



## Conservation Commission Meeting

Tuesday, February 27, 2024 at 6:30 PM

Virtual Meeting- Via Zoom

**Present:** Eileen McHugh, Chair; Larry Hurley, Vice Chair; John Smigelski, Clerk; Olin Lathrop, Peter Morrison

**Absent:** Alison Hamilton, Bruce Easom

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

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

### 1. APPOINTMENTS AND HEARINGS

#### **6:30 PM- Continued Public Hearing from 2/13/24: Notice of Intent: 31 Maplewood Ave**

Applicant: Gregory Young

G. Young, the applicant, submitted a revised plan removing the proposed post from the 50-foot buffer zone as recommended by the Conservation Commission. He reminded the Commission that the cantilevered deck would not be obstructing the ground.

O. Lathrop voiced his concerns about the proposed disturbances within the 50-foot buffer zone and indicated a preference for the proposed deck to be reconstructed similar in size to the existing deck.

Upon a motion by J. Smigelski, seconded by P. Morrison, it was:

Voted to close the public hearing.

**The motion passed by a roll call vote. (Yes: OL, JS, PM, LH, EM) 5-0**

#### **6:40 PM- Request for Determination of Applicability: 46 School House Rd**

Applicant: Lorena and Matthew Novak; Representative: Dan Wolfe, David E. Ross Associates

L. Hurley recused himself.

D. Wolfe presented on behalf of his clients, proposing the demolition of the existing dwelling that was subject to fire and the construction of a new single-family dwelling. He explained that the resource area is located on the opposite side of the street and that the area of work would be surrounded by a siltation fence. There would be a temporary disturbance for the replacement of a waterline that extends from the water gate to the structure. The area would be trenched and immediately filled back in. Additionally, there is a large tree that is unhealthy and potentially may be impacted during the excavation of the foundation. D. Wolfe stated that the applicants are open to replacing the hazardous tree with new vegetation.

The Commissioners agreed that the resource area would remain unaffected with the roadway separating the area of work.

O. Lathrop recommended replacing the tree with a native plant and ensuring that all runoff water is captured and infiltrated. D. Wolfe explained that the applicants are opposed to gutters and are proposing the installation of a drip line recharge system. O. Lathrop requested that the recharge system be identified on the plan.

E. McHugh inquired about the removal of the tree to the left of the driveway. D. Wolfe confirmed that there are no intentions to remove that particular tree, noting that it is on the Town's right of way. E. McHugh requested that the Commission be provided with three progress reports throughout the duration of the project: 1. After the installation of the foundation, 2. Midway through the project, and 3. Upon completion. D. Wolfe informed the Commission that the house is easily observed from the street; however, agreed to submit progress reports. He also mentioned that the new foundation is expected to be staked out within the month.

M. Novak noted that he was provided a 5-6 month timeframe for the completion of the dwelling.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:

Voted to issue a Negative 3 Determination under the conditions: 1.) The applicant must provide three checks: After the foundation is installed, midway through the project, and upon completion. 2.) All roof water runoff is to be recharged on site.

**The motion passed by a roll call vote. (Yes: OL, JS, PM, EM) Larry Hurley- recused 4-1-0**

### **7:10 PM- Notice of Intent: 500 Main St**

Applicant: Lesley French & John Amaral, 500 MG LLC; Representative: Greg Roy, Dillis & Roy Civil Design Group

L. Hurley recused himself.

G. Roy represented his clients and provided a brief historical overview. The 40B project involves the construction of 200 residential units. A comprehensive permit was granted six months ago by the Zoning Board of Appeals. G. Roy explained that this particular permit allows for developers of affordable housing to override certain aspects of municipal zoning bylaws and other requirements. There were several waivers granted relative to the Wetland Bylaws.

J. Amaral informed the Commission that in any prior meeting, anyone who recused themselves could not listen to the discussion.

The proposed project consists of 200 units, featuring 32 rental town homes and 3 four story multifamily buildings. Each building has an associated enclosed garage and designated vehicle charging stations. Other amenities on site include a clubhouse, a playground, pool, and a dog park. Additionally, a second access road would be constructed that connects to Taylor Street, however, only being accessible to emergency vehicles.

