



**TOWN OF GROTON**  
**Conservation Commission**  
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## **Conservation Commission Meeting**

Tuesday, October 10, 2023 at 6:30 PM

Virtual Meeting – Zoom

Webinar ID: 892 5448 0399

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

**Absent:** John Smigelski, Clerk; Peter Morrison

**Others Present:**

**Eileen McHugh called the meeting to order at 6:33pm.**

### **1. APPOINTMENTS AND HEARINGS**

#### **6:30 PM – 92 Common St, field change, review of plan with markers**

**Representative: Frank McPartlan, Dillis & Roy Civil Design Group.**

Frank McPartlan presented on behalf of his client and reviewed the revised plan identifying the installation of 9 conservation markers prior to being approved a minor field change for an extension to the paved driveway. He assured the Commission that a final letter would be provided when the work has been completed.

O. Lathrop asked why the conservation markers did not extend further to the right of the plan displayed. F. McPartlan answered that the area is outside of the conservation jurisdiction. B. Easom commented that the Commission has the ability to request for markers to be installed outside of buffer zones to compensate for any disturbances made within the buffer zones.

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

Voted to approve the minor field change that allows for an expansion to the paved driveway and includes installing 9 conservation markers as show on the site plan dated 9/29/23, for MassDEP#169-1229.

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

**6:40 PM - 30 Orion Way Lot 5, Certificate of Compliance Request**

Applicant: Matthew Waterman, Representative: Matthew Stangle, Landtech Consultants

Matthew Stangle represented his client by requesting a partial release of the Order of Conditions for the completed lot. He explained that there have been three minor changes from the original as-built plan as follows, 1. The dwelling is located 6 feet closer to the wetlands, 2. A shed has been constructed within the 100 foot buffer zone, and 3. The limit of work extended slightly into the wetlands surpassing the proposed tree line.

L. Hurley was dismayed with the alterations of the existing plan and the significant loss of the public trail setback. He said that the agreement for a trail easement was very challenging for the landowners to accept. The Conservation Commission constructed the trail and laid down erosion control fabric and wood chips to prevent the landowners from turning the public trail into their possession. Over the years unfortunately that has occurred. M. Stangle responded by saying that his company did not partake in the construction of the homeowners shed and was unable to provide a definitive answer to why the work was conducted without requesting for permitting.

Paul Funch informed the Commission that he had forwarded existing photographs of the trail to be reviewed.

B. Easom confirmed that the trail is on Town owned property and that it needs to be reconstructed. He requested that the shed be moved outside of the buffer zone prior to issuing a Certificate of Compliance.

O. Lathrop asked if there was documentation for the minor field changes to the dwelling's dimensions and location. He said that originally there was an agreement to where the limit of work should have stopped, and in order to re-enforce that conservation markers need to be installed on the existing hay bale line. He also agreed that the unpermitted shed should be removed. M. Stangle said he was unaware of any requests for the minor field changes.

A. Hamilton questioned who is responsible for allowing so many alterations to the original plan without requesting for the proper approvals. She stated that there should be a connection between the Developer, Conservation Commission, and the Buyer. M. Stangle agreed that the proposed limit of work should have been maintained and after conducting a formal inspection of the site he is asking what issues need to be rectified. A. Hamilton asked if Landtech Consultants represented the entire subdivision. M. Stangle answered no and that the homeowners have contacted the company individually. B. Easom commented that in this particular subdivision the corporation bankrupted and left the homeowners to finalize any permitting.

E. McHugh said that the Commission should encourage the new Conservation Administrator to attend certain pre construction meetings and monitor the project until completion. She agrees that conservation markers are to be installed and that the shed is to be relocated within the limit of work.

E. McHugh said she would be willing to condition the Certificate of Compliance for the items that need to be addressed and that there may need to be a note including that the Town trail would be reestablished.

