frequently as do many others. He emphasized the unfortunate occurrence of a drowning that had occurred there and highlighted that having a lifesaving device in that area would be incredibly meaningful.

O. Lathrop suggested that the post be composed of metal to ensure that it does not deteriorate and that it be moved closer to the water's edge. He was opposed to mounting the lifebuoy to a live tree.

L. Hurley agreed with O. Lathrop and commented that a metal anchor would also provide more stability.

J. Smigelski commented that the lifebuoy should be positioned higher up on the post to prevent it from floating downstream in the event of flooding.

The applicant was advised to return to the Commission with alternative mounting options prior to finalizing the plan and submitting a Request for Determination of Applicability (RDA). Additionally, the applicant was instructed to receive permission from the Town of Shirley.

May Brackett, from the Williams Barn Committee, recommended that the applicant include additional signage with CPR instructions, emphasizing the importance of knowing what to do after rescuing a drowning person.

2. GENERAL BUSINESS

General Updates from Administrator

Fitch's Bridge Rd State Easement

C. Steeves shared that MassDot has a 32.5 foot easement extending from the center of the bridge on both sides and that a copy of the survey had been requested. She said that there would be ample room for the proposed planting of vegetation and suggested exploring alternative vegetation options due to the sandy soils. C. Steeves informed the Commission that M. Browning Kamin is on extended leave until August, and Jessica Veysey Powell, will be filling in from the NRWA.

O. Lathrop said after conducting historical research he suggested naming the parcel the Paper Mill Conservation Area. B. Easom suggested including the specific name of the paper mill.

Upon a motion by O. Lathrop, seconded by B. Easom, it was:

Voted to name parcel 216-61 the St. Regis Paper Mill Conservation Area.

The motion passed by a roll call vote. (Yes: LH, AH, JS, BE, PM, OL, EM) 7-0

L. Hurley inquired about the logs located on the parcel. C. Steeves said that she would contact the State and address the logs and the silt fence.

The Commission agreed that a sign composed of plastic should be installed and mounted on two posts to designate the conservation land.

Upon a motion by B. Easom, seconded by L. Hurley, it was:
Voted to authorize Olin Lathrop to have a sign created for the St. Regis Paper Mill Conservation area.

The motion passed by a roll call vote. (Yes: LH, AH, JS, BE, PM, OL, EM) 7-0

Moulton Turtle Construction at Nate Nutting Rd

C. Steeves reported that she has been monitoring the site and confirmed that all preconstruction orders have been followed. Tree clearing has occurred, and debris has been mulched into the landscape. She said that the abutters have expressed concerns about truck access to the site; however, National Grid requires access. All other motorized vehicles will be prohibited.

L. Hurley asked if there are plans to import sand. C. Steeves confirmed that sand would be imported and said that she has consulted Attorney Bob Collins on how they propose to ensure that invasive vegetation is not introduced. She emphasized the desire to maintain the wetland's pristine condition.

E. McHugh inquired about the timeline for importing the sand and requested that information regarding quality control be submitted.

Shepley Hill As-Built

C. Steeves reported receiving the as-built plans to resolve the question if the wall had been widened and eliminated the need for a cantilever sidewalk. After reviewing the plans it showed that the wall had been widened by two feet.

P. Morrison said he was concerned after observing breaches and siltation outside of the detention areas however, acknowledged that all necessary rectifications had been made. E. McHugh clarified at the previous meeting it was decided that the Conservation Commission would not take jurisdiction at this time.

E. McHugh sought clarification on the Commission's stance regarding the widened wall. B. Easom highlighted that the wall had been originally bumped in to fit between the two wetlands however, expressed concern about the flag now being located inside the wall. The as-built plan indicated that the flag is 3.6 feet away from the wall, whereas the proposed plan showed 4 feet. E. McHugh noted that both plans had been stamped by Dillis & Roy Civil Design Group.

The Commission concurred that the changes were not brought to their attention for proper approval. P. Morrison stated that a Certificate of Compliance would remain unauthorized until the necessary changes are made. The Commission requested the applicant's attendance at the next available Conservation meeting.

Committee Updates

B. Easom said that the final applications for the CPC are due and that there were only minor editorial recommended changes. The Conservation Commission's request for \$400,000 should be fulfilled.

Additionally, he mentioned that the Earth Removal Stormwater Advisory Committee is continuing to monitor the current issues around Town.

O. Lathrop informed the Commission about the upcoming annual Groton Conservation Forum on February 15th at 6:30 PM at the Groton Center. Due to the timing, the Commission realized it was too late to post an official meeting. E. McHugh suggested that C. Steeves forward the annual report to O. Lathrop to discuss during the forum. Additionally, O. Lathrop said that he and B. Easom attended two forums held by the NRWA. O. Lathrop said he would provide C. Steeves with booklets that provide landowners options when they are deciding to sell their land.