G. Roy said that the existing building has an extensive roof area and accommodates 700 parking spaces. The detention and catch basins are insufficient, resulting in minimal or no treatment of water. The majority of the runoff water sheets off. With the proposed fully compliant stormwater management plan there would be a significant improvement. Nitsch Engineering has conducted a peer review and has provided their approval. The new site would feature Cape Cod berms, catch basins, and modern day forebay sediment basins.

E. McHugh noted that the Conservation Commission typically does not review stormwater management and asked if the appropriate committee had been contacted. G. Roy explained that the review was part of the comprehensive permitting process and as a 40B development; they were required to provide a stormwater checklist. J. Amaral confirmed that the Earth Removal Stormwater Advisory Committee had been involved throughout the 8-month permitting process and has shared their comments and concerns.

G. Roy presented an innovative approach to managing storm water within the project site, focusing on three key areas. Firstly, he suggested enhancing the existing detention area by incorporating a sediment forebay, effectively transforming it into a permanent wet basin that would also serve as a water feature. During the peer review process it was recommended to refine the application proposing converting the stormwater management areas along the access road and at the back of the site into constructed stormwater wetlands, resembling large rain gardens. These wetlands would include proper wetland vegetation, enhancing their functionality and ecological value. G. Roy explained that this approach aligns with modern day stormwater management practices, ensuring a net benefit by increasing the wetland areas on the site. G. Roy's proposal also includes a net reduction of 23,000 square feet of impervious area within the buffer zone. Moreover, the entire site would see a reduction of 75,000 square feet of impervious area, encompassing the roof, pavement, and sidewalks.

O. Lathrop inquired about the waivers received relative to the Wetland Bylaws, G. Roy directed him to the comprehensive report for the detailed information, specifically noting waivers #11-18. O. Lathrop suggested exploring opportunities to minimize the lawn area and instead plant a wildflower mix. He also raised concerns about the impact of lighting on amphibians, citing scientific research on lux levels. J. Amaral reassured that all efforts have been made to reduce the amount of lighting, pole heights have been shortened and any lamps facing wooded areas have been blacked out. Lighting near Taylor Road would also be automatically dimmed at 11pm; however, he emphasized the importance of balancing these efforts with ensuring the safety of residents. Nitsch Engineering has reviewed the plan and concurs, stating that they have made every effort to address these concerns. O. Lathrop informed the representatives about the provision where anything affecting a resource area could fall under the Commission's jurisdiction. J. Amaral acknowledged this and expressed willingness to explore additional details, however, reiterated that the safety of residents cannot be compromised.

E. McHugh suggested that there might be an opportunity to remove one or two light posts on the access road, although she acknowledged the importance of pedestrian safety. She requested that a landscape plan be submitted. E. McHugh also inquired about importing sand for the construction of the wetlands and recommended using soil from the site to minimize invasive species. G. Roy assured that the landscape architect is focusing on native vegetation and mentioned that there would be a need for amended soils to ensure that the soil is suitable and can sustain wetland vegetation. E. McHugh requested that a soil plan also be submitted for the restoration areas and that Nitsch Engineering be invited to the next meeting. G. Roy said that he would provide all requested plans and reach out to Nitsch Engineering.

Richard Muehlke inquired if the new storm water management plan would affect the volume of water that flows onto the Franzek property. G. Roy confirmed that both the volume and the rate of water would be decreased, as more water is being infiltrated on site. He stated that the exact figures would be provided at the next meeting.

Upon a motion by P. Morrison, seconded by J. Smigelski, it was:

Voted to continue the public hearing to the next scheduled meeting on March 12, 2024.

**The motion passed by a roll call vote. (Yes: PM, OL, JS, EM) Larry Hurley-recused 4-1-0**

## **2. GENERAL BUSINESS**

### **Permitting**

#### **OOO 31 Maplewood Ave**

Upon a motion by P. Morrison, seconded by L. Hurley, it was:

Voted to issue the Order of Conditions for 31 Maplewood Ave.

**The motion passed by a roll call vote. (Yes: JS, PM, LH, EM/ NO: OL) 4-1**

Upon a motion by P. Morrison, seconded by L. Hurley, it was:

Voted to issue the Orders of Conditions under the Groton Wetlands Protection Bylaw for 31 Maplewood Ave.

