



**TOWN OF GROTON**  
Conservation Commission  
173 Main Street  
Groton, MA 01450  
(978) 448-1106  
Fax: 978-448-1113  
conservation@grotonma.gov



### **Conservation Commission Meeting**

*Tuesday, November 14, 2023 at 6:30 PM*

*Hybrid Meeting – Zoom & Second Floor Meeting Room, 173 Main St Groton, MA*

Webinar ID: 812 548 804 89

**Present:** Eileen McHugh, Chair; Larry Hurley, Vice Chair; Olin Lathrop, Bruce Easom, Peter Morrison

**Absent:** John Smigelski, Clerk, Alison Hamilton

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

**Eileen McHugh called the meeting to order at 6:35pm.**

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

##### **6:30 PM – 0 Kemp Street (Map 206 parcels 45 & 46); ANRAD**

Representative: Brian Butler, Oxbow Associates,

Brian Butler of Oxbow Associates was present on behalf of his clients and provided a brief background. He said that the owners intend on capping and closing the landfill according to DEP Standards and Requirements. The land has been identified as a priority habitat and ACEC. B. Butler said that the ANRAD is limited to the two parcels and is classified as a 5 series, A, B, D, E, and H. A revised plan has been submitted to the Conservation Commission reflecting alterations to the following flags utilizing GPS, D9R (moved 3 feet horizontally to the road edge), E1, E2, E4, E6, E7, E8, E10-E12 (all resulted in a 2-3 foot displacement). B. Butler said that the Commission expressed concern in regards to the ditch in the northward vicinity and confirmed under the Massachusetts Association of Conservation Commission manual indicates the area is non-jurisdictional.

B. Easom requested further determination that the extension of the B series is non jurisdictional when he observed an intermittent stream. B. Butler said that he reviewed the Town's Wetland Bylaws and said that the ditch does not contain any wetland vegetation. B. Easom stated that the Wetland Bylaws utilizes three determinations to classify an area within jurisdiction and that includes topography, soils, and vegetation. Under the bylaw the Conservation Commission can claim jurisdiction if one of these items is identified and he noted that there was no soil samples collected.

E. McHugh questioned if the area could be flagged as jurisdictional. B. Butler said that there should be no objection to that request.

O. Lathrop commented that he is still waiting to review the list of changes that the Commission had agreed upon and said that he is having difficulty correlating that the intermittent stream is non-jurisdictional under the regulations. B. Butler said that the additional flags that were requested had been incorporated in the revised plan.

E. McHugh stated for efficiency that the area be designated as a resource area.

James Downes, an abutter, expressed his concern for the existing runoff. He was pleased to hear that the property owner is capping the area and that the Conservation Commission is performing their due diligence. J. Downes was informed that he would receive another notification prior to the commencement of any work.

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

Voted to continue the public hearing to the next scheduled meeting on November 28, 2023.

**The motion passed unanimously. 5-0**

## 2. GENERAL BUSINESS

### Permitting

92 Common Street; Request for Certificate of Compliance

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

Voted to issue a Certificate of Compliance for 92 Common Street.

**The motion passed unanimously. 5-0**

### Updates from Conservation Administrator

2 Island Road; OOC and Pre-Construction Site Visit

C. Steeves provided a brief review of the original filing. At the recent site walk only the septic system infrastructure had been completed. The homeowners were instructed to replace the failing sedimentation barrier. C. Steeves said that the homeowners are very compliant and agreed to notify her when the issue is rectified. The project was filed at the Registry of Deeds and the Conservation Administrator was granted permission to access the property at any time.

Florence Roche Quarterly Erosion and Sediment Control Inspection

C. Steeves reviewed a quarterly sedimentation report that was received by a third party. The report stated that all erosion controls are in good condition, there is no accumulation of debris, and an area of silt fencing has been replaced. The Conservation Commission was concerned after observing a photograph that showed exposed stockpiled material and straw wattles that were placed incorrectly. The Conservation Administrator was asked to request a site walk.

C. Steeves requested that the Conservation Commission approve an emergency certification filed by Attorney Robert Collins on behalf of Groton School to conduct soil boring to design a future restoration plan. The residents down gradient are experiencing significant flooding. The Commission informed the Conservation Administrator that she has the authority to approve an emergency certification without the Commission's consent; however, they would like to observe the site prior to the next scheduled meeting.

### Land Management & Acquisition

Marsh-Lewis Memorial Grove

George Marsh was present and provided a brief history of his family and the parcels of land that they have owned throughout the Town of Groton. G. Marsh and his brothers have suggested the name of the Marsh- Lewis Memorial Grove for the newly acquired property by the Conservation Commission located on Reedy Meadow Road.

The Commission was satisfied with the suggested name.