B. Easom said that there are two issues that need to be addressed, 1. The homeowner is requesting for a Certificate of Compliance and 2. The Wetland Protection Acts was violated when the unpermitted shed was constructed and disturbances outside of the limit of work occurred. He said these actions would suggest an enforcement order to be issued. He questioned how the Commission would like to proceed.

The Commission informally voted and agreed that the two issues should be addressed separately. The major concern was to ensure that the conservation markers are recorded at the Registry of Deeds to prevent future encroachment.

B. Easom suggested that the Commission correspond with the homeowner by drafting a letter explaining that there are outstanding issues and that a Certificate of Compliance would not be permitted until the issues have been remedied.

A. Hamilton volunteered to inform the interim Conservation Administrator that a letter to the homeowner needs to be drafted notifying them that conservation markers need to be installed every 25 feet on center (along the former hay bale line), and the shed is to be removed to the inside of the limit of work prior to issuing a Certificate of Compliance.

Paul Funch questioned if the existing homeowners should inform any potential buyers that the public trail would be reconstructed. The Commission agreed that the public trail would be omitted from the letter.

#### **6:50 PM- 57 Massapoag Lower Dam, Order of Conditions Extension**

##### **Applicant: Barbara Blanco**

Barbara Blanco was present requesting to extend the Order of Conditions an additional three years to allow for opening the dam up on lower Massapoag and performing occasional maintenance.

B. Easom requested that a site walk be conducted prior to extending the Order of Conditions. The Commission reviewed the most ideal way to access the site and agreed to add the site to the list for Saturday, October 21st.

B. Blanco said that she would forward the contact information to the interim Conservation Administrator in regards to who would be available to accompany the Commission on the site walk.

## **2. GENERAL BUSINESS**

### **Permitting**

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

Voted to extend the ratification of the emergency certificate for the Nashua River Rail Trail at Groton School Pond for an additional 30 days.

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

### **Land Management & Acquisition**

#### **Review of Deed- Hayes Development**

O. Lathrop said that he had reviewed the deed and that there were two items that needed further clarification. "Access for the general public shall be prohibited on Parcel A1 shown on said Plan 287 of 2022" and "There is further hereby granted an easement to gain access to the premises conveyed hereby across the land shown as Hayes Wood Lane on Plan 477 of 2022." B. Easom was able to retrieve the information from the Registry of Deeds and displayed the definitive subdivision plans from Dillis & Roy Civil Design Group. The Commission confirmed that the deed includes all the items that were previously discussed and agreed upon.

### **General Discussions/Announcements**

#### **Stormwater Presentation**

E. McHugh informed the Commission that Beals and Thomas, Inc presented on stormwater and the presentation has been uploaded to google drive. She said that the Select Board is questioning why there are two Committees and are considering minimizing the groups.

#### **MACC Fall Conference Reminder**

E. McHugh said that the MACC Fall Conference is scheduled for October 28, 2023 at Devens, MA and if any Commissioners are interested in attending, the registration fee can be reimbursed.

### **Sign Discussion**

O. Lathrop displayed two different conservation signs that have been installed. The first photograph showed the original green signs composed of plastic and are attached to two wooden posts. He said that this particular setup costs approximately \$160 and the posts generally need to be replaced every 10-15 years due to decomposition. He said that the second sign is composed of aluminum and contains a galvanized steel post and costs approximately \$80. There is minor maintenance associated with the metal sign. A. Hamilton asked for the average number of signs that are installed annually. O. Lathrop answered 1 or 2. The Commission favored the appearance of the original sign utilizing wooden posts. Paul Funch commented that metal signs are less visible and are incongruent for a conservation area. E. McHugh stated that the green conservation signs and wooden posts would continue to be installed and that the topic can be revisited.

E. McHugh said that an email was received by Hollingsworth & Vose Company to notify the Conservation Commission that they would be removing the boards across the dam during the week of October 24<sup>th</sup>. This would allow for the water level to be lowered and then the boards would be reinstalled.