**The motion passed by a roll call vote. (Yes: JS, PM, LH, EM/ NO: OL) 4-1**

#### **OOO extension Duck Pond**

Upon a motion by P. Morrison, seconded by L. Hurley, it was:

Voted to extend the Order of Conditions for Duck Pond for three years, with the new expiration date set for February 28, 2027.

**The motion passed by a roll call vote. (Yes: JS, PM, LH, EM/ NO: OL) 4-1**

### **General Updates from Administrator**

Fitch's Bridge Rd Update- Volunteers Needed

C. Steeves informed the Commission that the NRWA scheduled a cleanup of the parcel for Monday, April 29, 2024 between 9:00am-12:00pm, and inquired about how to recruit volunteers. O. Lathrop noted a conflict with another cleanup on the same day and time. C. Steeves agreed to contact J. Veysey Powell to confirm the date. The Commission discussed reaching out to various committees for volunteers, including the Trails Committee, Invasive Species Committee, and the Stewardship Committee. E. McHugh also authorized the Conservation Administrator to post a request in the Groton Herald. L. Hurley suggested reaching out to Tom Delaney to arrange for any debris found on St. Regis Paper Mill Conservation Area to properly be disposed of at the Transfer Station and to seek permission to use the town trailer.

E. McHugh requested that a letter be drafted and sent to the State regarding the removal of the siltation fence and logs from the Conservation property. Additionally, she asked for a work plan to be presented at the next meeting to clarify responsibilities. C. Steeves confirmed that she would contact the State regarding the silt fence and logs, and said that she also has requested a copy of the survey to identify the State's easement.

C. Steeves provided an update on the Academy Hill Trust parcel, noting that the Trust is currently paying property taxes and that the most viable approach to acquire the parcel is through eminent domain which would require proposing an article in the fall Town Meeting.

### Committee Updates

#### Stewardship Committee Membership

E. McHugh informed the Committee that three members have recently resigned, and as a result, the Committee would be requesting for a reduction in the total number of members. She explained that it is very challenging at times to make a quorum.

#### Stewardship Heritage Landing

E. McHugh shared an update that the project would remain outside of the 100 foot buffer zone. Additionally, there is interest in deeding the turtle habitat area to the Conservation Commission, with the Town being the holders of the escrow account. Deb Collins, who has been researching escrow accounts and turtle habitats, would be resigning and A. Hamilton and C. Steeves would continue to gather information.

O. Lathrop said he would be attending the MACC Conference.

J. Smigelski reported that there has been a response from the State regarding the Westford Sportsmen's Club however; he needs to further discuss the matter with Al Prescott due to the discrepancy in one of the property lines.

P. Morrison said that he attended the West Groton Dam Meeting, where it was discussed that the dam is owned by two entities: the Town of Groton and a private resident in Shirley. While the

Groton side is in good condition, the Shirley side is deteriorating. The private owner inquired if the Town of Shirley had any interest in acquiring the property, however, they declined. The homeowner is unwilling to invest in reconstructing the dam and favors its removal. The potential impacts of removing the dam were questioned and a report is due by June 30th. At that time the Select Board would make a decision on how to proceed. P. Morrison said that there are grants available for the removal of the dam and that he is committed to staying updated on the issue.

#### General Discussions/Announcements

#### Meeting Date Conflict March 26th with Town Meeting

E. McHugh suggested reserving Wednesday, March 27th as a potential date for rescheduling the Conservation meeting and that the exact day would be determined at the next meeting.

#### Land Management & Acquisition

None

#### Meeting Minutes

The minutes were unavailable for the Commission's approval.

#### Invoices

Upon a motion by L. Hurley, seconded by P. Morrison, it was:

Voted to approve and pay the invoice from Mirick O'Connell in the amount of \$472.50.

**The motion passed by a roll call vote. (Yes: JS, PM, LH, OL, EM) 5-0**

#### **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."

Not Necessary

#### **5. Adjournment**

**8:46PM**

Upon a motion by P. Morrison, seconded by L. Hurley, it was:

Voted to adjourn the meeting.

**The motion passed by a roll call vote. (Yes: OL, JS, PM, LH, EM) 5-0**

**APPROVED ON: March 12<sup>th</sup>, 2024** \_\_\_\_\_