O. Lathrop questioned the marker found along the roadside. G. Marsh confirmed that the pipe marks an interior boundary.

Upon a motion by O. Lathrop, seconded by P. Morrison, it was:  
Voted to name the parcel acquired from the Marsh Family on Reedy Meadow Road, the Marsh-Lewis Memorial Grove. **The motion passed unanimously. 5-0**

The Conservation Commission requested that the Conservation Administrator draft a request for a proposal by a surveyor to delineate the frontage along Reedy Meadow Road and any abutting private property. Granite bounds are to be utilized and installed 6" off the ground. Prior to sending the request E. McHugh and O. Lathrop would like an opportunity to review it. The Conservation Administrator was informed to contact Dillis & Roy Civil Design Group as they had been previously hired by an abutter.

#### General Discussions/Announcements

C. Steeves said that the Priest Family Conservation Area management plan allows for mowing to be conducted between October 31st and April 15th.

B. Easom said that he mowed the Priest Family Conservation Area as well as O' Neil Way.

CRs in Groton discussion with Fish and Wildlife - The discussion was tabled.

#### Orion Way Mulch Trail Discussion

O. Lathrop displayed photographs of the original trail and its current state. The existing granite bounds were identified by the Commissioners over the weekend and there is evidence of encroachment to the property. Paul Funch believes there is adequate space to lay down mulch and reestablish the trail. P. Morrison expressed concern that one of the properties is in the process of being sold and the new owners may be unaware of the trail if it is undisclosed. The Commission briefly discussed the most ideal way to reestablish a welcoming trail without requiring significant maintenance. The Commission agreed that the two abutters need to be notified of the encroachment to the Town owned property and that they would not be taking any action at this time however; in the future there potentially could be a request for vegetation removal. The homeowners would also need to be aware that the Conservation Commission is seeking alternative solutions to establish a welcoming trail.

Upon a motion by B. Easom, seconded by O. Lathrop, it was:  
Voted to authorize the Conservation Administrator to send a letter, along with the surveyed plan to the two abutters of the Town owned property on Orion Way (Batton Woods) notifying them that their vegetation is encroaching onto Town property. At this time no action is being requested.  
**The motion passed unanimously. 5-0**

E. McHugh requested that Paul Funch be informed that the Conservation Commission is recommending that the boundary lines of the trail not be mowed between the trees and the shrubs. A trail is to be established by mowing down the center of the parcel 3-4 times throughout the growing season to ensure a denoted trail. The amount of trail markings should also be increased to clearly identify the

public trail. The Commission requested that the Conservation Administrator contact Paul Funch to further discuss alternative solutions for establishing a defined trail at the next scheduled meeting.

#### Committee Updates

B. Easom said that the CPC met last night and reviewed the submitted proposals and there were no issues with the Conservation Commission's request. O. Lathrop commented that additional accounting information was requested for the final application. B. Easom said he would be willing to assist the Conservation Administrator.

O. Lathrop said that he is one of three applicants seeking to be appointed to the Town Forest Committee. He also said that he attended the MACC Fall Conference and Article 97 legislation was discussed. He was informally told that any parcel that the Conservation Commission owns is most likely covered by Article 97.

L. Hurley said that he provided the Conservation Administrator with an estimate for re-decking the docks at Sargisson Beach. The estimate has been forwarded to the Town Manager.

E. McHugh provided a list of priorities for the Conservation Administrator to commence. 1. Permits and pre and post Construction. 2. Update Town Website (include Hunting Season and where it is permitted). 3. Add photographs to permitting filings on google drive. 4. Outstanding conservation restrictions.

C. Steeves informed the Commission that Nikolis Gaulco had created a spreadsheet in the shared document folder that contains DEP filings and their current status. She said she would continue to update it regularly.

B. Easom said that he conversed with Mark Gerath, President of the Groton Conservation Trust, regarding purchasing conservation land utilizing CPC funding and the requirement that a conservation restriction holder must be set in place. M. Gerath said he is willing to work with the Conservation Commission to ensure that the process of acquisition continues to be successful.

O. Lathrop commented that there are five parcels that required CRs as part of the Casella land acquisition. All properties have been assigned, the Groton Trust submitted three to the State and the remaining two are in progress by the Fish and Wildlife.

#### Approve Meeting Minutes

Upon a motion by L. Hurley, seconded by P. Morrison, it was:  
Voted to approve the meeting minutes for September 26, 2023, as amended.

**The motion passed unanimously. 5-0**

Upon a motion by P. Morrison, seconded by L. Hurley, it was:  
Voted to approve the meeting minutes for October 24, 2023, as amended.

**The motion passed unanimously. 5-0**

#### Invoices

None

### **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**

**8:21 PM**

Upon a motion by P. Morrison, seconded by B. Easom, 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: OL, PM, BE, LH, EM) 5-0**

**Minutes Approved: December 12<sup>th</sup> 2023**