A. Hamilton said that her class had observed the turtle nesting site at Academy Hill and noticed that the walking trails had been torn up from motorized dirt bikes. While at the site she witnessed children riding their dirt bikes and displayed no respect for the trails or the people utilizing them. She suggested reaching out to the homeowner's association to inform them of the property restrictions. L. Hurley suggested posting proper signage to keep out motorized vehicles. E. McHugh agreed that the initial step would be installing signage at the trail's entrance.

A. Hamilton informed the Commission that there potentially is a violation of trespassing on the Harrison S. Ripley Forest on Martins Pond Road. She observed stored agricultural equipment on the conservation land and believes it belongs to the homeowner on the opposite side of the street. The Commission referenced the GIS to determine an approximate measurement of where the conservation land commences. The Commission agreed that if the property is conservation land that the interim Conservation Administrator would be requested to contact the homeowner and ask for the material to be removed. A. Hamilton reminded the Commission that the homeowner in question has outstanding issues with the Conservation Commission that need to be resolved.

O. Lathrop informed the Commission that the documents for the Reedy Meadow parcel are still pending to be signed.

### **Committee Updates**

L. Hurley said that the Sargisson Beach Committee has pulled the docks up onto the beach and the buoys have been stored away. He said that he would be coordinating with Katie Berry and Groton School to request for volunteers to assist in winterizing the beach.

B. Easom said that he drafted the 2 page application letter to the Community Preservation Committee for the request of \$400,000 and submitted the draft to E. McHugh to be reviewed and signed.

O. Lathrop said that the Invasive Species Committee treated an infestation of Phragmites located on the rail trail for the first time this past weekend. On Eliades and the Priest Family Conservation Areas there has been a significant improvement of the amount Phragmites observed. There has also been significant progress and reduction of the growth of Knotweed and Swallow Wort on the Shattuck Homestead. O. Lathrop said that the mowing and forestry has contributed to managing the invasive species.

A. Hamilton said that she brought her students to observe and monitor the turtle nesting sites to determine if they are actually being utilized. Her classroom commenced at the Hayes Woods turtle nesting area and even though it had recently been constructed the site was unsatisfactory. The sand eroded to the bottom of the slope, potentially caused by the extensive amount of rainfall. She said she would like to continue to monitor the area to observe if there are any improvements. A. Hamilton said she attempted to locate one of the two nesting sites at the Academy Hill and it was only achieved by identifying the location by GIS coordinates provided by Takashi Tada. The area was overgrown and lacked any type of maintenance. She said that she has a meeting with Mike Jones tomorrow and would address his opinions on turtle nesting sites. E. McHugh commented that there are some interests within the Stewardship Committee and that there should be collaboration between the two groups. L. Hurley questioned who is responsible for maintaining the turtle nesting sites. A. Hamilton said that Academy Hill has an escrow, however it may be the Conservation Commissions' responsibility to ensure that someone is maintaining the area. She recommended that this should be one of the items that are monitored regularly by the new Conservation Administrator. A. Hamilton then mentioned her conversation with the Conservation Commission from Zoo New England and their project that monitors a group of Blanding Turtles by utilizing radio transmitters. She said that after speaking with them she questioned if

water quality samples should be tested by the High School to ensure that there is no PFAS contamination impacting the wildlife. B. Easom suggested inquiring with Mark Haddad.

B. Easom informed the Commission that he would mow O'Neil Way as soon as the soil is suitable for mowing and then would take care of the Priest Family Conservation Area after the restricted date. He was reminded that the owner of the driveway at the Priest Family Conservation Area needs to be notified prior to utilizing the driveway.

### **Approve Meeting Minutes**

Upon a motion by A. Hamilton, seconded by L. Hurley, it was:

Voted to approve the meeting minutes for September 26, 2023 as amended.

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

### **Invoices**

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

Voted to approve and pay the invoice from Regional Restrooms in the amount of \$176.00.

**The motion passed by a roll call vote. (Yes: AH, BE, OL, EM) LH-Abstain 4-1-0**

### **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."**

Unnecessary

### **5. Adjournment**

**8:25PM**

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

Voted to adjourn the meeting.

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