L. Hurley mentioned that the redecking of the docks is on hold until funding is received.

A. Hamilton inquired about the possibility of renting kayak spots at the Baddacook Nipmuc Area, similar to Sargisson Beach. L. Hurley noted previous issues with renters leaving their kayaks at the end of the year. He said that the previous Conservation Administrator managed the service and suggested discussing the request with C. Steeves.

General Discussions/Announcements

Williams Barn Restroom Rental

May Brackett represented the Williams Barn Committee seeking to collaborate with the Conservation Commission to cover the cost of a porta potty at the Williams Barn from June to December. The committee's low operating budget makes it challenging to afford the \$235 monthly cost, even with a discount. They currently receive \$15 from each vendor at the farmers market, which they plan to increase. M. Brackett noted that funding has been received from the Town and needs to be utilized prior to June 30th.

O. Lathrop proposed that the Williams Barn Committee seek a budget item directly from the Town without involving the Conservation Commission. He emphasized that there may be a need for funding for maintenance of the structure in the future.

A. Hamilton raised a question why the Committee could not seek additional funding from the Town. In response, M. Brackett referred to the mission statement, which specified that the committee should be self-funding. A. Hamilton suggested requesting a porta potty directly for the Williams Barn.

J. Smigelski asked if there are any alternative sources of revenue. M. Brackett said no, and explained that their goal is to offer free agriculture programs to the public.

B. Easom questioned the source of funding for the porta potty at the Sargisson Beach. C. Steeves said that she would investigate the matter further.

P. Morrison inquired about the Williams Barn's policy regarding private events such as weddings or receptions. M. Brackett explained that while there have been discussions about this possibility, the barn is not heated and lacks a water source. She said given its historical significance, preserving the building is a priority.

Paul Funch, member of the Trails Committee, said after a discussion with the Town Manager financial requests are currently being delayed due to a deficit in the budget. He highlighted the

high usage of the trails at the Williams Barn and suggested increasing amenities in areas with high demand. P. Funch recommended conducting a survey to gauge residents' opinions on what is necessary and justifiable.

Chris Furcolo, a member of the Williams Barn Committee, noted that while the porta potty was initially designated for programming at the Williams Barn, it is also used by people hiking in the area.

E. McHugh noted that the trail system is not extensive and said that such services are not offered on any other Conservation Land. She suggested that this issue be addressed at a later date.

MassGIS Workshop

B. Easom requested permission to attend the MassGIS public forum in Pittsfield, Massachusetts and represent the Conservation Commission.

Upon a motion by O. Lathrop, seconded by L. Hurley, it was:

Voted to authorize Bruce Easom to represent the Conservation Commission at any upcoming MassGIS Workshops.

The motion passed by a roll call vote. (Yes: JS, BE, PM, OL, LH, AH, EM) 7-0

O. Lathrop requested that the schedule for the MassGIS Workshops be shared with the other Commissioners.

MACC Annual Conference

E. McHugh informed the Commission that the MACC Annual Conference is scheduled for March 2nd, 2024. She mentioned that anyone interested in attending would be fully reimbursed.

Land Management & Acquisition

C. Steeves shared that Mirick O'Connell contacted her regarding a parcel claimed to be owned by the Academy Hill Realty Trust. The Trust indicated that they do not have a good title to the parcel and expressed interest in giving the land to the Conservation Commission. Mirick O'Connell presented four options for the Town to consider:

1. Hire someone to track down the heirs of the property.
2. Record an order of taking through eminent domain, requiring an official appraisal and meeting chapter 79 requirements.
3. Pursue adverse possession, which applies only if the land has been left uninterrupted for the last 20 years.
4. Release the deed from the Trust, which would also release any rights.

C. Steeves discussed the matter with the Town Manager, who was supportive of the Commission's decision. She recommended option four as the most ideal solution. The Commission briefly discussed the options and agreed that they did not want to spend additional money. O. Lathrop inquired about the tax history and suggested that if the Academy Hill Realty Trust was paying taxes that they should stop all payments to allow for the land to be taken over through the process of tax takeover. The process can be

commenced after five years. The Commission requested that the Conservation Administrator contact the Town Manager to further discuss tax takeovers before consulting with Mirick O'Connell.

Meeting Minutes

Upon a motion by L. Hurley, seconded by B. Easom, it was:

Voted to approve the meeting minutes for January 23, 2024 as amended.

The motion passed by a roll call vote. (Yes: BE, OL, LH, AH, JS, EM) PM- Abstain 6-1-0

Invoices

None

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

A. Hamilton inquired about the ownership of the Casella Property. She mentioned that a group monitoring turtle movements in the vicinity of the high school where PFAS had been detected stopped their work due to access issues and potentially wanted to resume their efforts. She stated that she would reach out to O. Lathrop once the exact location was identified.

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.”

Unnecessary

5. Adjournment

8:47PM

Upon a motion by L. Hurley, seconded by B. Easom, it was:

Voted to adjourn the public meeting.

The motion passed by a roll call vote. (Yes: PM, OL, AH, PM, JS, BE, EM) 7-0

APPROVED ON: March 12th, 2024